

Miller does not allege that the deputy constable's action in conducting the traffic stop that resulted in the confiscation of the funds was an actionable constitutional violation. No facts are alleged that the stop or the seizure violated the constitution. The only constitutional violation alleged is that because state officials had seized the funds, a state forfeiture proceeding was required. No authority is cited for this proposition.

The facts alleged appear to be the stuff of routine law enforcement. Constables executed a traffic stop on Miller's vehicle. (Docket Entry No. 1-1). The money was found and confiscated and reported to the DEA. (Docket Entry No. 3-1). The DEA field office submitted a forfeiture report, which was reviewed for sufficiency of evidence and proper procedure. The DEA found the case appropriate for an administrative forfeiture and sent written notice to Miller and to a woman with the same last name at the same address. (Docket Entry No. 3-1). USPS tracking reflected that the notice had been "picked up at the post office." (*Id.* at 11, 16). The federal forfeiture action was conducted under the authority and procedures under 21 U.S.C. 881(a). The record shows that the forfeiture proceeding was conducted under the DEA procedure, which made a record of each step, including steps made to provide notice to Mr. Miller.

Mr. Miller does not claim that his rights were violated when money properly seized by deputy constables and properly transmitted to the DEA was then properly forfeited by the DEA. His complaint is that a state seizure should have been followed by a state forfeiture. He fails to state a claim on which relief can be granted. His complaint is dismissed, with prejudice, because amendment would be futile.

SIGNED on January 9, 2024, at Houston, Texas.



Lee H. Rosenthal
United States District Judge

