

**IN THE COURT OF APPEALS OF IOWA**

No. 14-1848  
Filed February 24, 2016

**IN THE MATTER OF PROPERTY SEIZED FOR FORFEITURE  
FROM SHELBY ANTHONY VOGT**

**SHELBY ANTHONY VOGT,**  
Applicant-Appellant.

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Appeal from the Iowa District Court for Black Hawk County, Joel A. Dalrymple, Judge.

Shelby Anthony Vogt appeals from the denial of his third application for return of property forfeited in 2005. **AFFIRMED.**

Shelby Anthony Vogt, Waterloo, pro se.

Thomas J. Miller, Attorney General, and Kevin Cmelik and Heather Ann Mapes, Assistant Attorneys General, for appellee.

Considered by Danilson, C.J., and Vogel and Potterfield, JJ.

**DANILSON, Chief Judge.**

Shelby Vogt filed an application for return of property, which was forfeited by order dated September 6, 2005, following a hearing. No appeal followed the September 5, 2005 forfeiture. See Iowa R. App. P. 6.101(1)(b) (“A notice of appeal must be filed within 30 days after the filing of the final order or judgment.”).

Vogt filed a second application for return of the same property in 2009. The district court entered an order on November 18, 2009, denying the application “[b]ecause the matter was previously litigated.”

Vogt filed this third application for return of the same property and, on October 17, 2014, the district court dismissed the application. Vogt appealed, contending the original seizure of the property was illegal.

We review forfeiture proceedings for the correction of errors at law. *In re Property Seized For Forfeiture From Williams*, 676 N.W.2d 607, 612 (Iowa 2004).

“Principles of res judicata preclude a court from relitigating an issue or claim that has been previously decided.” *In re Marriage of Guyer*, 522 N.W.2d 818, 821 (Iowa 2003). “Res judicata as claim preclusion applies when a litigant has brought an action, an adjudication has occurred, and the litigant is thereafter foreclosed from further litigation on the claim.” *Israel v. Farmers Mut. Ins. Ass’n of Iowa*, 339 N.W.2d 143, 146 (Iowa 1983); see also *State ex rel. Iowa Dep’t of Human Servs. v. Mundie*, 436 N.W.2d 60, 61 (Iowa 1989). Because Vogt’s claim for return of property was tried and decided more than ten years ago, he may not relitigate the matter now.

**AFFIRMED.**