

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES OF AMERICA

v.

CASE NO.: 2:15-cr-149-SPC-KCD

NORRIS WILLIAMS

ORDER

Before the Court are Defendant Norris Williams' pro se Motion for Return of Seized Property Pursuant to Rule 41(g) (Doc. 163) and the Government's opposition (Doc. 168). After reviewing the record and applicable law, the Court denies the motion.

In 2015, the DEA arrested Defendant after he tried to buy a kilogram of heroin for \$50,000 and it seized the money. A jury later convicted Defendant of heroin-related offenses, and the Court sentenced him to 360 months' imprisonment. He appealed and lost. Since then, Defendant has filed multiple unsuccessful post-conviction motions – this last one fares no better. Defendant seeks the return of \$49,500 under Federal Rule of Criminal Procedure 41(g) because, as best the Court can tell, he did not receive proper notice of its forfeiture.

Rule 41(g) covers a motion to return property: "A person aggrieved by an unlawful search and seizure of property or by the deprivation of property may move for the property's return. Fed. R. Crim. P. 41(g). But Rule 41(g) does not

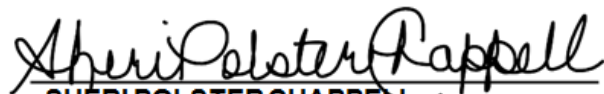
apply here because the DEA administratively forfeited the money. *See United States v. Quezada*, 439 F. App'x 824, 827 (11th Cir. 2011) (“[W]e note that Rule 41(g) was not the appropriate means of challenging the forfeiture because the vessel was forfeited in an administrative action, pursuant to 18 U.S.C. § 981(a)(1)(C).” (citations omitted)); *see also* Fed. R. Crim. P. 1(a)(5)(B) (stating that the Federal Rules of Criminal Procedure do not apply to a civil property forfeiture for violation of a federal statute). Given this procedural posture, Defendant’s recourse was to move under the Civil Asset Forfeiture Reform Act of 2000. The problem, however, is that Defendant already tried to do so years ago to no avail. (Docs. 141 & 145). And even liberally construing Defendant’s motion, he offers no new arguments to justify a different result. So the Court denies the motion.

Accordingly, it is

ORDERED:

Defendant Norris Williams’ pro se Motion for Return of Seized Property Pursuant to Rule 41(g) (Doc. 163) is **DENIED**.

DONE AND ORDERED in Fort Myers, Florida on June 10, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: Parties of Record