

United States District Court  
Middle District of Florida  
Jacksonville Division

UNITED STATES OF AMERICA,

*Plaintiff,*

v.

**No. 3:19-cr-186-TJC-PDB**

RODNEY ALLEN,

*Defendant.*

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**Order**

Rodney Allen's criminal proceeding has ended. *See* Doc. 81 (appellate opinion affirming judgment). Without a lawyer, he moves for return of personal property assertedly seized from his person or residence (15 Ben Allen Road, Beaufort, South Carolina) on September 25, 2019.

"A federal court has equitable authority, even after a criminal proceeding has ended, to order a law enforcement agency to turn over property it has obtained during the case to the rightful owner or his designee." *Henderson v. United States*, 135 S. Ct. 1780, 1784 (2015). A court errs by denying a motion for return of property without requiring the United States to submit more than a statement about the disposition of the property without an affidavit, declaration, or other support. *United States v. Potes Ramirez*, 260 F.3d 1310 (11th Cir. 2001).

The Court **directs** the clerk to (1) open a new miscellaneous civil case assigned to the same judges in the criminal case, (2) file Mr. Allen's motion in the miscellaneous civil case, and (3) include a notation in the criminal case that the motion has been filed in the new miscellaneous civil case.

The Court directs the United States to respond to the defendant's motion, Doc. 82, by **April 21, 2021**. The United States must file the response in the miscellaneous civil case.

**Ordered** in Jacksonville, Florida, on March 24, 2021.

A handwritten signature in black ink, appearing to read 'P. D. Barksdale', is positioned above a horizontal line.

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PATRICIA D. BARKSDALE  
*United States Magistrate Judge*

c: Ashley Washington, Assistant United States Attorney  
Rodney Allen