

DEC 09 2013

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

GREGORY MACDONALD BERRY,

Defendant - Appellant.

No. 12-50310

D.C. No. 2:09-cr-00831-DSF

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted November 19, 2013**

Before: CANBY, TROTT, and THOMAS, Circuit Judges.

Gregory MacDonald Berry appeals pro se from the district court's order denying his motion for return of property. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

In 2010, the government offered to release Berry's property to someone designated by Berry or to package the items and ship them at Berry's expense. Berry has cited no authority to support his claim that the government must return the property to him at the government's expense.

AFFIRMED.