

APR 24 2015

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NOT FOR PUBLICATION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.

MICHAEL CURTIS REYNOLDS,

Defendant - Appellant.

No. 13-30314

D.C. No. 4:05-mj-05947-MHW

MEMORANDUM*

Appeal from the United States District Court
for the District of Idaho
Mikel H. Williams, Magistrate Judge, Presiding

Submitted April 22, 2015**

Before: GOODWIN, BYBEE, and CHRISTEN, Circuit Judges.

Federal prisoner Michael Curtis Reynolds appeals pro se from the district court's order granting his motion under Rule 41(g) of the Federal Rules of Criminal Procedure. We have jurisdiction under 28 U.S.C. § 1291. 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).

Reynolds contends that the district court erred in failing to consider his arguments challenging the legality of the search and seizure of his property. The district court did not err in refusing to consider these arguments. Because Reynolds's criminal proceedings are complete, the legality of the underlying search and seizure is irrelevant for purposes of a Rule 41(g) motion. *See United States v. Martinson*, 809 F.2d 1364, 1369 (9th Cir. 1987) (recognizing, in the context of Rule 41, that after criminal proceedings are completed, "the legality of the search and seizure is no longer an issue"). Moreover, the legality of the search is irrelevant because the government does not contest that Reynolds is entitled to the return of his property and, in fact, has returned Reynolds's property to him.

All pending motions are **DENIED**.

AFFIRMED.