

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 4 2024

FOR THE NINTH CIRCUIT

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

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ABHIJIT PRASAD,

Defendant - Appellant.

No. 23-1901

D.C. No. 3:18-cr-00368-CRB-1

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted March 26, 2024**

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Abhijit Prasad appeals pro se from the district court's order denying his "ancillary petition" opposing the government's 21 U.S.C. § 853(n) notice of forfeiture. 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 Ninth Circuit Rule 36-3.

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

The district court correctly found that Prasad lacked standing to file a petition under § 832(n)(2), which governs the rights of third parties “other than the defendant.” The preliminary order of forfeiture became final as to Prasad when he was sentenced and this court affirmed the order on direct appeal. *See* Fed. R. Crim. P. 32.2(b)(4)(A); *United States v. Prasad*, 18 F.4th 313 (9th Cir. 2021). Thus, Prasad’s interest in the property had been extinguished by the time the government issued the § 853(n) notice of forfeiture, and Prasad had no standing to challenge that notice. *See United States v. Real Property Located at 5208 Los Franciscos Way, Los Angeles, Cal.*, 385 F.3d 1187, 1191 (9th Cir. 2004) (stating that standing in a forfeiture action depends on whether the claimant has an interest in the property); *United States v. Bennett*, 147 F.3d 912, 914 (9th Cir. 1998) (holding that, because the preliminary order of forfeiture became final as to the defendant when he was sentenced and did not appeal the order, he had no standing to challenge the later final order of forfeiture resolving third-party claims).

AFFIRMED.