

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-50326
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

MIGUEL MEDINA-REYES

Defendant - Appellant

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. EP-93-CR-8-1-H
- - - - -

August 16, 2001

Before KING, Chief Judge, and DAVIS and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

Miguel Medina-Reyes, federal prisoner # 62267-080, appeals the district court's denial of his Fed. R. Crim. P. 41(e) motion for return of property, which the district court construed as a civil action brought pursuant to 28 U.S.C. § 1331. Medina-Reyes argues that the district court erred in determining that he lacked standing to assert an ownership interest in \$1,920,540 that was forfeited to the United States. He also contends that his due process rights were violated when he failed to receive

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

notice of the forfeiture proceedings and that the separate forfeiture proceedings compromised his Fifth Amendment rights against self-incrimination.

Medina-Reyes fails to demonstrate that he had a lawful interest in the currency that was seized. See United States v. 1977 Porsche Carrera, 946 F.2d 30, 33 (5th Cir. 1991).

Accordingly, Medina-Reyes has not shown that he was entitled to receive notice of the forfeiture proceeding. See 19 U.S.C. § 1607(a); see also Kadonsky v. United States, 216 F.3d 499, 502-03 (5th Cir. 2000), cert. denied, 121 S. Ct. 1151 (2001).

Because Medina-Reyes' separate forfeiture proceeding/self-incrimination argument was not raised in the district court, and since Medina-Reyes does not identify any extraordinary circumstances surrounding this issue, it is not addressed by this court. Leverette v. Louisville Ladder Co., 183 F.3d 339, 342 (5th Cir. 1999).

AFFIRMED.