

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30767
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BENJAMIN BLOUNT,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 98-CR-20058-3

- - - - -
February 21, 2002

Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Benjamin Blount, federal prisoner #06674-035, appeals the district court's denial of his FED. R. CRIM. P. 41(e) motion for return of property. Blount sought the return of currency taken during a traffic stop in 1995 and the return of currency taken during the search of his home in 1998. He avers that because the Government referenced the currency seized as a result of the traffic stop and the execution of the search warrant during his federal drug conspiracy trial, the Government is responsible for the return of the property. Blount also contends that because

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the conspiracy charge was the result of a joint task force between state and federal law enforcement agencies from 1990 to 1995, the Government is responsible for the return of his property.

Whether Blount's motion is considered as a motion under FED. R. CRIM. P. 41(e) or as a civil action under 28 U.S.C. § 1331, it is without merit. See Clymore v. United States, 217 F.3d 370, 373 (5th Cir. 2000); United States v. Dean, 100 F.3d 19, 20 (5th Cir. 1996). Blount is not entitled to the return of his property pursuant to his federal claim because he has not identified the appropriate party in his complaint. Blount's property was seized as the result of state action and/or was forfeited via Louisiana's forfeiture proceedings. Blount has failed to show that the United States had any direct involvement in the seizure and/or forfeiture of his property. The district court did not err in denying Blount's motion.

AFFIRMED.