

December 14, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-60985
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ONE 1996 CADILLAC DEVILLE AUTOMOBILE
VIN: 1G6KD52YXTU289790,

Defendant,

CHARLES W. GAVIN,

Claimant-Appellant.

Appeal from the United States District Court
for the Northern District of Mississippi
USDC No. 3:98-CV-167

Before KING, Chief Judge, and HIGGINBOTHAM and SMITH, Circuit Judges.

PER CURIAM:*

Charles Gavin, federal prisoner # 10867-042, appeals the denial of his FED. R. CIV. P. 60(b)(4) motion seeking to void the civil forfeiture of a 1996 Cadillac DeVille, pursuant to 21 U.S.C. § 881(a)(6). We review the district court's ruling on a FED. R. CIV. P. 60(b)(4) motion de novo. Carter v. Fenner, 136 F.3d 1000, 1005 (5th Cir. 1998). Gavin argues, pursuant to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

United States v. James Daniel Good Real Property, 510 U.S. 43 (1993), that he was denied the predeprivation safeguards of notice and a hearing in violation of his due process rights. Good is inapposite, however, because that case dealt only with the seizure of real property. Good, 510 U.S. at 53; cf. Calero-Toledo v. Pearson Yacht Leasing Co., 416 U.S. 663, 679 (1974).

The civil forfeiture of a vehicle is authorized by 19 U.S.C. § 1607(a). The record reveals that the Government satisfied the notice requirements of that statute when it published notification of the forfeiture in the local newspaper and personally served Gavin with the complaint for forfeiture. Gavin's allegation that the record was devoid of such evidence is baseless.

AFFIRMED.