

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 96-10056  
Summary Calendar

---

HAROLD GRAY HAYS,

Plaintiff-Appellant,

versus

DRUG ENFORCEMENT ADMINISTRATION,  
UNITED STATES OF AMERICA,

Defendants-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 4:95-CV-607-A  
- - - - -

July 22, 1996

Before HIGGINBOTHAM, DUHÉ, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Harold Gray Hays appeals from the district court's dismissal for lack of subject matter jurisdiction of his suit against the United States and the Drug Enforcement Administration (DEA) pursuant to 28 U.S.C. § 1331 and the Administrative Procedures Act (APA), 5 U.S.C. §§ 702-04, seeking return of, or compensation for, property allegedly improperly seized by the DEA and forfeited, in violation of the Fourth and Fifth Amendments.

---

\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

Hays argues that the court erred in determining that it lacked jurisdiction over the cash and personal property. He argues that the court incorrectly determined that his claim was for damages, because he is only seeking the return of the money and personal property or its equivalent value. We affirm for essentially the reason stated by the district court. See Hays v. DEA, No. 4:95-CV-607-A (N.D. Tx. Jan. 3, 1996).

AFFIRMED.