

UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-31042  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LENNOX SMITH-STEWART,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
(96-CR-182-N-2)

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April 9, 1998

Before WIENER, BARKSDALE and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Lennox Smith-Stewart, federal prisoner # 25162-034, appeals the district court's denial of his motion for the return of \$1801 in currency, which was seized from him during his arrest for conspiracy to possess with intent to distribute cocaine and subsequently forfeited to the United States in an administrative

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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

proceeding. Smith-Stewart's motion to file his reply brief out of time is **GRANTED**.

Smith-Stewart argues that his due process rights were violated when the United States Customs Service failed to follow the notification requirements of publishing notice of the forfeiture for three consecutive weeks and sending written notice of the forfeiture proceeding to any interested party. See 19 U.S.C. § 1607(a).

The Customs Service's posting of a notice in the customhouse nearest the seizure for three consecutive weeks fulfilled the publication requirement of § 1607. See 19 C.F.R. § 162.45(b)(2). While Smith-Stewart claims that he did not receive the notification sent by the Customs Service, the record does not indicate that the address of the letter was incorrect or that the Customs Service had reason to believe that Smith-Stewart would not receive the letter. See **Armendariz-Mata v. United States Dept. of Justice, DEA**, 82 F.3d 679, 683 (5th Cir.), cert. denied, 117 S. Ct. 317 (1996); **Berrera-Montenegro v. United States**, 74 F.3d 657, 660-61 (5th Cir. 1996). The Customs Service acted reasonably in relying on the mail to notify Smith-Stewart of the forfeiture proceeding. See **Armendariz-Mata**, 82 F.3d at 683.

**AFFIRMED**