

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

vs.

No. 07-10234-JTM

STEPHEN J. SCHNEIDER, *and*
LINDA K. SCHNEIDER, *also known as*
LINDA K. ATTERBURY,
Defendants.

MEMORANDUM AND ORDER

This matter is before the court on defendant Stephen Schneider's Motion for Return of Property (Dkt. 846) and co-defendant Linda Schneider's Motion for Joinder (Dkt. 847). The Schneiders were convicted of multiple criminal offenses, particularly violations of 18 U.S.C. § 841(a) and 18 U.S.C. § 1347. (Dkt. 527, 529, 555). On June 11, 2020, the court denied the defendants' motion to produce certain records, in light of an accounting of seized assets. (Dkt. 845). The matter is now before the court on the defendants' request that certain property seized by the government be returned to them.

The court finds that the present motions should be denied, as the property at issue as subject to a separate and parallel forfeiture action, which resulted in a substantial forfeiture judgment. *United States v. Intrust Bank Account*, No. 10-1348-JAR

(D. Kan.).¹ In addition, the court in this case granted forfeiture by preliminary orders of forfeiture (Doc. 510, 536), which were subsequently incorporated into defendants' sentences (Doc. 558, 560, 803, 805). Certain substitute property was added to help satisfy the forfeiture judgment. All of the property seized as forfeitable and all substitute assets were liquidated and applied against the defendants' \$1.2 million forfeiture judgment, of which \$982,767.21 remains outstanding, many years previously.

Despite their numerous challenges to other aspects of their convictions, the defendants never challenged the forfeiture judgment in any appeal, and the forfeiture judgment in the companion forfeiture action was also unchallenged. Given the lack of any appeal, the defendants cannot now challenge the forfeiture of the property. *See United States v. Guerra*, 426 Fed. Appx. 694, 697-698 (11th Cir. 2011).

IT IS ACCORDINGLY ORDERED this day of April, 2021, that the defendants' motions (Dkt. 846, 847) are hereby denied.

J. Thomas Marten
J. Thomas Marten, Judge

¹ Another related forfeiture action, *United States v. One Parcel of Property*, No. 07-1119-EFM (D. Kan.) resulted in no forfeiture judgment.