

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS**

United States of America,

Plaintiff,

v.

Case No. 07-20099-18-JWL

Julio Cesar Loya-Contreras,

Defendant.

ORDER

In March 2010, Mr. Loya-Contreras filed a motion for “help locating money in possession at the time of arrest.” The court denied the motion as moot after the government conceded Mr. Loya-Contreras right to lawful possession of the \$968.75 due Mr. Loya-Contreras and indicated that it had taken steps to return the money to him—namely, by requesting that the Wyandotte County Sheriff’s Office, as custodian of the money, send the funds to be held for him at the Federal Correctional Institution in Fort Worth (FCI Fort Worth). Mr. Loya-Contreras has now filed another motion (doc. 931) seeking to have the \$968.75 returned to him on the grounds that he has not yet received the funds.

In response, the government indicates that, until its receipt of the motion by Mr. Loya-Contreras, it had assumed that the Wyandotte County Sheriff’s Office had sent the money to the defendant. Upon receipt of the motion, the government, as indicated in its response, investigated the location and status of the funds and discovered that, for whatever reason, the defendant’s funds were turned over to the Kansas State Treasurer’s Office. According to the government, that office did not release the funds to Mr. Loya-Contreras due to a discrepancy

between the defendant's actual date of birth and the date of birth under which he was booked at the Wyandotte County Jail.

In any event, the government assures the court that the United States Marshal Service has satisfied the Treasurer's Office that Mr. Loya-Contreras is the true owner of the money and that the Treasurer's Office has agreed to send the funds to Mr. Loya-Contreras at the facility where he is presently incarcerated. Counsel for the Treasurer's Office has confirmed to the government that the Office will send the money without the need for a court order. In its response, the government suggests that if Mr. Loya-Contreras did not file a reply brief to the government's response, it should be assumed that he has now received the funds and the motion should be denied as moot.

Mr. Loya-Contreras's reply deadline passed nearly two weeks ago and he has not filed a reply with the court or filed any other submission contradicting any of the statements made in the government's response. The court, then, assumes that Mr. Loya-Contreras has received his funds from the Treasurer's Office and denies his motion as moot.

IT IS SO ORDERED.

Dated this 11th day of April, 2013, at Kansas City, Kansas.

s/ John W. Lungstrum
John W. Lungstrum
United States District Judge