

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA

Plaintiff,

vs.

Case No. 13-10112-JTM

GERALD BEASLEY, *et al.*,

Defendant.

MEMORANDUM AND ORDER

This matter is before the court on Christine Williams's *pro se* request for a return of property seized in connection with the underlying criminal action. Williams identifies the property as a Lexus automobile and "all property taken "from 3623 E. Funston." (Dkt. 561 at 1). With respect to the Lexus, the motion is rendered moot by the Order of January 24, 2018 (Dkt. 623), which directed that the vehicle be released to Ms. Williams.

However, as to request for other "all property" taken from the residence, as with a similar motion defendant Gerald Wilson, which was denied on October 6, 2017 (Dkt. 555) Williams's motion does not meet the requirements of 21 U.S.C. § 853(n)(3). The statute requires more than a mere unsworn assertion of ownership. Such a claim must be presented by a "petition ... signed by the petitioner under penalty of perjury."

Moreover, the petition must provide factual support for the claim, and “shall set forth the nature and extent of the petitioner's right, title, or interest in the property, the time and circumstances of the petitioner's acquisition of the right, title, or interest in the property, any additional facts supporting the petitioner's claim.”

IT IS SO ORDERED this 2nd day of March, 2018 that claimant Williams’s Motion for Return (Dkt. 561) is denied.

s/ J. Thomas Marten
J. Thomas Marten, Judge