**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF COLUMBIA**

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| **JAMAL MITCHELL,** | ) | |
| | ) | |
| **Petitioner,** | ) | |
| | ) | |
| **v.** | ) | **Misc. Action No. 07-434 (RWR)** |
| | ) | |
| **UNITED STATES OF AMERICA,** | ) | |
| | ) | |
| **Respondent.** | ) | |
| | ) | |

**MEMORANDUM ORDER**

Petitioner Jamal Mitchell moves for return of the following seized property: 1) $732,680, $502,100, and $31,000 in United States currency; 2) a 1991 Honda Accord seized in Washington, DC; 3) a 2001 Lexus seized in the Dominican Republic; and 4) real property called Condominio Plaza Ortega Dominican Republic. (Pet'r Mot. for Return of Seized Property at 2.) The government moves for dismissal or, in the alternative, for transfer to the Eastern District of Virginia.

Mitchell has previously challenged the forfeiture order in the Eastern District of Virginia, where he was convicted, and in this Circuit. In his earlier case in this Circuit, Mitchell sought return of the same forfeited property arguing that the forfeiture order was invalid and that certain property was seized in violation of his constitutional rights.[1] See Mitchell v.

[1] Mitchell describes a Lexus in his earlier case as a "[L]exus Sports Utility Vehicle located in the Dominican Republic

United States, Civil Action No. 05-916 (RWR) (D.D.C. 2005). The district court dismissed the case due to collateral estoppel and res judicata because the Fourth Circuit had already concluded that any trial court error was harmless and had "affirm[ed] the validity of the Order of Forfeiture" in a final judgment. Mitchell v. United States, Civil Action No. 05-916 (RWR), 2007 WL 148781, at *3 (D.D.C. Jan. 16, 2007), aff'd, No. 07-5038, 2007 WL 3528003, at *1 (D.C. Cir. 2007). See also United States v. Mitchell, 70 F. App'x 707, 714-15 (4th Cir. 2004). Because Mitchell brings the same claim again, his petition will be dismissed *sua sponte*. Accordingly, it is hereby

ORDERED that Mitchell's petition [1] for a return of seized property be, and hereby is, DENIED. The petition is DISMISSED.

This is a final, appealable order.

SIGNED this 10th day of April, 2008.

RICHARD W. ROBERTS
United States District Judge

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seized on February 15, 2002." See Mitchell, Civil Action No. 05-916 (RWR) (D.D.C. 2005). Mitchell describes the Lexus vehicle at issue here differently, but he is referring to the same Lexus vehicle in both cases, which was forfeited by court order in the Eastern District of Virginia. (See Gov't Mot. to Dismiss or, in the Alternative, to Transfer to the E. Dist. of Va., Ex. 1 (Order of Forfeiture) at 2.)