



Johnson v. DEA

1991 | Cited 0 times | Ninth Circuit | June 4, 1991

MEMORANDUM

Martin Allen Johnson, a federal prisoner housed in Washington state, appeals pro se the district court's dismissal under 28 U.S.C. § 1915(d) of his "Motion for Action to Contest Forfeiture." We review de novo. *Jackson v. Arizona*, 885 F.2d 639, 640 (9th Cir. 1989).

In this action, Johnson sought to contest the forfeiture of his automobile, which was seized by the Drug Enforcement Administration ("DEA") pursuant to 21 U.S.C. § 881(a)(4) for having been used in the transportation of illegal drugs. Although forfeiture proceedings had not yet been initiated by the government at the time Johnson filed his action, he argued that the government's eight-month delay in initiating forfeiture proceedings was unreasonable. Johnson did not seek damages from the delay, but asked only that the court either order the DEA to return his automobile or institute forfeiture proceedings.

After Johnson appealed the district court's dismissal of his action, the government instituted forfeiture proceedings. See *United States v. One 1984 Pontiac Firebird*, No. 90-35331, memorandum disposition (9th Cir. Mar. 31, 1991). Because Johnson has received the relief he sought by filing this action, we dismiss this appeal as moot. See *Headwaters, Inc. v. Bureau of Land Management*, 893 F.2d 1012, 1015 (9th Cir. 1989).

DISMISSED.

* May 29, 1991, Submitted; The panel unanimously finds this case suitable for decision without oral argument. Fed. R. App. P. 34(a); 9th Cir. R. 34-4.

