

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-30439
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

GLENN METZ,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 92-469
- - - - -

April 2, 1998

Before JOLLY, BENAVIDES, and PARKER, Circuit Judges.

PER CURIAM:*

Glenn Metz, federal inmate #28118-048, appeals the district court's denial of his Fed. R. Crim. P. 41(e) motion requesting the return of property. We have carefully reviewed the arguments and appellate record. We construe his Rule 41(e) motion as a civil complaint seeking equitable relief and treat the district court's denial of the motion as a summary judgment. See United States v. Robinson, 78 F.3d 172, 174 (5th Cir. 1996). We conclude that Metz failed to meet his summary-judgment burden in

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

demonstrating ownership of specified property. See Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994) (en banc).

AFFIRMED.