

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 97-6468**

---

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JOHN ROGER BELL,

Defendant - Appellant.

---

Appeal from the United States District Court for the District of South Carolina, at Florence. Cameron McGowan Currie, District Judge. (CR-96-35)

---

Submitted: January 15, 1998

Decided: January 27, 1998

---

Before MURNAGHAN and LUTTIG, Circuit Judges, and BUTZNER, Senior Circuit Judge.

---

Affirmed by unpublished per curiam opinion.

---

John Roger Bell, Appellant Pro Se. Alfred William Walker Bethea, Assistant United States Attorney, Florence, South Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

John Bell appeals the district court's marginal order denying his motion for return of seized property pursuant to Federal Rule of Criminal Procedure 41(e). Bell seeks the return of currency seized from him pursuant to his arrest for possession with intent to distribute cocaine. We have held that where the Government initiates administrative forfeiture proceedings, as it did in this case, the district court is divested of jurisdiction over the proceeding and remains without jurisdiction unless the claimant files a timely claim and cost bond or request to proceed in forma pauperis. See Ibarra v. United States, 120 F.3d 472, 475-76 (4th Cir. 1997). Because the record discloses that Bell failed to timely contest the administrative forfeiture of the currency, the district court lacked jurisdiction to grant Bell's motion.

Accordingly, the order of the district court is affirmed. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED