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U.S. COURT OF APPEALS

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA, Plaintiff - Appellee, v. ANTONIA D. HICKS, Defendant - Appellant.	No. 05-30537 D.C. No. CR-02-00375-JCC MEMORANDUM[*]

Appeal from the United States District Court
for the Western District of Washington
John C. Coughenour, District Judge, Presiding

Submitted September 11, 2006[**]

Before: PREGERSON, T.G. NELSON, and GRABER, Circuit Judges.

Antonia D. Hicks appeals from the district court's order denying her motion for return of property pursuant to Federal Rule of Criminal Procedure 41(g). We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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[*] This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

[**] This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2). The request for oral argument is denied.

Hicks contends that because the district court failed to enter a final forfeiture order against her, no forfeiture occurred and she is entitled to the return of her property pursuant to Federal Rule of Criminal Procedure 41(g). The record belies this contention. The preliminary order of forfeiture as to Hicks was entered properly on October 20, 2003, and was a final, appealable judgment. *See United States v. Bennett*, 147 F.3d 912, 914 (9th Cir. 1998). As such, it is governed by the time limits set forth in Federal Rule of Appellate Procedure 4(b). *See id.* Hicks' failure to file a timely notice of appeal from the forfeiture order divested the district court of jurisdiction to hear her subsequent challenge regarding the forfeitures. *See id.* Accordingly, the district court properly denied Hicks' motion for lack of jurisdiction.

AFFIRMED.