

# United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 02-7056**

**September Term, 2002**

Filed On: May 15, 2003 [749449]

Corey R. Lewandowski,  
Appellant

v.

Property Clerk, Metropolitan Police Department,  
Appellee

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Appeal from the United States District Court  
for the District of Columbia  
(No. 01cv01517)

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Before: GINSBURG, *Chief Judge*, and SENTELLE and GARLAND, *Circuit Judges*.

## **J U D G M E N T**

This appeal was considered on the record from the United States District Court for the District of Columbia and on the briefs and arguments of counsel. It is

**ORDERED** and **ADJUDGED** that the judgment of the district court be affirmed.

Corey Lewandowski was arrested when he attempted to enter the Longworth House Office Building with a loaded pistol. Police seized the pistol, along with three pistol magazines, a holster, and several rounds of ammunition. Lewandowski filed a motion for return of his property with the Superior Court of the District of Columbia, which that court denied, citing the District's Dangerous Weapons Law, D.C. CODE ANN. § 22-4517(e). Lewandowski appealed to the District of Columbia Court of Appeals, which affirmed the decision of the Superior Court. Thereafter, Lewandowski again sought return of his property, this time by letter addressed to the Property Clerk of the Metropolitan Police Department. When the Clerk failed to return the property, the appellant sued the Clerk in the United States District Court for the District of Columbia, contending that the Clerk deprived him of his property without due process of law by failing to provide him with notice of the reasons the property was being withheld, failing to

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provide notice of his remedies under District law, and failing to provide an opportunity for a hearing.

Initially, we reject the Property Clerk's contention that the district court lacked jurisdiction over this case under the doctrine set forth in *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923), and *District of Columbia Court of Appeals v. Feldman*, 460 U.S. 462 (1983). Lewandowski is not "seeking what in substance would be appellate review of the state judgment in a United States district court, based on the losing party's claim that the state judgment itself violates the loser's federal rights." *Johnson v. De Grandy*, 512 U.S. 997, 1005-06 (1994). Instead, he is challenging actions by the Clerk that took place subsequent to that judgment and raises a due process challenge to those actions that the Superior Court was not asked to address.

On the merits, however, Lewandowski's claims fail. His argument that the Property Clerk is obligated to provide him with notice of state law remedies is barred by the Supreme Court's decision in *City of West Covina v. Perkins*, 525 U.S. 234, 240 (1999). Any remaining due process claims fail because "the District of Columbia provides adequate post-deprivation remedies, including an action in detinue, and . . . judicial review of any adverse decision [of the Property Clerk regarding the return of seized items] in D.C. Superior Court." *Dickson v. Mattera*, No. 01-7120, 2002 WL 1359491 (D.C. Cir. May 2, 2002) (citations omitted); see *Parratt v. Taylor*, 451 U.S. 527, 537-44 (1981).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41(a)(1).

**Per Curiam**

**FOR THE COURT:**

Mark J. Langer, Clerk

BY:

Deputy Clerk