

In the DISTRICT COURT of the UNITED STATES

SOUTHERN DISTRICT OHIO

WESTERN DIVISION

United States of America  
Plaintiff

vs.

No. 1824

Nicholas Koch  
Defendant

Criminal

OPINION

Peck, District Judge

On Petition for Return of Property.

The search and seizure, although without warrant, was not made by Agents or Officials of the Federal Government, but by Cincinnati City Policemen, who were Agents of the State of Ohio. It is settled that the Fourth Amendment of the Constitution of the United States does not extend to action by State Officials, but protects only the individual in his character of a citizen of the Federal Government against unlawful search and seizure by Federal Agents. Weeks vs United States 232 U.S. 383 and 398: Twining vs New Jersey 211 U.S. 78: Youngblood vs United States 266 Federal 795 and 797 (C.C.A8).

The Petition for the return of the property is overruled.