

[NOT FOR PUBLICATION-NOT TO BE CITED AS PRECEDENT]

**United States Court of Appeals
For the First Circuit**

No. 00-2258

UNITED STATES,
Plaintiff-Appellee

v.

25 PLEASANT STREET,
Defendant-Appellant

LOREEN DAVID,
Claimant

190 HIGH STREET,
Defendant

DIANE BILIS; JOHN BILIS; ARTHUR BILIS,
Claimants

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

[Hon. Nathaniel M. Gorton, U.S. District Judge]

Before

Boudin, Chief Judge,
Torruella and Lipez, Circuit Judges.

John A. Bosk on brief for appellant.
Donald K. Stern, United States Attorney, and Shelbey D. Wright, Assistant United States Attorney, on Motion for Summary Disposition for appellee.

July 25, 2001

Per Curiam. Loreen David appeals a district court judgment which denied her motion for relief from a final judgment compelling the forfeiture of her tavern at 25 Pleasant Street in Webster, Massachusetts. Appellant maintains that the forfeiture was unfair because it violated the terms of her plea agreement and because her former attorney is to blame for her failure to litigate the matter in the district court.

This court has thoroughly reviewed the record and the parties' briefs on appeal. We conclude that the district court did not abuse its discretion in denying appellant relief. See United States v. Parcel of Land and Residence at 18 Oakwood Street, 958 F.2d 1, 5-6 (1st Cir. 1992); United States v. One Lot of \$25,721.00 in Currency, 938 F.2d 1417, 1422 (1st Cir. 1991); United States v. Proceeds of Sale of 3,888 Pounds Atl. Sea Scallops, 857 F.2d 46, 49 (1st Cir. 1988). We decline to consider appellant's contention that the forfeiture constituted an excessive fine in violation of the Eighth Amendment because appellant failed to raise this argument below and has presented no reason for having failed to do so. See Amcel Corp. v. International Exec. Sales, Inc., 170 F.3d 32, 35 (1st Cir. 1999); United States v. Palmer, 956 F.2d 3, 6 (1st Cir. 1992). Accordingly, the government's motion for summary disposition is granted. The judgment of the district court is affirmed. See

Loc. R. 27(c).

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