UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

2025 APR 10 P 4:05

United States of America
v.
Nathan Reardon,
Defendant.

Case No. 1:21-cr-00061-LEW

MOTION FOR JOINDER OF HEATHER REARDON AND ARTHUR REARDON AS CO-MOVANTS TO DEFENDANT'S MOTION FOR RETURN OF PROPERTY PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 41(g)

COMES NOW, Nathan Reardon, the Defendant in the above-captioned matter, pro se, and respectfully moves this Honorable Court to permit Heather Reardon and Arthur Reardon to join as co-movants in the Defendant's pending Motion for Return of Property Pursuant to Federal Rule of Criminal Procedure 41(g) (Docket #231, filed March 14, 2025). In support of this motion, the Defendant states as follows:

FACTUAL BACKGROUND

1. On March 14, 2025, the Defendant filed a pro se Motion for Return of Property (Docket #231) under Federal Rule of Criminal Procedure 41(g), seeking the return of three items seized by the government:
   a. A Ruger firearm with serial number 371650782, belonging to Heather Reardon, seized from the Defendant's residence at 773 Lower Detroit Rd., Plymouth, ME 04969, on August 10, 2023;
   b. A Jennings .22 caliber semi-automatic pistol, belonging to Arthur Reardon, seized from Arthur Reardon's pickup truck at the same location on August 10, 2023; and
   c. The Defendant's passport, seized at the time of his initial charging in this case.
2. On March 31, 2025, the government filed an Opposition to the Defendant's Motion (Docket # not specified), arguing that the Defendant lacks standing to request the return of the firearms because they belong to third parties—Heather Reardon and Arthur Reardon—and not the Defendant. The government cited *United States v. Pierre*, 484 F.3d 75, 87 (1st Cir. 2007), and other precedents, asserting that the Defendant is not a "person aggrieved" under Rule 41(g) with respect to the firearms and cannot litigate the interests of third parties pro se under 28 U.S.C. § 1654.
3. The government did not object to the return of the Defendant's passport, confirming it can be retrieved from the Clerk's Office.
4. Heather Reardon and Arthur Reardon are the lawful owners of the seized firearms:
   a. Heather Reardon, the Defendant's wife at the time of the seizure, owns the Ruger firearm (serial number 371650782), which was taken from the Defendant's residence during the August 10, 2023, search.

b. Arthur Reardon, the Defendant's father, owns the Jennings .22 caliber semi-automatic pistol, which was taken from his pickup truck parked on the property during the same search.

5. Both Heather Reardon and Arthur Reardon wish to join this motion as co-movants to assert their direct ownership interests in the firearms and seek their return, addressing the government's standing objection.

LEGAL BASIS

6. Federal Rule of Criminal Procedure 41(g) allows a "person aggrieved by an unlawful search and seizure of property or by the deprivation of property" to move for its return. The government's opposition acknowledges that post-conviction Rule 41(g) motions are treated as civil complaints for equitable relief, citing *United States v. Giraldo*, 45 F.3d 509, 511 (1st Cir. 1995).
7. As a civil proceeding, the joinder of parties is governed by **Federal Rule of Civil Procedure 20**, which permits joinder of plaintiffs if:
   a. Their right to relief arises out of the same transaction, occurrence, or series of transactions or occurrences; and
   b. Any question of law or fact common to all plaintiffs will arise in the action.
8. Heather Reardon and Arthur Reardon satisfy Rule 20's requirements for joinder:
   a. **Same Transaction or Occurrence**: The claims of Heather Reardon and Arthur Reardon arise from the same August 10, 2023, search at 773 Lower Detroit Rd., Plymouth, ME 04969, during which both firearms were seized by Probation Officer Mitchell Oswald and federal agents. The Defendant's passport claim, while arising from a different seizure event, is part of the same Rule 41(g) motion and does not preclude joinder of the firearm claims, which share a common event.
   b. **Common Questions of Law or Fact**: The claims involve common questions, including whether the search and seizure on August 10, 2023, were lawful, whether the government's retention of the firearms is justified, and whether the owners are entitled to their return under Rule 41(g).
9. Joinder is appropriate to promote judicial efficiency and avoid multiple proceedings over the same seizure event. Heather and Arthur Reardon, as the true owners, are "persons aggrieved" under Rule 41(g) and have standing to seek the return of their property, resolving the government's primary objection to the Defendant's motion.
10. The Defendant, as the original movant, has a direct interest in the return of his passport and an indirect interest in the firearms, as they were seized from his residence and property, affecting his household. Joining Heather and Arthur Reardon as co-movants ensures all affected parties can present their claims in a single proceeding.

REQUEST FOR RELIEF

WHEREFORE, the Defendant respectfully requests that this Court:

1. Grant this Motion for Joinder, permitting Heather Reardon and Arthur Reardon to join as co-movants in the Defendant's Motion for Return of Property (Docket #231);

2. Allow the Motion for Return of Property to proceed with Nathan Reardon, Heather Reardon, and Arthur Reardon as co-movants, each seeking the return of their respective property;
3. Grant a hearing on this motion if the government contests the joinder; and
4. Provide such other and further relief as the Court deems just and proper.

DECLARATION

I, Nathan Reardon, declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge. Executed on this 15th day of April, 2025, at Detroit, Maine.

/s/ Nathan Reardon
Nathan Reardon
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Pro Se Defendant

CERTIFICATE OF SERVICE

I, Nathan Reardon, hereby certify that on this 15th day of April, 2025, I served a true and correct copy of the foregoing Motion for Joinder of Heather Reardon and Arthur Reardon as Co-Movants on the following party by depositing the same in the United States Postal Service, certified mail, return receipt requested, with postage prepaid, addressed as follows:

United States Attorney's Office
District of Maine
100 Middle Street, East Tower, 6th Floor
Portland, ME 04101

/s/ Nathan Reardon
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