

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA	§	
Plaintiff,	§	
	§	
V.	§	
	§	Case No. 3:13-CV-3336
TWENTY-FOUR THOUSAND ONE	§	
HUNDRED DOLLARS (\$24,100.00) IN	§	
UNITED STATES CURRENCY,	§	
Defendant Property <i>In Rem.</i>	§	

COMPLAINT FOR FORFEITURE

Plaintiff United States of America (“the government”) files this complaint *in rem* against the defendant property, alleging the following pursuant to Rule G(2) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Federal Rules of Civil Procedure):

NATURE OF THE ACTION

1. The government seeks to forfeit the defendant property to the United States pursuant to 18 U.S.C. § 981(a)(1)(C) and Rule G of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (Federal Rules of Civil Procedure).

THE DEFENDANT PROPERTY AND ITS LOCATION

2. The defendant property is \$24,100.00 in U.S. currency (“the property”).

3. The Bureau of Alcohol, Tobacco, Firearms, and Explosives seized \$4,100.00 of the defendant property from Luis Piña Romano on or about May 5, 2013 in the Northern District of Texas and the remaining \$20,000.00 of the defendant property from Luis Romano on or about May 6, 2013 in the Southern District of Texas.

4. The defendant property is currently in the custody and management of the United States Marshals Service.

JURISDICTION AND VENUE

5. The court has subject matter jurisdiction of this cause of action by virtue of 28 U.S.C. §§ 1345 and 1355(a), since this is a forfeiture action commenced by the United States of America.

6. The court has *in rem* jurisdiction over the defendant property pursuant to 28 U.S.C. § 1355(b).

7. Venue is proper in the Northern District of Texas under 28 U.S.C. § 1355(b)(1) and 28 U.S.C. § 1395, because acts or omissions giving rise to the forfeiture occurred in the Northern District of Texas.

POTENTIAL CLAIMANT TO DEFENDANT PROPERTY

8. The only potential claimant to the property known to the government is Luis Piña Romano, who can be personally served at 14201 Tamarisk Street, Corpus Christi, Texas.

BASIS FOR FORFEITURE

Relevant Statutes

9. A federal firearms license enables an individual to lawfully engage in a business pertaining to the interstate and intrastate sale of firearms.
10. It is unlawful, under federal law, for any person except a licensed importer, licensed manufacturer, or licensed dealer to engage in the business of dealing in firearms. 18 U.S.C. § 922(a)(1)(A) criminalizes such activity.
11. It is unlawful, under federal law, for a person, with the intent to engage in conduct constituting a violation of 18 U.S.C. § 922(a)(1)(A), to travel from any foreign country into a state and acquire, or attempt to acquire, a firearm in that state in furtherance of engaging in the business of dealing in firearms. 18 U.S.C. § 924(n) criminalizes such activity.
12. It is unlawful, under federal law, for two or more persons to conspire to commit any offense against the United States. 18 U.S.C. § 371 criminalizes such activity.

Relevant Criminal Activity

13. Luis Piña Romano (“Romano”) does not possess a federal firearms license and has never possessed such a license.
14. Starting in 2009 and continuing through 2013, Romano frequented gun shows Dallas, Texas; Fort Worth, Texas; Houston, Texas; and San Antonio, Texas and regularly purchased firearms at these gun shows. Romano only purchased firearms at the gun shows from individuals that were not federally licensed firearms dealers.

15. On Saturday, May 4, 2013, Romano traveled from Corpus Christi to Fort Worth, Texas to attend and buy firearms at the Original Fort Worth Gun Show ("OFWGS") held at Will Rogers Center, 3401 West Lancaster Ave., Fort Worth, Texas.

16. Romano attended the OFWGS on Saturday, May 4, 2013 and on Sunday, May 5, 2013.

17. While at the gun show, Romano spent about \$10,000.00, buying sixteen firearms and .50 caliber and .223 caliber ammunition.

18. Romano intended to sell seven of the rifles he purchased at the OFWGS to a particular individual in San Antonio for \$1,200.00 each, anticipating making a profit of \$500.00 per rifle. Romano had previously sold at least thirty firearms bought at gun shows to this person, believing the firearms were being transported into Mexico based on the particular type of firearm and the ongoing violence in Mexico. Romano sold firearms to the individual at least four times.

19. Additionally, Romano had previously sold at least thirty other firearms bought at gun shows to a second individual, believing the firearms were being transported into Mexico on the particular type of firearm and the ongoing violence in Mexico. Romano sold firearms to the individual at least eleven times.

20. In 2013, Romano had begun buying as many assault rifles (like AR-15s and AK-47s) as he could because he knew that he was going to have to stop buying firearms at gun shows because people were catching on to him purchasing so many firearms from non-dealers.

21. In 2012 and 2013, Romano netted at least \$35,000.00 from buying firearms at gun shows and then selling them. Romano brought \$15,000.00 in cash to the OFWGS in May 2013, leaving \$20,000.00 in cash in Corpus Christi.
22. On May 5, 2013, agents of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”) seized the firearms and ammunition Romano had bought at the OFWGS, as well as \$4,100.00 in cash Romano had with him at the OFWGS.
23. ATF agents seized another \$20,000.00 in cash and fifteen firearms from Romano in Corpus Christi on May 6, 2013.
24. Four pistols bought by Romano from 2001 through 2005 have been recovered in Mexico.
25. Romano bought at least two firearms in a single transaction more than twenty times from 2001 to 2009.
26. Federal law provides that money earned from a violation of, or conspiracy to violate, 18 U.S.C. § 924(n) is subject to forfeiture.
27. Based on the foregoing, the \$24,100.00 in United States currency seized from Romano is subject to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 18 U.S.C. § 1956(c)(7)(D) as proceeds from a violation of, or conspiracy to violate, 18 U.S.C. § 924(n).

RELIEF SOUGHT

28. Therefore, the government requests the following:

- a. the District Clerk issue a warrant for the arrest of the defendant property pursuant to Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- b. the ATF arrest the defendant property pursuant to the warrant, as provided by Rule G(3)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- c. the government publish notice of the complaint for forfeiture on the website www.forfeiture.gov for at least 30 consecutive days, in accordance with Rule G(4)(a)(iv)(c) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;
- d. the ATF serve notice, pursuant to Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, on any person reasonably appearing to be a known potential claimant, advising the person of the date of notice; of the deadline for filing a claim; that an answer or motion under Rule 12(b) must be filed no later than 21 days after the filing of the claim; and of the name of the government's attorney to be served with the claim and answer;
- e. the court, after all proceedings are had on this complaint for forfeiture, declare the defendant property forfeited to the government according to law;
- f. the court appropriately tax all costs and expenses incurred by the government in obtaining the forfeiture of the defendant property against any persons or entities who filed a verified claim and answer herein; and

- g. the court grant the government any further relief, at law or in equity, to which it may show itself justly entitled.

Respectfully submitted,

SARAH R. SALDAÑA
United States Attorney

/s/ JOHN J. DE LA GARZA III
Assistant United States Attorney
Texas State Bar Number 00796455
1100 Commerce St., Third Floor
Dallas, Texas 75242
Telephone: (214) 659-8682
Facsimile: (214) 659-8803
John.delagarza@usdoj.gov

VERIFICATION OF COMPLAINT

I, Guillermo Gallegos, declare under penalty of perjury that the following is true and correct to the best of my knowledge.

I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and I have been assigned to assist in the forfeiture of the defendant property. I have read the foregoing Complaint for Forfeiture and know its contents. The information contained in the Complaint for Forfeiture has been furnished from official government sources and, based on information and belief, the allegations contained in it are true and correct.

Date: August 19 , 2013



GUILLERMO GALLEGOS
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND
EXPLOSIVES

CIVIL COVER SHEET

The JS 44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
United States of America
(b) County of Residence of First Listed Plaintiff
(c) Attorneys (Firm Name, Address, and Telephone Number)
AUSA John J. de la Garza III
1100 Commerce Street, Suite 300
Dallas, Texas 75242 (214) 659-8682

DEFENDANTS
\$24,100.00 in United States currency
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
[X] 1 U.S. Government Plaintiff
[] 2 U.S. Government Defendant
[] 3 Federal Question (U.S. Government Not a Party)
[] 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State PTF [] 1 DEF [] 1
Citizen of Another State PTF [] 2 DEF [] 2
Citizen or Subject of a Foreign Country PTF [] 3 DEF [] 3

IV. NATURE OF SUIT (Place an "X" in One Box Only)
CONTRACT: [] 110 Insurance, [] 120 Marine, [] 130 Miller Act, [] 140 Negotiable Instrument, [] 150 Recovery of Overpayment & Enforcement of Judgment, [] 151 Medicare Act, [] 152 Recovery of Defaulted Student Loans (Excl. Veterans), [] 153 Recovery of Overpayment of Veteran's Benefits, [] 160 Stockholders' Suits, [] 190 Other Contract, [] 195 Contract Product Liability, [] 196 Franchise
REAL PROPERTY: [] 210 Land Condemnation, [] 220 Foreclosure, [] 230 Rent Lease & Ejectment, [] 240 Torts to Land, [] 245 Tort Product Liability, [] 290 All Other Real Property
TORTS: PERSONAL INJURY: [] 310 Airplane, [] 315 Airplane Product Liability, [] 320 Assault, Libel & Slander, [] 330 Federal Employers' Liability, [] 340 Marine, [] 345 Marine Product Liability, [] 350 Motor Vehicle, [] 355 Motor Vehicle Product Liability, [] 360 Other Personal Injury, [] 362 Personal Injury - Med. Malpractice
PERSONAL INJURY: [] 365 Personal Injury - Product Liability, [] 367 Health Care/Pharmaceutical Personal Injury Product Liability, [] 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY: [] 370 Other Fraud, [] 371 Truth in Lending, [] 380 Other Personal Property Damage, [] 385 Property Damage Product Liability
FORFEITURE/PENALTY: [] 625 Drug Related Seizure of Property 21 USC 881, [X] 690 Other
LABOR: [] 710 Fair Labor Standards Act, [] 720 Labor/Mgmt. Relations, [] 740 Railway Labor Act, [] 751 Family and Medical Leave Act, [] 790 Other Labor Litigation, [] 791 Empl. Ret. Inc. Security Act
IMMIGRATION: [] 462 Naturalization Application, [] 463 Habeas Corpus - Alien Detainee (Prisoner Petition), [] 465 Other Immigration Actions
BANKRUPTCY: [] 422 Appeal 28 USC 158, [] 423 Withdrawal 28 USC 157
PROPERTY RIGHTS: [] 820 Copyrights, [] 830 Patent, [] 840 Trademark
SOCIAL SECURITY: [] 861 HIA (1395ff), [] 862 Black Lung (923), [] 863 DIWC/DIWW (405(g)), [] 864 SSID Title XVI, [] 865 RSI (405(g))
FEDERAL TAX SUITS: [] 870 Taxes (U.S. Plaintiff or Defendant), [] 871 IRS—Third Party 26 USC 7609
OTHER STATUTES: [] 375 False Claims Act, [] 400 State Reapportionment, [] 410 Antitrust, [] 430 Banks and Banking, [] 450 Commerce, [] 460 Deportation, [] 470 Racketeer Influenced and Corrupt Organizations, [] 480 Consumer Credit, [] 490 Cable/Sat TV, [] 850 Securities/Commodities/Exchange, [] 890 Other Statutory Actions, [] 891 Agricultural Acts, [] 893 Environmental Matters, [] 895 Freedom of Information Act, [] 896 Arbitration, [] 899 Administrative Procedure Act/Review or Appeal of Agency Decision, [] 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)
[X] 1 Original Proceeding [] 2 Removed from State Court [] 3 Remanded from Appellate Court [] 4 Reinstated or Reopened [] 5 Transferred from another district (specify) [] 6 Multidistrict Litigation

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Civil Forfeiture 18 U.S.C. § 981(a)(1)(C)
Brief description of cause:
The USA is seeking to forfeit the proceeds of illegal firearms trafficking.

VII. REQUESTED IN COMPLAINT:
[] CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: [] Yes [X] No

VIII. RELATED CASE(S) PENDING OR CLOSED: (See instructions): JUDGE DOCKET NUMBER

DATE 08/22/2013 SIGNATURE OF ATTORNEY OF RECORD /s/ John J. de la Garza III

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.**
 Example: U.S. Civil Statute: 47 USC 553
 Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference cases that are related to this filing, if any. If a related case exists, whether pending or closed, insert the docket numbers and the corresponding judge names for such cases. A case is "related" to this filing if the case: (1) involves some or all of the same parties and is based on the same or similar claim; (2) involves the same property, transaction, or event; (3) involves substantially similar issues of law and fact; and/or (4) involves the same estate in a bankruptcy appeal.

Date and Attorney Signature. Date and sign the civil cover sheet.