

1 BENJAMIN B. WAGNER  
United States Attorney  
2 LAUREL J. MONTOYA  
Assistant United States Attorneys  
3 2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
4 Telephone: (559) 497-4000  
Facsimile: (559) 497-4099

5  
6 Attorneys for Plaintiff

7  
8 IN THE UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

10  
11 IN THE MATTER OF THE SEARCH OF:  
APPROXIMATE GPS COORDINATES N36°  
12 30' 51.71 W 118° 53' 0.04 PUBLIC LANDS  
ADMINISTERED BY THE UNITED STATES  
13 DEPARTMENT OF THE INTERIOR,  
BUREAU OF LAND MANAGEMENT.

FILED  
JUN 09 2015  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

14 CASE NO. 1:15-mc-00032-BAM

15 APPLICATION AND ORDER FOR  
DESTRUCTION OF BULK  
MARIJUANA SEIZURE

16 Pursuant to 28 C.F.R. § 50.21(c), the government is authorized to destroy drug evidence over  
17 the “threshold amount” to prevent the warehousing of large quantities of seized contraband drugs  
18 and reduce the security and storage problem which create additional economic burdens on limited  
19 law enforcement resources. 21 U.S.C. § 881 (g) provides:

20 (1) All species of plants from which controlled substances in schedules I and II may  
21 be derived which have been planted or cultivated in violation of this subchapter, or of  
22 which the owners or cultivators are unknown, or which are wild growths, may be  
23 seized and summarily forfeited to the United States.

24 ...

25 (3) The Attorney General, or his duly authorized agent, shall have authority to enter  
26 upon any lands, or into any dwelling pursuant to a search warrant, to cut, harvest,  
27 carry off, or destroy such plants.

28 ///

1 SA Robert Cowan, Department of the Interior, Bureau of Land Management, advised me that  
2 agents and law enforcement officers are planning to eradicate a clandestine marijuana grow site  
3 located at approximate GPS coordinates N36° 30' 51.71 W 118° 53' 0.04 that is on public lands  
4 administered by the United States Department Of The Interior, Bureau Of Land Management on or  
5 about June 10, 2015. SA Cowan further advised me that based on his experience and training and  
6 through consultation with other experienced narcotics agents, he knows that fresh bulk marijuana  
7 poses many problems. Recently harvested marijuana gives off great volumes of heat and may  
8 spontaneously combust, resulting in a serious danger of fire. In addition, fresh marijuana can harbor  
9 mold and other bacterial elements and attract insects and pests which are harmful to the safety and  
10 welfare of those who come into contact with it. Fresh marijuana also decomposes and liquefies  
11 rapidly. Further, decomposing fresh marijuana emits potent and noxious vapors, which pose health  
12 threats to those who are exposed to it. The fresh bulk marijuana seizures also present inordinate  
13 security and storage problems since the BLM and other law enforcement agencies involved in this  
14 investigation do not have the capability to adequately store and preserve the marijuana.

15 The government hereby requests that this Court grant an order permitting agents to destroy  
16 any bulk marijuana seized in connection with the investigation and clandestine grow site eradication  
17 after the marijuana plants are counted, bulk marijuana is weighed, and representative samples are  
18 taken.

19 DATED: June 9, 2015

BENJAMIN B. WAGNER  
United States Attorney

21 By: /s/ Laurel J. Montoya  
22 LAUREL J. MONTOYA  
23 Assistant U. S. Attorney

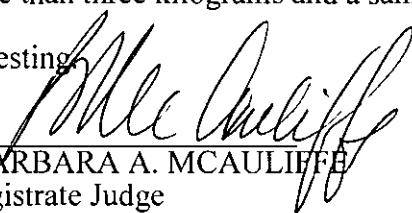
24 ORDER

25 The United States of America having applied to this Court for an order permitting its agents  
26 to destroy any bulk marijuana seized in this matter, and good cause appearing therefor,

27 IT IS HEREBY ORDERED that the BLM and other investigative agencies involved in the  
28 investigation of this matter are authorized to destroy any bulk marijuana plants seized after they are

1 counted and, if possible, weighed, after the entire cultivation site is photographed and/or videotaped,  
2 and after a representative sample consisting of no more than three kilograms and a sample aggregate  
3 portion of the whole amount is retained for chemical testing.

4 Dated: June 9, 2015

  
5 HON. BARBARA A. MCAULIFFE  
U.S. Magistrate Judge

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28