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7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**
9

10 UNITED STATES OF AMERICA,

11 Petitioner,

12 v.

13 THE BUREAU of CANNABIS
14 CONTROL, a State of California
agency,

15 Respondent.

Case No.: '20CV1375 BEN LL

**PETITION TO ENFORCE UNITED
STATES DRUG ENFORCEMENT
ADMINISTRATION
ADMINISTRATIVE SUBPOENA**

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17 The United States hereby petitions the Court as follows:

18 1. This proceeding is brought pursuant to 21 U.S.C. § 876(c) to judicially
19 enforce Drug Enforcement Administration (“DEA”) subpoena R6-20-252406
20 (“Subpoena,” redacted and attached as Exhibit A) issued under the authority of
21 21 U.S.C. § 876(a).

22 2. This Court has jurisdiction over this action pursuant to
23 21 U.S.C. § 876(c) and 28 U.S.C. § 1345. Venue is proper in this district under
24 21 U.S.C. § 876(c) and 28 U.S.C. § 1391.

25 3. Joshua Matas is a DEA Special Agent stationed in the DEA’s
26 Sacramento District Office. He is authorized to serve DEA subpoenas pursuant to
27 21 U.S.C. § 878. Christina L. Lopez, a Supervisory Intelligence Research Specialist,
28 is a DEA Group Supervisor stationed in the San Diego Field Division, and she is

1 authorized to issue DEA subpoenas pursuant to 21 U.S.C. § 876 and 28 C.F.R. pt. 0,
2 app. to subpart R, sec. 4.

3 4. Respondent is the Bureau of Cannabis Control, a State of California
4 agency (“BCC”). The BCC is a California agency that regulates commercial
5 cannabis licenses for medical and adult-use in California.

6 5. On January 8, 2020, Group Supervisor Lopez issued the Subpoena to
7 the BCC. The next day, Special Agent Matas served the Subpoena on the BCC.

8 6. The Subpoena demands the production of specific documents (licenses,
9 license applications, and shipping manifests), for six entities, from January 1, 2018
10 to the “[p]resent.” The Subpoena requires the BCC to email or mail the documents
11 to DEA Special Agent John Chase.

12 7. Special Agent Chase is located in the San Diego Field Division, which
13 is also where the investigation related to the Subpoena is carried on.

14 8. On January 21, 2020, the BCC stated in a letter (redacted and attached
15 as Exhibit B) that it would not produce the documents.

16 9. The BCC has not complied with the Subpoena and informed the
17 United States multiple times that it will not produce the requested documents. The
18 United States has made all efforts to obtain compliance short of litigation, but the
19 BCC refuses to comply with the Subpoena.

20 10. The documents demanded in the Subpoena are not presently in the
21 DEA’s possession.

22 11. De-identified information cannot be reasonably used for the
23 investigation.

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WHEREFORE, Petitioner respectfully prays that:

A. this Court enter an order directing the BCC to comply with the Subpoena within seven days, in its entirety;

B. that the order granting the relief sought herein be served on the BCC by the DEA; and

C. that this Court grant such other and further relief as it deems just and proper.

Respectfully submitted,

DATED: July 20, 2020

ROBERT S. BREWER, JR.
United States Attorney

s/ Dylan M. Aste

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Attorneys for the United States