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9 *ATTORNEYS FOR PLAINTIFFS*
APRIL JAMES, EUNICE SWEARINGER, STEVE BRITTON
10 *AND ROUND VALLEY INDIAN TRIBES*

11
12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 APRIL JAMES, EUNICE SWEARINGER,
15 STEVE BRITTON, and ROUND VALLEY
INDIAN TRIBES,

16 Plaintiffs,

17 v.

18 MATTHEW KENDALL, Sheriff of Mendocino
19 County; COUNTY OF MENDOCINO;
20 WILLIAM HONSAL, Sheriff of Humboldt
21 County; JUSTIN PRYOR, deputy of Humboldt
22 County Sheriff’s Office; COUNTY OF
HUMBOLDT; and DOES 1 through 50,

23 Defendants.
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Case No. 1:25-cv-03736-RMI

**SECOND AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF AND MONEY
DAMAGES**

[42 U.S.C. § 1983]

JURY TRIAL REQUESTED

1 Plaintiffs April James, Eunice Swearinger, Steve Britton, and Round Valley Indian Tribes¹
2 allege as follows:

3 **INTRODUCTION**

4 1. On July 22-23, 2024, law enforcement officers (“deputies”) raided properties in and
5 around Covelo, California, targeting marijuana cultivation sites, regardless of the properties’
6 location on the Round Valley Indian Reservation (“Reservation”) or the property owners’ status as
7 enrolled members of the Round Valley Indian Tribes. With no explanation of why they were raiding
8 these properties, they brandished weapons and destroyed plants, equipment, fences and other
9 property over the Plaintiffs’ protests that they had no authority to raid their properties. These
10 deputies are part of a larger organization of law enforcement agencies, including multiple northern
11 California county sheriff’s offices, that raid marijuana cultivation operations in northern California
12 and have raided tribal trust lands and individual Indian trust allotments on the Reservation routinely
13 for over a decade.

14 2. The raids terrorized the community. They also violated the law. The Fourth
15 Amendment provides “[t]he right of the people to be secure in their persons, houses, papers, and
16 effects, against unreasonable searches and seizures, shall not be violated[.]” U.S. Const. Amend.
17 IV. It is well established that a warrantless search is unreasonable under the Fourth Amendment.
18 *Chong v. United States*, 112 F.4th 848 (9th Cir. 2024); *Payton v. New York*, 445 U.S. 573, 586
19 (1980). Yet despite these unlawful tactics and their harmful impact on the Tribe’s community,
20 Sheriff Kendall flaunts the operation as a success. He has stated publicly that there are plans for
21 similar raids throughout northern California.

22 3. Plaintiffs April James, Eunice Swearinger, and Steve Britton (“Individual
23 Plaintiffs”) are members of the Round Valley Indian Tribes who own and live in properties raided
24 by the Defendants where they cultivate cannabis under the Tribe’s Compassionate Use Ordinance.
25 They were subjected to warrantless searches of their homes and properties and the destruction of
26 their property. Individual Plaintiffs have never been accused of violence, drug trafficking, human
27

28 ¹ The Round Valley Indian Tribes was formerly known as the Covelo Indian Community of the Round Valley Indian Reservation.

1 trafficking, environmental crimes, or any other criminal activity. No Defendant has ever alleged
2 that Plaintiffs were involved in any such conduct. No charges have been filed, and no prosecution
3 has begun against any Individual Plaintiff. Despite the absence of any evidence that Individual
4 Plaintiffs were engaged in criminal activity, Defendants relied on these generalized narratives to
5 justify County enforcement actions on the Reservation.

6 4. Plaintiff Round Valley Indian Tribes (“Tribe”) is a federally recognized Indian Tribe
7 with inherent sovereign authority over its Reservation.

8 5. As a sovereign government, the Tribe possesses the power to enact laws, establish a
9 police force and to authorize Tribal police officers to investigate violations of federal, state and
10 tribal law within the Reservation. The Tribe’s inherent authority includes enacting laws that
11 regulate the cultivation, possession and use of cannabis on the Reservation. The Individual Plaintiffs
12 cultivate, possess, and use cannabis on the Reservation for personal medical use, under the Tribe’s
13 regulatory scheme.

14 6. Public Law 280 (“PL 280”) transferred federal authority to California to prosecute
15 certain crimes committed by and against Indians in Indian country. *See* 18 U.S.C. § 1162; 28 U.S.C.
16 § 1360. California regulates cannabis and allows citizens to cultivate, possess and use cannabis, but
17 those regulatory laws cannot be enforced against Indians on their reservations. *See California v.*
18 *Cabazon Band of Mission Indians*, 480 U.S. 202 (1987) (“*Cabazon*”). Defendants’ reliance on PL
19 280 to justify raids on the Reservation contravenes long standing recognition of tribal sovereignty
20 and federal common law, which prohibit state enforcement of regulatory laws against Indians on
21 Indian reservations. *Chemehuevi Indian Tribe v. McMahon*, 934 F.3d 1076 (9th Cir. 2019);
22 *Williams v. Lee*, 358 U.S. 217 (1959).

23 7. The deputies’ conduct on the Reservation confirms that they were not enforcing state
24 criminal law but instead carrying out a County nuisance abatement operation. Deputies conducted
25 environmental inspections, evaluated water use and water systems, inspected cultivation structures,
26 and brought administrative personnel to perform compliance assessments. These actions
27 correspond to Mendocino County’s civil/regulatory nuisance abatement scheme under MCC
28 §§ 10A.17.160, 8.75, and 8.76. These actions do not resemble criminal cannabis enforcement under

1 California law. The County’s own documents, warrant terms, and post-search reports confirm this
2 civil/regulatory enforcement chain.

3 8. Because the deputies enforced County ordinances rather than state criminal law, the
4 County’s actions are barred as a matter of federal law. The Ninth Circuit has long held that PL 280
5 does not authorize counties to regulate reservation affairs or displace Tribal governance. In *Santa*
6 *Rosa Band of Indians v. Kings County*, 532 F.2d 655 (9th Cir. 1975), the court explained that “an
7 interpretation of PL 280 excluding local jurisdiction is mandated” given federal policies promoting
8 tribal self-government and economic development. *Id.* at 664. Under *Cabazon*, the substance of the
9 enforcement action controls, not the statutory labels used. *Cabazon*, 480 U.S. at 209-11. Federal
10 regulations independently preempt the County’s actions: 25 C.F.R. § 1.4 categorically prohibits
11 state and local laws regulating the use of Indian trust land unless expressly adopted by the Secretary
12 of the Interior. As the Ninth Circuit held in *Segundo v. City of Rancho Mirage*, 813 F.2d 1387 (9th
13 Cir. 1987), the Secretary has “expressly excluded” county ordinances and has not adopted the local
14 nuisance abatement and land use ordinances at issue. 813 F.2d at 1391. The County’s cannabis
15 nuisance abatement provisions therefore fall squarely within the category of local regulations
16 preempted by § 1.4 and cannot be enforced on trust allotments.

17 9. PL 280 also contains two independent limitations that bar the County’s actions here.
18 First, it prohibits the County from regulating Indian land, Indian property, and Indian water rights.
19 Mendocino County’s cannabis enforcement scheme depends on regulating land use, water use and
20 diversion, grading, runoff, and environmental compliance—areas that 28 U.S.C. § 1360(b)
21 expressly places outside state and local jurisdiction. The deputies’ actions intruded directly into
22 these protected areas. Second, 28 U.S.C. § Section 1360(c) requires that tribal ordinances be given
23 full force and effect and prevents state or local governments from applying conflicting civil
24 regulations to Indian land. As detailed below, the County’s cannabis nuisance abatement scheme
25 depends on precisely these forms of local land and environmental regulation and therefore cannot
26 be applied on the Reservation.

27 10. The Sheriff’s own public statements reflect the County’s regulatory enforcement at
28 work here. In describing his 2020 meeting with the state’s marijuana policy team, Sheriff Kendall

1 emphasized concerns about market regulation, diversion to the black market, and the
2 “environmental impacts” associated with unregulated cultivation. *See* Ex. H at 114. His focus on
3 environmental harm, market saturation, and regulatory failure mirrors the County’s civil nuisance
4 abatement and environmental compliance provisions, not criminal drug-trafficking enforcement.
5 This regulatory characterization is consistent with the civil/regulatory substance of the enforcement
6 actions carried out on the Reservation.

7 11. Defendants’ conduct indicates that the raids were carried out as civil and regulatory
8 nuisance abatement actions under the Mendocino County Code, using the grant of criminal
9 jurisdiction under PL 280 as a subterfuge for enforcing municipal law on the Reservation. This
10 civil/regulatory purpose is inconsistent with 28 U.S.C. § 1360(a), which limits state civil
11 jurisdiction in Indian country to laws of “general application.”

12 12. Individual Plaintiffs, along with the Tribe on behalf of its members (collectively,
13 “Plaintiffs”), seek declaratory and injunctive relief to prevent Mathew Kendall, Sheriff of
14 Mendocino County, Mendocino County, William Honsal, Sheriff of Humboldt County, and
15 Humboldt County, from conducting illegal raids on the Reservation. These actions include the
16 illegal search, seizure, and destruction of property based on the erroneous claim that California
17 holds regulatory jurisdiction over Indians in Indian country. Plaintiffs also seek to protect the civil
18 rights of Indians to be free from county control while engaging in activities on their reservations
19 authorized and licensed by their tribal government.

20 13. Individual Plaintiffs seek damages against the Defendants for violations of their
21 rights under the Fourth Amendment to the United States Constitution, the California Constitution,
22 state law and 42 U.S.C. § 1983 after Defendants’ unlawful searches, seizures and destruction of the
23 Individual Plaintiffs’ property. The Defendants’ unlawful actions also violated federal common
24 law, which prohibits the enforcement of state and local laws against Indians while on the
25 Reservation absent a congressional statute that authorizes such enforcement.

26 14. Defendants Sheriff Kendall and Mendocino County, acting through the Sheriff’s
27 Office, has withheld law enforcement services on the Reservation, and in particular, intentionally
28 ordered or caused Mendocino County Sheriff’s deputies to ignore or not respond to calls after the

1 Tribe on July 24, 2024, issued a cease-and-desist order to Defendant Kendall to stop raiding trust
2 lands, located on the Reservation. After that cease-and-desist order, County Sheriff’s deputies
3 responded to calls only sporadically and often very late after receiving a call for service. In doing
4 so, the Defendants and each of them deprived the Individual Plaintiffs and the Tribe of the equal
5 protection of the law in direct violation of the Equal Protection Clause of the Fourteenth
6 Amendment to the United States Constitution.

7 **JURISDICTION AND VENUE**

8 15. This Court’s jurisdiction over the Plaintiffs’ claims is based upon the following:

9 (a) This Court has original jurisdiction under 28 U.S.C. § 1331 and § 1362, as
10 this action arises from violations of the Plaintiffs’ rights guaranteed under the Fourth and
11 Fourteenth Amendments to the United States Constitution, and for violations of the federal
12 common law of trespass on Indian lands, pursuant to, inter alia, 25 U.S.C. § 345 (actions for
13 allotment of Indian lands) and 28 U.S.C. § 1353 (granting district courts jurisdiction over Indian
14 allotments), and the comprehensive regulatory scheme promulgated by the Department of Interior
15 (“Interior”) pursuant to these federal statutes, Part 169, Title 25 of the Code of Federal
16 Regulations, and the present suit involves the possessory interests and rights of the Plaintiffs in
17 their trust allotments secured by Act of Congress, for which the United States, as title holder, has
18 enacted continuing and ongoing protections, requiring the Court to interpret federal statutory,
19 regulatory, and common law to determine whether Defendants exceeded the scope of their
20 authority in enforcing nuisance abatement laws on Indian lands.

21 (b) This Court has jurisdiction under 42 U.S.C. § 1983 because the claims arise
22 from Defendants’ violations of the Plaintiffs’ rights guaranteed under the Fourth Amendment to
23 the United States Constitution and the Indian Commerce Clause, U.S. Const. art. I, § 8.

24 (c) This Court has supplemental jurisdiction over Plaintiffs’ state law claims
25 under 28 U.S.C. § 1367 because the Plaintiffs’ state law claims arise under a common nucleus of
26 operative facts upon which Plaintiffs’ federal law claims are based.

27 (d) On December 15, 2024, Plaintiffs timely filed administrative tort claims
28 with the County of Mendocino and the County of Humboldt. True and correct copies of the

1 claims filed with Mendocino and Humboldt Counties are attached as **Exhibit A**. Both counties
2 issued notices rejecting Individual Plaintiffs’ claims on February 7, 2025, and March 19, 2025.
3 Plaintiffs have exhausted all state law administrative remedies. Cal. Gov’t. Code §§ 913,
4 945.6(a)(1).

5 16. Venue is appropriate in this Court under 28 U.S.C. §§ 1391(a)(1), (a)(2), and (b)(1)
6 because the events and omissions giving rise to these claims occurred in Mendocino County, within
7 the Northern District of California, and because all Defendants reside in this District. Venue is
8 additionally appropriate because the Individual Plaintiffs are tribal members residing on Indian trust
9 lands within the exterior boundaries of Mendocino County, and the challenged enforcement actions
10 occurred on the Reservation.

11 **PARTIES**

12 17. Plaintiff Round Valley Indian Tribes is a federally recognized Indian Tribe in
13 Mendocino County organized under the provisions of the Act of June 18, 1934 (48 Stat. 984),
14 commonly known as the Indian Reorganization Act (“IRA”) and codified at 25 U.S.C. § 5101.

15 18. Individual Plaintiffs April James, Steve Britton and Eunice Swearinger are enrolled
16 members of the Tribe. Ms. James and Ms. Swearinger are the beneficial owners of and reside on
17 allotted trust lands; Mr. Britton resides on allotted trust lands owned by his granddaughter. These
18 allotted trust lands are within the boundaries of the Reservation where Defendants raided their
19 homes and properties.

20 19. Defendant Matt Kendall is Sheriff of Mendocino County. At all relevant times, he
21 was acting under the color of state law within the course and scope of his duties as Sheriff of
22 Mendocino County, and as an agent and employee of Mendocino County. He is sued in his
23 individual and official capacities.

24 20. Defendant Mendocino County is a political subdivision of the State of California
25 and a proper defendant in this action as to the Individual Plaintiffs’ claims made pursuant to the
26 California Tort Claims Act, Cal. Gov’t Code §§ 8110-996. The County was at all times the
27 employer of Sheriff Kendall and Mendocino County Sheriff’s deputies. It is liable for the tortious
28 actions and omissions of its employees. On information and belief, the County, through the

1 Mendocino County Sheriff’s Office, maintains an unlawful policy, custom, or practice of raiding
2 tribal trust allotments on the Reservation without valid search warrants or probable cause in
3 violation of the Constitution, PL 280 and federal common law. This unlawful policy, custom, or
4 practice is reinforced by the Mendocino County Sheriff’s Office’s supervision and, on information
5 and belief, its training.

6 21. Defendant William Honsal is Sheriff of Humboldt County. At all relevant times, he
7 was acting under the color of state law within the course and scope of his duties as Sheriff of
8 Humboldt County, and as an agent and employee of Humboldt County. He is sued in his individual
9 and official capacities.

10 22. Defendant Humboldt County is a political subdivision of the State of California and
11 a proper defendant in this action as to the Individual Plaintiffs’ claims made pursuant to the
12 California Tort Claims Act, Cal. Gov’t Code §§ 8110-996. The County was at all times the
13 employer of Sheriff Honsal and Humboldt County Sheriff’s deputies. It is liable for the tortious
14 actions and omissions of its employees. On information and belief, the County, through the
15 Humboldt County Sheriff’s Office, maintains an unlawful policy, custom, or practice of raiding
16 tribal trust allotments on the Reservation without valid search warrants or probable cause in
17 violation of the Constitution, PL 280 and federal common law. This unlawful policy, custom, or
18 practice is reinforced by the Mendocino County Sheriff’s Office’s supervision and, on information
19 and belief, its training.

20 23. Defendant Justin Pryor is a deputy of the Humboldt County Sheriff’s Office. At all
21 relevant times, he was acting under color of state law within the course and scope of his duties as a
22 deputy of Humboldt County Sheriff’s Office, as an agent and employee of Humboldt County. He
23 is sued in his individual and official capacities.

24 24. The true names and capacities of defendants Does one through fifty are unknown to
25 the Plaintiffs, and the Plaintiffs will seek leave of Court to amend this complaint to allege such
26 names and capacities as soon as they are ascertained.

27 **GENERAL ALLEGATIONS**

28 **A. Mendocino County’s Comprehensive Civil/Regulatory Cannabis Scheme**

1 25. Mendocino County has enacted a comprehensive civil and regulatory framework
2 governing cannabis cultivation, land use, zoning, environmental compliance, and nuisance
3 abatement. These provisions include, among others, the County’s Uniform Nuisance Abatement
4 Procedure (MCC Ch. 8.75), the Cannabis Cultivation Ordinance (MCC Ch. 10A.17), environmental
5 health and water-quality regulations (MCC Titles 8, 9, and 16), and the Stormwater Runoff
6 Pollution Prevention Procedure (MCC Ch. 16.30). These ordinances regulate matters such as
7 permitting, setbacks, grading, water use, pesticide handling, wastewater disposal, and
8 environmental impacts associated with cannabis cultivation.

9 26. The County enforces these provisions through administrative inspections, civil
10 penalties, and nuisance-abatement procedures, including “summary abatement” under MCC
11 § 8.75.070(A), which authorizes County officials to remove or destroy property deemed a nuisance
12 “by any reasonable means and without notice or hearing” when immediate action is claimed to be
13 necessary to protect public health or safety. These ordinances are civil and regulatory in nature, not
14 criminal prohibitions, and establish a County framework that bypasses traditional notions of due
15 process, allowing enforcement officers to immediately destroy property.

16 **B. Federal Limits on State and Local Civil/Regulatory Authority in Indian Country**

17 27. Because the events at issue occurred on Indian trust land within the Reservation, the
18 Mendocino County’s civil/regulatory cannabis scheme is subject to the limitations imposed by PL
19 280. Under 28 U.S.C. § 1360(a), state civil jurisdiction in Indian country extends only to laws of
20 “general application,” and § 1360(c) requires state and local governments to give “full force and
21 effect” to Tribal ordinances that are not inconsistent with applicable state civil law. PL 280 does
22 not authorize state or local governments to enforce civil/regulatory land-use, zoning,
23 environmental, or cannabis-cultivation ordinances on Indian trust land.

24 **C. Round Valley Indian Tribes and the Reservation**

25 28. The Tribe is a federally recognized Indian Tribe in Mendocino County. The Tribe
26 exercises inherent sovereign authority over the Reservation.

27 29. The Reservation was established by the United States in the nineteenth century and
28 today consists of a contiguous land base and discontinuous parcels of Tribal trust lands and

1 individual trust allotments in and around Round Valley, including the town of Covelo. These
2 lands constitute “Indian country” under 18 U.S.C. § 1151.

3 30. The first Tribal Council of the Tribe adopted the Constitution of the Round Valley
4 Indian Tribes, which was approved by the Secretary of the Interior (“Secretary”) on December 16,
5 1936.

6 31. The Tribe is the beneficial owner of all Tribal trust lands within the Reservation,
7 which includes all discontinuous tribal trust lands and trust allotments. Individual Tribal citizens
8 hold possessory interests in trust allotments held by the United States in trust for their benefit. These
9 trust lands and allotments are subject to federal protection, including the federal common law of
10 trespass on Indian lands and the statutory protections codified in 25 U.S.C. § 345 and 28 U.S.C.
11 § 1353.

12 32. The Tribe adopted a revised Constitution on August 3, 1994 (“Round Valley
13 Constitution”), approved by the Secretary of the Interior which establishes the Tribal Council as
14 the Tribe’s governing body with authority to enact laws, regulations, and policies governing Tribal
15 lands and Tribal citizens.

16 33. The Round Valley Constitution establishes the Tribal Council (“Tribal Council”) as
17 the Tribe’s governing body with legislative powers to enact laws, regulations, and policies through
18 ordinances, resolutions and other legislative actions on behalf of the Tribe.

19 34. On August 8, 2006, the Tribal Council enacted and later amended the
20 Compassionate Use Ordinance, regulating medical cannabis cultivation and use by tribal citizens
21 on the Reservation (“Compassionate Use Ordinance”). Section 4.7.7 authorizes Tribal members to
22 cultivate an unlimited number of cannabis plants within three 30-by-80-foot structures on Tribal
23 trust land. The Ordinance explicitly prohibits interpreting it to allow the imposition of State or local
24 civil regulatory laws on the Reservation.² A true and correct copy of the Compassionate Use
25 Ordinance is attached as **Exhibit B**.

26 _____
27 ² Mendocino County regulates cannabis cultivation as a land-use activity, defined by a spatial
28 footprint: “‘plant canopy’ . . . ‘square footage’ . . . or ‘cultivation area’ means the cumulative total
of square footage occupied by growing cannabis plants,” MCC § 10A.17.020, and enforced
through zoning and nuisance-abatement provisions, *see, e.g., id.* §§ 10A.17.060, 8.75.010–.030.

1 **D. PL 280 and Civil Regulatory Jurisdiction**

2 35. The Indian Commerce Clause vests Congress with exclusive authority over Indian
3 commerce and affairs. U.S. Const. art. I, § 8; *Haaland v. Brackeen*, 599 U.S. 255, 272-75 (2023).
4 Absent express authorization from Congress, the states and their political subdivisions lack civil
5 regulatory jurisdiction over Indians or their activities on their reservations. *McClanahan v. Arizona*
6 *Tax Comm'n*, 411 U.S. 164, 171 (2023). There is no statutory authority granting the State of
7 California, or any of its political subdivisions, civil jurisdiction over Indians for conduct occurring
8 on their reservations. *Cabazon*, 480 U.S. at 210-11.

9 36. 18 U.S.C. § 1151(a) defines “Indian country” as: “[A]ll land within the limits of any
10 Indian reservation under the jurisdiction of the United States Government, notwithstanding the
11 issuance of any patent, and, including rights-of-way running through the reservation and (c)
12 *all Indian allotments*, the Indian titles to which have not been extinguished[.]” Congress defined
13 Indian country “broadly to include formal and informal reservations, dependent Indian
14 communities, and *Indian allotments*, whether restricted or held in trust by the United States.”
15 *Oklahoma Tax Comm'n v. Sac and Fox Nation*, 508 U.S. 114, 123 (1993). Whether or not land is
16 located within “Indian country” is significant because it determines which government, federal,
17 state or tribal, can enforce its laws against Indians in Indian country.

18 37. Under PL 280, California has limited jurisdiction over Indian country, depending on
19 whether the state law at issue prohibits or regulates conduct. *Cabazon*, 480 U.S. at 209. If a
20 California law generally prohibits certain conduct, California has criminal jurisdiction under 18
21 U.S.C. § 1162 to enforce its law against individual Indians. Conversely, civil/regulatory laws, such
22 as licensing schemes, zoning, environmental compliance, and nuisance abatement, are categorically
23 barred. *Id.*; *Chemehuevi Indian Tribe*, 934 F.3d at 1078.

24 _____
25 The Tribal Ordinance’s limitation of cultivation to three 30-by-80-foot structures therefore
26 functions as a spatial cultivation-area restriction comparable to the County’s canopy-based
27 regulation. Because PL 280 withholds state authority to impose “encumbrance[s]” on trust
28 property while requiring tribal law to “be given full force and effect” where not inconsistent with
state civil law, 28 U.S.C. §§ 1360(b)-(c), Ordinance § 4.7.7 establishes a parallel tribal land-use
regime governing trust allotments and thus is consistent with, rather than contrary to, state law.

1 38. PL 280 authorized California to assume criminal jurisdiction over offenses
2 committed in Indian country and granted state courts jurisdiction to hear civil cases between Indians
3 and between Indians and non-Indians arising in Indian country, but it did not grant the State or its
4 political subdivisions the authority to enforce its regulatory laws against Indians on their
5 reservations.

6 39. PL 280 does not authorize counties or other local governments to enforce their own
7 regulatory codes against Indians in Indian country. Local ordinances are not “laws of general
8 application” within the meaning of § 1360(a) and therefore cannot be applied to reservation Indians.
9 *Santa Rosa Band*, 532 F.2d at 664-65. Likewise, PL 280 jurisdiction does not extend to local
10 governments. *Segundo*, 813 F.2d at 1390. PL 280 provides no authority for Defendants to enforce
11 Mendocino County ordinances on trust allotments.

12 40. 28 U.S.C. § 1360(b) prohibits state and local regulation of Indian land, Indian
13 property, and Indian water rights.

14 41. 25 C.F.R. § 1.4 bars state and local land use, zoning, environmental, and property use
15 regulations on Indian trust land.

16 42. Federal law further reinforces the limits on state and local authority over agricultural
17 activity on trust land. The American Indian Agricultural Resource Management Act (“AIARMA”),
18 25 U.S.C. § 3701 et seq., reflects Congress’s intent that agricultural resources on Indian lands be
19 managed by the United States and Tribal governments in accordance with Tribal goals and
20 priorities. AIARMA defines “agricultural products” to include crops grown under cultivated
21 conditions for personal use or commercial benefit, 25 U.S.C. § 3703(2)(A), and prohibits state and
22 local regulation that would operate as an encumbrance on trust land or trust resources. This federal
23 framework further underscores that county cannabis, environmental, and water-use regulations
24 cannot be applied to agricultural activity on Indian trust land.

25 43. Under 28 U.S.C. § 1360(c), tribal law governing the use of trust property must be
26 given full force and effect where not inconsistent with state civil law. Mendocino County regulates
27 cannabis cultivation as a land-use activity, and the Tribe’s Compassionate Use Ordinance
28 establishes a parallel land-use regime for trust allotments by limiting cultivation to defined

1 structures. Because § 1360(b) withholds state and local authority to impose “encumbrances” on
2 trust land, and § 1360(c) preserves tribal authority over internal land-use matters, the Tribe’s
3 Ordinance—not Mendocino County’s nuisance-abatement code—governs cannabis cultivation on
4 Individual Plaintiffs’ trust allotments.

5 **E. California Law Authorizes County Cannabis Regulation, But County Ordinances Are**
6 **Civil/Regulatory and Not Laws of General Application**

7 44. In 1996, California legalized medical cannabis through the Compassionate Use Act
8 (Proposition 215), codified in Health and Safety Code § 11362.5. In November 2016, voters
9 approved the Adult Use of Marijuana Act (Proposition 64), codified in Health and Safety Code §
10 11358, legalizing recreational cannabis use.

11 45. California’s cannabis statutes establish a comprehensive licensing and regulatory
12 framework governing the cultivation, possession, and use of cannabis. They are civil/regulatory in
13 nature rather than blanket criminal prohibitions and therefore fall on the regulatory side of the
14 Cabazon prohibitory/regulatory distinction. *See Cabazon*, 480 U.S. at 209-11. As a result, Public
15 Law 280 does not authorize the State or its political subdivisions to enforce these civil/regulatory
16 cannabis provisions against Indians in Indian country.

17 46. California law authorizes counties to adopt cannabis licensing, permitting, zoning,
18 taxation, water use, and environmental ordinances governing commercial cannabis activity within
19 county jurisdiction. Cal. Bus. & Prof. Code §§ 26000 et seq. Pursuant to this authority, Mendocino
20 County has enacted a comprehensive civil and regulatory framework governing cannabis
21 cultivation and related land-use activities.

22 47. Mendocino County’s regulatory scheme begins with licensing and permitting
23 requirements under MCC Chapter 10A.17, which require cannabis cultivators to obtain a County
24 Cannabis Business License (“CCBL”) and comply with local cultivation standards. Zoning
25 provisions in MCC § 20.242 further restrict where cultivation may occur and impose site-specific
26 requirements related to parcel size, setbacks, and compatible land uses. Administrative enforcement
27 mechanisms under MCC § 1.08 authorize inspections, administrative penalties, and compliance
28 orders when County officials believe violations of these civil regulations exist. When the County

1 deems a violation to constitute a nuisance, MCC § 8.75 establishes nuisance abatement procedures,
2 including inspection authority, posting requirements, and corrective-action orders. MCC
3 § 8.75.070(A) authorizes “summary abatement” of declared nuisances “by any reasonable means
4 and without notice or hearing” when County officials assert that immediate action is necessary to
5 protect public health or safety. MCC § 8.76 provides an accelerated cannabis abatement process
6 specifically for cannabis related nuisances. Together, these ordinances create a civil/regulatory
7 progression—from licensing and zoning, to administrative inspection and enforcement, to nuisance
8 abatement, and ultimately to destruction of property deemed a nuisance. These County ordinances
9 govern land use, environmental protection, and local cannabis permitting. They are civil and
10 regulatory in nature, not criminal laws, and therefore fall outside the County’s jurisdiction on Indian
11 trust land under PL 280.

12 48. Mendocino County has issued and manages hundreds of CCBLs, including licenses
13 for large-scale commercial grows, which generates tax and licensing revenue from commercial
14 operations.³ See California State Auditor, *Cannabis Business Licensing*, Report 2024-048 at 13,
15 Table 1 (Feb. 20, 2025) (projecting over 500 licenses in 2026).

16 49. Because county cannabis ordinances, water-use rules, and environmental
17 regulations are civil and regulatory in nature, are not laws of general application, and operate as
18 encumbrances on trust land in violation of 25 C.F.R. § 1.4, they cannot be enforced on the
19 Reservation under PL 280.

20 **F. The County’s Misuse of Criminal Search Warrants to Conduct Administrative Code**
21 **Enforcement**

22 50. According to Sheriff Kendall, search warrants of 18 properties were based on “an
23 overwhelming amount of illegal cannabis being grown,” that were “not county or state licensed,
24 and/or appeared to also have environmental impact crimes taking place.” See Ex. H at 3. He
25 expressly included “tribal lands” among the targeted locations. *Id.*

26
27 ³ Available at <https://www.auditor.ca.gov/wp-content/uploads/2025/02/2024-048-Report.pdf#:~:text=PROVISIONAL%20LICENSES%20NOT%20TRANSITIONED%20AS,507%20County%20of%20Monterey%20392>.

1 51. Defendants conducted raids on the properties of Plaintiffs Swearinger, Britton, and
2 others without any warrant, without identifying any criminal statute allegedly violated, and without
3 asserting lawful jurisdiction in Indian Country. They provided Plaintiff James with a warrant after
4 they had searched her home and destroyed her crop. The warrant affidavit did not identify any
5 specific state criminal statute allegedly violated by Ms. James and instead referenced only a generic
6 “felony.” The affidavit failed to disclose that the property was located on the Reservation or in
7 Indian country.

8 52. The warrants used in these raids purported to be criminal search warrants, but their
9 structure, content, and authorizations show that they operated as administrative inspection warrants
10 used to enforce County Code and conduct summary nuisance abatement. As Judge Illman noted,
11 the warrant affidavit alleges the property “‘was used as the means of committing a felony’ and ‘is
12 evidence which tends to show a felony has been committed,’ among other violations.” Order
13 Granting in Part and Denying in Part Motions to Dismiss First Amended Complaint, Dkt. 64
14 (“Order”) at 5 n.6. The warrant also included an order to “destroy the marijuana plant/products.”
15 *Id.* These features, particularly the destruction authorization, the lack of criminal investigative
16 procedures, and the absence of any requirement to preserve evidence, are consistent with the
17 procedures for administrative inspection warrants under Mendocino County Policy No. 3
18 (“Inspection Warrants and Services”), rather than with a criminal search warrant.⁴

19 53. Under Policy No. 3, administrative inspection warrants are used when the County is
20 enforcing County ordinances, including environmental, water use, building code, and cannabis
21 related regulations, and the policy imposes specific procedural prerequisites before such a warrant
22 may issue. Policy No. 3 requires that County personnel first be refused entry before seeking a
23 warrant (§§ 3.3, 3.4), and that they possess reasonable cause to believe municipal code violations
24 exist (§ 3.3). The policy further requires an affidavit establishing the need for inspection and judicial
25 authorization specifying the scope of the inspection and identifying which agencies may participate

26 ⁴ Mendocino County Policy No. 3 is available to download at:
27 <https://www.mendocinocounty.gov/home/showpublisheddocument/75353/639016555396130000>
28 ; and it can be found here, under the Policies and Procedures tab:
<https://www.mendocinocounty.gov/government/planning-building-services/code-enforcement>

1 (§ 3.4). It mandates compliance with the procedures for administrative inspection warrants set forth
2 in California Code of Civil Procedure §§ 1822.50-1822.60 (§ 3.3), and it prescribes the required
3 steps for posting, notice, and return of the warrant (§ 3.4).

4 54. Administrative inspection warrants under Policy No. 3 also operate under a different
5 legal standard than criminal search warrants. Criminal warrants require probable cause to believe
6 that evidence of a crime will be found at the place to be searched. Policy No. 3, by contrast,
7 authorizes administrative inspection warrants based on “reasonable cause” or “good cause” to
8 believe that municipal code violations may exist (§ 3.3), a lower standard tied to civil code
9 enforcement objectives rather than criminal investigation. Policy No. 3 incorporates this standard
10 by requiring only reasonable cause, refusal of entry, and an affidavit establishing the need for
11 inspection before an administrative warrant may issue (§§ 3.3-3.4).

12 55. Although the warrant here was issued under the probable cause standard, the
13 affidavit submitted to the issuing judge contained only minimal information. Deputy Pryor stated
14 that he conducted aerial surveillance and observed greenhouses covered in opaque plastic, and that
15 through “slits and gaps” he believed he could see marijuana plants inside. *See* Declaration of Deputy
16 Justin Pryor in Support of Humboldt County’s Opp. to Motion for Partial Summary Judgment, ¶ 5,
17 attached as **Exhibit J**. He asserted that the number of plants appeared “far in excess” of personal
18 or medicinal use, but the affidavit did not identify any evidence of a felony offense, any criminal
19 investigation, any surveillance beyond the aerial photograph, or any facts suggesting criminal
20 activity other than the presence of greenhouses. *Id.* The affidavit did not describe any informants,
21 controlled buys, sales activity, weapons, financial transactions, or other indicators of felony
22 conduct. The information provided to the judge was the same type of observation—structures
23 consistent with cultivation—that Policy No. 3 identifies as sufficient to establish “reasonable cause”
24 or “good cause” for an administrative inspection warrant, rather than the type of evidence typically
25 used to establish probable cause for a criminal search warrant.

26 56. The warrant used here contained the same administrative features identified in
27 Policy No. 3, authorizing officers to bring “other government agencies” onto the property, including
28 personnel with expertise in “building codes, unsafe wiring, fire hazards, environmental health,

1 water quality, and water rights,” and authorizing inspection for “violations of a number of other
2 codes pertaining to marijuana regulation,” as Judge Illman noted. Order at 14. It also included broad
3 abatement-style authorizations such as destruction of plants, structures, and materials. Consistent
4 with these administrative authorizations, Deputy Pryor stated that personnel from the Integral
5 Ecology Research Center (“IERC”) accompanied law enforcement during the operation and
6 prepared toxicology assessment reports for each parcel searched. Ex. J ¶ 8. The participation of
7 environmental assessment personnel is consistent with the administrative inspection and
8 code-enforcement functions described in Policy No. 3 and reflected in the warrant’s terms. *See* Ex.
9 J, Ex. B.

10 57. The IERC report for APN 032-420-05 describes the site as a “private land cannabis
11 cultivation complex” and documents that IERC scientists were escorted on-site by law enforcement
12 to identify and record chemical containers, collect toxicology samples, and assess environmental
13 conditions. Ex. J, Ex. B at 1. The report details the presence of pesticides, soil contaminants, sprayer
14 residues, and other chemicals, and includes assessments of potential impacts to waterways, wildlife,
15 and threatened species. *Id.* at 1-2. These activities correspond to environmental health, water
16 quality, pesticide use, and nuisance abatement enforcement functions under Mendocino County
17 Code, including the Uniform Nuisance Abatement Procedure (MCC Ch. 8.75), the Stormwater
18 Runoff Pollution Prevention Procedure (MCC Ch. 16.30), and Environmental Health and
19 wastewater regulations administered under Titles 8, 9 and 16, as well as general County Code
20 Enforcement authority.⁵ These are civil and regulatory functions, not criminal cannabis
21 enforcement. The presence and work of environmental assessment personnel during the searches
22 further reflects that the operation was conducted as an administrative inspection and abatement
23 action rather than a criminal investigation.

24
25 ⁵ Titles 8, 9 and 16 of the Mendocino County Code contain County environmental-health and
26 water-quality regulations. Title 8 (“Public Health, Safety and Welfare”) and Title 9 (“Health and
27 Sanitation”) include environmental health provisions governing solid waste, hazardous waste and
28 toxic materials. Title 16 (“Water and Sewage”) includes regulations governing wastewater
systems, water quality, stormwater runoff, sewage disposal, and pollution prevention, including
the Stormwater Runoff Pollution Prevention Procedure (MCC Ch. 16.30). These Titles establish
civil and regulatory standards enforced by County Environmental Health and related agencies.

1 58. The conduct of the deputies during the operation further identifies the statutory
2 provisions they were enforcing: entering multiple parcels, inspecting greenhouses and cultivation
3 structures, assessing environmental conditions, and destroying growing plants and cultivation
4 equipment. None of the conduct described in the warrant, the affidavit, or the post-search reports
5 corresponds to criminal cannabis offenses such as sale, distribution, or furnishing cannabis to
6 minors. Instead, the conduct aligns with civil and regulatory cultivation-related provisions,
7 including Health and Safety Code §§ 11362.5 and 11358 and County Code provisions governing
8 cannabis cultivation, environmental health, water use and water quality.

9 59. The conduct aligns with administrative inspection warrants used to enforce County
10 Code and execute nuisance abatement under MCC §§ 8.75 and 8.76. For example, MCC §
11 8.75.070(A) authorizes “summary abatement” of declared nuisances “by any reasonable means and
12 without notice or hearing when immediate action is necessary to preserve or protect the public
13 health or safety.” MCC § 10A.17.070 includes various environmental requirements, such as
14 compliance with North Coast Regional Water Quality Control Board orders. The warrant’s
15 destruction order aligns with this civil/regulatory authority, rather than with the criminal statute
16 cited in the warrant. None of the criminal statutes listed in the warrant authorize immediate
17 destruction of evidence. Even Health & Safety Code § 11479, which permits destruction of certain
18 quantities of marijuana, imposes strict evidentiary preservation requirements that were not followed
19 here, including requirements to take representative samples, photograph the marijuana, weigh or
20 estimate quantities, document the seizure in a return to the court, and preserve samples for potential
21 criminal proceedings. *See Ex. J.*

22 60. Taken together, the warrant functioned as an administrative inspection warrant and
23 summary abatement order, used to enforce County Code on Indian trust land where the County has
24 no civil/regulatory jurisdiction under PL 280. The County Code itself admits this. MCC §
25 1.08.040(C)-(D) provide that it cannot be used where it conflicts with “any other law,” or where
26 “other applicable local, state, or federal law provide an exclusive remedy.” PL 280 and the Tribe’s
27 Compassionate Use Ordinance are such exclusive laws.

28 61. Policy No. 3 demonstrates that the County knows how to obtain and execute

1 administrative inspection warrants lawfully. Instead, the warrant used here incorporated
2 administrative features while being issued as a criminal warrant, resulting in the County conducting
3 civil/regulatory enforcement actions that are categorically barred in Indian country.

4 **G. Sheriff Kendall’s Generalized Statements About Violence, Drug Trafficking, and**
5 **Environmental Harm**

6 62. Sheriff Kendall has repeatedly described “illegal marijuana cultivation” in
7 Mendocino County using generalized references to drug trafficking organizations, violence, human
8 trafficking, fentanyl distribution, and environmental degradation. *See* Ex. H at 1, 3-4. He has
9 asserted that “environmental impacts,” “violence associated with drug trafficking organizations,”
10 “illegal pesticides,” and “homicides, robberies, and environmental destruction have become the
11 new normal for rural communities.” *Id.*

12 63. Sheriff Kendall has also described “illegal marijuana cultivations in the Round
13 Valley,” referencing “human trafficking, drug trafficking organizations and environmental
14 degradation,” and has stated that his office focuses on “the most egregious violators.” *Id.* He has
15 publicly expressed that he “pray[s] there will come a time when we no longer see violence banned
16 chemicals, blight and environmental degradation caused by marijuana cultivation.” *Id.* at 5.

17 64. These generalized statements do not describe Individual Plaintiffs or their conduct.
18 Plaintiffs are two grandmothers and a rancher cultivating cannabis under tribal law, with no
19 connection to violence, drug trafficking, environmental crimes, or any other criminal activity. The
20 Supreme Court in *Cabazon* rejected reliance on broad, fear-based narratives about “organized
21 crime,” “criminal infiltration,” and generalized social harms to justify state jurisdiction in Indian
22 Country. *Cabazon*, 480 U.S. at 211. Generalized concerns about crime do not transform a
23 regulatory scheme into a criminal/prohibitory one under PL 280. *Id.*

24 65. Sheriff Kendall’s statements mirror the type of generalized, fear-based assertions
25 that *Cabazon* held insufficient to justify state or local jurisdiction over tribal members on tribal
26 land. Despite the absence of any evidence that Plaintiffs were engaged in criminal activity,
27 Defendants relied on these generalized narratives to justify enforcement actions on the
28 Reservation.

1 **H. Defendants’ Unlawful Raids of Plaintiffs’ Trust Properties**

2 66. On July 22-23, 2024, the Defendants planned and executed coordinated raids on
3 the Plaintiffs’ trust allotments within the Reservation without probable cause and without valid
4 search warrants. Defendants knowingly and intentionally, or with reckless disregard for the truth,
5 misstated or omitted information in seeking a search warrant for each Individual Plaintiff.

6 Deputies searched, seized and destroyed the Individual Plaintiffs’ property, which included
7 tearing up land, structures, hundreds of cannabis plants, part of a vegetable garden, and a fence
8 with a tractor, and also damaged an electric gate, interior doors, trim and locks of a home.

9 67. Deputies entered Indian country without notifying the Tribal Council, Tribal
10 Police, any Tribal official, and without providing notice to the Individual Plaintiffs in direct
11 violation of the Compassionate Use Ordinance.

12 68. Across all three raids, Deputies did not arrest anyone, did not charge anyone, did
13 not Mirandize anyone, did not collect or preserve evidence, did not seize samples, did not
14 photograph plants prior to destruction, and did not treat any site as a crime scene. Deputies did not
15 follow any criminal investigative procedures.

16 69. Instead, deputies immediately bulldozed and destroyed Individual Plaintiffs’
17 cannabis plants, irrigation systems, structures, and cultivation equipment. Deputies provided no
18 pre-deprivation notice, no opportunity to correct any alleged violation, no hearing, no
19 administrative citation, and no post-deprivation process.

20 70. Deputies did not identify any criminal statute to Plaintiffs during the raids, did not
21 explain the legal basis for their actions, and did not conduct themselves in a manner consistent
22 with enforcement of the criminal statutes later cited in the only search warrant provided. Although
23 the search warrant—which was provided only to Plaintiff James and only after the destruction
24 was complete—cited numerous state and federal criminal statutes, including Penal Code §§ 1524,
25 1528(a), 1536, 1407, 1422; Health & Safety Code §§ 11470-11488 and 11472; Business &
26 Professions Code §§ 26000-26231.2; Water Code §§ 1051, 13267, 13000 et seq.; and the federal
27 Clean Water Act, 33 U.S.C. § 1251 et seq., deputies did not enforce any criminal laws in practice.
28 Instead, deputies immediately bulldozed plants and structures and left—conduct consistent only

1 with Mendocino County’s civil/regulatory nuisance abatement procedures under MCC §§
2 10A.17.160, 8.75, and 8.76.

3 71. Deputies’ conduct, including the immediate destruction of property without arrest,
4 citation, or evidence preservation, is inconsistent with criminal enforcement under state law and
5 consistent only with County civil/regulatory nuisance-abatement procedures.

6 **1. April James**

7 72. Plaintiff April James is a 49-year-old grandmother who resides on and owns a
8 1.25-acre trust allotment. She cultivates cannabis under the Tribe’s Compassionate Use Ordinance
9 to make medicinal creams for arthritis and a degenerative disc disorder. On July 22, 2024, Ms.
10 James maintained two cultivation structures on her trust allotment, both approved by the Tribe
11 under the Compassionate Use Ordinance.

12 73. Shortly before lunchtime on July 23, 2024, Plaintiff James heard loud knocking on
13 her front door. When she opened the door with her 5-year-old grandson standing behind her she
14 faced a handful of deputies with their guns drawn. Deputies said they had a search warrant but did
15 not present one. They immediately ordered Ms. James, her daughter, her grandson, and her
16 13-year-old nephew to remain on the porch while they entered and searched the home.

17 74. Deputies asked Ms. James whether she had a “permit to grow.” She explained that
18 she cultivated cannabis under the Tribe’s ordinance and did not require a County permit. Deputies
19 responded that she “needed a County permit” and stated they were there because of “environmental
20 violations.” They asked whether she was “diverting water” from the river or creeks and said they
21 were “looking for people who were diverting water.” Ms. James told them she had two operable
22 wells and did not divert water. Deputies did not identify any specific environmental statute, County
23 Code section, or criminal law they were enforcing.

24 75. Deputies also told Ms. James they could “get her” for “illegal cultivation,” “sales,”
25 and “attempt to process,” but when she asked what evidence supported those accusations, deputies
26 did not respond. They did not mention any criminal statute, did not threaten arrest, and did not state
27 that charges would be filed.

28 76. During the initial encounter, deputies prohibited Ms. James and her family from

1 using phones or electronics. Ms. James’s nephew was in the shower when deputies arrived, and she
2 was required to retrieve him while deputies moved around the property. Her daughter observed
3 deputies walking to the area behind the house and other deputies approaching the front door with a
4 canine. When she asked whether deputies had a warrant, they turned around, returned to their
5 vehicles, and stated they would “get one,” but they never returned with the dog.

6 77. Ms. James told deputies they had no jurisdiction on her tribal trust allotment and
7 asked them to contact tribal police. She explained that only tribal police or federal officers had
8 authority to enforce law on her allotment. They asserted they could be on the property because it
9 was “heirship land,” but did not identify any legal basis for County jurisdiction.

10 78. Ms. James’s husband arrived home for lunch during the raid. Deputies refused to
11 allow him onto his own property, keeping him at the gate near the neighbor’s house. They did not
12 tell him why he was being excluded. He observed deputies at the neighbor’s property and along the
13 driveway, but deputies did not secure the area as a crime scene or conduct any criminal
14 investigation.

15 79. Deputies searched the home for approximately 5-10 minutes. After the search, they
16 kept Ms. James and her family inside the home with three deputies present. Deputies did not
17 question Ms. James as a criminal suspect, did not provide Miranda warnings, and did not ask for
18 names or information beyond Ms. James’s identification and her signature on a receipt listing the
19 number of plants destroyed.

20 80. Deputies then immediately destroyed approximately 580 cannabis plants by
21 bulldozing them into a pile. They also destroyed irrigation systems, equipment, and structures
22 associated with the cultivation site. When Ms. James asked what she was supposed to do with the
23 bulldozed pile, a deputy told her to “bury it.”

24 81. Deputies gave Ms. James a copy of a search warrant only after the destruction was
25 complete. The warrant cited state criminal statutes, but deputies did not enforce any criminal law.
26 They did not provide any notice of a violation, an opportunity to correct any alleged issue, a hearing,
27 or any process of any kind. They did not issue a Notice to Abate, Notice of Violation,
28 Administrative Citation, or any other County Code enforcement document. Deputies did not

1 mention a criminal investigation, identify any criminal statute, or indicate that criminal charges
2 were being pursued. They did not collect or preserve evidence, take samples, document alleged
3 violations, or secure the area as a crime scene. Instead, after a brief and cursory inspection of certain
4 structures, deputies immediately destroyed plants, structures, and materials and left without
5 providing any paperwork or explanation. Their conduct was consistent with a civil and regulatory
6 nuisance-abatement operation, not with a criminal investigation or with enforcement of the criminal
7 statutes cited in the warrant. Ms. James has not received notice of a pending criminal investigation
8 or charges.

9 82. Deputies video-recorded the interior of Ms. James's home only after the search was
10 complete and the plants destroyed, stating they needed to document that they had not caused
11 damage. They recorded every room, including her son's room where he lawfully stores hunting
12 rifles, one of which is an heirloom. Deputies did not seize or question the legality of any firearms.

13 83. The raid of Plaintiff James's trust allotment involved a disproportionate use of force
14 that caused unnecessary destruction of her property. Ms. James and her family, including children,
15 were left physically harmed and emotionally distressed. They now live in fear of deputies targeting
16 them again and returning without notice or legal justification, detaining them after holding them at
17 gunpoint, restricting their movement in and use of their home again and destroying their property.
18 Plaintiff James has furthermore suffered significant financial losses as a result of the Defendant's
19 conduct.

20 84. A true and correct copy of the Title Status Report prepared by the Bureau of Indian
21 Affairs ("BIA") listing April James as owner of the 1.25-acre trust allotment is attached as **Exhibit**
22 **C**.

23 2. Eunice Swearinger

24 85. On information and belief, on July 22, 2024, multiple sheriff's deputies entered 88-
25 year-old Plaintiff Eunice Swearinger's home while she was away on an errand with her grandson.
26 While on her errand, Plaintiff was informed that law enforcement was conducting a raid on or near
27 Logan Lane, the vicinity of her property. Upon receiving this information, she immediately drove
28 home.

1 86. Plaintiff Swearinger lives on a private road off Logan Lane, requiring passage
2 through two gates to access her house and property. Upon arrival, she encountered two Sheriff's
3 vehicles and a California Fish and Game vehicle parked outside the first gate, blocking entry. The
4 deputies and officers stood near their vehicles, visibly armed, causing Plaintiff Swearinger to feel
5 intimidated and fearful. Rather than approaching them, she turned around and drove back to town
6 with her grandson, waiting about 45 minutes before attempting to return home.

7 87. When she returned, the deputies were leaving, allowing Ms. Swearinger to proceed
8 home. When she arrived at her house, a Fish and Game officer stood in front of her house. When
9 she approached him, he remarked, "I bet you never had this much excitement in years, huh?" She
10 responded, "no I don't think so." He left just after that exchange. No warrant was shown or provided
11 to Ms. Swearinger.

12 88. Plaintiff Swearinger did not observe any deputies on the property when she returned
13 home. However, upon entering her home, she discovered, on information and belief, that deputies
14 had entered her unlocked residence and accessed three interior rooms by breaking through locked
15 doors. This damaged three doors, trim, doorknobs and locks.

16 89. Ms. Swearinger then inspected her vegetable garden, located just outside her house,
17 where she observed substantial destruction. On information and belief, deputies and Fish and Game
18 officers had scraped and overturned the soil, destroying two small cannabis plants Ms. Swearinger
19 had been cultivating under the Compassionate Use Ordinance. Additionally, Defendants used a
20 tractor to push soil across the garden, leaving a visible scar and killing the crops intended to feed
21 Ms. Swearinger's family. The destroyed fruits and vegetables included tomatoes, peppers, onions,
22 zucchinis, cantaloupes and watermelons.

23 90. Ms. Swearinger and her son, Felix, followed the access road to see how much of
24 their land had been disturbed, including Felix's cultivation area, which had been left damaged and
25 exposed. When the cultivated area was in view, it was immediately clear to them that the entire
26 cultivation had been destroyed, consistent with the soil displacement and destruction observed in
27 the vegetable garden. On information and belief, Defendants used a tractor to scrape the soil into
28 mounds, without first removing plastic tarps, bags or other inorganic materials used in the

1 cultivation. Despite this destruction, Ms. Swearinger and her son salvaged about ten plants, which
2 they replanted in an adjacent area on her property.

3 91. The next day, July 23, 2024, Plaintiff Swearinger observed a caravan of Sheriff's,
4 CHP, and Fish and Game vehicles transporting small tractors onto her property. Defendants
5 remained for approximately 30 minutes.

6 92. After they left, Plaintiff Swearinger discovered additional destruction: Defendants
7 had again scraped soil into piles and destroyed approximately 25 cannabis plants, including the ten
8 salvaged the previous day.

9 93. Fearful for her safety and the well-being of her children and grandchildren, Ms.
10 Swearinger did not confront Defendants while they were on her property.

11 94. Plaintiff Swearinger cultivates and uses cannabis ointment to treat pain caused by
12 arthritis and injuries sustained in a traffic accident leaving her disabled and unable to walk properly.
13 The cannabis she cultivates is solely for her personal medicinal use in compliance with the Round
14 Valley Tribe's medical cannabis ordinance. She was not cultivating for sale or distribution.

15 95. The raid of Plaintiff Swearinger's trust allotment involved a disproportionate use of
16 force that caused unnecessary destruction, leaving Plaintiff Swearinger and her family, including
17 children, physically harmed and emotionally distressed. They now live in fear of deputies targeting
18 them again and returning without notice or legal justification, refusing them entry to their home
19 again and destroying their property. Plaintiff Swearinger has furthermore suffered financial losses
20 as a result of the Defendant's conduct.

21 96. Deputies provided no notice, no opportunity to correct any alleged issue, and no
22 process of any kind before entering and destroying property on Plaintiffs' trust allotments. They
23 did not present Plaintiff Swearinger with a search warrant or any other document authorizing entry
24 onto her home or trust land, nor did they issue a Notice to Abate, Notice of Violation,
25 Administrative Citation, or any other County Code enforcement paperwork. Deputies asserted no
26 legal authority—criminal, civil, or regulatory—and cited no County Code, state statute, or other
27 basis for entering federally protected trust land. They did not mention a criminal investigation,
28 identify any criminal statute, or indicate that criminal charges were being pursued. Nor did they

1 collect or preserve evidence, take samples, document alleged violations, or secure the area as a
2 crime scene. Instead, after a brief and cursory inspection of certain structures, deputies immediately
3 destroyed plants, structures, and materials and departed without leaving a warrant, return,
4 paperwork, or any explanation, notice, or opportunity to contest the destruction. The only statement
5 offered to Plaintiff Swearinger during the operation was a dismissive remark from a Fish and Game
6 officer as they broke into her home. She has never received notice of any pending criminal
7 investigation or charges. A true and correct copy of the Title Status Report prepared by the BIA
8 listing Eunice Swearinger as an owner of about 2.285 acres of the trust allotment is attached as
9 **Exhibit D.**

10 **3. Steve Britton**

11 97. On July 23, 2024, Plaintiff Steve Britton, a rancher, heard Sheriff's deputies, without
12 notice, raided his family's trust allotment where he lives with his wife. When he went to the property
13 with his son, they encountered Sheriff's deputies who said they had a search warrant and could
14 search any building on the property. The deputies ordered Plaintiff Britton and his son to remain in
15 place on the trust allotment while deputies searched his trailer and two Conex storage containers
16 without probable cause.

17 98. After searching the trust allotment, deputies destroyed all cannabis plants,
18 cultivation structures and equipment within about 20-30 minutes. They damaged fencing and an
19 electric gate on the property.

20 99. There was no probable cause for the search and they never provided a search
21 warrant.

22 100. Deputies conducted only a brief, cursory search of certain structures on Plaintiff
23 Britton's property before destroying crops, but they did not behave like criminal investigators or
24 code-enforcement officers. Deputies did not collect or preserve evidence, did not take samples, did
25 not document alleged violations, did not secure the area as a crime scene, and did not initiate or
26 pursue any criminal process. After a short search, deputies immediately bulldozed plants, structures,
27 and equipment and left. Their conduct was consistent only with Mendocino County's
28 civil/regulatory summary abatement procedures, not with enforcement of the criminal statutes cited

1 in the search warrant. Mr. Britton has not received notice of a pending criminal investigation or
2 charges.

3 101. The 5-acre trust allotment raided is owned by Mr. Britton's granddaughter, Mary
4 Mae Azbill McKenna. A true and correct copy of the Title Status Report prepared by the BIA listing
5 Steve Britton's granddaughter, Mary Mae McKenna Azbill, as owner of the 5-acre trust allotment
6 is attached as **Exhibit E**.

7 102. The raid of Plaintiff Britton's trust allotment involved a disproportionate use of force
8 that caused unnecessary destruction, leaving Plaintiff Britton and his family, including children,
9 physically harmed and emotionally distressed. They now live in fear of deputies targeting them
10 again and returning without notice or legal justification, refusing them entry to their home again
11 and destroying their property. Plaintiff Britton has furthermore suffered financial losses as a result
12 of the Defendant's conduct.

13 **I. Search Warrant and Pretextual Use of Criminal Statutes**

14 103. The search warrant presented to Plaintiff James after the Defendants unlawfully
15 searched, seized and destroyed her property stated that the search warrant was based on Defendant
16 Pryor's affidavit stating that there was probable cause to seize Plaintiff James' cannabis plants
17 pursuant to Penal Code §§ 1524, 1528(a), 1536, and § 11472 of the Health & Safety Code. A true
18 and correct copy of the search warrant is attached as **Exhibit F**. Defendant Pryor knowingly and
19 intentionally, or with reckless disregard for the truth, misstated or omitted information in seeking a
20 warrant for Plaintiff James.

21 104. There is no indication in the search warrant that the Plaintiffs' properties are within
22 Indian country and the Tribe's jurisdiction or that the Tribe regulates cannabis cultivation under the
23 Compassionate Use Ordinance.

24 105. On information and belief, the Defendants relied on similar search warrants to search
25 the trust properties of Plaintiffs Swearinger and Britton and to seize and destroy the cannabis plants
26 on those trust properties.

27 106. During the raids of the Individual Plaintiffs' properties, Sheriff's deputies stated to
28 one or more of the Plaintiffs that PL 280 did not apply to them because they were raiding "heirship

1 land” under the misunderstanding that trust allotments are not included in the definition of Indian
2 country, and by this statement and by the corresponding actions of the Defendants set forth the
3 Defendants’ policy, custom or practice of raiding tribal trust allotments on the Reservation without
4 a valid search warrant or probable cause in violation of the Constitution, PL 280 and federal
5 common law. The Individual Plaintiffs informed the raiding deputies and officers that their
6 properties are trust lands that fall within the definition of Indian country, and PL 280 does not
7 authorize the Defendants’ conduct, as alleged herein, on those properties and similarly situated trust
8 lands.

9 107. No criminal charges have been filed against any Individual Plaintiff. Although
10 Sheriff Kendall later stated that Defendants were preparing criminal cases against the Individual
11 Plaintiffs, no Plaintiff has been formally accused of a crime. *See* Ex. H at 4.

12 108. Deputies’ conduct on July 22-23, 2024—immediate destruction of plants, no arrests,
13 no charges, no evidence preservation, no notice, no hearing, no prosecution—is consistent with the
14 civil enforcement framework set out in MCC §§ 10A.17.160 (nuisance per se), 8.75.040 (summary
15 abatement), and 8.76.090 (accelerated cannabis abatement).

16 109. Deputies’ conduct on July 22-23, 2024, is *inconsistent* with enforcement of any
17 criminal statute cited in the warrant, including Penal Code §§ 1524, 1528, 1536; Health & Safety
18 Code §§ 11470-11488; Business & Professions Code §§ 26000-26231.2; Water Code §§ 1051,
19 13267; or the Clean Water Act.

20 110. Deputies therefore enforced County civil/regulatory nuisance abatement ordinances,
21 not state criminal law.

22 111. Because deputies enforced County civil/regulatory nuisance abatement ordinances
23 on trust land in Indian country, Defendants acted without jurisdiction.

24 112. Despite being prohibited under PL 280 from enforcing civil regulatory cannabis
25 laws against Indians on the Reservation, Defendants have engaged in a custom, pattern, policy, and
26 practice of warrantless searches, seizures, and destruction of property of Indians on the Reservation.

27 113. Defendants Mendocino County and Humboldt County, through their respective
28 Sheriff’s Offices and final policymakers, have long maintained and enforced a custom, pattern,

1 policy, and practice of conducting warrantless searches, seizures, raids and destruction on Indian
2 trust lands within the Reservation, in violation of Plaintiffs' constitutional rights and in direct
3 contravention of PL 280's prohibition on enforcing civil regulatory cannabis laws against Indians
4 in Indian country.

5 114. For years, deputies from the Mendocino County Sheriff's Office, the Humboldt
6 County Sheriff's Office, and other law-enforcement agencies acting in concert with them have
7 repeatedly entered the Reservation and raided Indian-owned trust allotments without valid warrants
8 and without tribal authorization, to enforce California's civil regulatory cannabis laws. They do not
9 possess this authority under federal law. These actions were not isolated or accidental; they reflect
10 a persistent and widespread practice that constitutes official County policy.

11 115. For example, on July 15, 2022, Mendocino Sheriff's deputies executed a search
12 warrant on a tribal trust allotment owned by Tribal member Gary Cordova that resulted in the illegal
13 search, seizure and destruction of plants, structures and other property. The warrant used for this
14 raid, attached as **Exhibit G**, was issued for the purpose of enforcing state cannabis regulations
15 against an Indian on trust land—conduct expressly prohibited by PL 280. This raid is one example
16 of the Counties' longstanding pattern of targeting Indian trust lands for cannabis enforcement
17 operations.

18 116. Defendants have publicly acknowledged this pattern. In multiple press releases and
19 media briefings over the past decade, Defendant Sheriff's have confirmed that they have repeatedly
20 raided tribal trust lands on the Reservation, eradicated cannabis plants, detained individuals, and
21 destroyed property. These public statements—reported in local media outlets including
22 MendoFever and other regional publications—demonstrate that the Counties' enforcement
23 operations on the Reservation are routine, deliberate, and officially sanctioned. MendoFever staff,
24 *Mendocino Cannabis Crackdown Results in 11 Tons of Product, 30k Plants*, MendoFever, Oct. 8,
25 2024;⁶ MendoFever staff, *Mendocino Sheriff Briefs Community on Round Valley Marijuana*

26
27 ⁶ Available at:
28 <https://web.archive.org/web/20241112183657/https://mendofever.com/2024/10/08/mendocino-cannabis-crackdown-results-in-11-tons-of-product-30k-plants/>; archived at:
<https://archive.ph/VBRuG>.

1 *Enforcement*, MendoFever, Aug. 4, 2024;⁷ MendoFever staff, *California’s Cannabis Taskforce*
2 *Targets Covelo Grow Sites Eradicating an Estimated \$45 Million of Product*, MendoFever, Sep. 2,
3 2023;⁸ Shafiq Najib, *MSCO: Unlawful marijuana farm in Covelo abolished, multiple people*
4 *detained Thursday*, Jul. 30, 2021.⁹

5 117. Defendant Kendall has posted on Facebook about targeting cannabis raids on the
6 Reservation, describing operations against the “most egregious violators” of illegal marijuana
7 grows in Round Valley and acknowledging that some targeted properties were “tribal lands.” These
8 posts show that Sheriff Kendall knowingly directed and approved raids on Indian trust lands and
9 relied on search warrants based on false or misleading information to justify these operations. True
10 and correct copies of several of Defendant Kendall’s Facebook posts are attached as **Exhibit H**.

11 118. The Counties’ pattern of raiding trust properties without tribal knowledge or
12 cooperation has caused significant harm to the Tribe and its members, undermining tribal
13 sovereignty, disrupting community safety, and eroding trust between law enforcement and the
14 Reservation community. Defendants’ actions caused Plaintiffs James, Swearinger and Britton
15 emotional distress and ongoing injury, leaving them fearful for their safety and that of their families.
16 They worry about potential gunpoint raids, destruction of their homes, gardens and yards, home
17 invasions, forced displacement and damage to personal property and trust land. These fears persist
18 as they continue to see helicopters over their trust properties and Sheriff’s deputies driving past
19 their homes.

20 119. On July 24, 2024, the Tribe issued a cease-and-desist order to Defendant Sheriff
21 Kendall demanding an immediate end to the unlawful raids on the Reservation. The raids ended,

22
23 ⁷ Available at:

24 [https://web.archive.org/web/20240912181509/https://mendofever.com/2024/08/04/mendocino-](https://web.archive.org/web/20240912181509/https://mendofever.com/2024/08/04/mendocino-sheriff-briefs-community-on-round-valley-marijuana-enforcement/)
25 [sheriff-briefs-community-on-round-valley-marijuana-enforcement/](https://archive.ph/7BiJj); archived at:
<https://archive.ph/7BiJj>.

26 ⁸ Available at:

27 [https://web.archive.org/web/20230902070614/https://mendofever.com/2023/09/02/californias-](https://web.archive.org/web/20230902070614/https://mendofever.com/2023/09/02/californias-cannabis-taskforce-targets-covelo-grow-sites-eradicating-an-estimated-45-million-of-product/)
28 [cannabis-taskforce-targets-covelo-grow-sites-eradicating-an-estimated-45-million-of-product/](https://archive.ph/2EWTw);
archived at: <https://archive.ph/2EWTw>.

⁹ Available at [https://krctv.com/north-coast-news/eureka-local-news/msco-unlawful-marijuana-](https://krctv.com/north-coast-news/eureka-local-news/msco-unlawful-marijuana-farm-in-covelo-abolished-thursday)
farm-in-covelo-abolished-thursday.

1 but Defendants Kendall and Mendocino County abruptly refused to perform law enforcement
2 services on the Reservation, endangering lives and violating Sheriff's Office policies. This
3 retaliatory withdrawal of services further demonstrates the Counties' deliberate indifference to the
4 rights and safety of Indians on the Reservation.

5 120. Defendant Kendall is employed by the County of Mendocino, in the Mendocino
6 County Sheriff's Office. Sheriff Kendall serves as the head of the Sheriff's Office and is the top
7 spokesperson for the Sheriff's Office. At all relevant times, he was responsible for managing,
8 supervising, training, disciplining and directing all employees in the Sheriff's Office, including
9 deputies, and for formulating and implementing policies, practices, and customs for the Sheriff's
10 Office. Defendant Kendall served as the final policymaker for Mendocino County with respect to
11 law-enforcement operations. His decisions, actions, and omissions, including directing raids on
12 trust lands, approving invalid warrants, and withdrawing law-enforcement services, constitute
13 official County policy.

14 121. Defendant Honsal is employed by the County of Humboldt, in the Humboldt County
15 Sheriff's Office. He served as the head of the Sheriff's Office and is the top spokesperson and final
16 policy-maker for Humboldt County with respect to law-enforcement operations. He was
17 responsible for managing, supervising, training, disciplining and directing all employees in the
18 Sheriff's Office, including deputies, and for formulating and implementing policies, practices, and
19 customs for the Humboldt County Sheriff's Office. His participation in joint raids on the
20 Reservation and his failure to prevent deputies from enforcing civil regulatory laws in Indian
21 country constitute official County policy.

22 122. Defendants Mendocino County and Humboldt County have failed, and continue to
23 fail, to train their deputies on the limits of state jurisdiction in Indian country, including the
24 prohibition under PL 280 on enforcing civil regulatory cannabis laws against Indians on trust lands.
25 This failure to train deputies constitutes deliberate indifference to the constitutional rights of Indians
26 on the Reservation.

27 123. The Counties' failure to train is further evidenced by deputies' repeated reliance on
28 invalid search warrants, their destruction of Indian-owned property, their disregard for tribal

1 sovereignty, and their continued enforcement of state regulatory laws in Indian country despite
2 clear federal prohibitions. These failures were obvious, longstanding, and likely to result in
3 constitutional violations, yet the Counties took no corrective action.

4 124. The Counties also ratified the unconstitutional conduct of their deputies. Sheriff
5 Kendall publicly praised and justified the raids, defended the use of invalid warrants, and continued
6 to target Indian trust lands even after the Tribe objected. Both Counties failed to discipline or retrain
7 deputies, failed to investigate the unlawful raids, and allowed the unconstitutional practices to
8 continue unchecked. This ratification by final policymakers constitutes official County policy.

9 125. Defendant Counties have a policy of inaction in response to their notice of their
10 deputies' repeated reliance on invalid search warrants, their destruction of Indian-owned property,
11 their disregard for tribal sovereignty, and their continued enforcement of state regulatory laws in
12 Indian country despite clear federal prohibitions.

13 126. By adopting policies of inaction, the Defendants effectively chose to violate the
14 Constitution of the United States.

15 127. At all relevant times, Defendants Kendall, Honsal, Pryor, and the Doe Defendants
16 acted as agents, employees, or ostensible agents of Mendocino County and Humboldt County. Their
17 actions were taken within the course and scope of their employment, and the Counties are therefore
18 liable for their conduct under *Monell v. Department of Social Services*, 436 U.S. 658 (1978) and,
19 for state-law claims, under respondeat superior.

20 128. The unconstitutional raids on July 22-23, 2024, and the raids before and after those
21 dates, were not isolated incidents or acts of personal animus. They were the predictable and
22 foreseeable result of the Counties' longstanding customs, policies, and practices of unlawfully
23 enforcing state regulatory cannabis laws against Indians on the Reservation, failing to train deputies
24 on Indian-country jurisdiction, and ratifying unconstitutional conduct by deputies and supervisors.

25 129. After the raids, Sheriff Kendall publicly defended the operations in an interview with
26 the SFGate and asserted that law enforcement "had to go deal with it" because, in his view, failing
27 to enforce County cannabis laws on the Reservation "would be racist." The SFGate article is
28 attached as **Exhibit I**. He further stated that the Tribe's regulatory approach was "going to create a

1 Narco state on that tribal land” and claimed that deputies were “targeting farms run by non-tribal
2 people,” despite the fact that the raids occurred on Indian trust allotments belonging to Individual
3 Plaintiffs and many other members of the Tribe. *Id.* These statements demonstrate that Kendall
4 believed he had unilateral authority to enforce County civil/regulatory cannabis and environmental
5 laws on Reservation trust allotments, reflect hostility toward Tribal sovereignty and his
6 misunderstanding of federal Indian law, and constitute post-incident ratification of the deputies’
7 conduct. They are consistent with his earlier public statements blaming “policy makers” rather than
8 the “boots on the ground” for the County’s aggressive cannabis enforcement posture. *See* Ex. H at
9 2.

10 130. At all times relevant, Defendants acted under color of state law.

11 131. Plaintiffs are informed and believe and thereupon allege that Defendant Does 1-50,
12 and each of them, whether individual, corporate, associate or otherwise, are unknown to Plaintiffs
13 at this time, who therefore sue said Defendants by such fictitious names. Plaintiffs will amend this
14 Complaint to show their true names and capacities, together with appropriate charging language,
15 when such information has been ascertained. Plaintiffs will file Doe amendments, and/or ask leave
16 of court to amend this Complaint to assert the true names and capacities of these Defendants when
17 they have been ascertained.

18 132. Plaintiffs are informed and believe, and upon, such information and belief allege,
19 that each Defendant designated as a Doe was and is in some manner, negligently, wrongfully, or
20 otherwise responsible and liable to Plaintiffs for the injuries and damages hereinafter alleged and
21 that Plaintiffs’ damages as herein alleged were proximately caused by their conduct.

22 133. At all times relevant, Defendants Kendall, Honsal, Pryor, and the Doe Defendants
23 acted as agents, employees, or ostensible agents of Mendocino County and Humboldt County, who
24 control, supervise, manage and are responsible for the Mendocino County Sheriff’s Office and
25 Humboldt County Sheriff’s Office. Mendocino County and Humboldt County are therefore directly
26 and vicariously liable for the conduct of Defendants Kendall, Honsal, Pryor and Doe Defendants
27 who were acting within the course and scope of their employment. Thus, Defendants Mendocino
28 County and Humboldt County are liable for the conduct of their employees towards Plaintiffs under

1 *Monell* and, for state law claims, the doctrine of respondeat superior.

2 134. The unconstitutional raids on July 22-23, 2024, and the raids before and after those
3 days, were not isolated incidents of personal animus by the individual Defendants towards the
4 Plaintiffs. They were the predictable and foreseeable result of the Counties' longstanding customs,
5 policies, and practices of unlawfully enforcing state and county regulatory cannabis laws against
6 Indians on the Reservation, failing to train deputies on Indian-country jurisdiction, and ratifying
7 unconstitutional conduct by deputies and supervisors.

8 135. Plaintiffs are further informed and believe, and thereupon allege, that at all times
9 relevant hereto, Defendants, and each of them, acted in concert and in furtherance of the interests
10 of each other Defendant.

11 136. At all relevant times, Defendants or their predecessors in office have acted or failed
12 to act, as alleged herein, under the color of state law.

13 **FIRST CAUSE OF ACTION**

14 **Violation of PL 280**

15 **(Enforcement of County Civil/Regulatory Laws in Indian Country)**

16 **(Against all Defendants)**

17 137. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

18 138. PL 280 grants California limited criminal jurisdiction in Indian country but
19 expressly withholds authority to enforce civil/regulatory laws against Indians on their
20 reservations. *Cabazon*, 480 U.S. at 209-11.

21 139. Local ordinances are not "laws of general application" and cannot be enforced
22 against Indians on their reservations. *Santa Rosa Band*, 532 F.2d at 664; *Segundo*, 813 F.2d at
23 1391.

24 140. Mendocino County has adopted extensive cannabis regulatory ordinances,
25 including MCC §§ 10A.17 (cannabis licensing and permitting), 20.242 (zoning), 1.08
26 (administrative enforcement), 8.75 (nuisance abatement), and 8.76 (accelerated cannabis
27 abatement). Under MCC Chapter 10A.17, the County requires cannabis cultivators to obtain a
28 CCBL, and the County treats cultivation permits as CCBLs for regulatory purposes. These

1 ordinances establish local permitting requirements, administrative penalties, environmental
2 compliance obligations, and nuisance-abatement procedures. They are civil and regulatory in
3 nature, not criminal laws.

4 141. Deputies' conduct during the July 22-23, 2024 raids—including immediate
5 destruction of plants and structures, lack of arrests, lack of evidence preservation, lack of criminal
6 process, and reliance on nuisance abatement— was consistent only with enforcement of County
7 civil/regulatory ordinances such as MCC §§ 10A.17.160, 8.75, and 8.76. Deputies did not provide
8 notice of any violation, an opportunity to correct any alleged issue, a hearing, or any process of
9 any kind. They did not issue a Notice to Abate, Notice of Violation, Administrative Citation, or
10 any other County Code enforcement document. Deputies did not collect or preserve evidence,
11 take samples, document alleged violations, or secure any area as a crime scene. Their conduct
12 mirrored civil/regulatory nuisance-abatement procedures, not criminal enforcement.

13 142. Although the search warrant cited numerous state and federal criminal statutes,
14 including Penal Code §§ 1524, 1528(a), 1536, 1407, 1422; Health & Safety Code §§ 11470-11488
15 and 11472; Business & Professions Code §§ 26000-26231.2; Water Code §§ 1051, 13267, 13000
16 et seq.; and the federal Clean Water Act, 33 U.S.C. § 1251 et seq., deputies did not enforce any of
17 these criminal laws in practice. Deputies did not arrest anyone, did not collect or preserve
18 evidence, did not secure a crime scene, and did not initiate or pursue criminal charges or
19 prosecution.

20 143. Instead, the Sheriff acted as a County 'Enforcement Officer' under MCC §
21 1.08.070, relied on County nuisance per se provisions (MCC § 10A.17.160), invoked County
22 environmental compliance triggers (MCC § 10A.17.070), and his deputies executed summary
23 abatement procedures under MCC Chapters 8.75 and 8.76 through their destruction of plants,
24 structures, irrigation systems, and equipment—conduct that corresponds to Mendocino County's
25 civil/regulatory nuisance abatement procedures and environmental health enforcement, not to
26 criminal investigation or prosecution.

27 144. Plaintiffs are not state licensed commercial cannabis businesses and are not subject
28 to the State's cannabis licensing scheme. The conduct of the deputies, the warrant language, and

1 the participation of County environmental health and code enforcement personnel all indicate that
2 Defendants were enforcing local permitting and County Code requirements under MCC Chapter
3 10A.17 and related civil/regulatory ordinances, not state criminal laws. Local cannabis permitting,
4 environmental compliance, and nuisance abatement provisions fall outside the County's
5 jurisdiction on Indian trust land under PL 280.

6 145. In addition, the County ordinances and state laws Defendants sought to enforce
7 regulate the use of Indian trust land and the water rights appurtenant thereto. Such regulations
8 constitute prohibited encumbrances on trust property under federal law, including 25 C.F.R. § 1.4
9 and IRA Section 476, and are expressly barred by 28 U.S.C. § 1360(b). Because these county and
10 state provisions are civil/regulatory in nature, are not laws of general application, and operate as
11 encumbrances on trust land, PL 280 prohibits their enforcement against Indians on the
12 Reservation.

13 146. Plaintiffs do not challenge the County's authority to enforce state criminal laws on
14 the Reservation. Plaintiffs challenge only the County's enforcement of civil and regulatory
15 provisions of the Health & Safety Code and Mendocino County Code relating to cannabis
16 cultivation, environmental regulation, building codes, and nuisance abatement, which are
17 civil/regulatory in nature and therefore outside the County's jurisdiction under PL 280.

18 147. Because County ordinances are civil/regulatory, PL 280 prohibits their
19 enforcement against Indians on trust allotments within Indian country. Defendants' enforcement
20 of County civil/regulatory cannabis, environmental, and nuisance-abatement ordinances on
21 Plaintiffs' trust allotments violated PL 280 and exceeded the jurisdiction granted to California and
22 its political subdivisions. The MCC itself acknowledges this limitation in §§ 1.08.040(C)-(D).
23 The Sheriff therefore lacked jurisdiction to enforce County civil/regulatory ordinances on the
24 reservation, and the use of state criminal statutes as a pretext cannot cure this jurisdictional defect.

25 148. Defendants' conduct also violated 28 U.S.C. § 1360(b), which expressly prohibits
26 state and local regulation of Indian land, Indian property, and Indian water rights.

27 149. Defendants entered Plaintiffs' trust allotments, conducted searches, seized and
28 destroyed property, and enforced County civil/regulatory cannabis and environmental ordinances

1 in violation of PL 280. Defendants acted without jurisdiction and in excess of authority granted
2 under federal law.

3 150. An actual controversy exists between the Plaintiffs and Defendants.

4 151. Plaintiffs contend that PL 280 did not grant Defendants authority to enforce local
5 civil/regulatory laws against Indians on their Reservation and that the County ordinances relied on
6 by the Defendants are civil/regulatory in nature. Defendants contend that they have jurisdiction to
7 obtain search warrants and destroy property on trust allotments based on alleged violations of
8 California's cannabis laws. A judicial declaration is necessary to resolve this dispute.

9 152. Unless this Court declares that Defendants lack authority to enforce Mendocino
10 County's civil/regulatory ordinances against Indians on trust allotments within the Reservation,
11 Defendants will continue to raid tribal trust land and trust allotments on the Reservation, despite
12 federal Indian law prohibiting such actions.

13 153. Unless the Defendants are provisionally and permanently restrained and enjoined
14 from searching and destroying the Individual Plaintiffs' and other Indians' property on the
15 Reservation for violations of County ordinances, Plaintiffs James, Swearinger and Britton will
16 suffer severe and irreparable harm for which Plaintiffs have no plain, speedy or adequate remedy
17 at law, including continued exposure to unlawful civil/regulatory enforcement, warrantless
18 searches, seizures and destruction of trust property.

19 154. As a direct and proximate result of Defendants' actions, Individual Plaintiffs have
20 suffered damages in an amount exceeding \$10,000.00 for the costs incurred to replace and repair
21 their property, and Plaintiffs will continue to suffer additional damages of a nature and in amounts
22 which will be proven at trial.

23 **SECOND CAUSE OF ACTION**

24 **Infringement of the Tribe's Sovereignty—28 U.S.C. § 1360(c)**

25 **(Interference with Tribal Law and Tribal Self-Governance)**

26 **(Against all Defendants)**

27 155. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

28 156. Indian tribes retain inherent sovereignty over their members and territory, including

1 the authority to regulate land use, environmental practices, and cannabis cultivation on tribal trust
2 allotments. This authority is a core aspect of tribal self-governance.

3 157. The Tribe’s Compassionate Use Ordinance governs medical cannabis cultivation
4 and use by Tribal members on trust allotments. Individual Plaintiffs cultivated cannabis in
5 compliance with this Ordinance.

6 158. Under 28 U.S.C. § 1360(c), any tribal ordinance “shall, if not inconsistent with any
7 applicable civil law of the State, be given full force and effect” in civil matters arising in Indian
8 country.

9 159. The Compassionate Use Ordinance is not inconsistent with California’s medical
10 cannabis laws, including Health & Safety Code §§ 11362.5 and 11362.7 et seq., which permit
11 medical cannabis cultivation and use. Accordingly, under 28 U.S.C. § 1360(c), the Compassionate
12 Use Ordinance must be given full force and effect.

13 160. Plaintiffs cultivated cannabis under the Compassionate Use Ordinance. Defendants
14 were informed of this during the raids. Deputies dismissed the Compassionate Use Ordinance,
15 asserting that PL 280 did not apply to them because they were raiding “heirship land,” reflecting a
16 fundamental misunderstanding of federal Indian law and the definition of Indian country under 18
17 U.S.C. § 1151.

18 161. Defendants’ conduct during the July 22-23, 2024 raids—including entering trust
19 allotments without tribal notice or consent, conducting searches, and destroying cannabis plants
20 cultivated under tribal law—nullified the Tribe’s regulatory authority and displaced tribal
21 governance with County civil/regulatory enforcement.

22 162. Deputies’ actions were consistent only with enforcement of Mendocino County’s
23 civil/regulatory nuisance-abatement ordinances, including MCC §§ 10A.17.160, 8.75, and 8.76,
24 and not with enforcement of any criminal statute. Deputies did not provide notice of any violation,
25 an opportunity to correct any alleged issue, a hearing, or any process of any kind. They did not issue
26 a Notice to Abate, Notice of Violation, Administrative Citation, or any other County Code
27 enforcement document. Deputies did not collect or preserve evidence, take samples, document
28 alleged violations, or secure any area as a crime scene. Their conduct mirrored civil/regulatory

1 nuisance-abatement procedures, not criminal enforcement.

2 163. PL 280 does not authorize counties to enforce civil/regulatory laws in Indian
3 country. By enforcing County civil/regulatory ordinances on trust allotments, Defendants violated
4 25 U.S.C. § 1362(c), interfered with the Tribe’s authority to regulate cannabis cultivation, and
5 unlawfully displaced tribal law with County regulatory schemes.

6 164. Defendants’ pattern and practice of raiding trust allotments without notifying the
7 Tribe or coordinating with Tribal Police further infringes on the Tribe’s sovereignty and
8 undermines its ability to govern land use, environmental protection, and cannabis regulation within
9 its territory.

10 165. Defendants’ retaliatory refusal to provide law-enforcement services on the
11 Reservation after the Tribe issued a cease-and-desist order constitutes additional interference with
12 tribal self-governance and public safety.

13 166. An actual controversy exists between the Plaintiffs and the Defendants. Plaintiffs
14 contend that Defendants’ enforcement of County civil/regulatory ordinances against them
15 impermissibly interferes with the Tribe’s sovereignty and self-governance, while the Defendants
16 contend that their actions do not constitute an impermissible interference with the Tribe’s self-
17 governance.

18 167. As a direct and proximate result of Defendants’ violations of 25 U.S.C. § 1362(c)
19 and interference with tribal self-governance, Individual Plaintiffs suffered destruction of property,
20 emotional distress, financial loss, and ongoing fear of future unlawful raids, and the Tribe has been
21 irreparably injured by the Defendants’ unlawful assertion and exercise of jurisdiction on the
22 Reservation.

23 168. Plaintiffs seek declaratory and injunctive relief affirming the Tribe’s authority to
24 regulate cannabis on trust allotments, prohibiting Defendants from interfering with tribal law, and
25 prohibiting Defendants from enforcing County civil/regulatory ordinances in Indian country.

26 **THIRD CAUSE OF ACTION**

27 **Fourth Amendment – Unlawful Search and Seizure**

28 **(42 U.S.C. § 1983)**

1 **(Against Individual Defendants Kendall, Honsal, Pryor, and Doe 1-50)**

2 169. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

3 170. By the conduct alleged herein, Defendants Kendall, Honsal, Pryor, and Doe
4 Deputies violated the Fourth Amendment rights of Plaintiffs James, Swearinger and Britton by
5 subjecting them to unlawful searches and seizures on their individually owned trust allotments
6 within the Reservation.

7 171. At no time prior to the searches of the trust properties of Plaintiffs James, Swearinger
8 and Britton did Defendants present a valid search warrant. Plaintiff James received a purported
9 search warrant only after the search was completed and her property seized and destroyed. The
10 affidavit supporting that warrant, sworn by Humboldt County Sheriff's Office Deputy Justin Pryor,
11 knowingly disregarded PL 280 and the Defendants' complete lack of authority and jurisdiction to
12 obtain and execute a search warrant on Plaintiff James' Reservation property in Indian country.

13 172. Defendants lacked probable cause, lawful authority and jurisdiction to obtain or
14 execute a search warrant, or to enter, search, seize, or destroy property located on the trust
15 allotments of Plaintiffs James, Swearinger and Britton. In doing so, Defendants were not enforcing
16 generally applicable criminal laws but instead were enforcing civil regulatory cannabis and land
17 use provisions of the Mendocino County Code and related county code enforcement schemes,
18 including nuisance abatement and permitting provisions, against Indians on trust land—authority
19 expressly barred by PL 280. Defendants relied on erroneous assertions that Plaintiffs' trust
20 allotments were "heirship land" not subject to Indian-country jurisdiction, and on county
21 code-enforcement theories, despite knowing or having reason to know that the properties were
22 Indian trust lands under federal and tribal jurisdiction.

23 173. Defendants further violated the Fourth Amendment by seizing and destroying
24 Individual Plaintiffs' cannabis plants, hoop structures and related infrastructure used to cultivate
25 the cannabis plants, and by damaging Plaintiff Swearinger's house and damaging Plaintiff Britton's
26 wood fence and electric gate, without probable cause, law authority or jurisdiction.

27 174. Defendants Kendall, and Honsal personally participated in, directed, approved and
28 authorized, or knowingly failed to prevent the unlawful searches, seizures, and destruction of

1 Plaintiffs' property. Each knew or should have known that PL 280 prohibits state and county
2 officers from enforcing State and County civil regulatory cannabis laws against Indians on trust
3 lands in Indian country, yet they authorized and oversaw the raids anyway.

4 175. Defendant Pryor personally participated in the unlawful search and seizure of
5 Plaintiff James' property and knowingly submitted a misleading affidavit to obtain a search warrant
6 he knew could not lawfully be executed on trust land.

7 176. Doe Deputies participated in the unlawful entry, search, seizure, and destruction of
8 Plaintiffs' property and acted with knowledge, or reckless disregard, of the lack of jurisdiction and
9 authority to enforce state regulatory cannabis laws on the Reservation.

10 177. Under the Tribe's Compassionate Use Ordinance, Plaintiffs James, Swearinger and
11 Britton had the right to cultivate cannabis on their trust allotments without interference by the
12 Defendants.

13 178. As a direct and proximate result of Defendants' unlawful conduct, Plaintiffs James,
14 Swearinger and Britton have suffered and will continue to suffer property damage, emotional
15 distress, fear for their safety, and other harms in an amount to be proven at trial.

16 179. Plaintiffs have no plain, adequate, or complete remedy at law to address the wrongs
17 described herein. The injunctive and declaratory relief sought by Plaintiffs is necessary to prevent
18 continued and future irreparable injury.

19 180. Plaintiffs are entitled to damages, injunctive and declaratory relief, and reasonable
20 attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

21 **FOURTH CAUSE OF ACTION**

22 **Municipal Liability (*Monell*)**

23 **42 U.S.C. § 1983**

24 **(Against Defendants Mendocino County and Humboldt County)**

25 181. Plaintiffs incorporate by reference all foregoing paragraphs as if fully set forth
26 herein.

27 182. Plaintiffs bring this claim against Mendocino County and Humboldt County under
28 *Monell*. As the Court has already recognized, Plaintiffs plausibly allege that Sheriff Kendall,

1 acting as a final policymaker for Mendocino County, affirmatively approved, coordinated,
2 endorsed, and ratified the unconstitutional searches, seizures, and destruction of property on the
3 Reservation. These allegations are sufficient to state a Monell claim based on ratification.

4 183. Mendocino County Sheriff Matthew Kendall and Humboldt County Sheriff
5 William Honsal were final policymakers for their respective Counties with respect to
6 law-enforcement operations, enforcement priorities, and cannabis-related code-enforcement
7 actions.

8 184. As the Court has already held, Plaintiffs allege more than passive inaction. Sheriff
9 Kendall affirmatively approved, coordinated, directed, and publicly endorsed the raids on
10 Plaintiffs' trust allotments, including through social-media posts, public statements, and
11 operational involvement. He also approved and implemented Mendocino County's broader
12 program of cannabis enforcement on the Reservation.

13 185 Plaintiffs further allege that Sheriff Kendall made a conscious, affirmative decision
14 to withdraw law-enforcement services from the Reservation after the Tribe objected to the
15 unlawful raids, which the Court recognized as an additional ratifying act supporting *Monell*
16 liability.

17 186. These affirmative approvals, endorsements, and decisions constitute official
18 County policy under *City of St. Louis v. Praprotnik*, 485 U.S. 112, 123 (1988), *Gillette v.*
19 *Delmore*, 979 F.2d 1342 (9th Cir. 1992), and *Lyle v. Carl*, 382 F.3d 978 (9th Cir. 2004), and are
20 sufficient to establish *Monell* liability based on ratification.

21 187. These allegations of custom, practice, and failure to train are pled as supporting
22 factual context, but Plaintiffs' primary theory of municipal liability is ratification by final
23 policymakers, as recognized by the Court.

24 188. Sheriff Kendall's affirmative approval of the raids, and his withdrawal of
25 law-enforcement services, constitute official County policy for purposes of *Monell* liability.

26 189. As the Court recognized, Sheriff Kendall's ratification supports municipal liability
27
28

1 for both the Fourth Amendment violations and the Equal Protection violations alleged in this
2 action.

3 190. For years, Mendocino County and Humboldt County, through their Sheriff's
4 Offices and final policymakers, have maintained and permitted a widespread custom, pattern, and
5 practice of conducting warrantless searches, seizures, raids, and destruction of property on Indian
6 trust lands within the Reservation for the purpose of enforcing county civil regulatory schemes—
7 including cannabis-related, land-use, nuisance-abatement, and permitting provisions of the
8 Mendocino County Code and Humboldt County Code—against Indians on trust land, authority
9 expressly prohibited under PL 280.

10 191. This custom and practice includes:

11 (a) conducting warrantless searches and seizures on Indian trust lands within
12 the Round Valley Reservation under the guise of county code enforcement, including
13 cannabis-related, land-use, and nuisance-abatement provisions of the Mendocino County Code
14 and Humboldt County Code;

15 (b) enforcing civil regulatory cannabis and land-use provisions of county
16 codes—including permitting, nuisance, and abatement provisions—against Indians in Indian
17 country, despite PL 280's prohibition on enforcing civil regulatory laws against Indians on trust
18 lands;

19 (c) using search-warrant affidavits that mischaracterize county
20 code-enforcement actions as criminal enforcement, or that omit the jurisdictional bar on enforcing
21 county civil regulatory schemes in Indian country, in order to obtain warrants to raid trust
22 allotments;

23 (d) destroying Indian-owned property—including cannabis plants, hoop
24 structures, irrigation systems, and other infrastructure—during county code-enforcement
25 operations on trust lands;

26 (e) conducting raids on trust lands without notifying, consulting, or
27
28

1 coordinating with the Tribe, in disregard of tribal sovereignty and government-to-government
2 obligations;

3 (f) failing to investigate, document, discipline, or correct deputies who
4 unlawfully raid trust lands or violate constitutional rights; and

5 (g) retaliating against the Tribe by withdrawing law-enforcement services after
6 the Tribe issued a cease-and-desist order demanding an end to unlawful raids.

7
8 192. These practices were persistent, well-known, and openly acknowledged by County
9 officials in press releases, media briefings, and public statements describing cannabis raids on the
10 Reservation and in Indian country.

11 193. Mendocino County and Humboldt County failed to adequately train, supervise,
12 and discipline their deputies and code-enforcement personnel regarding:

13 (a) the limits of state and county jurisdiction in Indian country;

14 (b) the prohibition under PL 280 on enforcing county civil regulatory schemes,
15 including cannabis and land-use provisions of the county codes, against Indians on trust lands;

16 (c) the constitutional requirements governing searches, seizures, and
17 destruction of property;

18 (d) the need for valid warrants supported by probable cause; and

19 (e) the obligation to respect tribal sovereignty and coordinate with tribal
20 authorities.
21

22 194. The need for such training was obvious given the Counties' repeated enforcement
23 operations on the Reservation, the complexity of Indian-country jurisdiction, and the foreseeable
24 risk that deputies would violate constitutional rights absent proper instruction.

25
26 195. Despite clear evidence of repeated violations, the Counties failed to investigate,
27 discipline, retrain, or supervise deputies who unlawfully raided trust lands, demonstrating
28 deliberate indifference to the constitutional rights of Plaintiffs and other Indians on the

1 Reservation.

2 196. The unconstitutional customs, policies, practices, failures to train, and ratification
3 described above were the moving force behind the violations of Plaintiffs’ Fourth Amendment
4 rights, including the unlawful searches, seizures, and destruction of their property.

5 197. As a direct and proximate result of Defendants’ unconstitutional policies and
6 practices, Plaintiffs suffered property damage, emotional distress, fear for their safety, and other
7 harms in an amount to be proven at trial.

8
9 198. Plaintiffs seek compensatory damages, declaratory and injunctive relief, attorneys’
10 fees, and all other relief the Court deems just and proper.

11 **FIFTH CAUSE OF ACTION**

12 **Statutory Liability Under California Government Code § 815.2**
13 **(Against Defendants Mendocino County and Humboldt County)**

14 199. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

15 200. California Government Code § 815 provides that a public entity is not liable for an
16 injury “[e]xcept as otherwise provided by statute.” Government Code § 815.2 is such a statute. It
17 provides that a public entity is liable for injury proximately caused by an act or omission of an
18 employee acting within the scope of employment, unless the employee is immune.

19 201. Plaintiffs do not seek damages under Article I, § 13 of the California Constitution.
20 As clarified to the Court, Plaintiffs seek relief under recognized common-law tort theories, for
21 which public-entity liability is expressly authorized by Government Code § 815.2.

22 202. As set forth in the Ninth, Tenth, Eleventh and Twelfth Causes of Action,
23 Defendants Kendall, Honsal, Pryor, and Doe Deputies committed multiple torts under California
24 law while acting within the scope of their employment, including:

25 (a) False Imprisonment—unlawfully detaining Plaintiffs James, her husband,
26 Steve, and Steve’s minor son without probable cause or lawful authority;

27 (b) Trespass to Land—entering Plaintiffs’ trust allotments without consent,
28 without jurisdiction, and without lawful authority;

1 (c) Conversion—wrongfully destroying or seizing Plaintiffs’ personal
2 property, including cannabis plants, hoop houses, irrigation systems, tools, and other items; and

3 (d) Intentional Infliction of Emotional Distress—engaging in extreme and
4 outrageous conduct, including armed raids, property destruction, unlawful detentions, and
5 retaliatory withdrawal of law-enforcement services, causing Plaintiffs severe emotional distress.

6 203. Under Government Code § 820, Defendants Kendall, Honsal, Pryor, and Doe
7 Deputies are liable for injuries proximately caused by their own wrongful acts or omissions.

8 204. Under Government Code § 815.2, Mendocino County and Humboldt County are
9 vicariously liable for the tortious acts and omissions of their employees committed within the
10 scope of employment.

11 205. None of the individual defendants are immune from liability for the torts alleged,
12 and therefore the Counties are not immune under § 815.2(b).

13 206. As a direct and proximate result of the tortious conduct of County employees,
14 Plaintiffs suffered property loss, emotional distress, loss of liberty, humiliation, fear, and other
15 damages in an amount to be proven at trial.

16 207. Plaintiffs seek compensatory damages, attorneys’ fees where authorized, costs of
17 suit, and all other relief the Court deems just and proper.

18 **SIXTH CAUSE OF ACTION**

19 **Bane Act**

20 **(Cal. Civ. Code § 52.1)**

21 **(California Tort Claims Act, Cal. Gov’t Code §§ 815.2, 820)**

22 **(Against Defendants Mendocino and Humboldt Counties, Kendall, Honsal and Pryor)**

23 208. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

24 209. California Civil Code § 52.1 prohibits any person, whether or not acting under
25 color of law, from interfering by threats, intimidation, or coercion with the exercise or enjoyment
26 of rights secured by the Constitution or laws of the United States or California.

27 210. Plaintiffs James, Swearinger, and Britton had the right to be free from unreasonable
28 searches and seizures under the Fourth Amendment to the United States Constitution and Article I,

1 Section 13 of the California Constitution. Plaintiffs also had the right to be free from the
2 enforcement of county civil regulatory schemes, including cannabis-related, land-use,
3 nuisance-abatement, and permitting provisions of the Mendocino County Code and Humboldt
4 County Code, on Indian trust lands in Indian country, as prohibited by PL 280.

5 211. Defendants intentionally interfered with and attempted to interfere with Plaintiffs'
6 exercise and enjoyment of these rights through threats, intimidation, and coercion, including but
7 not limited to:

8 (a) entering Plaintiffs' trust allotments without lawful authority or jurisdiction;

9 (b) conducting armed raids on Indian trust lands under the guise of county
10 code enforcement;

11 (c) detaining Plaintiff James without probable cause;

12 (d) destroying Plaintiffs' cannabis plants, hoop structures, irrigation systems,
13 and other property;

14 (e) damaging Plaintiff Swearinger's home and Plaintiff Britton's fence and
15 electric gate;

16 (f) using helicopters, armed officers, and coordinated multi-agency operations
17 to intimidate Plaintiffs and the Reservation community; and

18 (g) retaliating against the Tribe by withdrawing law-enforcement services after
19 the Tribe issued a cease-and-desist order.

20 212. These acts were inherently coercive and intimidating, and were intended to compel
21 Plaintiffs to submit to unlawful county code enforcement actions on trust land.

22 213. Defendants acted intentionally and knowingly. As the Court has already held,
23 Plaintiffs have sufficiently alleged that Sheriff Kendall personally authorized, directed,
24 coordinated, and publicly endorsed the raids, and that his supervisory actions and omissions
25 contributed to the constitutional and statutory violations. Order at 26-27. Defendant Pryor
26 intentionally submitted a misleading affidavit to obtain a warrant he knew could not lawfully be
27 executed on trust land.

28 214. Defendants' conduct was not accidental, negligent, or merely reckless; it was

1 purposeful, targeted, and coercive.

2 215. Under Government Code § 820, Defendants Kendall, Honsal, and Pryor are liable
3 for injuries proximately caused by their own negligent or wrongful acts or omissions, including
4 their direct participation in, authorization of, supervision of, or failure to prevent the unlawful
5 raids and coercive conduct described herein.

6 216. Section 820.8 does not shield these Defendants from liability because Plaintiffs
7 seek to hold them liable for their own acts and omissions, not solely for the acts of others. As the
8 Court has already recognized, § 820.8 does not bar claims based on direct supervisory
9 involvement, negligent training, negligent supervision, or direct participation.

10 217. Under Government Code § 815.2, Mendocino County and Humboldt County are
11 vicariously liable for the acts and omissions of their employees committed within the scope of
12 employment, including the threats, intimidation, coercion, and constitutional violations described
13 herein.

14 218. As the Court has already held, Civil Code § 52.1 does not provide for direct
15 liability against public entities, but Government Code § 815.2 expressly permits vicarious liability
16 for the torts of public employees committed within the scope of employment. Because Plaintiffs
17 have stated a Bane Act claim against Sheriff Kendall and other individual defendants, Mendocino
18 County and Humboldt County are vicariously liable for their conduct under § 815.2.

19 219. Defendants' threats, intimidation, and coercion were substantial factors in causing
20 Plaintiffs severe emotional distress, trauma, fear, anxiety, humiliation, property damage, and loss
21 of liberty. Plaintiffs have suffered damages in an amount to be proven at trial.

22 220. Plaintiffs are entitled to compensatory damages, statutory damages, civil penalties,
23 injunctive relief, declaratory relief, and attorneys' fees and costs under Civil Code § 52.1 and
24 § 52.

25 **SEVENTH CAUSE OF ACTION**

26 **Negligence**

27 **(Against Defendants Mendocino and Humboldt Counties, Kendall, Honsal and Pryor)**

28 221. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

1 222. Law enforcement officers owe a duty of care to the community, including Plaintiffs,
2 to exercise reasonable care in the performance of their duties, including when applying for search
3 warrants, executing searches, seizing property, detaining individuals, and assessing the scope of
4 their authority and jurisdiction.

5 223. Defendants owed Plaintiffs a duty of care to understand and comply with the limits
6 of their jurisdiction in Indian country, including the prohibition under PL 280 on enforcing county
7 civil regulatory schemes—such as cannabis-related, land-use, nuisance-abatement, and permitting
8 provisions of the Mendocino County Code and Humboldt County Code—against Indians on trust
9 land.

10 224. Defendants owed Plaintiffs a duty of care to communicate information accurately
11 and truthfully in search warrant affidavits, reports, and operational planning, including the duty not
12 to misrepresent the nature of the enforcement action, the jurisdictional status of trust land, or the
13 applicability of county civil regulatory codes.

14 225. Defendants owed Plaintiffs a duty of care not to conduct searches, seizures and
15 detentions, or property destruction without probable cause, without a valid warrant, and without
16 lawful authority or jurisdiction.

17 226. Defendant Pryor owed a duty of care to accurately represent the jurisdictional
18 limitations applicable to Indian trust land when preparing and submitting the affidavit used to obtain
19 the search warrant for Plaintiff James' property.

20 227. Defendant Kendall, as Sheriff of Mendocino County, and Defendant Honsal, as
21 Sheriff of Humboldt County, owed duties of care to Plaintiffs to properly supervise, train, direct,
22 and oversee deputies and personnel under their command, and to refrain from authorizing, directing,
23 or permitting unlawful enforcement operations on trust land.

24 228. Defendants breached their duties of care by, among other acts and omissions:
25 (a) entering and searching Plaintiffs' trust allotments without lawful authority
26 or jurisdiction;
27 (b) enforcing county civil regulatory cannabis and land-use provisions against
28 Indians on trust land;

1 (c) obtaining and executing a search warrant based on a misleading and
2 jurisdictionally defective affidavit;

3 (d) misrepresenting trust land as “heirship land” to justify enforcement actions;

4 (e) destroying Plaintiffs’ cannabis plants, hoop structures, irrigation systems,
5 and other property;

6 (f) damaging Plaintiff Swearinger’s home and Plaintiff Britton’s fence and
7 electric gate;

8 (g) detaining Plaintiff James without probable cause; and

9 (h) failing to properly supervise, train, or discipline deputies involved in the
10 unlawful raids.

11 229. As the Court has already held, Government Code § 821.6 does not immunize
12 Defendants from liability for investigatory conduct unrelated to the initiation or prosecution of an
13 official proceeding. The injuries alleged here arose from investigatory searches, seizures, and
14 property destruction, and § 821.6 immunity does not apply under *Leon v. County of Riverside*, 14
15 Cal.5th 910 (2023).

16 230. Under Government Code § 820, Defendants Kendall, Honsal, and Pryor are liable
17 for injuries proximately caused by their own negligent acts or omissions, including their direct
18 participation in, authorization of, supervision of, or failure to prevent the unlawful raids and
19 resulting harm.

20 231. Under Government Code § 815.2, Mendocino County and Humboldt County are
21 vicariously liable for the negligent acts and omissions of their employees committed within the
22 scope of employment.

23 232. Defendants’ negligence was a substantial factor in causing Plaintiffs’ injuries,
24 including destruction of property, deprivation of liberty, emotional distress, humiliation,
25 embarrassment, anxiety, worry, trauma, and other damages in an amount to be proven at trial.

26 **EIGHTH CAUSE OF ACTION**

27 **Violation of Fourteenth Amendment Equal Protection Rights Against Selective Enforcement**

28 **(42 U.S.C. § 1983)**

1 **(Against Defendants Kendall, in his Individual and Official Capacities,**
2 **Mendocino County and Does 1-50)**

3 233. Plaintiffs incorporate by reference all foregoing paragraphs as if set forth here.

4 234. The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution
5 requires that all people be treated equally under the law without regard for their race or ethnicity.

6 235. Indians living on the Reservation are citizens and residents of California and are
7 entitled to the same police protection and law-enforcement services as all other California residents.
8 *Acosta v. San Diego County*, 126 Cal.App.2d 455 (1954).

9 236. As the Court has held, the Tribe is a “person” for purposes of § 1983 with respect to
10 this claim because Plaintiffs seek to vindicate private, non-sovereign rights—specifically, the right
11 to be free from discriminatory denial of police protection—not sovereign immunity or communal
12 treaty rights.

13 237. Defendant Kendall, acting individually and in his official capacity as Sheriff of
14 Mendocino County, intentionally or with callous and reckless disregard, withdrew and refused to
15 provide law-enforcement services to Indians on the Reservation.

16 238. This withdrawal of services occurred after the Tribe’s legal counsel issued a cease-
17 and-desist order to Sheriff Kendall on July 24, 2024, objecting to the unlawful county code
18 enforcement raids on trust land and demanding cessation of unlawful cannabis raids on Indians on
19 Reservation trust land.

20 239. Defendant Kendall’s refusal to respond to calls for assistance, provide police
21 protection, or perform basic law-enforcement functions on the Reservation singled out Indians for
22 inferior treatment compared to non-Indian communities in Mendocino County.

23 240. Non-Indian communities within Mendocino County continued to receive full
24 law-enforcement services. The selective withdrawal of services from the Reservation constitutes
25 intentional discrimination on the basis of race and ethnicity.

26 241. Mendocino County is liable under *Monell* because Sheriff Kendall, acting as the
27 County’s final policymaker for law-enforcement operations, affirmatively approved, directed, and
28 ratified the discriminatory withdrawal of law-enforcement services.

1 or assertion of authority.

2 250. Defendants Kendall, Honsal, Pryor, and Doe Deputies intentionally, unlawfully, and
3 without probable cause restrained, detained, or confined Plaintiffs James, her husband, Plaintiff
4 Britton and his son during the raids on their trust allotments.

5 251. Plaintiff James was detained on her property by armed deputies who prevented her
6 from leaving, restricted her movement, and exercised authority over her person without a valid
7 warrant or probable cause.

8 252. Deputies similarly ordered Plaintiff Britton and his son to remain on their property
9 and were not free to leave. Deputies' commands, presence, and show of authority constituted a
10 restraint on Plaintiff Britton's liberty.

11 253. Plaintiffs James and Britton did not consent to these detentions, and Defendants
12 lacked lawful authority or probable cause to detain them.

13 254. Under Government Code § 820, Defendants Kendall, Honsal, Pryor, and Doe
14 Deputies are liable for injuries proximately caused by their own wrongful acts or omissions.

15 255. Under Government Code § 815.2, Mendocino County and Humboldt County are
16 vicariously liable for the acts and omissions of their employees committed within the scope of
17 employment.

18 256. As a direct and proximate result of Defendants' false imprisonment, Plaintiffs James
19 and Britton suffered emotional distress, fear, humiliation, anxiety, and other damages in an amount
20 to be proven at trial.

21 **TENTH CAUSE OF ACTION**

22 **Trespass to Land**

23 **(Violation of Cal. Const. art. I, § 13; Common-Law Tort; Gov. Code §§ 815.2, 820)**

24 **(Against All Defendants)**

25 257. Plaintiffs incorporate by reference all foregoing paragraphs as if fully set forth
26 herein.

27 258. Plaintiffs allege trespass to land as a common-law tort. Plaintiffs do not assert a
28 private right of action for damages under Article I, § 13 of the California Constitution. Article I,

1 § 13 is cited solely as the source of the right to be free from unreasonable governmental intrusion
2 onto one’s property, which Defendants violated through the tort of trespass.

3 259. Trespass to land under California law occurs when a person intentionally enters or
4 causes another to enter land in the possession of another without permission or legal justification.

5 260. Plaintiffs James, Swearinger, and Britton each possessed and occupied their
6 respective trust allotments within the Reservation at all relevant times.

7 261. Defendants Kendall, Honsal, Pryor, and Doe Deputies intentionally entered
8 Plaintiffs’ trust allotments without consent, without lawful authority, and without jurisdiction.
9 These entries were made under the guise of enforcing county civil regulatory schemes, including
10 cannabis related, land use, nuisance abatement, and permitting provisions of the Mendocino County
11 Code and Humboldt County Code.

12 262. The cannabis plants destroyed by Defendants were “agricultural products” within
13 the meaning of the American Indian Agricultural Resource Management Act (“AIARMA”), 25
14 U.S.C. § 3703(2)(A), and therefore part of the federally protected trust resources on Plaintiffs’
15 allotments.

16 263. PL 280 expressly prohibits counties from enforcing civil regulatory laws against
17 Indians on trust land. Defendants therefore lacked any legal privilege or authority to enter Plaintiffs’
18 trust allotments for the purpose of enforcing county code provisions.

19 264. Defendants’ entries were further unlawful because they were conducted without
20 valid warrants, without probable cause, and based on affidavits that misrepresented the nature of
21 the enforcement action and omitted the jurisdictional bar on enforcing county civil regulatory
22 schemes in Indian country.

23 265. Defendants’ conduct included entering Plaintiffs’ land on foot and in vehicles,
24 deploying armed deputies, conducting searches, seizing and destroying property, and restricting
25 Plaintiffs’ movement on their own land.

26 266. Under Government Code § 820, Defendants Kendall, Honsal, Pryor, and Doe
27 Deputies are liable for injuries proximately caused by their own wrongful acts or omissions.

28 267. Under Government Code § 815.2, Mendocino County and Humboldt County are

1 vicariously liable for the acts and omissions of their employees committed within the scope of
2 employment.

3 268. As a direct and proximate result of Defendants' trespass, Plaintiffs suffered property
4 damage, loss of use and enjoyment of their land, emotional distress, humiliation, and other damages
5 in an amount to be proven at trial.

6 **ELEVENTH CAUSE OF ACTION**

7 **Conversion**

8 **(Violation of Cal. Const. art. I, § 13; Common-Law Tort; Gov. Code §§ 815.2, 820)**

9 **(Against All Defendants)**

10 269. Plaintiffs incorporate by reference all foregoing paragraphs as if fully set forth
11 herein.

12 270. Plaintiffs allege conversion as a common-law tort. Plaintiffs do not assert a private
13 right of action for damages under Article I, § 13 of the California Constitution. Article I, § 13 is
14 cited solely as the source of the right against unreasonable seizure and destruction of property,
15 which Defendants violated through the tort of conversion.

16 271. Conversion under California law is the wrongful exercise of dominion over the
17 personal property of another, inconsistent with the owner's rights, and without lawful justification.

18 272. Plaintiffs James, Swearinger, and Britton owned and possessed personal property
19 located on their respective trust allotments, including but not limited to: cannabis plants, hoop
20 houses, irrigation systems, water tanks, cultivation equipment, tools, fencing, and other personal
21 property.

22 273. Defendants Kendall, Honsal, Pryor, and Doe Deputies intentionally and wrongfully
23 seized, destroyed, damaged, or otherwise exercised dominion and control over Plaintiffs' personal
24 property without consent, without lawful authority, and without jurisdiction.

25 274. Defendants' conduct included cutting down and destroying cannabis plants;
26 dismantling and destroying hoop structures; damaging irrigation systems, water lines, and
27 cultivation equipment; and damaging or destroying fencing, gates, and other personal property.

28 275. Defendants lacked any lawful justification for their actions. PL 280 prohibits

1 counties from enforcing civil regulatory schemes—including cannabis-related, land-use, nuisance
2 abatement, and permitting provisions of the Mendocino County Code—against Indians on trust
3 land. Defendants therefore had no legal authority to seize or destroy Plaintiffs’ property.

4 276. Defendants further lacked lawful justification because the warrant used to enter
5 Plaintiff James’s property was obtained through a misleading and jurisdictionally defective
6 affidavit that mischaracterized county code enforcement as criminal enforcement and omitted the
7 jurisdictional bar on enforcing county civil regulatory schemes in Indian country.

8 277. Plaintiffs did not consent to the seizure, destruction, or interference with their
9 property.

10 278. Under Government Code § 820, Defendants Kendall, Honsal, Pryor, and Doe
11 Deputies are liable for injuries proximately caused by their own wrongful acts or omissions.

12 279. Under Government Code § 815.2, Mendocino County and Humboldt County are
13 vicariously liable for the acts and omissions of their employees committed within the scope of
14 employment.

15 280. As a direct and proximate result of Defendants’ conversion, Plaintiffs suffered loss
16 of property, loss of use, economic damages, emotional distress, and other harm in an amount to be
17 proven at trial.

18 **TWELFTH CAUSE OF ACTION**

19 **Intentional Infliction of Emotional Distress (IIED)**

20 **(Violation of Cal. Const. art. I, § 13; Common-Law Tort; Gov. Code §§ 815.2, 820)**

21 **(Against All Defendants)**

22 281. Plaintiffs incorporate by reference all foregoing paragraphs as if fully set forth
23 herein.

24 282. Plaintiffs allege intentional infliction of emotional distress as a common-law tort.
25 Plaintiffs do not assert a private right of action for damages under Article I, § 13 of the California
26 Constitution. Article I, § 13 is cited solely as the source of the right against unreasonable
27 governmental intrusion, detention, and seizure, which Defendants violated through extreme and
28 outrageous conduct.

1 283. Defendants Kendall, Honsal, Pryor, and Doe Deputies engaged in extreme and
2 outrageous conduct when they intentionally carried out the acts described herein, including:

- 3 (a) entering Indian trust allotments without lawful authority or jurisdiction;
4 (b) conducting armed raids on Plaintiffs' homes and property;
5 (c) detaining Plaintiffs without probable cause;
6 (d) destroying Plaintiffs' cannabis plants, hoop houses, irrigation systems, and
7 other personal property;
8 (d) damaging Plaintiffs' homes, fences, and gates; and
9 (e) withdrawing law-enforcement services from the Reservation in retaliation
10 for the Tribe's objection to the unlawful raids.

11 284. Defendants' conduct was extreme and outrageous because it involved armed,
12 militarized raids on private homes and trust allotments; the use of helicopters and heavily armed
13 deputies; the destruction of property; and the intentional targeting of Indian residents on trust land
14 despite the known jurisdictional limits imposed by PL 280.

15 285. Defendants acted with intent to cause emotional distress, or at minimum acted with
16 reckless disregard of the probability that their conduct would cause Plaintiffs severe emotional
17 distress.

18 286. As a direct and proximate result of Defendants' extreme and outrageous conduct,
19 Plaintiffs suffered severe emotional distress, including fear, anxiety, humiliation, shock, trauma,
20 worry, and loss of security in their homes and community.

21 287. Under Government Code § 820, Defendants Kendall, Honsal, Pryor, and Doe
22 Deputies are liable for injuries proximately caused by their own wrongful acts or omissions.

23 288. Under Government Code § 815.2, Mendocino County and Humboldt County are
24 vicariously liable for the acts and omissions of their employees committed within the scope of
25 employment.

26 289. As a result of Defendants' conduct, Plaintiffs suffered emotional distress, property
27 loss, and other damages in an amount to be proven at trial.

28

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs seek judgment and relief against the Defendants as follows:

- i. Award compensatory and punitive damages against all individual Defendants for the violations of federal and state law, including 42 U.S.C. § 1983, the Bane Act, and California common-law torts;
- ii. Award compensatory damages against Mendocino County and Humboldt County under California Government Code § 815.2 for the tortious acts of their employees;
- iii. Award trespass damages to Plaintiffs pursuant to 25 U.S.C. § 3713 for the destruction of agricultural products and other trust resources.
- iv. Issue declaratory and injunctive relief against Defendants, including but not limited to:
 - a. Declaring that Defendants lack authority to enforce civil or regulatory provisions of the California Health and Safety Code and Mendocino County Code relating to cannabis cultivation, environmental regulation, building codes, or nuisance abatement against Plaintiffs on the Reservation;
 - b. Defendants from conducting searches, seizures, or abatement actions, or enforcement operations on the Reservation based on alleged violations of such civil/regulatory provisions;
 - c. Requiring Defendant Kendall, in his official capacity, and Mendocino County to provide nondiscriminatory law-enforcement services on the Reservation and to enforce State criminal law and serve and protect Indians on the Reservation on equal terms with other communities;
- v. Award prejudgment interest on any monetary award of damages to the extent permitted by law;
- vi. Award reasonable attorneys' fees, costs and litigation expenses pursuant to 42 U.S.C. § 1988, 25 U.S.C. § 3713 (a)(1)(c), Cal. Gov't Code § 52.1(h), Cal. Code of Civ. Proc. § 1021.5, and any other applicable law; and
- vii. For such other and further relief as the Court may deem just and proper.

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Respectfully submitted,

DEHNERT LAW, PC

DATED: February 23, 2026

By: /s/David B. Dehnert
David B. Dehnert (CA Bar No. 214243)
Dehnert Law, PC
475 Washington Blvd.
Marina Del Rey, CA 90292

LAW OFFICE OF LESTER J. MARSTON

By: /s/Lester J. Marston
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Ukiah, CA 95482

*Attorneys for Plaintiffs April James, Eunice
Swearinger, Steve Britton and Round Valley
Indian Tribes*

EXHIBIT **A**

**INSTRUCTIONS FOR FILING A CLAIM
WITH THE COUNTY OF HUMBOLDT**

1. All Claim for Damages forms must be completed in their entirety, giving a precise description of the date, location and circumstances giving rise to the claim. All information requested on the claim form must be provided, if available. Written estimates (2), or bills, if available, should also be attached to the claim form.
2. While it is not necessary to use the Claim for Damages form, all requested information must be provided in order for your claim to be considered. The claim form with an original signature must be filed with the Humboldt County Clerk of the Board of Supervisors, 825 Fifth Street, Room 111, Eureka, California 95501.
3. A claim relating to a cause of action for death or injury to a person or to personal property or to growing crops shall be presented not later than six (6) months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of the action.
4. The claim must be signed by the claimant or person acting on claimant's behalf (i.e. attorney) and the date of such signing.
5. Claims will be deemed filed on the date of actual receipt at the Humboldt County Clerk of the Board of Supervisors' Office, or the date deposited in the United States mail in a sealed envelope, properly addressed with postage paid.

WARNING: CLAIMS NOT FILED IN ACCORDANCE WITH THESE INSTRUCTIONS MAY BE DEEMED TO BE INSUFFICIENT AND MAY BE REJECTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 910.

Claims properly filed in accordance with these procedures will be acted upon, and notice of the action will be sent to the person designated in the claim to receive notices.

SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE THAT NOTICE OF REJECTION IS DEPOSITED IN THE MAIL OR PERSONALLY DELIVERED, TO FILE A COURT ACTION ON YOUR CLAIM (See California Government Code Section 945.6).

You may wish to seek the advice of an attorney of your choice in connection with any action on your claim. If you desire to consult an attorney, you should do so immediately.



**COUNTY OF HUMBOLDT
CLAIM FOR DAMAGES**

PLEASE COMPLETE BOTH PAGES OF THIS FORM AND BE SURE IT IS DATED AND SIGNED.

This claim must be filed with the Clerk of the Board of Supervisors within six (6) months after the accident or event. Where space is insufficient, please use additional paper and identify information by paragraph number. When the claim is complete, bring or mail to: **Humboldt County Clerk of the Board, Courthouse, 825 5th Street, Room 111, Eureka, California 95501-1153.**

CLAIMANT

Name: April James
Address: Lot #406 off Short Creek Rd.
Covelo, CA 95428
Telephone: 707-272-0632
SSN: xxxx-xxx-4224
DOB: 4/10/1976

The undersigned respectfully submits the following claim and information:

1. Mailing address to which claimant desires notices to be sent, if other than above:
PO Box 1030 Covelo CA 95428

2. Date, time and place of occurrence or transaction which gives rise to this claim:
Date: 7/24/2024
Time: 10:00 am
Place: Lot #406 off Short Creek Rd, Covelo

3. Specify the particular act/omission and circumstances which you believe caused the injury and/or damage:
Sheriff's deputies pounded on door. Claimant opened the door to about 5 deputies with guns drawn and pointed at her. She told them there were children in the house. She allowed them in but a search warrant wasn't presented or announced. They told her growing marijuana was illegal and she committed crimes, then searched her house without probable cause. Tribal Police weren't present. All inside the house were scared by the deputies and their big guns. Deputies tore-up 2 grow houses and plants, which were compliant with tribal law. Now she and her family are worried they will return. destroyed were compliant with the Tribe's Compassionate Use Ordinance. Claimant and family worry they'll return.

4. Name(s) of employee(s) of County of Humboldt that you believe caused the injury/loss:
Humboldt County Sheriff's deputies, Does 1-50.

- 5. Description of property damaged:
Two grow houses and marijuana plants
- 6. Owner of property damaged:
April James
- 7. Description of personal injury (if no personal injury, please state "None"):
Injuries related to assault, intentional infliction of emotional distress, conversion, trespass and unlawful search and seizure by armed deputies.

8. Name(s) of any other person(s) injured:

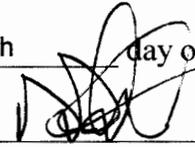
- 9. Names, addresses and telephone numbers of witnesses, doctors, hospitals, etc.:
 - a) April James PO Box 1030 Covelo CA 95428 707-272-0632
 - b) Kennedy Case 707-354-0523
 - c) _____

10. Amount of reimbursement claimed, with computation. Please attach any supporting bills, receipts, or estimates of cost:
\$250,000 to settle and avoid litigation

11. Any additional information which may be helpful in considering this claim:
Humboldt Sheriff partnered with Mendocino Sheriff to raid marijuana grows that included legal grows on tribal trust lands located on the Round Valley Indian Reservation without notice to the Tribe, Tribal Police or the claimants. Deputies' statements during the raids indicated they were aware they were raiding tribal trust lands and claimed a right to do it.

WARNING! IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code Section 72; Insurance Code Section 556).

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Signed this 12th  day of December, 2024.

CLAIMANT'S SIGNATURE

**INSTRUCTIONS FOR FILING A CLAIM
WITH THE COUNTY OF HUMBOLDT**

1. All Claim for Damages forms must be completed in their entirety, giving a precise description of the date, location and circumstances giving rise to the claim. All information requested on the claim form must be provided, if available. Written estimates (2), or bills, if available, should also be attached to the claim form.
2. While it is not necessary to use the Claim for Damages form, all requested information must be provided in order for your claim to be considered. The claim form with an original signature must be filed with the Humboldt County Clerk of the Board of Supervisors, 825 Fifth Street, Room 111, Eureka, California 95501.
3. A claim relating to a cause of action for death or injury to a person or to personal property or to growing crops shall be presented not later than six (6) months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of the action.
4. The claim must be signed by the claimant or person acting on claimant's behalf (i.e. attorney) and the date of such signing.
5. Claims will be deemed filed on the date of actual receipt at the Humboldt County Clerk of the Board of Supervisors' Office, or the date deposited in the United States mail in a sealed envelope, properly addressed with postage paid.

WARNING: CLAIMS NOT FILED IN ACCORDANCE WITH THESE INSTRUCTIONS MAY BE DEEMED TO BE INSUFFICIENT AND MAY BE REJECTED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 910.

Claims properly filed in accordance with these procedures will be acted upon, and notice of the action will be sent to the person designated in the claim to receive notices.

SUBJECT TO CERTAIN EXCEPTIONS, YOU HAVE ONLY SIX (6) MONTHS FROM THE DATE THAT NOTICE OF REJECTION IS DEPOSITED IN THE MAIL OR PERSONALLY DELIVERED, TO FILE A COURT ACTION ON YOUR CLAIM (See California Government Code Section 945.6).

You may wish to seek the advice of an attorney of your choice in connection with any action on your claim. If you desire to consult an attorney, you should do so immediately.



COUNTY OF HUMBOLDT CLAIM FOR DAMAGES

PLEASE COMPLETE BOTH PAGES OF THIS FORM AND BE SURE IT IS DATED AND SIGNED.

This claim must be filed with the Clerk of the Board of Supervisors within six (6) months after the accident or event. Where space is insufficient, please use additional paper and identify information by paragraph number. When the claim is complete, bring or mail to: **Humboldt County Clerk of the Board, Courthouse, 825 5th Street, Room 111, Eureka, California 95501-1153.**

CLAIMANT

Name: Eunice Swearinger
Address: 77501 Logan Lane
Covelo, CA 95428
Telephone: 707-272-0595
SSN: xxxx-xxx-9709
DOB: 5/28/1938

The undersigned respectfully submits the following claim and information:

1. Mailing address to which claimant desires notices to be sent, if other than above:
PO Box 677 Covelo CA 95428

2. Date, time and place of occurrence or transaction which gives rise to this claim:
Date: 7/23/2024-7/24/2024
Time: _____
Place: 77501 Logan Lane Covelo CA 95428

3. Specify the particular act/omission and circumstances which you believe caused the injury and/or damage:
Sheriff's deputies broke into claimant's home while nobody was home and then refused claimant, 86, entry into her home while they searched it without a search warrant and without probable cause, and without notice. Sheriff's deputies returned the next day and destroyed marijuana plants and structures and also damaged a vegetable garden, but a search warrant was not presented or announced. Tribal Police weren't present. Four grandkids were at the house. All were scared by all the deputies and their big guns and concerned about their grandma's safety. The grow houses and plants destroyed were compliant with the Tribe's Compassionate Use Ordinance. Claimant and family worry they'll return.

4. Name(s) of employee(s) of County of Humboldt that you believe caused the injury/loss:
Humboldt County Sheriff's deputies, Does 1-50.

- 5. Description of property damaged:
Two interior doors, trim, door knobs and locks; marijuana and vegetable plants
- 6. Owner of property damaged:
Eunice Swearinger
- 7. Description of personal injury (if no personal injury, please state "None"):
Injuries related to assault, intentional infliction of emotional distress, conversion, trespass and unlawful search and seizure by armed deputies.
- 8. Name(s) of any other person(s) injured:

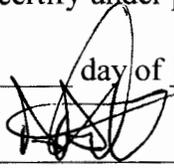
- 9. Names, addresses and telephone numbers of witnesses, doctors, hospitals, etc.:
 - a) Eunice Swearinger PO Box 677 Covelo CA 95428 707-272-0595
 - b) Mary Bettega 707-354-3118
 - c) _____
- 10. Amount of reimbursement claimed, with computation. Please attach any supporting bills, receipts, or estimates of cost:
\$250,000 to settle and avoid litigation
- 11. Any additional information which may be helpful in considering this claim:
Humboldt Sheriff partnered with Mendocino Sheriff to raid marijuana grows that included legal grows on tribal trust lands located on the Round Valley Indian Reservation without notice to the Tribe, Tribal Police or the claimants. Deputies'

statements during the raids indicated they were aware they were raiding tribal trust lands and claimed a right to do it.

WARNING! IT IS A CRIMINAL OFFENSE TO FILE A FALSE CLAIM (Penal Code Section 72; Insurance Code Section 556).

I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Signed this 12th day of December, 2024.



CLAIMANT'S SIGNATURE

**INSTRUCTIONS FOR FILING A CLAIM
WITH THE COUNTY OF HUMBOLDT**

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You may wish to seek the advice of an attorney of your choice in connection with any action on your claim. If you desire to consult an attorney, you should do so immediately.

- 5. Description of property damaged:
Wood fence; electric auto driveway gate; 7 grow houses and plants inside.

- 6. Owner of property damaged:
Steve Britton and Valerie Britton

- 7. Description of personal injury (if no personal injury, please state "None"):
Injuries related to assault, intentional infliction of emotional distress, conversion, trespass and unlawful search and seizure by armed deputies.

- 8. Name(s) of any other person(s) injured:

- 9. Names, addresses and telephone numbers of witnesses, doctors, hospitals, etc.:
 - a) Valerie Britton 11 Mina Rd., Covelo CA 95428 707-354-1731
 - b) _____
 - c) _____

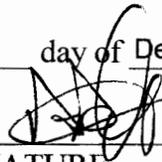
10. Amount of reimbursement claimed, with computation. Please attach any supporting bills, receipts, or estimates of cost:
\$250,000 to settle and avoid litigation

11. Any additional information which may be helpful in considering this claim:
Humboldt Sheriff partnered with Mendocino Sheriff to raid marijuana grows that included legal grows on tribal trust lands located on the Round Valley Indian Reservation without notice to the Tribe, Tribal Police or the claimants. Deputies' statements during the raids indicated they were aware they were raiding tribal trust lands and claimed a right to do it.

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I have read the matters and statements made in the above claim and I know the same to be true of my own knowledge, except as to those matters stated upon information or belief and as to such matters I believe the same to be true. I certify under penalty of perjury that the foregoing is true and correct.

Signed this 12th day of December, 2024.



CLAIMANT'S SIGNATURE



CLAIM AGAINST THE COUNTY OF MENDOCINO

(Government Code Section 910 et seq.)

Submit claim in person or mail to:
 Executive Office - Risk Management
 501 Low Gap Road Rm. 1010
 Ukiah, CA 95482

New Claim
 Amended Claim

* = REQUIRED

Rev. 11/19/18

1.* Claimant's Name and Home Address April James Lot #406 off Short Creek Rd, Covelo CA 95428 <hr/> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">City</td> <td style="width:33%;">State</td> <td style="width:33%;">Zip</td> </tr> <tr> <td>Home</td> <td>Cell</td> <td>Work</td> </tr> <tr> <td>Phone 707</td> <td>272</td> <td>0632</td> </tr> </table>	City	State	Zip	Home	Cell	Work	Phone 707	272	0632	2.* Send Official Notices and Correspondence to David Dehnert 475 Washington Blvd. Marina Del Rey CA 90292 <hr/> <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">City</td> <td style="width:33%;">State</td> <td style="width:33%;">Zip</td> </tr> <tr> <td>Home</td> <td>Cell</td> <td>Work</td> </tr> <tr> <td>Phone 310</td> <td>433</td> <td>8044</td> </tr> </table>	City	State	Zip	Home	Cell	Work	Phone 310	433	8044
City	State	Zip																	
Home	Cell	Work																	
Phone 707	272	0632																	
City	State	Zip																	
Home	Cell	Work																	
Phone 310	433	8044																	

3. Claimant Vehicle License Plate #, VIN, Make, Model, Mileage, and Year

4.* Date of Incident	5. Time of Incident	6.* Address and/or Description of Incident Location
7/24/24	10:00 am	Lot #406 off Short Creek Rd, Covelo

7.* Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property, and County departments involved. State why you believe the County is responsible for the alleged injury, property damage, or loss.

Sheriff's deputies pounded on door. Ms. James opened the door to about 5 deputies with guns drawn and pointed at her. She told them there were children in the house. She allowed them in but a search warrant was not presented or announced. They told her growing marijuana was illegal and she committed crimes, then searched her house without probable cause. Tribal Police weren't present. All inside the house were scared by all the deputies and their big guns. Deputies tore-up 2 grow houses and plants. The grow houses and plants destroyed were compliant with the Tribe's Compassionate Use Ordinance. Now, Ms. James and family are very worried they are going to return again without announcement. The property searched/destroyed is tribal trust land.

Names of Involved County Employees and/or Departments, if known:
 Mendocino Sheriff Matthew Kendall; multiple Sheriff's deputies, Does 1-50

8.* Description of Claimant's injury, property damage, or loss: Destroyed 2 grow houses and about 528 marijuana plants. Assault, intentional infliction of emotional distress, conversion, trespass, and unlawful search and seizure.	9.* Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. <table style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">ITEMS</td> <td></td> </tr> <tr> <td>See para. 8.</td> <td style="text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td></td> <td style="text-align: right;">\$</td> </tr> <tr> <td>TOTAL AMOUNT</td> <td style="text-align: right;">\$ 250,000 to settle and avoid litigation</td> </tr> <tr> <td>Court Jurisdiction: <input type="checkbox"/> Limited (up to \$25,000)</td> <td></td> </tr> <tr> <td><input checked="" type="checkbox"/> Unlimited (over \$25,000)</td> <td></td> </tr> </table>	ITEMS		See para. 8.	\$		\$		\$		\$	TOTAL AMOUNT	\$ 250,000 to settle and avoid litigation	Court Jurisdiction: <input type="checkbox"/> Limited (up to \$25,000)		<input checked="" type="checkbox"/> Unlimited (over \$25,000)	
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Court Jurisdiction: <input type="checkbox"/> Limited (up to \$25,000)																	
<input checked="" type="checkbox"/> Unlimited (over \$25,000)																	

10. Witness Names (if any)	Address	Phone
April James	PO Box 1030 Covelo	707/272-0632

11. Law Enforcement Information

Was local law enforcement contacted? Yes No

If yes, Report # N/A (Attach copy of report if available)

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

12.* Signature of Claimant or Representative David Dehnert Print Name	12/11/2024 Date Attorney Relationship to Claimant
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Home



Mendocino Sheriff

August 2 at 3:44 PM · 🌐

Last week we completed several investigations into illegal marijuana cultivations in the Round Valley. I wanted to take a few minutes to explain what we are dealing with.

Several years ago, I along with several Northern California Sheriff's met regarding the violence, human trafficking, drug trafficking organizations and environmental degradation we were seeing in illegal marijuana grow sites throughout Northern California. We began a partnership realizing we were all facing the same issues at a time when we are all facing personnel shortages. This partnership has allowed us to concentrate on the most egregious violators.

We were very fortunate to have Senator McGuire who assisted in this coordinated effort and was able to work with us to secure funding which helps combat these sites. This funding through the state lightened the financial load for our counties and allowed all agencies to work together investigating the worst offenses causing violence, human trafficking, and environmental degradation.

Last week we had a terrible crime occur in the Round Valley area in which a robbery of marijuana was attempted. This resulted in assaults with deadly weapons, a vehicle pursuit and crash, gun fire and violent assaults. These are the type of crimes which we continue to see with the illegal marijuana trade and this is why we have formed these partnerships.

We were able to arrest the suspects in this case, however they were badly beaten by residents in the area. One of the suspects was released to a hospital due to major injuries, while the other suspect, who was on federal parole, is currently in custody with the federal prison system and awaiting charges in Mendocino County.

These are the crimes which continue to endanger neighborhoods. These are the reasons we are continuing to investigate illegal cultivations.

Thanks to the previously mentioned partnerships, the Mendocino County Sheriff's Office collaborated with the Humboldt County Sheriff's Office regarding illegal cannabis being cultivated in Round Valley. We utilized air assets for overflights identifying numerous cannabis cultivation sites throughout the valley.

In collaboration with partnering agencies, further investigations into the properties identified during overflights continued. A total of 18 locations were ultimately chosen to be targeted for search warrants based on several factors. The locations had an overwhelming amount of illegal cannabis being grown, were not county or state licensed and/or appeared to also have environmental impact crimes taking place. These lands were identified as being private properties, as well as state and tribal lands.

Based on the number of sites as well as the overwhelming amount of marijuana being cultivate at these locations, we requested even more assistance from allied agencies. The following agencies assisted in the enforcement effort: Humboldt County Sheriff's Office, Mendocino Cour Sheriff's Office, Trinity County Sheriff's Office, Siskiyou County Sheriff's Office, along with the California Department of Fish & Wildlife (including environmental scientist staff) California



During the search warrant services, numerous subjects were detained. In addition, many others were observed fleeing the locations from these large scale grow sites.

Now please think about these numbers. In 2 days, we were able to eradicate a total of 62,117 marijuana plants. A total of 31,284 pounds of processed marijuana was also located. There were 3 illegal AR 15 style rifles (Ghost Guns) and an illegal short barreled rifle located within the grow sites. Illegal pesticides (Carbofuran and Methamidophos) were also located on several properties and appeared to be used in the illegal cultivation of marijuana. We, along with the Humboldt County Sheriff's Office, are preparing criminal cases that will be sent to the District Attorney's Office for charging considerations.

Let me be clear about this, we will continue to investigate these crimes and will continue to charge the violators. For every person who complains regarding the enforcement, we receive calls of gratitude from many others including our elders and people raising children who have been afraid to simply walk through their neighborhoods. Therefore, we will continue to investigate these crimes and work towards safety in our rural areas.

To all the folks who have reached out to my office with gratitude for this work, you are welcome and thank you for your support in this endeavor. We will keep after this until such time our communities are again safe.

Sheriff Matt Kendall





CLAIM AGAINST THE COUNTY OF MENDOCINO

(Government Code Section 910 et seq.)

Submit claim in person or mail to:
 Executive Office - Risk Management
 501 Low Gap Road Rm. 1010
 Ukiah, CA 95482

New Claim
 Amended Claim

* = REQUIRED

Rev. 11/19/18

1.* Claimant's Name and Home Address			2.* Send Official Notices and Correspondence to		
Eunice Swearinger 77501 Logan Lane			David Dehnert 475 Washington Blvd.		
Covelo	CA	95428	Marina Del Rey	CA	90292
City	State	Zip	City	State	Zip
Home	Cell	Work	Home	Cell	Work
Phone 707	272	0595	Phone 310	433	8044

3. Claimant Vehicle License Plate #, VIN, Make, Model, Mileage, and Year

4.* Date of Incident	5. Time of Incident	6.* Address and/or Description of Incident Location
7/24/24		77501 Logan Lane, Covelo

7.* Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property, and County departments involved. State why you believe the County is responsible for the alleged injury, property damage, or loss.

Sheriff's deputies broke into claimant's home while nobody was home and then refused claimant, 86, entry into her home while they searched it without a search warrant and without probable cause, and without notice. Sheriff's deputies returned the next day and destroyed marijuana plants and structures and also damaged a vegetable garden, but a search warrant was not presented or announced. Tribal Police weren't present. Four grandkids were at the house. All were scared by all the deputies and their big guns and concerned about their grandma's safety. The grow houses and plants destroyed were compliant with the Tribe's Compassionate Use Ordinance. Claimant and her family are worried deputies are going to return again without notice or search warrant. Claimant's property is tribal trust land.

Names of Involved County Employees and/or Departments, if known:
 Mendocino Sheriff Matthew Kendall; multiple Sheriff's deputies, Does 1-50

8.* Description of Claimant's injury, property damage, or loss:	9.* Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation.
Two interior doors, trim, door knobs and locks damaged from breaking into interior rooms of the house. About marijuana plants and numerous vegetable plants destroyed. Assault, intentional infliction of emotional distress, conversion, trespass and unlawful search and seizure.	ITEMS
	See para. 8. \$
	\$
	\$
	\$
	TOTAL AMOUNT \$250,000 to settle and avoid litigation
	Court Jurisdiction: <input type="checkbox"/> Limited (up to \$25,000)
	<input checked="" type="checkbox"/> Unlimited (over \$25,000)

10. Witness Names (if any)	Address	Phone
Mary Bettega	Upon request only	707/354-3118

11. Law Enforcement Information

Was local law enforcement contacted? Yes No

If yes, Report # N/A (Attach copy of report if available)

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12.*	<u>12/11/2024</u>
Signature of Claimant or Representative	Date
David Dehnert	Attorney
Print Name	Relationship to Claimant



20

Home

**Mendocino Sheriff**

August 2 at 3:44 PM · 🌐

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Sheriff Matt Kendall





CLAIM AGAINST THE COUNTY OF MENDOCINO

(Government Code Section 910 et seq.)

Submit claim in person or mail to:
 Executive Office - Risk Management
 501 Low Gap Road Rm. 1010
 Ukiah, CA 95482

New Claim
 Amended Claim

* = REQUIRED

Rev. 11/19/18

1.* Claimant's Name and Home Address Steve Britton 77110 Logan Lane Covelo CA 95428 City State Zip Home Cell Work Phone 707 354 1731	2.* Send Official Notices and Correspondence to David Dehnert 475 Washington Blvd. Marina Del Rey CA 90292 City State Zip Home Cell Work Phone 310 433 8044
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3. Claimant Vehicle License Plate #, VIN, Make, Model, Mileage, and Year

4.* Date of Incident 7/23/24	5. Time of Incident	6.* Address and/or Description of Incident Location 77110 Logan Lane Covelo
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7.* Basis of Claim. State in detail all facts and circumstances of the incident. Identify all persons, entities, property, and County departments involved. State why you believe the County is responsible for the alleged injury, property damage, or loss.

Sheriff's deputies searched trailer and two storage units without a search warrant and without probable cause, and without notice. Deputies said they could search any building. They ordered claimant and claimant's son to leave the property. Sheriff's deputies tore-up the grow houses and plants with a tractor, but Tribal Police weren't present, and a search warrant was not presented or announced. Claimant and claimant's family were scared by all the deputies and their guns. The grow houses and plants destroyed were compliant with the Tribe's Compassionate Use Ordinance. Claimant and his family are worried deputies are going to return again without notice or a search warrant. Claimant's property is tribal trust land.

Names of Involved County Employees and/or Departments, if known:
 Mendocino Sheriff Matthew Kendall; multiple Sheriff's deputies, Does 1-50

8.* Description of Claimant's injury, property damage, or loss: Plowed through wood fence in 2 places; cut wires to electric automatic driveway gate. Destroyed 7 grow houses and plants inside. Assault, intentional infliction of emotional distress, conversion, trespass and unlawful search and seizure.	9.* Amount of Claimant's property damage or loss and method of computation. Attach supporting documentation. ITEMS See para. 8. \$ \$ \$ \$ TOTAL AMOUNT \$ 250,000 to settle and avoid litigation Court Jurisdiction: <input type="checkbox"/> Limited (up to \$25,000) <input checked="" type="checkbox"/> Unlimited (over \$25,000)
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10. Witness Names (if any) Valerie Britton	Address 11 Mina Rd Covelo	Phone 707/354-1731
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11. Law Enforcement Information
 Was local law enforcement contacted? Yes No
 If yes, Report # N/A (Attach copy of report if available)

Section 72 of the Penal Code states: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, city, or district board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is punishable either by imprisonment in the county jail for a period of not more than one year, by a fine not exceeding ten thousand dollars (\$10,000), or by both such imprisonment and fine."

12.* Signature of Claimant or Representative David Dehnert Print Name	12/11/2024 Date Attorney Relationship to Claimant
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Home

**Mendocino Sheriff**

August 2 at 3:44 PM · 🌐

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Last week we completed several investigations into illegal marijuana cultivations in the Round Valley. I wanted to take a few minutes to explain what we are dealing with.

Several years ago, I along with several Northern California Sheriff's met regarding the violence, human trafficking, drug trafficking organizations and environmental degradation we were seeing in illegal marijuana grow sites throughout Northern California. We began a partnership realizing we were all facing the same issues at a time when we are all facing personnel shortages. This partnership has allowed us to concentrate on the most egregious violators.

We were very fortunate to have Senator McGuire who assisted in this coordinated effort and was able to work with us to secure funding which helps combat these sites. This funding through the state lightened the financial load for our counties and allowed all agencies to work together investigating the worst offenses causing violence, human trafficking, and environmental degradation.

Last week we had a terrible crime occur in the Round Valley area in which a robbery of marijuana was attempted. This resulted in assaults with deadly weapons, a vehicle pursuit and crash, gun fire and violent assaults. These are the type of crimes which we continue to see with the illegal marijuana trade and this is why we have formed these partnerships.

We were able to arrest the suspects in this case, however they were badly beaten by residents in the area. One of the suspects was released to a hospital due to major injuries, while the other suspect, who was on federal parole, is currently in custody with the federal prison system and awaiting charges in Mendocino County.

These are the crimes which continue to endanger neighborhoods. These are the reasons we are continuing to investigate illegal cultivations.

Thanks to the previously mentioned partnerships, the Mendocino County Sheriff's Office collaborated with the Humboldt County Sheriff's Office regarding illegal cannabis being cultivated in Round Valley. We utilized air assets for overflights identifying numerous cannabis cultivation sites throughout the valley.

In collaboration with partnering agencies, further investigations into the properties identified during overflights continued. A total of 18 locations were ultimately chosen to be targeted for search warrants based on several factors. The locations had an overwhelming amount of illegal cannabis being grown, were not county or state licensed and/or appeared to also have environmental impact crimes taking place. These lands were identified as being private properties, as well as state and tribal lands.

Based on the number of sites as well as the overwhelming amount of marijuana being cultivate at these locations, we requested even more assistance from allied agencies. The following agencies assisted in the enforcement effort: Humboldt County Sheriff's Office, Mendocino Cour Sheriff's Office, Trinity County Sheriff's Office, Siskiyou County Sheriff's Office, along with the California Department of Fish & Wildlife (including environmental scientist staff) California



During the search warrant services, numerous subjects were detained. In addition, many others were observed fleeing the locations from these large scale grow sites.

Now please think about these numbers. In 2 days, we were able to eradicate a total of 62,117 marijuana plants. A total of 31,284 pounds of processed marijuana was also located. There were 3 illegal AR 15 style rifles (Ghost Guns) and an illegal short barreled rifle located within the grow sites. Illegal pesticides (Carbofuran and Methamidophos) were also located on several properties and appeared to be used in the illegal cultivation of marijuana. We, along with the Humboldt County Sheriff's Office, are preparing criminal cases that will be sent to the District Attorney's Office for charging considerations.

Let me be clear about this, we will continue to investigate these crimes and will continue to charge the violators. For every person who complains regarding the enforcement, we receive calls of gratitude from many others including our elders and people raising children who have been afraid to simply walk through their neighborhoods. Therefore, we will continue to investigate these crimes and work towards safety in our rural areas.

To all the folks who have reached out to my office with gratitude for this work, you are welcome and thank you for your support in this endeavor. We will keep after this until such time our communities are again safe.

Sheriff Matt Kendall



EXHIBIT **B**

ROUND VALLEY INDIAN TRIBES

A Sovereign Nation of Confederated Tribes

TRIBAL COUNCIL OFFICE
77826 COVELO ROAD
COVELO, CALIFORNIA 95428
PHONE: 707-983-6126
FAX: 707-983-6128



LOCATION: ON STATE HWY 162
ONE MILE NORTH OF COVELO
IN ROUND VALLEY
TRIBAL TERRITORY SINCE TIME BEGAN

ROUND VALLEY RESERVATION ESTABLISHED 1856

**COMPASSIONATE USE ORDINANCE
OF THE
ROUND VALLEY INDIAN TRIBES
2006**

Approved: August 8, 2006
Previously Amended: June 12, 2007; June 19, 2012
Amendments Approved: August 1, 2013

ROUND VALLEY INDIAN TRIBES

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COPY

COMPASSIONATE USE ORDINANCE
of the
Round Valley Indian Tribes

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AMENDED 2020

COMPASSIONATE USE ORDINANCE
of the
Round Valley Indian Tribes

Section 1 – PURPOSE

- 1.1 The Purpose and intent of this Ordinance is to civilly regulate those persons and lands within the Round Valley Indian Country, as it relates to the health, safety, and welfare of the Round Valley Indian Tribes.
- 1.2 The Ordinance seeks to do so in a manner that is consistent with California State law, and to balance the needs of medical patients and their caregivers for access to medical marijuana with the need to limit the harmful societal and environmental impacts that are sometimes associated with marijuana cultivation.
- 1.3 The Council finds that the Round Valley Indian Tribes' compassionate use ordinance, as amended on June 12, 2007 and then again on June 19, 2012, thereafter remained ambiguous, and seeks herein to clarify and apply that law to a new factual and legal settings. This amendment to the Compassionate Use Ordinance shall not be deemed to constitute a substantive change in the law, but rather to clarify the previous Compassionate Use Ordinance as amended, and should therefore be applied retroactively to June 19, 2012.
- 1.4 Nothing in this Ordinance shall operate or be construed to allow the use or diversion of marijuana for nonmedical purposes or to allow any activity relating to the cultivation, distribution, or consumption of marijuana that is otherwise illegal under State law. Nor shall anything in this Ordinance operate or be construed to allow the State to impose its civil regulatory or land use laws in Round Valley Indian Country.

Section 2 – DEFINITIONS

- 2.1 "Council" or "Tribal Council" shall mean the Round Valley Indian Tribal Council, the governing body of the Round Valley Indian Tribes.
- 2.2 "Cultivation" shall mean to grow marijuana and shall include possession of any live marijuana plant within the exterior boundaries of the Reservation.
- 2.3 "Exempted Person" shall mean an individual, tribal member or not, in possession of a State Pre-Identification Card.
- 2.4 "Indian Country" shall mean all such lands defined by 18 U.S.C. 1151, including without limitations the Round Valley Indian Reservation and the entirety of lands, territories, waters, and airspace therein.
- 2.5 "Member" or "Tribal Member" shall mean an enrolled member of the Round Valley Indian Tribes. "Non-Member" shall mean a person who is not an enrolled member of the Round Valley Indian Tribes.
- 2.6 "Ordinance" shall mean Compassionate Use Ordinance.
- 2.7 "Person" shall mean all people, tribal members or non-members, within Round Valley Indian Country or under the jurisdiction of the Round Valley Indian Tribes.

2.8 “**Primary Caregiver**” shall mean the individual designated by the person exempted under this Ordinance who has consistently assumed responsibility for the health and safety of that person.

2.8.1 “**Caretaker**” shall mean two persons allowed, with proper toilet facilities, to maintain the grow site with the permission of the property owner.

2.9 “**Qualified Patient**” means a qualified patient as defined at CAL. Health & Safety Code 11362.7(f).

2.10 “**Reservation**” or “**Reservation Lands**” shall mean the Round Valley Indian Reservation and the entirety of lands therein, as defined by U.S.C. 1151.

2.11 “**State Pre-Identification Card**” or “**Identification Card**” shall have the same definition as CAL. Health & Safety Code 11362.7-83.

2.12 “**Tribe**” shall mean the Round Valley Indian Tribes, inclusive of its developments as of the date of this amended Ordinance.

2.13 “**State**” shall mean the State of California, inclusive of Mendocino and Trinity Counties.

2.14 “**Tribal Court**” means the judiciary of the Round Valley Indian Tribes, which is in final development as of the date of this amended Ordinance

2.15 “**Tribal Police**” or “**Tribal Police Department**” means the Tribal Police Department of the Round Valley Indian Tribes or the authorized representatives thereof.

2.16 “**Tribal Notification**” shall mean Tribal Police Notification.

2.17 “**Legal Home Site**” shall mean persons who holds a legal lease or assignment for a home. this shall not apply to persons who are interest holders, squatting with no legal lease, assignment and other related legal documentation.

2.18 “**Indoor Grow / Greenhouse**” shall mean a twenty five hundred (2500) square foot or 30’X80’ structure used to cultivate small marijuana plants.

Section 3 – FINDINGS – The Council Finds that:

3.1 Whereas, an Ordinance was adopted by the Council and certified by the U.S. Department of Interior in 1970 that made lawful within the boundaries of the Reservation under the jurisdiction of the tribe and the “Introduction, Sale, or Possession of Intoxicants”, provided, that such introduction, sale, or possession is in conformity with the laws of the State.

3.2 Whereas, the “Introduction, Sale, or Possession of Intoxicants” continues to be a federal offense under 18 U.S.C. 1161.

3.3 Whereas, the State has enacted the Compassionate Use Act of 1996, CAL. Health & Safety Code 11362.5

3.4 Whereas, Mendocino County has enacted its Medical Marijuana Cultivation Regulation, Mendocino Cty .Code 9.31.010, et seq.

3.5 Whereas, the general membership of the Round Valley Indian Tribes retain rights under the Indian Civil Rights Act of 1968, 25 U.S.C. 1301, et seq.

3.6 Whereas, the general membership of the Round Valley Indian Tribes, through the results of votes cast, chose not to enact an Ordinance to “ban” all marijuana cultivation.

3.7 Whereas, Indian persons within the Round Valley Indian Country are protected by the American Religious Freedom Act of 1978, 42 U.S.C. 1996, including the right to maintain traditional gathering sites and to engage in gathering activities.

3.8 Whereas, there resides within the Round Valley Indian Country non-tribal members and who cultivate and possess marijuana under the guidelines of the State of California and County of Mendocino.

3.9 Whereas, the Council seeks to ensure that seriously ill people have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person’s health would benefit from the use of marijuana.

3.10 Whereas, the Council seeks to ensure these people and their caregivers that obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

3.11 Whereas, the Council seeks to facilitate the prompt identification of qualified patients and primary caregivers; avoid unnecessary arrest and prosecution of these individuals; provide needed guidance to law enforcement officers; promote uniform and consistent application of State Law; and to enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects.

3.12 Whereas, whether grown for medical purposes or diverted to the black market, marijuana may be sold for thousands of dollars per pound, and thus must be regulated.

3.13 Whereas, there have been several marijuana related incidents of burglary, robbery , and armed robbery, some including acts of violence resulting in injury or death.

3.14 Whereas, marijuana that is grown indoors may require excessive use of electricity that may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution; and further, such activities pose a risk to the natural environment of Round Valley Indian Country.

3.15 Whereas, the right of qualified patients and their primary caregivers under State Law to cultivate marijuana plants for medical purposes does not confer upon them the right to cause harm to the health, safety, or welfare of those persons within Round Valley Indian Country.

3.16 Whereas, by permitting no more than twenty five (25) marijuana plants for any one (1) person in possession of a lawfully issued State Pre-Identification Card, the Council anticipates a significant reduction in the complaints of crime and pollution described herein.

3.17 Whereas, the Council finds that the ~~outdoor~~ cultivation of more than twenty five (25) marijuana plants per one (1) person in possession of a lawfully issued State Pre-Identification Card within Round Valley Indian Country for medical purposes will likely result in an unreasonable risk of harm to the health, safety, and welfare of these persons, increased crime, and fire and/or pollution, notwithstanding the limitations on cultivation that are imposed within this Ordinance.

3.18 Whereas, Mendocino County's Medical Marijuana Cultivation Regulation, Mendocino Cty. Code 9.31.010, et seq., is civil regulatory and land use ordinance, because Pub. L. 280 does not grant the State or Mendocino County any general civil regulatory or land use power over Round Valley Indian Country, the Council finds it necessary for the Tribe to enact its own Compassionate Use Ordinance that will civilly regulate medical marijuana cultivation.

3.19 Whereas, in particular, Mendocino County's land use restrictions for indoor or outdoor cultivation of more than twenty-five (25) marijuana plants per legal parcel of land, Mendocino Cty. Code 9.31.050, is impractical in Round Valley Indian Country given the assignment land parcels; the range in Indian Land parcel acreage, ranging from partial acre to in excess of seventy acres; and the fact that multiple Tribal families might occupy a particular Indian Land parcel.

3.20 Whereas, a May 7, 2010 letter from the Bureau of Indian Affairs (BIA) Pacific Regional Office to the Tribal Council President, confirming that "California medical marijuana laws do not apply on Federal lands within the State", such as Round Valley Indian Country, but declaring that "criminal laws of the State (and those related to drug distribution) are applicable" therein, has only served to confuse the state of medical marijuana law in Round Valley Indian Country.

3.21 Whereas, the Council concurs with the United States Congress' findings to the Tribal Law and Order Act of 2010.

The complicated jurisdictional scheme that exists in Indian Country . . . has a significant negative impact on the ability to provide public safety to Indian communities, . . . has been increasingly exploited by criminals; and . . . requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials . . .

Pub. L. No. 111-211, & 202,124 Stat. 2262 (2010).

3.22 Whereas, the Council concurs with the U.S. Department of Justice and the Bureau of Indian Affairs' conclusion that "broad-based partnerships involving key federal, tribal, state and local partners can build stronger, more sustainable programs" and that such "collaborations can address challenges related to jurisdiction over tribal members". Department of Justice and the Department of the Interior, Tribal Law and Order Act: Long Term Plan to Build and Enhance Tribal Justice Systems 32 (2011).

3.23 Whereas, the Council finds that Constitution, Communication, Coordination and Collaboration between the Tribe, Tribal Council, and Tribal Police Department and the State, Mendocino County and County Sheriff's Office, as well as the BIA and any federal law enforcement agencies, are

required to ensure the health, safety and welfare of all persons within the Round Valley Indian Country and respect for the inherent sovereignty of the Round Valley Indian Tribes, particularly in concern for the cultivation, possession, and use of marijuana for medical purposes.

3.24 Whereas, the Council agrees with the State Governor Edmund G. Brown Jr.'s directive that "every state agency and department . . . shall encourage communication and consultation with California Indian Tribes . . . to discuss state policies that may affect tribal communities." Cal. Executive Order B-10-11 (Sept. 19, 2011).

3.25 Whereas, in the guiding case of *State V. Cummings*, 679 N.W.2d.484, 487 (S.D. 2004), it was held that "the state cannot extend its jurisdiction into the boundaries of the Tribe's Reservation without consent of the Tribe or a tribal-state compact."

3.26 THEREFORE, to ensure the health, safety, and welfare of all persons within Round Valley Indian Country and the protection of the natural environment therein, the Round Valley Tribal Council is obligated to clearly define the Tribe's civil regulations as they relate to cultivation, possession, and use of marijuana for medical purposes, through this Compassionate Use Ordinance.

Section 4 – REGULATIONS

4.1 The Round Valley Tribal Council declares that the purpose of the Compassionate Use Ordinance of 2006 are as follows:

4.1.1 To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the cancer, or any other illness for which marijuana provides relief.

4.1.2 To ensure patients and their caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

4.1.3 To ensure the health and safety of all people living within the exterior boundaries of the Reservation.

4.2 Nothing in this Section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, not to condone the diversion of marijuana for nonmedical purposes. No person shall illegally introduce, cultivate or process marijuana within the interior boundaries of the Reservation.

4.3 It shall be legal for a patient in possession of a State Pre-Identification Card or to a patient's primary caregiver in possession of a State Pre-Identification Card to possess or cultivate marijuana for personal medical purposes of the patient in possession of a State Pre-Identification Card under Tribal guidelines.

4.4 Notwithstanding any other provision of law, no physician on the Reservation shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

4.5 The introduction, cultivation, and possession of marijuana shall be lawful within the boundaries of the Round Valley Reservation under the jurisdiction of the Round Valley Tribal Council;

provided that such introduction, cultivation, or possession is in conformity with the laws of the State of California.

4.6 Pursuant to the State's Compassionate Use Act of 1996, Cal. Health & Safety Code 11362.5(d), neither Cal. Health & Safety Code 11357, relating to the possession of marijuana, nor Cal. Health & Safety Code 11358, relating to the cultivation of marijuana, shall apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician and in compliance with this Ordinance.

4.6.1 Although no person may be found in violation of this Ordinance for failing to do so, it is recommended that physician recommendations and/or other supporting documentation be conspicuously posted at growing and cultivation sites, and that such documentation or a copy of the documentation be carried with the patient and caregiver at all times. Failure to post and carry such documentation may result in unnecessary legal fees and costs and/or criminal prosecution.

4.6.2 The Council recognizes that under Cal. Health & Safety Code 11362.5, an individual may qualify as a patient by an oral recommendation. However, a prompt and noninvasive determination of whether cultivation and/or possession is legal or illegal is best accomplished with a written recommendation. Therefore, the Council recommends that patients and caregivers obtain written recommendations. Failure to carry such documentation may result in unnecessary legal fees and costs and/or criminal prosecution.

4.6.3 People have the right to choose their physicians and communications with physicians are privileged. Cal. Health & Safety Code 11362.5 provides that physicians can recommend marijuana use for "any illness for which marijuana provides relief." The Council will honor any valid physician's recommendation. For the purpose of this statute, any inquiry into physician-patient communications is prohibited.

4.7 It is declared to be unlawful for any person owning, leasing, occupying, or having charge or possession of any parcel of land within Round Valley Indian Country to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants for medical purposes in excess of limitations imposed within this section.

4.7.1 The cultivation of more than twenty five (25) **outdoor** marijuana plants per one (1) person in possession of a lawfully issued State Pre-Identification Card within Round Valley Indian Country, regardless of whether the person(s) growing the marijuana is/are a "qualified patient," "primary caregiver," or "collective," is hereby prohibited. Any qualified patient, person with an identification Card, or primary caregiver may not cultivate **outdoor** marijuana in excess of the amount reasonably related to the current medical needs of the patients or persons with identification cards for whom the marijuana is being cultivated, either individually or collectively, but in no case more than twenty five (25) total **outdoor** plants per one (1) person in possession of lawfully issued State Pre-Identification Card.

4.7.2 The use of light assistance for the **outdoor** cultivation of marijuana shall be less than or equal to **twenty five hundred (2,500) square feet or 30'X80'** within a structure with a maximum of three **(3) structures** on a **legal home site** lease or assignment. Due to the small size of **indoor** plants, there

shall be **no limit on number of plants to be grown within each structure**. Property owners may allow a maximum of two garden caretakers, with proper access to toilet facilities, to maintain the grow site if the owner(s) is/are utilizing more than one green house. Property owners shall be responsible for the actions of their caretakers.

4.7.3 All lights used for cultivation of marijuana shall be **shielded** and downcast or otherwise positioned in a manner that will not shine light or allow light glare to exceed the boundaries of the parcel upon which they are placed.

4.7.4 The **indoor** or **outdoor** cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water.

4.7.5 All marijuana grown outdoors must be within a **secured fence** that fully encloses the immediate garden area.

4.7.6 All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.

4.7.7 **Indoor** cultivation of marijuana shall be less than or equal to **twenty five hundred (2500) square feet or 30'X80"** within a structure with a **maximum of three (3) structures** on a legal home site lease or assignment. **Note: this does not apply to interest holders or squatters. Due to the small size on indoor plants, there shall be no limit on number of plants to be grown within a structure.**

4.8 It is declared to be unlawful for any person within Round Valley Indian Country to possess marijuana plants or processed marijuana for medical purposes in excess of the limitations imposed within this section 4.8

4.8.1 No one (1) person in possession of a lawfully issued State Pre-Identification Card may possess more than the equivalent of twenty five (25) total plants of **processed** marijuana at any one time unless the Tribal Council and/or Tribal Police Department is given notice of said possession and said possession is approved by the Tribal Council and/or the Tribal Police Department.

4.8.2 The Council recognizes that possession of certain amounts of cannabis product such as baked goods, tinctures, concentrated cannabis, infusions, salves and other cannabis derivatives may be consistent with medical use. Such possession will be treated on a case by case basis, with deference given to Section 8 of this Ordinance.

4.14 Nothing in this section shall be construed as a limitation on the Tribe's authority to abate any violation that may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.

4.15 Any Tribal Laws, resolutions, or ordinances heretofore enacted which prohibits the introduction, cultivation, or possession of marijuana or that are inconsistent with this Ordinance are hereby repealed.

Section 5 – ENFORCEMENT OF ORDINANCE

5.1 This civil regulatory Ordinance shall be enforced by the Tribal Police Department upon any and all persons within Round Valley Indian Country. Any Tribal Law enforcement officer may issue a citation for violation(s) of this ordinance.

5.2 Nothing herein shall prohibit the Tribal Police from enforcement of any applicable criminal statutes, rules, regulations or ordinances, including those related to confiscation, seizure, and forfeiture.

5.3 Nothing herein shall prohibit the Council or individual residents of the Reservation from instituting a civil action before the Tribal Court, when established, against a person alleged to be acting in violation of this Ordinance. The prevailing party is entitled to recovery for court fees, costs, and reasonable attorney's fees from the non-prevailing parties.

5.4 Should a plaintiff party described in section 5.3 institute a private suit against an individual alleged to be violating this Ordinance, the plaintiff shall provide written notice of the initiation of said action to the Tribal Council within five (5) days of the filing of such an action.

5.5 Upon finding that a person has violated this Ordinance, the Tribal Council and/or the Tribal Court are authorized to issue appropriate orders to seize, forfeit, and destroy marijuana plants in violation of this Ordinance.

5.6 Any declaration in support of a request for injunctive relief under this Ordinance shall contain the following information.

5.6.1 The number of ~~outdoor~~ marijuana plants under cultivation ~~or greenhouses~~.

5.6.2 The date of any citation(s) issued pursuant to this Ordinance;

5.6.3 The name of the officer or person that issued the citation, if any;

5.6.4 The name of the owner of the property where the marijuana is located;

5.6.5 The description of the physical location of the property where the marijuana is located;

5.6.6 Whether any photographs or video tapes were taken of the marijuana plants; and

5.6.7 Any other relevant information.

5.7 Any declaration in support of a request for an order of seizure, forfeiture, and/or destruction of marijuana plants shall contain the following information.

5.7.1 The appropriate number of ~~outdoor~~ marijuana plants / ~~greenhouses~~ to be seized, forfeited, destroyed or confiscated;

5.7.2 The date of any citation(s) issued pursuant to this Ordinance

5.7.3 The name of the Officer or person that issued the citation, if any;

5.7.4 The name of the owner of the property where the marijuana is located;

5.7.5 The description of the physical location of the property where the marijuana is located;

5.7.6 Whether any photographs or video tapes were taken of marijuana plants;

5.7.7 A statement as to whether any marijuana samples are necessary for prosecution of A criminal action; and

5.7.8 Any other relevant information.

5.8 All declarations and other pleadings filed in support of any requested order shall be served upon the Defendant(s) in accordance with the applicable rules of the Tribal Council and/or Tribal Court.

5.9 Marijuana plants shall be disposed and/or destroyed in the following manner;

5.9.1 Action instituted for alleged violation(s) of this Ordinance shall be rendered moot, including the imposition of appropriate civil penalties and/or injunctive relief, by voluntary destruction and/or removal of marijuana plants by defendant(s).

5.9.2 Upon order of the Tribal Council and/or the Tribal Court, the Tribal Police Department shall dispose of marijuana as appropriate. Should any funds be received as a result of the disposal, said funds shall be distributed equally between the Tribal Police Department, the Tribal Council, and Yuki Trails program.

5.9.3 Governmental taking without due process and compensation is generally prohibited. Therefore, if any Tribal or State officer(s) believe marijuana cultivation and/or possession is pursuant to Cal. Health & Safety Code 11362.5, but that the cultivation and/or possession exceeds this Ordinance, the officer(s) should only seize that amount in excess of the guidelines. Marijuana should not be destroyed or disposed of until an order from the Council and/or Tribal Court is issued.

Section 6 – JURISDICTION/POLICE PROCEDURES

6.1 This Ordinance shall fall within the inherent jurisdiction of the Round Valley Indian Tribes, which includes civil regulatory jurisdiction over all persons, member or non-member, while in Round Valley Indian Country, and over all Indians while upon any Reservation or Indian Country lands. Nothing about this Ordinance shall be construed to cause the Tribe to accede to any State civil regulatory or land use jurisdiction in Round Valley Indian Country, particularly the application of State marijuana laws and regulations. The Council hereby disclaims any application or enforcement of State civil regulatory or land use laws in Round Valley Indian Country, particularly any State marijuana laws and regulations unless adopted by reference herein.

6.2 When a tribal member is situated on Indian Country trust land, a State officer's civil regulatory authority extends only so long as that officer does not circumvent or contravene governing, tribal procedure. Because of the likelihood that State Officers will seek to enforce State marijuana laws upon persons in Round Valley Indian Country, State Police Officers shall give reasonable advance tribal notification prior to entrance into Round Valley Indian Country if it is reasonably likely that said entrance will result in the enforcement of State marijuana laws.

6.3 In order to effect any search, arrest or extradition warrant or investigation relative to State marijuana laws, against any tribal member in Round Valley Indian Country, State Police Officers shall not only provide that reasonable advanced tribal notification required by section 6.2, but shall also consult, communicate, and coordinate any such search, arrest, extradition, or investigation activities, with Tribal Police. Should the Tribal Police elect to cooperate in the execution of any search, arrest or extradition warrant or any investigation, State Police officers shall not frustrate such cooperation by any dispatched Tribal Police officer.

6.4 For purposes of any search, arrest or extradition warrant or investigation relative to State marijuana laws, against any tribal member in Round Valley Indian Country, Tribal Police shall be allowed

access to, and allowed to share with State Police officers, any land records from the tribal Realty and/or enrollment department for the purpose of determining whether any person alleged to have violated State marijuana laws is a tribal member, or any other relevant information. It is the Tribe's expectation that State Police officers will reciprocate in sharing with Tribal Police any or all such documentation or information.

6.5 The Tribal codified procedures concerning any search, arrest or extradition warrant or investigation activities relative to any enforcement of State marijuana laws in Round Valley Indian Country, set forth in section 6.2, 6.3 and 6.4, are mandatory.

Section 7 - PENALTIES

7.1 Any person to have been found in violation of this Ordinance shall be issued a civil penalty not to exceed a fine of \$10,000 and/or the reasonable costs of investigation, seizure, forfeiture, destruction, litigation, and enforcement of this Ordinance.

7.2 Nothing herein shall prevent the Tribe or Tribal Council from seeking criminal prosecution of any person who violates this Ordinance for violation of any applicable criminal law(s) by appropriate other authorities.

Section 8 - MEDICINAL USE

Any defense based upon medicinal use, where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana, shall be considered as a valid defense to the alleged violation of this Ordinance.

Section 9 – SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provision of this Ordinance are severable.

Section 10 – EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage, and shall have retroactive application to June 19, 2012.

PROPOSED AMENDMENTS TO THE COMPASSIONATE USE ORDINANCE
OF THE ROUND VALLEY INDIAN TRIBES – 2016

3.3 ADD= AND ASSEMBLY BILL 2545

3.16 AMEND TO READ= WHEREAS, BY PERMITTING NO MORE THAN FIFTY(50) MARIJUANA PLANTS FOR ANY ONE(1) PERSON IN POSSESSION OF A LAWFULLY ISSUED STATE PRE-IDENTIFICATION CARD, THE COUNCIL ANTICIPATES A SIGNIFICANT REDUCTION IN THE COMPLAINTS OF CRIME AND POLLUTION DESCRIBED HEREIN.

3.17= STRIKE (INDOOR) AND CHANGE TWENTY-FIVE(25) TO FIFTY(50)

4.7.1= CHANGE TWENTY-FIVE(25) TO FIFTY(50), STRIKE (EITHER INDOORS), TWENTY-FIVE(25) TO FIFTY(50) AND ADD PERSON IN POSSESSION OF A LAWFULLY ISSUED STATE PRE-IDENTIFICATION CARD, (ON ANY INDIVIDUAL ONE(1) ACRE TRIBAL HOMESITE OR ASSIGNMENT, NOT TO EXCEED NINETY-NINE(99) PLANTS)

4.7.2= AMEND TO READ THE USE OF LIGHT ASSISTANCE FOR THE OUTDOOR CULTIVATION OF MARIJUANA SHALL (BE LESS THAN OR EQUAL TO TWENTY-FIVE(25) HUNDRED SQUARE FEET WITHIN A STRUCTURE WITH A MAXIMUM OF TWO STRUCTURES AND NO LIMIT ON NUMBER OF PLANTS TO BE GROWN WITHIN EACH STRUCTURE.

ADD 4.7.7= INDOOR CULTIVATION OF MARIJUANA SHALL BE LESS THAN OR EQUAL TO TWENTY-FIVE(25) HUNDRED SQUARE FEET OF CULTIVATION AREA WITHIN A STRUCTURE AND NO LIMIT ON NUMBER OF PLANTS TO BE GROWN WITHIN A STRUCTURE.

EXHIBIT **C**

**United States Department of the Interior
Bureau of Indian Affairs
Title Status Report**

Report Certification Time and Date: 09/10/1987 08:00:00 PM

Requestor: JVANDERH Date/Time: 02/28/2025 08:39:20

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	406 A	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Original Allottee: DIXIE (HOLBOSH) DUNCAN

See Appendix A for Land Legal Descriptions

Title Status

Tract 540 406 A is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "B" attached to and incorporated in this Title Status Report.

The title to Tract 540 406 A is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents which have been approved by a properly delegated Federal official and are required to be recorded by law, regulation, or Bureau policy as listed on Appendix "C" attached to and incorporated in this Title Status Report.

See Appendix D for all other documents that are required to be recorded by law, regulation or Bureau policy.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	406 A	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Land Legal Descriptions

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
33	023.00N	012.00W	CALIFORNIA	MENDOCINO	Mount Diablo	S SW SE SW NW	1.250

METES AND BOUNDS: S SW OF LOT 26

TOTAL TRACT ACRES: 1.250

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 406 A	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 10/23/2004

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	All	Deed-TS	SPEC AUT	JAMES APRIL DAWN	1 1	1 1	1 1.000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	1 1	1.000000000
IN RESTRICTED FEE:	0 1	.000000000
IN FEE:	0 1	.000000000
IN TOTAL:	1 1	1.000000000

Appendix "C"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	406 A	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Ownership of Tract 540 406 A is encumbered by the following:

NO REALTY DOCUMENTS FOUND

Type of Encumbrance

<u>Encumbrance</u>	<u>Encumbrance Holder</u>	<u>Expiration</u>	<u>Document</u>	<u>Description and Explanation</u>
SURVEY/SUPPLEMENTAL PLAT			243Y09	SUPPLEMENTAL PLAT: LANCE J. BISHOP, DATED: 03/03/2009.

Appendix "D"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	406 A	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

No Contracts to list for Appendix D

No Encumbrances to list for Appendix D

EXHIBIT **D**

**United States Department of the Interior
Bureau of Indian Affairs
Title Status Report**

Report Certification Time and Date: 01/21/2025 03:41:43 PM

Requestor: JVANDERH Date/Time: 02/25/2025 18:07:55

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	362	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Original Allottee: MAGGIE MACHACH

See Appendix A for Land Legal Descriptions

Title Status

Tract 540 362 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "B" attached to and incorporated in this Title Status Report.

The title to Tract 540 362 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents which have been approved by a properly delegated Federal official and are required to be recorded by law, regulation, or Bureau policy as listed on Appendix "C" attached to and incorporated in this Title Status Report.

See Appendix D for all other documents that are required to be recorded by law, regulation or Bureau policy.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	362	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Land Legal Descriptions

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
32	023.00N	012.00W	CALIFORNIA	MENDOCINO	Mount Diablo		8.000

METES AND BOUNDS: LOT 34, EXCEPT THE NORTH 1/2 OF THE EAST 1/5 OF LOT 34, AND EXCEPT THE NORTH 1/2 OF THE WEST 1/5 OF LOT 34

TOTAL TRACT ACRES: 8.000

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 362	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 01/08/2025

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE	
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL	
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	All	Deed-TS	ACT 1934	SWEARINGER	1			
						EUNICE	7			
		Trust	All	Prob Ord	INTE	SWEARINGER	1			
						EUNICE	56			
		Trust	All	Prob Ord	TESTATE	SWEARINGER	1		16	
						EUNICE MARY	8		56 .2857142858	
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	All	Prob Ord	INTE	PETE	1			
						LEWIS WAYNE	56			
		Trust	All	Prob Ord	TESTATE	PETE	1		8	
						LEWIS	8		56 .1428571428	
		Trust	All	Prob Ord	TESTATE	PETE	1			
						GARY EDWARD	7			
Trust	All	Prob Ord	INTE	PETE	1					
				GARY EDWARD	56					
Trust	All	Prob Ord	TESTATE	PETE	1		16			
				GARY	8		56 .2857142858			

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 362	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 01/08/2025

----- OWNER -----				---- DOCUMENT ----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	All	Prob Ord	INTE	LAIWA	1		
						VELMA ELIZABETH DECEASED 09/15/2019	56		
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	All	Prob Ord	TESTATE	LAIWA	1	8	
						VELMA DECEASED 09/15/2019	8	56	.1428571428
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	SWEARINGER	1		1
						DEBORA L	56	56	.0178571428
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	BURROWS	1		1
						TINA MAE	56	56	.0178571429
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	HOAGLIN	1		1
						FRANCES YOLANDA	56	56	.0178571429

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 362	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 01/08/2025

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	JOAQUIN SYLVESTER CHARLES	1 56	1 56	1 .0178571428
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	FREASE ANNA M	1 56	1 56	1 .0178571429
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	JOAQUIN DAVID LEE	1 56	1 56	1 .0178571428
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATION, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	JOAQUIN WENDY	1 56	1 56	1 .0178571429

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 362	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 01/08/2025

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	Title	Prob Ord	INTE	JOAQUIN ANGIE L	1 56	1	56 .0178571428

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	56	1.0000000000
IN RESTRICTED FEE:	0	.0000000000
IN FEE:	0	.0000000000
IN TOTAL:	56	1.0000000000

* SPECIAL INTEREST HOLDERS *

Effective Ownership as of 01/08/2025

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
HOPLAND BAND OF POMO INDIAN CALIFORNIA	Indian	Trust	Beneficial	Probate Order	INTE	JOAQUIN, SR SYLVESTER M	1 7	8	56 .1428571428

Appendix "C"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	362	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Ownership of Tract 540 362 is encumbered by the following:

NO REALTY DOCUMENTS FOUND

Type of Encumbrance

<u>Encumbrance</u>	<u>Encumbrance Holder</u>	<u>Expiration</u>	<u>Document</u>	<u>Description and Explanation</u>
OTHER SPECIAL AUTHORITY	PETE LINDA JOLENE		4200473820	ILCA: THE SECRETARY SHALL NOT APPROVE AN APPLICATION TO TERMINATE TRUST STATUS FOR A PERIOD OF 5 YEARS AFTER THE APPROVAL OF THIS CONVEYANCE (25 U.S.C, 2216). ON THE INTEREST WHICH IS BEING CONVEYED HEREIN.

Appendix "D"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	362	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

No Contracts to list for Appendix D

No Encumbrances to list for Appendix D

EXHIBIT **E**

**United States Department of the Interior
Bureau of Indian Affairs
Title Status Report**

Report Certification Time and Date: 11/27/2017 01:51:31 PM

Requestor: JVANDERH Date/Time: 02/27/2025 09:58:34

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	601	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Original Allottee: JULIA WOOD

See Appendix A for Land Legal Descriptions

Title Status

Tract 540 601 is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "B" attached to and incorporated in this Title Status Report.

The title to Tract 540 601 is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: trust.

The tract ownership is encumbered by the title documents which have been approved by a properly delegated Federal official and are required to be recorded by law, regulation, or Bureau policy as listed on Appendix "C" attached to and incorporated in this Title Status Report.

See Appendix D for all other documents that are required to be recorded by law, regulation or Bureau policy.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, including but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

Appendix "A"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	601	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Land Legal Descriptions

<u>Section</u>	<u>Township</u>	<u>Range</u>	<u>State</u>	<u>County</u>	<u>Meridian</u>	<u>Legal Description</u>	<u>Acres</u>
32	023.00N	012.00W	CALIFORNIA	MENDOCINO	Mount Diablo	N SE SW SE	5.000
METES AND BOUNDS: THE NORTH 1/2 OF LOT 62							
TOTAL TRACT ACRES:							5.000

Appendix "B"

<u>Land Area</u> 540	<u>Land Area Name</u> ROUND VALLEY RESERVATION	<u>Tract Number</u> 601	<u>LTRO</u> SACRAMENTO, CA	<u>Region</u> PACIFIC REGIONAL OFFICE	<u>Agency</u> CENTRAL CALIFORNIA AGENCY	<u>Resources</u> Both
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Effective Ownership as of 10/31/2017

----- OWNER -----				----- DOCUMENT -----		NAME IN WHICH	FRACTION TRACT	AGGREGATE SHARE	AGGREGATE
Tribe	Indian / NonIndian	Title	Interest*	Class	Type	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LCD	DECIMAL
ROUND VALLEY INDIAN TRIBES, ROUND VALLEY RESERVATIO N, CALIFORNIA	Indian	Trust	All	Deed-TS	ACT 1983	AZBILL MCKENNA MARY-MAE	1 1	1 1	1 1.000000000

* "All" means the equitable beneficial interest and the legal title interest merged together.

IN TRUST:	1 1	1.000000000
IN RESTRICTED FEE:	0 1	.000000000
IN FEE:	0 1	.000000000
IN TOTAL:	1 1	1.000000000

Appendix "C"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	601	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

Ownership of Tract 540 601 is encumbered by the following:

- NO REALTY DOCUMENTS FOUND
- NO REALTY DEFECTS FOUND
- NO TITLE DEFECTS FOUND
- NO ENCUMBRANCES FOUND

Appendix "D"

<u>Land Area</u>	<u>Land Area Name</u>	<u>Tract Number</u>	<u>LTRO</u>	<u>Region</u>	<u>Agency</u>	<u>Resources</u>
540	ROUND VALLEY RESERVATION	601	SACRAMENTO, CA	PACIFIC REGIONAL OFFICE	CENTRAL CALIFORNIA AGENCY	Both

No Contracts to list for Appendix D

No Encumbrances to list for Appendix D

EXHIBIT **F**

COUNTY OF MENDOCINO, STATE OF CALIFORNIA AFFIDAVIT FOR SEARCH WARRANT

Humboldt County Sheriff's Office Deputy Justin Pryor, swears under oath that the facts expressed by him/her in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code §1524, as indicated below by "x"(s) in that it:

- was stolen or embezzled;
- was used as the means of committing a felony;
- is possessed by a person with the intent to use it as a means of committing a public offense; OR is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;
- is evidence which tends to show a felony has been committed or a particular person has committed a felony;
- when the property or things to be seized are controlled substances or a device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance pursuant to the authority described in Section 11472 of the Health and Safety Code.

and it is now located at the place(s) set forth below.

WHEREFORE, AFFIANT REQUESTS THAT A SEARCH WARRANT ISSUE TO SEARCH:
See Exhibit "1A" attached hereto and incorporated herein by this reference;

FOR THE FOLLOWING PROPERTY: See Exhibit "1B" attached hereto and incorporated herein by this reference;

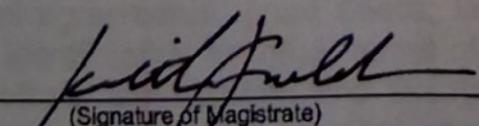
Nighttime service request: Yes No

Sworn to as true and subscribed before me

KEITH FAULOCK on this 17th day of JULY, 2024

(Print name of Magistrate)

at 2:45 a.m. p.m.


(Signature of Magistrate)

Judge of the Mendocino County Superior Court

Exhibit 1A

THE PREMISES DESCRIBED AS:

APN 032-430-31-00, no listed address, located off Short Creek Road next to 77700 Short Creek Road in Covelo, Mendocino County, California.

Coordinates: 39.809653 -123.207675

Rural parcel containing 5 large greenhouses covered in opaque plastic. The property also contains a single-family residence with an outbuilding next to the greenhouses.



SEARCH WARRANT INVENTORY

007407896

Hide Tools

- View
- Layers
- Go To
- Buffer & Shapes
- Legend



Lat: 39.809801° Zoom
 Lon: -123.209639° 17

RESULTS

LIST DETAIL

Records: 2 Click an id Number to open a parcel's Detail page Page 1 / 1 Refresh List Save Work Print Hide Map

<input checked="" type="checkbox"/>	id	Co	APN ^	Owner	S Street Address	S City State Zip	Lot Acres
<input checked="" type="checkbox"/>	1	MEN	032-430-31-00	VACANT			15.000
<input checked="" type="checkbox"/>	2	MEN	032-430-18-00	VACANT	77700 SHORT CREEK RD	COVELO CA 95428-9655	10.000

Records: 2 Rows per page: 25 Page 1 / 1 * The information provided here is deemed reliable, but is not guaranteed.

AND any and all containers, carports, garages, mailboxes, appurtenant and outbuildings, storage areas, sheds, trash containers, attics, basements, gun safes, safes, and locked containers, and yard assigned to the above-described premises; for the property and evidence described in Exhibit 1B.

THE VEHICLE(S) described as: Any and all vehicles located on the property at the time of service of this warrant. Including the passenger compartment, storage areas such as trunk and glove box, and any containers with the vehicle(s) which could contain any of the items sought.

PERSON(S): Any person(s) found at, in or near houses, structures, outbuildings, trailers, green houses or cultivation sites on the property to be searched.

Exhibit 1B

FOR THE PROPERTY DESCRIBED AS:

MARIJUANA, CANNABIS, AND/OR CONCENTRATED MARIJUANA/CANNABIS, in all forms: including but not limited to marijuana "bud," marijuana plants - stems, leaves, stalks, seeds, and cola. Scissors, scales, measuring and weighing devices frequently used to prepare marijuana for commercial distribution; garbage bags, zip-lock bags, paper bags, glass containers, and similar containers commonly used to package and store marijuana.

It is the request of the Affiant that the Court orders the destruction of marijuana plant/products that it expects to seize in this matter pursuant to a duly authorized search warrant. Your Affiant requests this order by the Court, because bulk marijuana poses significant safety and health concerns. Marijuana products can decompose and liquefy rapidly and when stored can harbor mold and other bacterial elements. Your Affiant therefore respectfully request that the Court authorize/order the destruction of any seized marijuana after the plants are counted, photographed and after a representative sample pursuant to Health and Safety Code §11479 is taken from the location.

CULTIVATION AIDS AND EQUIPMENT: including but not limited to artificial lighting equipment such as fluorescent lamps, metal halide lamps, high pressure sodium lamps, ballasts, reflective light hoods, and electric motors and track systems; fans; carbon dioxide generators; reflective materials; PH testers and balancers; ionizers; electric timers; rodent traps; plastic and wire mesh; plastic and ceramic pots; growing medium and potting soil; fertilizers; irrigation equipment, including PVC pipe and hose, drip lines, emitters, hand watering wands, and water holding tanks; diesel and/or gas generators; and any other object maintained, intended, or designed for to assist or aid in the cultivation of marijuana.

CONTAINERS, in which any of the items sought could be found: including but not limited to safes, vehicles, outbuildings, sheds, attics, crawl spaces, and garbage or trash containers.

INDICIA: including but not limited to items related to the sales and/or trafficking of controlled substances such as ledgers; controlled substance customer lists; supplier lists; correspondence; notations; logs; receipts; journals; books; papers notating the price, quantity, or quality of controlled substances; papers notating the person(s) or the location(s) where controlled substances were obtained, transferred, sold, or distributed; papers indicating amounts due or amounts owed from transactions of controlled substances; any other form of "pay and owe" records; money sheets reflecting or accounting for monies and/or controlled substances received, dispersed, or exchanged; and to include monies obtained from sales or transactions of controlled substances. Also, items showing evidence of dominion, control, or ownership of the locations, vehicles, storage areas, safes, lock boxes, or containers to be searched: including but not limited to keys; photographs; current and cancelled mail and mail envelopes; other items of correspondence such as utility bills and telephone bills; rental agreements; grant deeds; legal documents; escrow documents; airline tickets and other tickets of identification for other forms of public transportation; personalized luggage or luggage tags; forms of official identification and exemplars of original handwriting including drivers licenses, social security cards, passports, resident alien cards, food stamps and food stamp identification cards, signature cards, usage cards and applications, insurance documentation, Medi-cal cards or stickers, medical records bills, prescriptions and prescription bottles; articles of personal clothing of suspect(s) or co-conspirator(s); articles of personal property such as telephone books, address books, notebooks, and papers; other items reflecting the names, addresses, or telephone numbers of associates possibly involved in controlled substance organizations, which tend to establish the existence of a conspiracy to import, transport, distribute, or sell controlled substances.

Case# 202402896

SW No. 03234031

COUNTY OF MENDOCINO, STATE OF CALIFORNIA SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, to any Sheriff, Sheriff's deputy, policeman, or peace officer in the County of Mendocino: **PROOF** by affidavit having been made before me by Humboldt County Sheriff's Office Deputy Justin Pryor, that there is probable cause to believe the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code §1524, as indicated below by "x" (s) in that it:

- was stolen or embezzled;
- was used as the means of committing a felony;
- is possessed by a person with the intent to use it as a means of committing a public offense; OR is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;
- is evidence which tends to show a felony has been committed or a particular person has committed a felony;
- when the property or things to be seized are controlled substances or a device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance pursuant to the authority described in Section 11472 of the Health and Safety Code.

YOU ARE THEREFORE COMMANDED TO SEARCH:

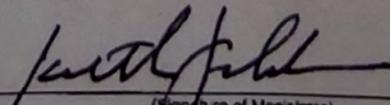
See Exhibit "1A" attached hereto and incorporated herein by this reference;

FOR THE FOLLOWING PROPERTY:

See Exhibit "1B" attached hereto and incorporated herein by this reference; and to **SEIZE** it if found and retain such property in your custody, subject to the order of the court pursuant to Penal Code §1528(a), 1536. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

GOOD CAUSE HAVING BEEN SHOWN in the affidavit, **NIGHT SEARCH** pursuant to Penal Code §1533 is approved: Yes No _____
(Magistrate's initials)

GIVEN under my hand and dated this 19th day of July, 2024 at 2:45 a.m. (p.m.)



(Signature of Magistrate)
Judge of the Mendocino County Superior Court

UNITED STATES CURRENCY: All U.S. Currency that is seized and that might be subject to forfeiture under 11470 Et. Seq., and 11488 (b) of the California Health and Safety Code, be deposited into the asset forfeiture account, established by the Humboldt County District Attorney's Office pending the outcome of forfeiture proceedings against said property. I request that such monies or property seized under the order of this search warrant, pursuant to Penal Code Section 1536, and which are determined to be proceeds of drug sales, or determined to have been intended to be used to facilitate such drugs sales, be seized under the authority of Section 11470 and 11488 of the California Health and Safety Code, and therefore be released from evidence in the custody and control of the appropriate law enforcement agency pending adjudication of forfeiture proceedings. I further request that any seized monies and monetary instruments be placed into an interest bearing trust account of such appropriate law enforcement agency pending the adjudication of the forfeiture proceedings.

HEAVY EQUIPMENT, EARTHWORK AND LAND ALTERATION ACTIVITIES, including but not limited to: grading; earth moving; road construction; water diversions; streambed alterations; culvert installations; stream crossings; land clearing; timber cutting; timber cutting equipment; and heavy equipment usage.

DELETERIOUS MATERIALS PLACED IN OR NEAR STATE WATERWAYS including, but not limited to sediment, potting soil, fertilizers, plant nutrients, gasoline, diesel, butane, propane, oil, paint, rodenticides, insecticides, fungicides, herbicides, poisons, detergents, soaps, sewage, garbage and debris.

OFFICERS SHALL BE ALLOWED TO BRING OTHER GOVERNMENT AGENCIES ONTO THE PROPERTY to be searched, including local, state and federal law enforcement officers, experts, and environmental scientists. This includes, but not limited to, the following agencies: the California Department Fish and Wildlife, the State Water Board, California Department of Fire and Forestry, California Department of Toxic Substances Control, the Mendocino County Department of Health and Human Services-Division of Environmental Health, County Code Enforcement, California Department of Housing and Community Development, Water Quality and the Air Quality Management District, and any government agency that might offer employees who have expertise in the area of building codes, unsafe wiring, fire hazards, environmental health, water quality, and water rights.

STAFF FROM THE CALIFORNIA DEPARTMENT OF MARIJUANA CONTROL (DCC), be allowed to inspect the location to be searched to determine if there are violations of the California violations of the Business and Professions Code related to state marijuana cultivation licenses. Such violations may include but are not necessarily limited to operating and recordkeeping requirements and engaging in commercial marijuana cultivation without a license. (Bus. & Prof. Code Sect. 26000-26231.2.)

Furthermore, I specifically request that representatives from the State Water Resources Control Board, and/or the California Regional Water Quality Control Board, North Coast Region (collectively Water Boards) be allowed to inspect the location to be searched pursuant to Water Code sections 1051 and 13267 to determine if there are violations of the California Water Code, the Porter Cologne Water Quality Control Act (Cal. Wat. Code, § 13000 et seq.) and the Federal Clean Water Act (33 U.S.C. § 1251 et seq.). Such violations may include, but are not necessarily limited to: conditions of and/or threatened conditions of pollution or nuisance resulting from discharges of waste (as defined in Water Code § 13050, subdivision (d)) to waters of the State and of the United States in violation of the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.); and the diversion, use, and/or storage of water in violation of Water Code §§ 1052, subdivision (a), and 5101. Sources of Water Code § 13050, subdivision (d), waste are likely to include chemicals and/or hazardous wastes from garbage, pesticides, fertilizers, leachate, leaking fuel tanks or other storage containers, construction debris, and earthen materials from

timberland conversion, stream dredging, in-stream dams, grading, road construction, and soil disturbance associated with marijuana cultivation.

I request that the scope of the Water Boards' inspection including entering upon and conducting a visual inspection of the entire Property and conducting and documenting such inspection by taking such samples and reviewing such writings and records that are kept and maintained on the Property as is necessary to determine compliance. The inspection may include: 1) entering the Property, observing the physical conditions of the Property, and any equipment located thereon and any operations, processes or other activities being conducted thereon, including, but not limited to, water diversions, graded areas, cultivated areas, road crossings, disposal areas, ponds, surface drainages, watercourses, material stockpiles, storage, and buildings located on the Property; 2) taking photographs and video of the physical conditions of the Property and any equipment located thereon and any operations, processes or other activities being conducted thereon; 3) questioning of or conferring with persons present on the Property privately to obtain information bearing on whether violations of the laws and regulations occurred; 4) the measurement of the pumping rate, if extant; the measurement of each reservoir's area, dam height, and diversion facilities, if extant; 5) collecting and analyzing samples of water, raw, graded, processed or stored materials, chemical, fuel, waste, and/or other stored or contained materials; 6) testing for water pollutants, including but not limited to sediment, fertilizers and pesticides, from any source whether mechanical, process, or natural; 7) inspection and duplicating any writings and records of spills or emergencies, business plans, contingency plans, or any other information authorized under California Water Code section 13267, subdivision (c).

OFFICERS SAFETY and the threat of violence at cultivation sites is always a concern when serving a search warrant. When we serve a warrant suspects often run from the scene but stay in the immediate area to watch Law Enforcement. Once eradication of the site starts, deputies have to remove body armor and protective clothing to dispose of the illegal marijuana plants. The majority of currently used greenhouses are covered in an opaque plastic which does not allow Law Enforcement to view the outside of the structure. This creates an officer safety situation as deputies cannot see suspects approaching the greenhouse while working inside.

Green houses also retain a tremendous amount of heat. The majority of eradication efforts are completed in the summer months with higher outside temperatures. The high summer temperatures and greenhouse design create an unsafe working condition that promotes hyperthermia. Additionally, illegal growing techniques often use hazardous chemicals, and fertilizers which can be inhaled while working inside of these green houses. With these hazardous conditions working inside of greenhouses can be unsafe for deputies.

In an effort to increase officer safety, reduce hyperthermia, and unsafe hazardous working conditions, deputies are forced to vent each greenhouse prior to working inside. Venting is completed by cutting the opaque plastic covering along the lateral walls and both ends of the green house. This allows the heat to escape, a clear view of the exterior, and limits exposure to hazardous chemicals contained within the green house.

The environment in and around illegal marijuana grow sites are predominantly hazardous environments for personnel to work in while conducting eradication efforts. There are a myriad of dangers and hazards which pose a health and safety risk to personnel including but not limited to: poor or unsafe structural integrity of greenhouses which may include improper clearance, the presence of exposed screws, bolts and other hardware; extreme outdoor air temperatures; extreme interior temperature of greenhouse structures; the presence of unsafe electrical hazards, including frayed/exposed wiring and extension cords; electrical wiring exposed to water; poor air quality inside greenhouses due to high humidity coupled with the presence of chemical odors from unknown pesticides and fertilizers; the

presence of chemical exposure from both known and unknown pesticides and fertilizers as well as other known and unknown chemicals on site; the presence of trip, puncture and impalement hazards including uneven terrain, netting, and exposed posts and rods.

THEREFORE, YOU ARE AUTHORIZED to ventilate and/or alter/destroy structures containing marijuana plants or products thereof, as deemed necessary by the investigating officer or supervisor in order to safely access, seize and destroy marijuana plants, or products thereof, contained inside by utilizing mechanized equipment such as a track loader, mini excavator, or any other equipment necessary.

YOU ARE AUTHORIZED to photograph and/or videotape each and every location, vehicle, item, or person authorized to be searched or seized pursuant to this warrant.

YOU ARE AUTHORIZED to examine any other items found in the listed locations that are reasonably suspected to be stolen property, and to examine any such property for serial numbers or other easily identifiable markings such as initials, driver's license numbers, and social security numbers and check such against known reported stolen property cases, and if you identify any such property as stolen, or reasonably suspected to be stolen, you shall seize it and remove it from the listed locations for the purpose of further confirming its stolen status and eventually returning it to its rightful owner(s) as authorized in this search warrant.

IT IS FURTHER ORDERED that any property seized pursuant to this search warrant, which is stolen or embezzled, may be returned when no longer needed by law enforcement for evidentiary purposes to the rightful owner(s), without further order of the court and prior to final adjudication of any associated criminal proceedings.

AND TO SEIZE THE DESCRIBED ITEM(S) OR PROPERTY OR ANY PART THEREOF to hold such property in your possession under California Penal Code Section 1536 or, in the alternative, to institute Federal or State asset forfeiture proceedings against any and all assets seized during the execution of this search warrant and believed to be derived from narcotics trafficking activity. It is further ordered that upon adjudication of the case(s) against all defendant(s) in this action, including the resolution of any and all appeals, and the written concurrence of the Mendocino County District Attorney's Office, the property be disposed of in accordance with the procedures set forth in California Penal Code Sections 1407 to 1422, without the necessity of a further Court Order issued pursuant to California Penal Code Section 1536.

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 7/23/24

CASE NUMBER 202402896

DEPUTY SHERIFF SEIZING ITEMS 2119

SEARCH WARRANT NUMBER 03234031

ITEMS REMOVED FROM ADDRESS/LOCATION MENOD APN 032-430-31-00, COVELO CA 95428
39.809653 - 123.207675

580 GROWING MJ PLANTS

7/23/2024
DATE

1230
TIME

[Signature]
SIGNATURE OF DEPUTY SHERIFF

2119
PIN#

DISTRIBUTION: ORIGINAL - LEAVE AT SCENE OF SEARCH WARRANT SERVICE

YELLOW - RETURN TO COURT WITH ORIGINAL SEARCH WARRANT

EXHIBIT **G**

STATE OF CALIFORNIA – COUNTY OF MENDOCINO

FILED
NOV 01 2022
CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

Search Warrant Number: 2022-15531.1

RETURN TO SEARCH WARRANT

Detective Timothy Del Fiorentino #2725, says that he/she conducted a search pursuant to the below described seizure order:

Issuing Magistrate: Judge Faulder

Magistrate's Court: Superior Court of California, County of Mendocino

Date of Issuance: 07/8/2022

Date of Service: 07/15/2022

And searched the following location(s), vehicle(s), and person(s):

- **78140 Crawford Road, Covelo, California 95428**

And seized the following items:

See attached Property Receipt

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, and that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court and any other court in which the offense in respect to which the seized property is triable.



(Signature of Affiant)



MATTHEW C. KENDALL
Sheriff-Coroner

County of Mendocino
Office Of The Sheriff-Coroner

Undersheriff Darren Brewster
Captain Gregory L. Van Patten
Field Services
Captain Tim Pearce
Corrections

PROPERTY RECEIPT

Property is returned by appointment only. For further assistance on claiming your items contact the property room at (707) 463-4106.

CASE NO.: 2022-15531
Page 1 of 1

FIREARMS:

- Firearms taken at a domestic violence incident
- Firearms taken for mental health evaluation
- Firearms surrendered pursuant to a restraining/protective order
- Firearms surrendered for destruction

- Consent to Search
- Open Field

OTHER PROPERTY:

- Property Taken As Evidence
- Found Property
- Property Held for safekeeping

Items Seized Pursuant To A Search Warrant JUDGE FAULDER
S/W 2022-15531.1

PROPERTY SEIZED FROM

NAME 78140 CRAWFORD RD, COVELLO CA. CDL/ID # APN# 032-460-33-00
ADDRESS/LOCATION

ITEM #	DESCRIPTION (Firearms - Include Serial Number)	EXACT LOCATION FOUND
<u>SW1#01</u>	<u>10 POUND & 5 RANDOM SAMPLES OF M/S</u>	<u>GREEN AREA</u>
<u>SW1#02</u>	<u>GLOCK 43X S/N: B M P Y 814 / 9MM</u>	<u>TOY HAULER TRAVEL TRAILER</u>
<u>SW1#03</u>	<u>9MM AMMUNITION IN BOXES / 480 ROUNDS</u>	<u>TOY HAULER TRAVEL TRAILER</u>
<u>SW1#04</u>	<u>RUGER 10/22 S/N: 258552 AS</u>	<u>INTRAPID TRAVEL TRAILER</u>
<u>NOTHING ELSE TAKEN</u>		
<u>113,361</u>	<u>GROWING MARIJUANA PLANTS ERADICATED</u>	
	<u>& FIELD DESTROYED.</u>	

Property/Evidence not claimed will be considered abandoned and disposed of in accordance to all applicable laws. Refer to the backside of this property receipt for further information.

RECEIVING OFFICER:	<u>DELFORRESTO</u>	ID #: <u>2225</u>	DATE: <u>07/15/22</u>
WITNESSING INDIVIDUAL:	<u>WYANT</u>	ID #: <u>2187</u>	DATE: <u>7-15-22</u>
FIREARMS SURRENDERED BY:		ID #:	DATE:
RECEIVING INDIVIDUAL:		ID #:	DATE:

FILED
NOV 01 2022
CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

**STATE OF CALIFORNIA - COUNTY OF MENDOCINO
SEARCH WARRANT**

MCSO#2022-15531.1

**The People of the State of California to any Sheriff, Constable, Marshall, Or Police Officer
in the County of Mendocino: proof by affidavit having been made before me by**

Timothy Del Fiorentino #2725

that there is probable cause to believe that the property/or person described herein may be found at the locations set forth herein and is lawfully seizable pursuant to Penal Code Section 1524 as indicated below by "X"(s) in that:

- it was stolen or embezzled.
- it was used as the means of committing a felony.
- it is possessed by a person with the intent to use it as means of committing a public offense or is possessed by another to whom he or she may have delivered it for the purposes of concealing it or preventing its discovery,
- it tends to show that a felony has been committed or that a particular person has committed a felony,
- it tends to show that sexual exploitation of a child, in violation of Section 311.3 or depiction of sexual conduct of a person under the age of 18 years, in violation of Section 311.11, has occurred or is occurring,
- there is a warrant for the person's arrest,

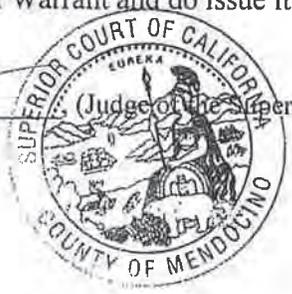
YOU ARE THEREFORE COMMANDED TO SEARCH: The premises, vehicle(s), and/or person(s) described in exhibit "A" attached hereto and incorporated herein by this reference.

FOR THE FOLLOWING PROPERTY / PERSON: The property and/or persons described in exhibit "B" attached hereto and incorporated herein by this reference.

YOU ARE THEREFORE COMMANDED, within five business days after receipt of this search warrant to deliver by mail or otherwise, to the above named law enforcement officer, together with the declaration as set forth below, a true, durable, and legible copy of the requested records listed in exhibit "B". See California Penal Code 1524.2.

AND TO SEIZE IT IF FOUND and bring it forthwith before me, or maintain it at a suitable location of a law enforcement agency pursuant to Penal Code section 1536. This Search Warrant and incorporated Affidavit, and all attachments thereto, were sworn to as true and subscribed before me this 8th day of July 2022, at 2:45 A.M.P.M. Wherefore; I find probable cause for the issuance of this Search Warrant and do issue it.

[Signature]
KEITH A. FAULDER



(Judge of the Superior Court) **NIGHT SERVICE ENDORSED**
() YES (x) NO

FILED
NOV 01 2022
CLERK OF MENDOCINO COUNTY
SUPERIOR COURT OF CALIFORNIA

STATE OF CALIFORNIA-COUNTY OF MENDOCINO

MCSO#2022-15531.1

**AFFIDAVIT IN SUPPORT OF SEARCH
WARRANT**

Timothy Del Fiorentino #2725, a Peace Officer, swears under oath that the facts expressed by him in this search warrant and affidavit and in exhibit "C", statement of probable cause, and any and all attachments thereto, are true and that based thereon he has probable cause to believe and does believe that the property and/or person described herein is lawfully seizable pursuant to Penal Code section 1524, as indicated herein, and is now located at the places herein set forth. Wherefore, affiant requests that this Search Warrant be issued. Exhibits "A", "B", and "C", and all attachments thereto are attached hereto and incorporated herein by this reference.

[Handwritten Signature]

_____, NIGHT SERVICE REQUESTED () YES (x) NO
(Signature of Affiant)

Subscribed and sworn before me this 8th day of July 2022 at Ukiah,
California at the hour of 2:45 a.m./p.m.



[Handwritten Signature]

JUDGE OF THE SUPERIOR COURT
KEITH A. FAULDER

[Handwritten Signature]

District Attorney

- Approved as to form and content.

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Exhibit "A"

Premises, Persons and Property to be Searched:

Location #01: The property located at 78140 Crawford Road, Covelo, California 95428. The search is to include, but not limited to all outbuildings, sheds, barns, tents, plastic style greenhouses, vehicles, and travel trailers. The specific APN# associated with the property is, [032-460-33-00]. The property has the listed owner being, Lester Treppa 5/150 and Vacant 145/150 with a listed mailing address of 425 Lake Mendocino Drive in Ukiah Ca. 95482.

A. This search includes all buildings, outbuildings, sheds, structures, vehicles, trailers, travel trailers, locked safes or boxes, plastic style greenhouse, or any persons located on the property.

B. Driving directions to the locations are as follows:

From the intersection of Biggar Lane and Crawford Road in Covelo Ca. Continue north on Crawford Road for approximately 2000 feet. At this point, The paved roadway of Crawford Road turns to the left (West) and becomes Refuse Road. At the corner of Crawford Road and Refuse Road continue north off of the paved road onto a dirt road leading thought the dry creek bed. After crossing the dry creek bed, follow the red dirt road to the north for approximately 400 feet where the entrance into the marijuana cultivation site is located. The marijuana cultivation site is located at GPS coordinates [N 39.81945 W -123.26599].

C. Any and all person(s) located on either property during the execution of the search warrant, or who arrive to the location during the search warrant service.

Exhibit "B"

Items to be Seized:

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5 1. Marijuana, cannabis, and/or concentrated cannabis in all forms: including, but not limited
6 to, bud marijuana, marijuana plants, or any portion of the plant thereof, scissors, scales,
7 measuring and weighing materials, packaging materials, or other materials used for
8 marijuana distribution, or similar packaging material used to store marijuana, to include a
9 extraction / collection vessel.
- 10
11
12 2. Tetrahydrocannabinol (THC) in all forms including, but not limited to THC edibles,
13 THC vaporizing, and high THC marijuana plant strains, and all paraphernalia associated
14 with said THC products.
- 15
16 3. Any firearms, ammunition, firearm parts, firearm accessories, or firearm storage devices.
- 17
18 4. Any heavy equipment, earthwork and land alteration activities, including but not limited
19 to grading, earth moving, road construction, water storage, water diversion, streambed
20 alterations culvert installations, land clearing, timber clearing, timber cutting equipment,
21 and heavy equipment usage.
- 22
23 5. Any items associated with a hash or "honey oil" conversion laboratory. Items such as
24 hash, hash oil and or derivatives of hash, Butane fuel or other solvents utilized in the
25 marijuana to hash conversion process, PVC pipes, plastic or brass valves, fittings, glue,
26 heating elements and flasks or other similar glassware.
- 27
28 6. Equipment, tools, and other items associated with and used for the cultivation, use,
29 storage, or processing of marijuana, and the areas associated with the cultivation, storage,
30 or, processing of marijuana, such as; irrigation devices, garden hoses, water buckets,
31 timing devices, electronics devices, aerators, PVC pipe, water storage drums, water tanks,
32 hoses, filter fittings, valves, water pumps, lights, timers, ballasts, power cords, extension
33 cords, generators, air condition units, fans, shovels, rakes, pruning shears, hand held
34 sprayers, planter pots, starter pots, grow pots, alligator clips, baggies, rolling papers,
35 scales packaging materials and other weighing devices.
- 36
37 7. Any digital media or computer devices to include but not limited to camcorders, video
38 cameras, surveillance cameras and recording equipment, digital storage devices,
39 computers, laptops, tablets, and cell phones. Your affiant reserves the right to have such
40 items seized examined by a qualified professional beyond the ten day period of the search
41 warrant. This is to include the California Department of Justice, the FBI, or other
42 Governmental agency.
43
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- 1 a. As required by California Penal Code § 1546.1 (d); any information obtained
- 2 through the execution of this warrant that is unrelated to the objective of the
- 3 warrant shall be sealed and shall not be subject further review, use, or disclosure
- 4 absent an order from the Court.
- 5 b. If necessary, investigating officers are authorized to employ the use of outside
- 6 experts, acting under the direction of the investigating officers, to access and
- 7 preserve any computer data at the time of the seizure or at any future time while
- 8 the evidence is in the control of the investigating agency. Those items that are
- 9 within the scope of this warrant may be copied and retained by investigating
- 10 officers.

11
12 8. **FINANCIAL DOCUMENTATION:** to include any and all financial records to facilitate

13 the investigation of the laundering of illicitly obtained monies and/or other forms of assets

14 acquired through the sales, trafficking, or distribution of marijuana, and subsequent evasion

15 of governmental taxes, which include, but are not limited to federal and state tax returns,

16 employment papers, banking records and pass books, account information, canceled checks,

17 deposit records, income and expenditures records, property acquisition records, money

18 market accounts and/or similar accounts, records of stocks and/or bonds purchased or

19 exchanged; credit card records; records reflecting the rental of safe deposit boxes; safe

20 deposit box keys; records reflecting vehicles, aircraft or vessels owned, purchased, sold or

21 leased; and negotiable instruments.

22
23 9. **INDICIA** including, but not limited to items related to, items showing evidence of

24 dominion, control, or ownership of the locations, vehicles, storage areas, safes, lock

25 boxes, or containers to be searched: including but not limited to keys; photographs;

26 current and cancelled mail and mail envelopes; other items of correspondence such as

27 utility bills and telephone bills; rental agreements; grant deeds; legal documents; maps of

28 the property; escrow documents; airline tickets and other tickets of identification for other

29 forms of public transportation; personalized luggage or luggage tags; forms of official

30 identification and exemplars of original handwriting including drivers licenses, social

31 security cards, passports, resident alien cards, food stamps and food stamp identification

32 cards, signature cards, usage cards and applications, insurance documentation, Medi-cal

33 cards or stickers, medical records bills, prescriptions and prescription bottles; articles of

34 personal clothing of suspect(s) or co-conspirator(s); articles of personal property such as

35 telephone books, address books, notebooks, and papers; other items reflecting the names,

36 addresses, or telephone numbers of associates possibly involved in the conspiracy to

37 obtain stolen property.

38 10. **OFFICERS ARE ALLOWED TO BRING OTHER GOVERNMENT AGENCIES**

39 **ONTO THE PROPERTY** to be searched, including local, state and federal law

40 enforcement officers, experts, and environmental scientists. This includes, but not limited

41 to, the following agencies: the California Department Fish and Wildlife, the State Water

42 Board, California Department of Fire and Forestry (CAL Fire), the Mendocino County

43 Department of Health and Human Services—Division of Environmental Health, Air

44 Quality Management District, and Mendocino County Code Enforcement.

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11. TO THE STATE WATER RESOURCES CONTROL BOARD, AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, BIOLOGISTS FOR THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, NORTH COAST REGION ARE COMMANDED TO THE STATE WATER RESOURCES CONTROL BOARD, AND THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COAST REGION ARE ALLOWED TO INSPECT, INVESTIGATE, AND SEARCH, SAID INVESTIGATION TO INCLUDE entering upon and conducting a visual inspection of the entire property and conducting and documenting such inspection by taking such samples and reviewing such writings and records that are kept and maintained on the Property as is necessary to determine compliance. The inspection may include: 1) entering the Property, observing the physical conditions of the Property, and any equipment located thereon and any operations, processes or other activities being conducted thereon, including, but not limited to, water diversions, graded areas, cultivated areas, road crossings, disposal areas, ponds, surface drainages, watercourses, material stockpiles, storage, and buildings located on the Property; 2) taking photographs and video of the physical conditions of the Property and any equipment located thereon and any operations, processes or other activities being conducted thereon; 3) questioning of or conferring with persons present on the Property privately to obtain information bearing on whether violations of the laws and regulations occurred; 4) the measurement of the pumping rate, if extant; the measurement of each reservoir's area, dam height, and diversion facilities, if extant; 5) collecting and analyzing samples of water, raw, graded, processed or stored materials, chemical, fuel, waste, and/or other stored or contained materials; 6) testing for water pollutants, including but not limited to sediment, fertilizers and pesticides, from any source whether mechanical, process, or natural; 7) inspection and duplicating any writings and records of spills or emergencies, business plans, contingency plans, or any other information authorized under California Water Code section 13267, subdivision (c).

12. It is the request of the Affiant that the Court orders the destruction of marijuana plant/products that it expects to seize in this matter pursuant to a duly authorized search warrant. Your Affiant requests this order by the Court, because bulk marijuana poses significant safety and health concerns. Marijuana products can decompose and liquefy rapidly and when stored can harbor mold and other bacterial elements. Your Affiant therefore respectfully request that the Court authorize/order the destruction of any seized marijuana after the plants are counted, photographed and after a representative sample pursuant to Health and Safety Code §11479 is taken from the location.

13. **Special Request for Officer Safety Purposes:**
Prolonged and extended manual labor is required to properly eradicate and destroy bulk marijuana and growing marijuana plants. As internal temperatures of hoop style greenhouses can be lethal and the potential of known (such as carbofuran, methamidophos, methyl parathion, and others) and/or unknown pesticides, which have been proven to cause severe life-threatening medical conditions, used during the marijuana cultivation process have increased
You Are Authorized To: ventilate and alter hoop style greenhouses and any other marijuana cultivation areas, structures, and places, including to remove doors or other

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building materials from cultivation structures. Additionally, the use of heavy equipment (skid-steer and/or other implements) to assist in the eradication is also authorized, which can result in property damage, or the altering of the erected hoop houses/ greenhouses or other cultivation areas, structures, and/or places that house the illegal growing marijuana plants.

14. Any other items by their nature that constitute a felony.

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Exhibit "C"

Statement of Probable Cause

Your affiant states he has received the following training and experience in the field of criminal investigation:

Timothy H. Del Fiorentino #2725

Your affiant has been employed as a sworn Peace Officer by the Mendocino County Sheriff's Office since January, 2018. Your affiant has received the following training and experience:

- Your affiant was a Corrections Deputy with the Mendocino County Sheriff's Office from April, 2015 – July, 2017.

- Completion of an 196 hour Basic Corrections Core academy at Santa Rosa Junior College Public Safety Training Center, in Windsor, California. As part of that training your affiant received training in maintaining security and contraband, criminal justice system (state codes and statutes), emergency procedures, first aid/CPR, restraint techniques and control holds.

- While employed as a corrections deputy, your affiant observed no less than 100 people under the influence of a controlled substance and/or alcohol.

-Your affiant has completed over a 900 hour P.O.S.T. Basic Law Enforcement Officer course at College Of The Redwoods Police Academy, in Eureka, California. As part of that training your affiant received state mandated training in defensive tactics, chemical agents, pursuit driving, interview techniques, basic evidence gathering, introductory traffic investigation, an 11550 H&S evaluation class, a basic drug identification course, property crimes investigations, operation and qualification of handgun and shotgun, and completion of a training course meeting the requirements of Penal Code section 872(b): Hearsay Evidence Testimony.

-A 12 week Field Training phase with the Mendocino County Sheriff's Office. During the training phase your affiant's training expanded upon the academy curriculum. Your affiant had a training officer who had testified as narcotics expert and gang expert (Robert Moore).

-Your affiant has been primary investigating Deputy on more than ten felony cases, resulting in over 10 felony arrests.

-Your affiant has completed a Search Warrant A-Z class, which consisted training on how to author a search warrant and the service of search warrants.

-Your affiant has contacted in the field more than ten subjects under the influence of Methamphetamine, and has been trained to evaluate those subjects by Mendocino County Sheriff's Office FTO's. During these contacts your affiant has discussed the effects of methamphetamine upon the body and mind with the subject, as well as the habits for their use.

1 -Your affiant has arrested no less than five subjects for being under the influence of
2 methamphetamine or heroin, and has received 1 negative toxicology results from those arrests.

3
4 -Your affiant has arrested no less than four subjects for possession of methamphetamine or
5 heroin, and has never received negative test results on presumptive methamphetamine or heroin
6 submitted to CA DOJ for testing.

7
8 -Your affiant has handled numerous quantities of packaged methamphetamine, heroin, and
9 marijuana while wearing gloves and with bare hands.

10
11 -Your affiant has taken part in no less than five marijuana eradication operations while employed
12 as a Deputy with the Mendocino County Sheriff's Office and has seen growing marijuana plants
13 on no less 50 occasions.

14
15 -Your affiant has smelled growing and burning marijuana no less than fifty times.

16
17 -Your affiant has observed growing marijuana from the air no less than 4 times and has been
18 trained in the recognition of marijuana plants from above by a supervisor who had testified as a
19 marijuana expert (Clint Wyant)

20
21 **Your affiant says that the facts in support of the issuance of a search warrant are as**
22 **follows:**

23
24 The following statement details this investigation and the reason for the search and seizure of the
25 listed items/property:

26
27 On 07/07/22, Sgt. Wyant with the Mendocino County Sheriff's Office County of Mendocino
28 Marijuana Enforcement Team (C.O.M.M.E.T.), with the assistance of Special Agent Rowan,
29 conducted an over flight in the area of Covelo California. During the over flight, Sgt. Wyant and
30 Agent Rowan observed a large marijuana cultivation site located at 78140 Crawford Road. Sgt.
31 Wyant observed no less than nine hoop style greenhouses on the property and observed green
32 growing marijuana within at least six of the greenhouses. Sgt. Wyant estimated no less than 400
33 growing marijuana plants were observed within the hoop style greenhouses, but stated he
34 believed there to be over 1,000 marijuana plants in total on the property.

35
36 Sgt. Wyant provided me with a photograph of the property which was consistent with his above
37 statement to me. The photograph was attached to this document as "Exhibit D".

38
39 I began an investigation into the property. During the investigation I conducted an online parcel
40 search and learned the property had a listed address of 78140 Crawford Road, Covelo CA. and
41 an exact APN# of [032-460-33-00]. The property was listed as a 5 acre parcel The owners of the
42 property were listed as Lester Treppa 5/150 and Vacant 145/150 with a listed mailing address of
43 425 Lake Mendocino Drive in Ukiah Ca.

44
45 I checked the most recent Department of Cannabis Control (DCC) licensing spreadsheet for the
property, which was current as of 06/29/22. The state licensing spreadsheet showed there were

1 no active cultivation licenses through the State of California, for the purpose of cultivating
2 marijuana in excess of six plants for the property.

3
4 On 07/08/22, I contacted Department of Cannabis Control (DCC) Special Investigator Jaime
5 Masuda regarding the parcel. Special Investigator Masuda confirmed the property did not have a
6 valid permit or current license through the State of California for the purpose of cultivating more
7 than six marijuana plants.

8
9 Based on my investigation and Sgt. Wyant's observation of growing marijuana plants within the
10 greenhouses on 07/07/22, it appears unknown subjects on the properties are cultivating more
11 than six marijuana plants in violation of section 11358(c) H&S.

12
13 It has been my training and experience individuals involved in the marijuana trade and dealers
14 commonly maintain some records of transactions similar to those of a legitimate businessperson.
15 These records are commonly kept either in the residence, vehicle, on their person or the person
16 doing the maintenance of the cultivation area. These documents include receipts, contracts, and
17 estimates for work performed related to various aspects of cultivation site development. Such site
18 development activities include road construction and maintenance, earth-moving work, landing
19 development, general construction, greenhouse construction, electrical work, and associated
20 infrastructure development. It is also my training and experience that marijuana cultivators and
21 dealers will take home movies and photographs of themselves depicting site development and
22 other construction activities.

23
24 Based on my training and experience, I know individuals that engage in the unlawful cultivation
25 of marijuana may also be involved in manufacturing black market honey/hash oil often engage in
26 black market sales of honey/hash oil. These individuals often maintain, manipulate, measure,
27 weigh and package their products at place of relative safety. These places of safety include but
28 are not limited to households, apartment, trailers, storage units, or any other location in which
29 they have domain or control of. These products are often packaged into predetermined amount
30 and sold for predetermined amounts. Based on my training and experience, I know it is common
31 for individuals engaged in black market sales of cannabis to only travel with an amount on their
32 person when a deal had already been brokered. Often times these individuals will travel to their
33 "stash" or "grow" location acquire their product for the pre-arranged deal and travel directly to
34 the agreed upon transaction.

35
36 Additionally, I have found it necessary to seize keys, papers, and other documents, which tend to
37 show dominion and control by persons, present or not, over areas where contraband is found. The
38 papers and documents include bills, correspondence and receipts. In virtually all locations I have
39 searched during prior investigations, I have observed utility bills pertaining to the location, and
40 personal letters addressed to occupants of the location, which will identify persons in control of the
41 premises.

42
43 Based on my training experience, I know that person(s) who cultivate marijuana, or who are
44 involved in the marijuana trade know the value of their product. I know marijuana and other
45 illicit drug sales generate large amounts of unreported cash and these caches of money are often
too large to be placed into legitimate banking institutions without raising suspicion and

1 prompting an investigation by law enforcement. Based on my training and experience, I know
2 large amounts of cash are located in the home, or properties of marijuana distributors. Many
3 subjects involved in the marijuana trade will not contact law enforcement in regard to their
4 affairs if they fall victim to a robbery, or assault, fearing an investigation will lead to their
5 apprehension and prosecution. Therefore, marijuana cultivators will often arm themselves
6 against subjects who would attempt to commit robbery and burglary of their illegal substances
7 and profits, and many times these subjects are armed when confronted by law enforcement.

8
9 Based on my training and experience, I know it is common for people who cultivate, store,
10 process, use, and sell marijuana, and other drugs to arm themselves with, but not limited to
11 firearms, crossbows, knives/swords, bows and arrows, billy clubs, and other weapons for what
12 they claim to be personal "protection" from "rip-offs" and other thefts or assaults against them.

13
14 I know that during the service of this Search Warrant there may be articles of personal and/or
15 business property tending to establish the identity of persons who have dominion and control
16 over the premises, business, vehicles, and/or items to be seized. I believe that these items will
17 tend to connect the premises, locations, persons, and vehicles to be searched with the items to be
18 seized and the case being investigated. It is my opinion that these types of items are usually
19 present at the location sought to be searched by this Search Warrant and that they will therefore
20 likely still be found in the location, and/or the person to be searched.

21
22 I know that persons involved in marijuana cultivation frequently have cellular telephones that have
23 internet capabilities just as a home computer does. I know from my training and experience that
24 people communicate today with cellular telephones via text messaging, multimedia messaging, and
25 by telephone calls on regular basis. This electronic data including the call history, contact list
26 (address book), inbound/outbound text messages, and inbound/outbound/missed telephone calls
27 can provide additional evidence in this criminal investigation.

28
29 Based on my training and experience and previous investigative experience, I know people who
30 possess, possess for sale and cultivate marijuana, use the telephone to arrange sales and
31 purchases of marijuana and often deliveries to their residence or make deliveries from their
32 residence pursuant to these telephone calls. Answering the telephone will produce further
33 evidence possession for sale of cannabis on the occupant (s) of the residence and may reveal the
34 identity of person and persons who may have purchased the cannabis in the past or may reveal
35 the source of the marijuana. I request that the searching officers are granted authorization to
36 answer any and all telephones, including cellular telephones and converse with callers who
37 appear to be calling in regard to cultivation, possession and/or the possession for sales of
38 cannabis, note and record the conversation without revealing their identity, but only for the time
39 reasonably required to execute this warrant.

40
41 Based upon the foregoing investigation, facts stated herein, and my training and experience, I
42 believe the crime of 11358(c) HS was committed and that evidence of such crime, as described
43 in exhibit "B", will be found at the locations described in exhibit "A". Furthermore, it is your
44 affiant's opinion that the execution of a search warrant would reveal other potential felony
45 crimes. For the reasons stated above, I request this court issue a warrant to search for such items.

Exhibit "D"

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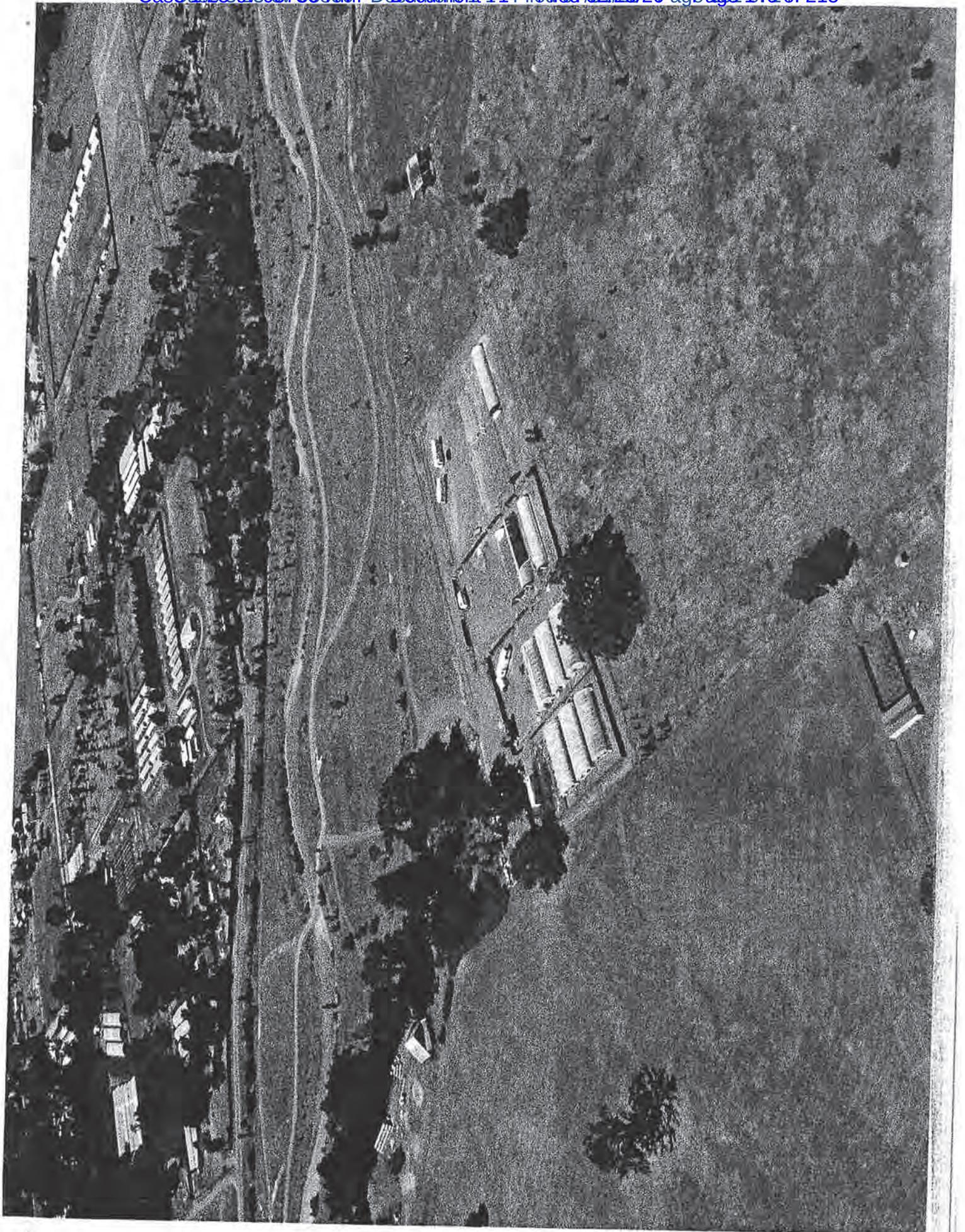


EXHIBIT **H**



Mendocino Sheriff [Follow](#)

October 15, 2022 · 🌐

The Mendocino County Sheriff's Office has been working extremely hard this year. With all your help the Sheriff's Office Marijuana Enforcement Team has seized over 200,000 marijuana plants, almost 30 tons of processed marijuana and 43 firearms. We have been forced to focus our efforts on the most egregious violators due to the extreme shortage in personnel which most law enforcement agencies are facing. This was just a drop in the bucket. We are looking much better than we were last year in many areas, however we have a long way to go until we have this problem cleaned up. I continue to receive calls from residents concerned about violence and environmental degradation. Please understand we are trying very hard to get to all of the problem locations.

Recently I read an article, in which a press release completed by Attorney General's Office was quoted. I don't know how many people in Mendocino County read this article however I found it to be a little insulting. This article seemed to be declaring the legalization of marijuana a success in California. Sadly, as I read the article and realized, Sacramento must be a long way from Mendocino County. I began to wonder if the policy makers truly understand what's going on in rural California. It's not that they haven't been told yet it seems they probably aren't listening. Clearly the roll out of legalized marijuana has been a much different experience for those of us living in the emerald triangle.

Reading this press release made me realize those of us who have seen our county at a time prior to legalization and at a time following it, have a much different view of what has occurred here. I can tell you, as a rural sheriff I feel as if the policy makers came to our county, hit it with a wrecking ball then began praising themselves for offering us a broom to clean up the mess.

The article stated, "California has the largest safe, legal and regulated cannabis market in the world, but unfortunately illegal and unlicensed grows continue to proliferate." I have not seen a safe, legal, or regulated market in Mendocino County. I doubt the families of the homicide victims murdered in grow sites over the last few years would agree with this statement. I also doubt the legal cultivators, many of whom have poured their life savings into a failing system would agree either.

In 2020 I, along with other Northern California Sheriffs, met in Trinity County with members of the state's marijuana policy team. During this meeting we asked several questions including, what are the plans for enforcement against drug trafficking organizations as well as how would they deal with the marijuana being diverted to the black market and shipped out of state. We also brought up the struggles of finding personnel and asked who would be handling the enforcement of the massive wave of illegal marijuana which we all knew was coming.

As the conversation continued, we asked if the state had any plans to regulate the market ensuring these things wouldn't happen. We asked if they had a target number of product production which would supply the needs of legal marijuana within the state. We pointed out the fact that producing beyond market saturation would cause diversions to the black market. The black market would have a negative impact on legal farms and as the prices drop, the violence, environmental impacts and damage to the legal farms would continue and escalate. If the black market isn't dealt with all legal markets will fail. That is simply a fact. All these questions seemed to fall on deaf ears. The issues we are currently facing were predicted in that meeting by the rural sheriffs in California.

The article went on to discuss future direction to focus on environmental, economic, and labor impacts from illegal cultivation. I didn't see anything discussing the violence which has been long associated with drug trafficking organizations.

Homicides, robberies, and environmental destruction have become the new normal for rural communities. We had two rolling shootouts in the Ukiah and Willits area on highway 101 this year. Drug Trafficking Organizations are not one trick ponies. Once they have established a footing in our rural areas, they bring fentanyl and other hard drugs as well as human trafficking, violence, and intimidation. We are seeing these things occur and continue to occur in our county. We simply can't have this in Mendocino County.

State agencies such as the California Department of Fish and Wildlife, are incredibly helpful for us in Mendocino County. They are stretched incredibly thin as almost all law enforcement agencies currently are. The state CAMP program is extremely helpful as well. These agencies have always been force multipliers. Sadly, the CAMP program is a shadow of what it once was, we only received 7 days of assistance from them this year. The problem isn't with boots on the ground, it's the policies which have restrained us from making true impacts.

7 days of assistance from them this year. The problem isn't with boots on the ground, it's the policies which have restrained us from making true impacts.

Over the past several years we have been working hard with staffing shortages, we've taken on these issues, and I am happy to report we are making a small dent in many areas. It is a small dent however, we will continue to work on this. This all comes with a price. Our deputies are placed in danger each time they enter one of these sites. We must work collaboratively to meet the current needs. Again, locals are being placed in harms way due to decisions made by policy makers far from the problems.

We did receive some assistance this year from our legislators, I would like to thank Senator McGuire, who came through for rural counties providing funding through the state to assist us in our work regarding these issues. I am very grateful for his assistance.

We must stay focused and continue to work towards a solution that will meet the needs of our communities. If we don't continue to progress things will digress again. Little to no enforcement on the illegal market has created the perfect storm for our communities.

In order to face these new challenges, I have been and will continue to work with other sheriffs including Lake, Humboldt, Trinity, and Butte Counties. We are continuing to work together and support each other as we investigate these crimes. We need the state policy makers to step up and provide more personnel for enforcement, also we need them to change the flawed policies which have brought these problems to our communities. The first step to fixing a problem is admitting there is one. Without changes in policies these issues will continue. Please help us by letting Sacramento know there is a problem. Reach out to our state leaders and legislators, let them know we have a problem and together we can come together to find a solution.

Thank you,
Sheriff Matt Kendall



20

Home

**Mendocino Sheriff**

August 2 at 3:44 PM · 🌐

Last week we completed several investigations into illegal marijuana cultivations in the Round Valley. I wanted to take a few minutes to explain what we are dealing with.

Several years ago, I along with several Northern California Sheriff's met regarding the violence, human trafficking, drug trafficking organizations and environmental degradation we were seeing in illegal marijuana grow sites throughout Northern California. We began a partnership realizing we were all facing the same issues at a time when we are all facing personnel shortages. This partnership has allowed us to concentrate on the most egregious violators.

We were very fortunate to have Senator McGuire who assisted in this coordinated effort and was able to work with us to secure funding which helps combat these sites. This funding through the state lightened the financial load for our counties and allowed all agencies to work together investigating the worst offenses causing violence, human trafficking, and environmental degradation.

Last week we had a terrible crime occur in the Round Valley area in which a robbery of marijuana was attempted. This resulted in assaults with deadly weapons, a vehicle pursuit and crash, gun fire and violent assaults. These are the type of crimes which we continue to see with the illegal marijuana trade and this is why we have formed these partnerships.

We were able to arrest the suspects in this case, however they were badly beaten by residents in the area. One of the suspects was released to a hospital due to major injuries, while the other suspect, who was on federal parole, is currently in custody with the federal prison system and awaiting charges in Mendocino County.

These are the crimes which continue to endanger neighborhoods. These are the reasons we are continuing to investigate illegal cultivations.

Thanks to the previously mentioned partnerships, the Mendocino County Sheriff's Office collaborated with the Humboldt County Sheriff's Office regarding illegal cannabis being cultivated in Round Valley. We utilized air assets for overflights identifying numerous cannabis cultivation sites throughout the valley.

In collaboration with partnering agencies, further investigations into the properties identified during overflights continued. A total of 18 locations were ultimately chosen to be targeted for search warrants based on several factors. The locations had an overwhelming amount of illegal cannabis being grown, were not county or state licensed and/or appeared to also have environmental impact crimes taking place. These lands were identified as being private properties, as well as state and tribal lands.

Based on the number of sites as well as the overwhelming amount of marijuana being cultivate at these locations, we requested even more assistance from allied agencies. The following agencies assisted in the enforcement effort: Humboldt County Sheriff's Office, Mendocino Cour Sheriff's Office, Trinity County Sheriff's Office, Siskiyou County Sheriff's Office, along with the California Department of Fish & Wildlife (including environmental scientist staff) California



20

During the search warrant services, numerous subjects were detained. In addition, many others were observed fleeing the locations from these large scale grow sites.

Now please think about these numbers. In 2 days, we were able to eradicate a total of 62,117 marijuana plants. A total of 31,284 pounds of processed marijuana was also located. There were 3 illegal AR 15 style rifles (Ghost Guns) and an illegal short barreled rifle located within the grow sites. Illegal pesticides (Carbofuran and Methamidophos) were also located on several properties and appeared to be used in the illegal cultivation of marijuana. We, along with the Humboldt County Sheriff's Office, are preparing criminal cases that will be sent to the District Attorney's Office for charging considerations.

Let me be clear about this, we will continue to investigate these crimes and will continue to charge the violators. For every person who complains regarding the enforcement, we receive calls of gratitude from many others including our elders and people raising children who have been afraid to simply walk through their neighborhoods. Therefore, we will continue to investigate these crimes and work towards safety in our rural areas.

To all the folks who have reached out to my office with gratitude for this work, you are welcome and thank you for your support in this endeavor. We will keep after this until such time our communities are again safe.

Sheriff Matt Kendall





Mendocino Sheriff's Post



Mendocino Sheriff

August 12, 2024 ·



I have received many calls from Round Valley Residents this week. Therefore I wanted to reach out to the residents of the Round Valley / Covelo area and provide the following information regarding marijuana enforcement.

Following the recent investigations into illegal marijuana cultivation in the Covelo/Round Valley area, I received correspondence from the Round Valley Indian Tribes, Tribal Council. This correspondence was a cease-and-desist request asking The Mendocino County Sheriff's Office stop marijuana enforcement on Round Valley Indian Tribal Lands.

The Sheriff's Office has asked County Counsel to review the letter from the Tribal Council.

We receive a lot of calls from residents to enforce marijuana laws on and off of tribal lands in the Round Valley area. The Sheriff's Office asks for patience as we evaluate the Tribe's position and assertion of sovereignty over marijuana cultivation and possession for sale.

The Sheriff's Office will continue to review each reported criminal violation on a case-by-case basis to determine whether or not the enforcement can be completed.

The Tribal Council's assertion of sovereignty will not deter our work on fee lands not held within trust and enforcement will continue there.

With the ever-changing landscape of laws surrounding marijuana cultivation, possession for sales, and sales of marijuana we can see there have been many problems that need to be worked out. I pray there will come a time when we no longer see violence, banned chemicals, blight and environmental degradation caused by marijuana cultivation.

Thank you
Sheriff Matt Kendall



Write a comment...



EXHIBIT I

TOP STORY

Bay Area carmaker, down billions in value, lays off hundreds more workers

CANNABIS Follow

California sheriff warns local tribe could be creating 'a narco state'

The cannabis raids were conducted on California tribal land last summer



FILE: Clouds drift over Round Valley and a burned sign welcoming visitors inside a barbed wire fenced pasture on Monday, Jan. 10, 2022, in Covelo, Calif.

Brian van der Brug/Los Angeles Times/Getty Images

By Lester Black, News editor

May 5, 2025



 Listen Now: Northern California tribes say sheriffs 'ter 1x

4:01 

A Native Northern California tribe sued Mendocino County, its sheriff and the California Highway Patrol last week, accusing them of conducting illegal raids on cannabis farms that “terrorized” the tribal community last year, including tearing up an 86-year-old’s vegetable garden.

The Round Valley Indian Tribes and three individual plaintiffs are suing for unspecified monetary damages and a court injunction stopping the sheriff’s department from conducting illegal raids on their land. The lawsuit’s named co-defendants include Humboldt County, its sheriff, and the commissioner of the California Highway Patrol.

Lester Marston, an attorney for the plaintiffs, told Law360.com that the July 2024 raids were part of Mendocino County Sheriff Matthew Kendall’s “good old boy” system of uneven enforcement of laws.

“If he likes you, he cuts you slack,” Marston told Law360. “But if he doesn’t like you, or your face is brown, then he sends his goon squad up, knocks on the door and when the 87-year-old woman responds, the AK-47s come up, and it’s ‘get down on the ground!’”



FILE: Mendocino County Sheriff Matthew Kendall.
Mendocino County Sheriff

Kendall forcefully pushed back on this characterization in an interview with SFGATE, saying that he grew up in the Round Valley area of Mendocino County and did not personally decide which properties were raided.



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“This good ole boy thing where I don’t like people with brown faces, I’m sorry, my daughter is Native, my brother’s children are Native, that is a load of bullsh—t,” Kendall said.

The legal dispute centers on how much authority state and county law enforcement have on tribal land. The lawsuit alleges that the officers had no authority to enforce cannabis law on the tribal land, areas that are governed by tribal law. The lawsuit also alleges that officers failed to show warrants for some of the raids and, when they did, the warrants did not disclose that the farms were on tribal land.

Kendall told SFGATE that law enforcement was targeting farms run by non-tribal people and that the raids were not conducted illegally. He said that his office receives numerous pleas from tribal members asking for help fighting illegal cannabis farms.



FILE: Aerial view of a trespass grow on Noel Manners' Mendocino County land Friday, April 22, 2022, in Covelo, Calif.

Brian van der Brug/Los Angeles Times/Getty Images

"We have to go deal with it or we're not dealing with our duties, but as soon as we do deal with this now there's a lawsuit and we're called a racist," Kendall said. "No, not enforcing the law for the tribes would be racist."

Kendall said it was "strange" that the tribe itself is suing his office. The Round Valley Indian Tribes did not return an SFGATE request for comment, and David Dehnert, one of the attorneys on the lawsuit, told SFGATE in an email that the tribal leadership would not provide comment on the litigation.

Tribal members have previously sparred with the Mendocino County Sheriff's Office. Gary Cordova, a Round Valley tribal member, sued the county in 2023 alleging that a 2022 raid by sheriff's deputies was illegal and destroyed \$100,000 worth of cannabis. A federal district court judge ruled against Cordova in February of 2024, deciding that his farm was not legal under the state's medical laws.

Kendall said the area around Round Valley, a fertile piece of flat land surrounded by the rugged coastal range mountains, has become a hotbed of illicit cannabis activity with cartel activity and murders. He warned that the tribe's permissive attitude is "going to create a Narco state on that tribal land."



FILE: Sunlight breaks through the clouds to illuminate cattle grazing in a Round Valley pasture on Monday, Jan. 10, 2022, in Covelo, Calif.

Brian van der Brug/Los Angeles Times/Getty Images

Marston told SFGATE that cartels are a problem in the area, but alleged Kendall is declining to go after the illicit farms and is instead investigating “based on his own personal likes and dislikes.”

“Why wasn’t he putting that type of task force to go after the cartel, which everybody knows is up in that area? What’s wrong with Kendall, is he afraid?” Marston said.

Kendall said that was untrue, and that his raids have consistently gone after “the grow sites that are the biggest and the baddest.”

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May 5, 2025



Lester Black
NEWS EDITOR



Lester Black is a news editor at SFGATE. He has written for FiveThirtyEight.com, High Country News, The Guardian, The Albuquerque Journal and The Tennessean. He previously worked at The Stranger and the Clarksville Leaf-Chronicle.

Let's Play



Cross|word



Pile-Up Poker



Typeshift



Really Bad



Top ^



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EXHIBIT **J**

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7 *Attorney for Defendant*
8 *County of Humboldt*

9
10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**

12 APRIL JAMES, EUNICE
13 SWEARINGER, STEVE BRITTON, and
14 ROUND VALLEY INDIAN TRIBES

15 *Plaintiffs,*

16 v.

17 MATTHEW KENDALL, Sheriff of
18 Mendocino County; COUNTY OF
19 MENDOCINO, WILLIMA HONSAL,
20 Sheriff of Humboldt County; JUSTIN
21 PRYOR, deputy of Humboldt County
22 Sheriff's Office; COUNTY OF
23 HUMBOLDT; SEAN DURYEE,
24 Commissioner of the California Highway
25 Patrol; CALIFORNIA HIGHWAY
26 PATROL; and DOES 1 through 50,

27 *Defendants.*

Case No. 1:25-CV-03736-RMI

DECLARATION OF DEPUTY JUSTIN
PRYOR IN SUPPORT OF
DEFENDANT COUNTY OF
HUMBOLDT'S OPPOSITION TO
MOTION FOR PARTIAL SUMMARY
JUDGMENT

28 I, Justin Pryor, declare as follows:

1. I have been employed full time by the Humboldt County Sheriff's Office as a Deputy Sheriff since May 9, 2016. I am currently an investigator on the Marijuana Enforcement Team ("MET".)

1 2. I have completed numerous POST certified courses, including a 24-
2 hour advanced search warrant course, and a 16-hour marijuana cultivation
3 and labor trafficking course.

4
5 3. I have investigated or assisted in the investigation of numerous
6 indoor and outdoor marijuana cultivations, including large, sophisticated
7 commercial indoor marijuana growing operations.

8
9 4. Due to staffing shortages at the Mendocino County Sheriff's Office,
10 the enforcement of illegal, commercial, black-market marijuana grows has
11 greatly decreased leading to an increase in illegal marijuana grows
12 throughout the county. Illegal marijuana grows are commonly rampant with
13 environmental violations and are often operated by the use of human labor
14 trafficking. The staffing shortages and lack of enforcement in Mendocino
15 County led Mendocino County Sheriff's Office to request assistance from the
16 MET for the enforcement of illegal marijuana cultivation and trafficking.

17
18 5. On 07/10/2024, I conducted aerial surveillance over the Covelo area of
19 Mendocino County and took photos of various marijuana cultivation sites.
20 These sites were all similar: large greenhouses covered in opaque plastic.
21 Through slits and gaps in the plastic I could see that the greenhouses
22 contained large amounts of growing marijuana plants, far in-excess of the
23 amount that could be used for reasonable medicinal and personal use.

24
25 6. I recorded coordinates related to the photos and later compared the
26 photos to satellite imagery and parcel maps. I submitted 18 warrant
27 applications to the Superior Court of Mendocino County.

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7. All of the cultivation sites destroyed during the operation were large, sophisticated cultivation sites consistent with an intent to sell. They used the same or similar structures, materials and operational design, indicating some common plan or joint endeavor. As an example, a true and correct copy of the warrant served on APN 32-420-05, with the Warrant to Return and Search Warrant Inventory is attached as Exhibit A. In total, nearly 64,000 growing plants and more than 24,000 pounds of processed cannabis was seized and destroyed during the operation.

8. Personnel from the Integral Ecology Research Center in Blue Lake California accompanied law enforcement during the operation and prepared toxicology assessment reports for each parcel searched. A true and correct copy of the report we received for APN 32-420-05 is attached as Exhibit B.

I declare under penalty of perjury that the foregoing is true and correct:

Dated: August 7, 2025

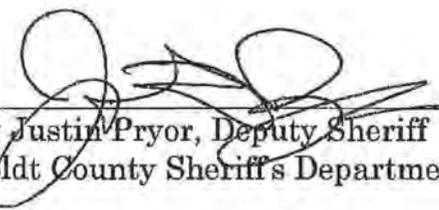
/s/ 
Deputy Justin Pryor, Deputy Sheriff
Humboldt County Sheriff's Department

Exhibit A

SW No. 03242005

COUNTY OF MENDOCINO, STATE OF CALIFORNIA SEARCH WARRANT

THE PEOPLE OF THE STATE OF CALIFORNIA, to any Sheriff, Sheriff's deputy, policeman, or peace officer in the County of Mendocino: **PROOF** by affidavit having been made before me by Humboldt County Sheriff's Office Deputy Justin Pryor, that there is probable cause to believe the property described herein may be found at the location(s) set forth herein and that it is lawfully seizable pursuant to Penal Code §1524, as indicated below by "x" (s) in that it:

- was stolen or embezzled;
- was used as the means of committing a felony;
- is possessed by a person with the intent to use it as a means of committing a public offense; OR is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;
- is evidence which tends to show a felony has been committed or a particular person has committed a felony;
- when the property or things to be seized are controlled substances or a device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance pursuant to the authority described in Section 11472 of the Health and Safety Code.

YOU ARE THEREFORE COMMANDED TO SEARCH:

See **Exhibit "1A"** attached hereto and incorporated herein by this reference;

FOR THE FOLLOWING PROPERTY:

See **Exhibit "1B"** attached hereto and incorporated herein by this reference; and to **SEIZE** it if found and retain such property in your custody, subject to the order of the court pursuant to Penal Code §1528(a), 1536. Wherefore, I find probable cause for the issuance of this Search Warrant and do issue it.

GOOD CAUSE HAVING BEEN SHOWN in the affidavit, **NIGHT SEARCH** pursuant to Penal Code §1533 is approved: Yes No AM

(Magistrate's Initials)

GIVEN under my hand and dated this 19th day of July, 2024 at 12:55pm a.m. / p.m.

Ann Moorman

(Signature of Magistrate)

Judge of the Mendocino County Superior Court

Exhibit 1A

THE PREMISES DESCRIBED AS:

APN 032-420-05-00, located 77100 Logan Lane in Covelo, Mendocino County, California.

Coordinates: 39.806112 -123.217497

105 acre rural parcel containing over 40 large hoop-style greenhouses covered in opaque plastic. The property also contains multiple residences and outbuildings.









Hide Tools

- View
- Layers
- Go To
- Buffer & Shapes
- Legend



Lat: 39.803805° Zoom
 Lon: -123.223424° 15

RESULTS

LIST

DETAIL

Records: 1 [Click an Id Number to open a parcel's Detail page](#) Page 1 / 1 [Refresh List](#) [Save Work](#) [Print](#) [Hide Map](#) [Settings](#)

<input checked="" type="checkbox"/>		Co	APN	Owner	S Street Address	S City State Zip	Lot Acres
<input checked="" type="checkbox"/>	1	MEN	032-420-05-00	VACANT	77100 LOGAN LN	COVELO CA 95428-9791	105.000

AND any and all containers, carports, garages, mailboxes, appurtenant and outbuildings, storage areas, sheds, trash containers, attics, basements, gun safes, safes, and locked containers, and yard assigned to the above-described premises; for the property and evidence described in Exhibit 1B.

THE VEHICLE(S) described as: Any and all vehicles located on the property at the time of service of this warrant. Including the passenger compartment, storage areas such as trunk and glove box, and any containers with the vehicle(s) which could contain any of the items sought.

PERSON(S): Any person(s) found at, in or near houses, structures, outbuildings, trailers, green houses or cultivation sites on the property to be searched.

Exhibit 1B

FOR THE PROPERTY DESCRIBED AS:

MARIJUANA, CANNABIS, AND/OR CONCENTRATED MARIJUANA/CANNABIS, in all forms: including but not limited to marijuana "bud," marijuana plants - stems, leaves, stalks, seeds, and cola. Scissors, scales, measuring and weighing devices frequently used to prepare marijuana for commercial distribution; garbage bags, zip-lock bags, paper bags, glass containers, and similar containers commonly used to package and store marijuana.

It is the request of the Affiant that the Court orders the destruction of marijuana plant/products that it expects to seize in this matter pursuant to a duly authorized search warrant. Your Affiant requests this order by the Court, because bulk marijuana poses significant safety and health concerns. Marijuana products can decompose and liquefy rapidly and when stored can harbor mold and other bacterial elements. Your Affiant therefore respectfully request that the Court authorize/order the destruction of any seized marijuana after the plants are counted, photographed and after a representative sample pursuant to Health and Safety Code §11479 is taken from the location.

CULTIVATION AIDS AND EQUIPMENT: including but not limited to artificial lighting equipment such as fluorescent lamps, metal halide lamps, high pressure sodium lamps, ballasts, reflective light hoods, and electric motors and track systems; fans; carbon dioxide generators; reflective materials; PH testers and balancers; ionizers; electric timers; rodent traps; plastic and wire mesh; plastic and ceramic pots; growing medium and potting soil; fertilizers; irrigation equipment, including PVC pipe and hose, drip lines, emitters, hand watering wands, and water holding tanks; diesel and/or gas generators; and any other object maintained, intended, or designed for to assist or aid in the cultivation of marijuana.

CONTAINERS, in which any of the items sought could be found: including but not limited to safes, vehicles, outbuildings, sheds, attics, crawl spaces, and garbage or trash containers.

INDICIA: including but not limited to items related to the sales and/or trafficking of controlled substances such as ledgers; controlled substance customer lists; supplier lists; correspondence; notations; logs; receipts; journals; books; papers notating the price, quantity, or quality of controlled substances; papers notating the person(s) or the location(s) where controlled substances were obtained, transferred, sold, or distributed; papers indicating amounts due or amounts owed from transactions of controlled substances; any other form of "pay and owe" records; money sheets reflecting or accounting for monies and/or controlled substances received, dispersed, or exchanged; and to include monies obtained from sales or transactions of controlled substances. Also, items showing evidence of dominion, control, or ownership of the locations, vehicles, storage areas, safes, lock boxes, or containers to be searched: including but not limited to keys; photographs; current and cancelled mail and mail envelopes; other items of correspondence such as utility bills and telephone bills; rental agreements; grant deeds; legal documents; escrow documents; airline tickets and other tickets of identification for other forms of public transportation; personalized luggage or luggage tags; forms of official identification and exemplars of original handwriting including drivers licenses, social security cards, passports, resident alien cards, food stamps and food stamp identification cards, signature cards, usage cards and applications, insurance documentation, Medi-cal cards or stickers, medical records bills, prescriptions and prescription bottles; articles of personal clothing of suspect(s) or co-conspirator(s); articles of personal property such as telephone books, address books, notebooks, and papers; other items reflecting the names, addresses, or telephone numbers of associates possibly involved in controlled substance organizations, which tend to establish the existence of a conspiracy to import, transport, distribute, or sell controlled substances.

FIREARMS: including but not limited to weapons commonly used by individuals to facilitate trafficking of controlled substances, to protect caches of controlled substances, or to be offensively used against police officers serving a warrant; such as assault rifles, hunting rifles, shotguns, handguns, ammunition.

FINANCIAL DOCUMENTATION: to include any and all financial records to assist in facilitating an investigation of the laundering of illicitly obtained monies or other forms of assets acquired through the sales, trafficking, or distribution of controlled substances, and the subsequent evasion of governmental taxes: including but not limited to federal and state tax returns; employment papers; banking records - including pass books, account information, canceled checks, deposit records, income and expenditure records, property acquisition records, money market and/or similar account records, and records of stocks and/or bonds exchanged; credit card records; records reflecting the rental of safe deposit boxes; safe deposit box keys; records reflecting the purchase, sale, lease, or rental of vehicles, aircraft, or other vessels; and any other negotiable instruments.

COMPUTERS AND ASSOCIATED SOFTWARE AND ACCESSORIES; written documentation, whether typed or handwritten, including, but not limited to, computer manuals and instructions for the use of any computers and their accessories as well as documentation containing passwords.

All electronic data processing and storage devices, cell phones and "smartphones", computers and computer systems, such as central processing units, internal and peripheral storage devices such as fixed disks, internal and external hard drives, floppy disk drives and diskettes, tape drives and tapes, optical storage devices, dongles, encryption keys, personal data assistants (PDA's) or other memory storage devices; and any/all peripheral input/output devices such as keyboards, printers, video display monitors, optical readers and related communication devices such as modems, associated telephone sets, speed dialers, and/or other controlling devices, plotters, software to run programs, connecting cables and plugs, peripherals such as joysticks, mouse's, or other input devices, scanners, writing pads, manuals, connecting switches, telephones and telephone cables, and interface devices; system documentation, operating logs and documentation, software and instructional manuals. Computing or data processing software, stored on any type of medium such as: hard disks, floppy disks, CD-R's, CD-RW's, DVD's, cassette tapes, or other permanent or transient storage medium.

Any records, whether stored on paper, on magnetic media such as tape, cassette, disk, diskette or on memory storage devices such as optical disks, programmable instruments such as telephones, "electronic calendar/address books" calculators, or any other storage media, together with indicia of use, ownership, possession, or control of such records.

Any written or computer communication in printed or stored medium such as E-Mail and Chat Logs whether in active files, deleted files or unallocated space on the hard drive, floppy drive or any data storage media.

Search of all of the above items is for files, data, images, software, operating systems, deleted files, altered files, system configurations, drive and disk configurations, date and time, and unallocated and slack space, for evidence of cultivation and possession for sales of marijuana.

With respect to computer systems and any items listed above found during the execution with this Search Warrant, the searching Peace Officers are authorized to seize and book said computer systems and any items listed above and transfer them to a Law Enforcement Agency location prior to commencing the search of the items. Furthermore, any COMPUTERS AND ASSOCIATED SOFTWARE AND ACCESSORIES collected as evidence will be stored as evidence until a search warrant for the specific item is secured regarding the downloading and search of the item.

UNITED STATES CURRENCY: All U.S. Currency that is seized and that might be subject to forfeiture under 11470 Et. Seq., and 11488 (b) of the California Health and Safety Code, be deposited into the asset forfeiture account, established by the Humboldt County District Attorney's Office pending the outcome of forfeiture proceedings against said property. I request that such monies or property seized under the order of this search warrant, pursuant to Penal Code Section 1536, and which are determined to be proceeds of drug sales, or determined to have been intended to be used to facilitate such drugs sales, be seized under the authority of Section 11470 and 11488 of the California Health and Safety Code, and therefore be released from evidence in the custody and control of the appropriate law enforcement agency pending adjudication of forfeiture proceedings. I further request that any seized monies and monetary instruments be placed into an interest bearing trust account of such appropriate law enforcement agency pending the adjudication of the forfeiture proceedings.

HEAVY EQUIPMENT, EARTHWORK AND LAND ALTERATION ACTIVITIES, including but not limited to: grading; earth moving; road construction; water diversions; streambed alterations; culvert installations; stream crossings; land clearing; timber cutting; timber cutting equipment; and heavy equipment usage.

DELETERIOUS MATERIALS PLACED IN OR NEAR STATE WATERWAYS including, but not limited to sediment, potting soil, fertilizers, plant nutrients, gasoline, diesel, butane, propane, oil, paint, rodenticides, insecticides, fungicides, herbicides, poisons, detergents, soaps, sewage, garbage and debris.

OFFICERS SHALL BE ALLOWED TO BRING OTHER GOVERNMENT AGENCIES ONTO THE PROPERTY to be searched, including local, state and federal law enforcement officers, experts, and environmental scientists. This includes, but not limited to, the following agencies: the California Department Fish and Wildlife, the State Water Board, California Department of Fire and Forestry, California Department of Toxic Substances Control, the Mendocino County Department of Health and Human Services-Division of Environmental Health, County Code Enforcement, California Department of Housing and Community Development, Water Quality and the Air Quality Management District, and any government agency that might offer employees who have expertise in the area of building codes, unsafe wiring, fire hazards, environmental health, water quality, and water rights.

STAFF FROM THE CALIFORNIA DEPARTMENT OF MARIJUANA CONTROL (DCC), be allowed to inspect the location to be searched to determine if there are violations of the California violations of the Business and Professions Code related to state marijuana cultivation licenses. Such violations may include but are not necessarily limited to operating and recordkeeping requirements and engaging in commercial marijuana cultivation without a license. (Bus. & Prof. Code Sect. 26000-26231.2.)

Furthermore, I specifically request that representatives from the State Water Resources Control Board, and/or the California Regional Water Quality Control Board, North Coast Region (collectively Water Boards) be allowed to inspect the location to be searched pursuant to Water Code sections 1051 and 13267 to determine if there are violations of the California Water Code, the Porter Cologne Water Quality Control Act (Cal. Wat. Code, § 13000 et seq.) and the Federal Clean Water Act (33 U.S.C. § 1251 et seq.). Such violations may include, but are not necessarily limited to: conditions of and/or threatened conditions of pollution or nuisance resulting from discharges of waste (as defined in Water Code § 13050, subdivision (d)) to waters of the State and of the United States in violation of the Porter-Cologne Water Quality Control Act (Wat. Code § 13000 et seq.) and the Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.); and the diversion, use, and/or storage of water in violation of Water Code §§ 1052, subdivision (a), and 5101. Sources of Water Code § 13050, subdivision (d), waste are likely to include chemicals and/or hazardous wastes from garbage, pesticides, fertilizers, leachate, leaking fuel tanks or other storage containers, construction debris, and earthen materials from

timberland conversion, stream dredging, in-stream dams, grading, road construction, and soil disturbance associated with marijuana cultivation.

I request that the scope of the Water Boards' inspection including entering upon and conducting a visual inspection of the entire Property and conducting and documenting such inspection by taking such samples and reviewing such writings and records that are kept and maintained on the Property as is necessary to determine compliance. The inspection may include: 1) entering the Property, observing the physical conditions of the Property, and any equipment located thereon and any operations, processes or other activities being conducted thereon, including, but not limited to, water diversions, graded areas, cultivated areas, road crossings, disposal areas, ponds, surface drainages, watercourses, material stockpiles, storage, and buildings located on the Property; 2) taking photographs and video of the physical conditions of the Property and any equipment located thereon and any operations, processes or other activities being conducted thereon; 3) questioning of or conferring with persons present on the Property privately to obtain information bearing on whether violations of the laws and regulations occurred; 4) the measurement of the pumping rate, if extant; the measurement of each reservoir's area, dam height, and diversion facilities, if extant; 5) collecting and analyzing samples of water, raw, graded, processed or stored materials, chemical, fuel, waste, and/or other stored or contained materials; 6) testing for water pollutants, including but not limited to sediment, fertilizers and pesticides, from any source whether mechanical, process, or natural; 7) inspection and duplicating any writings and records of spills or emergencies, business plans, contingency plans, or any other information authorized under California Water Code section 13267, subdivision (c).

OFFICERS SAFETY and the threat of violence at cultivation sites is always a concern when serving a search warrant. When we serve a warrant suspects often run from the scene but stay in the immediate area to watch Law Enforcement. Once eradication of the site starts, deputies have to remove body armor and protective clothing to dispose of the illegal marijuana plants. The majority of currently used greenhouses are covered in an opaque plastic which does not allow Law Enforcement to view the outside of the structure. This creates an officer safety situation as deputies cannot see suspects approaching the greenhouse while working inside.

Green houses also retain a tremendous amount of heat. The majority of eradication efforts are completed in the summer months with higher outside temperatures. The high summer temperatures and greenhouse design create an unsafe working condition that promotes hyperthermia. Additionally, illegal growing techniques often use hazardous chemicals, and fertilizers which can be inhaled while working inside of these green houses. With these hazardous conditions working inside of greenhouses can be unsafe for deputies.

In an effort to increase officer safety, reduce hyperthermia, and unsafe hazardous working conditions, deputies are forced to vent each greenhouse prior to working inside. Venting is completed by cutting the opaque plastic covering along the lateral walls and both ends of the green house. This allows the heat to escape, a clear view of the exterior, and limits exposure to hazardous chemicals contained within the green house.

The environment in and around illegal marijuana grow sites are predominantly hazardous environments for personnel to work in while conducting eradication efforts. There are a myriad of dangers and hazards which pose a health and safety risk to personnel including but not limited to: poor or unsafe structural integrity of greenhouses which may include improper clearance, the presence of exposed screws, bolts and other hardware; extreme outdoor air temperatures; extreme interior temperature of greenhouse structures; the presence of unsafe electrical hazards, including frayed/exposed wiring and extension cords; electrical wiring exposed to water; poor air quality inside greenhouses due to high humidity coupled with the presence of chemical odors from unknown pesticides and fertilizers; the

presence of chemical exposure from both known and unknown pesticides and fertilizers as well as other known and unknown chemicals on site; the presence of trip, puncture and impalement hazards including uneven terrain, netting, and exposed posts and rods.

THEREFORE, YOU ARE AUTHORIZED to ventilate and/or alter/destroy structures containing marijuana plants or products thereof, as deemed necessary by the investigating officer or supervisor, in order to safely access, seize and destroy marijuana plants, or products thereof, contained inside by utilizing mechanized equipment such as a track loader, mini excavator, or any other equipment necessary.

YOU ARE AUTHORIZED to photograph and/or videotape each and every location, vehicle, item, or person authorized to be searched or seized pursuant to this warrant.

YOU ARE AUTHORIZED to examine any other items found in the listed locations that are reasonably suspected to be stolen property, and to examine any such property for serial numbers or other easily identifiable markings such as initials, driver's license numbers, and social security numbers and check such against known reported stolen property cases, and if you identify any such property as stolen, or reasonably suspected to be stolen, you shall seize it and remove it from the listed locations for the purpose of further confirming its stolen status and eventually returning it to its rightful owner(s) as authorized in this search warrant.

IT IS FURTHER ORDERED that any property seized pursuant to this search warrant, which is stolen or embezzled, may be returned when no longer needed by law enforcement for evidentiary purposes to the rightful owner(s), without further order of the court and prior to final adjudication of any associated criminal proceedings.

AND TO SEIZE THE DESCRIBED ITEM(S) OR PROPERTY OR ANY PART THEREOF to hold such property in your possession under California Penal Code Section 1536 or, in the alternative, to institute Federal or State asset forfeiture proceedings against any and all assets seized during the execution of this search warrant and believed to be derived from narcotics trafficking activity. It is further ordered that upon adjudication of the case(s) against all defendant(s) in this action, including the resolution of any and all appeals, and the written concurrence of the Mendocino County District Attorney's Office, the property be disposed of in accordance with the procedures set forth in California Penal Code Sections 1407 to 1422, without the necessity of a further Court Order issued pursuant to California Penal Code Section 1536.

COUNTY OF MENDOCINO, STATE OF CALIFORNIA

AFFIDAVIT FOR SEARCH WARRANT

Humboldt County Sheriff's Office Deputy Justin Pryor, swears under oath that the facts expressed by him/her in the attached and incorporated statement of probable cause are true and that based thereon he/she has probable cause to believe and does believe that the property described below is lawfully seizable pursuant to Penal Code §1524, as indicated below by "x"(s) in that it:

- was stolen or embezzled;
- was used as the means of committing a felony;
- is possessed by a person with the intent to use it as a means of committing a public offense; OR is possessed by another to whom he may have delivered it for the purpose of concealing it or preventing its discovery;
- is evidence which tends to show a felony has been committed or a particular person has committed a felony;
- when the property or things to be seized are controlled substances or a device, contrivance, instrument, or paraphernalia used for unlawfully using or administering a controlled substance pursuant to the authority described in Section 11472 of the Health and Safety Code.

and it is now located at the place(s) set forth below.

WHEREFORE, AFFIANT REQUESTS THAT A SEARCH WARRANT ISSUE TO SEARCH:
See **Exhibit "1A"** attached hereto and incorporated herein by this reference;

FOR THE FOLLOWING PROPERTY: See **Exhibit "1B"** attached hereto and incorporated herein by this reference;

Nighttime service request: Yes No
by telephone

Sworn to as true and subscribed ~~before me~~

Ann Moorman on this 19th day of July, 2024

(Print name of Magistrate)

at 12:55 a.m. / p.m.

Ann Moorman

(Signature of Magistrate)

Judge of the Mendocino County Superior Court

**STATE OF CALIFORNIA, COUNTY OF MENDOCINO,
ATTACHED and INCORPORATED
STATEMENT OF PROBABLE CAUSE**

Humboldt County Sheriff's Office Deputy Justin Pryor states that the following facts are true and that there is probable cause to believe, and the Affiant does believe, that the designated articles, property, and/or persons are now in the described locations, including all rooms, buildings, and structures used in connection with the premises and buildings adjoining them, the vehicles, and the persons described in the search warrant:

AFFIANT QUALIFICATIONS

Deputy Justin Pryor

I have been employed as a full time Deputy Sheriff for the Humboldt County Sheriff's Office since May 9th, 2016. I have worked out of Main Station Patrol, in the greater Eureka and Southern Humboldt Areas, as well as the North Area Command.

I base my opinions on the following specialized training and expertise:

1. In December of 2015 I successfully completed the 810-hour Basic Police Academy at the Allan Hancock College. The Academy included training in criminal investigations, including but not limited to, violations of California Penal Codes and Vehicle Codes, as well as training in pursuits, tactics, emergency response, and riots.
2. I received my POST Basic and Intermediate certificates.
3. I completed a 24-hour, POST certified, Interviews and Interrogation Course.
4. I have investigated or assisted in the investigation of numerous felony and misdemeanor cases, including but not limited to; assault/battery/domestic violence, solicitation for murder/attempted murder/murder, stalking, vandalism, thefts/burglaries, restraining order violations, missing persons, rape, and narcotics violations.
5. I completed a 2-hour NarcoPouch: Presumptive Testing of Narcotics training.
6. I am a member of the HCSO SWAT Team and have completed the 80-hour, POST certified, SWAT certification course.
7. I completed a 16-hour, POST certified, Flash Bang Diversionary Device Instructor course.
8. I completed the 40-hour, POST certified, FTO course.
9. I completed the STABO certification course.
10. I am a designated sniper on the SWAT team and completed the Advance Combat Evolutions, 40-hour, POST certified, Basic Sniper course.
11. I completed the Chasing Cell Phones, 16-hour, cell phone search warrant course.
12. I completed the CVC HIDTA, 8-hour, Marijuana Grow Investigations course

13. I completed the ICI, 40-hour, POST certified, Human Trafficking course.
14. I completed the 24-hour, POST certified, Advanced Search Warrant course.
15. I completed the Advance Combat Evolutions, 16-hour, POST certified, Advanced Sniper course.
16. I completed the 8-hour, POST certified, Asset Forfeiture course.
17. I completed the NCCSC, 16-hour, Marijuana Cultivation and Labor Trafficking training event
18. I attended the 2023 CNOA (California Narcotics Officers Association) annual weeklong training conference and completed 32 hours of training in the following categories: Update on Search and Seizure, Marijuana Update in California, BHO Labs and Psilocybin Cultivation, Marijuana DUI Investigations, The Culture Saints and Music of Mexican Cartels and Gangs, Informant Management
19. I completed the Pinnacle Tactical, 24-hour, Tactical Breacher course
20. I completed the Tier 1 Tactical, 16-hour, Shotgun Breacher course

Your affiant has had the following specialized training and experience regarding Marijuana/Narcotics enforcement:

Your affiant has investigated or assisted with investigating numerous indoor and outdoor Marijuana cultivations, including large sophisticated commercial indoor marijuana growing operations. Your affiant has performed ground and aerial surveillance for the detection of outdoor and indoor marijuana cultivation sites. Your affiant has conducted over 40 hours of aerial reconnaissance utilizing rotary style aircraft (helicopter). During the past seven years in Law Enforcement, your affiant has personally observed and identified marijuana plants in various stages of growth (vegetative and flowering); including dried, processed, packaged for sales, hashish, and hashish oil. During the past eight years in Law Enforcement, your affiant has arrested or has been involved in the arrest of numerous subjects who were in possession of an illegal narcotic and/or paraphernalia. Your affiant has investigated or assisted with the investigation of cases involving the possession/possession for sale of controlled substances, such as marijuana, methamphetamine, heroin, psilocybin mushrooms, and cocaine.

Your affiant's training and experience is based on the aforementioned formalized training, as well as by drawing on knowledge of more experienced Special Agents of the Humboldt County Drug Task Force and the more experienced members of the Marijuana Enforcement Team, along with other and state and local law enforcement officers who are recognized experts in the field of investigating controlled substance violations.

STATEMENT OF PROBABLE CAUSE

I, Deputy J. Pryor, am employed by the Humboldt County Sheriff's Office (HCSO) as an investigator on the Marijuana Enforcement Team (MET).

I know from my experience as a lifelong resident of Humboldt County and from my training and experience in law enforcement that Humboldt County, Trinity County, and Mendocino County, commonly referred to as the Emerald Triangle, are a source area for marijuana and that high grade marijuana is grown in these counties in large quantities.

Due to staffing shortages at the Mendocino County Sheriff's Office, the enforcement of illegal, commercial, black-market marijuana grows has greatly decreased leading to an increase in illegal marijuana grows throughout the county. Illegal marijuana grows are commonly rampant with environmental violations and are often operated by the use of human labor trafficking. The staffing shortages and lack of enforcement in Mendocino County lead the Mendocino County Sheriff's Office to request assistance from the Humboldt County Sheriff's Office Marijuana Enforcement Team (MET) for the enforcement of illegal marijuana cultivation and trafficking.

MET often works in conjunction with the California Department of Fish and Wildlife's Marijuana Enforcement Program (CEP).

On 07/10/2024, I conducted aerial surveillance over the Covelo area of Mendocino County and took photos of various marijuana cultivation sites. I recorded coordinates related to the photos and later compared the photos to satellite imagery and parcel maps. In reviewing the photos I determined the following:

Mendocino County parcel 032-420-05-00, located 77100 Logan Lane in Covelo, Mendocino County, California.

The property is a rural 105 acre parcel containing multiple groups of large hoop-style greenhouses covered in opaque plastic totaling over 40 greenhouses on the property. The property also contains multiple residences and outbuildings. No property owner information is listed through multiple databases.

In viewing the photos, I saw through the open side skirts of the greenhouses and through the opaque plastic covering where I saw large green plants filling the greenhouses with plastic netting holding up the plants, consistent with marijuana cultivation. The sides of the greenhouses had light deprivation tarps rolled up and ready to cover the greenhouses.

The greenhouses contained a large amount of marijuana plants far in excess of the legal limit of six marijuana plants allowed by state law for personal use.

The parcel was verified through the Department of Cannabis Control as *not* licensed to commercially cultivate marijuana.

Based on the fact that commercial marijuana cultivation operations on this property are unlawful and the quantity of marijuana that is being cultivated, I believe that the persons cultivating marijuana on this property are cultivating marijuana for the purpose of sales.

Based on my training and experience, I know that persons who grow marijuana for profit will often use medical marijuana recommendations to help make their cultivation activity appear legitimate. I understand how to distinguish lawful marijuana possession or cultivation from one which is illegal.

Based on my training and experience, I know marijuana cultivation season typically encompasses the spring, summer, and fall months. I have found persons cultivating marijuana will often produce multiple harvests in that time. I have found cultivators will often start juvenile marijuana plants, AKA "clones" or "teens", in the spring months for a summer harvest and will plant clones in the summer months which are then harvested in the fall months.

Cultivators often utilize hoop style greenhouses to control the environment in which the plants grow. Marijuana plants grow larger in size by using the appropriate amounts of water and exposure to extended periods of daylight in what is known as the "vegetative" stage of the growth cycle. Marijuana cultivators utilize light deprivation techniques to trick the plants into flowering or budding in stages which are advantageous to the cultivator in the way of timed harvests and increased profits. Once the marijuana plants enter the "flowering" stage, the plants begin to receive approximately 12 hours of light or less per day. At that point, the marijuana plant begins to produce marijuana buds. Marijuana plants generally flower for about four to six weeks until they are ready to be harvested, dried, and further processed.

Based on my training and experience, I believe the evidence sought will still be present on the properties within 10 days of the Court's authorization of this search warrant based on the current stage of growth and the extended processing time required after harvest.

It is my training and experience that persons in control of premises, areas, and property, such as those sought to be searched here, almost always keep items of personal property therein, including but not limited to bills, receipts, telephone records, photographs, loan documents, passbooks, checkbooks, tax returns, address books, lease agreements, deeds, addressed envelopes, diaries, and keys.

It is my training and experience that persons involved in the commercial cultivation and distribution of marijuana will cultivate, sell, and purchase the controlled substance illegally; and they will often keep address books, canceled checks, IOUs, and other documents that tend to identify the source from which the controlled substance was purchased, sold, and/or cultivated.

It is my experience that persons involved in the commercial cultivation and distribution of marijuana will measure, weigh, and package the marijuana for distribution. They almost always have on hand measuring devices and packaging materials, such as scissors, plastic and/or zip-lock baggies, food saver machines, paper bags, and scales.

It is my experience that persons involved in the sale of marijuana will keep and maintain records which reflect those sales such as buyer lists, seller lists, and pay and owe sheets; including data stored in a computer which can be recalled and displayed for examination.

It is my training and experience that commercial cultivators of marijuana will typically not obtain the required local, county, or state building permits to either convert an existing structure to house and conceal a marijuana growing operation, or to construct a new structure to house and conceal a marijuana growing operation. It is my experience that commercial cultivators of marijuana will evade obtaining permits to avoid detection by law enforcement, and other governmental agencies.

It is my training and experience that persons involved in the commercial cultivation and distribution of marijuana and other controlled substances often keep firearms on hand to prevent the drugs from being stolen by others or seized by law enforcement.

It is my training and experience that persons involved in the commercial cultivation and distribution of marijuana will often maintain radio frequency scanners; and surveillance equipment, including but not limited to video cameras, motion activated cameras, and motion sensors; in an attempt to monitor the activities of law enforcement.

It is my experience that distributors of marijuana will use their vehicles to transport and store the marijuana, and often keep sales records and packaging materials in their vehicles.

It is my training and experience that persons involved in the commercial cultivation and distribution of marijuana frequently utilize cellular phones, and other communication devices to conduct their business; and therefore request that the officers executing this search warrant be allowed to answer the telephone or return messages left on phones or other devices, without revealing their status as police officers; in an attempt to identify other co-conspirators and persons wanting to purchase controlled substances.

I know from my training and experience that persons involved in the purchase and sales of marijuana primarily conduct business in cash transactions. I know from my training and experience that people who travel to purchase marijuana will commonly have large amounts of currency with them.

It is my training and experience that people involved in the commercial cultivation and distribution of marijuana will often keep large sums of money/cash/currency on their person, in their vehicles, in their residences, or on their property. I request that any such monies or property seized under the order of this search warrant, pursuant to Penal Code section 1536, and which are determined to be proceeds of drug sales, or determined to have been intended to be used to facilitate such drug sales, be seized under the authority of section 11470 and 11488 of the California Health and Safety Code, and therefore be released from evidence and placed in the custody and control of the appropriate law enforcement agency, pending adjudication of forfeiture proceedings. I further request that any such monies and monetary instruments be placed into an interest-bearing account of such appropriate law enforcement agency pending adjudication of the forfeiture proceedings.

It is my experience that persons involved in illegal marijuana cultivation occasionally resort to theft or fraud to be able to support the operation of cultivation. The most common types of stolen property located at illegal cultivation sites are high dollar items such as: generators, trailers, heavy equipment, and vehicles. I believe that such stolen property may be found and request permission to examine it for serial numbers so that they can be compared to those contained in the computerized property index to determine if they have been reported as stolen.

Based on my training and experience, I know that operating large-scale marijuana cultivation sites involves agreements between two or more persons to plant, cultivate, process, and sell illegal marijuana. Large scale marijuana cultivation sites, such as the ones subject to this investigation, require the development of commercial agricultural structures, including the construction of gardens, greenhouses, drying and processing rooms. Such an operation requires more than one person to plant, water, and maintain the plants, as well as process (dry, trim, package) the final product. For those reasons, there is probable cause to believe that more than one individual is involved in the operation of this marijuana cultivation site, and that agreements between more than one person have been made to commit the crimes of cultivating marijuana and possessing marijuana for the purpose of sales.

The environment in and around illegal marijuana grow sites are predominantly hazardous environments for personnel to work in while conducting eradication efforts. There are a myriad of dangers and hazards which pose a health and safety risk to personnel including but not limited to: poor or unsafe structural integrity of greenhouses which may include improper clearance, the presence of exposed screws, bolts and other hardware; extreme outdoor air temperatures; extreme interior temperature of greenhouse structures; the presence of unsafe electrical hazards, including frayed/exposed wiring and extension cords; electrical wiring exposed to water; poor air quality inside greenhouses due to high humidity coupled with the presence of chemical odors from unknown pesticides and fertilizers; the presence of chemical exposure from both known and unknown pesticides and fertilizers as well as other known and unknown chemicals on site; the presence of trip, puncture and impalement hazards including uneven terrain, netting, and exposed posts and rods.

Based on my training and experience, the threat of violence at cultivation sites is always a concern when serving a search warrant. Suspects often run from the scene. The majority of currently used hoop houses/greenhouses are covered in plastic sheeting which does not allow clear view of the surrounding area of the structure for law enforcement. Outdoor marijuana cultivation sites often use non-transparent, plastic or fabric material to enclose the cultivation site to hide and shield the cultivation site from public view. This creates an officer safety situation as officers cannot see suspects approaching the hoop houses/greenhouses while working inside or individuals approaching them from outside of the outdoor cultivation site.

Greenhouses and other cultivation areas/structures/places also retain a tremendous amount of heat. The majority of eradication efforts are completed in the summer months with high temperatures. The high summer temperatures and the cultivation structure/ hoop house/greenhouse design create an unsafe working condition that promotes hyperthermia. This also applies to individuals working in outdoor marijuana cultivation sites. Often these sites are placed in optimal positions where the marijuana plants receive direct sunlight for most of the day. Cultivation structures can also retain heat and moisture within building materials and the structure itself. This can create areas saturated with *Stachybotrys chartarum*, also known as black mold, within an enclosed space. With these hazardous conditions, working inside of cultivation structures/hoop houses/greenhouses can be unsafe for officers.

It is increasingly common at illegal marijuana cultivation sites to encounter unregistered, banned, or restricted use pesticides. These chemical compounds can be in the form of solids, liquids, gases, fumes, and dust. It is often impossible to determine when pesticides have been applied to plants, or in what concentration. I also know there have been documented instances where officers eradicating illegal marijuana, have been hospitalized or exhibited symptoms due to exposure to hazardous substances encountered at illicit marijuana cultivation sites. In order for a marijuana plant to be eradicated by hand, it requires an officer manually cut it, typically with pruners or machetes, and then physically handle the plant to remove or destroy it. Regardless of the size of the marijuana plant, officers are in close proximity and will more than likely come into contact with the marijuana plant which increases the possibility of an adverse exposure. In the case of larger marijuana plants, this exercise is difficult if not impossible to accomplish without the plant making contact with the officer's equipment, uniform, skin, etc. With the high possibility of the plants being sprayed with toxic and often unknown pesticides, hand eradication can expose officers to toxic chemicals, and can be considered unsafe. It is also common for illicit marijuana growers to spray various types of fumigants inside hoop houses or greenhouses, to kill pests. This of course then can cause exposure to officers entering those spaces and inhaling hazardous gases or fumes. Outdoor marijuana sites often have bamboo and metal cages supporting the marijuana plants. These items cause unsafe working conditions to law enforcement officers to fall on, causing lacerations and or punctures.

For the above listed reasons, in order for officers to safely and reasonably execute this search warrant, I request that ventilation and/or alteration of structures containing marijuana plants or products thereof be permitted pursuant to this warrant. In the case of greenhouses containing marijuana plants or products thereof, alteration of said structures can include destruction of the structure, in order to safely access, seize and destroy marijuana plants or products thereof contained inside. In some instances, the only way to reasonably effect a search warrant for unlawful marijuana cultivation, while keeping the health and safety of officers in mind, is to utilize mechanized equipment such as a track loader, mini excavator, or other similar equipment. Oftentimes, depending on the construction and dimensions of greenhouses, mechanized equipment cannot gain access to the marijuana plants being cultivated without altering or destroying the structures they are in. By allowing the ventilation and alteration of said structures, it allows the heat to escape enclosed spaces, a clear view of the exterior, and limits exposure to hazardous chemicals/conditions contained within the cultivation structure and/or greenhouse and on the marijuana plants.

Bulk marijuana poses significant safety and health concerns. Marijuana products can decompose and liquefy rapidly and when stored can harbor mold and other bacterial elements. I therefore request that the Court authorize/order the destruction of any seized marijuana after the plants are counted, photographed and after a representative sample pursuant to Health and Safety Code §11479 is taken from the location. I request said destruction be authorized/ordered on site by any reasonable means necessary and available to officers, including burying or mixing with dirt by hand tool or mechanized equipment to render the marijuana plants or products thereof unusable.

Based on the results of my investigation, as described in this affidavit, and upon my training and experience, I believe that a search of the property will reveal evidence that the persons at the scene of this marijuana cultivation operation are involved in a conspiracy to cultivate marijuana for the purpose of sales, and the items listed in "Exhibit 1B" are very probably present at the location(s) of the search I propose in "Exhibit 1A."

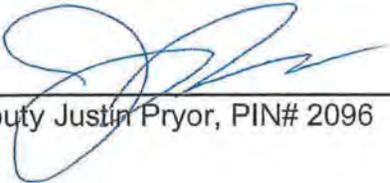
I pray a Search Warrant be issued based upon the aforementioned facts and probable cause for the seizure of said property or any part thereof, or persons, good cause being shown thereof, and the same be brought before this Magistrate or retained subject to the order of the court, or of any court in which the offense(s) in respect to which the property of things taken, triable, pursuant to Section 1536 of the Penal Code.

Items attached and incorporated by Reference: YES NO

I, Deputy Justin Pryor, under penalty of perjury, declare that the foregoing is true and correct to the best of my knowledge and belief.

Executed at Eureka, County of Humboldt, California, on this ^{19th} ~~17~~ day of July

12:55pm
2024, at ~~08:00~~ 12:55pm A.M./P.M.



Deputy Justin Pryor, PIN# 2096

STATE OF CALIFORNIA – COUNTY OF MENDOCINO

SW No: 03242005

RETURN TO SEARCH WARRANT

Deputy Chad Crotty, says that he/she conducted a search pursuant to the below described seizure order:

Issuing Magistrate: Judge A Moorman

Magistrate's Court: Superior Court of California, County of Mendocino

Date of Issuance: 07/19/2024

Date of Service: 07/23/2024

And seized the following items:

XX described in the attached and incorporated inventory.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct, executed this 9th day of October, 2024 and that this is a true and detailed account of all the property taken by me pursuant to the search warrant, and that pursuant to Penal Code Sections 1528 and 1536 this property will be retained in my custody, subject to the order of this court and any other court in which the offense in respect to which the seized property is triable.


(Signature of Affiant)

SEARCH WARRANT INVENTORY

DATE ITEMS REMOVED 7/23/24 CASE NUMBER 202402882
DEPUTY SHERIFF SEIZING ITEMS 2119 SEARCH WARRANT NUMBER 03242005
ITEMS REMOVED FROM ADDRESS/LOCATION 77110 LOGAN LANE, CONCORD, CA

3218 GROWING PLANTS 77120
704 GROWING PLANTS LOGAN AVENUE
2110 GROWING PLANTS 77110
~~NE CORNER~~
898 GROWING PLANTS 77140
1750 GROWING PLANTS 77220
521 LBS PROCESS
3241 - GROWING PLANTS NE CORNER
1228 GROWING PLANTS UNMARKED ACROSS FROM 77220
132.16 LBS PROCESSED
4372 GROWING PLANTS 36 LOGAN R.D.
613 LBS PROCESSED MJ Red House

TOTAL
17576 GROWING PLANTS
1286.16 PROCESSED MJ

7/23/24 1903 [Signature] 2119
DATE TIME SIGNATURE OF DEPUTY SHERIFF PIN#

Exhibit B

**CANNABIS CULTIVATION COMPLEX
TOXICOLOGY ASSESSMENT REPORT**

LAW ENFORCEMENT SENSITIVE MATERIAL: DO NOT DISTRIBUTE

MENDOCINO COUNTY ASSESSOR'S PARCEL NUMBER:

032-420-05



Integral Ecology Research Center

P.O. Box 52

Blue Lake, CA 95525

(707) 668 – 4030

www.ierceecology.org

1. Background

A private land cannabis cultivation complex (hereafter, "Complex") located at N 39.80639 X W 123.22996 at the Mendocino County Assessor's Parcel Number 032-420-05 in Mendocino County, California, was entered and eradicated by law enforcement (LE) agencies on July 23, 2024 (Figures 1-10). Integral Ecology Research Center's (IERC) Program Manager Ivan Medel, Field Ecologist Dan Giovanelli, and Environmental Project Specialist Jenna Hatfield were escorted on-site by LE Officers, primarily to document all known chemicals and collect toxicological samples within the Complex. The total assessment duration IERC performed within the Complex was 2 hours. The parcel was illegally subdivided, and six separate sub parcels were visited.

2. Toxicants

2.1. Direct Observation of Labeled Containers

While on-site, IERC scientists documented the volume, quantity, and active ingredients of all labeled chemical containers (Table 1, Figures 11-17). Multiple containers of Restricted Use pesticides and chemicals that are illegal for use on *Cannabis* spp. plants were documented including several Spanish-labeled containers of cypermethrin and malathion.

2.2. Toxicology Samples Collected for Confirmatory Laboratory Testing

A total of twelve toxicological samples were collected and submitted for confirmatory analysis of a broad suite of pesticides at AGQ, Inc. located in Oxnard, CA. Descriptions of all samples and current results are presented below and summarized in Table 2.

Plant Samples: Five *Cannabis* spp. samples (flowers and leaves pooled) were collected from five plants at equal intervals along a transect line spanning the entire length of one hoophouse. A sixth plant sample that was collected consisted of processed flowers. The processed plant sample (Report ID: AL-24/132896) tested negative for all pesticide analytes. The plant samples (Report ID: AL-24/132892 and AL-24/132893) tested negative for all pesticide analytes. The plant samples (Report ID: AL-24/132889 and AL-24/132890) tested positive for zeta-cypermethrin. The plant sample (Report ID: AL-24/132894) tested positive for imidacloprid and spiromesifen.

Soil samples: Two 50mL soil samples were composited from five *Cannabis* spp. planting holes at equal intervals along a transect line spanning the entire length of one hoophouse. The soil sample

(Report ID: AL-24/132898) tested positive for myclobutanil and zeta-cypermethrin. The soil sample (Report ID: AL-24/132901) tested positive for thiabendazole and zeta-zypermethrin.

Swab samples: One sample included twenty-one sprayers' contents pooled collectively on a single sterile polyester swab (Figure 18 and Figure 19). The pooled sprayer sample (Report ID: AL-24/132902) tested positive for abamectin, bifenthrin, bifenazate diazene, clethodim, clethodim sulfoxide, cyflumetofen, fluazifop-P, fluazifop-P-butyl, malathion, myclobutanil, permethrin, spiromesifen, zeta-cypermethrin, and methamidophos, an organophosphate pesticide that has been illegal for all uses in the United States since 2009. In addition, three samples were collected from unlabeled containers (Figure 20) on a sterile polyester swab. The container samples (Report ID: AL-24/132876 and AL-24/132877) tested positive biphenyl and myclobutanil. The container sample (Report ID: AL-24/132886) tested positive for DEET, myclobutanil, permethrin, zeta-cypermethrin.

All pesticides and other chemicals detected on-site are comprehensively summarized in Table 3, including their detection method and potential risks to both humans and the environment.

3. Wildlife and Fisheries Risk

This cultivation site drains directly into Mill Creek, which has been delineated Critical Habitat for the winter run of the northern California Distinct Population Segment (DPS) of steelhead (*Oncorhynchus mykiss irideus*) by the United States Fish and Wildlife Service. This DPS of steelhead is listed as Threatened under the Endangered Species Act (ESA).

The toxicants detected at this site are classified as very toxic to aquatic life with long lasting effects. This includes abamectin, azadirachtin, bifenazate, bifenazate diazene, bifenthrin, biphenyl cypermethrin, diazinone, diphacinone, fluazifop-P-butyl, gamma-cyhalothrin, glyphosate, imidocloprid, malathion, permethrin, spiromesifen, strychnine, thiabendazole, triclopyr triethylamine, and zeta-cypermethrin (Table 3). In combination with the Complex's proximity to these water bodies and sensitive habitats, this site has the potential to adversely impact this protected species.

Table 1. List of all chemicals, locations, and volumes directly observed in labeled manufacturer's containers by Integral Ecology Research Center scientists at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.

Chemical	Latitude (N)	Longitude (W)	Container Volume	Quantity	Total
Abamectin	39.80703	-123.21286	32 fluid ounces	1	32 fluid ounces
Abamectin	39.80880	-123.21544	8 fluid ounces	1	8 fluid ounces
Azadirachtin	39.80721	-123.21906	32 fluid ounces	1	32 fluid ounces
Bifenazate	39.80369	-123.21410	32 fluid ounces	1	32 fluid ounces
Bifenazate	39.80369	-123.21410	16 fluid ounces	1	16 fluid ounces
Bifenazate	39.80721	-123.21906	32 fluid ounces	1	32 fluid ounces
Bifenthrin	39.80721	-123.21906	32 fluid ounces	1	32 fluid ounces
Cottonseed; Clove; Garlic Oil	39.80721	-123.21906	16 fluid ounces	1	16 fluid ounces
Cyflumetofen	39.80363	-123.21392	32 fluid ounces	1	32 fluid ounces
Cypermethrin	39.80721	-123.21906	946 mL	1	946 mL
Cypermethrin	39.80721	-123.21906	1 liter	1	1 liter
Diazinon	39.80303	-123.21402	1 pound	1	1 pound
Diphacinone	39.80351	-123.21475	9 pounds	1	9 pounds
Gamma-cyhalothrin	39.80893	-123.21350	16 fluid ounces	1	16 fluid ounces
Gamma-cyhalothrin	39.80720	-123.21287	16 fluid ounces	4	64 fluid ounces
Glyphosate	39.80880	-123.21544	32 fluid ounces	1	32 fluid ounces
Iron Phosphate; Spinosad	39.80272	-123.21447	10 pounds	4	40 pounds
Malathion	39.80721	-123.21906	1 liter	1	1 liter
Malathion	39.80893	-123.21350	32 fluid ounces	1	32 fluid ounces
Myclobutanil	39.80893	-123.21350	16 fluid ounces	1	16 fluid ounces
Myclobutanil	39.80721	-123.21906	1 gallon	1	1 gallon
Phosphorous acid	39.80703	-123.21286	32 fluid ounces	1	32 fluid ounces

Chemical	Latitude (N)	Longitude (W)	Container Volume	Quantity	Total
Spiromesifen	39.80703	-123.21286	8 fluid ounces	2	16 fluid ounces
<i>Streptomyces lydicus</i>	39.80893	-123.21350	8 fluid ounces	1	8 fluid ounces
Strychnine	39.80291	-123.21486	1 pound	1	1 pound
Sulfur	39.80703	-123.21286	4 pounds	1	4 pounds
Triclopyr triethylamine	39.80363	-123.21392	1 gallon	1	1 gallon
Zeta-cypermethrin	39.80703	-123.21286	10 pounds	1	10 pounds

Table 2. Reference information, location, and results for toxicology samples collected by Integral Ecology Research Center scientists at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024. * Additional analytes may have been detected that fall outside the scope of the reporting parameters.

Report ID	Sample Type	Latitude (N)	Longitude (W)	Lab Results*
AL-24/132892	Plant	39.80910	-123.21542	No Analytes Detected
AL-24/132893	Plant	39.80889	-123.21356	No Analytes Detected
AL-24/132894	Plant	39.80719	-123.21279	Imidacloprid, Spiromesifen
AL-24/132889	Plant	39.80292	-123.21399	Zeta-cypermethrin
AL-24/132890	Plant	39.80348	-123.21473	Zeta-cypermethrin
AL-24/132896	Plant	39.80730	-123.21892	No Analytes Detected
AL-24/132901	Soil	39.80292	-123.21399	Thiabendazole, Zeta-cypermethrin
AL-24/132898	Soil	39.80348	-123.21473	Myclobutanil, Zeta-cypermethrin
AL-24/132876	Container	39.80584	-123.21394	Biphenyl, Myclobutanil
AL-24/132877	Container	39.80700	-123.21905	Biphenyl, Myclobutanil
AL-24/132886	Container	39.80721	-123.21906	DEET, Myclobutanil, Permethrin, Zeta-cypermethrin
AL-24/132902	Sprayer	39.80369	-123.21410	Abamectin, Bifenthrin, Bifenazate Diazene, Clethodim, Clethodim Sulfoxide, Cyflumetofen, Fluazifop-P, Fluazifop-P-butyl, Malathion, Methamidophos, Myclobutanil, Permethrin, Spiromesifen, Zeta-cypermethrin

Table 3. List of all chemicals documented, their detection method, and potential human and environmental risk based on the National Institute of Health open chemistry database PubChem, recorded by Integral Ecology Research Center scientists at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024. * Indicates illegal or restricted for use chemical.

Chemical	Type	Detection Method		Human Risk	Environmental Risk
		Direct Observation	Laboratory Testing		
Abamectin*	Avermectin Insecticide	x	x	Causes severe skin burns and eye damage; May cause an allergic skin reaction; May cause allergy or asthma symptoms or breathing difficulties if inhaled; May cause damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects
Azadirachtin	Limonoid insecticide	x		May cause an allergic skin reaction	Very toxic to aquatic life with long lasting effects
Bifenazate	Carbazate acaracide	x		May cause an allergic skin reaction; May cause damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects
Bifenazate Diazene	Carbazate acaracide		x	No information available	Very toxic to aquatic life with long lasting effects
Bifenthrin*	Pyrethroid Insecticide	x	x	Fatal if swallowed; May cause an allergic skin reaction; Toxic if inhaled; Causes damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects
Biphenyl	Polycyclic aromatic hydrocarbon fungicide		x	Fatal if inhaled; Causes serious eye irritation; Causes skin irritation;	Very toxic to aquatic life with long lasting effects
Clethodim	Cyclohexanedione systemic herbicide		x	Harmful if swallowed; May cause an allergic skin reaction	Harmful to aquatic life with long lasting effects

Chemical	Type	Detection Method		Human Risk	Environmental Risk
		Direct Observation	Laboratory Testing		
Clethodim Sulfoxide	Cyclohexanedione systemic herbicide		x	Causes skin irritation; Causes serious eye irritation; May cause respiratory irritation	No information available
Clove Oil	Natural insecticide	x		Harmful if swallowed; Causes skin irritation; May cause an allergic skin reaction; Causes serious eye irritation	Toxic to aquatic life
Cottonseed Oil	Natural fungicide	x		No information available	No information available
Cyflumetofen	Acetonitrile acaricide and insecticide	x	x	May cause an allergic skin reaction; Harmful if inhaled; Suspected of causing cancer	Very toxic to aquatic life
Cypermethrin	Pyrethroid insecticide	x		Toxic if swallowed; Harmful if inhaled; May cause damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects
DEET	Not pesticide: synthetic repellent		x	Harmful if swallowed; Causes serious eye irritation; Causes skin irritation	Harmful to aquatic life with long lasting effects
Diazinon*	Organophosphate pesticide	x		Harmful if swallowed; Causes damage to organs; Harmful in contact with skin; Suspected of causing genetic defects; May cause cancer	Very toxic to aquatic life with long lasting effects
Diphacinone*	Anticoagulant rodenticide	x		Fatal if swallowed or in contact with skin; Harmful if inhaled; Causes damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects

Chemical	Type	Detection Method		Human Risk	Environmental Risk
		Direct Observation	Laboratory Testing		
Fluazifop-P	Aryloxyphenoxypropionate herbicide		x	Causes skin irritation; Causes serious eye irritation; May cause respiratory irritation	Harmful to aquatic life with long lasting effects
Fluazifop-P-butyl	Aryloxyphenoxypropionate herbicide		x	May cause an allergic skin reaction; Suspected of damaging fertility or the unborn child	Very toxic to aquatic life with long lasting effects
Gamma-cyhalothrin	Pyrethroid insecticide	x		Fatal if inhaled; Toxic if swallowed; Toxic in contact with skin; Causes serious eye irritation; Causes damage to organs	Very toxic to aquatic life with long lasting effects
Garlic Oil	Natural fungicide	x		May cause an allergic skin reaction; Causes serious eye irritation	None identified
Glyphosate	Organophosphate herbicide	x		Harmful if swallowed	Very toxic to aquatic life with long lasting effects
Imidacloprid*	Neonicotinoid insecticide		x	Toxic if swallowed	Very toxic to aquatic life with long lasting effects
Iron Phosphate	Natural molluscicide	x		Causes skin irritation; Causes serious eye irritation; May cause respiratory irritation	No information available
Malathion*	Organophosphate pesticide	x	x	Toxic if inhaled; Harmful if swallowed; May cause an allergic skin reaction	Very toxic to aquatic life with long lasting effects
Methamidophos*	Organophosphate pesticide		x	Fatal if swallowed; Toxic in contact with skin; Fatal if inhaled	Very toxic to aquatic life

Chemical	Type	Detection Method		Human Risk	Environmental Risk
		Direct Observation	Laboratory Testing		
Myclobutanil*	Triazole fungicide	x	x	Highly toxic, may be fatal if inhaled, ingested or absorbed through skin; causes serious eye irritation	Toxic to aquatic life with long lasting effects
Permethrin	Pyrethroid insecticide	x	x	Harmful if swallowed; Harmful if inhaled; May cause allergic skin reaction	Very toxic to aquatic life with long lasting effects
Phosphorous Acid	Phosphonate fungicide	x		Causes skin irritation; Causes serious eye irritation	No information available
Spinosad	Spinosyn insecticide	x		No information available	No information available
Spiromesifen	Tetramic acid insecticide	x	x	Harmful if inhaled; may cause allergic skin reaction	Very toxic to aquatic life with long lasting effects
Streptomyces-lydicus	Bacterial fungicide	x		No information available	No information available
Strychnine	Alkaloid insecticide	x		Fatal if swallowed; Fatal in contact with skin	Very toxic to aquatic life with long lasting effects
Sulfur	Natural fungicide	x		No information available	No information available
Thiabendazole	Benzimidazole fungicide		x	No information available	Very toxic to aquatic life with long lasting effects

Chemical	Type	Detection Method		Human Risk	Environmental Risk
		Direct Observation	Laboratory Testing		
Triclopyr triethylamine	Pyridinecarboxylic acid systemic herbicide	x		May cause damage to organs through prolonged or repeated exposure; Causes serious eye irritation	Very toxic to aquatic life with long lasting effects
Zeta-cypermethrin*	Pyrethroid insecticide	x	x	Harmful if swallowed; Harmful if inhaled; May cause respiratory irritation; May cause damage to organs through prolonged or repeated exposure	Very toxic to aquatic life with long lasting effects



Figure 1. A hoophouse filled with immature *Cannabis* spp. plants documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 2. A hoophouse filled with mature *Cannabis* ssp. plants documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 3. Young *Cannabis* spp. plants alongside young cucumber plants in the foreground and mature *Cannabis* spp. plants in the background documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 4. Three hoophouses with young *Cannabis* ssp. plants, a cistern and a sprayer documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 5. Whole *Cannabis* ssp. plants hung under a makeshift structure to dry the flower out of the direct sunlight documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 6. A large pile of dried *Cannabis* ssp. flowers documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 7. An outdoor camp and kitchen documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 8. A swimming pool filled with water mixed with fertilizer and multiple hoophouses with *Cannabis* ssp. plants in the background documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 9. A sprayer, gasoline, propane tanks, and multiple bags of soluble fertilizer under a sleeping trailer with an outhouse in the background documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 10. Multiple containers of liquid fertilizer documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 11. A total of 160 fluid ounces of gamma-cyhalothrin, a pyrethroid insecticide, documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.

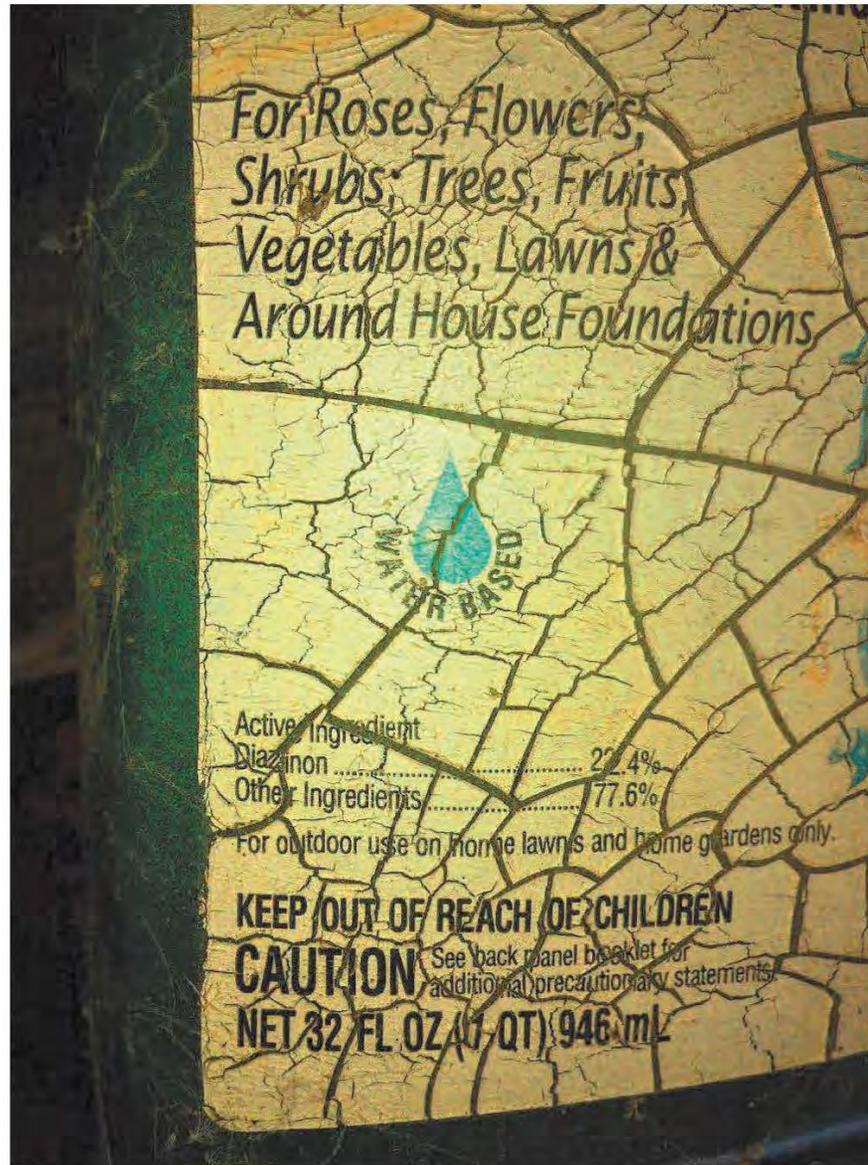


Figure 12. A container of diazinon, an organophosphate insecticide that is a Restricted Use Material, documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.

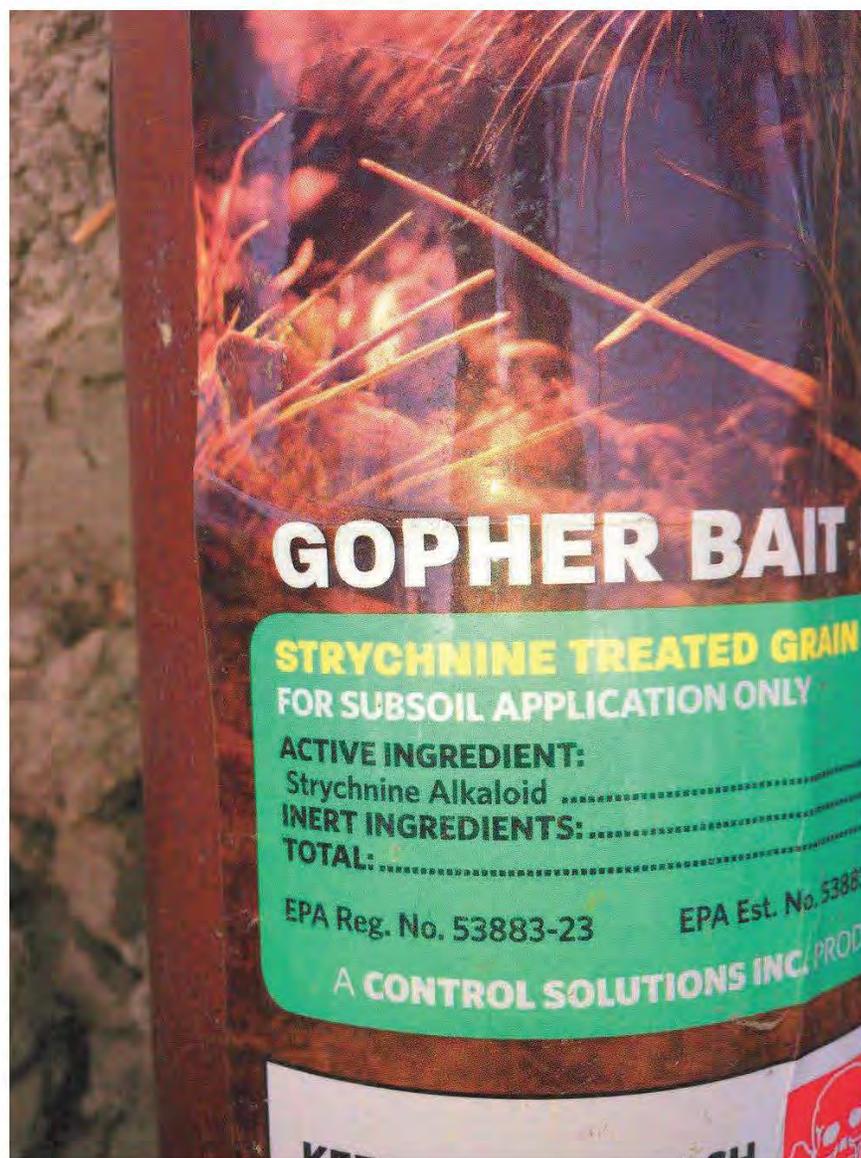


Figure 13. A container of strychnine, an alkaloid rodenticide that is a Restricted Use Material, documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 14. A container of diphacinone, an anticoagulant rodenticide that is a Restricted Use Material, documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 15. Multiple pesticide containers and two repurposed water bottles documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 16. A container of malathion, an organophosphate insecticide, with a Spanish label documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.

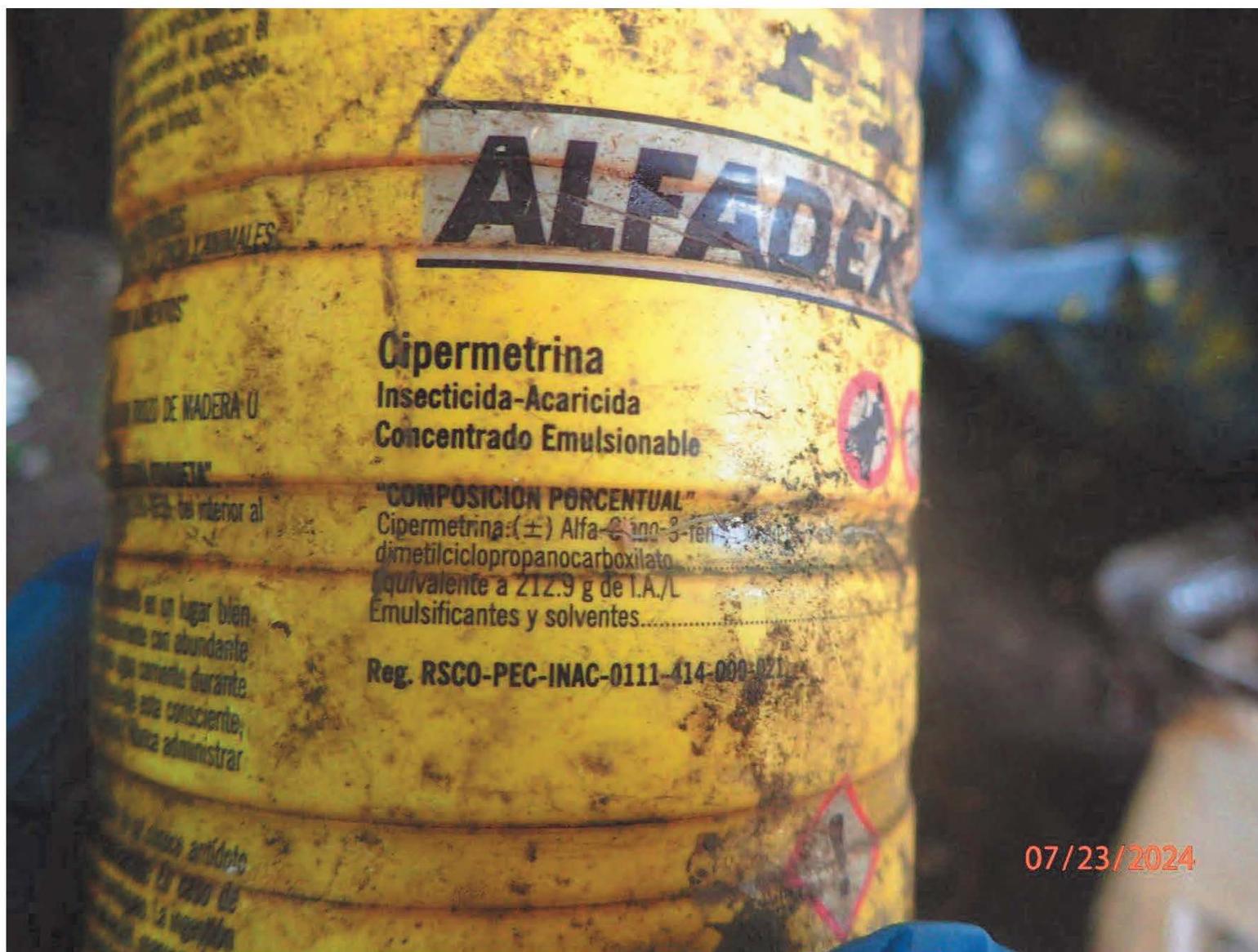


Figure 17. A container of cypermethrin, a pyrethroid insecticide, with a Spanish label documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 18. Three of the twenty-one sprayers documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 19. Multiple sprayers and processed *Cannabis* ssp. flower at a trimming area documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024.



Figure 20. A repurposed container filled with a milky white liquid documented at a private land Cannabis Cultivation Complex in Mendocino County, CA, Assessor's Parcel Number 032-420-05 on July 23, 2024. The bottle tested positive for biphenyl and myclobutanil, a pesticide on California's Groundwater Protection List.

CERTIFICATE OF SERVICE

I am employed in the County of Mendocino, State of California. I am over the age of 18 years and not a party to the within action; my business address is that of Rapport & Marston, 405 West Perkins Street, Ukiah, California 95482.

I hereby certify that I electronically filed the foregoing:

SECOND AMENDED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND MONEY DAMAGES

with the Clerk of the United States District Court for the Northern District of California by using the CM/ECF system on February 23, 2026, which generated and transmitted a notice of electronic filing to CM/ECF registrants.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct; executed on February 23, 2026, at Ukiah, California.

/s/ Ericka Duncan
ERICKA DUNCAN, Declarant