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12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 AGRO DYNAMICS, LLC, a Wyoming  
15 Limited Liability Company,

16 Plaintiff,

17 v.

18 DRUG ENFORCEMENT  
19 ADMINISTRATION; SAN DIEGO  
20 COUNTY; SPECIAL AGENTS PAUL  
21 GELLES. ERIC BALL, KIERAN GARCIA,  
22 MARSHA DAWE, ROSS VAN  
23 NOSTRAND, AND JEREMY FEUZ;  
24 FRANK HASKELL, ANDREW AGUILAR,  
25 JASON STEIN, TIMOTHY SMITH,  
26 MICHAEL ASTORGA, CHRISTOPHER  
27 MORRIS, SGT. STEVE BODINE, DET.  
28 JUSTIN MOORE, DET. DWAYNE  
PRICKETT, DET. CHRISTOPHER PEREZ,  
AND DET. RICARDO ANDRADE; and  
DOES 1 to 50, inclusive

Defendants.

Case No. **'20CV2082 JAH KSC**

NOTICE OF REMOVAL OF A  
CIVIL ACTION

[28 U.S.C. §§ 1441(c)(1) and  
1442(a)(1)]

(Removed from Superior Court of  
California, County of San Diego,  
North County Division, Case No. 37-  
2020-00034326-CU-CR-NC)

1 TO: ALL PARTIES AND THE CLERK OF COURT

2  
3 PLEASE TAKE NOTICE that the United States of America, through its attorneys,  
4 Robert S. Brewer, Jr., United States Attorney, and Janet A. Cabral, Assistant U.S. Attorney,  
5 respectfully removes to this Court the above-captioned civil action from the Superior Court  
6 of California, County of San Diego. The grounds for this removal include the following:

7 1. On or about September 22, 2020, Plaintiff initiated this action as Case No. 37-  
8 2020-00034326-CU-CR-NC in the Superior Court of California, County of San Diego.  
9 Plaintiff names as Defendants the Drug Enforcement Administration (“DEA”), as well as  
10 as DEA Special Agents Paul Gelles, Eric Ball, Kieran Garcia, Marsha Dawe, Ross Van  
11 Nostrand, and Jeremy Feuz, and DEA Task Force Officers (“TFOs”) Frank Haskell,  
12 Andrew Aguilar, Jason Stein, Timothy Smith, Michael Astorga, and Christopher Morris.  
13 The complaint alleges claims under 42 U.S.C. § 1983 against all Defendants for  
14 unreasonable search and seizure in violation of the Fourth Amendment, and for taking of  
15 property without compensation in violation of the Fifth Amendment. The complaint further  
16 alleges violation of the California Constitution and the California Tort Claims Act. All of  
17 Plaintiff’s causes of action arise out of the execution of a search warrant at property  
18 allegedly leased and occupied by Plaintiff in Fallbrook, California, on September 12, 2019.  
19 A copy of the complaint is attached as Exhibit A, pursuant to 28 U.S.C. § 1446(a).

20 2. The DEA is an Agency of the United States.

21 3. Plaintiff alleges that DEA Special Agents Paul Gelles, Eric Ball, Kieran  
22 Garcia, Marsha Dawe, Ross Van Nostrand, and Jeremy Feuz, along with DEA TFOs Frank  
23 Haskell, Andrew Aguilar, Jason Stein, Timothy Smith, Michael Astorga, and Christopher  
24 Morris, were acting in their capacity as agents and/or officers of the DEA at all times  
25 relevant to the causes of action set forth in the Complaint.

26 4. This action may be removed to this Court under 28 U.S.C. § 1441(c)(1)  
27 because it contains claims arising under the Constitution and laws of the United States.  
28 This action may also be removed to this Court under 28 U.S.C. § 1442(a)(1) because it

1 contains claims against the DEA, an agency of the United States, as well as officers and  
2 agents of the United States and its agencies.

3 5. It also is anticipated that the United States may raise several defenses to the  
4 complaint, including but not limited to the United States' sovereign immunity and qualified  
5 immunity.

6 6. Because this is an action against an agency of the United States and officers  
7 of the United States, joinder of all Defendants in the notice of removal is not required.

8 7. As of this time, neither the summons nor complaint in the above-captioned  
9 civil action has been served on the United States Attorney for the Southern District of  
10 California or the Attorney General of the United States.

11 WHEREFORE this case, now pending in the Superior Court of California, County  
12 of San Diego, is properly removed to this Court.

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14 DATED: October 22, 2020

Respectfully submitted,

15 ROBERT S. BREWER, JR.  
16 United States Attorney

17 /s/ Janet A. Cabral  
18 Janet Cabral  
19 Assistant United States Attorney  
20 Attorney for United States  
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