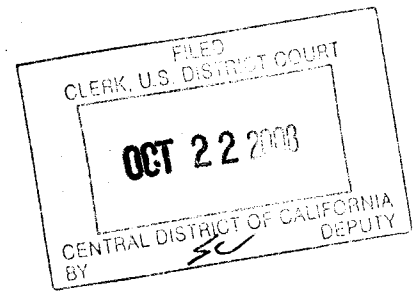


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13 Attorneys for Plaintiff
 United States of America

14 UNITED STATES DISTRICT COURT
 15 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 16 WESTERN DIVISION


17 UNITED STATES OF AMERICA,)	
	)	CR 08-1201
18 Plaintiff,)	
	)	EX PARTE APPLICATION FOR
19 v.	)	AMENDED POST-INDICTMENT
	)	RESTRAINING ORDER; MEMORANDUM
20 RUBEN CAVAZOS,	)	OF POINTS AND AUTHORITIES
21 aka "Doc", et al.,)	
)	[Proposed Amended Order Filed
22 Defendants.)	Concurrently Herewith]
)	

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 24
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 28

1 The United States, by and through the United States Attorney
2 for the Central District of California, hereby applies to this
3 Court, pursuant to 18 U.S.C. § 1963(d), for an amended
4 restraining order. The proposed order lodged concurrently
5 herewith is intended to clarify the restraining order issued by
6 the court on October 21, 2008 and avoid potential confusion that
7 might result in connection with the enforcement of the order.

8 DATED: October 22, 2008

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11 CHRISTINE C. EWELL
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28

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 On October 21, this court issued an order restraining the
3 trademark of the Mongols motorcycle gang (the "October 21
4 order"). The order originally requested by the government sought
5 to (1) preserve against sale, transfer, conveyance, or other
6 disposal, a trademark registered to a motorcycle gang known as
7 the "Mongols" or "Mongol Nation"; (2) enjoin use or display of
8 the trademark by the defendants in this case who control Mongol
9 Nation and those acting on their behalf or in concert with them;
10 and (3) require the surrender for seizure of all products,
11 clothing, vehicles, motorcycles, books, posters, merchandise,
12 stationery, or other materials bearing the Mongols trademark by
13 the defendants and their agents, servants, employees, family
14 members, and those persons acting in active concert or
15 participation with them. The October 21 order granted the
16 government's first and third requests, but denied the second.

17 The government does not seek to alter or expand the relief
18 it believes the court intended to afford by the October 21 order.
19 (A true and correct copy of the October 21, 2008 order is
20 attached hereto as exhibit A). It merely seeks to clarify what
21 the government is entitled to do to enforce the order by
22 eliminating language either stricken by the court or rendered
23 superfluous by passage of time¹, and more specifically spelling
24 out the seizure authority for items falling within the third
25 category.

26 _____
27 ¹ The amended order omits the language at the end of the
28 original order providing that it (and the papers lodged in
support of it) be sealed until 10 a.m. on October 21, 2008.

1 To clarify its own intentions concerning the seizure of
2 items pursuant to the order, the government submits that items
3 seized pursuant to the amended order will be processed according
4 to the following protocols:

5 The amended order will be distributed to law enforcement
6 agencies in areas where the Mongols are believed to be active.
7 The agencies will be advised that a person within the scope of
8 the order (referred to herein as "the subject"²) in possession of
9 an item within the scope of the amended order, shall be provided
10 a copy of the amended order and asked to surrender the item. If
11 the subject refuses to voluntarily surrender the item, the
12 officer shall be permitted to seize the item. In either
13 instance, the officer shall provide the subject with a written
14 receipt identifying the designated custodian of the ATF who
15 ultimately will take custody of the item. In addition, the
16 seizing officer shall gather from the subject sufficient
17 information to allow the government to provide notice to the
18 subject of appropriate forfeiture proceedings against the item.
19 The seizing officer will then be required to prepare a report
20 describing the circumstances of the seizure, including the name
21 and address of the subject, and forward that report, together
22 with the seized item, to the custodian to be designated by the
23 ATF (and identified in the receipt provided to the subject). The
24 ATF custodian will catalogue all seized items upon receipt,
25 photograph them, and provide copies of all reports and photos to
26 government forfeiture counsel so that the items may be brought


27
28 ² Subjects are expected to consist mostly, but not solely,
to members of the Mongols gang.

1 before the court (it is anticipated that this will be by bill of
2 particulars).³ Government counsel will advise the subject of its
3 receipt of the item and provide whatever further notices are
4 appropriate concerning forfeiture proceedings.

5 The government believes that the amended order will prevent
6 unnecessary and time-consuming challenges concerning the intent
7 and scope of the October 21 order, and provide reasonable
8 protections to law enforcement officers who follow the protocols
9 described above in enforcing the amended order. It respectfully
10 requests that the court enter the amended order forthwith.

11 DATED: October 22, 2008

12 THOMAS P. O'BRIEN
13 United States Attorney
14 CHRISTINE C. EWELL
15 Assistant United States Attorney
16 Chief, Criminal Division
17 CHRISTOPHER BRUNWIN
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23 FRANK D. KORTUM
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25 Attorneys for Plaintiff
26 UNITED STATES OF AMERICA

27 ³ The court is specifically authorized by law to issue
28 orders that will allow items subject to forfeiture in this
district to be seized in other districts and brought to this
district for forfeiture proceedings. See 21 U.S.C. § 853(1);
United States v. Ripinsky, 20 F.3d 359, 362 n.3 (9th Cir. 1994)
(18 U.S.C. § 1963 to be construed in the same manner as 21 U.S.C.
§ 853, the criminal drug forfeiture statute).

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FILED
 CLERK, U.S. DISTRICT COURT
 OCT 21 2008
 CENTRAL DISTRICT OF CALIFORNIA
 BY *[Signature]* DEPUTY

Attorneys for Plaintiff
 United States of America

2008 OCT 17 10:21 AM
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA
 LOS ANGELES
 BY *[Signature]*

UNITED STATES DISTRICT COURT
 FOR THE CENTRAL DISTRICT OF CALIFORNIA
 WESTERN DIVISION

16	UNITED STATES OF AMERICA,	)	CR 08-1201
17)	
18	Plaintiff,	)	[REDACTED] ORDER RESTRAINING
19		)	SALE OR TRANSFER, AND OR OTHER
20	v.	)	OF TRADEMARK
21)	
22	RUBEN CAVAZOS,	)	[18 U.S.C. § 1963(d)]
23	aka "Doc", et al.,)	
24		)	[UNDER SEAL]
25	Defendants.)	
26)	
27)	
28)	

6

EXHIBIT A

1 Upon consideration of the (1) Ex Parte Application for Post-
2 Indictment Restraining Order filed by the United States; (2)
3 supporting Memorandum of Points and Authorities; and (3)
4 Declaration of Special Agent John Ciccone, the Court hereby finds
5 as follows:

6 On January 11, 2005, the United States Patent and Trademark
7 Office ("PTO") registered the "Mongols" trademark (Registration
8 No. 2916965). The trademark was issued to Mongol Nation,
9 purportedly for use in commerce in connection with promoting the
10 interests of persons interested in the recreation of riding
11 motorcycles.

12 On October 9, 2008, a federal grand jury in Los Angeles
13 returned an indictment (under seal) alleging racketeering
14 activity by members of the Mongol Nation.

15 Count eighty-five of the indictment identifies the Mongols
16 trademark as an asset which the government seeks to forfeit in
17 these criminal proceedings. The indictment alleges that the
18 defendants control the Mongols Motorcycle club, also known as
19 Mongol Nation, which in turn owns the trademark, and that in the
20 event of the defendants' convictions, the trademark would be
21 subject to forfeiture to the United States under 18 U.S.C.
22 § 1963(a)(1), (2) and (3).

23 The sale, transfer, conveyance, or other disposal of the
24 trademark by any of the defendants in this criminal action could
25 render the trademark unavailable for forfeiture. ~~In addition,~~
26 ~~there is overwhelming evidence that the defendants use and~~
27 ~~display the trademark to promote their criminal enterprise and~~
28 ~~activities.~~

1 Accordingly, IT IS HEREBY ORDERED that the defendants in
2 this criminal action, and any of their agents, servants,
3 employees, family members, and those persons in active concert or
4 participation with them, are enjoined and restrained from taking
5 any action or attempted action that would affect the
6 availability, marketability or value of the Mongols trademark,
7 including but not limited to selling, conveying, transferring,
8 licensing, distributing, bailing, assigning, mortgaging,
9 pledging, collateralizing, hypothecating, wasting, secreting,
10 damaging, diminishing the value of, conveying, encumbering, or
11 otherwise disposing of the Mongols trademark.

12 ~~IT IS FURTHER HEREBY ORDERED that the defendants in this~~
13 ~~criminal action, and any of their agents, servants, employees,~~
14 ~~family members, and those persons in active concert or~~
15 ~~participation with them, are enjoined and restrained from~~
16 ~~wearing, using or displaying the Mongols trademark (however~~
17 ~~spelled, used or displayed, whether capitalized, abbreviated,~~
18 ~~singular or plural, printed, stylized or incorporated in a symbol~~
19 ~~or article of clothing, whether used alone or in combination with~~
20 ~~any wording or symbol, and whether displayed personally, or for~~
21 ~~the purpose of advertising or publicizing the activities of the~~
22 ~~Mongol Nation, the Mongols, or any members thereof).~~

23 IT IS FURTHER HEREBY ORDERED that the defendants in this
24 criminal action, and any of their agents, servants, employees,
25 family members, and those persons in active concert or
26 participation with them, shall surrender for seizure all
27 products, clothing, vehicles, motorcycles, books, posters,
28 merchandise, stationery, or other materials bearing the Mongols

1 trademark, ~~or trade dress~~.

2 For the purposes of this Order, "defendants" means and
3 includes: RUBEN CAVAZOS, also known as ("aka") "Doc" ("CAVAZOS"),
4 RUBEN CAVAZOS, JR., aka "Little Rubes" ("R. CAVAZOS, JR.") HECTOR
5 GONZALEZ, JR., aka "Largo" ("GONZALEZ"), ARTHUR ROSELI, JR., aka
6 "Chiques" ("ROSELI"), JUAN MANUEL NIEVES, aka "Listo" ("NIEVES"),
7 ANTHONY MARK TINOCO, aka "Bengal" ("TINOCO"), WILLIAM MICHAEL
8 MUNZ ("MUNZ"), LAWRENCE WILSON, aka "Lars" ("WILSON"), WALTER
9 RAMIREZ, aka "Bumper" ("RAMIREZ"), ANDRES RODRIGUEZ, aka "Rascal"
10 ("RODRIGUEZ"), ENRIQUE LOUIS MUNOZ, aka "Hank" ("MUNOZ"), JOSE
11 GARCIA, aka "Big Joe" ("GARCIA"), SHAWN BUSS, aka "Monster"
12 ("BUSS"), PETER SOTO, aka "Bouncer" ("SOTO"), VICENT RIOS, aka
13 "Chente" ("RIOS"), AL CAVAZOS, JR., aka "Al the Suit" ("A.
14 CAVAZOS, JR."), MANUEL ARMENDAREZ, aka "Mandog" ("ARMENDAREZ"),
15 ROGER MARTINEZ, aka "Stamper," ("R. MARTINEZ"), RAFAEL LOZANO,
16 aka "Peligroso" ("R. LOZANO"), ALEX LOZANO, aka "Reaper" ("A.
17 LOZANO"), MARK GARCIA, aka "Wolf" ("M. GARCIA"), HORACIO PONCE,
18 aka "Scorpio" ("PONCE"), FELIX FIGUEROA, aka "Risky"
19 ("FIGUEROA"), DAVID EDWARD GIL, aka "L.A. Bull" ("GIL"), RICARDO
20 GUTIERREZ, aka "Ricko" ("GUTIERREZ"), JORGE VIRAMONTES, aka
21 "Solo" ("VIRAMONTES"), JOHN CARNELAS, aka "JC" ("CARNELAS"),
22 ALESSANDRO LOPEZ, aka "Grumpy" ("LOPEZ"), JUAN ALFRED GONZALEZ,
23 aka "Negro" ("J. GONZALEZ"), ANTHONY ZUNIGA, aka "Wicked"
24 ("ZUNIGA"), BENJAMIN LEYVA, aka "Secret" ("LEYVA"), WILLIAM
25 OWENS, aka "Target" ("OWENS"), JON JAY MOREIN, "White Boy Jon"
26 ("MOREIN"), LUIS PADILLA, aka "Kiko" ("L. PADILLA"), RAYMOND
27 ANTHONY TRUJILLO, aka "Nasty" ("TRUJILLO"), DANIEL MEDEL, aka
28 "Big Dog" ("MEDEL"), FNU LNU, aka "Bullet" ("BULLET"), DENIS

1 MALDONADO, aka "Steaky" ("MALDONADO"), NORBERTO JOSE MONTES, aka
2 "Villain" ("MONTES"), ABRAM WEDIG, aka "Cane" ("WEDIG"), JOSEPH
3 BRADEN, aka "Socks" ("BRADEN"), RAMON CHAVEZ ("CHAVEZ"), MANUEL
4 MELGOZA ("MELGOZA"), DAVID TELLEZ ("TELLEZ"), MARIO ANGULO, aka
5 "Kermit" ("ANGULO"), RAMON CONTRERAS, aka "Speedy" ("CONTRERAS"),
6 RICHARD ESPINOZA, aka "Radone" ("ESPINOZA"), ISMAEL RIVERA, aka
7 "Yo-Yo" ("RIVERA"), HAROLD REYNOLDS, aka "Face" ("REYNOLDS"),
8 ISMAEL PADILLA, aka "Mouth" ("I. PADILLA"), JASON HILL, aka "Big
9 J" ("HILL"), SAM TREVINO, aka "Wapo" ("TREVINO"), BRANDON
10 CHEVILLE, aka "Suicide" ("CHEVILLE"), RUDOLPH VALLE, aka "Swiftly"
11 ("VALLE"), PAUL LEMAY, aka "Spider" ("LEMAY"), WILLIAM SHAWLEY,
12 aka "Dago Bull" ("SHAWLEY"), AARON PRICE, aka "Sick Boy"
13 ("PRICE"), PAUL CORDOVA, aka "Chopper" ("CORDOVA"), DAVID NAVA
14 ("NAVA"), RENATO GOMEZ ("R. GOMEZ"), BRIAN MCCAULEY ("MCCAULEY"),
15 WILLIAM LOUIE, aka "Chief" ("LOUIE"), JORGE COTTINI, aka "House"
16 ("COTTINI"), SAMUEL GONZALEZ, aka "Serial Sam" ("S. GONZALEZ"),
17 JAIME FLORES ("FLORES"), ALFONSO SOLIS ("SOLIS"), WILLIAM
18 RAMIREZ, aka "Moreno" (WILLIAM RAMIREZ), AUSTIN MELCER, aka
19 "Danger" ("MELCER"), CHRISTOPHER LOZA, aka "Punk Rock" ("LOZA"),
20 JOHN NEWMAN, aka "Weto" ("NEWMAN"), EDWARD MORENO, aka "Violent
21 Ed" ("MORENO"), THOMAS SAVALA, aka "Danger" ("SAVALA"), and DAVID
22 PADILLA, aka "Lazy Dave" ("D. PADILLA").


23 The application of the United States for this post-
24 indictment restraining order, the supporting points and
25 authorities and Ciccone Declaration, the proposed Order, and any
26 Orders issued by the Court in connection with any of these
27 pleadings, are to be filed and kept under seal until 10:00 a.m.
28 on October 21, 2008, except as needed by law enforcement agents

1 to implement the restraints ordered. Said documents shall be
2 unsealed as of 10:00 a.m. on October 21, 2008, ~~unless and until~~
3 ~~otherwise ordered by this Court.~~ To facilitate the purpose and
4 effect of this interim sealing request, the the Court hereby
5 directs the United States Attorney's Office to retain custody of
6 the sealed documents during this brief interim period, and to
7 file said documents at or shortly after 10:00 a.m. on October 21,
8 2008.

9 DATED: *Oct. 21, 2008*

10
11 
UNITED STATES DISTRICT JUDGE

12 Presented by:

13
14 
FRANK D. KORTUM
15 Assistant United States Attorney