

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 1:24-cv-00785
v.	)	
	)	
APPROXIMATELY ONE	)	
TERRIER MIX TYPE DOG,	)	
	)	
Defendant.	)	

**VERIFIED COMPLAINT FOR FORFEITURE *IN REM***

The United States of America, by counsel, Zachary A. Myers, United States Attorney for the Southern District of Indiana, and Kelly Rota, Assistant United States Attorney, files its Complaint of Forfeiture in Rem pursuant to Supplemental Rules for Admiralty, Maritime and Asset Forfeiture Claims G(2), and alleges on information and belief as follows:

**NATURE OF THE CLAIM**

1. The United States of America (the “United States”) has commenced this civil action, *in rem*, to enforce the provisions of 7 U.S.C. § 2156(e) seeking the forfeiture of 1 terrier mix dog that was involved in a violation of the animal fighting venture prohibition of the Animal Welfare Act, 7 U.S.C. § 2156.
2. The dog was seized with other dogs on or about December 6, 2023, by the United States Department of Agriculture-Office of Inspector General (“USDA-OIG”) pursuant to federal search warrants executed at multiple locations in the Southern District of Indiana.

3. As this Complaint is being filed for the purpose of establishing grounds for forfeiture and providing notice to interested persons, it does not include all the information known by the Government in connection with the ongoing investigation underlying the claims for forfeiture set forth herein.

**DEFENDANT IN REM**

4. The following Defendant *in rem* was seized from the residence of Daymond Mason, 4605 North Kenmore Road, Indianapolis, Indiana, 46201, (Asset Identification Number:24-AIG-000003)[Attachment 1 Mason Refusal to Sign Surrender Form]:

- USM-001 Terrier Mix – Apricot – Female

5. The Defendant Dog is in the custody of the United States Marshals Service and is being cared for by a contractor who is providing the dog with access to rehabilitation and veterinary services.

6. The following terrier mix type dogs also were seized and were surrendered by their owners to the United States:

a. seized from 3236 Ralston Avenue, Indianapolis, IN 46218 (Asset Identification Number:24-AIG-000004) [Attachment 2 Ralston Avenue Surrender Form]:

- USM-001 Terrier Mix – Red with white paws – Female
- USM-002 Terrier Mix – Black/white – Male
- USM-003 Terrier Mix – Black, Brown, White – Male
- USM-004 Terrier Mix – Red w/White – Female
- USM-005 Terrier Mix – Black, White, Tan – Female

b. seized from 2804 E. Centennial Avenue, Muncie, IN 47303 (Asset Identification Number:24-AIG-000007) [Attachment 3 Carver Drive & Centennial Avenue Surrender Form]:

- USM-001 Terrier Mix – Black w/white – Female
- USM-002 Terrier Mix – Red – Male
- USM-003 Terrier Mix – Black w/Red – Male
- USM-004 Terrier Mix – White w/Red – Female
- USM-005 Terrier Mix – Black w/white – Female

- USM-006 Terrier Mix – Blonde – Female
  - USM-007 Terrier Mix – Red – Female
  - USM-008 Terrier Mix – Red – Male
  - USM-009 Terrier Mix – Black w/White – Male
  - USM-010 Terrier Mix – Blonde w/White - Female
  - USM-011 Terrier Mix – Black w/White - Female
  - USM-012 Terrier Mix – Red - Male
  - USM-013 Terrier Mix – Red - Female
  - USM-014 Terrier Mix – Red - Female
  - USM-015 Terrier Mix – Red w/White - Male
  - USM-016 Terrier Mix – Red - Male
  - USM-017 Terrier Mix – Red - Female
  - USM-018 Terrier Mix – Red - Female
  - USM-019 Terrier Mix – Red - Male
  - USM-020 Terrier Mix – Red w/White - Female
  - USM-020a Terrier Mix – Red – Female - newborn
  - USM-021 Terrier Mix – Red - Female
  - USM-022 Terrier Mix – Red w/White - Male
  - USM-023 Terrier Mix – Brindle - Female
  - USM-024 Terrier Mix – Red w/White - Female
  - USM-025 Terrier Mix – Black w/White - Female
  - USM-026 Terrier Mix – Black w/White - Male
  - USM-027 Terrier Mix – Black w/White - Female
  - USM-028 Terrier Mix – Black w/White - Male
  - USM-029 Terrier Mix – Blonde w/White - Female
  - USM-030 Terrier Mix – Tan - Female
- c. seized from 1218 West 22<sup>nd</sup> Street, Anderson, IN 46016 (Asset Identification Number:24-AIG-000009) [Attachment 4 West 22<sup>nd</sup> Street Surrender Form]:
- USM-001 Terrier Mix – Champagne – Female
  - USM-002 Terrier Mix – Reddish – Female
  - USM-003 Terrier Mix – Red – Male
  - USM-004 Terrier Mix – Champagne – Female
  - USM-005 Terrier Mix – Black – Male
  - USM-006 Terrier Mix – Champagne - Female
- d. seized from 3205 N. Keystone Avenue, Indianapolis, IN 46218 (Asset Identification Number:24-AIG-000005) [Attachment 5 North Keystone Surrender forms]:
- USM-001 Terrier Mix – Black w/white – Male

- USM-002 Terrier Mix – Black w/white – Male
  - USM-003 Terrier Mix – Black w/white – Male
  - USM-004 Terrier Mix – Black and White – Female
  - USM-005 Terrier Mix – Fawn – Female
  - USM-006 Terrier Mix – Black w/white – Male
  - USM-007 Terrier Mix – Black w/white – Female
  - USM-008 Terrier Mix – Black w/white – Female
- e. seized from 9515 E. 25<sup>th</sup> Street, Indianapolis, IN 46229 (Asset Identification Number:24-AIG-000006) [Attachment 6 East 25<sup>th</sup> Street Surrender form]:
- USM-001 Terrier Mix – Black – Female
  - USM-002 Terrier Mix – Apricot – Female
  - USM-003 Terrier Mix – Apricot – Male
  - USM-004 Terrier Mix – Apricot – Female
  - USM-005 Terrier Mix – Apricot – Male
  - USM-006 Terrier Mix – Apricot – Female
  - USM-007 Terrier Mix – Black – Male
  - USM-008 Terrier Mix – Black – Male
  - USM-009 Terrier Mix – Blonde – Male
  - USM-010 Terrier Mix – Black – Female
  - USM-011 Terrier Mix – Black – Female
  - USM-012 Terrier Mix – Black – Female
  - USM-013 Terrier Mix – Black – Male
  - USM-014 Terrier Mix – Brindle – Female
- f. seized from 1803 E. Carver Dr., Muncie, IN 47303 (Asset Identification Number:24-AIG-000008) [Attachment 3 Carver Drive & Centennial Avenue Surrender Form]:
- USM-001 Terrier Mix – Black/White – Female
  - USM-002 Terrier Mix – Brindle – Female
  - USM-003 Terrier Mix – Champagne w/white – Male
  - USM-004 Terrier Mix – Black w/white – Female
  - USM-005 Terrier Mix – Black w/white – Male
  - USM-006 Terrier Mix – Black – Male
  - USM-007 Terrier Mix – Black w/white – Female
  - USM-008 Terrier Mix – Black – Male
  - USM-009 Terrier Mix – Black w/white – Male
  - USM-010 Terrier Mix – Champagne/White – Female

### **JURISDICTION AND VENUE**

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1345 (district courts have original jurisdiction of all civil action commenced by the United States) and § 1355 (district courts have original jurisdiction of any action for forfeiture).

8. This Court has in rem jurisdiction over the Defendant pursuant to 28 U.S.C. § 1355(b) (forfeiture can be brought in a district in which any of the acts giving rise to the forfeiture occurred), and Rule G(3)(b)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions (clerk must issue a warrant to arrest property in the government's possession).

9. This Court is the appropriate venue in this matter pursuant to 21 U.S.C § 888 (j) and 28 U.S.C. § 1395, because acts and omissions giving rise to the forfeiture occurred in the Southern District of Indiana.

### **BASIS FOR FORFEITURE**

10. The Animal Welfare Act, 7 U.S.C. § 2156(f)(1), defines “animal fighting venture” as “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment.” It is a violation of 7 U.S.C. § 2156 to “knowingly sell, buy, possess, train, transport, deliver, or receive any animal for purposes of having the animal participate in an animal fighting venture.”

11. The Animal Welfare Act provides that “[a] warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate judge within the district wherein the animal sought is located.” 7 U.S.C. § 2156(e).

Animals “seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this subsection.”

Id. In addition, “[n]ecessary care including veterinary treatment shall be provided while the animals are so held in custody.” Id.

12. The Animal Welfare Act provides that “[a] warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate judge within the district wherein the animal sought is located.” 7 U.S.C. § 2156(e).

Animals “seized under such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this subsection.”

Id. In addition, “[n]ecessary care including veterinary treatment shall be provided while the animals are so held in custody.” Id.

13. The statute also contemplates forfeiture of seized animals. Specifically,

[a]ny animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct. *Id.*

The costs incurred in caring for animals seized and forfeited under this section “shall be recoverable from the owner of the animals (1) if he appears in such forfeiture proceeding, or (2) in a separate civil action brought in the jurisdiction in which the owner is found or transacts business.” *Id.*

14. As explained below, the Defendant is an animal involved in a violation of 7 U.S.C. § 2156, and is, therefore, subject to forfeiture to the United States of America pursuant to 7 U.S.C. § 2156(e).

### **BACKGROUND**

15. Dog fighting is a violent contest in which two dogs that are bred and conditioned for fighting are released by their owners or handlers in a controlled environment to attack each other and fight for purposes of entertainment or gambling. Fights usually end when one dog withdraws, when a handler “picks up” his dog and forfeits the match, or when one or both dogs die.

16. Terrier mix or pit-bull type dogs are the most prevalent type of dogs used in dog fighting ventures. This is due to their short coat, compact muscular build, and the aggressive temperament that some exhibit toward other dogs.

17. Dog fighters select the strongest, most capable fighting dogs and selectively breed, sell, and fight those dogs that display particular traits. It is a common practice for individuals involved in the breeding, raising, conditioning, and exhibition of fighting dogs to possess multiple dogs of both sexes and of a variety of ages. This practice is followed for several reasons. First, dog fighters maintain a stock of dogs at different weights and both sexes because, in dogfights, dogs are matched against other dogs by an agreed upon weight and by the same sex. Maintaining a stock of several dogs, therefore, increases the odds of owning a dog of the required sex that can be readily conditioned to the agreed upon weight for a contracted match. Additionally, dog fighters maintain multiple dogs to selectively breed, sell, and fight dogs displaying certain traits or to otherwise advance a particular dogfighting “bloodline.”

18. Some of these traits are: (1) “gameness” or aggressiveness and propensity to fight other dogs; (2) a willingness to continue fighting another dog despite traumatic and/or mortal injury; and (3) cardiovascular endurance to continue fighting for long periods of time and through fatigue and injury.

19. Dog fighters fight dogs with a goal of obtaining “Champion” or “Grand Champion” status for their dogs, which is achieved by winning three or five fights, respectively.

20. Dog fighters can generate substantial income from gambling on dog fights and from the sale and breeding of animals with a fighting lineage.

21. Once a dog fighter locates an opponent and agrees upon terms, the match is “hooked,” or set up.

22. The dog then undergoes a conditioning process dog handlers refer to as a “keep.”

23. A “keep” is typically conducted for six to eight weeks before the scheduled match and involves a training program including: treadmills used to run and exercise the dogs away from public view; weight pulls used to increase the dog’s strength and stamina; the use of devices such as “spring poles” and “flirt poles” to build jaw strength and increase aggression; and the administration of drugs, vitamins, and other medicine.

24. Dog fighters typically do not start setting up matches for a dog until the dog reaches at least 18 months of age. Until then, dog fighters may test the dog out by “rolling” it or having the dog participate in short fights to assess the dog’s demeanor. Thus, it is common for dog fighters to possess young dogs that are in the process of being trained to fight and, consequently, do not yet have much, if any, scarring.



25. It is common practice for those involved in training and fighting dogs to possess several dogs at one time. This practice is followed for several reasons. First, dog fighters generally maintain a stock of dogs at different weights and both sexes because, in dog fights, dogs are matched against other dogs to within a pound of the same weight against dogs of the same sex. Maintaining a stock of several dogs thus increases the odds of owning a dog whose weight meets the requirements for a match being solicited by an opponent. Second, dog fighters also generally maintain multiple dogs in order to selectively breed, sell, and fight dogs displaying certain traits or to otherwise advance a particular dog fighting bloodline.

26. Further, dog fighters must possess an inventory of dogs because dogs often die or are badly injured during fights. Dogs that lose fights or fail to show “gameness” are often killed. It is not uncommon for dogs that lose matches to be killed in cruel, torturous, and inhumane ways as punishment.

27. Because of their conditioning and training, dogs used in animal fighting ventures are almost always housed separately from other dogs—in pens, cages, or on chains—so that they will not hurt or kill other dogs when the handler is absent. Heavy chains are often used when restraining dogs outdoors to develop neck strength in dogs used for fighting purposes.

28. It is common for dog fighters to possess dog fighting paraphernalia used to exercise, train, restrain, and strengthen or condition their dogs, including:

- a. Treadmills, including treadmills that are modified to keep a dog from getting off the treadmill;
- b. Weighted collars, chains, and weight scales;
- c. “Spring poles”—ropes that dangle animal hides or “lures” that, when gripped by a dog’s mouth, result in the dog being suspended partly or entirely off the

ground. Spring poles are commonly used by dog fighters to strengthen and condition a dog's jaw and neck muscles to achieve a better "bite";

- d. "Flirt poles"—long poles with a hide or fur lure attached that is moved by a trainer to tease a dog; and
- e. "Break sticks"—sticks of wood, plastic, fiberglass, resin, or other material that are used to pry open the jaws of dogs during a dog fight.

29. Dog fighters often attempt to mend the injuries of their dogs rather than seek veterinary attention, which would raise suspicion regarding the cause of injuries. Thus, it is common to find veterinary supplies, including animal medication or supplements (which don't require a prescription), where dogs involved in dog fighting are being kept.

30. Dogs who have been fought may have scars, puncture wounds, swollen faces, or mangled ears. Scars from organized dog fights are commonly found on the face, neck, and front legs.

### **FACTS**

31. As part of an ongoing investigation into narcotics trafficking and illegal dog fighting in the Southern District of Indiana and elsewhere, special agents of the FBI and the USDA-OIG, working with the U.S. Attorney's Office for the Southern District of Indiana, identified a number of individuals in Indiana believed to be participating in an interstate network of dog fighters.

32. On December 1, 2023, Magistrate Judge Mario Garcia, upon the United States' application, issued federal search warrants for multiple properties in the Southern District of Indiana. The warrants authorized the United States to search for and seize animals, among other things, based on probable cause that the animals were involved in violation of 7 U.S.C. § 2156 and 18 U.S.C. § 371.

33. On December 7, 2023, the warrants were executed by the FBI and USDA-OIG with the assistance of other law enforcement officers. The agents and officers seized approximately 75 terrier mix type dogs, 74 of which were subsequently surrendered to the United States.

34. The Defendant Dog was seized from the 4605 North Kenmore Road location. At time of seizure, he was found to be in a dirty crate with no food or water. Located in the backyard of the property was a weight pull attached to a tree. It consisted of the weight pull with a green Frisbee attached. (Attachment 7 – Weight Pull)

35. Defendant Dog was evaluated by on sight veterinary staff and found to be dehydrated along with multiple scars from possible sparring/fighting. (Attachment 8 – Intake Form – Scars)

36. Agents identified and/or seized numerous items commonly associated with an illegal dog fighting operation, such as:

- At the location, law enforcement observed and/or seized the following:
  - Horse joint supplement (anti-inflammatory commonly used in horses)
  - Clear plastic syringe
  - (3) leashes
  - Dog shoes
  - Red leash
  - Tie downs with black and green rope
  - Dog photo album

37. There is reason to believe that the Defendant Dog is subject to forfeiture under 7 U.S.C. § 2156(f).

**REQUEST FOR RELIEF**

The United States of America respectfully requests that process of a Warrant for Arrest and Notice *in Rem* be issued for the arrest of the Defendant *in rem*, that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed; that judgment be entered declaring the Defendant *in rem* be forfeited to the United States for disposition according to law; that the court enter a judgment for costs associated with the care of the Defendant *in rem* pursuant to 7 U.S.C. § 2156(e) should any interested party file a claim for the Defendant *in rem*; and the United States of America be granted such other relief as this Court may deem just and proper.

DATED this 8<sup>th</sup> day of May 2024.

Respectfully submitted,

ZACHARY A. MYERS  
United States Attorney

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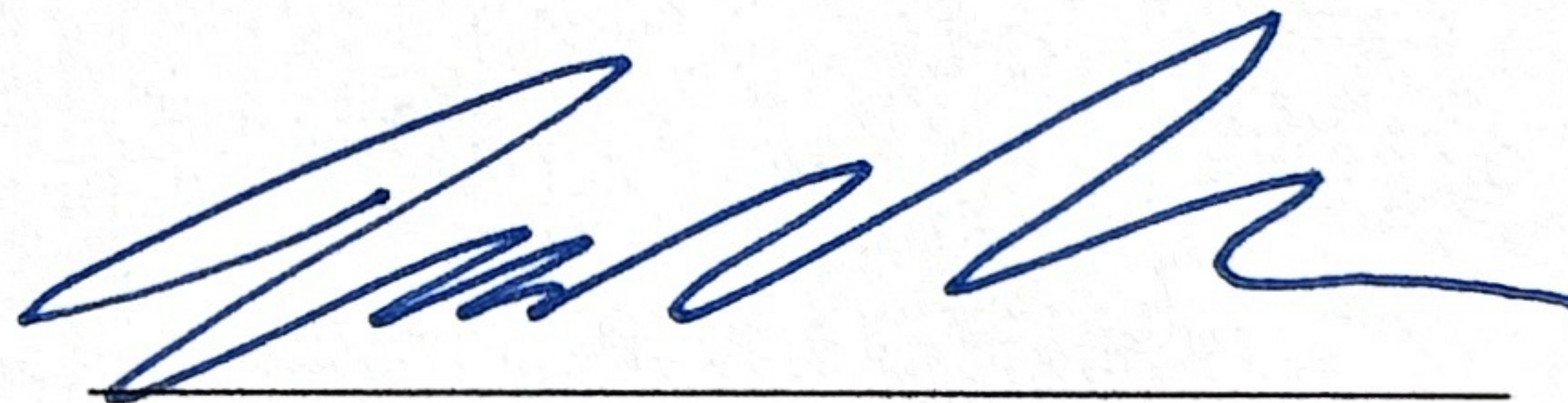
## VERIFICATION

I, Justin Adams, hereby verify and declare under penalty of perjury that I am a Special Agent with the United States Department of Agriculture-Office of Inspector General (“USDA-OIG”), that I have read the foregoing Complaint for Forfeiture *in rem* and know the contents thereof, and the matters contained in the Complaint are true to my own knowledge, except that those matters herein stated to be alleged on information and belief, and as to those matters I believe to be true.

The sources of my knowledge and information and the grounds of my belief are the official files and records of the United States, information supplied to me by other law enforcement offices, as well as my investigation of this case, together with others, as a Special Agent with USDA-OIG.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Dated: May 6, 2024



Justin Adams  
Special Agent  
U.S. Department of Agriculture-OIG