# UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED
July 14, 2026
Nathan Ochsner, Clerk of Court

In the Matter of the Search of
*(Briefly describe the property to be searched or identify the person by name and address)*
A WHITE FORD TRANSIT - CARGO VAN BEARING VIN: 1FTYE9ZM7KKA60539 AND TEXAS LICENSE PLATE #RTM4358

Case No. **4:26-mc-6575**

## APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

See Attachment "A" in the Affidavit in Support of the Search Warrant.

located in the Southern District of Texas, there is now concealed *(identify the person or describe the property to be seized)*:

See Attachment "B" in the Affidavit in Support of the Search Warrant

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☑ evidence of a crime;
- ☑ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

| *Code Section* | *Offense Description* |
|---|---|
| 21 U.S.C § 841 | Possession with Intent to Distribute Controlled Substances |
| 21 U.S.C § 844 | Simple Possession |

The application is based on these facts:

- ☑ Continued on the attached sheet.
- ☐ Delayed notice of _____ days *(give exact ending date if more than 30 days: _____)* is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

D. G. M.
*Applicant's signature*

David G. McNeilly / Special Agent
*Printed name and title*

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone *(specify reliable electronic means)*.

Date: July 14, 2026

Richard W. Bennett
*Judge's signature*

City and state: Houston, TX

The Honorable Richard Bennett, Magistrate Court Judge
*Printed name and title*

**IN THE UNITED STATES DISTRICT COURT**
**FOR THE SOUTHERN DISTRICT OF TEXAS**
**HOUSTON DIVISION**

| **IN THE MATTER OF THE SEARCH OF**<br><br>**A WHITE FORD TRANSIT – CARGO VAN BEARING VIN: 1FTYE9ZM7KKA60539 AND TEXAS LICENSE PLATE #RTM4358** | Case No. **4:26-mc-6575** |
|---|---|

**AFFIDAVIT IN SUPPORT OF**
**AN APPLICATION FOR A SEARCH WARRANT**

I, David McNeilly, hereinafter referred to as "Affiant," being first duly sworn, hereby depose and state as follows:

## INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been employed as such since April 2023. I am currently assigned to the FBI Houston Division Field Office as part of the Violent Crimes Task Force (VCTF).

2. I have investigated numerous allegations of cybercrime and violent crime, including investigations of violations of the Racketeer Influenced and Corrupt Organizations (RICO) laws, drug trafficking, and violations of federal firearms law, among other things. I have conducted and participated in surveillance, the execution of search warrants, debriefings of confidential human sources and reviews of recorded conversations. I have been involved in dozens of investigations regarding the distribution of controlled substances. During those investigations, I have spoken to other experienced law enforcement officers, witnesses, and participants in the illegal drug trade. Through this experience, I have become familiar with how drugs are trafficked, particularly in the Houston area. I have also received training in the identification of drugs.

3. Prior to joining the FBI, I was a police officer with the Houston Police Department (HPD) and had six years of local law enforcement experience. Upon joining HPD, I received approximately 26 weeks of training at the HPD Academy in Houston, Texas. This training covered a broad range of subjects that grounded me in the fundamentals of law, ethics, behavioral science, interviewing and interrogation techniques, report writing, basic and advanced investigative and intelligence techniques, and forensic science. During my time at HPD, I received training in identifying narcotics and worked a variety of investigations pertaining to narcotics through arrests, and proactive and reactive patrols. I also have experience with federal narcotics cases, including working jointly with the U.S. Attorney's Office to file federal complaints and indictments.

4. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search the following vehicle: **A WHITE FORD TRANSIT – CARGO VAN BEARING VIN: 1FTYE9ZM7KKA60539 AND TEXAS LICENSE PLATE #RTM4358** (hereafter referred to as "**TARGET VEHICLE**").

5. I am an investigative or law enforcement officer of the United States within the meaning of 18 U.S.C. § 2510(7). As such, I am empowered to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516. This affidavit is intended to show only that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I am an "investigative or law enforcement officer" within the meaning of 18 U.S.C. § 2510; that is, an officer of the United States of America who is empowered to investigate and make arrests for offenses alleged in this warrant.

6. Because this Affidavit is being submitted for the limited purpose of securing a search warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause that the offenses of

Distribution, Manufacturing, or Possession with Intent to Distribute a Controlled Substance, in violation of 21 U.S.C. § 841(a)(1), and Simple Possession of a Controlled Substance, in violation of 21 U.S.C. § 844, have been committed, and searches of the **TARGET VEHICLE** will yield evidence of the crimes committed, and violations of drug offenses. Where statements of others are set forth in this Affidavit, they are set forth in substance and in part.

## BACKGROUND

7. On July 7, 2026, at approximately 6:45 A.M., officers of the Department of Homeland Security, Immigration and Customs Enforcement ("ICE"), were conducting an immigration enforcement operation, during which they attempted to stop the **TARGET VEHICLE**. The **TARGET VEHICLE** refused to stop and instead drove over a median in an apparent attempt to flee. Pursuant to ICE policy, the officers did not pursue the vehicle. The officers relocated the vehicle in the 6800 block of Canal Street, Houston, Texas 77011, which is located in the Southern District of Texas. After doing so, the officers again attempted to stop the vehicle.

8. From conversations with other law enforcement officers and Agents, AFFIANT learned that an ICE officer shot the driver of the **TARGET VEHICLE** during this immigration enforcement operation, resulting in the death of the driver.

9. The United States is currently gathering all facts related to this incident, including what may have caused the occupants of the vehicle to flee.

## PROBABLE CAUSE

10. Upon arrival at the scene, AFFIANT learned there were four occupants in the **TARGET VEHICLE**, including the deceased driver.

11. While staying outside of it, AFFIANT inspected the vehicle and observed in plain view several plastic bags with what appeared to be a white crystal-like substance packaged in small plastic bags.

12. Specifically, AFFIANT observed three plastic bags containing a white crystal-like substance in the middle of the dash between the driver and passenger side of the vehicle.

13. Additionally, AFFIANT observed a small plastic bag with a white crystal-like substance on the passenger floorboard.

14. FBI's Evidence Response Team subsequently arrived on the scene and from the outside of vehicle, took photos of the vehicle's interior. Law enforcement has not yet entered or searched the vehicle. Photos of the two sets of bags are below:

15. Based on the AFFIANT'S training and experience, the AFFIANT believes the white in color crystal-like substances packaged in small clear plastic bags are consistent with how users of drugs package controlled substances for distribution, manufacturing, and possession. The packaging and appearance of the controlled substance in the **TARGET VEHICLE** is consistent with methamphetamine, a Schedule II controlled substance.

## CONCLUSION

16. Under the Fourth Amendment, the FBI would be authorized to conduct an inventory search of the vehicle, pursuant to FBI policy and its community caretaking responsibilities. *See South Dakota v. Opperman*, 428 U.S. 364, 366 (1976); *United States v. McKinnon*, 681 F.3d 203, 208-10 (5th Cir. 2012). In addition, when as here agents have probable cause to believe that a vehicle contains contraband, the automobile exception allows them to search the car and all containers inside it, including the trunk. *See generally Caroll v. United States*, 267 U.S. 132, 156 (1925); *United States v. Riojas*, 139 F.4th 465, 474 (5th Cir. 2025) (internal citations omitted); *United States v. Freeman*, 914 F.3d 337, 342 (5th Cir. 2019). Nevertheless, the United States is seeking this warrant in abundance of caution, to make certain that its actions comport with constitutional and statutory law. As a result, and based on the foregoing facts, your AFFIANT respectfully requests that the Court issue the proposed search warrant. There is probable cause to believe that the federal criminal statutes cited herein have been violated, and that evidence of these offenses, more fully described in Attachment B of this Application, are located in the **TARGET VEHICLE**, described further in Attachment A of this Application. Your AFFIANT respectfully requests that this Court issue a search warrant for **TARGET VEHICLE**, authorizing the seizure and search of the items described in Attachments B.

[REST OF PAGE LEFT INTENTIONALLY BLANK]

17. I declare under penalty of perjury that the statements above are true to the best of my knowledge, information, and belief.

Respectfully submitted,

D. Cogy III

David McNeilly
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to telephonically on this, the 14th day of July 2026, and I find probable cause exists.

Richard W Bennett

THE HONORABLE RICHARD BENNETT
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF TEXAS

**ATTACHMENT A**

**PROPERTY TO BE SEARCHED**

This warrant authorizes the search of the property identified as **A WHITE FORD TRANSIT – CARGO VAN BEARING VIN: 1FTYE9ZM7KKA60539 AND TEXAS LICENSE PLATE #RTM4358 ("Target Vehicle")** for the purpose of seizing evidence described in Attachment B.

# ATTACHMENT B

**Information to be seized by the government**

The items to be seized from the Target Vehicle described in Attachment A are fruits, evidence, information relating to, contraband, or instrumentalities, in whatever form and however stored, relating to violations of 21 U.S.C. § 841(a)(1), Distribution/ Manufacturing/ Possession with Intent to Distribute a Controlled Substance, and 21 U.S.C. § 844, Simple Possession of a Controlled Substance, as described in the search warrant affidavit, including, but not limited to:

1. Any and all illegal contraband, drugs, and drug paraphernalia.