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14 *ATTORNEYS FOR PLAINTIFFS*  
15 *APRIL JAMES, EUNICE SWEARINGER, STEVE BRITTON*  
16 *AND ROUND VALLEY INDIAN TRIBES*

17 **UNITED STATES DISTRICT COURT**  
18 **NORTHERN DISTRICT OF CALIFORNIA**

19 APRIL JAMES, EUNICE SWEARINGER,  
20 STEVE BRITTON, and ROUND VALLEY  
21 INDIAN TRIBES,

22 Plaintiffs,

23 v.

24 MATTHEW KENDALL, Sheriff of Mendocino  
25 County; COUNTY OF MENDOCINO;  
26 WILLIAM HONSAL, Sheriff of Humboldt  
27 County; JUSTIN PRYOR, deputy of Humboldt  
28 County Sheriff's Office; COUNTY OF  
HUMBOLDT; SEAN DURYEE, Commissioner  
of the California Highway Patrol;  
CALIFORNIA HIGHWAY PATROL; and  
DOES 1 through 50,

Defendants.

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

**AMENDED EXHIBIT A TO APRIL  
JAMES' DECLARATION IN  
SUPPORT OF MOTION FOR  
PARTIAL SUMMARY JUDGMENT**

# **EXHIBIT A**

# 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;

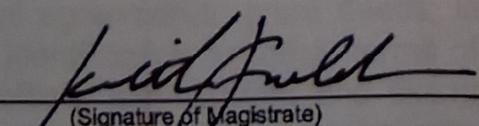
Nighttime service request: Yes No

Sworn to as true and subscribed before me

KEITH FAULOCK on this 17<sup>th</sup> 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.



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"/>		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:**

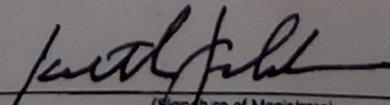
See Exhibit "1A" attached hereto and incorporated herein by this reference;

**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 19<sup>th</sup> 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 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 MENUD APN 032-430-31-00, COVELLO CA 95428  
39.809653 - 123.207675

500 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

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Mendocino, State of California. I am over the age of 18  
3 years and not a party to the within action; my business address is that of Rapport & Marston, 405  
4 West Perkins Street, Ukiah, California 95482.

5 I hereby certify that I electronically filed the foregoing:

6 **AMENDED EXHIBIT A TO APRIL JAMES' DECLARATION IN SUPPORT OF**  
7 **MOTION FOR PARTIAL SUMMARY JUDGMENT**

8 with the Clerk of the United States District Court for the Northern District of California by using  
9 the CM/ECF system on July 14, 2025, which generated and transmitted a notice of electronic filing  
10 to CM/ECF registrants.

11 I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct; executed on July 14, 2025, at Ukiah, California.

13 /s/ Ericka Duncan

14 ERICKA DUNCAN, Declarant