

**SEALED
BY COURT ORDER**

UNITED STATES DISTRICT COURT

for the

Northern District of California

United States of America

v.

Miguel Macias
aka "Flaco"

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)

Case No. CR-14-0077-CRB

Defendant

ARREST WARRANT

To: Any authorized law enforcement officer

YOU ARE COMMANDED to arrest and bring before a United States magistrate judge without unnecessary delay

(name of person to be arrested)

MIGUEL MACIAS

who is accused of an offense or violation based on the following document filed with the court:

- Indictment
- Superseding Indictment
- Information
- Superseding Information
- Complaint
- Probation Violation Petition
- Supervised Release Violation Petition
- Violation Notice
- Order of the Court

This offense is briefly described as follows:

21:841(a)(1) Possession with intent to distribute and distribution of methamphetamine

Date: Feb 13, 2014

Issuing officer's signature

City and state: Oakland, CA

Kelly Collins, Deputy Clerk

Printed name and title

Return

This warrant was received on (date) _____, and the person was arrested on (date) _____
at (city and state) _____

Date: _____
Arresting officer's signature

Printed name and title

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

CR14-00077 CRB

UNITED STATES OF AMERICA,

v.

SEALED
BY COURT ORDER

FILED

FEB 13 2014

MIGUEL MACIAS,

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DEFENDANT(S).

INDICTMENT

VIOLATIONS: 21 U.S.C. § 841(a)(1) – Possession With Intent to
Distribute and Distribution of Methamphetamine; 21 U.S.C. § 853 –
Drug Forfeiture Allegation

A true bill.

[Signature]

Foreman

Filed in open court this 13th day of
February, 2014

[Signature]

Clerk

Bail, \$ no bail warrant
Kandis Westline 2/13/14

1 MELINDA HAAG (CABN 132612)
United States Attorney

FILED

FEB 13 2014

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BY COURT ORDER**

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL MACIAS,
a/k/a "Flaco,"

Defendant.

CASE NO.

CR14-00077

CRB

VIOLATIONS: 21 U.S.C. § 841(a)(1) – Possession
With Intent to Distribute and Distribution of
Methamphetamine; 21 U.S.C. § 853 – Drug
Forfeiture Allegation

INDICTMENT

The Grand Jury charges:

COUNT ONE: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
Methamphetamine)

On or about September 19, 2013, in the Northern District of California, the defendant,

MIGUEL MACIAS,
a/k/a "Flaco,"

did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
substance, to wit: 50 grams or more of methamphetamine, its salts, optical and geometric isomers, and
salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

1 COUNT TWO: (21 U.S.C. § 841(a)(1) – Possession With Intent to Distribute and Distribution of
2 Methamphetamine)

3 On or about December 6, 2013, in the Northern District of California, the defendant,

4 MIGUEL MACIAS,
5 a/k/a “Flaco,”

6 did knowingly and intentionally possess with intent to distribute and distribute a Schedule II controlled
7 substance, to wit: 50 grams or more of methamphetamine, its salts, optical and geometric isomers, and
8 salts of its isomers, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

9
10 DRUG FORFEITURE ALLEGATION: (21 U.S.C. § 853 – Drug Forfeiture)

11 1. The factual allegations contained in Counts One and Two of this Indictment are re-
12 alleged and by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to
13 the provisions of 21 U.S.C. §§ 853(a)(1) and (2).

14 2. Upon a conviction of the offenses alleged in Counts One and Two, the defendant,

15 MIGUEL MACIAS,
16 a/k/a “Flaco,”

17 shall forfeit to the United States all right, title and interest in any property constituting and derived from
18 any proceeds defendants obtained, directly or indirectly, as a result of said violations, and any property
19 used, or intended to be used, in any manner or part, to commit or to facilitate the commission of said
20 violations.

21 3. If, as a result of any act or omission of the defendant, any of said property

- 22 a. cannot be located upon the exercise of due diligence;
23 b. has been transferred or sold to or deposited with, a third person;
24 c. has been placed beyond the jurisdiction of the Court;
25 d. has been substantially diminished in value; or
26 e. has been commingled with other property which cannot be divided
27 without difficulty;

28 any and all interest defendants have in any other property (not to exceed the value of the above

1 forfeitable property) shall be vested in the United States and forfeited to the United States.

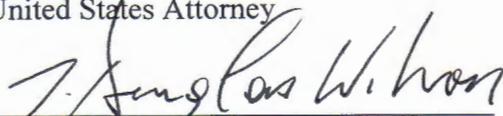
2 All in violation of Title 21, United States Code, Section 853(a)(1), (a)(2), (p) and Rule 32.2 of
3 the Federal Rules of Criminal Procedure.

4 DATED: February 13, 2013

A TRUE BILL.

5
6 
FOREPERSON

7
8 MELINDA HAAG
United States Attorney

9
10 
11 J. DOUGLAS WILSON (DCBN 412811)
Chief, Criminal Division

12
13 (Approved as to form:

14 
FRANK J. RIEBLI
Assistant United States Attorney

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

21 U.S.C. § 841(a)(1), (b)(1)(A)

- Petty
- Minor
- Misdemeanor
- Felony

SEALED BY COURT ORDER

PENALTY: Minimum 10 years in prison
Maximum life prison term
Maximum \$10,000,000 fine
5 years to life supervised release
\$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ORIGINAL FILED
FEB 13 2014

DEFENDANT - U.S.

▶ Miguel Macias

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

DISTRICT COURT NUMBER

CR14-00077

CRB

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Geoff Kolanowski, DEA Special Agent

person is awaiting trial in another Federal or State Court, give name of court

this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprosecution of charges previously dismissed which were dismissed on motion of:

U.S. ATTORNEY DEFENSE

SHOW DOCKET NO.

this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form Melinda Haag

U.S. Attorney Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

Frank Riebli

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) If not detained give date any prior summons was served on above charges ▶
- 2) Is a Fugitive
- 3) Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) On this charge
 - 5) On another conviction } Federal State
 - 6) Awaiting trial on other charges
- If answer to (6) is "Yes", show name of institution

Has detainer been filed? Yes No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: No bail

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____ Before Judge: _____

Comments:

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SEALED
BY COURT ORDER

FILED

FEB 13 2014

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MIGUEL MACIAS,

Defendants.

) CASE NO

) ORDER SEALING RECORD

) FILED UNDER SEAL

CR14-00077 CRB

The Court has the inherent power and the discretion to seal its own record where doing so is necessary to protect a compelling interest, where there is a substantial probability that this compelling interest would be harmed if the Court does not seal its record, and where there are no other alternatives that would adequately protect that interest. See Nixon v. Warner Commc'n, Inc., 435 U.S. 589, 598 (1978); In re Copley Press, Inc., 518 F.3d 1022, 1026 (9th Cir. 2008); Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995). After reviewing the present motion, the Court finds that sealing the record in this case is necessary to protect an ongoing criminal investigation and ensure the safety of a cooperating defendant. For these reasons, the Court finds that the government's compelling interests outweigh the public's competing interest in open criminal proceedings. Accordingly, the Court orders

1 that the record in this case be sealed pending further order of this Court. *Notwithstanding, a copy of the*
2 *indictment may be provided to the US Attorney's Office.*

IT IS SO ORDERED.

3 Dated: February 13, 2014

Kandis Westmore
HON. KANDIS A. WESTMORE
United States Magistrate Judge

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 MELINDA HAAG (CABN 132612)
United States Attorney

2 MIRANDA KANE (CSBN 150630)
3 Chief, Criminal Division

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Frank.Riebli@usdoj.gov

8 Attorneys for Plaintiff

9
10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 MIGUEL MACIAS,

17 Defendant.

) No.

CR14-00077 CRB

) MOTION TO SEAL

) FILED UNDER SEAL

18
19 Plaintiff the United States of America moves the Court to seal the record in the above-captioned
20 case pending further order of the Court.

21 I. ARGUMENT

22 "Every court has supervisory power over its own records and files, and access has been denied
23 where court files might have become a vehicle for improper purposes." Nixon v. Warner Commc'n,
24 Inc., 435 U.S. 589, 598 (1978). The exercise of this inherent supervisory power is left to the Court's
25 discretion. Hagestad v. Tragesser, 49 F.3d 1430, 1434 (9th Cir. 1995). The Court's discretion to seal
26 records of criminal proceedings is not unlimited, however, because the public have qualified First
27 Amendment and common law rights of access to criminal proceedings. In re Copley Press, Inc., 518
28 F.3d 1022, 1026 (9th Cir. 2008). To seal the proceedings, the government must show that (1) closure

1 serves a compelling interest, (2) there is a substantial probability that, in the absence of closure, this
2 compelling interest would be harmed, and (3) there are no alternatives to closure that would adequately
3 protect the compelling interest. Id. at 1028.¹

4 There are compelling reasons to seal the proceedings in this case. First, the agents anticipate
5 executing search and arrest warrants within the next seven to ten days. Keeping the case under seal will
6 help ensure the safety of the officers executing those warrants. Second, there is a Confidential Source
7 (“CS”) in this case. Keeping the case under seal will provide the government an opportunity to ensure
8 he is safe from any harm the defendant may wish to do him when the defendant discovers that the CS
9 has been cooperating with the government. Third, the government’s investigation is ongoing,
10 particularly as to financial crimes the defendant may have committed. If the defendant is alerted about
11 this case before the agents have a chance to execute search warrants, the defendant may destroy
12 evidence necessary to prove the defendant’s involvement in money laundering, drug trafficking and
13 other illegal activities. Fourth, the agents anticipate conducting one more controlled purchase of drugs
14 from the defendant. If the defendant is alerted to the existence of the indictment in this case, he may fail
15 to participate in that transaction or may attempt to harm the undercover officer taking part in it.

16 **B. There Is a Substantial Probability of Harm if the Record is Not Sealed.**

17 There is a substantial probability that the interests described above would be harmed if the record
18 in this case is not sealed. If the defendant learns of the indictment before the agents have a chance to
19 execute search warrants (in conjunction with the arrest warrants issued in this case), the execution of
20 those warrants will be more dangerous for the agents and ultimately fruitless, as the defendant will have
21 had the opportunity to dispose of incriminating evidence. Further, the defendant may have the
22 opportunity exact revenge on the CS before the agents have moved him or taken other measures to
23 ensure his safety.

24 **C. Sealing the Record is the Only Way to Protect Those Compelling Interests.**

25 The only way to protect the ongoing investigation and ensure the agents’ and the CS’s safety is
26 to seal the indictment and supporting documents in this case. Though that impacts the public’s interest
27

28 ¹ The government need only show a “sufficiently important” reason to overcome the
common-law presumption in favor of access. In re Copley, 518 F.3d at 1029.

1 in access to the judicial process, the compelling interests here justify that infringement. Moreover, the
2 impact on the public's interest will be limited – the government anticipates unsealing the record when
3 the defendant makes his initial appearance on the indictment.

4 **II. CONCLUSION**

5 For the foregoing reasons, the government requests that the Court seal the record pending further
6 order of the Court.

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8 MELINDA HAAG
United States Attorney

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10 

10 Dated: February 13, 2014

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FRANK J. RIEBLI
Assistant United States Attorney

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United States District Court
Northern District of California

SEALED
BY COURT ORDER

FILED

FEB 13 2014

CRIMINAL COVER SHEET

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Instructions: Effective January 3, 2012, this Criminal Cover Sheet must be completed and submitted, along with the Defendant Information Form, for each new criminal case. Please place this form on top of the Defendant Information Form.

Case Name:

USA v. Miguel Macias

Case Number:

CR14-00077 CRB

Total Number of Defendants:

1 2-7 _____ 8 or more _____

Is This Case Under Seal?

Yes No _____

Does this case involve ONLY charges under 8 U.S.C. § 1325 and/or 1326?

Yes _____ No

Venue (Per Crim. L.R. 18-1):

SF OAK _____ SJ _____

Is this a death-penalty-eligible RICO Act gang case?

Yes _____ No

Assigned AUSA (Lead Attorney):

Frank Riebli

Comments:

[Empty box for comments]

Date Submitted:

February 13, 2014

PRINT