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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
RAQUEL CASTANEDA,
Defendant.

Case No. 13MJ8242

COMPLAINT FOR VIOLATION OF:

18 U.S.C. §545 - Smuggling;
16 U.S.C. §§3372 and 3373-
Unlawful Trade in Wildlife;
18 U.S.C. §2 - Aiding and Abetting

The undersigned complainant, being duly sworn, states:

COUNT ONE

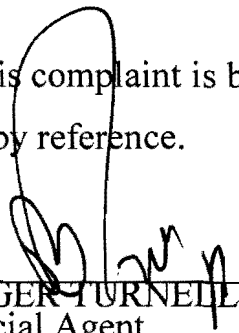
On or about April 1, 2013, within the Southern District of California, defendant, RAQUEL CASTANEDA, did knowingly and willfully smuggle and attempt to smuggle into the United States from Mexico, merchandise which should have been invoiced, to wit, *Totoaba macdonaldi* swim bladders, in violation of Title 18, United States Code, Sections 545 and 2.

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COUNT TWO

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2 On or about April 1, 2013, within the Southern District of California, defendant,
3 RAQUEL CASTANEDA, did knowingly import fish, to wit: *Totoaba macdonaldi*, with
4 a market value of over \$350.00, that was taken, possessed, transported, and sold in
5 violation of foreign law, to wit, the Convention on International Trade in Endangered
6 Species of Wild Fauna and Flora, knowing that the fish were taken, possessed,
7 transported, and sold in violation of foreign law, in violation of Title 16, United States
8 Code, Sections 3372(a)(1) and 3373(d)(1)(B) and Title 18, United States Code, Section
9 2.

10 And the complainant states this complaint is based on the attached Statement of
11 Facts, which is incorporated herein by reference.

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13 
14 _____
15 ROGER TURNELL
16 Special Agent
17 U.S. Fish and Wildlife Service

18 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 1ST
19 DAY OF APRIL, 2013.

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21 _____
22 HON. PETER C. LEWIS
23 UNITED STATES MAGISTRATE JUDGE
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1 UNITED STATES OF AMERICA

2 v.

3 Raquel CASTANEDA

4 STATEMENT OF FACTS

5 I, Roger Turnell, am a special agent with the United States Fish and Wildlife
6 Service, Office of Law Enforcement, and have been so since 2006. My responsibilities
7 include enforcing the Endangered Species Act (“ESA”), at Title 16, United States Code,
8 Sections 1531-1543, and the Lacey Act, at Title 16, United States Code, Sections 3372
9 and 3373.

10 The ESA was enacted in 1973, and provides for the conservation of species that
11 are in danger or threatened throughout all or a significant portion of their habitat. There
12 are approximately 2,050 total species listed under the ESA.

13 Because many of the covered species are highly migratory, enforcement of the
14 ESA intersects with the implementation of the Convention on International Trade in
15 Endangered Species of Wild Fauna and Flora (“CITES”), an international agreement
16 signed by 176 nations and implemented in 1975, which restricts the international trade
17 and transportation of covered species. My duties also include enforcement of CITES.

18 One species protected by the ESA and CITES is the *Totoaba macdonaldi*, also
19 known as *Cynoscion macdonaldi*. This marine fish is the largest species within the
20 *scaienidae* family. It can grow to more than 6 ½ feet in length, weigh up to 220 pounds,
21 and can live up to 25 years. They are endemic only to the Gulf of California, the narrow
22 inlet between Baja California and the Mexico’s mainland (also called the Sea of Cortez).
23 This fish can be identified by its dusky silver color, elongated body, sharp snout, a
24 projecting lower jaw, and a slightly convex tail.

25 During their winter migration, schools of adult Totoaba travel northward along the
26 east coast of the Gulf of California to the Colorado River delta, where they remain for
27 weeks before spawning in the spring.
28

1 The Totoaba's spawning season, which runs from approximately March to May
2 each year, has just begun. During this time, Totoaba travel to the shallower waters at
3 the mouth of the Colorado River, making them vulnerable to commercial and sport
4 fishermen.

5 The *Totoaba macdonaldi's* large swim bladders are highly prized for use in
6 Chinese soups. These bladders are removed from the fish, dried, and often imported
7 from Mexico to other countries. In some instances, the fish are taken from the Colorado
8 River, carved open so their swim bladders can be removed, and left to die on the shores.
9 The closest U.S. / Mexico ports to the Sea of Cortez are in Calexico, California and San
10 Luis, Arizona.

11 While the Totoaba were once abundant in the Gulf of California, and even at one
12 point constituted the second most important commercial fish for Mexico, their
13 populations have declined drastically due to overfishing, pollution, and diversion of
14 waters from the Colorado River.

15 The Totoaba was included in the most protected list of species covered by CITES
16 (Appendix I) in 1976, and was listed as endangered under the ESA in 1979. Mexico
17 included it on its list of species "In Danger of Extinction" in 1994. Both Mexico and the
18 United States are signatories to CITES. It is a violation of law in both countries to trade
19 in Totoaba or any part of a Totoaba.

20 Despite the protection, the species has shown minimal recovery. Unique
21 biological traits, such as its limited geographic range and vulnerability during spawning,
22 along with external pressures of habitat degradation and overfishing, have pushed the
23 species to the brink of extinction.

24 On April 1, 2013, at approximately 7:10 a.m., defendant, RAQUEL CASTANEDA
25 (CASTANEDA), entered the United States from Mexico at the Calexico West Port of
26 Entry in Calexico, California, as the driver and sole occupant of a 2004 silver Jeep
27 Liberty, bearing Baja California license plate number BGJ 6033. She told the primary
28 inspector that she was traveling to San Diego to return some items she had purchased and

1 to visit her brother.

2 The primary inspector noticed a cooler and an insulated bag in the rear of the
3 vehicle. The inspector opened the cooler, and saw a top layer of seafood, including
4 whole fish, fish fillets, and shrimp, but underneath the ice below the top layer the
5 inspector discovered numerous fish swim bladders. The inspector suspected the swim
6 bladders came from endangered Totoaba, based on prior seizures at the Calexico port of
7 entry. The inspector asked what was in the bottom of the cooler, and the defendant said
8 that it was squid. The vehicle was referred to the secondary inspection area.

9 CASTANEDA told the secondary inspector she was going to San Diego to visit
10 her brother. She further stated she and her husband owned a seafood restaurant in
11 Mexico, and she was bringing in fish from San Felipe, Mexico.

12 Inspection of the cooler revealed 28 swim bladders from endangered Totoaba,
13 weighing approximately 16.02 kilograms (35.3181 pounds). The 28 swim bladders each
14 measured an average of approximately 14 inches in length, which corresponds to a fish
15 size of three to four feet in length.

16 CASTANEDA was advised of her Constitutional rights and agreed to speak to
17 agents. She admitted she had seven "buches," a Spanish slang word referring to Totoaba
18 swim bladders. She claimed she did not know that *buches* are protected as an
19 endangered species. In my experience, the quantity of Totoaba swim bladders
20 CASTANEDA was bringing into the United States is conservatively valued at
21 approximately \$42,000.

22 On March 15, 2013, I spoke with Daniel Yanez, an officer for PROFEPA, which
23 is the Mexican agency with jurisdiction over fish and wildlife. Officer Yanez advised
24 me that Totoaba could be identified by the distinctive tubes that are attached to the swim
25 bladders. Based on photographs provided by Officer Yanez and my previous experience
26 with other seizures of Totoaba, I believe the swim bladders in CASTANEDA's cooler
27 were taken from the endangered fish *Totoaba macdonaldi*.

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1 Accordingly, there is probable cause to believe CASTANEDA smuggled the
2 Totoaba into the United States, in violation of Title 18, United States Code, Sections 545
3 and 2, and unlawfully traded in wildlife, in violation of Title 16, United States Code,
4 Sections 3372(a)(1) and 3373(d)(1)(B).

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