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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
SONG SHEN ZHEN, )  
 )  
Defendant. )

Magistrate Case No. 13MJ1556

COMPLAINT

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 10, 2013, within the Southern District of California, defendant SONG SHEN ZHEN did knowingly and willfully smuggle and attempt to smuggle into the United States from Mexico, merchandise which should have been invoiced, to wit, 27 *Totoaba macdonaldi* swim bladders, in violation of Title 18, United States Code, Sections 545 and 2.

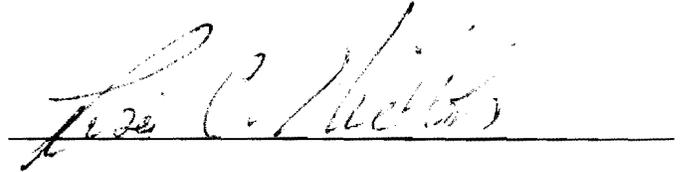
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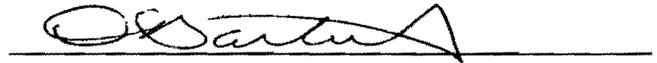
And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Lisa Nichols  
U.S. Fish and Wildlife Service  
Special Agent

I FIND THAT THERE IS PROBABLE CAUSE TO BELIEVE THAT DEFENDANT HAS COMMITTED THE CHARGED OFFENSES.

DATE 4/19/2013



HON. DAVID BARTICK  
UNITED STATES MAGISTRATE JUDGE

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3 SONG SHEN ZHEN

4 STATEMENT OF FACTS

5 I am a special agent with the United States Fish and  
6 Wildlife Service, Office of Law Enforcement, and have been  
7 so since 1994. My responsibilities include enforcing the  
8 Endangered Species Act ("ESA"), at Title 16, United States  
9 Code, Sections 1531-1543, and the Lacey Act, at Title 16,  
10 United States Code, Sections 3372 and 3373.

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

20 One species protected by the ESA and CITES is the  
21 *Totoaba macdonaldi*, also known as *Cynoscion macdonaldi*. This  
22 marine fish is the largest species within the *scaienidae*  
23 family. It can grow to more than 6 ½ feet in length, weigh  
24 up to 220 pounds, and can live up to 25 years. They are  
25 endemic only to the Gulf of California, the narrow inlet  
26 between Baja California and the Mexico's mainland (also  
27 called the Sea of Cortez).

28 It is currently the middle of the Totoaba's spawning  
season, which runs from approximately March to May each

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3 year. During this time, Totoaba travel to the shallower  
4 waters at the mouth of the Colorado River, making them  
5 vulnerable to commercial and sport fishermen.

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

14 On April 10, 2013, at approximately 12:45 a.m.,  
15 defendant SONG SHEN ZHEN entered the United States from  
16 Mexico at the Calexico West Port of Entry ("POE"), in  
17 Calexico, California, as the driver and sole occupant of a  
18 2010 Dodge Attitude. He told the primary inspector that he  
19 had nothing to declare.

20 Customs and Border Protection Officer ("CBPO") J.  
21 Soberanes observed a deformity in both floor mats located  
22 on the rear floor of the vehicle. Upon closer inspection,  
23 CBPO Soberanes could observe what was suspected to be the  
24 dried swim bladders from endangered Totoaba fish contained  
25 in two plastic grocery bags concealed under the floormats.  
26 CBPO Soberanes removed the bags and placed them on the back  
27 seat and referred Zhen and the vehicle to the secondary  
28 inspection area.

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4 In the secondary inspection area, CBPO R. Lopez  
5 received another negative oral customs declaration from  
6 Zhen. CBPO Lopez observed the plastic bags containing the  
7 dehydrated fish bladders on the back seat. Having compared  
8 the fish bladders to information in a bulletin provided by  
9 the United States Fish and Wildlife Service, which contained  
10 a description and picture of Totoaba fish, CBPO Lopez  
11 escorted Zhen to the vehicle secondary office.

12 Further inspection of the items found concealed under  
13 the floor mats revealed 27 swim bladders from endangered  
14 Totoaba, weighing approximately 1.85 kilograms (4.07  
15 pounds).

16 One bladder was seized for testing, and the rest were  
17 returned to Zhen. Under constant surveillance, Zhen was  
18 permitted to leave the Calexico West POE with the bladders,  
19 and agents followed him to his home in Calexico, California.  
20 A warrant was subsequently authorized for search of Zhen's  
21 residence. Upon executing the warrant, agents discovered  
22 that the residence was sparsely furnished, and appeared to  
23 be set-up as a Totoaba factory. Totoaba swim bladders were  
24 laid out in rows to dry, with fans positioned to blow air  
25 over them. There was a significant quantity of packaging  
26 materials and other evidence consistent with the shipment  
27 of Totaba swim bladders to purchasers in China and Hong  
28 Kong. 214 additional swim bladders were found inside Zhen's  
residence. Including the 26 bladders Zhen imported that

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4 day, he was in possession of a total of 240 swim bladders  
5 in the house.

6 Totoaba swim bladders can be identified by distinctive  
7 tubes that are attached to the swim bladders. Based on  
8 consultation with other wildlife enforcement agents and my  
9 previous experience with other seizure of Totoaba, I believe  
10 that the swim bladders in the defendant's vehicle and in his  
11 home were taken from the endangered fish *Totoaba macdonaldi*.

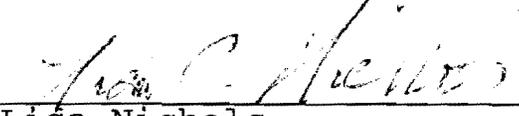
12 Based on my experience and conversations with other  
13 smugglers, the value of the 27 Totoaba swim bladders  
14 imported by Zhen into the United States on April 10, 2013  
15 is conservatively estimated at approximately \$40,500 in  
16 Mexico, with an estimated U.S. resale value of \$141,750.  
17 A conservative estimate of the value of the <sup>total</sup> ~~additional~~ <sup>240</sup> ~~214~~  
18 swim bladders in Zhen's home is estimated at \$361,500 in  
19 Mexico, with an estimated U.S. domestic resale value of  
20 \$1,265,250. Based on information received from subjects in  
21 other cases, the 240 Totoaba bladders, if sold into foreign  
22 markets, including Asia, could conservatively be worth over  
23 \$3.6 million.  
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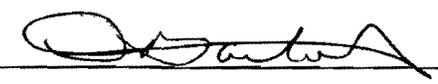
4 Accordingly, there is probable cause to believe that  
5 the defendant smuggled the Totoaba into the United States,  
6 in violation of Title 18, United States Code, Sections 545  
7 and 2; unlawfully imported wildlife, in violation of Title  
8 16, United States Code, Sections 3372(a)(1) and  
9 3373(d)(1)(A); and engaged in conduct involving the intent  
10 to sell wildlife taken in violation of law, in violation of  
11 Title 16, United States Code, Sections 3372(a)(1) and  
12 3373(d)(1)(B).

13 I declare under oath that the foregoing is true and  
14 correct, to the best of my knowledge and belief.

15  
16 DATE 4/19/13

  
\_\_\_\_\_  
Lisa Nichols  
U.S. Fish and Wildlife Service  
Special Agent

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20 SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 19<sup>th</sup>  
21 DAY OF APRIL, 2013.

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24 HON. DAVID BARTICK  
25 UNITED STATES MAGISTRATE JUDGE  
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