

17

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

D-1 ENITAN SODIYA-OGUNDIPE, R.Ph.,  
D-2 AMIR RAFI, R.Ph.,  
D-3 ABIODUN FABODE, R.Ph.,  
D-4 DR. VASAN DESHIKACHAR,  
D-5 NIESHEIA TIBU,  
D-6 ANDREI TIBU,

Defendants.

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Case:2:18-cr-20351

Judge: Edmunds, Nancy G.

MJ: Patti, Anthony P.

Filed: 05-17-2018 At 03:48 PM

USA V SEALED MATTER (LG)

**VIOLATIONS:**

21 U.S.C. §§841(a)(1) and 846

18 U.S.C. § 1957

18 U.S.C. § 1512(b)(3)

18 U.S.C. § 922(g)(1)

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**GENERAL ALLEGATIONS**

1. Beginning in or about January 2015 and continuing up to and including March 2018, a scheme and pattern of illegal conduct involving the unlawful distribution of Schedule II prescription drug controlled substances was formed and active within the Eastern District of Michigan and elsewhere. The defendants, ENITAN SODIYA-OGUNDIPE, R.Ph., AMIR RAFI, R.Ph., ABIODUN FABODE, R.Ph., DR. VASAN DESHIKACHAR, NIESHEIA TIBU,

ANDREI TIBU, and others, both known and unknown to the grand jury, joined at different times, played different roles and engaged in different aspects of the overall scheme. The purpose of the scheme was for pharmacists ENITAN SODIYA-OGUNDIPE, AMIR RAFI, and ABIODUN FABODE to dispense, in exchange for cash payments, prescriptions for controlled substances written by Dr. VASAN DESHIKACHAR, for “patients” recruited by NIESHEIA TIBU and ANDREI TIBU. Once filled, the controlled substances were sold at a substantial profit on the illegal street market in the metropolitan Detroit area.

At all times relevant to this Indictment:

2. Defendant ENITAN SODIYA-OGUNDIPE was a licensed pharmacist in the State of Michigan (Pharmacy License #5302032673). She was the owner and pharmacist of Global Health Pharmacy, located at 135 S. Telegraph Road, Pontiac, MI 48341. She also owned Precare Pharmacy, located at 25045 Grand River Avenue, Redford Township, MI 48240.

3. Defendant AMIR RAFI was a licensed pharmacist in the State of Michigan (Pharmacy License #5302040108). He was the pharmacist at Precare Pharmacy, located at 25045 Grand River Avenue, Redford Township, MI 48240.

4. Defendant ABIODUN FABODE was a licensed pharmacist in the State of Michigan (Pharmacy License #5302032314). He was co-owner and

pharmacist of Friendz Pharmacy, located at 13848 W McNichols Rd, Detroit, MI 48235.

5. Defendant DR. VASAN DESHIKACHAR was a licensed medical doctor in the State of Michigan (Medical License # 4301062217), and during the time frame of the conspiracy was authorized by the Drug Enforcement Administration (DEA) to prescribe controlled substances in Schedules II – V (DEA # BD5448851). His DEA license was registered at his medical practice, Grand River Medical Center, located 11803 Grand River Avenue, Detroit, MI 48204. His medical practice was authorized as an Office-Based Opioid Treatment (OBOT) program to dispense certain narcotics for the maintenance and detoxification of opiate addicts. He also had an office location, “DR. VASAN H. DESHIKACHAR, M.D.”, located at 8340 Vernor Highway, Detroit, MI 48209. As of June 2017, both of DR. VASAN DESHIKACHAR’S medical offices were closed and abandoned, and he had relocated to Florida.

6. As part of the conspiracy, patient “recruiters,” including defendants NIESHEIA TIBU, ANDREI TIBU, and others who are both known and unknown to members of the grand jury, recruited “patients” to have controlled substance prescriptions issued in their names by defendant DR. VASAN DESHIKACHAR. NIESHEIA TIBU would provide the recruited patient’s names and dates of birth to

DR. VASAN DESHIKACHAR, who would write controlled substance and non-controlled substance prescriptions without seeing the patients. These prescriptions were knowingly issued without medical necessity and outside the scope of professional medical practice.

7. Defendants NIESHEIA TIBU and ANDREI TIBU would transport the recruited “patients” and the unlawfully issued prescriptions to various pharmacies, both known and unknown to members of the grand jury, including but not limited to Global Health Pharmacy, Precare Pharmacy and Friendz Pharmacy. At pharmacies under their supervision and control, defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI and ADIODUN FABODE would dispense the medically unnecessary prescriptions.

8. Before dispensing the medically unnecessary prescriptions, defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI and ABIODUN FABODE failed to exercise their corresponding professional responsibility to determine that the prescriptions were issued for a legitimate medical purpose by an individual practitioner acting in the usual course of professional practice.

9. In furtherance of the conspiracy, defendants ENITAN SODIYA-OGUNDIPE and AMIR RAFI would “slot doctors,” and only fill prescriptions for certain doctors at certain times, irrespective of the medical necessity of the

prescription. Defendants ENITAN SODIYA-OGUNDIPE and AMIR RAFI would also falsely notate that doctors had been called to verify the prescriptions, when in fact that was not the case. These and other actions taken by defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI, and ABIODUN FABODE were done for the mere appearance of legitimacy and were not done to actually confirm the prescriptions were issued for a legitimate medical purpose in the usual course of professional medical practice.

10. The primary controlled substances illegally written by defendant DR. VASAN DESHIKACHAR and illegally dispensed by defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI, and ABIODUN FABODE were Oxycodone HCL 30mg and Oxymorphone HCL ER 40mg (brand named Opana ER 40 mg).

11. As of June 2017, defendant DR. VASAN DESHIKACHAR no longer resided in Michigan and moved to Florida. Despite his location in Florida, Dr. VASAN DESHIKACHAR continued to write prescriptions for controlled substances to patients in Michigan, in exchange for cash payments.

12. In January 2018, DR. VASAN DESHIKACHAR stopped writing prescriptions for the patients recruited by NIESHEIA TIBU and ANDREI TIBU. As a result, NIESHEIA TIBU consulted with ENITAN SODIYA-OGUNDIPE to determine other doctors that would unlawfully issue medically unnecessary

prescriptions. NIESHEIA TIBU and ANDREI TIBU utilized the other doctors to continue the scheme.

13. The fundamental purpose of both writing and filling the controlled substance prescriptions was not for the legitimate treatment of patients, but, rather, to obtain controlled substances that could be sold at a substantial profit on the illegal street market in the metropolitan Detroit area.

14. During the course of the conspiracy, defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI and ABIODUN FABODE dispensed more than 344,737 unit dosages of controlled substances. More specifically, they dispensed more than 319,397 unit dosages of Oxycodone, a Schedule II controlled substance, and more than 25,340 unit dosages of Oxymorphone, a Schedule II controlled substance, carrying a conservative estimated wholesale street value of \$9.6 million.

These general allegations are adopted and incorporated in each count of this Indictment.

#### **COUNT ONE**

*(21 U.S.C. §§ 841(a)(1), 846 - Conspiracy to Possess with Intent to Distribute and to Distribute Controlled Substances)*

D-1 ENITAN SODIYA-OGUNDIPE

D-2 AMIR RAFI

D-3 ABIODUN FABODE

D-4 DR. VASAN DESHIKACHAR

D-5 NIESHEIA TIBU

D-6 ANDREI TIBU

15. Beginning in or about January 2015, and continuing until on or about March 2018, in the Eastern District of Michigan, Southern Division, the defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI, ABIODUN FBODE, DR. VASAN DESHIKACHAR, NIESHEIA TIBU, ANDREI TIBU, and others, both known and unknown to members of the grand jury, did knowingly, intentionally and unlawfully combine, conspire, confederate and agree with each other and other persons not named in this Indictment, to commit offenses against the United States, that is, to knowingly, intentionally and unlawfully possess with intent to distribute and to distribute controlled substances, including but not limited to the Schedule II drug Oxycodone and the Schedule II drug Oxymorphone.

All in violation of Title 21, United States Code, Sections 846 and 841(a)(1).

**COUNTS TWO - EIGHT**

*(21 U.S.C. § 841(a)(1) - Unlawful Distribution of Controlled Substances  
18 U.S.C. § 2 Aiding and Abetting)*

D-1 ENITAN SODIYA-OGUNDIPE  
D-4 DR. VASAN DESHIKACHAR  
D-5 NIESHEIA TIBU  
D-6 ANDREI TIBU

16. On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, defendants ENITAN SODIYA-OGUNDIPE, DR.

VASAN DESHIKACHAR, NIESHEIA TIBU and ANDREI TIBU, did knowingly, intentionally, and unlawfully distribute and aid and abet each other in distributing the identified prescription drug controlled substances by writing and dispensing prescriptions outside the scope of usual professional practice for no legitimate medical purpose, in the names of individuals as follows:

COUNT	ISSUED ON OR ABOUT	FILLED ON OR ABOUT	PATIENT	CONTROLLED SUBSTANCE	DOSAGE UNIT
2	12/1/17	12/7/17	K.W.	Oxycodone HCl 30 MG	90
3	12/1/17	12/5/17	C.C.	Oxycodone HCl 30 MG	90
4	12/4/17	12/9/17	L.R.	Oxycodone HCl 30 MG	90
5	12/7/17	12/13/17	E.F.	Oxycodone HCl 30 MG	90
6	12/21/17	12/28/17	C.C.	Oxycodone HCl 30 MG	90
7	1/12/18	1/12/18	K.L.	Oxycodone HCl 30 MG	90
8	1/15/18	1/19/18	B.C	Oxycodone HCl 30 MG	90

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNTS NINE – TWENTY-FIVE**

*(21 U.S.C. § 841(a)(1) - Unlawful Distribution of Controlled Substances  
18 U.S.C. § 2 Aiding and Abetting)*

D-1 ENITAN SODIYA-OGUNDIPE  
D-2 AMIR RAFI  
D-4 DR. VASAN DESHIKACHAR  
D-5 NIESHEIA TIBU  
D-6 ANDREI TIBU

17. On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, defendants ENITAN SODIYA-OGUNDIPE, AMIR RAFI, DR. VASAN DESHIKACHAR, NIEHEIA TIBU and ANDREI TIBU, did knowingly, intentionally, and unlawfully distribute and aid and abet each other in distributing the identified prescription drug controlled substances by writing and dispensing prescriptions outside the scope of usual professional practice for no legitimate medical purpose, in the names of individuals as follows:

COUNT	ISSUED ON OR ABOUT	FILLED ON OR ABOUT	PATIENT	CONTROLLED SUBSTANCE	DOSAGE UNIT
9	12/1/17	12/1/17	E.L.	Oxycodone HCl 30 MG	90
10	12/4/17	12/5/17	D.J.	Oxycodone HCl 30 MG	90
11	12/1/17	12/8/17	F.G.	Oxycodone HCl 30 MG	90
12	12/6/17	12/13/17	A.P.	Oxycodone HCl 30 MG	90
13	12/13/17	12/19/17	V.W.	Oxycodone HCl 30 MG	90

14	12/18/17	12/20/17	M.M.	Oxycodone HCl 30 MG	90
15	12/21/17	12/23/17	C.M.	Oxycodone HCl 30 MG	90
16	12/21/17	12/28/17	S.C.	Oxycodone HCl 30 MG	90
17	12/27/17	12/29/17	M.A.	Oxycodone HCl 30 MG	90
18	1/8/18	1/9/18	F.G.	Oxycodone HCl 30 MG	90
19	1/2/18	1/3/18	E.L.	Oxycodone HCl 30 MG	90
20	1/12/18	1/13/18	A.P.	Oxycodone HCl 30 MG	90
21	1/15/18	1/16/18	K.L.	Oxycodone HCl 30 MG	90
22	1/12/18	1/18/18	E.F.	Oxycodone HCl 30 MG	90
23	1/8/18	1/10/18	L.R.	Oxycodone HCl 30 MG	90
24	1/8/18	1/8/18	K.W.	Oxycodone HCl 30 MG	90
25	1/12/18	1/16/18	S.V.	Oxycodone HCl 30 MG	90

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNTS TWENTY-SIX – THIRTY-ONE**

*(21 U.S.C. § 841(a)(1) - Unlawful Distribution of Controlled Substances  
18 U.S.C. § 2 Aiding and Abetting)*

D-3 ABIODUN FABODE

D-5 NIESHEIA TIBU

D-6 ANDREI TIBU

18. On or about each of the dates set forth below, in the Eastern District of Michigan, Southern Division, defendants ABIODUN FABODE, NIESHEIA

TIBU and ANDREI TIBU, did knowingly, intentionally, and unlawfully distribute and aid and abet each other in distributing the identified prescription drug controlled substances by writing and dispensing prescriptions outside the scope of usual professional practice for no legitimate medical purpose, in the names of individuals as follows:

COUNT	ISSUED ON OR ABOUT	FILLED ON OR ABOUT	PATIENT	CONTROLLED SUBSTANCE	DOSAGE UNIT
26	5/16/15	6/16/15	L.J.	Oxycodone HCl 30 MG	90
27	5/19/15	6/10/15	K.J.	Oxycodone HCl 30 MG	90
28	5/20/15	6/9/15	T.W.	Oxycodone HCl 30 MG	90
29	5/20/15	6/15/15	L.D.	Oxycodone HCl 30 MG	90
30	6/15/15	6/15/15	D.J.	Oxycodone HCl 30 MG	90
31	3/6/18	3/8/18	R.B.	Oxycodone HCl 30 MG	90

All in violation of Title 21, United States Code, Section 841(a)(1).

**COUNT THIRTY-TWO**  
*(18 U.S.C. § 1957 – Money Laundering)*

D-1 ENITAN SODIYA-OGUNDIPE

19. From on or about May 7, 2015 through on or about June 2, 2016, within the Eastern District of Michigan, Southern Division, defendant ENITAN

SODIYA-OGUNDIPE did knowingly engage in and attempt to engage in, and did cause others to engage in, a monetary transaction by, through, or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is defendant purchased a residence for \$757,446 and used, as partial payment, checks totaling \$229,274.27 including Check # 513715636-9 in the amount of \$114,214.27 issued to Westminster Title on June 2, 2016, which was funded in whole or in part with cash criminal proceeds, such proceeds having been derived from specified unlawful activity that took place within the United States, that is, conspiracy to distribute controlled substances, in violation of Title 18, United States Code, Section 1957.

**COUNT THIRTY-THREE**  
*(18 U.S.C. § 1957 – Money Laundering)*

D-1 ENITAN SODIYA-OGUNDIPE

20. On or about July 8, 2016, within the Eastern District of Michigan, Southern Division, defendant ENITAN SODIYA-OGUNDIPE did knowingly engage in and attempt to engage in, and did cause others to engage in, a monetary transaction by, through, or to a financial institution, affecting interstate commerce, in criminally derived property of a value greater than \$10,000, that is defendant made a \$15,000.00 contribution to her Roth IRA account, such property having

been derived from specified unlawful activity that took place within the United States, that is, conspiracy to distribute controlled substances, in violation of Title 18, United States Code, Section 1957.

**COUNT THIRTY-FOUR**

*(18 U.S.C. § 1512(b)(3) – Obstruction of Justice)*

D-5 NIESHEIA TIBU

21. On or about March 16, 2018, in the Eastern District of Michigan, NIESHEIA TIBU, did knowingly and corruptly persuade, or attempted to corruptly persuade, another person, ENITAN SODIYA-OGUNDIPE, with intent to hinder, delay, and prevent the communication, to a law enforcement officer of the United States, information relating to the commission and possible commission of a federal offense, that is, information related to the commission of the offenses described in Count One of this Indictment, in violation of Title 18, United States Code, Section 1512(b)(3).

**COUNT THIRTY-FIVE**

*(18 U.S.C. § 922(g)(1) – Possession of Firearm by a Convicted Felon)*

D-5 NIESHEIA TIBU

22. On or about March 9, 2018, in the Eastern District of Michigan, Southern Division, the defendant, NIESHEIA TIBU, having previously been

convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly and unlawfully possess a firearm, that is, a Hi-Point 9 mm handgun, said firearm having previously traveled in interstate and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

**FORFEITURE ALLEGATION**

*(21 U.S.C. § 853, 18 U.S.C. § 982(a)(1), 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c) – Criminal Forfeiture)*

23. The allegations contained in Counts 1 through 35 of this Indictment are hereby incorporated by reference for the purpose of alleging forfeiture pursuant to the provisions of 21 U.S.C. § 853.

24. Pursuant to 21 U.S.C. § 853, upon conviction of violations of 21 U.S.C. §§ 841 and 846 as alleged above, Defendants shall forfeit to the United States: (a) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of such violations; and (b) any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violations.

25. Pursuant to 18 U.S.C. § 982(a)(1), upon conviction of violations of 18 U.S.C. § 1957 as alleged above, Defendants shall forfeit to the United States: (a) any property, real or personal, involved in such violations; and (b) any property traceable to such property.

26. Pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c), upon conviction of 18 U.S.C. § 922(g)(1) as alleged above, Defendants shall forfeit to the United States any firearm and ammunition involved in or used in the knowing commission of the offense.

27. Such property includes, but is not limited to, a money judgment in an amount to be determined of proceeds derived from the conduct, and all traceable interest and proceeds, for which Defendants are liable. Such sum in aggregate is property representing the proceeds of the aforementioned offenses, or money that was involved in the aforementioned violations, or is traceable to such property.

28. Pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b), Defendants shall forfeit substitute property, up to the value of the properties described above, if, by any act or omission of Defendants, the property described above cannot be located upon the exercise of due diligence; has been transferred, sold to or deposited with a third party; has been placed beyond the jurisdiction of the court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.

THIS IS A TRUE BILL

s/GRAND JURY FOREPERSON

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Dated: May 17, 2018

United States District Court  
Eastern District of Michigan

## Criminal Case Cov

Case:2:18-cr-20351  
Judge: Edmunds, Nancy G.  
MJ: Patti, Anthony P.  
Filed: 05-17-2018 At 03:48 PM  
USA V SEALED MATTER (LG)

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to comp

		Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) <sup>1</sup> :		Judge Assigned:
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	AUSA's Initials: <i>CPA</i>

Case Title: USA v. ENITAN SODIYA-OGUNDIPE, et al.

County where offense occurred : WAYNE

Check One: ☒ Felony ☐ Misdemeanor ☐ Petty

☒ Indictment/ ☐ Information --- no prior complaint.  
☐ Indictment/ ☐ Information --- based upon prior complaint [Case number: ]  
☐ Indictment/ ☐ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].

### Superseding Case Information

Superseding to Case No: \_\_\_\_\_ Judge: \_\_\_\_\_

- ☐ Corrects errors; no additional charges or defendants.  
☐ Involves, for plea purposes, different charges or adds counts.  
☐ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
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Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

May 17, 2018  
Date

*Brandy R. McMillion*  
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<sup>1</sup> Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, or (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.