

SEALED BY ORDER OF THE COURT

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN JOSE

UNITED STATES OF AMERICA,

V.

OMAR NAZIRY

CR 24-00418-PCP (VKD)

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 641 – Theft of Government Property;
18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture Allegation

A true bill.

/S/ Foreperson of the Grand Jury

Foreman

Filed in open court this 24th day of

July, 2024.

Rose Maher, electronic signature

Clerk


Bail, \$ Warrant

Hon. Thomas S. Hixson, U.S. Magistrate Judge

ISMAIL J. RAMSEY (CABN 189820)
United States Attorney

FILED

4
Jul 25 2024

Mark B. Busby
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 5:24-cr-00418 PCP (VKD)
)	
Plaintiff,)	<u>VIOLATIONS:</u>
)	18 U.S.C. § 641 – Theft of Government Property;
v.)	18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) –
)	Forfeiture Allegation
OMAR NAZIRY,)	
)	
Defendant.)	
)	
)	
)	

INDICTMENT

The Grand Jury charges:

COUNT ONE: (18 U.S.C. § 641) – Theft of Government Property)

Beginning in or about January 2021, and continuing through in or about October 2022, in the Northern District of California, the defendant,

OMAR NAZIRY,
did knowingly and willfully embezzle, steal, purloin, and convert to his own use money and property of value of the United States and a department and agency thereof, namely, the U.S. Department of Housing and Urban Development, of a value in excess of \$1,000, namely, approximately \$35,093 in housing assistance payments, with the intent to deprive the United States of the use and benefit of that money and property, in violation of Title 18, United States Code, Section 641.

INDICTMENT

1 FORFEITURE ALLEGATION: (18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

2 The allegations contained in this Indictment are re-alleged and incorporated by reference for the
3 purpose of alleging forfeiture pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title
4 28, United States Code, Section 2461(c).

5 Upon conviction of the offense set forth in this Indictment, the defendant,
6
7 OMAR NAZIRY,
8 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and
9 Title 28, United States Code, Section 2461(c), all property, real or personal, constituting, or derived
10 from proceeds the defendant obtained directly and indirectly, as the result of the violation, including but
11 not limited to a money judgment.

12 If any of the property described above, as a result of any act or omission of the defendant:

- 13 a. cannot be located upon exercise of due diligence;
- 14 b. has been transferred or sold to, or deposited with, a third party;
- 15 c. has been placed beyond the jurisdiction of the court;
- 16 d. has been substantially diminished in value; or
- 17 e. has been commingled with other property which cannot be divided without
18 difficulty,

19 the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21,
20 United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

21 All pursuant to Title 18, United States Code, Section 981(a)(1)(C), Title 28, United States Code,
22 Section 2461(c), and Federal Rule of Criminal Procedure 32.2.

23 DATED: July 24, 2023

A TRUE BILL.

24 /s/
FOREPERSON

25 ISMAIL J. RAMSEY
26 United States Attorney

27 /S/
28 RYAN ARASH REZAEI
Assistant United States Attorney

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

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. § 641 – Theft of Government Property;
 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) – Forfeiture
 Allegation

☐ Petty
☐ Minor
☐ Misdemeanor
☐ Felony

PENALTY: 10 years imprisonment; \$250K fine or twice the gross gain or loss; 3 years supervised release; \$100 special assessment; restitution; forfeiture; immigration consequences

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

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

DEFENDANT - U.S.

▶ OMAR NAZIRY

DISTRICT COURT NUMBER

5:24-cr-00418 PCP (VKD)

FILED4
Jul 25-2024

Mark B. Busby
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO

PROCEEDING

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

Department of Defense, Office of Inspector General

☐ 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 Ismail J. Ramsey

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Ryan A. Rezaei

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 Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☐ State6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer ☐ Yes
 been filed? ☐ 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: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

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

Date/Time: _____ Before Judge: _____

Comments: