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PAUL J. FISHMAN

UNITED STATES ATTORNEY

By: SARAH DEVLIN

BARBARA A. WARD

ASSISTANT UNITED STATES ATTORNEYS

970 BROAD STREET, SUITE 700

NEWARK, NEW JERSEY 07102

TEL.: 973-645-2740

FAX: 973-297-2042

SARAH.DEVLIN3@USDOJ.GOV

BARBARA.WARD@USDOJ.GOV

JOHN C. CRUDEN

ASSISTANT ATTORNEY GENERAL

SETH BARSKY, SECTION CHIEF

MEREDITH L. FLAX, ASSISTANT CHIEF

MARY HOLLINGSWORTH, TRIAL ATTORNEY

U.S. DEPARTMENT OF JUSTICE

ENVIRONMENT & NATURAL RESOURCES DIVISION

WILDLIFE & MARINE RESOURCES SECTION

999 18TH STREET, SOUTH TERRACE, SUITE 354

DENVER, COLORADO 80202

TEL.: (303) 844-1898

MARY.HOLLINGSWORTH@USDOJ.GOV

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

SIX PIT BULL-TYPE DOGS,

Defendants *in rem*.

Hon.

Civil Action No.: 16-

VERIFIED COMPLAINT FOR
FORFEITURE *IN REM*

Plaintiff, the United States of America, by its attorney, Paul J. Fishman,
United States Attorney for the District of New Jersey (Sarah Devlin, Assistant

United States Attorney, and Mary Hollingsworth, Trial Attorney for the Environment and Natural Resources Division of the U.S. Department of Justice, appearing), for its verified complaint (the “Complaint”) alleges, upon information and belief, as follows:

I. NATURE OF THE ACTION

1. This is an action brought by the United States of America seeking forfeiture of six pit bull-type dogs that were seized on or about June 1, 2016, by the United States Department of Agriculture, Office of the Inspector General (“USDA-OIG”), pursuant to a federal search warrant executed at a location in the District of New Jersey.

2. The following dogs were seized from the yard of a residence located in Westville, Gloucester County, New Jersey:

- (a) J3-A1: One adult male pit bull-type dog, tan;
- (b) J3-B1: One adult male pit bull-type dog, black and white;
- (c) J3-C1: One adult female pit bull-type dog, tan;
- (d) J3-D1: One adult male pit bull-type dog, black;
- (e) J3-E1: One adult female pit bull-type dog, black with white on face; and
- (f) J3-F1: One adult female pit bull-type dog, dark tan.

3. The six dogs (hereinafter referred to collectively as the “Defendants in rem”) are subject to seizure and forfeiture to the United States pursuant to 7 U.S.C. § 2156(f), as animals involved in a violation of the federal animal fighting venture prohibition section of the Animal Welfare Act, 7 U.S.C. § 2156.

4. Because this Complaint is being filed for the purpose of establishing grounds for forfeiture and providing notice to interested persons, it does not include all of the information known by the Government in connection with the investigation underlying the claims for forfeiture set forth herein.

II. JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1345 and 1355.

6. Venue is proper pursuant to 28 U.S.C. § 1355(b)(1) because acts and omissions giving rise to the forfeiture took place in the District of New Jersey.

III. STATUTORY BACKGROUND

7. The federal Animal Welfare Act, 7 U.S.C. §§ 2131-2159, defines “animal fighting venture” as “any event, in or affecting interstate or foreign commerce, that involves a fight conducted or to be conducted between at least 2 animals for purposes of sport, wagering, or entertainment.” 7 U.S.C. § 2156(g)(1). It is illegal to sponsor or exhibit an animal in an animal fighting venture. 7 U.S.C. § 2156(a)(1). It is also illegal to sell, buy, possess, train, transport, deliver, or receive an animal intended for use in an animal fighting venture. 7 U.S.C. § 2156(b).

8. The Animal Welfare Act provides that “[a] warrant to search for and seize any animal which there is probable cause to believe was involved in any violation of this section may be issued by any judge of the United States or of a State court of record or by a United States magistrate judge within the district wherein the animal sought is located.” 7 U.S.C. § 2156(f). Animals “seized under

such a warrant shall be held by the United States marshal or other authorized person pending disposition thereof by the court in accordance with this subsection.” *Id.* In addition, “[n]ecessary care including veterinary treatment shall be provided while the animals are so held in custody.” *Id.*

9. The statute also contemplates forfeiture of seized live animals. Specifically,

[a]ny animal involved in any violation of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct.

Id. The costs incurred in caring for animals seized and forfeited under this section “shall be recoverable from the owner of the animals (1) if he appears in such forfeiture proceeding, or (2) in a separate civil action brought in the jurisdiction in which the owner is found, resides, or transacts business.” *Id.*

10. As explained below, the Defendants in rem are animals “involved in [] violation[s]” of 7 U.S.C. § 2156, and are therefore subject to forfeiture to the United States of America pursuant to 7 U.S.C. § 2156.

IV. BACKGROUND

11. Dog fighting is a violent contest in which two dogs—bred and conditioned for fighting—are released by their owners or handlers in a controlled environment to attack each other and fight for purposes of entertainment and gambling. Fights average one to two hours in length and end when one dog

withdraws, when a handler “picks up” his dog and forfeits the match, or when one or both dogs die.

12. Persons engaged in dog fighting exclusively use pit bull-type dogs due to their short coat, compact muscular build, and the aggressive temperament that some exhibit toward other dogs.

13. Dogs used in animal fighting ventures are housed separately from other dogs, in pens, cages, or on chains, so that they will not hurt or kill other dogs when the handler is absent. Heavy chains are often used when restraining dogs to develop neck strength. As a result, signs of dog fighting include the presence of pit bulls on heavy chains or housed individually in pens or crates outside or in the basement of a residence.

14. It is common for dog fighters to possess multiple dogs at a time because fighting dogs can be matched by weight class and sex. Having both male and female fighting dogs at different weights increases the likelihood that a dog fighter will have a dog to enter in a particular fight. Having multiple dogs also allows dog fighters to selectively breed, sell, and fight dogs displaying certain traits, or to otherwise advance a particular bloodline of fighting dogs. Finding at one location multiple pit bulls that seem abused, injured, unneutered, and/or unsocialized is an indication of an illegal dog fighting venture.

15. Finding an opponent who has a dog of the same weight and sex and who is looking to fight that dog at the same time of the year is known as “calling out a weight.” Dog fighters often “call out a weight” to known dog fighters in

multiple states by telephone, text, or e-mail to increase their odds of finding a match.

16. Once a dog fighter finds an opponent and agrees upon terms, the match is “hooked” or set up. In the weeks leading up to a fight, the dog undergoes a conditioning process dog handlers refer to as a “keep.” The “keep” may involve treadmills to run and exercise the dogs away from public view; weight pulls to increase the dog’s strength and stamina; “spring poles” and “flirt poles” (discussed in paragraph 44(b) and (c), below) to build jaw strength and increase aggression; and the administration of drugs such as steroids and vitamins. Animal pelts are also common for dog fighters to use to excite and bait dogs during training sessions.

17. Dogs that have fought in matches may have scars, puncture wounds, swollen faces, and/or mangled ears. The scars are frequently found on the face, front legs, hind ends, and thighs.

18. “Champion” or “Grand Champion” status refers to a dog who has won three or five fights, respectively.

19. Dogs are involved in animal fighting ventures in a variety of ways. Not all dogs involved in an animal fighting venture necessarily participate directly in animal fights. For example, some dogs kept by individuals involved in an animal fighting venture are used as bait dogs. Similarly, certain female dogs kept by individuals involved in an animal fighting venture are used for the purposes of breeding puppies that will later be trained to fight other dogs. Dog fighters typically do not start setting up matches for dogs until the dogs reach at

least eighteen months to two years of age. Until then, dog fighters may test the dogs out by “rolling” them, or having the dog participate in short fights to assess the dog’s demeanor. Thus, it is common for dog fighters to possess multiple young adult pit bull-type dogs who are in the process of being trained to fight.

20. Dog fighters often attempt to mend the injuries of their dogs rather than seek veterinary attention, which might raise suspicion regarding the cause of injuries. Thus, it is common to find veterinary supplies where dogs involved in dog fighting are being kept. Dog fighters also use veterinary supplements and pharmaceuticals to enhance fighting dogs’ stamina and to keep injured dogs fighting longer.

21. A valued trait in a fighting dog is “gameness,” or the drive to finish a task—such as a fight—even if the dog has become severely injured, dehydrated, or exhausted. Dogs that lose fights or fail to show gameness are often killed. They may be hung, electrocuted, drowned, or shot.

22. Each of the Defendants in rem described below were, in some way, involved in an animal fighting venture, in violation of 7 U.S.C. § 2156(a)(1).

III. FACTS

A. *The Investigation*

23. At all times relevant to this Complaint:

- (a) Anthony Gaines (“Gaines”) was a resident of Vineland, New Jersey; and
- (b) Justin Love (“Love”) was a resident of Westville, New Jersey;

24. As part of an investigation into illegal dog fighting in New Jersey and elsewhere, special agents of the USDA-OIG; the U.S. Department of Homeland

Security, U.S. Customs and Immigration Enforcement, Homeland Security Investigations (“HSI”); and the Federal Bureau of Investigation (“FBI”); working in conjunction with the U.S. Attorney’s Office for the District of New Jersey and the Environmental and Natural Resources Division of the U.S. Department of Justice, identified a number of individuals in New Jersey believed to be participating in an interstate network of dog fighters. Among other things, the investigation included the lawful interception of telephone conversations between Anthony Gaines and others that took place in October and November 2015. In these conversations, Gaines and others discussed, among other things, dog fights, breeding dogs for dog fights, and treating dogs injured during dog fights. The conversations described in paragraphs 26-28 below are related in substance and in part.

25. On March 28, 2016, in the District Court for District of New Jersey, the United States filed a Verified Complaint for Forfeiture in rem against five pit bull-type dogs owned by Anthony Gaines. *See* 1:16-cv-01674 (JBS). The United States sought the forfeiture of five dogs seized from Gaines’s residence on or about November 19, 2015, because evidence obtained by law enforcement established that the five dogs were subject to forfeiture pursuant to 7 U.S.C. § 2156(f), as animals involved in a violation of the federal animal fighting venture prohibition section of the Animal Welfare Act, 7 U.S.C. § 2156. On June 23, 2016, a District Court Judge in the District of New Jersey granted the United States’ motion for a final order of forfeiture against the five dogs taken from Gaines’s residence, and entered a final order of forfeiture as to the five dogs—

forfeiting all right, title, and interest in the dogs to the United States for disposition according to law.

26. On or about October 9, 2015, Gaines received an incoming call from Justin Love. During this conversation, Love told Gaines that his dog “Momba” (who is referred to in this Complaint as Defendant in rem “J3-E1”) was having puppies and that “out of two champion dogs having puppies I should really get at least one fucking champion out of that mother fucker.”

27. On or about October 10, 2015, Love called Gaines and told him that his dog “Momba” had puppies the previous day. Love stated that he planned for the puppies to be “killers” by the time they are “two and a half” years old and that he planned to put them in “roll” fights by the time they were two years old.

28. On or about October 12, 2015, Love called Gaines and said, among other things, that “Momba’s” puppies “will be killers . . . I can’t wait to get the motherfuckers done.” The phrase “getting [a dog] done” refers to fighting the dog.

29. During the course of the investigation, law enforcement officers also reviewed a website known as “Peds Online,”² where dog fighters post pedigrees of their dogs. The online pedigrees, which are accessible only to subscribers to the site, indicate how many fights the dog has won, whether the dog is a “Champion” or a “Grand Champion,” the breeding history of the dog going back four generations, the number of fights won by dogs in that bloodline, and the dog’s breeder and owner. Some pedigrees have pictures of the dogs. This online

² Accessed at <http://www.apbt.online-pedigrees.com>.

subscription service allows a dog fighter not only to show the lineage of his own dogs but also to look up the bloodlines of dogs they might face in a match. A dog fighter can also research the pedigrees of dogs he might purchase or use for breeding.

30. At the time law enforcement reviewed the Peds Online website, the site contained pedigrees of twenty fighting dogs that identified Justin Love as the dog's breeder or owner.

31. At the time law enforcement reviewed the Peds Online website, the site contained the pedigree of a dog named "Momba." The pedigree showed "Momba's" status as a "Champion" and listed "Jay Love/Mont" as the breeder. The pedigree showed "Momba's" breeding history, indicating her descent from a line of fighting dogs. "Momba's" pedigree also described her previous fights and featured a photograph of a black dog with white spots and scars, and wearing a weighted collar and weighted vest.

V. THE DEFENDANT IN REM DOGS

32. On May 27, 2016, on the Government's application, the Honorable Leda Dunn Wettre, United States Magistrate Judge for the District of New Jersey, found probable cause for the issuance of Criminal Complaint No. 16-mj-08049-LDW (the "Criminal Complaint"). The Criminal Complaint charged Gaines, Love, and other defendants with, *inter alia*, conspiracy to violate the Animal Welfare Act, contrary to 7 U.S.C. § 2156(b), in violation of 18 U.S.C. § 371. Gaines and Love were also charged with possession of an animal for participation in an

animal fighting venture, in violation of 7 U.S.C. § 2156 and 18 U.S.C. §§ 49 and 2. On or about June 1, 2016, Love was arrested on the Criminal Complaint.

33. Also on May 27, 2016, and on the Government's application, Magistrate Judge Wettre issued federal search warrants for several locations in the District of New Jersey pursuant to 7 U.S.C. § 2156(f). Among other things, the warrants authorized the Government to search for and seize animals based on probable cause that the animal was involved in a violation of the federal animal fighting venture prohibition section of the Animal Welfare Act, 7 U.S.C. § 2156. (See paragraph 9, above)

34. On or about June 1, 2016, the search warrants were executed by USDA-OIG, HSI, and FBI special agents with the assistance of other law enforcement officers. At a private residence owned by Justin Love's family in Westville, Gloucester County, New Jersey (the "Westville location"), the agents and officers seized a total of six pit bull-type dogs. These six dogs are the Defendants in rem identified in this Complaint.

35. Many of the Defendants in rem were found wearing thick collars, which are commonly used in dog fighting ventures because they are stronger and less likely to allow a dog to break off a chain.

36. The condition of a majority of the Defendants in rem was consistent with either their having been trained to fight in matches or their having been fought in matches, such as scarring and aggression toward other dogs.

37. The physical condition in which the Defendants in rem were found was not consistent with that of pet dogs of a comparable age.

38. Five of the Defendants in rem were found in pens located in the yard. The pens were made of metal fencing and separated by thick metal slats, and some of the dogs were secured inside the pens with chains.

39. The sixth dog, identified below as “J3-F1”, was confined in an elevated cage with a wire fence bottom.

40. The six dogs were found in the condition detailed below, which is consistent with the condition of dogs involved in a dog fighting venture:

- (a) J3-A1: One thin adult male pit bull-type dog, tan, scarring on legs;
- (b) J3-B1: One underweight adult male pit bull-type dog, black and white;
- (c) J3-C1: One underweight adult female pit bull-type dog, tan, recent and older scarring on legs;
- (d) J3-D1: One underweight adult male pit bull-type dog, black, scar on right front wrist;
- (e) J3-E1: One thin adult female pit bull-type dog, black with white on face, ears scarred and leathered, numerous scars on face, severe facial disfigurement caused by removal of large section of skin on right side of muzzle, pressure sores on all four legs, and
- (f) J3-F1: One adult female pit bull-type dog, dark tan, left eye shriveled, pressure sores on all four legs, old scar.

41. For example, one of the Defendants in rem, who was subsequently identified as “Momba,” showed signs of severe scarring and other serious injuries consistent with her having participated in dog fights. (See paragraph 17, above). Similarly, her physical condition was consistent with her having been used for breeding, which is corroborated in the phone conversations in paragraphs 26-28 above. Momba’s having been used for both fighting and breeding also

illustrates the various roles that individual dogs can play in interstate dog fighting ventures. (See paragraph 19, above).

42. Agents also found the remains of several dogs in the yard of the residence.

43. A car battery was found beside one of the dog kennels. Car batteries can be used to electrocute dogs. Electrocutation is one of the means used by dog fighters to kill dogs that lose fights, fail to show gameness, or otherwise have outlived their usefulness to the dog fighting venture. (See paragraph 21, above).

44. Agents discovered and seized items associated with an illegal dog fighting venture at the Westville locations, including, for example:

- (a) Injectable medication, syringes, sterile gel for veterinary use, antibiotic ointment, oral antibiotics, and bottles of canine vaccines, which were found in and around a shed near the dogs;
- (b) A spring pole, which was in the yard behind the dog kennels. A spring pole is used to strengthen a dog's neck and jaw muscles. The dog bites and holds onto a rawhide, knotted rope, a tire or other strong material which is suspended from a beam, tree branch, or other sturdy anchoring point;
- (c) Flirt poles, which were between dog kennels. A flirt pole, which consists of a lure, often a piece of animal hide, attached to a pole, is used to condition a dog and foster prey drive; and
- (d) Other devices used to train and secure dogs, which were found in the yard near the dog kennels. These items included rope, chains, weights with chains, a collar made of chains with a lock on it, and a carpeted training platform.

45. A number of items recovered from the Westville location indicated that the location was part of an interstate dog fighting venture, for example:

- (a) Syringes manufactured by Jeffers, Inc., a company located in Dothan, Alabama; and

- (b) A shock collar manufactured by PetSafe, a company located in Knoxville, Tennessee.

VI. CLAIM FOR FORFEITURE

46. The statutory provision pursuant to which the Defendants in rem are subject to seizure and forfeiture is as follows:

Any animal *involved in any violation* of this section shall be liable to be proceeded against and forfeited to the United States at any time on complaint filed in any United States district court or other court of the United States for any jurisdiction in which the animal is found and upon a judgment of forfeiture shall be disposed of by sale for lawful purposes or by other humane means, as the court may direct.

7 U.S.C. § 2156(f) (emphasis added).

47. Based upon the foregoing, the Defendants in rem were involved in a violation of 7 U.S.C. § 2156. Specifically, the Defendants in rem were knowingly sponsored or exhibited in an animal fighting venture in violation of 7 U.S.C. § 2156(a)(1), and/or were bought, sold, delivered, possessed, trained, and/or transported for purpose of participation in an animal fighting venture, in violation of 7 U.S.C. § 2156(b).

48. Based upon the foregoing, the Defendants in rem are subject to forfeiture to the United States of America, pursuant to 7 U.S.C. § 2156(f).

VII. REQUEST FOR RELIEF

Wherefore plaintiff, the United States of America, requests that judgment be entered in its favor and against the Defendants in rem; that due process issue to enforce the forfeiture of Defendants in rem; that all persons having an interest in the Defendants in rem be cited to appear and show cause why forfeiture

should not be decreed; that this Court decree forfeiture of the Defendants in rem to the United States of America for disposition according to law, including, if appropriate, transferring all right, title, and interest in the Defendants in rem to a shelter or other appropriate organization for further assessment or adoption; that the Court enter a judgment for costs associated with the care of the Defendants in rem pursuant to 7 U.S.C. § 2156(f); and that the Court grant the United States such further relief as the Court may deem just and proper.

Dated: September 14, 2016

PAUL J. FISHMAN
United States Attorney

s/Sarah Devlin
SARAH DEVLIN
BARBARA A. WARD
Assistant United States Attorneys

JOHN C. CRUDEN
Assistant Attorney General
SETH BARSKY, Section Chief
MEREDITH L. FLAX, Assistant Chief

s/Mary Hollingsworth
MARY HOLLINGSWORTH
Trial Attorney
U.S. Department of Justice
Environment & Natural Resources
Division

VERIFICATION

STATE OF NEW JERSEY)
 : ss.:
COUNTY OF ESSEX)

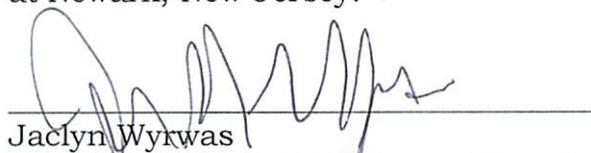
Anthony P. Ruffini, being duly sworn, deposes and says that he is a Special Agent with the U.S. Department of Agriculture, Office of the Inspector General; that he has read the foregoing Verified Complaint; and that the statements contained therein are true to the best of his knowledge, information, and belief.

The sources of the deponent's knowledge and the grounds of his belief include official files and records of the United States, information obtained directly by the deponent, and information obtained by other law enforcement officials and representatives during an investigation of alleged violations of Titles 7, 18, and 21, United States Code.



Special Agent Anthony P. Ruffini
U.S. Department of Agriculture
Office of the Inspector General

Sworn to and subscribed before me
this 6 day of September, 2016
at Newark, New Jersey:



Jaclyn Wyrwas
Attorney-at-Law of the State of New Jersey