

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No.: _:26-cv-_____-__

STEVEN BAILEY; and
GLOBAL COIN LOGISTICS, LLC,

Plaintiffs,

v.

U.S. CUSTOMS AND BORDER
PROTECTION; RODNEY S. SCOTT,
in his official capacity as
Commissioner of CBP; and DANIEL
ALONSO, in his official capacity as
Director of Field Operations for CBP's
Miami/Tampa Field Office,

Defendants.

PLAINTIFFS' COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

INTRODUCTION

1. This civil-rights lawsuit seeks to vindicate the due process rights of Plaintiffs Steven Bailey and Global Coin Logistics, LLC ("GCL"), whose property federal agents seized and Defendant U.S. Customs and Border Protection ("CBP") now seeks to forfeit by way of a Notice of Seizure and Information to Claimants CAFRA Form (a "Notice"). CBP sends these Notices at a critical time when the recipient must decide how to defend their interest in the seized property, and yet the Notices fail to inform the recipient what—if anything—CBP thinks they have done wrong.

2. This is exactly what happened to Plaintiffs Steven Bailey and GCL. After federal agents seized \$1,060,100 in U.S. currency and Mexican pesos from GCL's company-owned airplane as it prepared to leave Miami on a domestic flight, CBP issued a Notice. The Notice

accused Plaintiffs of no specific crime nor stated any facts connecting them to any crime. Instead, the Notice invoked 18 U.S.C. § 981(a)(1). Section 981(a)(1) contains nine subparagraphs, each authorizing forfeiture on a different theory ranging from foreign weapons-trafficking and drug offenses to fraud against financial institutions in federal conservatorship and violations of North Korea sanctions. Subparagraph (C) alone makes forfeitable any property traceable to any “specified unlawful activity” as defined in 18 U.S.C. § 1956(c)(7), a cross-reference that sweeps in dozens more offenses on topics ranging from copyright infringement to hostage taking to the Tariff Act of 1930. Nothing in the Notice indicates which of these hundreds of offenses CBP had in mind.

3. Left in the dark about what specific crime, if any, CBP believed Plaintiffs’ property was connected to, Plaintiffs filed a Petition for Remission asking CBP to return their property. Today, CBP still has Plaintiffs’ \$1,060,100 and has not told them why.

4. Plaintiffs’ ordeal is not unique. Upon information and belief, CBP issues hundreds, if not thousands, of similarly uninformative Notices to unsuspecting property owners each year. Like the Notice Plaintiffs received, these Notices fail to tell recipients the specific legal or factual reasons CBP seized and wants to forfeit their property.

5. CBP’s Notice to Plaintiffs did not follow the agency’s own regulations. In 1978, after acknowledging that its forfeiture notices “occasionally have been unclear because of a lack of specific information as to the alleged violations on which liability is based,” CBP’s predecessor, the Customs Service, amended its rules “to enable the notified parties to make an informed response to the notices.” 43 Fed. Reg. 4255 (Feb. 1, 1978). Those rules require CBP to state “[t]he provisions of law alleged to have been violated” and provide “[a] description of the specific acts or omissions forming the basis of the alleged violations.” 19 C.F.R. § 162.31(b)(1)–(2).

6. The Notice does neither. By invoking Section 981(a)(1), it incorporates or references hundreds of disparate provisions without identifying which one Plaintiffs supposedly violated. And it gives no description whatsoever of the specific acts or omissions forming the basis of the alleged violations. As a result, the Notice and the agency action taken pursuant to it are arbitrary and capricious, not in accordance with law, and without observance of procedure required by law, and must be held unlawful, set aside, vacated, and enjoined.

7. CBP's regulations also provide that if CBP does not provide a rules-compliant notice within 60 days to the person from whom the property was seized, CBP "will return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time." 19 C.F.R. § 162.93. CBP has never sent a rules-compliant notice to Plaintiffs. As a result, the Court must compel the return of Plaintiffs' property that CBP has unlawfully withheld and unreasonably delayed.

8. The Notice is also unconstitutional. Due process under the Fifth Amendment to the United States Constitution means that people ensnared in forfeiture proceedings are entitled to information sufficient to give them an opportunity to respond meaningfully and effectively to CBP's Notice. At the very least, that means a Notice must identify the specific statute allegedly violated and the specific facts that CBP thinks justify seizing and trying to forfeit property supposedly connected to that crime. But CBP will continue sending barebones Notices like this one unless and until this Court orders it to abide by its minimal constitutional duty.

9. Plaintiffs have therefore filed this lawsuit for declaratory, injunctive, and other appropriate relief against CBP, its Commissioner Rodney S. Scott, and the Director of Field Operations for CBP's Miami/Tampa Field Office, Daniel Alonso, each individual sued solely in his official capacity, to vindicate their right to be free from arbitrary and capricious agency action

taken in violation of agency rules and their due process rights. Plaintiffs ask this Court to enter an order holding unlawful, setting aside, and vacating the Notice and the actions taken pursuant to it; compelling the return of Plaintiffs' property unlawfully withheld and unreasonably delayed; and, in addition or in the alternative, declaring CBP's Notice unconstitutional and enjoining CBP from seeking to forfeit Plaintiffs' property, now and in the future, through any notice that does not state the specific legal and factual grounds for the forfeiture.

JURISDICTION AND VENUE

10. Plaintiffs bring this action under the Administrative Procedure Act, 5 U.S.C. §§ 702, 706, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202, as well as directly under the United States Constitution. They ask the Court to hold unlawful, set aside, vacate, and enjoin CBP's Notice and the actions it took pursuant to that Notice because CBP acted arbitrarily and capriciously by failing to follow its own regulations. They ask the Court as well to compel CBP to return Plaintiffs' property, which CBP has unlawfully withheld and unreasonably delayed returning. And to remedy CBP's violation of Plaintiffs' constitutional rights, they seek, in addition or in the alternative, declaratory and injunctive relief requiring CBP to provide them constitutionally adequate notice before it may proceed with forfeiture of their property, or otherwise to return their property.

11. This Court has subject-matter jurisdiction under 5 U.S.C. § 702 and 28 U.S.C. §§ 1331, 1361, as Plaintiffs' claims arise under federal law.

12. Venue is proper in the United States District Court for the Southern District of Florida under 28 U.S.C. §§ 1391(b)(1), 1391(b)(2), and 1391(e)(1), because the seizure of Plaintiffs' property occurred in this District, CBP issued the Notice from its Fines, Penalties, and Forfeitures Office in this District, and because Defendant Daniel Alonso resides in this District.

PARTIES

13. Plaintiff Steven Bailey is a United States citizen and resident of Kentucky. He owns and operates GCL, a wholesale currency exchange business. After federal agents seized \$1,060,100 of GCL's currency from GCL's company-owned airplane at Signature Aviation, Miami International Airport on October 31, 2025, CBP issued a Notice regarding the currency on December 29, 2025. GCL responded by filing a Petition for Remission on or about January 22, 2026. To date, CBP has neither returned the currency it seized from Bailey and his company nor told him the factual or legal bases CBP believes exist for attempting to forfeit their currency. Nor has CBP ruled on the Petition.

14. Plaintiff GCL is a money services business owned and operated by Steven Bailey. It is registered with the Financial Crimes Enforcement Network ("FinCEN") as a money services business and complies with all applicable state and federal regulations and reporting requirements for money services businesses. Federal agents seized \$1,060,100 of GCL's currency from GCL's company-owned airplane at Signature Aviation, Miami International Airport on October 31, 2025, and CBP has sought to forfeit that property without providing GCL the specific legal or factual bases for doing so.

15. Defendant CBP is a federal law enforcement agency within the United States Department of Homeland Security responsible for policing the nation's borders and ports of entry. As such, it is subject to the limitations imposed by the United States Constitution, including, as relevant here, the Fifth Amendment's Due Process Clause. And as a federal agency, CBP is also subject to the federal Administrative Procedure Act. 5 U.S.C. §§ 500–96, 701–06.

16. Defendant Rodney S. Scott is the Commissioner of CBP. He is responsible for supervising and directing CBP's operations, including its policies, practices, and procedures

regarding administrative forfeiture generally and regarding CBP's Notices specifically. He is sued only in his official capacity.

17. Defendant Daniel Alonso is the Director of Field Operations for CBP's Miami and Tampa Field Office. He is responsible for supervising and directing CBP's Miami operations, including its policies, practices, and procedures regarding administrative forfeiture generally and regarding CBP's Notices specifically. He is sued only in his official capacity.

FACTUAL ALLEGATIONS

Bailey Establishes GCL

18. Bailey founded GCL in 2016 after spending several years working in currency logistics for Travelex International Limited ("Travelex"), an established foreign exchange company headquartered in the United Kingdom.

19. GCL is a wholesale currency brokerage. It purchased and resold a variety of different paper currencies, primarily focusing on exotic foreign currencies and the repatriation of U.S. currency from Mexico.

20. GCL bought and sold currency as a principal. It owned the currency it handled from the moment it took possession of it until the moment it sold it; it did not hold or move funds on anyone else's behalf.

21. GCL is a small company. From 2016 until the seizures and attempted forfeitures described below, it operated continuously and maintained an average of six employees, including its couriers. The paragraphs that follow describe the business GCL ran during those years, which is also the business it will resume if it prevails in this case.

GCL's Mexico Business

22. Although GCL traded in many currencies, its core business—and the business that

gave rise to this case—was buying U.S. dollars in Mexico and bringing them back to the United States. Understanding that business requires understanding three things: why U.S. dollars pile up in Mexico, how GCL bought them, and how GCL brought them back to the U.S. and sold them.

23. Mexico has more U.S. dollars than its banks will take. Tourists spend dollars there, and businesses along the border and in resort towns accept them. But Mexican banking regulations sharply limit the amount of U.S. cash that businesses and individuals may deposit in Mexican banks. The result is a persistent surplus of physical U.S. currency in Mexico that has nowhere to go through the Mexican banking system.

24. Licensed Mexican currency exchanges collect those surplus dollars from their retail customers. Because they cannot deposit the dollars in Mexican banks, they sell them in bulk, at a discount to face value, to wholesale buyers like GCL, who bring the dollars back to the United States and put them back into circulation.

25. GCL, in turn, sold those dollars to customers who need large quantities of physical U.S. currency. GCL's principal domestic customer was a large independent ATM provider based in Philadelphia that has operated automated teller machines for roughly three decades and that stocked its machines with currency purchased from GCL. Abroad, GCL sold U.S. currency to buyers in Hong Kong and Singapore.

How GCL Moves Currency

26. To move currency between its suppliers and its customers, GCL relied on two things: vaults and couriers. GCL operated three consolidation vaults—one in Southern California, one in Pennsylvania, and one in Kentucky—where it stored currency it had purchased until that currency was sold. GCL's couriers were GCL employees who collected purchased currency, transported it to a vault, and delivered it from the vault to customers.

27. GCL's couriers provided security primarily through obscurity. They typically flew on ordinary commercial flights, sat among ordinary passengers, and passed through the same Transportation Security Administration ("TSA") checkpoints as everyone else. A courier who looks like any other business traveler draws none of the attention that an armored truck or a uniformed guard would.

28. When GCL's couriers flew commercially, they carried the currency in their carry-on luggage. GCL did not check currency as baggage or ship it as freight, and a courier who could not bring the bag into the cabin did not board the flight. GCL also moved some currency domestically on its own company-owned aircraft.

29. Every dollar GCL brought into the United States was declared. Federal law requires anyone transporting more than \$10,000 in currency into or out of the United States to file a Report of International Transportation of Currency or Monetary Instruments—a FinCEN Form 105—with CBP at the port of entry. 31 U.S.C. § 5316; 31 C.F.R. § 1010.340. GCL's couriers filed that report for every shipment, presented the currency and GCL's supporting documentation to CBP officers, and proceeded into the United States only after CBP had cleared the currency. That documentation included GCL's commercial invoice for the currency, GCL's written authorization for the courier to collect the currency on GCL's behalf, the selling exchange's invoice, and the Mexican customs declaration. GCL's couriers carried the same documentation when they moved currency within the United States.

GCL Rigorously Complies With Government Regulations

30. GCL is registered with FinCEN as a money services business.

31. As a FinCEN-registered money services business, GCL is subject to mandatory federal anti-money-laundering ("AML") program requirements and mandatory suspicious activity

reporting (“SAR”) obligations under federal law.

32. GCL takes those obligations seriously. Before GCL did business with any counterparty, GCL screened that counterparty through a third-party compliance service that checked fourteen separate databases and conducted an in-person site visit at the counterparty’s place of business. Once a counterparty was onboarded, GCL assigned it a risk tier and reviewed it on an ongoing basis commensurate with that risk.

33. GCL’s program has been tested. In 2023, FinCEN audited GCL’s AML program. The audit identified two kinds of paperwork issues: one Currency Transaction Report that GCL had filed late, and eight customer files that lacked the customer’s taxpayer identification number. GCL promptly remediated each issue and passed the audit.

34. GCL’s Mexican counterparties—that is, the Mexican exchanges from which GCL purchased currency—are regulated too. Centro Cambiario Premier, Centro Cambiario Metalicas, and Centro Cambiario 20-20—the three currency exchanges from which GCL purchased the currency at issue in this case—are licensed by, and subject to audit by, Mexico’s Comisión Nacional Bancaria y de Valores (“CNBV”), the Mexican federal agency that supervises banks and other financial institutions. GCL’s other Mexican counterparties are likewise CNBV-regulated.

35. The transaction that gave rise to this case followed GCL’s standard practice.

Federal Agents Seize \$1,060,100 From GCL’s Plane in Miami

36. On October 30, 2025, GCL couriers returned to Miami from Cancun, Mexico, carrying \$1,060,100 in U.S. currency and Mexican pesos that GCL had purchased from Centro Cambiario Premier, Centro Cambiario Metalicas, and Centro Cambiario 20-20.

37. Each courier carried the currency into the United States on commercial flights in their carry-on luggage. Each courier also declared the currency to Mexican customs on departure

and to CBP on arrival in Miami. CBP cleared the currency, and the couriers entered the United States without incident.

38. That evening, the couriers transferred the carry-on luggage containing GCL's currency to GCL employee Josh Blackburn, the pilot of the company's private airplane, who was overnighing in Miami before planning to fly the currency to GCL's consolidation vault in Philadelphia the following morning.

39. The next day, October 31, 2025, Blackburn prepared to depart for Philadelphia from Signature Aviation, the private-aviation terminal at Miami International Airport. As Blackburn was taxiing GCL's plane from the hangar to the runway, four or five government vehicles appeared and blocked the plane.

40. A group of federal agents emerged from the vehicles, surrounded the plane, and ordered Blackburn out. Upon information and belief, the agents were employed by—or operated at the direction of—CBP, U.S. Immigration and Customs Enforcement ("ICE"), and/or the Drug Enforcement Administration ("DEA").

41. After Blackburn exited the plane, the agents asked him whether he was transporting any passengers and whether he intended to fly the plane out of the country. Blackburn truthfully responded that he was carrying no passengers and that he was flying the plane to a nearby airport to refuel before flying to Philadelphia.

42. The agents nonetheless detained Blackburn for several hours while they searched throughout GCL's plane. That search revealed the carry-on luggage containing GCL's currency, which agents ordered Blackburn to open on the airport tarmac.

43. Blackburn complied, revealing the currency. He also offered to show the agents GCL's full and complete documentation for the currency, but the agents refused to look at it.

44. At some point during the encounter, Blackburn called Bailey on his cell phone and connected him with the federal agents conducting the search of GCL's plane.

45. Over the phone, Bailey tried to explain GCL's business and offered to talk the agent through GCL's full and complete documentation for the currency. The agents refused to listen to Bailey or review GCL's paperwork. Instead, one of the agents began speculating aloud that GCL's business model might constitute unlicensed money transmitting in violation of Florida law.

46. After detaining Blackburn for roughly six hours, the agents subsequently seized all \$1,060,100 of GCL's currency aboard the plane, but they did not arrest Blackburn or charge him with any crime. To this day, no one has charged Blackburn, Bailey, GCL, or any of its employees with any crime in connection with the seized currency.

CBP Sends GCL a Notice

47. On December 29, 2025, CBP sent GCL a Notice. A true and correct copy of that Notice is attached to this Complaint as Exhibit A.

48. The Notice described the seized property as "\$960,000 U.S. Currency" and "\$2,000,000 Mexican Pesos converted to \$100,100 U.S. Currency" for a "[t]otal amount seized [of] \$1,060,100 in U.S. Currency." The Notice assigned the case number "2026520600076301." The Notice bore CBP's letterhead and the address information for CBP's "FPF OFFICE" in Miami, one of CBP's 42 Fines, Penalties and Forfeitures field offices.

49. The Notice stated that "U.S. Immigration and Customs Enforcement (ICE) seized the property described below at Signature Aviation Miami International Airport on October 31, 2025[.]" Although the Notice names ICE as the seizing agency, CBP is the agency responsible for administering the forfeiture.

50. The Notice described its basis for the forfeiture: "The property was seized and is

subject to forfeiture under the provisions of: 18 USC 981(a)(1).”

51. This citation tells Plaintiffs essentially nothing, except that CBP thinks the property is forfeitable under one of the *hundreds* of discrete offenses that § 981(a)(1) reaches.

52. Section 981(a)(1) contains nine subparagraphs, each authorizing forfeiture on a different theory ranging from foreign weapons-trafficking and drug offenses to fraud against financial institutions in federal conservatorship and violations of North Korea sanctions.

53. To take just one example, subparagraph (C) alone makes forfeitable any property traceable to a violation of 34 discrete provisions, ranging in scope from receiving gifts or commissions for procuring loans, to possessing plates for counterfeiting, to bank fraud. One provision that subparagraph (C) incorporates is 18 U.S.C. § 842, titled “Unlawful acts,” which itself contains subparagraphs (a)–(p) enumerating 16 more discrete offenses. Other provisions that subparagraph (C) incorporates do the same: 18 U.S.C. § 670 covers another six offenses; 18 U.S.C. § 1028 covers another eight; and 18 U.S.C. § 1029 covers ten more. Each of the other 30 incorporated sections covers at least one more. Subparagraph (C) then includes a catch-all making forfeitable any property traceable to any “specified unlawful activity” as defined in 18 U.S.C. § 1956(c)(7), a cross-reference that sweeps in dozens more offenses on topics ranging from copyright infringement to hostage taking to the Tariff Act of 1930.

54. All told, *one* of the *nine* subparagraphs listed in Section 981(a)(1) covers more than a *hundred* discrete theories of forfeitability.

55. The Notice also failed to provide any specific facts explaining how or why the \$1,060,100 that CBP wants to forfeit from GCL relates to a violation of any of the hundreds of different criminal offenses encompassed by Section 981(a)(1). It did not mention unlicensed money transmitting, nor did it identify any person CBP suspected of any offense. The Notice gave

no factual basis for the forfeiture whatsoever.

56. The Notice offered Plaintiffs no meaningful way to learn the basis for CBP's attempted forfeiture. The Notice directs recipients to contact Emir N. Hernandez in CBP's Fines, Penalties, and Forfeitures Office. Plaintiffs tried: Bailey personally called CBP at least 20 times, GCL's counsel repeatedly contacted CBP as well, and both left repeated voicemails. The only answer they received was that the matter had been referred to Washington. They did not get any further insight into the legal or factual basis for the seizure or forfeiture.

57. The Notice provided no other factual or legal reasons why CBP seized and wanted to forfeit Plaintiffs' property.

58. Upon information and belief, the Notice Plaintiffs received is not unique in its lack of detail or specificity. CBP issues hundreds, if not thousands, of similarly deficient Notices to property owners every year. Many cite statutes that name no specific offense or that sweep in scores of them, and they routinely include no statement of the specific facts giving rise to the attempted forfeiture.

CBP's Notice Directs GCL to Respond by Filing a Petition or a Claim

59. Although the Notice left Plaintiffs guessing as to what possible reasons CBP had for seizing and trying to forfeit their property, the Notice gave them four ways to respond: Filing a Petition, making an offer in compromise, abandoning the property, or filing a Claim.

60. Abandoning the property and making an offer in compromise do not apply to those, like Plaintiffs, who believe that they are entitled to the full return of their property.

61. The decision whether to file a Petition or a Claim is consequential because Petitions and Claims initiate very different paths for someone who receives a Notice.

62. The remission process is fundamentally not adversarial.

63. That is because filing a Petition concedes forfeiture of the seized property and asks for its return only as a matter of administrative grace—in effect, a plea for mercy. The Notice itself describes a Petition as seeking “the remission or mitigation of the forfeiture.” CBP decides Petitions in internal administrative proceedings. Those proceedings have no neutral decisionmaker, no standard of decision, no opportunity for a hearing, and no opportunity for judicial review of the agency’s decision. The Notice does not even mention who within the agency will make the decision. The Notice does not mention the lack of safeguards in the proceedings that produce and insulate those rulings.

64. By contrast, filing a Claim causes CBP either to return the property or to suspend its administrative forfeiture proceedings and refer the Claim to the appropriate United States Attorney’s Office (“USAO”) to decide whether to file a complaint for forfeiture in the appropriate United States District Court.

65. If the USAO does not file a complaint for forfeiture within a prescribed period of time, then the government must promptly release and return the property.

66. If the USAO files a complaint for forfeiture, the government bears the burden of proof to forfeit the property in a civil judicial proceeding, which requires proving by a preponderance of the evidence, among other things, a substantial connection between the property and a criminal offense. The ultimate decisionmaker in those proceedings is a federal judge whose decision is subject to still further judicial review in the relevant court of appeals.

67. The Notice also states that a petitioner may, at any point before CBP decides the petition, request referral to the U.S. Attorney’s Office for judicial action, in which case CBP will treat the petition as withdrawn, and that a petitioner whose petition is denied will have 60 days to file a claim.

68. Even if those options remain open to Plaintiffs, they do not cure the Notice's defect. Whether to abandon the Petition and request judicial forfeiture, or to keep waiting on CBP's decision, is the same choice the Notice forced on Plaintiffs at the outset. Plaintiffs must make it now and, if CBP denies the Petition, again within 60 days of the denial—both times without knowing what law CBP believes was violated or what Plaintiffs are alleged to have done.

69. Requesting judicial action would require Plaintiffs to give up their Petition, and any statement of CBP's theory would come, if at all, only in a forfeiture complaint filed after Plaintiffs had already made that choice.

70. This lawsuit does not ask the Court to decide whether Plaintiffs' property is ultimately forfeitable under CBP's relevant forfeiture authority. It challenges the Notice itself. And the Notice will not merge into any reviewable final order, because CBP's decision on GCL's Petition is not subject to judicial review.

71. The Notice set February 2, 2026, as the deadline for filing a claim under 18 U.S.C. § 983(a)(2).

Left in the Dark About CBP's Basis for Seeking Forfeiture, Plaintiffs File a Petition

72. GCL filed a Petition on or about January 22, 2026.

73. GCL's Petition was filed through CBP's online forfeiture portal. It identified GCL as the petitioner and owner of the \$1,060,100.

74. Because the Notice did not identify any specific violation of law or any specific facts connecting GCL's currency to a violation of law, GCL was forced to guess in its Petition why CBP believed it could forfeit GCL's currency and then attempt to rebut that hypothetical theory.

75. The only theory anyone had mentioned to GCL was a seizing agent's speculative

remark that GCL's business model might constitute unlicensed money transmitting under Florida law. So GCL's Petition addressed that theory. It explained that GCL bought and sold currency as a principal, moved only its own currency, and therefore was not a money transmitting business under federal or Florida law because money transmitting involves moving *other people's* money. *See* 18 U.S.C. § 1960(b)(2); 31 C.F.R. § 1010.100(ff)(5)(i)(A). The Petition did not address any of the other offenses that § 981(a)(1) reaches, because GCL had no way to know which of them, if any, CBP had in mind.

76. GCL supported its Petition with documents showing where the seized currency came from and confirming that GCL owned it.

77. GCL also supplemented its Petition with a declaratory statement from Florida's Office of Financial Regulation, which agreed that—based on GCL's description of its business model—GCL's transportation of its own currency would not constitute money transmitting under Florida law and would therefore not require a money-transmitting license.

78. Though thorough, Plaintiffs' Petition was still fundamentally a shot in the dark. CBP has never said that money transmitting is the basis for its attempted forfeiture of GCL's currency, and Plaintiffs still do not know whether it is. To date, CBP has never given GCL a specific reason for wanting to forfeit the company's currency.

79. Even if GCL's shot in the dark were somehow correct, the Notice's citation to only Section 981(a)(1) effectively permits CBP to change its theory of forfeiture to any one of the hundreds of offenses incorporated by that provision at any time and without informing the property owner.

80. No one filed a Claim concerning Plaintiffs' property, which also has not otherwise been made the subject of a complaint for forfeiture.

81. When GCL filed its Petition, it did not know (because the Notice did not inform it) which of the hundreds of offenses reachable through § 981(a)(1) CBP believed the currency was connected to.

82. When GCL filed its Petition, it did not know (because the Notice did not inform it) whether CBP suspected Bailey, Blackburn, GCL's couriers, GCL, or anyone else of wrongdoing—or whether CBP suspected anyone at all.

83. When GCL filed its Petition, it did not know (because the Notice did not inform it) whether CBP's basis for seizing the currency was the money-transmitting theory speculatively alluded to during the seizure, something in the documentation GCL had voluntarily provided, or something else entirely.

84. Even if the money-transmitting theory were the basis for the initial seizure—which is not established—the basis for *seizing* an asset and the basis for *forfeiting* the asset need not be the same. CBP remains free to change its theory of forfeiture at any time.

85. When GCL filed its Petition, it did not know (because the Notice did not inform it) that CBP had not committed itself to any legal or factual theory for seizing and forfeiting the currency, and that a Petition would leave CBP unlimited time and discretion to develop one.

86. When GCL filed its Petition, it also did not know (because the Notice did not inform it) whether CBP was relying on facts beyond the events of October 30 and 31, 2025; whether CBP had confused GCL with some other business; or whether the government was investigating someone else, in the United States or in Mexico, with whom GCL did business. GCL could not address any of those possibilities, because it had no way to know whether any of them applied.

87. CBP has never responded to GCL's Petition beyond issuing GCL a receipt of submission and a statement that the matter has been referred to Washington. It has never told

Plaintiffs what it believes connects GCL's currency to any offense.

88. To date, no Declaration of Forfeiture has issued as to the seized currency.

89. To date, Plaintiffs still have neither their property nor any specific legal or factual reason for why CBP seized and continues to try to forfeit it.

CBP's Deficient Notice Causes Ongoing Harm to GCL's Business

90. Since the Miami seizure and attempted forfeiture, Plaintiffs' business has experienced substantial, ongoing harm.

91. Before the events in Miami and the DEA's similar seizure and attempted forfeiture of GCL's currency in San Diego less than eight weeks earlier (*see* ¶¶ 100–04), GCL would regularly repatriate \$6 to \$12 million in U.S. currency every week.

92. Today, GCL repatriates nothing; it has stopped moving currency altogether. Bailey has continued buying U.S. dollars in Mexico and bringing them back to the United States through a separate business, but at an average of only \$500,000 to \$1.5 million every week, a fraction of what GCL once moved, to limit his exposure to another seizure and attempted forfeiture.

93. This reduction in business volume was caused by the seizure and attempted forfeiture in this case, together with the DEA's San Diego seizure of \$320,000, and by the uninformative forfeiture notices that accompanied both seizures. It happened in three ways.

94. First, the Miami seizure took \$1,060,100 of GCL's currency out of its hands, and CBP's Notice gives GCL no effective way to get it back. Because the Notice does not say why CBP is trying to forfeit the currency, GCL can only guess at what to rebut. That is \$1,060,100 GCL cannot use to buy and sell more currency.

95. Second, because neither notice says what GCL is supposed to have done wrong, GCL cannot tell which shipments, routes, or counterparties the government considers problematic.

To limit its exposure to another seizure and attempted forfeiture, GCL cut back the amount of currency it moved.

96. Third, the notices have cost GCL business. Without the government's reasons, GCL has been unable to get its money back or clear its name. As a result, Mexican currency exchanges that once sold U.S. dollars to GCL have stopped doing business with it. Before the seizures, GCL bought U.S. currency from four Mexican exchanges.

97. Because of this reduction in GCL's business, GCL has had to scale back its operations and reduce its staff.

98. The harm Plaintiffs face is ongoing. GCL has not given up its business. It still holds its FinCEN registration, its bank accounts, and its vaults, and if it prevails in this case, it will resume its full Mexico operations. When it does, GCL's couriers will again travel with large amounts of U.S. currency on commercial flights through domestic airports policed by federal law enforcement. Every such shipment will be at risk of being seized by federal agents and forfeited by CBP through Notices that violate CBP's rules and Plaintiffs' constitutional rights, injuring both GCL and Bailey, its owner and operator.

99. When GCL resumes its lawful business of moving currency, there is a real and immediate likelihood that CBP will seize GCL's currency again and send Plaintiffs another Notice just as uninformative as the first. This is therefore not a one-time dispute over a single seizure. It is a dispute over a Notice practice that GCL, by the nature of its business, and Bailey, as its owner and operator, are reasonably likely to encounter again and again.

100. That likelihood is not hypothetical. The Miami seizure came less than eight weeks after the DEA subjected Plaintiffs to a similar seizure in San Diego followed by a similarly deficient forfeiture notice.

101. On September 8, 2025, DEA agents seized \$320,000 in U.S. currency that a GCL courier was attempting to travel with on a commercial flight from San Diego to Philadelphia. GCL had lawfully purchased the currency from a licensed currency exchange in Mexico three days earlier, and the courier had properly declared it to Mexican customs and to CBP when he brought it into the United States. He was taking the currency to fill an order placed by the Philadelphia ATM provider described above, and he carried complete and verifiable documentation for the currency and the sale.

102. Although carrying large amounts of physical currency on a commercial flight is perfectly legal, TSA agents at the San Diego International Airport flagged the currency when the courier attempted to pass through airport security. Through the local police and the Department of Homeland Security, TSA eventually brought in DEA agents.

103. Although the courier offered the DEA agents the documentation he was carrying for the currency, they showed no interest in it. Instead, they took the currency to a separate room, out of the courier's sight, where they claimed a drug-sniffing dog inspected and alerted to the currency. DEA agents then seized all \$320,000 of GCL's currency that the courier was carrying, but they did not arrest or charge him or anyone else at GCL with any crime.

104. Weeks later, on October 27, 2025, the DEA issued GCL a forfeiture notice. Like CBP's Notice, the DEA's forfeiture notice accused Plaintiffs of no specific crime nor stated any facts connecting them to any crime. And like CBP's Notice, the DEA's forfeiture notice invoked only one substantive forfeiture provision, 21 U.S.C. § 881. Although slightly less capacious than the catch-all forfeiture provision CBP used here, Section 881(a) authorizes forfeiture across eleven categories of property, nearly all of which turn on whether the property is connected to a "violation of this subchapter"—that is, of the Controlled Substances Act, whose offenses are set out at 21

U.S.C. §§ 841–65. That body of law, in turn, defines dozens of distinct controlled substance offenses, from large-scale trafficking to simple possession to recordkeeping violations to employing a minor in a drug operation. Nothing in the DEA’s notice indicates which of these offenses the DEA had in mind. Nor did the DEA’s notice provide any specific facts explaining how or why the \$320,000 that the DEA wants to forfeit from GCL relates to a violation of the Controlled Substances Act.

105. GCL has petitioned the DEA for the return of the San Diego currency. GCL and Bailey are also simultaneously filing a separate lawsuit in the United States District Court for the Southern District of California challenging the DEA’s deficient San Diego notice on the same due-process theory asserted here. This lawsuit challenges only CBP’s Miami Notice.

106. San Diego confirms what GCL’s business model already makes plain. When GCL resumes its Mexico operations, its couriers will again buy U.S. currency in Mexico, declare it at the border, and carry it through domestic airports where federal agents operate. And federal agents will again stop GCL’s couriers and seize their currency, and CBP will again attempt to forfeit it using Notices that never tell Plaintiffs what GCL did wrong or why CBP wants to take their money. Only an Order from this Court holding unlawful, setting aside, vacating, and enjoining the Notice and actions taken pursuant to it; compelling the return of property unlawfully withheld and unreasonably delayed; and/or declaring the Notice unconstitutional can remedy this harm.

CBP Violates its Own Regulations Governing Notice

107. CBP has adopted rules and regulations governing notices of seizure and forfeiture, codified at 19 C.F.R. § 162.31, .92–.93. These regulations apply to the Notice, but the Notice does not comply with them. Specifically, the Notice does not state “[t]he provisions of law alleged to have been violated” or “[a] description of the specific acts or omissions forming the basis of the

alleged violations.” 19 C.F.R. § 162.31(b)(1)–(2).

108. CBP’s specific-notice regulations did not emerge by chance. By 1977, the Customs Service (CBP’s predecessor) had come under Congressional scrutiny for the “lack of due process safeguards” in its seizures-and-penalties system. H.R. Rep. No. 95-621, at 2 (1977). Under that system, which contained “no [statutory] requirement of a notice of any kind,” a “seizure could occur with no explanation issuing from the Government for a long period of time.” *Id.* at 13. Concerns about this system ultimately prompted the Customs Procedural Reform and Simplification Act of 1978, Pub. L. No. 95-410, 92 Stat. 888, which introduced statutory notice and specificity requirements for certain commonly abused seizures and penalties under the Tariff Act.

109. While Congress was debating those statutory reforms, Customs tried to fix its own problem by amending its regulations regarding forfeiture notices. The final rule adopting the amendment observed that “[n]otices occasionally have been unclear because of a lack of specific information as to the alleged violations on which liability is based.” 43 Fed. Reg. 4255 (Feb. 1, 1978). To remedy this, the rule added subparagraph (b) to the notice requirement, which reads:

(b) *Contents of notice.* The notice shall contain the following:

- (1) The provisions of law alleged to have been violated;
- (2) A description of the specific acts or omissions forming the basis of the alleged violations;
- (3) If the alleged violations involve the entry or attempted entry of merchandise,
 - (i) A description of the merchandise and the circumstances of its entry or attempted entry, and
 - (ii) The identity of each entry, if specific entries are involved; and
- (4) If the alleged violations involve a loss of revenue,
 - (i) The total loss of revenue and how it was computed, and

- (ii) The loss of revenue attributable to each entry, if readily susceptible to calculation.

Id. (codified at 19 C.F.R. § 162.31(b)).

110. The rule’s stated purpose was “to enable the notified parties to make an informed response to the notices.” *Id.* “Accordingly,” the rule continued, “notices will contain the provisions of law alleged to have been violated and a description of the specific acts or omissions forming the basis of the alleged violations.” *Id.* And because the “amendments benefit the public by providing specific information necessary to enable a party to respond to actions taken by the Customs Service,” notice and comment on the rule was not required. *Id.*

111. In the decades since, Congress enacted the Civil Asset Forfeiture Reform Act of 2000 (“CAFRA”), and in 2003, restructured the Customs Service along with other agencies to form CBP. Across both major reforms, CBP continued to incorporate and maintain its rule requiring detailed forfeiture notices.

112. CBP’s rules implementing CAFRA—which govern CBP’s attempted forfeiture in this case—provide that “[a]ny notice issued under this section will include all information that is required by § 162.31(a) and (b).” 19 C.F.R. § 162.92(a). This provision therefore incorporates the requirement from § 162.31(b) that “[t]he notice shall contain . . . (1) [t]he provisions of law alleged to have been violated; [and] (2) [a] description of the specific acts or omissions forming the basis of the alleged violations.” 19 C.F.R. § 162.31(b).

113. CBP issued its Notice to GCL under CAFRA, but the Notice contained neither “[t]he provisions of law alleged to have been violated” nor “[a] description of the specific acts or omissions forming the basis of the alleged violations.” *Id.* This violates CBP’s rules. *Id.*

114. CBP’s rules also require the agency to send compliant Notices “no . . . more than 60 calendar days after the date of seizure.” 19 C.F.R. § 162.92(a). The rule carves out narrow

exceptions for certain seizures and permits the agency to obtain an extension in some limited cases. *Id.* But none of those exceptions were implicated here, and upon information and belief, CBP has neither sought nor obtained an extension of time to issue a compliant Notice.

115. CBP's rules further provide that "[i]f [CBP] does not send notice of a seizure of property in accordance with § 162.92 to the person from whom the property was seized, and no extension of time is granted, [CBP] will return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later time." *Id.* § 162.93.

116. CBP has never issued GCL a Notice that includes the specific legal and factual information required by Section 162.92(a).

117. CBP has not returned GCL's property.

118. CBP's failure to issue GCL a compliant notice within 60 days of its October 31, 2025 seizure of GCL's currency, coupled with its failure to return GCL's property, constitutes an independent violation of CBP's own rules and regulations.

INJURIES TO PLAINTIFFS

119. The Notice Plaintiffs received failed to give them the specific legal and factual reasons CBP believed justify seizing and forfeiting their property.

120. That failure has cost Plaintiffs money. CBP has held GCL's \$1,060,100 for nearly a year. Because the Notice does not say why CBP is trying to forfeit it, GCL cannot answer CBP's reasons and get the currency back, and it cannot use that currency to buy and sell more currency. *See* ¶ 94.

121. That failure has also cost GCL its standing with the suppliers its business depends on. Without CBP's reasons, GCL cannot clear its name. Mexican currency exchanges that once sold U.S. dollars to GCL have stopped doing business with it. *See* ¶ 96.

122. And that failure has forced GCL to change how it does business. Because the Notice does not say what GCL is supposed to have done wrong, GCL cannot tell which shipments, routes, or counterparties CBP considers a problem, so it cannot adjust its documentation or practices to answer that concern. Instead, GCL was forced to limit its transactions across the board and to scale back its operations and reduce its staff. *See* ¶¶ 95, 97. Today, GCL moves no currency at all. *See* ¶¶ 91–93.

123. Had the Notice told Plaintiffs CBP’s specific legal and factual reasons for seizing and trying to forfeit their property, Plaintiffs could have responded intelligently—by filing a Petition that answered those reasons directly or by filing a Claim that required the government to make its case for forfeiture in a court of law. For example:

124. If the Notice had said that CBP believed GCL knowingly moved funds derived from, or meant to support, criminal activity, *see* 18 U.S.C. §§ 981(a)(1)(A), 1960(b)(1)(C), and had identified the transactions or counterparties involved, GCL could have filed a Petition addressing those transactions and what GCL knew about them, instead of one defending its business model in general.

125. If the Notice had said that CBP believed GCL had done business with someone subject to U.S. sanctions, *see* 18 U.S.C. §§ 981(a)(1)(C), 1956(c)(7)(D); 50 U.S.C. § 1705, and had identified that person, GCL could have filed a Petition addressing its dealings, if any, with that person, including whether that person was even subject to sanctions when those dealings occurred.

126. If the Notice had said that CBP believed GCL or one of its couriers had conspired with someone to commit an offense, *see* 18 U.S.C. § 981(a)(1)(C), and had named that person, GCL could have filed a Petition addressing its dealings, if any, with that person and showing that GCL neither knew of nor agreed to any offense.

127. If the Notice had said that CBP suspected one of the GCL couriers who carried the currency into Miami of some other wrongdoing, GCL could have filed a Petition with the courier's employment records and the documentation for the shipments the courier has carried for GCL.

128. If the Notice had said that CBP believed the currency was involved in money laundering—for example, that GCL moved it across the border to conceal its source or to evade a reporting requirement, *see* 18 U.S.C. §§ 981(a)(1)(A), 1956(a)(2)(B)—GCL could have filed a Claim and made the government prove, before a federal judge, both the offense, including that GCL knew the currency was the proceeds of unlawful activity, and “a substantial connection between the property and the offense.” 18 U.S.C. § 983(c)(3). GCL's couriers declared the currency to CBP when they brought it into the United States, CBP cleared it, and the next day the plane carrying it was bound for Philadelphia, not for another country, just as Blackburn told the agents.

129. If the Notice had said that CBP believed the currency was the proceeds of a crime committed in Mexico, *see* 18 U.S.C. § 981(a)(1)(B), GCL could have filed a Claim and made the government identify that foreign offense and prove, before a federal judge, each of the conditions § 981(a)(1)(B) places on forfeiting its proceeds.

130. If the Notice had said that CBP believed the currency was stolen or taken by fraud, *see* 18 U.S.C. §§ 981(a)(1)(C), 1956(c)(7)(A), 2314, GCL could have filed a Claim and made the government prove that currency GCL bought from three licensed and audited Mexican exchanges, and declared to CBP at the border, belonged to someone else.

131. If the Notice had made clear that CBP did not suspect anyone of anything, GCL could have filed a Claim, knowing that the government would then have 90 days to begin forfeiture proceedings in court or else release the currency. *See* 18 U.S.C. § 983(a)(3).

132. These are only examples. Section 981(a)(1) reaches hundreds of offenses, and GCL has not attempted to address every possible one.

133. Had the Notice identified the offense and the facts on which CBP relied, GCL would have addressed them directly: the statute, its elements, whether the facts satisfied those elements, and any applicable defenses. If CBP relied on facts beyond the events of October 30 and 31, 2025, or on an investigation of one of GCL's counterparties, GCL would have answered those too. Any of those basic details would have materially altered GCL's Petition or led GCL to file a Claim instead.

134. And an informed response would have cured the injuries the Notice caused. GCL bought the currency lawfully from licensed and audited Mexican exchanges, documented where it came from and where it was going, and declared it to CBP at the border. Whatever CBP's actual concern was, GCL could have answered it. GCL would then have gotten its \$1,060,100 back and put it back to work, cleared its name with the Mexican exchanges that stopped selling to it, and confirmed that its operations are lawful (or learned what to fix) rather than cutting back its business across the board. Instead, GCL still does not know which offense, if any, CBP believes was committed, or why CBP seized and is trying to forfeit its property, and those injuries continue. *See* ¶¶ 120–22.

135. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to review and try to understand a confusing legal document without key context explaining how that document was connected to them.

136. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond

without any indication of what—if anything—CBP thought they had done wrong.

137. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without being able to understand the true nature of the government's proceedings against them and their property.

138. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without being able to investigate what, if anything, CBP thought they, or anyone, had done wrong to justify seizing and forfeiting their property.

139. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without any indication of what type or amount of evidence, if any, could rebut or explain CBP's undisclosed legal or factual bases for seizing and forfeiting their property.

140. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without any indication where or how to marshal evidence of their own that might rebut CBP's undisclosed legal or factual bases for seizing and forfeiting their property.

141. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without being able to investigate whether there were any defenses or other legal barriers to CBP's undisclosed legal or factual bases for seizing and forfeiting their property.

142. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond

without being able to identify and explain any mistaken legal or factual bases for the seizure and attempted forfeiture.

143. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without the opportunity to assess meaningfully and intelligently whether and how to use legal counsel.

144. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by being forced to decide how to respond without the opportunity to assess meaningfully and intelligently whether filing a Petition or a Claim would best serve their interests.

145. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by losing the opportunity to respond meaningfully and effectively to CBP's attempt to subject them to forfeiture proceedings and to deprive them of their property.

146. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they were injured by undergoing forfeiture proceedings in violation of the Fifth Amendment.

147. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they are being injured by their inability to resume GCL's business—in which couriers routinely carry large amounts of U.S. currency through domestic airports policed by federal agents—without risking another seizure and forfeiture on the same undisclosed basis: the Notice gives no indication of what, if anything, about that business CBP believes connects GCL's currency to an offense, leaving them without any ability to change their

documentation, their procedures, or their conduct to keep the next shipment from being seized and forfeited.

148. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property, they are being injured by facing a real and immediate likelihood that, once GCL resumes its Mexico operations, CBP will seize GCL's currency again and send them another Notice just as uninformative as the first, leaving them once again unable to seek an authoritative ruling from a court or regulator on whether their conduct is lawful, unable to gather in advance the evidence that would answer CBP's theory, and unable to take any protective step now that would spare them the same deprivation later.

LEGAL CLAIMS

Count I: The Notice and the Actions Taken Pursuant to it are Arbitrary and Capricious and Not in Accordance with Law (5 U.S.C. § 706(2)(A), (D))

149. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in ¶¶ 1–148.

150. Under the APA, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A), (D).

151. “The failure of an agency to comply with its own regulations constitutes arbitrary and capricious conduct.” *Simmons v. Block*, 782 F.2d 1545, 1550 (11th Cir. 1986); *see Chewy, Inc. v. U.S. Dep’t of Lab.*, 69 F.4th 773, 776 (11th Cir. 2023) (same); *Fort Stewart Schs. v. FLRA*, 495 U.S. 641, 654 (1990) (“It is a familiar rule of administrative law that an agency must abide by its own regulations.”). “The courts must overturn agency actions [that] do not scrupulously follow the regulations and procedures promulgated by the agency itself.” *Simmons*, 782 F.2d at 1550.

152. The Notice is final agency action. It marks the consummation of CBP's decisionmaking on the notice it owes Plaintiffs. CBP's regulations contemplate a single notice of seizure within 60 days, and there is no later step at which CBP revisits what that notice must say. 19 C.F.R. § 162.92(a).

153. The Notice also fixes legal consequences. It set February 2, 2026, as Plaintiffs' deadline to file a claim under 18 U.S.C. § 983(a)(2), and so required Plaintiffs to choose by that date whether to exercise their statutory right to judicial forfeiture. It also determines whether CBP may hold Plaintiffs' property pending a declaration of forfeiture rather than return it under 19 C.F.R. § 162.93. Holding Plaintiffs' property pending a declaration of forfeiture causes—and has already caused—harm independent of whether the property is ultimately returned.

154. CBP's continued retention of Plaintiffs' property after the 60-day notice period expired, without a notice that complies with 19 C.F.R. § 162.92, is also final agency action. CBP has decided to keep the property rather than return it as 19 C.F.R. § 162.93 requires, and that decision deprives Plaintiffs of the possession and use of their property every day it continues.

155. The Notice will not later merge into a reviewable final order, because a final order on the merits of the forfeiture decision is not reviewable. The Notice is independent final agency action.

156. Plaintiffs have no other adequate remedy in a court. CBP's decision on GCL's Petition is not subject to judicial review. And a judicial forfeiture proceeding would not remedy the injury the Notice causes. That proceeding would decide whether the property is forfeitable, not whether the Notice told Plaintiffs enough to choose how to respond. Plaintiffs could seek one only by asking CBP to refer the matter to the U.S. Attorney's Office: either now, which would require them to abandon their Petition, or within 60 days after a decision denying it. Either way, any

statement of CBP’s legal and factual theory would come, if at all, only in a forfeiture complaint filed after Plaintiffs had already made that choice. *See* ¶¶ 67–69.

157. Nor does 18 U.S.C. § 983(e)(5) preclude judicial review. That provision makes a motion under § 983(e) the exclusive remedy for setting aside a declaration of forfeiture. Plaintiffs do not seek to set aside any declaration of forfeiture—none has issued—and their challenge to the Notice does not depend on whether one ever does.

158. Even if a declaration of forfeiture were to have been issued, it would not preclude judicial review here. Defects in the Notice will not receive meaningful judicial review after a declaration of forfeiture. A claim about defective notice is wholly collateral to CAFRA’s system of review, which addresses the merits of the forfeiture decision. And a claim about defective notice does not implicate CBP’s expertise, because it is simply a matter of reading and interpreting the law.

159. There is no agency discretion involved in the decision to issue a compliant notice, because agencies have no discretion to disregard their own regulations.

160. Plaintiffs were not required to raise the Notice’s defects in their Petition before bringing this suit. The justifications for requiring issue exhaustion through the petition-for-remission process are absent, because the remission process is fundamentally nonadversarial. There is no neutral decisionmaker, no standard of decision, no opportunity for a hearing, and no principle of party presentment. The process is one of agency grace, akin to a request for an executive pardon. *See Ibarra v. United States*, 120 F.3d 472, 475 (4th Cir. 1997) (“A petition for remission or mitigation ‘does not serve to contest the forfeiture, but rather is a request for an executive pardon of the property based on the petitioner’s innocence’” (quoting *United States v. Vega*, 72 F.3d 507, 514 (7th Cir. 1995))). As a result, issue exhaustion does not apply. *See Sims*

v. Apfel, 530 U.S. 103, 110 (2000) (“Where . . . an administrative proceeding is not adversarial . . . the reasons for a court to require issue exhaustion are much weaker.”).

161. Nor does any statute or regulation require Plaintiffs to complete the petition-for-remission process before seeking judicial review. Neither CAFRA nor CBP’s regulations make a decision on a petition for remission a prerequisite to judicial review, and the Notice is not rendered inoperative while a petition is pending. This Court therefore may not require exhaustion. *See Darby v. Cisneros*, 509 U.S. 137, 154 (1993).

162. Because the Notice did not give Plaintiffs specific legal or factual reasons for seizing or forfeiting their property as required by CBP’s regulation, Plaintiffs have suffered substantial prejudice. See ¶¶ 119–48 (“INJURIES TO PLAINTIFFS”).

163. In any event, Plaintiffs need not show prejudice because CBP’s regulations governing notice are intended to confer an important procedural benefit on the persons who receive notice. *See Am. Farm Lines v. Black Ball Freight Serv.*, 397 U.S. 532, 538–39 (1970); *Port of Jacksonville Mar. Ad Hoc Comm., Inc. v. U.S. Coast Guard*, 788 F.2d 705, 708–09 & n.5 (11th Cir. 1986).

164. In the context of a rule meant “to enable the notified parties to make an informed response to the notices,” 43 Fed. Reg. 4255, the Notice does not state “[t]he provisions of law alleged to have been violated,” 19 C.F.R. § 162.31(b)(1). The Notice simply states that “[t]he property was seized and is subject to forfeiture under the provisions of: 18 USC 981(a)(1).” This statement incorporates hundreds of forfeitable provisions, no specific one of which is alleged to have been violated.

165. The Notice does not provide “[a] description of the specific acts or omissions forming the basis of the alleged violations.” 19 C.F.R. § 162.31(b)(2). The Notice provides no

factual description whatsoever.

166. The Notice does not comply with the applicable CBP rules and regulations.

167. As a result, the Notice and the actions taken pursuant to it constitute arbitrary and capricious agency action.

168. As a result, the Notice and the actions taken pursuant to it are not in accordance with law.

169. As a result, the Notice and the actions taken pursuant to it constitute agency action taken without observance of procedure required by law.

170. Because the Notice and the actions taken pursuant to it are arbitrary and capricious, and contrary to law, they must be held unlawful, set aside, vacated, and enjoined.

Count II: CBP Unlawfully Withheld and Unreasonably Delayed Sending a Rules-Compliant

Notice and Returning Plaintiffs' Property (5 U.S.C. § 706(1))

171. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in ¶¶ 1–148.

172. Under the APA, a court must “compel agency action unlawfully withheld or unreasonably delayed.” 5 U.S.C. § 706(1).

173. Section 162.92 of CBP’s regulations required it to send, within 60 days of seizing GCL’s currency, a notice that “include[s] all information that is required by § 162.31(a) and (b).” 19 C.F.R. § 162.92(a).

174. Section 162.93 of CBP’s regulations further provides that “[i]f [CBP] does not send notice of a seizure of property in accordance with § 162.92 to the person from whom the property was seized, and no extension of time is granted, [CBP] will return the property to that person without prejudice to the right of the Government to commence a forfeiture proceeding at a later

time.” *Id.* § 162.93.

175. CBP did not send a Notice containing the information required by § 162.31(b) within 60 days of the seizure as required by § 162.92.

176. CBP did not return Plaintiffs’ property as required by § 162.93.

177. Plaintiffs are therefore entitled to an order compelling CBP to return Plaintiffs’ property, as 19 C.F.R. § 162.93 requires.

178. In the alternative, if the Court concludes that APA review is unavailable for this claim, Plaintiffs are entitled to the same relief in equity. When a seizing agency holds property without lawfully proceeding against it, a court may compel the agency to proceed or to abandon the seizure and return the property. *See Slocum v. Mayberry*, 15 U.S. (2 Wheat.) 1, 10 (1817); *United States v. \$8,850*, 461 U.S. 555, 569 (1983).

179. Equity should intervene here. CBP has kept GCL’s currency for nearly a year in disregard of its own regulations and of Plaintiffs’ right to due process. GCL owns that currency and needs it to resume its business. *See* ¶¶ 20, 94. Every day CBP keeps it, Plaintiffs suffer irreparable injury. *See* ¶¶ 93–97. And Plaintiffs have no adequate remedy at law. *See* ¶ 156. The Court should therefore order CBP to return Plaintiffs’ property.

Count III: CBP’s Notice Violates the Fifth Amendment’s Due Process Clause

180. Plaintiffs re-allege and incorporate by reference each and every allegation set forth in ¶¶ 1–148.

181. This claim seeks to vindicate Plaintiffs’ Fifth Amendment rights to due process.

182. The Fifth Amendment to the United States Constitution provides in relevant part, “No person shall . . . be deprived of life, liberty, or property, without due process of law.”

183. The Fifth Amendment protects Plaintiffs’ due process rights to notice and an

opportunity to respond meaningfully and effectively to government attempts to deprive them of liberty or property interests.

184. The principles underpinning due process have long been understood to require the government to identify the specific offense before it forfeits property. Chief Justice Marshall described the requirement of “a substantial statement of the offence upon which the prosecution is founded” as “so essential to justice and fair proceeding” that it “must be the rule of every Court where justice is the object, and cannot be satisfied by a general reference to the provisions of a statute.” *The Hoppet*, 11 U.S. (7 Cranch) 389, 394 (1813). The first reason for the rule, he explained, is “[t]hat the party accused may know against what charge to direct his defence.” *Id.*

185. Due process begins with notice. It requires “notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 314 (1950).

186. *Mullane* also explains what that notice must accomplish. It “must be of such nature as reasonably to convey the required information.” *Id.* That is because the “right to be heard has little reality or worth unless one is informed that the matter is pending and can choose for himself whether to appear or default, acquiesce or contest.” *Id.* A notice does its job only if it tells the owner enough to make that choice intelligently. For a forfeiture notice, the choice is the one the Notice put to Plaintiffs: whether to petition CBP for mercy, to contest the forfeiture by Claim, or to walk away. A notice that cites a statute reaching scores of offenses, and states no facts at all, does not convey the information that choice requires. “[W]hen notice is a person’s due, process which is a mere gesture is not due process.” *Id.* at 315.

187. “The fundamental requisite of due process of law is the opportunity to be heard.”

Goldberg v. Kelly, 397 U.S. 254, 267 (1970) (quoting *Grannis v. Ordean*, 234 U.S. 385, 394 (1914)). And that hearing “must be ‘at a meaningful time and in a meaningful manner.’” *Id.* (quoting *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965)).

188. An opportunity to be heard is meaningful only if the owner knows what the hearing is about. That is why the Supreme Court held in *Goldberg* that due process required “timely and adequate notice detailing the reasons for a proposed termination” of welfare benefits. *Id.* at 267–68. As the Court later put it, “[t]he essence of due process is the requirement that ‘a person in jeopardy of serious loss [be given] notice of the case against him and opportunity to meet it.’” *Mathews v. Eldridge*, 424 U.S. 319, 348–49 (1976) (quoting *Joint Anti-Fascist Refugee Comm. v. McGrath*, 341 U.S. 123, 171–72 (1951) (Frankfurter, J., concurring)).

189. A notice that withholds the government’s reasons takes that opportunity away. An owner who does not know the case against it can be heard only on guesses. It cannot know which facts to gather, which inference to rebut, or which legal theory to answer. Whatever it submits may answer a case the government is not making and miss the one it is.

190. Notice satisfies that guarantee only if it actually informs the recipient of the government’s action and gives the recipient a meaningful opportunity to object. A forfeiture notice that does not tell the owner why the property was seized, or what provision of law the owner is accused of having violated, does neither: an owner who does not know the government’s reasons cannot correct a misunderstanding, rebut a mistaken inference, or decide intelligently how to respond.

191. The Fifth Amendment therefore protects Plaintiffs’ due process right to be informed of the government’s specific legal and factual reasons for seizing and trying to forfeit their property, and to be so informed at the critical time when they receive the Notice and must decide

how to respond.

192. That right is not satisfied by a notice that leaves the owner to guess. An opportunity to guess at the legal and factual bases for a government action is no substitute for being told what those bases are.

193. That is what happened here. The Notice invited Plaintiffs to be heard, by Petition or by Claim. But because it did not say what CBP believed GCL had done, Plaintiffs could not use that opportunity meaningfully. *See* ¶¶ 74–86, 123–34.

194. CBP’s Notice failed to “apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.” *Mullane*, 339 U.S. at 314. Applying that standard to closely analogous forfeiture notices, the Ninth Circuit concluded that due process “guarantees at least” notice of the factual bases for the seizure, “the specific statutory provision allegedly violated, rather than . . . the mere provision, without explanation, of copies of the entire statute and regulations,” and the evidence to be used against the owner. *Gete v. INS*, 121 F.3d 1285, 1297–98 (9th Cir. 1997). The Notice that CBP sent Plaintiffs suffers from the same defect.

195. To prevail on a procedural due process claim under the Fifth Amendment, a plaintiff must prove (1) the deprivation of a protected liberty or property interest; (2) by the government; and (3) without the process that is due under the Fifth Amendment.

196. Plaintiffs satisfy the first element. GCL owns the \$1,060,100 CBP seized, and Bailey owns and operates GCL. Plaintiffs have a protected property interest in that currency and a protected interest in not being subjected to forfeiture proceedings and their attendant burdens, costs, and risks.

197. Plaintiffs satisfy the second element. CBP is a federal agency. Federal agents seized Plaintiffs’ currency, CBP has held that currency for nearly a year, and it is attempting to forfeit it.

198. Plaintiffs satisfy the third element, which depends upon a balancing of three factors from the Supreme Court's decision in *Mathews*, 424 U.S. at 335: (1) the private interest affected; (2) the risk of an erroneous deprivation of that interest through the procedures used, and the probable value of additional or substitute procedural safeguards; and (3) the government's interest, including the fiscal and administrative burdens that additional or substitute procedures would entail.

199. The private interest at stake is substantial. CBP seized and is trying to forfeit \$1,060,100 of GCL's inventory—currency GCL had purchased for resale and was moving to its Philadelphia vault for consolidation and storage.

200. Plaintiffs also face the burdens, costs, and risks of the forfeiture proceedings the Notice initiated, and the continuing harm to GCL's business described above.

201. CBP's current Notice procedures create a substantial and unconstitutionally large risk of erroneous deprivation of Plaintiffs' protected interests.

202. The Notice CBP sent did not provide Plaintiffs with the specific legal or factual reasons CBP believes justify seizing or forfeiting their property. It cited a statute that reaches hundreds of offenses, and it stated no facts connecting Plaintiffs' property with any crime.

203. Without the specific legal and factual bases for CBP's seizing and trying to forfeit their property, Plaintiffs could not understand the nature of the government's proceedings against them and their property and could not even begin to prepare an effective and meaningful response to defend their rights. This creates a substantial and unconstitutional risk that Plaintiffs will be erroneously deprived of their protected interests.

204. With the specific legal and factual bases for CBP's seizing and trying to forfeit their property, Plaintiffs would have understood the nature of the government's proceedings against

them and their property and could have prepared an effective and meaningful response to defend their rights—by rebutting a mistaken factual premise, by showing that no offense of the kind CBP suspected occurred, or by making an informed election to put CBP to its proof before a federal judge. This would substantially reduce the risk that Plaintiffs are erroneously deprived of their protected interests.

205. Plaintiffs did not have any other means of learning CBP’s reasons for pursuing forfeiture. When Bailey and GCL’s counsel repeatedly tried to contact CBP to get more information, they were told only that the matter had been referred to Washington. Apart from an automated receipt acknowledging GCL’s Petition, this statement and the Notice were, and remain, the only communications Plaintiffs have received from CBP about the seizure and forfeiture.

206. The government’s interest in forfeiting property under CBP’s current Notice procedure is small, and requiring CBP to include in Plaintiffs’ Notice the specific legal and factual bases for seizing and trying to forfeit their property would impose little fiscal or administrative burden. If CBP has a legitimate basis for the forfeiture, that information should already be in its possession, custody, and control, and all CBP would need to do is include it in the Notice, which CBP is already required by law to send. Indeed, CBP’s own rules already require every Notice to include that information. 19 C.F.R. §§ 162.31(b), 162.92(a). Requiring CBP to do so would not undermine its ability to proceed with any meritorious forfeiture. The only forfeitures such a requirement would affect are those for which CBP cannot identify any specific law or fact.

207. Thus, CBP’s Notice failed to provide Plaintiffs with the process due under the Fifth Amendment—notice and a meaningful opportunity to respond to the government’s attempt to deprive them of their protected interests.

208. Independently of that balancing, CBP’s Notice violates due process for a second

reason: it disregards notice rules CBP adopted to protect the people it notifies. “Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures.” *Morton v. Ruiz*, 415 U.S. 199, 235 (1974); see *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267–68 (1954). The Due Process Clause is implicated when an individual “has reasonably relied on agency regulations promulgated for his guidance or benefit and has suffered substantially because of their violation by the agency.” *United States v. Caceres*, 440 U.S. 741, 752–53 (1979).

209. CBP’s notice rules were promulgated for the benefit of property owners like Plaintiffs. Customs adopted them because its notices “occasionally ha[d] been unclear because of a lack of specific information as to the alleged violations on which liability is based,” and it did so “to enable the notified parties to make an informed response to the notices.” 43 Fed. Reg. 4255 (Feb. 1, 1978); see ¶¶ 108–12.

210. Plaintiffs were entitled to rely on CBP to follow those rules. CBP issued its Notice under them, see 19 C.F.R. § 162.92(a), and Plaintiffs responded to that Notice—by filing a Petition—without the information the rules guarantee.

211. Plaintiffs have suffered substantially because of CBP’s violation. See ¶¶ 119–48. CBP’s failure to follow its own notice rules therefore deprived Plaintiffs of property without due process of law, independently of what *Mullane* and *Mathews* require.

212. Plaintiffs are therefore entitled to a declaration that the Notice CBP sent them violates their right to due process under the Fifth Amendment.

213. The constitutional violation by CBP’s Notice constitutes a past, present, and ongoing irreparable injury to Plaintiffs.

214. Plaintiffs are therefore also entitled, in addition or in the alternative to the relief sought in Counts I and II, to an injunction barring CBP from proceeding with the forfeiture of their

property unless and until CBP sends them a notice containing the specific legal and factual bases CBP believes justify seizing and forfeiting that property. In the alternative, if CBP does not provide Plaintiffs with such corrected notice, Plaintiffs respectfully request that the Court order CBP to return their property without condition or delay.

PRAYER FOR RELIEF

In light of the foregoing, Plaintiffs respectfully request the following relief:

A. An order holding unlawful, setting aside, vacating, and enjoining the Notice and the actions taken pursuant to it;

B. An order compelling CBP to return Plaintiffs' property, as 19 C.F.R. § 162.93 requires;

C. In addition or in the alternative, issue a declaratory judgment that the Notice CBP sent to Plaintiffs violates the Due Process Clause of the Fifth Amendment to the United States Constitution;

D. Issue an injunction prohibiting CBP from seeking to forfeit Plaintiffs' property in the future through any notice that does not state the specific legal and factual grounds CBP believes justify seizing and forfeiting that property;

E. Issue an injunction enjoining CBP from proceeding with the forfeiture of Plaintiffs' property unless and until CBP sends them a notice containing the specific legal and factual grounds CBP believes justify seizing and forfeiting that property;

F. In the alternative, if CBP does not provide Plaintiffs with such corrected notice, issue an injunction requiring CBP to return Plaintiffs' property without condition or delay;

G. Award Plaintiffs their costs pursuant to 28 U.S.C. § 2412(a); and

H. Award any further legal and equitable relief the Court may deem just and proper.

Dated: October 26, 2026

/s/ James A. Odell

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**Pro hac vice* motions to be filed

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