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24 *Applications for Admission *Pro Hac Vice* forthcoming.
25 *Attorneys for Movants*

26
27 **IN THE UNITED STATES DISTRICT COURT**
28 **FOR THE DISTRICT OF ARIZONA**

MARIO AYALA CRUZ and AYALA'S
MINI MARKET LLC,
Movants,

v.

U.S. DEPARTMENT OF HOMELAND
SECURITY; MARKWAYNE MULLIN in
his official capacity as Secretary of the De-
partment of Homeland Security; INTER-
NAL REVENUE SERVICE; FRANK
BISIGNANO in his official capacity as
Chief Executive Officer of the Internal
Revenue Service; SCOTT BESSENT in his
official capacity as Secretary of the Treas-
ury; and the UNITED STATES OF
AMERICA,

Respondents.

No. _____

**MOTION FOR RETURN OF
PROPERTY UNDER FEDERAL
RULE OF CRIMINAL
PROCEDURE 41(g)**

1 Pursuant to Federal Rule of Criminal Procedure 41(g), Movants Mario Ayala Cruz and
2 Ayala's Mini Market LLC hereby move this Court for the return of U.S. currency, five phones,
3 three computers, and business documents including checks, receipts, and other papers.

4 Movants' property was seized on February 25, 2025, when federal agents from Home-
5 land Security Investigations and the Internal Revenue Service carried out a coordinated raid
6 of 19 small businesses throughout the Phoenix area. Warrants¹ and supporting documents
7 from the raid show that the warrants were issued based on suspicion of a single offense:
8 "Structuring, in violation of Title 31 U.S.C. § 5324[.]" After the hours-long raid, the agents
9 informed the business that it could continue operations as normal, with no apparent concern
10 for possible illegality of the business's operations. The agents also said the business would
11 receive information within thirty days on how to get the seized property back. No information
12 ever came. Over a year and a half later, the Movants have received no information and their
13 property remains seized, even though neither has been charged with any crime.

14 As explained in the accompanying memorandum, return of the seized property is re-
15 quired because the government's continued retention of it violates the Fourth Amendment
16 and federal statutes. A seizure is reasonable only so long as the government's justification for
17 it "holds force," *Brewster v. Beck*, 859 F.3d 1194, 1197 (9th Cir. 2017), and no justification
18 remains here. The government cannot hold the property for forfeiture: it failed to meet the
19 Civil Asset Forfeiture Reform Act of 2000's mandatory notice deadlines, which—once
20 missed—require return of the property, 18 U.S.C. § 983(a)(1)(F), and the IRS is barred from
21 seizing property for forfeiture where structuring is the only suspected offense, 31 U.S.C.
22 § 5317. Nor can the government hold the property as evidence where, as here, there is no
23 evidentiary need to do so. For these reasons, the government's continued seizure evinces a
24 "callous disregard" for Movants' constitutional rights, making relief appropriate under Rule
25 41(g). *Ramsden v. United States*, 2 F.3d 322, 326 (9th Cir. 1993).

26
27 ¹ Movants received only the cover page of the warrant, which was filed under seal, and never
28 received the attachments that should have accompanied it. The case number listed on that
cover page was Case No. 25-5093MB.

For the above reasons, Movants request an order under Federal Rule of Criminal Procedure 41(g) directing Respondents U.S. Department of Homeland Security and Internal Revenue Service to (1) produce the complete warrant, including attachments, (2) produce the application for the warrant and affidavit in support thereof, and (3) return the U.S. currency, checks, phones, computers, and business documents that were seized from Ayala's Mini Market on February 25, 2025. In the alternative, Movants ask that the Court (1) order Respondents to produce the complete warrant, including attachments, and the application for the warrant, including the affidavit in support, and (2) schedule an evidentiary hearing on the motion.

Respectfully submitted this 20th day of October 2026.

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