

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

MALEK M. SAMADIAN

Plaintiff,

vs.

DANIEL P. MEADE

Defendant.

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CIVIL ACTION NO. 10-00851

AMENDED COMPLAINT

Malek M. Samadian for his amended complaint states:

1. This action arises from the unlawful detention of Mr. Samadian and search of his home by Defendant Meade and other agents the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives. No illegal weapons or contraband of any kind was found in Mr. Samadian's home. The actions of Defendant Meade violated Mr. Samadian's rights under the Fourth Amendment to the United States Constitution. Mr. Samadian seeks damages to compensate for injuries suffered as a consequence of this humiliating and devastating experience.

JURISDICTION AND VENUE

2. This action arises directly under the United States Constitution, as applied to federal employees under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

3. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331.

4. Venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred within this judicial district.

PARTIES

5. Malek M. Samadian (“Samadian”) is an adult individual and naturalized United States citizen residing at 17102 Club Hill Drive, Dallas, Texas 75287.

6. In the early 1980’s, Samadian, as did many of his fellow countrymen, sought to escape political persecution by fleeing his native country of Iran to seek asylum and freedom in the United States. Overcoming great dangers and possible imprisonment, torture and death, Samadian ultimately made it to the United States. Samadian subsequently became a naturalized United States citizen and has established himself as a successful Dallas businessman and real estate developer.

7. Daniel P. Meade (“Agent Meade”), at all times relevant to this action, was employed as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”) and assigned to the Dallas Field Division, Plano Satellite Field Office, 101 East Park Boulevard, Suite 500, Plano Texas 75074. Upon information and belief, Agent Meade resides at [REDACTED PER COURT’S 5/7/10 ORDER].

8. At all times relevant to this action, Agent Meade acted within the scope of his federal employment. He is sued in his individual capacity under *Bivens*.

FACTS

9. On April 29, 2008, Agent Meade applied for and obtained a search warrant from this Court to search Samadian's residence at 17102 Club Hill Drive, Dallas, Texas 75287 for:

1. Machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices that have previously traveled in interstate or foreign commerce.
2. Books, records, receipts, bills of lading, notes, ledgers, and other papers relating to the transportation, ordering, purchase, and acquisition of machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices.

See Exhibit A, Application and Affidavit for Search Warrant, at Exhibit B to Affidavit.

10. The facts supporting a finding of probable cause for the search warrant were set forth in an affidavit attached to the application sworn out by Agent Meade on April 29, 2008.

See Exhibit A, Affidavit.

11. According to Agent Meade's affidavit, on April 8, 2008 he was contacted by ATF, Dallas Division, regarding a call received by the ATF from a citizen informant, Lynda Bliss ("Bliss"). Bliss allegedly reported that while working in Samadian's residence between September 2007 and February 2008 she observed a very large collection of firearms, including machine guns, short-barreled shotguns, and hand grenades, a large portion of which was located in a game room on the second floor of the residence. *See Exhibit A, at Affidavit.*

12. Bliss is an individual residing in the State of Texas. Bliss previously worked for Samadian's home building business as a designer. However, in early 2008, Samadian ceased doing business with Bliss, due to Bliss' failure to perform and theft and conversion of money. Samadian told Bliss that he expected her to repay the money she stole.

13. Agent Meade's affidavit states that, on April 9, 2008, he met with Bliss and that Bliss allegedly told Agent Meade during the meeting that:

(a) "she observed numerous rounds of ammunition, hand grenades, short barreled shotguns, suspected machine guns, and numerous Russian pistols throughout" Samadian's residence. *See* Exhibit A, Affidavit at ¶6.

(b) "a portion of the ammunition was linked together, which possible would be belts of ammunition commonly used with machine guns" and, further that "she observed several thousand rounds of ammunition and at least 150 firearms in the residence." *Id.* at ¶6.

(c) "that some of the firearms were called AR-15, SKS, and AK-47." *Id.* at ¶7.

(d) "[Samadian] told her that many of the firearms were brought into the United States from overseas during [Samadian's] time as a soldier in 'the war.'" *Id.* at ¶7.

(e) "the hand grenades had jagged edges and were not smooth," and further "that the pins were still intact on the hand grenades." *Id.* at ¶8.

14. According to the affidavit, Bliss provided Agent Meade with certain, unidentified photographs of the interior of Samadian's residence decorated for Christmas, none of which are attached to Agent Meade's affidavit. *See* Exhibit A, Affidavit at ¶12.

15. According to the affidavit, Agent Meade, from the unidentified photographs supplied by Bliss, was purportedly able to discern the presence of firearms in a glass case or glass shelving on a wall, which "appear[ed] to be shotguns and rifles, with a few pistols also visible." Agent Meade, however, could not determine if any of the firearms would be considered "short barreled shotguns or rifles." *See* Exhibit A, Affidavit at ¶12.

16. According to the affidavit, Ms. Bliss attempted to point out the location of the hand grenades in the photographs to Agent Meade, which she stated “were not visible in the photographs because, as [Samadian’s] interior decorator, she had placed Christmas decorations or stuffed animals in front of the hand grenades in an attempt to disguise and/or conceal them.” *See Exhibit A, Affidavit at ¶12.*

17. According to the affidavit, on April 9, 2008, Agent Meade was contacted via telephone by “Allissa Pombay,” who had been present in the residence during the period in question. *See Exhibit A, Affidavit at ¶11.* The individual who contacted Agent Meade was not “Allissa Pombay,” as stated in his affidavit, but Alisa May Pombo.

18. The affidavit states that Pombay advised Agent Meade that during November 2007 “she saw at least two dozen firearms in [Samadian’s] residence” in glass shelving in a game room on the second floor and that an unnamed, unidentified contract worker “told her that one of the firearms in [Samadian’s] residence was a machine gun.” *See Exhibit A, Affidavit at ¶11.*

19. According to the affidavit, on April 15, 2008, Agent Meade met with James Gentry, who claimed to have performed electrical work on Samadian’s residence during 2005-2007. The affidavit states that Gentry told Agent Meade that “he never observed any firearms” in the residence, which was still under construction, but that he recalled a cabinet in the upstairs game room containing slots for “long guns” and what appeared to be “an oversized gun safe or bank safe” in the master bedroom. *See Exhibit A, Affidavit at ¶ 13.*

20. Agent Meade’s affidavit states that he along with other ATF Special Agents conducted surveillance of Samadian and his residence on multiple occasions. *See Exhibit A, Affidavit at ¶¶ 10, 16.* The affidavit neither states, nor implies, that Agent Meade or the other

ATF Special Agents observed Samadian engaged in any unlawful or potentially unlawful activity during those surveillance activities.

21. In the early morning on April 30, 2008, Agent Meade and dozens of law enforcement officers, in tactical gear, stopped Samadian's vehicle as he was leaving his home and forcibly detained Samadian at gunpoint outside his home, in front of Samadian's three young children (who were in the vehicle) and neighbors.

22. Agent Meade, without telling Samadian that he had already obtained a search warrant from this Court, asked Samadian if he would grant law enforcement consent to search his residence. Samadian was permitted to consult his attorney by telephone and Samadian's attorney advised Agent Meade that Samadian would not be granting law enforcement consent to search his residence. Agent Meade then advised Samadian and his attorney that he had already obtained a search warrant, which would be executed notwithstanding Samadian's withholding of consent.

23. Samadian's girlfriend (now fiancée) was called to take custody of Samadian's three young children, who remained in the vehicle during Samadian's detention by Agent Meade and other fully-armed law enforcement officers. Samadian's girlfriend (now fiancée) arrived and took custody of the children, after which time Samadian was transported back to his residence by Agent Meade for execution of the search warrant.

24. Without Samadian's consent, Agent Meade and other law enforcement officers proceeded to execute the search warrant and thoroughly searched Samadian's home. No illegal firearms or explosives were found.

25. Samadian was detained by, and in the custody and control of, Agent Meade and other fully-armed law enforcement officers from the point of the initial stop through the end of

their execution of the search warrant. At no time during the detention was Samadian advised of his rights or that he was free to leave the scene, and at no time did Samadian believe that he was free to leave the scene.

26. The warrant was returned by Agent Meade on April 30, 2008, with the sworn notation: "No property taken into custody." *See* Exhibit B, Search Warrant Return. The ATF has closed its case and Samadian will not be charged.

27. Upon information and belief, Agent Meade did not take or obtain any sworn statements from Bliss, "Pombay," Gentry or any other person in support of his affidavit for the search warrant for Samadian's home.

28. Bliss has testified under oath that when Agent Meade first met with Bliss on April 9, 2008 and asked her to identify Samadian's Texas Driver's License Image, Number 13477070, he told Bliss that the image was Samadian's "mug shot," indicating that Samadian had been arrested for allegedly committing a crime.

29. Bliss has testified under oath that she never told Agent Meade that she observed "Russian" guns in Samadian's residence.

30. Bliss has testified under oath she never told Agent Meade that she observed hand grenades with "pins still intact," and, at the time she was interviewed by Agent Meade, did not know what a "pin" was.

31. Bliss has testified under oath that at no time did Agent Meade show Bliss any models or pictures of hand grenades for identification.

32. Bliss has testified under oath that she informed Agent Meade that she had no expertise whatsoever with respect to guns or weapons of any kind.

33. Bliss has testified under oath she did not, at the time she was interviewed by Agent Meade, know what a “short-barreled shotgun” was or even what part of a gun was the barrel.

34. Bliss has testified under oath that she never told Agent Meade that she observed “rounds of ammunition” in Samadian’s residence and, at the time she was interviewed by Agent Meade, did not know what rounds of ammunition even looked like.

35. Bliss has testified under oath that she never told Agent Meade that “a portion of the ammunition was linked together, which possibly would be belts of ammunition commonly used with machine guns.”

36. Bliss has testified under oath that she never told Agent Meade that she observed “several thousand rounds of ammunition” in the residence.

37. Bliss has testified under oath that she never told Agent Meade that she observed “at least 150 firearms” in the residence, but instead estimated that she had seen approximately 150 “items,” including ammunition and knives, in the residence.

38. Bliss has testified under oath that she never told Agent Meade that she observed “suspected machine guns” in the residence, but instead informed Agent Meade that she was relying upon the observations of third parties that had been relayed to her.

39. Bliss has testified under oath that she never told Agent Meade that there was a firearm called an “AR-15” or “SKS” in Samadian’s residence and, if anything, might have told Agent Meade that she had heard one of the firearms described as an “AK-47” by a Dallas Police officer who had previously visited Samadian’s residence during a social event and viewed his firearm collection.

40. Bliss has testified under oath that she never told Agent Meade that Samadian brought firearms with him into the United States from overseas.

41. Bliss has testified under oath that Agent Meade's affidavit misrepresents what she told him during his interview of her and, further, omits certain information, which Bliss characterized as blatant withholding of information by Agent Meade.

42. Bliss has testified under oath that Agent Meade never showed her a draft of his affidavit and never asked her to sign anything in connection with his investigation.

43. Bliss has testified under oath that she never told Agent Meade that she might have learned the names of the firearms from observing writings on the firearms themselves because she would not even know where to look for such information on the firearm.

44. Bliss has testified under oath that Agent Meade told Bliss that, based on Bliss's statements, he did not have enough evidence to obtain a search warrant for Samadian's home.

45. Bliss has testified under oath that Agent Meade told Bliss that the search warrant for Samadian's home was issued based upon a statement from Pete Blizzard, which Agent Meade told Bliss he could not include in his report for security reasons.

46. Bliss has testified under oath that she provided Agent Meade with the names of several other individuals who might have had information pertinent to his investigation of Samadian.

47. Records publicly available at the time of Agent Meade's investigation indicate that Bliss had a history of insolvency and conduct involving moral turpitude. *See, e.g., In re Lynda H. Bliss*, Case No. 03-43197 (Bankr. E.D. Tex. Nov. 13, 2006); I.R.S. Federal Tax Lien (serial no. 388088407) (Sept. 18, 2007); *Profanchick v. Bliss*, Adversary Case No. 06-04244

(Bankr. E.D. Tex. Jan. 30, 2008) (adjudging Bliss violated 11 U.S.C. § 523(a)(2)(A) – false pretenses, a false representation, or actual fraud).

48. According to sworn testimony of Alisa May Pombo, she told Agent Meade that there was a “dozen or so” firearms in the residence, but that she did not know for sure because she really did not pay attention to the firearms. Pombo further told Agent Meade that she had never seen any hand grenades, and that one of her contract workers told her that he thought one of the firearms in the residence was an AK-46.

49. Pombo has testified under oath that she had only one conversation with Agent Meade, which was by telephone, that Agent Meade never asked her to sign any statements in connection with his investigation, and that Agent Meade never asked her for the name and telephone number of the coworker who believed he had observed an AK-46 among the firearms at Samadian’s residence.

50. In the November 2007, Samadian’s home was profiled in local news publications for the 30th Annual Holiday Tour of Homes. Tickets for this event were sold publicly and several hundred persons toured Samadian’s residence during a two day period in November 2007. The Plano Retired Teachers Association provided volunteers for the tours and proceeds were donated for scholarships.

51. Samadian hosted a Christmas party in December 2007, inviting over fifty persons into his home, including Bliss.

52. Agent Meade knew or should have known that it defies logic for Samadian to possess dozens of illegal firearms and destructive devices, yet open his home to hundreds of strangers, dozens of volunteers, and any number of social contacts during the relevant time period.

53. Other than Bliss, Gentry and Pombo (referred to as Pombay in Agent Meade's affidavit), Agent Meade's affidavit does not indicate that he contacted or interviewed any other persons in connection with his affidavit for the search warrant.

54. Alpheus Wesley ("Pete") Blizzard has testified under oath that he visited Samadian's home in November 2007 during the Holiday Tour of Homes and took over 200 photographs of the interior of the residence, which he subsequently provided to Bliss. Blizzard again visited Samadian's residence for a Christmas party in early to mid December 2007.

55. Blizzard has testified under oath that at the times he visited Samadian's residence in 2007, he was employed by Raytheon in a business unit that supports the intelligence community.

56. Blizzard has testified under oath that based on his prior employment experience with Texas Instruments' advanced weapons program, he has familiarity with different types of firearms, including military-grade firearms, hand-held explosive devices and ammunition.

57. Blizzard has testified under oath that during his visits to Samadian's residence in 2007, he observed the firearms located in the cabinets in the game room on the second floor of the residence. According to Blizzard, none of the firearms he observed appeared to be illegal or out of the ordinary and he did not observe any hand grenades or other types of explosive devices, short-barreled shotguns, machine guns, or linked or belted ammunition.

58. Blizzard, under oath, refused to testify regarding whether he had ever spoken with Agent Meade, invoking a nondisclosure agreement he has with his employer Raytheon.

COUNT I
Unlawful Search and/or Seizure (Fourth Amendment)

59. The averments of Paragraphs 1 through 58 are incorporated herein as though fully restated.

60. This is a claim for violation of the Fourth Amendment to the United States Constitution.

61. Before a search warrant is issued, the Fourth Amendment to the United States Constitution requires a truthful factual showing in the affidavit used to establish probable cause.

62. Agent Meade knowingly and deliberately, or with reckless disregard for the truth, made false statements or omissions that create a falsehood in applying for the warrant.

63. The false statements or omissions were material, or necessary, to the finding of probable cause.

64. Agent Meade violated the Fourth Amendment to the United States Constitution individually by illegally detaining Samadian and searching his residence without consent, probable cause, reasonable or individualized suspicion, and to an extent more invasive than justified.

65. As a result of the extremely outrageous wrongful acts alleged herein, Samadian has suffered, and continues to suffer, extreme mental and physical pain, suffering, injury, fear, humiliation, emotional trauma, anguish, grief, severe disappointment, wounded pride, shame, despair, indignation, victimization, loss of earning capacity and loss of enjoyment of life.

66. Agent Meade's conduct, in violation of the United States Constitution, is the direct and proximate cause of Samadian's extreme mental and physical pain, suffering, injury, fear, humiliation, emotional trauma, anguish, grief, severe disappointment, wounded pride, shame, despair, indignation, victimization, loss of earning capacity and loss of enjoyment of life.

WHEREFORE, Samadian respectfully requests that this Court:

- (a) declare that Agent Meade has violated the Constitutional protections guaranteed by the Fourth Amendment to the United States Constitution;
- (b) enter judgment in favor of Samadian and against Agent Meade;
- (c) award damages to compensate Samadian for his injuries;
- (d) award punitive damages against Agent Meade to punish and deter him, and others, from engaging in similar conduct in the future;
- (e) award Samadian pre-judgment interest;
- (f) award costs and attorneys' fees; and
- (g) award Samadian any other relief deemed necessary and proper.

JURY DEMAND

Plaintiff hereby demands a trial by jury.

Respectfully submitted,

August 13, 2010

s/Andrew R. Korn
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Counsel for Plaintiff Malek M. Samadian

CERTIFICATE OF SERVICE

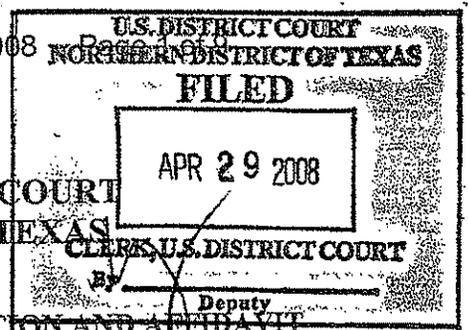
I hereby certify that on August 13, 2010, I electronically filed the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means:

Dara B. Less
Assistant United States Attorney
919 Milam St., Suite 1500
P.O. Box 61129
Houston, Texas 77208

s/Christopher R. Nestor
Christopher R. Nestor

EXHIBIT A

Case 3:08-mj-00141 Document 1 Filed 04/29/2008 Page 2 of 8



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

In the Matter of the Search of

17102 Club Hill Drive
Dallas, Dallas County, Texas

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APPLICATION AND AFFIDAVIT
FOR SEARCH WARRANT

CASE NUMBER: 3:08-MJ-141

I Special Agent Daniel P. Meade being duly sworn depose and say:

I am a Special Agent for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have reason to believe that on the property or premises known as

17102 Club Hill Drive, Dallas, Dallas County, Texas, a two-story, Mediterranean-style single family dwelling with a pink or coral colored exterior and the number "17102" listed on a mailbox in front of the residence on the street. This property is depicted in the photographs included in Attachment A;

in the Northern District of Texas there is now concealed certain property, namely

See Attachment B.

Which is property that constitutes evidence of the commission of a criminal offense; or contraband, the fruits of crime, or things otherwise criminally possessed; or property designed or intended for use or which is or has been used as the means of committing a criminal offense

concerning a violation of Title 18, United States Code, Section 922(o) and Title 26, United States Code 5861. The facts to support a finding of Probable Cause are as follows:

See attached Affidavit

Continued on the attached sheet and made a part hereof. Yes No

Signature of Affiant

Sworn to before me, and subscribed in my presence

April 29, 2008 at 12:01pm at
Date and Time Issued

Dallas, Texas
City and State

HONORABLE IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer

Signature of Judicial Officer

AFFIDAVIT OF

Special Agent Daniel P. Meade,
Bureau of Alcohol, Tobacco Firearms and Explosives
101 East Park Blvd, Suite 500,
Plano, Texas 75074

DANIEL P. MEADE, after being duly sworn, deposes and says as follows:

1. I am employed as a Special Agent with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since June 18, 2001. I am currently assigned to the Dallas Field Division, Plano Satellite Field Office. As a Special Agent with ATF, I am familiar with the Federal laws pertaining to individuals who unlawfully possess and manufacture machine guns, short barreled shotguns/rifles, weapons made from shotguns/rifles, and destructive devices, such as hand grenades.
2. This Affidavit is made in support of the issuance of a search warrant for the residence of Malek Mofrad SAMADIAN located at 17102 Club Hill Drive, Dallas, Dallas County, Texas.
3. This application requests authority to search for evidence relevant to possible violations of 18 U.S.C. § 922(o) – Unlawful Possession of a Machine Gun, and 26 U.S.C. § 5861(d) – Possession of a firearm and/or destructive device not registered in the National Firearms Registration and Transfer Record (NFRTR).
4. On April 8, 2008, I was contacted by ATF, Dallas Division, concerning a Referral of Information received on April 7, 2008. The caller, identified as Lynda Bliss, advised that while doing work for Malek Mofrad SAMADIAN at his residence, located at 17102 Club Hill Drive, Dallas, Dallas County, Texas, she observed a very large firearms collection within the residence, including suspected machine guns, sawed-off and/or short barreled shotguns, and hand grenades with the pins still intact. Bliss advised that a large part of SAMADIAN'S collection of firearms is located in a game room located on the second floor of the residence. Bliss asked that she be contacted by a Special Agent in regards to the above information.
5. On April 9, 2008, I met with Lynda Bliss at a business in Plano, Texas, to discuss in more detail information pertaining to Malek Mofrad SAMADIAN. Bliss advised that she is self-employed as an interior decorator with her own business, Lynda Bliss Designs, Inc. Bliss positively

identified SAMADIAN by his Texas Driver's License Image, Number 13477070. Bliss stated that she met SAMADIAN in September 2007 as a business arrangement and did work at SAMADIAN'S residence from September 2007 until approximately February 2008. Bliss stated that she has been paid in full for her work for SAMADIAN.

6. Bliss stated that between September 2007 and February 2008, she observed numerous rounds of ammunition, hand grenades, short barreled shotguns, suspected machine guns, and numerous Russian pistols throughout SAMADIAN'S residence at 17102 Club Hill Drive, Dallas, Dallas County, Texas. Bliss further advised that a portion of the ammunition was linked together, which possibly would be belts of ammunition commonly used with machine guns. Bliss advised that she observed several thousand rounds of ammunition and at least 150 firearms in the residence. According to Bliss, most of the firearms are stored in open glass cabinets in the second floor game room in SAMADIAN'S residence. Bliss stated that she had been concerned about the firearms and hand grenades since completing her work in SAMADIAN'S residence, and had decided that she needed to take this information to law enforcement.
7. Bliss advised that she recalls that some of the firearms were called AR-15, SKS, and AK-47. Bliss could not recall if she learned those numbers from talking with SAMADIAN, another contractor present in the residence, or from observing writings on the firearms themselves. From my experience and training, I know that these style firearms are rifles that can be converted to function as machine guns. Bliss advised that SAMADIAN told her that many of the firearms were brought into the United States from overseas during SAMADIAN'S time as a soldier in "the war." Bliss inquired as to what war SAMADIAN fought in and SAMADIAN, according to Bliss, became very evasive and would not discuss the subject further. I requested that the ATF, Imports Branch query SAMADIAN to determine if any firearms were legally imported into the United States by SAMADIAN. On April 9, 2008, I was notified by the ATF, Imports Branch, that there was no record of SAMADIAN legally importing any firearms into the United States.
8. When asked to describe the hand grenades she observed in SAMADIAN'S residence, Bliss advised that the hand grenades had jagged edges and were not smooth. She further stated that the pins were still intact on the hand grenades. I know from my training and experience that Bliss seems to be describing a "pineapple" style hand grenade.

9. Bliss advised that SAMADIAN runs a lube and oil change business at 4020 Main Street, Dallas, Texas, as well as Malek Custom Homes (MCH), a home construction business. A check of the MCH website shows a photograph of SAMADIAN and identifies him as the business's owner. Bliss further advised that SAMADIAN maintains a storage facility at an unknown address on Main Street in Dallas, Texas. On April 10, 2008, I conducted a search of the Dallas County Central Appraisal District and was able to determine that SAMADIAN is the listed owner of 17102 Club Hill Drive, 4020 Main Street, and numerous other properties in Dallas County.
10. Bliss advised that SAMADIAN had several surveillance cameras on the interior and exterior of his residence. While driving by the residence, I observed exterior surveillance cameras on the residence. Bliss advised that SAMADIAN further stated to her that he came to the United States illegally, but has since been naturalized as a United States citizen. This information has been corroborated by contacting Department of Homeland Security, Immigration and Customs Enforcement, which advised that SAMADIAN is a naturalized United States citizen. Bliss further advised that SAMADIAN has an ex-wife who resides in Frisco, Texas with their two children. On April 14, 2007, I caused a search to be conducted with the Denton County Central Appraisal District, which resulted in a property owned by SAMADAIN, located at 9303 Santa Fe Trail, Frisco, Denton County, Texas. Bliss further advised that SAMADIAN is a martial arts instructor somewhere in the Frisco, Texas area. On Monday, April 14, 2008, I conducted surveillance on SAMADIAN and observed SAMADAIN leave his residence at 17102 Club Hill Drive and travel to Rick's Kick's, a martial arts instruction studio located in Frisco, Texas.
11. On April 9, 2008, I was contacted by Allissa Pombay via telephone. Pombay stated that she did contract painting work in Malek Mofrad SAMADIAN'S residence, located at 17102 Club Hill Drive, Dallas, Dallas County, Texas. According to Pombay, she was paid in full for her work for SAMADIAN. Pombay advised that she was in SAMADIAN'S residence during the month of November 2007 for approximately three weeks, painting the interior. Pombay advised that she saw at least two dozen firearms in SAMADIAN'S residence. Pombay advised that another contract worker told her that one of the firearms in SAMADIAN'S residence was a machine gun. Pombay further advised that all the firearms that she observed in the residence were kept in glass shelving in a game room on the second floor.
12. On April 11, 2008, Lynda Bliss contacted the ATF, Plano Satellite Office, and advised that she was able to locate several photographs that were taken

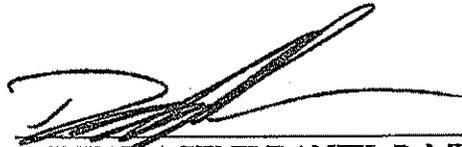
on November 16, 2007, of the interior of Malek Mofrad SAMADIAN'S residence. I have viewed the photographs, several of which show firearms present in SAMADIAN'S residence. From the photographs, the firearms appear to be in a glass case or glass shelving on a wall. The room in which the photographs were taken appears to be a game room with a bar. Many of the firearms visible in the photographs appear to be shotguns and rifles, with a few pistols also visible. However, due to the quality of the photographs, I cannot determine if any of the firearms would be considered short barreled shotguns or rifles. The photographs depict SAMADIAN'S residence decorated for Christmas. Additionally, I observed a photograph of SAMADIAN that matched SAMADIAN'S Texas Driver's License Image. Bliss, from the best of her memory, pointed out the locations of the hand grenades in the photographs. Bliss stated that the hand grenades were not visible in the photographs because, as SAMADIAN'S interior decorator, she had placed Christmas decorations or stuffed animals in front of the hand grenades in an attempt to disguise and/or conceal them.

13. On April 15, 2008, I met James Gentry at a business in Plano, Texas to discuss information pertaining to Malek Mofrad SAMADIAN. Gentry positively identified SAMADIAN by SAMADIAN'S Texas Drivers License photograph. Gentry stated that he began doing work for SAMADIAN in 2005 that lasted until sometime in 2007. Gentry advised that he is a Certified Electrician and did work on SAMADIAN'S residence, located at 17102 Club Hill Drive, Dallas, Dallas County, Texas. As evidence of his work for SAMADIAN, Gentry provided me with a letter, dated April 2, 2005, and mailed to SAMADIAN'S business address of 4020 Main Street, Dallas, Texas, in which Gentry advised SAMADIAN of some issues with the remodel of SAMADIAN'S residence. Gentry advised that he never observed any firearms at SAMADIAN'S residence, but the home was still in the construction stages when he was present at the residence. Corroborating information provided by Bliss and Pombay, Gentry stated that in an upstairs game room, SAMADIAN had a cabinet on one wall that contained slots or holders for long guns (rifles and/or shotguns). Gentry advised that SAMADIAN also had a large safe in the residence, which was located in the master bedroom closet and appeared to be an oversized gun safe or bank safe. One of the pictures provided by Bliss depicts this large gun safe.
14. I believe the above-referenced individuals to be credible and reliable due to the fact that I have been able to confirm and corroborate the majority of their information. Additionally, some of the above-referenced individuals have been able to provide me with documentation and photographs that confirm some of the information provided.

15. I have determined that Malek Mofrad SAMADIAN is identified as a white male, date of birth March 29, 1964, height 5'11", weight 200, brown hair and brown eyes. SAMADIAN is issued Texas Drivers License Number 13477070, which list the address of 4020 Main Street, Dallas, Texas 75226. Investigation has revealed that SAMADIAN resides at his home residence of 17102 Club Hill, Dallas, Dallas County, with a girlfriend, Brenda Louise Mancil.
16. On April 22, 2008, I, along with other ATF Special Agents, conducted surveillance on Malek Mofrad SAMADIAN'S residence, located at 17102 Club Hill, Dallas, Dallas County, Northern District of Texas. SAMADIAN was observed leaving the residence at approximately 6:10 a.m. Ultimately, SAMADIAN traveled to his business, located at 4020 Main Street, Dallas, Dallas County, Texas. I observed the business to be an oil change or mechanic's shop. Additionally, I observed several ambulances parked at the business. SAMADIAN parked his vehicle and entered the business.
17. On April 8, 2008, I caused a search to be made of the ATF National Firearms Registration and Transfer Record (NFRTR) concerning any firearms (machine guns, destructive devices, short barreled rifles and/or shotguns) registered to Malek Mofrad SAMADIAN (W/M, 03/29/1964), as required by Federal Law. On April 9, 2008, I learned that Malek Mofrad SAMADIAN did not have any firearms registered to him in the ATF NFRTR.
18. From prior experience, I know that individuals who unlawfully possess machine guns, short barreled shotguns/rifles, and destructive devices will store them in secure locations for long periods of time, such as their residence and/or place of business. Additionally, individuals who purchase, receive or possess firearms tend to maintain receipts or other documentation concerning the acquisition of firearms and ammunition.
19. As a firearms interstate nexus expert, I know, based upon my training and experience, that the majority of firearms and commercial ammunition have not been manufactured in the State of Texas. Additionally, I know, based upon my training and experience, that the majority of firearms and commercial ammunition have affected interstate or foreign commerce to be possessed by an individual in the State of Texas.
20. Based upon the information contained in this affidavit, I have probable cause to believe that evidence of the crimes of Unlawful Possession of a Machine Gun and Possession of a Firearm and/or Destructive Device Not

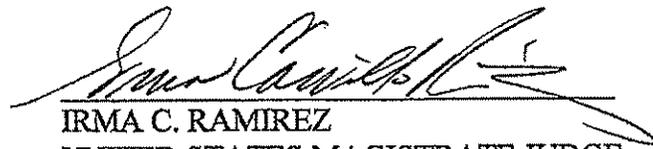
Registered in the NFRTR, to wit: Machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices that have previously traveled in interstate or foreign commerce, and books, records, receipts, bills of lading, notes, ledgers, and other papers relating to the transportation, ordering, purchase, and acquisition of machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices, is located in the residence of Malek Mofrad SAMADIAN located at 17102 Club Hill Drive, Dallas, Dallas County, Texas.

21. Based upon the information contained in this affidavit, I therefore make application that the Court issue its search warrant for the above described premises located at 17102 Club Hill Drive, Dallas, Dallas County, Texas, and authorize the seizure of the items set forth in paragraph 19 above (which are also described in Attachment B to this Affidavit, which is incorporated herein) if found.



SPECIAL AGENT DANIEL P. MEADE
Bureau of Alcohol, Tobacco and Firearms

Subscribed and sworn to before me on this 29th day of April, 2008.



IRMA C. RAMIREZ
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS

ATTACHMENT A

17102 Club Hill Drive,
Dallas, Dallas County, Texas



ATTACHMENT B

LIST OF ITEMS AUTHORIZED TO BE SEARCHED FOR AND SEIZED PURSUANT TO FEDERAL SEARCH WARRANT

1. Machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices that have previously traveled in interstate or foreign commerce.
2. Books, records, receipts, bills of lading, notes, ledgers, and other papers relating to the transportation, ordering, purchase, and acquisition of machine guns, short barreled rifles and/or shotguns, ammunition, and destructive devices.

EXHIBIT B

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RETURN

3:08-MJ-141

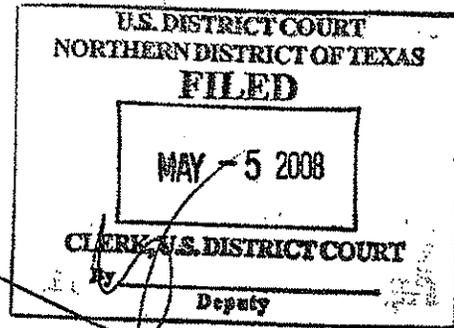
DATE WARRANT RECEIVED <i>Tuesday, April 29, 2008</i>	DATE AND TIME WARRANT EXECUTED <i>Wednesday, April 30, 2008 2:45 A.M.</i>	COPY OF WARRANT AND RECEIPT FOR ITEMS LEFT WITH <i>Malek SAMADIAN</i>
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INVENTORY MADE IN THE PRESENCE OF

S/A Joseph A. Patterson

INVENTORY OF PROPERTY SEIZED PURSUANT TO THE WARRANT

No property taken into custody.



CERTIFICATION

I Swear that this inventory is a true and detailed account of the property seized by me on the warrant.

[Signature]

Subscribed, sworn to, and returned before me this date.

[Signature]

U.S. Judge or Magistrate

5/5/08

Date