

AO 93 (Rev. 12/09) Search and Seizure Warrant

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

UNITED STATES DISTRICT COURT

JUL 13 2011

MATTHEW J. DYKMAN
CLERK

for the
District of New Mexico

In the Matter of the Search of)
(Briefly describe the property to be searched)
or identify the person by name and address))

Case No.

11-MR-117

Medicineman, Inc, 601 Julie Drive, Gallup, NM, as
further described in Attachment A, incorporated herein
by reference and physically attached.)

SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the Gallup, New Mexico District of New Mexico
(identify the person or describe the property to be searched and give its location):
Medicineman, Inc., 601 Julie Drive, Gallup, NM, as further described in Attachment A, incorporated herein by reference and physically attached.

The person or property to be searched, described above, is believed to conceal (identify the person or describe the property to be seized):
AS SHOWN ON ATTACHMENT B, INCORPORATED HEREIN BY REFERENCE AND PHYSICALLY ATTACHED, which contains evidence of the commission of a criminal offense and/or is contraband or fruits of a crime, concerning a violation of 21 U.S.C. § 352(f)(1); 21 U.S.C. § 331(a); and (2); 21 U.S.C. §§ 331(d) and 355.

I find that the affidavit(s), or any recorded testimony, establish probable cause to search and seize the person or property.

YOU ARE COMMANDED to execute this warrant on or before 21 MAR 11
(not to exceed 14 days)

in the daytime 6:00 a.m. to 10 p.m. at any time in the day or night as I find reasonable cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to United States Magistrate Judge

(name)

I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box) for _____ days (not to exceed 30).
 until, the facts justifying, the later specific date of _____

Date and time issued: 7 MAR 11 1435 HRS

W. DANIEL SCHNEIDER

City and state: ALBUQUERQUE, NEW MEXICO

UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A - LOCATIONS TO BE SEARCHED

The SUBJECT PREMISES is located at 601 Julie Drive, Gallup, New Mexico. The building is a one-story structure that is located on the east side of Julie Drive. The structure is made of wood and brick. The exterior of the residence is painted white with tan bricks.

On February 24, 2011, FDA-OCI Special Agent (SA) Charles Grinstead approached the residence – 601 Julie Drive, Gallup, New Mexico. SA Grinstead didn't observe any street numbers identifying this address as 601. At this address, SA Grinstead made contact with an individual that he later identified, via a driver's license photo provided by me, as John Overheim, the suspect in this investigation. During this contact, Overheim confirmed this address was 601 Julie Drive, Gallup, New Mexico




ATTACHMENT B

THE RECORDS AND ARTICLES TO BE SEARCHED FOR AND SEIZED AS EVIDENCE ARE DESCRIBED AS FOLLOWS:

1. All dietary supplement herbal formulas, relating to:
 - Immune Booster MB33 (Magic Bullets MB33)
 - AIDS-HIV-FREE herbal formula
 - Magic Bullets MB22
 - V- RAD herbal supplement
2. All containers of drugs and paraphernalia equipment and materials related to the manufacture, relabeling, or repackaging of such drugs, including vials, bottles, devices for the filling, weighing, and labeling related to the treatment of HIV, AIDS, Hepatitis B and C, and H1N1 virus.
3. All documents that relate to or show the purchase, receipt, or other acquisition, holding, shipping, as well as documentation authorizing their receipt or distribution, including labeling, order forms, invoices, shipping records, sales slips, bills of lading, and receipts for products related to the treatment of HIV, AIDS, Hepatitis B and C, and H1N1 virus
4. All literature, advertising, labeling, and other documents and material mentioning the above-listed drugs, or describing the use or purpose of any such drugs, and the obtaining or creating of such drug literature, advertising, labeling material, and any printing requests and costs related thereto the treatment of HIV, AIDS, Hepatitis B and C, and H1N1 virus.

5. All telephone records, address books, telephone messages, telephone recording, financial records, storage lease agreements, or other records showing ownership and interest in Medicineman, Inc and or **D/B/A Magic Bullets Biotech LLC**
6. All records of communication with others concerning the acquisition, retention, or distribution the above-listed drugs that are used in the treatment or prevention of HIV, AIDS, Hepatitis B and C, and H1N1 virus.
7. Such other property, including checks, money orders, financial records, tax returns, bank statements, and other financial documents that relate to the acquisition, retention, or distribution of the above-listed drugs used in the treatment or prevention of HIV, AIDS, Hepatitis B and C, and H1N1 virus
8. All records reflecting payment or other transfer of funds in connection with the acquisition, purchase or procurement of the above-listed drugs used in the treatment or prevention of HIV, AIDS, Hepatitis B and C, and H1N1 virus.
9. Retrievable information such as cassette tapes or other recorded telephone messages pertaining to the acquisition, retention, or distribution of the above-listed drugs used in the treatment or prevention of HIV, AIDS, Hepatitis B and C, and H1N1 virus .

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<i>Return</i>		
<i>Case No.:</i> 11-MR-117	<i>Date and time warrant executed:</i> March 8, 2011 10:30 A.M	<i>Copy of warrant and inventory left with:</i> John Overheim
<i>Inventory made in the presence of:</i> John Overheim		
<i>Inventory of the property taken and name of any person(s) seized:</i> See Attached Inventory of Items		
<i>Certification</i>		
<p><i>I declare under penalty of perjury that this inventory is correct and was returned along with the original warrant to the designated judge.</i></p>		
<i>Date:</i> 7/13/11	 <i>Executing officer's signature</i>	
	Charles Gungstead - Special Agent <i>Printed name and title</i>	

