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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

AHMED HOSSAM ELDIN ELBADAWY, et
al.,

Defendants.

Case No. 2:24-CR-00595-JWH-1

**GOVERNMENT'S APPLICATION PURSUANT
TO FED. R. CRIM. P. 32.2 FOR ENTRY
OF PRELIMINARY ORDER OF FORFEITURE
AS TO DEFENDANT AHMED HOSSAM ELDIN
ELBADAWY**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Plaintiff United States of America hereby applies for issuance
of a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P.
32.2(b) as to the following property:

- a. 174.93507503 Bitcoin, or the net proceeds of the sale
thereof;
- b. 1,306.745425583278022653 Ethereum, or the net proceeds
of the sale thereof;

- c. \$62,720.00 in U.S. Currency;
- d. One 2023 Evolution Lifted D3 Golf Cart, Serial Number 202303022;
- e. One 2023 Can-Am Outlander x MR 1000R, VIN 3JBLWAX43PJ001634;
- f. One 2017 BMW i8, VIN WBY2Z2C30HV676445;
- g. One 2021 Chevrolet Corvette, VIN 1G1YB3D46M5122472;
- h. One 2022 Mercedes Benz G63 AMG, VIN W1NYC7HJ0NX443319;
- i. One painting of Muhammad Ali;
- j. One Audemars Piguet watch;
- k. One gold ring;
- l. One rose gold watch face;
- m. One rose gold ring;
- n. One Patek Philippe watch;
- o. One Patek Philippe watch face;
- p. One Rolex watch;
- q. Three rose gold-colored grills;
- r. One bag labeled "Johnny Dang and Co";
- s. Two bracelets;
- t. One rose gold watch band;
- u. Two rose gold necklaces;
- v. One Dior duffle bag;
- w. One blue Louis Vuitton duffle bag;
- x. One blue Louis Vuttion shoulder bag;
- y. One gray Louis Vuitton backpack;
- z. One gray Louis Vuitton fanny pack;
- aa. One black Louis Vuitton satchel;
- bb. One black Louis Vuitton backpack;

1 cc. One black Louis Vuitton fanny pack;
2 dd. Three black Coach backpacks;
3 ee. One white Gucci handbag;
4 ff. One white Gucci backpack;
5 gg. One Gucci logo duffel;
6 hh. One brown Coach backpack;
7 ii. One Christian Louboutin backpack;
8 jj. One black Louis Vuitton duffel bag;
9 kk. Black MCM Dog;
10 ll. Cognac MCM Dog;
11 mm. Two Gucci wallets;
12 nn. One black Balenciaga duffel bag;
13 oo. One white Prada fanny pack; and
14 pp. 150 pairs of shoes.

15 This application, which deals solely with the specific property
16 as to which forfeiture is sought (described in detail above), is
17 supported by defendant's conviction and the matters set forth in the
18 accompanying Memorandum of Points and Authorities.

1 Dated: September 15, 2026

Respectfully Submitted,

2 TODD BLANCHE
Attorney General
3 BILAL A. ESSAYLI
First Assistant United States
4 Attorney
JENNIFER L. WAIER
5 Chief Assistant United States
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6 Chief, Criminal Division

7 /s/

8 JONATHAN GALATZAN
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9 Chief, Asset Forfeiture & Recovery
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10 Attorneys for Plaintiff
11 UNITED STATES OF AMERICA
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Defendant AHMED HOSSAM ELDIN ELBADAWY ("defendant") entered a plea of guilty on September 18, 2025, as to Counts One and Three of the Indictment, which charges defendant with Wire Fraud Conspiracy and Aggravated Identity Theft, in violation of 18 U.S.C. § 1349 and 18 U.S.C. § 1028A(a)(1). Pursuant to the Forfeiture Allegation of the Indictment and Fed. R. Crim. P. 32.2(b), the government now applies for the entry of the Preliminary Order of Forfeiture of the following property:

- a. 174.93507503 Bitcoin, or the net proceeds of the sale thereof;
- b. 1,306.745425583278022653 Ethereum, or the net proceeds of the sale thereof;
- c. \$62,720.00 in U.S. Currency;
- d. One 2023 Evolution Lifted D3 Golf Cart, Serial Number 202303022;
- e. One 2023 Can-Am Outlander x MR 1000R, VIN 3JBLWAX43PJ001634;
- f. One 2017 BMW i8, VIN WBY2Z2C30HV676445;
- g. One 2021 Chevrolet Corvette, VIN 1G1YB3D46M5122472;
- h. One 2022 Mercedes Benz G63 AMG, VIN W1NYC7HJ0NX443319;
- i. One painting of Muhammad Ali;
- j. One Audemars Piguet watch;
- k. One gold ring;
- l. One rose gold watch face;
- m. One rose gold ring;
- n. One Patek Philippe watch;

- 1 o. One Patek Philippe watch face;
- 2 p. One Rolex watch;
- 3 q. Three rose gold-colored grills;
- 4 r. One bag labeled "Johnny Dang and Co";
- 5 s. Two bracelets;
- 6 t. One rose gold watch band;
- 7 u. Two rose gold necklaces;
- 8 v. One Dior duffle bag;
- 9 w. One blue Louis Vuitton duffle bag;
- 10 x. One blue Louis Vuttion shoulder bag;
- 11 y. One gray Louis Vuitton backpack;
- 12 z. One gray Louis Vuitton fanny pack;
- 13 aa. One black Louis Vuitton satchel;
- 14 bb. One black Louis Vuitton backpack;
- 15 cc. One black Louis Vuitton fanny pack;
- 16 dd. Three black Coach backpacks;
- 17 ee. One white Gucci handbag;
- 18 ff. One white Gucci backpack;
- 19 gg. One Gucci logo duffle;
- 20 hh. One brown Coach backpack;
- 21 ii. One Christian Louboutin backpack;
- 22 jj. One black Louis Vuitton duffle bag;
- 23 kk. Black MCM Dog;
- 24 ll. Cognac MCM Dog;
- 25 mm. Two Gucci wallets;
- 26 nn. One black Balenciaga duffle bag;
- 27 oo. One white Prada fanny pack; and
- 28 pp. 150 pairs of shoes (collectively, the "Forfeitable

Property").

A proposed order is lodged contemporaneously herewith. The government also requests that the forfeiture of the Forfeitable Property be stated orally at defendant's sentencing and set forth in defendant's Judgment and Commitment Order.

II. ARGUMENT

A. The Nexus Between Defendant's Crime and the Forfeitable Property Has Been Established by the Defendant's Guilty Plea

As soon as practicable after entering a guilty verdict or accepting a plea of guilty or nolo contendere on any count in an indictment or information with regard to which criminal forfeiture is sought, the court must determine whether the government has established the requisite nexus between the property and the offense. Fed. R. Crim. P. 32.2(b)(1). The Advisory Committee Notes for this provision explain that for the preliminary order of forfeiture, the court must determine "if the property was subject to forfeiture under the applicable statute, e.g., whether the property represented the proceeds of the offense or was used to facilitate the offense, or was involved in the offense in some other way." Advisory Committee Notes to Rule 32.2, subdivision (b) (2000 Adoption). The standard of proof regarding the forfeitability of property in a criminal case is preponderance of the evidence. See United States v. Najjar, 300 F.3d 466, 485-86 (4th Cir. 2002); United States v. Shryock, 342 F.3d 948, 991 (9th Cir. 2003) (following Najjar); United States v. DeFries, 129 F.3d 1293, 1312 (D.C. Cir. 1997); United States v. Hernandez-Escarsega, 886 F.2d 1560, 1576-77 (9th Cir. 1989) (interpreting language in 21 U.S.C. § 853); United States v. Bieri, 21 F.3d 819 (8th Cir. 1994) (§ 853).

1 Thus, the only question before the Court in connection with
2 the requested entry of the proposed Preliminary Order is whether the
3 evidence before the Court is enough to establish by a preponderance
4 of the evidence that there is a nexus between the specific property
5 to be forfeited, and the offense to which defendant pled guilty. See
6 Rule 32.2(b)(1).

7 The existence or extent of third-party interests in the specific
8 property will be determined after the entry of the preliminary order.
9 See United States v. Lazarenko, 476 F.3d 642, 648 (9th Cir. 2007)
10 ("Upon a finding that the property involved is subject to forfeiture,
11 a court must promptly enter a preliminary order of forfeiture without
12 regard to a third party's interests in the property.") The
13 preliminary order should be entered promptly in order to avoid
14 unnecessary delay in the forfeiture process and resolve potential
15 third-party rights. United States v. Yeje-Cabrera, 430 F.3d 1, 15
16 (1st Cir. 2005). The defendant need not be present when the
17 preliminary order is entered. United States v. Segal, 495 F.3d 826,
18 837-38 (7th Cir. 2007).

19 The government is not required to establish the defendant's
20 ownership of the property either to seize it or to obtain a
21 preliminary order of forfeiture, and third parties are prohibited
22 from intervening in the criminal case and cannot complain that they
23 have to wait for the ancillary proceeding to assert their rights.
24 Almeida v. United States, 459 F.3d 377, 381 (2d Cir. 2006); 18 U.S.C.
25 § 1963(i). As explained in the Advisory Committee Notes to Rule 32.2
26 (2000), the Rule was revised with the intent to eliminate confusion
27 over whether the extent of the defendant's ownership interest should
28 be determined by the finder of fact. The new rule clarified that the

1 only question upon conviction or a guilty plea is whether there is a
2 nexus between the violation of which the defendant has been convicted
3 (or to which he has pled) and the property sought - if there is, the
4 court should enter an order forfeiting "whatever interest a defendant
5 may have in the property without having to determine exactly what
6 that interest is." A defendant cannot object to the entry of a
7 preliminary order on the ground that the property at issue does not
8 belong to him. United States v. Schlesinger, 396 F. Supp. 2d 267,
9 273 (E.D.N.Y. 2005).

10 Here, all the proof that is necessary is contained in plea
11 agreement, whereby Defendant admitted that the Forfeitable Property
12 was subject to forfeiture as property representing proceeds of the
13 offense or used to facilitate the offense or involved in the offense
14 in some other way regarding the crimes to which he pled guilty,
15 namely 18 U.S.C. § 1349 and 18 U.S.C. § 1028A(a)(1).

16 Therefore, the requirements of Rule 32.2(b) have been met and
17 the proposed Preliminary Order should be entered.

18 **B. The Mechanics of the Criminal Forfeiture**

19 The Preliminary Order of Forfeiture becomes final as to the
20 defendant at the time of sentencing (or before sentencing, if
21 defendant consents). Rule 32.2(b)(4)(A). After entry of the
22 preliminary order, the second phase of the forfeiture proceedings may
23 begin, to determine whether any third-party rights may exist in the
24 specific property to be forfeited. Fed. R. Crim. P. 32.2(c)(1).

25 Accordingly, the government respectfully requests that the Court
26 enter the proposed Preliminary Order of Forfeiture lodged
27 contemporaneously herewith, authorizing the government to seize the
28 property subject to forfeiture (to the extent it has not already done

1 so) and to commence proceedings governing third-party rights. Fed.
2 R. Crim. P. 32.2(b)(3). Following the Court's disposition of any
3 third-party interests, or the expiration of the period provided in 21
4 U.S.C. § 853(n)(2) for the filing of third-party petitions, the
5 government shall have clear title to the Forfeitable Property.

6 **III. FORFEITURE MUST BE PRONOUNCED AT SENTENCING**

7 The Court must pronounce the forfeiture conditions orally as
8 part of the sentence imposed on the defendant and must include the
9 forfeiture in the judgment and commitment order. Fed. R. Crim. P.
10 32.2(b)(4). The government recommends the following language be read
11 to the defendant and modified as necessary for inclusion in the
12 judgment and commitment order at the time of his sentencing:

13 Pursuant to 18 U.S.C. § 981(a)(1)(c), 28 U.S.C. §
14 2461(c), and the Indictment, defendant AHMED HOSSAM
15 ELDIN ELBADAWY has forfeited all of defendant's right,
16 title, and interest in the specific property more
17 particularly described in the Preliminary Order of
18 Forfeiture entered on [date].

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21 //

IV. CONCLUSION

For the foregoing reasons, the government respectfully requests that the Court forthwith enter the proposed Preliminary Order of Forfeiture lodged herewith.

Dated: September 15, 2026

Respectfully Submitted,

TODD BLANCHE
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