UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

United States v. Gutierrez-Ochoa

Criminal Action No. 25-035 (BAH) (D.D.C. Apr. 29, 2026) · No. Criminal Action No. 25-035 (BAH) · Decided April 29, 2026

SUMMARY

The United States District Court for the District of Columbia considers a third-party ancillary petition by victims of a cartel massacre seeking to attach assets forfeited in the criminal case against Cristian Fernando Gutierrez-Ochoa. The court holds that the petitioners have constitutional standing but concludes that they fail to satisfy the statutory prerequisites for invoking Section 201(a) of the Terrorism Risk Insurance Act to reach the forfeited assets. The court grants the government's motion to dismiss for failure to state a claim under Federal Rule of Criminal Procedure 32.2(c)(1)(A).

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	Beryl A. Howell
JURISDICTION	United States District Court for the District of Columbia
DECIDED	April 29, 2026
DOCKET	Criminal Action No. 25-035 (BAH)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Third-party petitioners filed an ancillary petition in a federal criminal forfeiture proceeding seeking to attach and execute on assets forfeited from the defendant to satisfy a judgment against the Juárez Cartel. The government moved to dismiss under Federal Rule of Criminal Procedure 32.2(c)(1)(A).
STANDARD OF REVIEW	On a motion to dismiss an ancillary petition under Federal Rule of Criminal Procedure 32.2(c)(1)(A), the court treats the motion like a motion to dismiss a civil complaint under Federal Rule of Civil Procedure 12(b), assumes the petition's factual allegations are true, and asks whether the petition states a plausible claim for relief. Legal conclusions and unsupported inferences are not accepted as true.
PRECEDENTIAL VALUE	Published district court opinion

TOPICS

forfeiture | motions to dismiss | criminal procedure | statutory interpretation | asset protection

PRACTICE AREAS

criminal forfeiture | terrorism judgments | asset attachment | statutory interpretation | civil procedure

QUESTIONS PRESENTED

1. Whether petitioners had Article III standing to assert an ancillary petition based on a judgment against the Juárez Cartel when the forfeited assets were associated with the CJNG and its member.
2. Whether petitioners had statutory standing under TRIA § 201(a) based on the alleged relationship between the Juárez Cartel and the CJNG.
3. Whether the forfeited assets were blocked assets subject to attachment under TRIA § 201(a).
4. Whether petitioners could establish a legal interest in the forfeited assets that was vested in or superior to the defendant's interest under 21 U.S.C. § 853(n)(6).
5. Whether the ancillary petition stated a claim under Federal Rule of Criminal Procedure 32.2(c)(1)(A).

HOLDINGS

1. Petitioners established Article III standing because the alleged relationship between the Juárez Cartel and the CJNG, including the stipulation that the CJNG was the primary source of illicit narcotics for the Juárez Cartel, supported a plausible tracing connection between the judgment debtor and the forfeited assets.
2. Petitioners satisfied the statutory-standing requirement insofar as the CJNG plausibly qualified as an agency or instrumentality of the Juárez Cartel because it provided material services to and in support of that cartel by supplying most of its illicit narcotics.
3. The forfeited assets were not blocked assets subject to attachment under TRIA § 201(a) because they were seized and forfeited under the criminal forfeiture statutes, not seized or frozen under TWEA, IEEPA, or the Foreign Narcotics Kingpin Designation Act.
4. Petitioners failed to establish a legal right, title, or interest in the forfeited assets that was vested in them or superior to the defendant's interest at the time of the offense, and they were not bona fide purchasers.
5. The ancillary petition must be dismissed for failure to state a claim under Federal Rule of Criminal Procedure 32.2(c)(1)(A).

KEY QUOTATIONS

> *“The jurisdictional issue of whether petitioners have established Article III standing is addressed first and, though finding that they do have standing under the Constitution and the TRIA, the Court concludes that they fail to otherwise meet the statutory prerequisites for application of the TRIA § 201(a).”* (at 11)

> *“The Forfeited Assets were not blocked within the meaning of TRIA § 201(a), rendering this provision unapplicable and unavailable to petitioners to claim an interest in the Forfeited Assets.”* (at 26)

> *"The TRIA cannot serve as the basis for a legal interest in the property and the United States has a statutory legal interest in and title to the Forfeited Assets."* (at 34)

FACTUAL BACKGROUND

The petitioners obtained a multibillion-dollar judgment against the Juárez Cartel arising from a 2019 massacre in Mexico. They sought to attach assets seized and forfeited in the criminal case of Cristian Fernando Gutierrez-Ochoa, an admitted member of the CJNG who pleaded guilty to laundering CJNG narcotics proceeds. The assets included approximately $2.25 million in cash, vehicles, luxury personal property, artwork, and California real property. Petitioners argued that the CJNG was an agency or instrumentality of the Juárez Cartel and that the assets were attachable under TRIA § 201(a).

PROCEDURAL HISTORY

Defendant pleaded guilty to conspiracy to launder narcotics proceeds and consented to a preliminary order of forfeiture covering cash, vehicles, personal property, and real property. After petitioners filed an ancillary petition invoking Section 201(a) of the Terrorism Risk Insurance Act, the government moved to dismiss. The court held that petitioners had constitutional and statutory standing but failed to state a claim because the assets were not blocked assets within the meaning of TRIA and petitioners could not establish a superior legal interest under 21 U.S.C. § 853(n)(6).

DISPOSITION

dismissed

CASES CITED

- Miller v. Cartel, No. 20-cv-132, 2022 WL 2286952 (D.N.D. June 24, 2022)
- United States v. Sun, No. 21-cr-343, 2025 WL 1591868 (S.D.N.Y. June 5, 2025)
- Willis Management (Vt.), Ltd. v. United States, 652 F.3d 236, 241 (2d Cir. 2011)
- Pacheco v. Serendensky, 393 F.3d 348, 352 (2d Cir. 2004)
- United States v. Catala, 870 F.3d 6, 8-9 (1st Cir. 2017)
- United States v. Butt, 930 F.3d 410, 413 (5th Cir. 2019)
- United States v. Salti, 579 F.3d 656, 667 (6th Cir. 2009)
- United States v. Marion, 562 F.3d 1330, 1342 (11th Cir. 2009)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Hettinga v. United States, 677 F.3d 471, 476 (D.C. Cir. 2012)
- Arpaio v. Obama, 797 F.3d 11, 19 (D.C. Cir. 2015)
- Islamic American Relief Agency v. Gonzales, 477 F.3d 728, 732 (D.C. Cir. 2007)
- United States v. Emor, 785 F.3d 671, 675-677 (D.C. Cir. 2015)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 423 (2021)

- Lujan v. Defenders of Wildlife, 504 U.S. 555, 560 (1992)
- Estate of Levin v. Wells Fargo Bank, N.A., 45 F.4th 416, 423 (D.C. Cir. 2022)
- United States v. One-Sixth Share of James J. Bulger in All Present & Future Proceeds of Mass Millions Lottery Ticket No. M246233, 326 F.3d 36, 41 (1st Cir. 2003)
- United States v. 7725 Unity Ave. N., 294 F.3d 954, 957 (8th Cir. 2002)
- United States v. All Petroleum-Product Cargo Onboard the M/T Arina with International Maritime Organization No. 9189952, No. 24-5218, 2026 WL 1073317, at *2, *5-7 (D.C. Cir. Apr. 21, 2026)
- Kirschenbaum v. Assa Corp., 934 F.3d 191, 199 (2d Cir. 2019)
- Stansell v. Revolutionary Armed Forces of Colombia, 771 F.3d 713, 732 (11th Cir. 2014)
- Stansell v. Revolutionary Armed Forces of Colombia, No. 09-cv-2308, 2013 WL 12133661, at *2 (M.D. Fla. May 2, 2013)
- Stansell v. Revolutionary Armed Forces of Colombia, No. 10-mc-471 (TJK), 2019 WL 4040680, at *3-4 (D.D.C. Aug. 26, 2019)
- Estate of Levin v. Wells Fargo Bank, N.A., 156 F.4th 632, 638-644 (D.C. Cir. 2025)
- United States v. Stowell, 133 U.S. 1, 16 (1890)
- Libretti v. United States, 516 U.S. 29, 44 (1995)
- United States v. Holy Land Foundation for Relief & Development, 722 F.3d 677, 685 (5th Cir. 2013)
- Wyatt v. Syrian Arab Republic, 83 F. Supp. 3d 192, 195 (D.D.C. 2015)
- Learning Resources, Inc. v. Trump, 146 S. Ct. 628, 636 (2026)
- Holy Land Foundation for Relief & Development v. Ashcroft, 333 F.3d 156, 159 (D.C. Cir. 2003)
- López Bello v. Smith, 651 F. Supp. 3d 20, 27 (D.D.C. 2022)
- Heiser v. Islamic Republic of Iran, 735 F.3d 934, 936-939 (D.C. Cir. 2013)
- Ministry of Defense & Support for the Armed Forces of the Islamic Republic of Iran v. Elahi, 556 U.S. 366, 368, 379, 386 (2009)
- In re Islamic Republic of Iran Terrorism Litigation, 659 F. Supp. 2d 31, 55, 87 (D.D.C. 2009)
- American Fuel & Petrochemical Manufacturers v. Environmental Protection Agency, 3 F.4th 373, 383 (D.C. Cir. 2021)
- Ratzlaf v. United States, 510 U.S. 135, 147-148 (1994)
- Greenbaum v. Islamic Republic of Iran, 67 F.4th 428, 432 (D.C. Cir. 2023)
- Rubin v. Islamic Republic of Iran, 709 F.3d 49, 54 (1st Cir. 2013)
- Havlish v. Taliban, 152 F.4th 339, 359 (2d Cir. 2025)
- United States v. Eldick, 223 F. App'x 837, 840-841 (11th Cir. 2007)
- United States v. All Assets Held at Bank Julius Baer & Co., Ltd., 772 F. Supp. 2d 205, 217 (D.D.C. 2011)
- Parklane Hosiery Co. v. Shore, 439 U.S. 322, 327 n.7 (1979)
- Roberts v. United States, 741 F.3d 152, 161 (D.C. Cir. 2014)
- Kentucky Department of Corrections v. Thompson, 490 U.S. 454, 460 (1989)
- United States v. 101 Houseco, LLC, 22 F.4th 843, 851-852 (9th Cir. 2022)
- United States v. Dong Dang Huynh, 595 F. App'x 336, 340-341 (5th Cir. 2014)

- United States v. McHan, 345 F.3d 262, 269-270 (4th Cir. 2003)
- United States v. Bailey, 926 F. Supp. 2d 739, 773 (W.D.N.C. 2013)