PROB 12C
(6/16)

Report Date: July 29, 2021

United States District Court

for the

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jul 29, 2021

SEAN F. MCAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Marcial Bravo Zambrano Case Number: 0980 4:15CR06049-EFS-20

Address of Offender:

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: May 7, 2019

Original Offense: Conspiracy to Distribute 500 Grams or More of a Mixture or Substance Containing a Detectable Amount of Methamphetamine, 5 Kilograms or More of Cocaine, 1 Kilogram of More of Heroin and 400 Grams or More of Conspiracy to Distribute, 21 U.S.C. § 846

Original Sentence: Prison - 28 months; TSR - 36 months Type of Supervision: Supervised Release

Asst. U.S. Attorney: Stephanie A. Van Marter Date Supervision Commenced: April 21, 2020

Defense Attorney: Walter L. Ayers Date Supervision Expires: April 20, 2023

PETITIONING THE COURT

To issue a warrant.

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation Number	Nature of Noncompliance

Violations 1-3 preface, combined for brevity:

On April 20, 2020, Mr. Zambrano was released from the United States Bureau of Prisons to the custody of Immigration Customs Enforcement (ICE). Mr. Zambrano was subsequently released to ICE supervision on June 2, 2020. The probation office was notified of his release to the community on November 6, 2020.

On November 10, 2020, Mr. Zambrano reported to the probation office and all the conditions of supervision were reviewed with Mr. Zambrano, to include special condition number 3 and standard condition number 2, as stated below. Mr. Zambrano signed a copy of his conditions and by doing so he acknowledged understanding all of his conditions of supervision.

Mr. Zambrano was referred to Merit Resource Services (Merit) to participate in the color line program for random drug testing. Mr. Zambrano was informed and instructed to call the color line daily, Monday through Friday, and to report in person for drug testing if his assigned color, brown, was called.

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

On February 19, 2021, a violation report was submitted to the Court requesting conditions of supervision be modified with the consent of the offender after Mr. Zambrano provided a positive drug test for methamphetamine. The Court concurred with the recommendation to modify the conditions of supervision to include completing a substance abuse evaluation and completing any recommended treatment.

On February 25, 2021, after the Court's approval, the imposed condition was reviewed with Mr. Zambrano and he was referred to Merit for a substance abuse evaluation. Mr. Zambrano completed the substance abuse evaluation on March 16, 2021, and began intensive outpatient treatment (IOP) at Merit.

1 **Special Condition # 3**: You must abstain from the use of illegal controlled substances, and must submit to urinalysis and sweat patch testing, as directed by the supervising officer, but no more than 6 tests per month, in order to confirm continued abstinence from these substances.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report for drug testing on June 28, 2021; and July 6 and 27, 2021.

On June 29, 2021, Merit reported Mr. Zambrano failed to report for drug testing on June 28, 2021, when his assigned color was called. On July 13, 2021, the undersigned officer made phone contact with Mr. Zambrano and he admitted he did not report for drug testing on June 28, 2021, because he was mad at his treatment counselor for disconnecting him from a video session due to his being around other people during the session. Mr. Zambrano also reported "people" were looking for him and this was also another reason he did not report for drug testing. Mr. Zambrano was unable to elaborate on who was looking for him. During this contact, the undersigned officer reviewed with Mr. Zambrano his requirement to call the color line and report for drug testing when his assigned color, brown, was called. Mr. Zambrano verbalized understanding.

On July 26, 2021, Merit reported Mr. Zambrano failed to report for drug testing on July 6, 2021,when his assigned color was called. On July 26, 2021, the undersigned officer made telephonic contact with Mr. Zambrano and instructed him to report to the probation office for drug testing by 11 a.m. on July 27, 2021. Mr. Zambrano verbalized understanding of the reporting instructions; however, he did not report to the probation office for drug testing on July 27, 2021, as instructed. This officer attempted to contact Mr. Zambrano by telephone multiple times. He did not answer and has not made contact with this officer.

2 **Standard Condition # 2:** After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to report to the probation officer as instructed on July 27, 2021.

On July 26, 2021, the undersigned officer made telephone contact with Mr. Zambrano and instructed him to report to the probation office for drug testing by 11 a.m. on July 27, 2021. Mr. Zambrano verbalized understanding the reporting instructions.

On July 27, 2021, Mr. Zambrano did not report to the probation office as instructed. That same day, the undersigned officer called Mr. Zambrano multiple times and he did not answer. The undersigned officer was unable to leave a voice message as the voice mail was not set up. Mr. Zambrano did not return the undersigned officer's phone calls. To date, Mr. Zambrano has not made contact with the undersigned officer.

3 **Special Condition # 5**: You must undergo a substance abuse evaluation and, if indicated by a licensed/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare upon further order of the court. You must contribute to the cost of treatment according to your ability to pay. You must allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Zambrano is considered to be in violation of his term of supervised release by failing to comply with substance abuse treatment by being terminated from treatment on July 19, 2021.

On July 2, 2021, the probation office received a status report from Merit stating Mr. Zambrano was in non-compliance with treatment as he had missed a group session on June 24, 2021. Merit sent Mr. Zambrano a letter instructing him to contact his counselor to schedule an individual session and to provide a drug test. The letter also stated that failure to make contact would result in his case being closed.

On July 13, 2021, the undersigned officer made telephonic contact with Mr. Zambrano and instructed him to make contact with Merit to re-engage in treatment. During this contact, Mr. Zambrano reported he had been calling his treatment counselor and his counselor was not answering so he left a voice message on July 9, 2021. Mr. Zambrano reported Merit had not called him back. It should be noted, Merit reported they do not have any record of Mr. Zambrano attempting to make contact.

On July 26, 2021, Merit reported Mr. Zambrano was unsuccessfully discharged from treatment on July 19, 2021, as Mr. Zambrano aborted treatment without providing any notice. Merit reported receiving a phone call from Mr. Zambrano's attorney (immigration attorney) stating Mr. Zambrano was in need of assistance with re-engaging in treatment. As a result of the immigration attorney contacting Merit on behalf of Mr. Zambrano, Merit scheduled Mr. Zambrano to complete a substance abuse evaluation on July 28, 2021.

On July 28, 2021, Merit reported Mr. Zambrano failed to complete the substance abuse evaluation and has not made any attempt to contact Merit.

The U.S. Probation Office respectfully recommends the Court issue a warrant requiring the defendant to appear to answer to the allegation(s) contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: July 29, 2021

s/Elizabeth Lee

Elizabeth Lee
U.S. Probation Officer

THE COURT ORDERS

[ ] No Action
[X] The Issuance of a Warrant
[ ] The Issuance of a Summons
[ ] Other

Edward F. Shea

Signature of Judicial Officer

7/29/2021

Date