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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 UNITED STATES OF AMERICA,	)	CASE NO. 3:24-cr-00277 MMC
14	)	
15 Plaintiff,	)	UNITED STATES' OPPOSITION TO
16 v.	)	DEFENDANT'S MOTION TO REVOKE
17	)	DETENTION ORDER
18 LUKE BRUGNARA,	)	
19	)	
20 Defendant.	)	

21 **I. INTRODUCTION**

22 Whenever his back is up against the wall, defendant Luke Brugnara employs the singular tactic
23 in his playbook: running. In 2015, he famously fled from this very courthouse after meeting with his
24 lawyer to prepare for trial. *See U.S. v. Brugnara*, No. 3:14-cr-00306-WHA-1, Dkt. 317 (bench warrant).
25 In March 2023, he fled when faced with sentencing for his supervised release violation for possessing a
26 firearm. *See id.*, Dkts. 1081, 1082. In May 2024, he fled from a residential reentry center where he was
27 completing his sentence and had to be arrested by U.S. Marshals in a hotel room with his girlfriend six
28 days later. And just six months ago, in this case, he fled by failing to appear for a bond revocation
hearing requested by the government following his arrest in San Mateo County. *See* Dkt. 106.

Brugnara is an unmitigated flight risk. He is a danger to the community. There is no mystery about what will happen if the Court releases Brugnara again. The Court must deny his motion to revoke his detention order. *See* Dkt. 127.

II. BACKGROUND

A. History

Since this Court is thoroughly acquainted with Brugnara, this brief will only summarize that history and instead focus on his newer conduct.¹ Brugnara has prior convictions stemming from three separate cases (Case Nos. 8-CR-236-MMC, Dkt. 101 (judgment in a criminal case); 8-CR-222-WHA, Dkt. 134 (amended judgment in a criminal case); 14-CR-306-WHA, Dkt. 787 (judgment in a criminal case)).

Brugnara has fled several times during court proceedings. He was a fugitive for approximately one week after his infamous February 2015 flight from the courthouse. *See* 14-CR-306-WHA, Dkts. 317, 321. After serving a prison sentence in his art fraud case, Brugnara became a fugitive again in March 2023 for approximately two months, when he fled before sentencing for illegally possessing a firearm that was registered to his girlfriend, Yitong Wen. *See id.* He was again a fugitive for another six days after fleeing from his residential reentry center in May 2024. *See* Dkt. 20, Ex. 2d (Declaration of AUSA Rezaei ISO Govt. Opp. To Motion to Revoke Detention Order).

A. The Instant Fraud Case

In 2021, following his release from federal prison and while on supervised release, Brugnara orchestrated a nine-month pandemic-related fraud scheme. *See* 24-CR-277-MMC, Dkt. 1 (indictment). As alleged in the May 2024 indictment, in January 2021, Brugnara submitted two fraudulent loan applications under the Economic Injury Disaster Loan program. *Id.*, ¶¶ 19-21. He also submitted fraudulent loan applications under the Paycheck Protection Program. *Id.*, ¶¶ 22-27. Brugnara currently faces nine counts of wire fraud and three counts of money laundering as a result of this scheme. *See* Dkt. 1.

¹ A more thorough factual chronology can be found in the government's opposition to Brugnara's motion to revoke Judge Hixson's 2024 detention order. The opposition incorporates that chronology herein. *See* Dkt. 20, at 1-10.

1 Brugnara first appeared in this case in June 2024. Though initially detained by the magistrate
2 judge, this Court revoked the detention order in August 2024 and ordered that Brugnara be released with
3 conditions, including GPS monitoring. *See* Dkt. 38.

4 **B. Brugnara’s Behavior While on Release**

5 Brugnara violated several conditions while on release. He visited the storage locker where he
6 had stored the contraband firearm from his supervised release case just two days after his release. *See*
7 Dkt. 40 (Violation Memorandum). He committed additional violations described in an October 15,
8 2024 violation memorandum. *See* Dkt. 49 (Violation Memorandum). As Judge Cisneros explained in
9 her bond revocation order, though Brugnara had a three-month period without a violation of location
10 restrictions, Pretrial Services “reported Brugnara’s either unresponsiveness or volatility towards location
11 monitoring efforts, and the cessation of home visits due to safety concerns.” Dkt. 126 at 4.
12 Nevertheless, Brugnara’s request to remove his ankle monitor was granted on February 5, 2025. *See*
13 Dkt. 76.

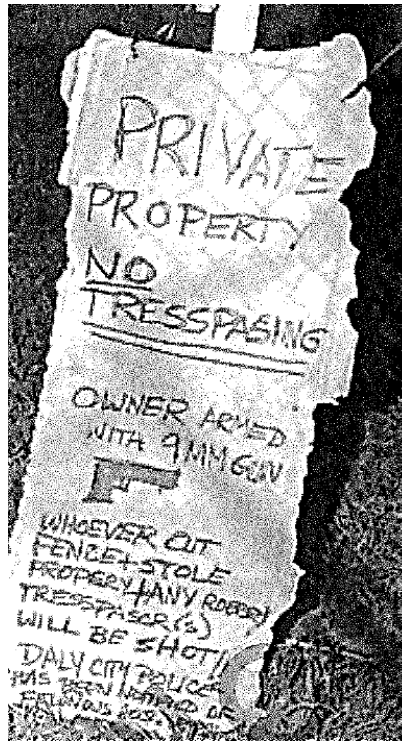
14 Brugnara’s behavior was far from exemplary in the period before his abscondence. On January
15 9, 2026, Pretrial Services reported that Brugnara was verbally abusive toward a mental health services
16 provider. *See* Dkt. 95. The service provider rejected him as a patient as a result. *See id.*

17 On January 15, 2026, Brugnara’s relative filed a petition in San Francisco Superior Court
18 seeking a protective order against Brugnara. *See* Declaration of Aseem Padukone, Exhibit A (January
19 15, 2026 Declaration). In the declaration, she detailed threats that he had made against her, including on
20 December 17, 2025, by telling her, “You are not going to like how this ends and I don’t mean in
21 court...” *See id.* at ¶ 33. As he has done in federal court, Brugnara lost his temper in the courtroom,
22 continued his verbal assault in a threatening manner in the parking lot, and even tried to prevent the
23 elevator doors from closing so that he could continue his harassment. *Id.* at ¶ 34.

24 Magistrate Judge Cisneros held a bond hearing on January 20, 2026 to admonish Brugnara for
25 his alleged inappropriate behavior when conversing with the mental health service provider. *See* Dkt.
26 98. The admonishment had no effect, and in fact, Brugnara’s misconduct intensified.

27 The next day, on January 21, 2026, Brugnara was arrested in Daly City for making threats with
28 the intent to terrorize (in violation of California Penal Code 422(a)) and being a felon-in-possession of a

firearm (in violation of California Penal Code 29800(a)(1)). *See* Padukone Decl., Ex. B (DCPD Report). Brugnara was with his girlfriend, Yitong Wen, at the time. *See id.* at 12. A couple was walking their dog along a fence line at Thornton State Beach when they noticed an aggressive sign warning: “Private Property No Trespassing Owner Armed with 9MM Gun” and “Tresspasor(s) [sic] will be shot.” *See id.* at p. 5, 8.



The fence had been erected by Brugnara, and he has claimed he had a right to do so but denied putting up that sign.² At approximately 5:28 PM, Brugnara approached the couple and said, “If you get near the fence I will shoot and kill you,” and “I have a gun and if you come on my property I’ll shoot you.” *See* Padukone Decl., Ex. B at p. 2, 5. At the time, the woman was approximately three feet from the fence. *Id.* at p. 5. The man reported feeling unsafe and that Brugnara “seemed too excited about putting a hole in someone.” *Id.* Brugnara further threatened the couple, stating that “he was a billionaire and could do what he wanted.” *Id.* Wen was also present and threatened the couple, stating “Come try me. I’d love to see you try.” *Id.* The couple left the area in fear. *Id.*

The victims reported these threats to the Daly City police. Approximately 30 minutes later, at

² Amanda Bartlett, “‘Egregious’: SF Art Fraudster Linked to Fence Blocking Bay Area Beach,” *SFGATE* (Jan. 28, 2026), <https://www.sfgate.com/local/article/sf-art-fraudster-beach-21320739.php>.

5:59 PM, Daly City police made a traffic enforcement stop on a vehicle leaving the Thornton Beach property. Police found Wen driving and Brugnara in the back seat. In the front seat of the car was a tote bag that contained a cased 9mm Glock firearm – the same model that Brugnara’s sign had threatened – two Glock magazines, and nine rounds of 9mm ammunition. *See* Padukone Decl., Ex. B at p. 13. The gun case was in plain view. *See id.* It also was within Brugnara’s reach. *See id.* And it was also the same gun that Judge Alsup found that Brugnara had previously illegally possessed in May 2023. *See id.* (Serial number BTAV851).

The victim positively identified both Brugnara and Wen. *See id.* at p. 16. Brugnara then lied to the police by saying that he did not threaten anyone and that he did not possess or have knowledge of a firearm. *Id.* at 6. Brugnara was then arrested for making criminal threats and being a felon-in-possession of a firearm. *Id.* at 1. He and Wen have since been charged in San Mateo County. *See People v. Brugnara and Wen*, 26-NF-03383, San Mateo County Superior Court.

C. Brugnara’s Failure to Appear

The government moved to revoke Brugnara’s bond following his arrest in San Mateo County. *See* Dkt. 105. Brugnara has claimed that he did not have notice of this hearing. Judge Cisneros’s order revoking bond details the sequence of events surrounding the bond hearing. *See* Dkt. 126 at 6-8. Subsequent events after the hearing contradict Brugnara’s claim, as detailed in Judge Cisneros’s orders.

On February 5, 2026, Brugnara’s counsel filed a motion to withdraw as counsel.³ *See* Dkt. 108. Brugnara filed an objection to his own counsel’s notice to withdraw, also dated February 5, 2026. *See* Dkt. 109.

Brugnara then spoke to a reporter from ABC 7 News shortly after the February 4, 2026 hearing. When asked whether he was going to turn himself in because of the bench warrant, Brugnara feigned ignorance and said, “I’m, I’m, I’m not aware of any bench warrant. That’s the surprise, I guess, of the day.”⁴ On February 23, 2026 and March 18, 2026, Brugnara filed two handwritten *pro se* motions

³ That motion is still pending.

⁴ Dan Noyes, EXCLUSIVE: I-Team Investigates Luke-Brugnara, Man Behind Controversial Thornton State Beach Fence in Daly City, *ABC7 San Francisco* (Feb. 10, 2026), <https://abc7news.com/post/exclusive-team-investigates-luke-brugnara-man-behind-controversial-thornton-state-beach-fence-daly-city/18581981/>

1 demanding reinstatement of his bond conditions, which demonstrated that he knew he was facing
2 custodial time. *See* Dkts. 110, 113. On February 24, 2026, Brugnara sued ABC7 News, while a
3 fugitive, for defamation in San Francisco Superior Court. *See Brugnara v. Noyes, et al.*, CGC-26-
4 634092, San Francisco Superior Court.

5 Brugnara was not located until July 30, 2026. U.S. Marshals conducted surveillance at his
6 suspected residence. Deputy Marshals conducting surveillance observed that the gate to enter the house
7 was padlocked from the inside, such that Brugnara had to let the purported “landlord” into her own
8 house when she got home. The deputies attempted to execute a search warrant at this location, but
9 Brugnara attempted to flee by climbing onto the neighboring church property after law enforcement
10 arrived. U.S. Marshals quickly apprehended him and found him with a set of car keys that belonged to
11 the “landlord.”

12 At the hearing before Judge Cisneros on August 3, 2026, Brugnara offered the woman with
13 whom he was cohabiting, to whom he referred as his “landlord,” as a custodian. He also offered a
14 \$50,000 secured cash bond and an ankle monitor. Brugnara continually interrupted Judge Cisneros
15 during the proceeding, which led to him being escorted from the courtroom by courtroom deputies.
16 Judge Cisneros issued a written order revoking Brugnara’s bond. *See* Dkt. 126.

17 **III. LEGAL STANDARD AND ARGUMENT**

18 A court must enter an order of revocation and detention if the judicial officer concludes that there
19 is probable cause that the defendant committed a federal, state, or local crime while on release and that
20 there is no condition or combination of conditions of release that will assure that the person will not flee
21 or pose a danger to the safety of any other person or the community; or that the person is unlikely to
22 abide by any condition or combination of conditions of release. *See* 18 U.S.C. § 3148. A rebuttable
23 presumption arises that no combination of conditions exists to assure that the defendant will not pose a
24 danger to the community. *Id.* His arrest establishes that there was probable cause to believe that
25 Brugnara committed a crime. Because Brugnara is also both a substantial flight risk and a danger to the
26 community, he should remain in custody until the completion of this case.

A. Risk of Flight

As Judge Cisneros recognized in her order, Brugnara has shown “an entrenched, persistent willingness to disregard court orders and flee,” and has not voluntarily surrendered after the issuance of many bench warrants. Dkt. 126 at 10. He has fled in four prior instances (including his escape from the residential reentry program), forcing the U.S. Marshals to expend considerable time and resources to apprehend him each time. The provisions of the Bail Reform Act regarding flight risk would cease to have any meaning if Brugnara is deemed amenable for release again.

Brugnara asserted to Judge Cisneros that he is not a risk of flight because he has not left the district whenever a bench warrant has been issued. That is not the standard under the Bail Reform Act. The Bail Reform Act requires detention if a judicial officer finds that no condition or combination of conditions “will reasonably **assure the appearance of the person** as required and the safety of any other person and the community.” *See* 18 U.S.C. § 3142(e) (emphasis added). That Brugnara remained in the district has limited probative value, particularly given the number of times he has failed to appear.

Brugnara’s flight has already been prejudicial to the government in this case. On top of the time and expense of apprehending him, Brugnara’s abscondence forced the government to move to vacate the June 1, 2026 trial date that had been set for almost a year. *See* Dkts. 115-118. The government had arranged for out-of-town witnesses from the Small Business Administration to testify on this date. Though the United States government was Brugnara’s direct victim in this case, his actions also harmed civilians, for whom justice has been delayed by his flight. Releasing him again will only further delay justice.

B. Danger to the Community

Brugnara was arrested after multiple civilian witnesses reported his threats to shoot trespassers with a gun. Not only did Brugnara threaten to use a gun to “shoot on sight,” he was found within reach of a firearm. Just one day earlier, this Court reminded Brugnara that he could not be abusive or threatening toward other people. He ignored that warning. The gun found within his reach was the same gun that Judge Alsup ruled he had constructively possessed just a few years earlier. And as a serial fraudster, he remains an economic danger as well, since “danger may, at least in some cases, encompass pecuniary or economic harm.” *See, e.g., United States v. Reynolds*, 956 F.2d 192, 192 (9th

1 Cir. 1992).

2 Finally, Brugnara's sibling's declaration about his threats and erratic behavior, coupled with his
3 behavior before Judge Cisneros, further demonstrates his danger to the community.

4 **C. Insufficiency of Proposed Conditions**

5 The conditions of release proposed by Brugnara are insufficient, because there are no conditions
6 to mitigate Brugnara's danger and risk of flight. Electronic monitoring will do nothing to stop Brugnara
7 from fleeing if he wishes to do so. When he is on the verge of facing consequences, there is nothing to
8 stop him from fleeing as he is accustomed to doing. He can cut off the ankle bracelet or let the battery
9 drain. As Judge Cisneros notes, the \$50,000 cash bond he proposes to post also does little to quell fears
10 that he will flee, given that he admits he would not sit in jail another day for a billion dollars. Given his
11 aversion to going into custody, \$50,000 is merely a drop in the bucket.⁵

12 Finally, Brugnara had proposed in court that his "landlord" could serve as his custodian. The
13 government has concerns that this landlord knowingly harbored Brugnara despite his fugitive status.
14 Though Brugnara describes the proposed custodian as a "landlord," he was arrested with her car keys on
15 his person, which would be unusual if she were a mere landlord. Also unusual was the need for him to
16 unlock a padlock to let his "landlord" into her own home.

17 Judge Cisneros is correct in concluding that Brugnara "is not amenable to custodianship," and
18 that the proposed custodian "may either be an enabler of his misconduct, or otherwise may be easily
19 overpowered by [him]."

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28 ⁵ This cash that he claims to possess raises more questions than answers. Given that he still owes
restitution in his prior case, and there is no indication that Brugnara has earned an honest living, it is
unclear how he accumulated that much cash.

