

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

UNITED STATES OF AMERICA

v.

GANNON KEN VAN DYKE,

Defendant.

SEALED INDICTMENT

26 Cr. ____

26 CRIM 156

COUNT ONE

(Unlawful Use of Confidential Government Information for Personal Gain)

The Grand Jury charges:

1. GANNON KEN VAN DYKE, the defendant, misappropriated classified, nonpublic U.S. Government information about a U.S. military operation to capture Nicolás Maduro and his wife, Cilia Flores, called “Operation Absolute Resolve,” to make more than \$400,000 in illegal profits. At the time, VAN DYKE was an active-duty member of the U.S. Army and had access to sensitive, nonpublic, classified information about the operation prior to its public disclosure. Rather than safeguard that information as he was obligated to do, VAN DYKE decided to use that classified information to place trades on a prediction market platform for his personal profit. VAN DYKE subsequently tried to conceal his unlawful use of classified U.S. Government information by attempting to obscure the source of his unlawful proceeds and to disguise his connection to the accounts linked to the illicit trades.

VAN DYKE Gained Access to Classified Information About Operation Absolute Resolve

2. Since in or about 2008, GANNON KEN VAN DYKE, the defendant, has been an active-duty soldier in the U.S. Army. Since at least in or about 2023, VAN DYKE has been a Master Sergeant with U.S. Army Special Forces. At times relevant to this Indictment, VAN DYKE

was stationed at Fort Bragg, a military base located in Fayetteville, North Carolina. Fort Bragg houses the 82nd Airborne Division, XVIII Airborne Corps, U.S. Army's Special Operations Command ("USASOC"), and the Joint Special Operations Command ("JSOC"). JSOC is a unified command assigned to the United States Special Operations Command that prepares assigned, attached, and augmentation forces and, when directed, conducts special operations against threats to protect the homeland and U.S. interests abroad.

3. In or about September 2018, GANNON KEN VAN DYKE, the defendant, signed a Sensitive Compartmented Information ("SCI") Nondisclosure Agreement. Under that agreement, VAN DYKE acknowledged that the United States Government placed "special confidence and trust" in VAN DYKE. Under that agreement, VAN DYKE also promised to "never divulge anything marked as SCI or that [he] know[s] to be SCI to anyone." VAN DYKE further acknowledged that "all information" to which he may "obtain access . . . is now and will remain the property of the United States Government." Accordingly, since in or about that time, VAN DYKE has had access to sensitive, nonpublic, classified information.

4. On or about December 8, 2025, GANNON KEN VAN DYKE, the defendant, signed a nondisclosure agreement regarding Western Hemisphere Operations. Pursuant to the terms of the agreement, VAN DYKE acknowledged that, due to his association with USASOC, he may be granted access to "information, material, and plans, which concern the security of the United States," and VAN DYKE agreed he would "never divulge, publish, or reveal by writing, words, conduct, or otherwise . . . any classified or sensitive information relating to [USASOC] operations within the Western Hemisphere." VAN DYKE further agreed that classified or sensitive information he acquired in connection with his association with "USASOC operations within the Western Hemisphere remains the property of the Government of the United States of America."

5. From at least on or about December 8, 2025, through at least on or about January 5, 2026, GANNON KEN VAN DYKE, the defendant, was involved in the planning and execution of Operation Absolute Resolve, and had access to sensitive, non-public, classified information about that operation.

6. GANNON KEN VAN DYKE, the defendant, was aware that his association with USASOC provided him access to classified U.S. Government information. In or about November 2025, VAN DYKE uploaded to his Google account a screenshot displaying the results of a Google AI query. The results stated, in substance and in part, that the U.S. military's special operations divisions have "numerous classified files, records, and operational details that are not available to the public;" and "[e]ven when some information is released . . . , many sensitive details, such as specific sources, methods, and full operational timelines, are consistently withheld to protect national security interests and future operations."

Polymarket Contracts Concerning Venezuela and Maduro

7. Polymarket is the trade name of a prediction marketplace operated by Blockratize, Inc. Polymarket is headquartered in Manhattan, New York. Polymarket offers hundreds of "markets"—referred to as binary event contracts, or "shares"—that allow users to wager on the outcome of future events across categories including current events, politics, sports, and pop culture. Markets, including those relevant here, are created by Polymarket personnel before being published. Each market is framed as a Yes/No question such as "Will X happen?" and pairs a YES share with a NO share. At resolution, the share on the correct side pays \$1.00; the other pays \$0.00. Shares trade between \$0.00 and \$1.00, and the share price reflects the market's real-time assessment of the probability that an event will occur. For example, if the market perceives a 75%

probability, the YES share will trade at approximately \$0.75 and the NO share at approximately \$0.25, and the prices adjust as counterparty supply and demand shift.

8. Polymarket's website is accessible via the internet throughout the world, including in the Southern District of New York. Polymarket operates markets, including those relevant here, using the Polygon blockchain and it processes trading activity and payments in the cryptocurrency "USDC.e," a stablecoin pegged 1:1 to the U.S. dollar. The Polymarket markets relevant here are published to the Polygon blockchain as a smart contract—a self-executing digital agreement—that automatically disperses USDC.e to the holders of winning shares when a market resolves.

9. In or about the fall and winter of 2025, Polymarket began offering binary event contracts related to whether certain events involving Venezuela and Nicolás Maduro would, or would not, occur. On or about September 6, 2025, Polymarket posted a market offering event contracts regarding the likelihood of "US forces in Venezuela by" certain dates, including September 6, 2025; October 31, 2025; November 30, 2025; December 31, 2025; January 31, 2026; or March 31, 2026. On or about November 3, 2025, Polymarket posted a market offering event contracts regarding the future likelihood of Maduro being "out" of or removed from power in Venezuela by certain dates, including November 30, 2025; December 31, 2025; January 31, 2026; February 28, 2026; March 31, 2026; or December 31, 2026. On or about December 17, 2025, Polymarket posted a market offering event contracts regarding the future likelihood of the U.S. invading Venezuela by on or before January 31, 2026. On or about December 18, 2025,

Polymarket posted a market offering event contracts regarding the future likelihood of President Trump “invok[ing] War Powers against Venezuela” by a certain date.

VAN DYKE Makes Polymarket Trades on Venezuela and Maduro Related Markets

10. On or about December 26, 2025, GANNON KEN VAN DYKE, the defendant, created a Polymarket account. VAN DYKE used a virtual private network (“VPN”) service and connected to Polymarket through an exit node, which geolocated to a foreign country. Then, between on or about December 27, 2025, and on or about January 2, 2026, at approximately 9:58 PM EST, VAN DYKE purchased approximately \$33,934 worth of “YES” shares on Maduro- and Venezuela-related markets.

11. Specifically, GANNON KEN VAN DYKE, the defendant, traded on Maduro- and Venezuela-related contracts on 13 separate occasions:

a. On or about December 27, 2025, VAN DYKE purchased approximately 634 “YES” shares of the market “U.S. Forces in Venezuela . . . by January 31, 2026” at a volume-weighted average price of approximately \$0.15 per share, for a total purchase price of approximately 96 USDC.e (approximately \$96).

b. On or about December 30, 2025, VAN DYKE purchased approximately 13,769 “YES” shares of the market “Maduro out by . . . January 31, 2026” at a volume-weighted average price of approximately \$0.09 per share, for a total purchase price of approximately 1,238 USDC.e (approximately \$1,238). Also on or about December 30, 2025, VAN DYKE purchased approximately 850 additional shares of the market “Maduro out by . . . January 31, 2026” at a volume-weighted average price of approximately \$0.10 per share, for a total purchase price of approximately 85 USDC.e (approximately \$85).

c. On or about January 1, 2026, VAN DYKE purchased approximately 17,858 “YES” shares of the market “Will the U.S. invade Venezuela by . . . January 31,” approximately 1,752 “YES” shares of the market “Trump invokes War Powers against Venezuela by . . . January 31,” and approximately 73,685 “YES” shares of the market “Maduro out by . . . January 31” at a volume-weighted average price of approximately \$0.06, \$0.06, and \$0.07 per share, respectively, for a total purchase price of approximately 6,100 USDC.e (approximately \$6,100).

d. On or about the morning of January 2, 2026, VAN DYKE purchased approximately 3,618 “YES” shares of the market “Trump invokes War Powers against Venezuela by . . . January 31,” and purchased approximately 90,347 “YES” shares of the market “Maduro out by . . . January 31” at a volume-weighted average price of approximately \$0.04, and \$0.07 per share, respectively, for a total purchase price of approximately 6,150 USDC.e (approximately \$6,150). That evening, VAN DYKE purchased approximately 82,421 “YES” shares of the market “Maduro out by . . . January 31” at a volume-weighted average price of approximately \$0.07 per share, for a total purchase price of approximately 6,000 USDC.e (approximately \$6,000). That evening, VAN DYKE also transferred additional funds into his Polymarket account, which he used to purchase additional approximately 564 “YES” shares of the market “US forces in Venezuela by January 31, 2026” and an additional 87,500 “YES” shares of the market “Maduro out by . . . January 31” at a volume-weighted average price of approximately \$0.07 and \$0.08 per share, respectively, for a total purchase price of approximately 7,050 USDC.e (approximately \$7,050). Approximately 45 minutes later, VAN DYKE purchased approximately 88,187 “YES” shares of the market “Maduro out by . . . January 31” at a volume-weighted average price of

approximately \$0.08 per share for a total purchase price of approximately 7,215 USDC.e (approximately \$7,215).

12. GANNON KEN VAN DYKE, the defendant, was involved in the planning and execution of Operation Absolute Resolve, and he possessed material nonpublic information about that operation at the time of each and every trade he placed in Maduro- and Venezuela-related markets. VAN DYKE had received that information as part of his employment, and under a duty of trust and confidence to maintain the confidentiality of such classified information and to not use it for personal matters or gain. By misappropriating and using that information to execute trades, VAN DYKE breached his duty of trust and confidence to the source of the information, and violated specific commitments VAN DYKE had made to the United States regarding the use of the information.

The United States Announces Maduro's Capture and VAN DYKE Cashes Out

13. In the predawn hours of January 3, 2026, U.S. special forces apprehended Maduro and his wife at a residence in Caracas, Venezuela. The President of the United States announced the operation in a social media post on or about January 3, 2026, at approximately 4:21 AM EST.

14. On or about January 3, 2026, at approximately 5:45 AM EST—just hours after the U.S. military apprehended Maduro and transported him to the USS Iwo Jima—a photograph of GANNON KEN VAN DYKE, the defendant, was taken, and subsequently uploaded to VAN DYKE's Google account. That photograph depicts VAN DYKE on what appears to be the deck of a ship at sea, at sunrise wearing U.S. military fatigues, and carrying a rifle, standing alongside three other individuals wearing U.S. military fatigues.

15. Following the President's public announcement, Polymarket resolved several Maduro- and Venezuela-related contracts to "YES" at \$1.00 per share, including the markets

“Maduro out by . . . January 31, 2026,” and “US forces in Venezuela by . . . January 31, 2026.” As a result, GANNON KEN VAN DYKE, the defendant, won his wagers on those contracts. On or about January 3, 2026, VAN DYKE sold his positions for a profit on the markets “Trump invokes War Powers against Venezuela by . . . January 31” and “Will the U.S. invade Venezuela by . . . January 31.” Ultimately, “Will the U.S. invade Venezuela by . . . January 31” resolved to “NO,” but VAN DYKE avoided losses on that market by selling his position before it resolved. In total, VAN DYKE profited approximately \$409,881.

VAN DYKE Attempted to Conceal His Unlawful Proceeds
and Conceal Accounts He Used to Make Bets

16. Following his successful trading relating to Maduro- and Venezuela-related contracts, GANNON KEN VAN DYKE, the defendant, transferred and disguised the proceeds from his scheme. On or about January 3, 2026, he withdrew funds, including the majority of his unlawful proceeds, from his Polymarket account and sent approximately 437,859 USDC.e of the proceeds to a foreign cryptocurrency “vault,” which advertises that it generates interest for depositors by lending cryptocurrency and tangible assets to others. On or about January 16, 2026, VAN DYKE then transferred approximately 444,209 USDC.e from the cryptocurrency vault account to his cryptocurrency exchange account. From there, he withdrew approximately \$444,209 from the account and deposited it into a newly-created brokerage account. As of on or about April 21, 2026, that brokerage account contains a balance of approximately \$415,511, representing proceeds traceable to VAN DYKE’s Polymarket trades.

17. Shortly after the announcement of Maduro’s capture, reports of unusual trading in Maduro-related contracts on Polymarket appeared in the press and on social media. GANNON KEN VAN DYKE, the defendant, then took steps to conceal his identity as the trader in the Maduro- and Venezuela-related markets. On or about January 6, 2026, for example, VAN DYKE

asked Polymarket to delete his Polymarket account, falsely claiming that he had lost access to the email address to which the account had been associated. That same day, VAN DYKE changed the email registered to his cryptocurrency exchange account to an email address that was not subscribed to in his name, which email address was created on or about December 14, 2025.

Statutory Allegations

18. From at least in or about December 2025 up to and including at least in or about January 2026, in the Southern District of New York and elsewhere, GANNON KEN VAN DYKE, the defendant, an employee and agent of a department and agency of the Federal Government, who by virtue of his employment and position, acquired information that may affect and tend to affect the price of a commodity in interstate commerce, and for future delivery, and a swap, and which information had not disseminated by the department and agency of the Federal Government holding and creating the information or by Congress or by the judiciary in a manner which made it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, willfully and knowingly, used the information in his personal capacity and for personal gain to enter into, and offered to enter into, a contract of sale of a commodity for future delivery (and option on such a contract); and an option (other than an option executed or traded on a national securities exchange registered pursuant to section 78f(a) of title 15); and a swap, to wit, VAN DYKE, knowing that he had obtained material nonpublic Government information, used it to execute swap transactions in the form of binary event contracts for personal gain.

(Title 7, United States Code, Section 6c(a)(3), 13(a)(5); and Title 18, United States Code, Section 2.)

COUNT TWO

(Theft of Nonpublic Government Information)

The Grand Jury further charges:

19. The allegation contained in paragraphs 1 through 17 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

20. From at least in or about December 2025 up to and including at least in or about January 2026, in the Southern District of New York and elsewhere, GANNON KEN VAN DYKE, the defendant, stole, converted, and misappropriated, information held and created by a department and agency of the Federal Government, which information may affect and tend to affect the price of a commodity in interstate commerce, and for future delivery, and a swap, where VAN DYKE knew, and acted in reckless disregard of the fact, that such information had not been disseminated by the department and agency of the Federal Government holding and creating the information or by Congress or by the judiciary in a manner which made it generally available to the trading public, or disclosed in a criminal, civil, or administrative hearing, or in a congressional, administrative, or Government Accountability Office report, hearing, audit, or investigation, and used such information, and imparted such information with the intent to assist another person, directly and indirectly, to use such information to enter into, and offer to enter into a contract of sale of a commodity for future delivery (and option on such a contract); and an option (other than an option executed or traded on a national securities exchange registered pursuant to section 78f(a) of title 15); and a swap, to wit, VAN DYKE obtained material nonpublic Government information

relevant to the price of swap contracts regarding military action in Venezuela, and used it to execute swap transactions for personal gain.

(Title 7, United States Code, Section 6c(a)(4)(C), 13(a)(5); and Title 18, United States Code, Section 2.)

COUNT THREE
(Commodities Fraud)

The Grand Jury further charges:

21. The allegation contained in paragraphs 1 through 17 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

22. From at least in or about December 2025 up to and including at least in or about January 2026, in the Southern District of New York and elsewhere, GANNON KEN VAN DYKE, the defendant, willfully and knowingly, directly and indirectly, used and employed, and attempted to use and employ, in connection with a swap, a contract of sale of a commodity in interstate commerce, and for future delivery on and subject to the rules of a registered entity, a manipulative and deceptive device and contrivance, in contravention of Title 17, Code of Federal Regulations, Section 180.1, by: (1) using and employing, and attempting to use and employ, a manipulative device, scheme, and artifice to defraud; (2) making, and attempting to make, an untrue and misleading statement of a material fact and omitting to state a material fact necessary in order to make the statements made not untrue and misleading; and (3) engaging, and attempting to engage in an act, practice, and course of business which operates and would operate as a fraud and deceit upon a person, to wit, VAN DYKE, knowing that he had obtained material nonpublic information in breach of a duty, used it to execute swap transactions for personal gain.

(Title 7, United States Code, Sections 9(1), 13(a)(5); Title 17, Code of Federal Regulations, Section 180.1; and Title 18, United States Code, Section 2.)

COUNT FOUR
(Wire Fraud)

The Grand Jury further charges:

23. The allegation contained in paragraphs 1 through 17 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

24. From at least in or about December 2025 up to and including at least in or about January 2026, in the Southern District of New York and elsewhere, GANNON KEN VAN DYKE, the defendant, knowingly having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of false and fraudulent pretenses, representations, and promises, transmitted and caused to be transmitted by means of wire, radio, and television communication in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such scheme and artifice, to wit, VAN DYKE, knowing that he had obtained material nonpublic information subject to a duty of confidentiality, and which information has pecuniary value, and was in fact used for VAN DYKE's pecuniary gain, VAN DYKE used such information to execute and cause others to execute commodities transactions to obtain money in breach of his duties.

(Title 18, United States Code, Sections 1343, and 2.)

COUNT FIVE
**(Engaging in a Monetary Transaction in Property Derived
from Specified Unlawful Activity)**

The Grand Jury further charges:

25. The allegation contained in paragraphs 1 through 17 of this Indictment are hereby repeated, realleged, and incorporated by reference, as if fully set forth herein.

26. On or about January 22, 2026, in the Southern District of New York and elsewhere, GANNON KEN VAN DYKE, the defendant, within the United States, knowingly engaged and

attempted to engage in a monetary transaction, as defined in Title 18, United States Code, Section 1957(f)(1), in criminally derived property of a value greater than \$10,000 that was derived from specified unlawful activity, to wit, VAN DYKE made, and directed others to make, a wire transfer of approximately \$300,000 derived from the offense alleged in Count Four of this Indictment.

(Title 18, United States Code, Sections 1957, and 2.)

FORFEITURE ALLEGATIONS

27. As a result of committing the offense alleged in Count Four of this Indictment, GANNON KEN VAN DYKE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense and the following specific property:

1. All funds held in Account No. U23969461 at Interactive Brokers held in the name of "Gannon K Van Dyke."

2. \$50,066.36 in United States currency held on deposit in Account No. 108291049 at USAA Bank held in the name of "GANNON KEN VAN DYKE."

(1) through (2), collectively, the "Specific Property."

28. As a result of committing the offense alleged in Count Five of this Indictment, GANNON KEN VAN DYKE, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a)(1), any and all property, real and personal, involved in said offense, or any property traceable to such property, including but not limited to a sum of money in

United States currency representing the amount of property involved in said offense and the Specific Property.

Substitute Assets Provision

29. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p) and Title 28, United States Code, Section 2461(c), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 7, United States Code, Section 2156; Title 18, United States Code, Sections 981, 982; Title 21, United States Code, Section 853; and Title 28, United States Code, Section 2461.)


FOREPERSON


JAY CLAYTON
United States Attorney