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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MARIA ARGUETA, et al.,

Plaintiffs,

v.

IMMIGRATION AND CUSTOMS
ENFORCEMENT ("ICE"), et al.,

Defendants.

Hon. Peter G. Sheridan

No. 08-CV-01652- PGS-ES

**United States Defendants'
Answer to Second
Amended Complaint**

COME NOW United States Defendants Immigration and Customs Enforcement ("ICE") and, as sued in their official capacities, John T. Morton¹, John P. Torres, James T. Hayes, Jr., Scott Weber, John Doe ICE Agents 1-60, and John Soe ICE Supervisors 1-30 (collectively "United States Defendants"), by and through the undersigned counsel, and submit this Answer to the Plaintiffs' Second Amended Complaint. The United States Defendants herein answer only the allegations pertaining to the sole claim brought against them: the request for injunctive relief by Plaintiffs Chavez, Galindo, and W.C.²

INTRODUCTION

1. United States Defendants admit that this is an action raising constitutional claims under the Fourth and Fifth Amendment against federal officials pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and claims against state officials

¹ Julie L. Myers resigned as Assistant Secretary for Immigration and Customs Enforcement on November 15, 2008. Pursuant to Fed. R. Civ. P. 25(d), Ms. Myers is substituted by Assistant Secretary John T. Morton in his official capacity.

² Plaintiffs also seek money damages from state and federal defendants sued in their individual capacity. Currently, a motion to reconsider the denial of a motion to dismiss regarding the damages claims against the only named individual defendants is pending with the Court. Plaintiffs do not seek damages from the United States Defendants. Plaintiffs are otherwise precluded from seeking such damages from the United States Defendants. See *F.D.I.C. v. Meyer*, 510 U.S. 471 (1994).

pursuant to the 42 U.S.C. § 1983 and the New Jersey Constitution. The remaining allegations in this paragraph are denied.

2. To the extent the allegations in this paragraph pertain to the claims of Plaintiffs Chavez, Galindo, and W.C., upon information and belief, United States Defendants admit that Plaintiffs Chavez and Galindo are lawful permanent residents of the United States and Plaintiff W.C. is a United States citizen. United States Defendants deny the remaining allegations in this paragraph. The allegations of this paragraph otherwise do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

3. To the extent the allegations in this paragraph specifically pertain to the claims of Plaintiffs Chavez, Galindo, and W.C., United States Defendants deny the allegations. The allegations of this paragraph otherwise do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

4. United States Defendants deny the first and second sentence of this paragraph. United States Defendants lack sufficient information to admit or deny the allegations of the third sentence because no specific “ICE statistics” are referenced, and therefore deny the allegations in the third sentence. United States Defendants deny the characterization in the fourth sentence that individuals are swept up in dragnets, but admit that non-fugitive or non-criminal aliens arrested may be referred to as “collateral arrests” and that those are made during immigration enforcement actions. United States Defendants deny the fifth and sixth sentence of the paragraph.

5. United States Defendants deny the allegations contained in this paragraph.

6. The first sentence of the paragraph states a conclusion of law to which no response is required. United States Defendants deny the remaining allegations in this paragraph.

JURISDICTION AND VENUE

7. This paragraph states conclusions of law to which no response is required.

8. This paragraph states a conclusion of law to which no response is required.

PARTIES

The Plaintiffs

9. The allegations of this paragraph do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

10. Upon information and belief the United States Defendants admit the allegations in this paragraph.

11. Upon information and belief the United States Defendants admit the allegations in this paragraph.

12. Upon information and belief the United States Defendants admit the allegations in this paragraph.

13. The allegations in this paragraph do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

14. The allegations in this paragraph do not pertain to the specific injunctive

relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

15. The allegations in this paragraph do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

16. The allegations in this paragraph do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

17. The allegations in this paragraph do not pertain to the specific injunctive relief claims against the United States Defendants, and therefore no response is required. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

The Federal Defendants

18. United States Defendants admit that Immigration and Customs Enforcement (ICE) is an agency within the Department of Homeland Security (DHS) that is charged with investigative and enforcement responsibilities with respect to federal immigration laws. United States Defendants admit that ICE is headquartered in Washington, DC.

19. United States Defendants deny that Defendant Julie L. Myers is currently the Assistant Secretary for ICE. United States Defendants admit that Defendant Myers was the Assistant Secretary for ICE at the time of the past allegations complained of in this lawsuit by Plaintiffs Chavez, Galindo, and W.C. United States Defendants deny that Defendant Myers is charged with the responsibilities referenced in sentence two, but admit that the current Assistant Secretary for ICE (John T. Morton) is charged with such responsibilities. United States Defendants admit that Plaintiffs seek to sue Ms. Myers in her individual capacity. United States Defendants deny that Defendant Myers remains a defendant for injunctive relief in an official capacity. United States Defendants admit that ICE issued press releases on Operation Return to Sender, but deny the plaintiffs' characterization and allegations of the contents of the press releases, about which the finder of fact can draw his own conclusions.

United States Defendants deny any relief is due.

20. United States Defendants admit Defendant John P. Torres is currently the Deputy Assistant Secretary (Operations) for ICE. United States Defendants deny that Defendant Torres was the Director of ICE's Office of Detention and Removal Operations (DRO) at the time of the past allegations complained of in this lawsuit by Plaintiffs Chavez, Galindo, and W.C.³ United States Defendants admit that the current Director of DRO is James T. Hayes, Jr. and that his responsibilities include coordinating the removal of aliens who are illegally present in the United States. United States Defendants deny that defendant Hayes exercises direct supervision over DRO employees assigned to field offices including those assigned to the Newark, NJ office. United States Defendants deny that Defendant Hayes exercises direct supervision of DRO employees assigned to fugitive operations teams. United States Defendants admit that the Plaintiffs seek to sue Defendant Torres in his individual and official capacity. United States Defendants deny that any relief is due against any Defendant in this paragraph.

³ To the extent Plaintiffs seek to sue John P. Torres in his official capacity as the Deputy Assistant Secretary (Operations) for ICE, he remains a defendant in that official capacity. To the extent Plaintiffs seek to sue Mr. Torres in his official capacity as the former or current DRO Director, James T. Hayes, Jr. the current director of DRO, is automatically substituted as the official capacity defendant for that title. See Fed. R. Civ. P. 25(d).

21. United States Defendants admit the allegations in this paragraph, but deny that any relief is due.

22. United States Defendants admit the allegations in the first and second sentence of this paragraph. United States Defendants deny the allegations in the third sentence of this paragraph.⁴ United States Defendants admit the allegation in the last sentence of this paragraph, but deny that any relief is due.

23. To the extent the allegations in this paragraph relate to the specific injunctive relief claim against the United States Defendants, the United States Defendants lack sufficient information to admit or deny the allegations in sentence one, and therefore deny the allegations. United States Defendants deny the second sentence allegation of “home raids,” but admit that ICE agents are responsible for carrying out the policies and practices of ICE. United States Defendants deny the allegations in the last sentence. A response is not required for the remaining allegations of this paragraph that otherwise do not pertain to the specific injunctive relief claims against the United States Defendants. The United States Defendants waive no defenses and reserve the right to respond to

⁴ Bartolome Rodriguez is no longer the Acting Newark Field Office Director for DRO, and should therefore be dismissed as an official capacity defendant. Scott Weber is the current Newark Field Office Director for DRO, and is already an official capacity defendant under that title. See Fed. R. Civ. P. 25(d).

the remaining allegations in this paragraph should the court order such a response.

24. To the extent the allegations in this paragraph relate to the specific injunctive relief claim against the United States Defendants, the United States Defendants lack sufficient information to admit or deny the allegations in sentence one, and therefore deny the allegations. United States Defendants admit the allegation in the second sentence of this paragraph, but deny any relief is warranted. United States Defendants deny the allegations in the last sentence.

25. The United States Defendants lack sufficient information to admit or deny the allegations in this paragraph.

26. To the extent the allegations in this paragraph relate to the specific injunctive relief claim against the United States Defendants, the United States Defendants are unable to respond to the paragraph because it is vague and lacks specificity. To the extent a response is required, United States Defendants deny this paragraph.

The Penns Grove Defendants

27. A response is not required for this paragraph as it does not pertain to the specific injunctive relief claims against the United States Defendants. The

United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

FACTUAL BACKGROUND

ICE Fugitive Operations in New Jersey

28. United States Defendants admit that the National Fugitive Operations Program began in 2002 and that it was established to locate, apprehend, and remove fugitive aliens. United States Defendants admit that the definition of fugitives includes individuals with outstanding deportation orders or individuals who failed to report to a DRO officer after receiving notice to do so. United States Defendants admit the allegations in the last sentence.

29. United States Defendants admit the allegations in this paragraph.

30. United States Defendants deny the allegations in this paragraph.

31. United States Defendants admit the allegations in this paragraph.

32. United States Defendants deny that there is a quota of 1,000 arrests annually. United States Defendants admit the remaining allegations in this paragraph.

Unlawful Home Raids Practices

Unlawful Entry

33. United States Defendants admit that more than one ICE employee may

participate in an enforcement action. United States Defendants deny the remaining allegations and characterizations in this paragraph.

34. United States Defendants admit that ICE agents are officers authorized to enforce the federal immigration laws. United States Defendants are without sufficient information to admit or deny the allegations in last sentence of the paragraph, and therefore deny the allegations. United States Defendants deny the remaining allegations in this paragraph.

35. United States Defendants deny the allegations in this paragraph.

36. United States Defendants deny the allegation in the first sentence. A response is not required for the remaining allegations of this paragraph as they do not pertain to the specific injunctive relief claims against the United States Defendants. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response. In any event, the United States Defendants are without sufficient information to admit or deny the remaining allegations of this paragraph, and therefore deny the remaining allegations.

37. United States Defendants deny the allegation in the first sentence. A response is not required for the remaining allegations of this paragraph as they do not pertain to the specific injunctive relief claims against the United States

Defendants. The United States Defendants waive no defenses and reserve the right to respond to the remaining allegations in this paragraph should the court order such a response.

Unlawful seizures

38. United States Defendants admit that more than one ICE employee may participate in an enforcement action. United States Defendants deny the remaining allegations in this paragraph.

39. United States Defendants deny the allegations and characterizations in this paragraph, and specifically preserve law enforcement privilege. Law enforcement techniques may be protected by law enforcement privilege.

40. United States Defendants admit that if ICE agents determine it is necessary, ICE agents may handcuff illegal aliens whom they apprehend, and that ICE may use vans to transport those aliens. United States Defendants deny the remaining allegations in this paragraph, and specifically preserve law enforcement privilege. Law enforcement techniques may be protected by law enforcement privilege.

41. United States Defendants admit that the media articles cited in this paragraph and footnote 2 exist, but deny the plaintiffs' characterization and

allegations of the contents of those articles, about which the finder of fact can draw his own conclusions.

42. United States Defendants deny the allegations in the first sentence of this paragraph. The United States Defendants lack sufficient information to admit or deny the allegations in the second sentence of this paragraph and footnote 3, and therefore deny the allegations.

The Arbitrary, Inaccurate and Pretextual Nature of “Fugitive” Raids

43. United States Defendants admit that the purpose of Operation Return to Sender is the arrest of fugitive aliens, with a priority on aliens who have been convicted of crimes. United States Defendants admit the allegations in the second sentence of this paragraph. United States Defendants admit the allegation in the third sentence of this paragraph. As to the remaining allegations, the United States Defendants admit that there are reports containing statistics regarding fugitive operations, but deny the plaintiffs' characterization of the contents about which the finder of fact can draw his own conclusions.

44. United States Defendants admit that non-fugitive or non-criminal aliens arrested may be referred to as “collateral arrests.” United States Defendants deny the remainder of the allegations in this paragraph.

45. United States Defendants deny the allegations in this paragraph and

footnote 4.

46. United States Defendants admit the allegations in the first sentence of this paragraph. United States Defendants admit that an ICE representative discussed at the hearing the occurrence of detention and removal of U.S. citizens, but deny the plaintiffs' characterization of the testimony about which the finder of fact can draw his own conclusions, and deny footnote 5. United States Defendants admit the factual allegation in the last sentence that the chair of the subcommittee made the quoted remarks, but deny that the statement is true.

47. United States Defendants deny the allegations in the first sentence of this paragraph. United States Defendants admit that the DHS Inspector General's office prepared an assessment of ICE's fugitive operations teams, but deny the plaintiffs' allegations and characterization of the report about which the finder of fact can draw his own conclusions.

48. United States Defendants deny the allegations in this paragraph.

Raids on Individual Plaintiffs' Homes

Maria Argueta

49. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

50. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

51. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

52. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

53. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

54. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

55. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

56. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

57. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

58. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

59. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

60. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

61. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

62. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

63. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

64. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

65. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

66. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

67. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

68. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

69. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

70. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

Walter Chavez, Ana Galindo and W.C.

71. Upon information and belief United States Defendants admit that Walter Chavez and Ana Galindo are lawful permanent residents, that they lived in Paterson, NJ, at all times relevant to this action, and that Plaintiff W.C. is a citizen of the United States. United States Defendants lack sufficient information to admit or deny the remaining allegations in this paragraph, and

therefore deny the remaining allegations.

72. United States Defendants admit that at approximately 7:30 a.m. on April 2, 2008, ICE agents arrived at the Chavez/Galindo residence in government vehicles and that one or more of them spoke to Mr. Chavez. United States Defendants deny the remaining allegations in this paragraph.

73. United States Defendants deny the allegations in this paragraph.

74. United States Defendants deny the allegations in this paragraph.

75. The first sentence of the paragraphs states a conclusion of law to which no response is required. To the extent a response is required, United States Defendants admit that the ICE agents did not have a judicial warrant, but United States Defendants deny that the agents lacked legal justification to enter. United States Defendants deny that the residence was searched.

76. United States Defendants admit that Ms. Galindo came to the room where the ICE agents were standing with Mr. Chavez. United States Defendants lack sufficient information to admit or deny the allegation that Ms. Galindo ran out of bathroom or came there from the shower, and therefore deny the allegation. The United States Defendants are unable to respond to the vague and non-specific allegation that Ms. Galindo was not “properly dressed,” but admit that Ms. Galindo was dressed. United States Defendants deny the remaining

allegations in this paragraph.

77. United States Defendants admit the allegations in the first and second sentence of this paragraph. United States Defendants admit that an ICE agent stated that Ms. Galindo was not the person ICE was looking for.

78. United States Defendants admit the allegation that at some point W.C. entered the room, that the ICE agents wore outer garments that were marked “ICE,” and that they wore holstered firearms. Upon information and belief W.C. was not crying. United States Defendants lack sufficient information to ascertain what caused W.C. to enter the room, and therefore deny this allegation. United States Defendants deny the remaining allegations in this paragraph.

79. United States Defendants deny the allegations in this paragraph.

80. United States Defendants deny the allegations in this paragraph.

81. United States Defendants deny the allegations in this paragraph.

82. United States Defendants admit that ICE agents asked Ms. Galindo to produce identification, but United States Defendants deny that the identification was “demanded.” United States Defendants lack sufficient information to admit or deny the allegation that W.C. was hiding under the pillows in the bedroom, and therefore deny the allegation. United States Defendants admit the

allegation that Ms. Galindo produced identification.

83. United States Defendants deny the allegations in this paragraph.

84. United States Defendants admit the allegation that the ICE agents remained in the living room. United States Defendants deny the remaining allegations in this paragraph.

85. United States Defendants deny the allegations in this paragraph.

86. United States Defendants deny that the Chavez/Galindo home was “raided,” and lack sufficient information to admit or deny the remaining allegations in this paragraph, and therefore deny the remaining allegations.

87. The United States Defendants lack sufficient information to admit or deny the allegations in this paragraph, and therefore deny the allegations.

88. The United States defendants deny that ICE agents stated they would return to the home, and lack sufficient information to admit or deny the remaining allegations in this paragraph, and therefore deny the allegations.

Arturo Flores and Bybyana Arias

89. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph

should the court order such a response.

90. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

91. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

92. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

93. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no

defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

94. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

95. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

96. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

97. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by

Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

98. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

99. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

100. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

101. A response to this paragraph is not required as it does not pertain to the

specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

102. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

103. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

104. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

Juan Ontaneda

105. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

106. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

107. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

108. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no

defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

109. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

110. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

111. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

112. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by

Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

113. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

114. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

115. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

116. A response to this paragraph is not required as it does not pertain to the

specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

117. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

118. A response to these paragraphs is not required as they do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in these paragraph should the court order such a response.

Veronica Covias

119. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph

should the court order such a response.

120. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

121. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

122. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

123. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no

defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

124. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

125. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

126. A response to these paragraphs is not required as they do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in these paragraph should the court order such a response.

Yesica Guzman

127. A response to this paragraph is not required as it does not pertain to the

specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

128. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

129. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

130. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

131. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

132. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

133. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

134. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph

should the court order such a response.

135. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

136. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

137. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

138. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no

defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

139. A response to this paragraph is not required as it does not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

Allegations of Pervasive ICE Raid Practices

140. United States Defendants admit that there have been newspaper articles about, and lawsuits involving, ICE's law enforcement operations. United States Defendants deny that there is a "nationwide pattern and practice of unlawful raids"

141. United States Defendants admit the allegation that Congress has questioned DHS regarding ICE's immigration enforcement operations. United States Defendants admit the existence of a June 11, 2007 letter from three members of Congress, but deny the plaintiffs' characterizations and allegations regarding the letter, about which the finder of fact can draw his own conclusions.

142. United States Defendants admit the existence of the report referenced in

the paragraph, but deny the plaintiffs' characterizations and allegations of its contents, about which the finder of fact can draw his own conclusions.

143. United States Defendants admit the allegation that the press in New Jersey has reported about ICE's law enforcement operations, but deny the plaintiffs' characterizations and allegations of the contents of such articles referenced in footnotes 6 thru 23, about which the finder of fact can draw his own conclusions.

Defendants' Supervisory Responsibility

Defendants Myers and Torres

144. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants admit that the fugitive operations teams increased between 2005 and 2007. United States Defendants deny the remaining allegations in this paragraph.

145. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants admit the allegation that Ms. Myers and Mr. Torres have been named as defendants in lawsuits. United States Defendants deny the remaining allegations in this paragraph.

146. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants admit the allegation that the National Immigration Forum wrote a letter, dated June 11, 2007, to DHS Secretary Michael Chertoff and that then-Assistant Secretary Myers replied by letter dated July 6, 2007. United States Defendants deny the plaintiffs' characterization and allegations of the contents of both letters, about which the finder of fact can draw his own conclusions.

147. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants deny the allegations in the first two sentences of the paragraph. United States Defendants admit the allegation in the third sentence that then-director Torres and Mayor DeStefano had a telephone conversation in June 2007. United States Defendant admit that a written summary of the June 2007 telephone conversation exists, but deny the plaintiffs' characterization and allegations of the written summary, about which the finder of fact can draw his own conclusions.

148. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo,

and W.C., United States Defendants deny the allegations in the first three sentences of the paragraph. United States Defendants admit the allegation in the last sentence of this paragraph that ICE has issued press releases regarding the agency's law enforcement operation, but deny plaintiffs' characterization and allegations of the press releases, about which the finder of fact can draw his own conclusions.

Defendants Rodriguez and Weber

149. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants admit that Mr. Weber has a supervisory position in the Newark DRO Field Office. United States Defendants admit that while in his position as Acting Field Office Director for Newark DRO, Mr. Rodriguez had a supervisory position in the Newark DRO Field Office. United States Defendants admit that on occasion Mr. Weber and Mr. Rodriguez responded to inquiries by the press on Operation Return to Sender or other DRO operations. United States Defendants deny all remaining allegations in this paragraph.

150. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo,

and W.C., United States Defendants deny the allegations in this paragraph.

151. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants deny the allegations in this paragraph.

152. To the extent the allegations in this paragraph pertain to the injunctive relief claims against United States Defendants by Plaintiffs Chavez, Galindo, and W.C., United States Defendants deny the allegations in this paragraph.

FIRST CLAIM:
***BIVENS* CLAIM FOR UNREASONABLE HOME ENTRIES IN
VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED
STATES CONSTITUTION**

153. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

154. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

155. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

156. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

157. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

158. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

159. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

160. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

SECOND CLAIM:
BIVENS CLAIM FOR UNREASONABLE HOME SEARCHES IN VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

161. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

162. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

163. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

164. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

165. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

166. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

167. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

168. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

THIRD CLAIM:
***BIVENS* CLAIM FOR UNREASONABLE SEIZURES IN VIOLATION
OF THE FOURTH AMENDMENT TO THE UNITED STATES
CONSTITUTION**

169. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

170. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

171. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

172. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

173. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

174. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

175. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

176. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

177. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

FOURTH CLAIM:

BIVENS CLAIM FOR EXCESSIVE FORCE IN VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION

178. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

179. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

180. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

181. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

182. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

183. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

184. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

185. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

186. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

FIFTH CLAIM:
***BIVENS* CLAIM FOR VIOLATIONS OF SUBSTANTIVE DUE
PROCESS RIGHTS UNDER THE FIFTH AMENDMENT TO THE
UNITED STATES CONSTITUTION**

187. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

188. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

189. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

190. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

191. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

192. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

193. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

194. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

195. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

SIXTH CLAIM:
***BIVENS* CLAIM FOR VIOLATION OF EQUAL PROTECTION OF THE LAWS UNDER THE FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION**

196. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

197. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

198. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

199. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

200. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

201. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

202. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

203. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

SEVENTH CLAIM:

42 U.S.C. § 1983 CLAIM FOR UNREASONABLE HOME ENTRY IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

204. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

205. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

206. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

207. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

208. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

EIGHTH CLAIM:

**42 U.S.C. § 1983 CLAIM FOR UNREASONABLE HOME SEARCH IN
VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS
TO THE UNITED STATES CONSTITUTION**

209. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

210. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

211. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

212. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations

in this paragraph should the court order such a response.

213. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

NINTH CLAIM:

42 U.S.C. § 1983 CLAIM FOR UNREASONABLE SEIZURE IN VIOLATION OF THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED STATES CONSTITUTION

214. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

215. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

216. A response to this paragraph is not required as the allegations do not

pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

217. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

218. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

TENTH CLAIM:

**42 U.S.C. § 1983 CLAIM FOR EXCESSIVE FORCE IN VIOLATION OF
THE FOURTH AND FOURTEENTH AMENDMENTS TO THE UNITED
STATES CONSTITUTION**

219. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

220. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

221. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

222. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

223. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

ELEVENTH CLAIM:
**42 U.S.C. § 1983 CLAIM FOR VIOLATION OF SUBSTANTIVE DUE
PROCESS RIGHTS UNDER THE FOURTEENTH AMENDMENT TO
THE UNITED STATES CONSTITUTION**

224. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

225. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

226. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

227. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

228. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

TWELFTH CLAIM:

**CLAIM FOR UNREASONABLE HOME ENTRY IN VIOLATION OF
ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION**

229. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

230. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

231. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

232. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

THIRTEENTH CLAIM:
CLAIM FOR UNREASONABLE HOME SEARCH IN VIOLATION OF
ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION

233. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

234. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

235. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

236. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

FOURTEENTH CLAIM:
CLAIM FOR UNREASONABLE SEIZURES IN VIOLATION OF

ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION

237. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

238. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

239. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

240. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

FIFTEENTH CLAIM:
CLAIM FOR USE OF EXCESSIVE FORCE IN VIOLATION OF
ARTICLE I, PARAGRAPH 7 OF THE NEW JERSEY CONSTITUTION

241. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

242. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

243. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

244. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

SIXTEENTH CLAIM:
CLAIM FOR VIOLATION OF FUNDAMENTAL FAIRNESS AND DUE
PROCESS OF LAW PROVIDED BY ARTICLE I, PARAGRAPH 1 OF
THE NEW JERSEY CONSTITUTION

245. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

246. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States

Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States

Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

247. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

248. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

249. A response to this paragraph is not required as the allegations do not pertain to the specific injunctive relief claims against the United States Defendants by Plaintiffs Chavez, Galindo, and W.C. The United States Defendants waive no defenses and reserve the right to respond to the allegations in this paragraph should the court order such a response.

* * * * *

PRAYER FOR RELIEF

The remainder of the complaint constitutes Plaintiffs' request for relief to which no responsive pleading is necessary. To the extent that a response is

deemed required, the United States Defendants deny that Plaintiffs are entitled to relief from the United States Defendants.

* * * * *

To the extent that the United States Defendants have not responded to an allegation in any paragraph, the United States Defendants deny the allegation therein.

* * * * *

In addition, United States Defendant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

The claims against the United States Defendants should be dismissed for lack of standing.

SECOND AFFIRMATIVE DEFENSE

The claims against the United States Defendants should be dismissed as Plaintiffs have failed to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

The United States Defendants are entitled to summary judgment as a matter of law.

FOURTH AFFIRMATIVE DEFENSE

The complaint against the United States Defendants should be dismissed on grounds of mootness.

FIFTH AFFIRMATIVE DEFENSE

Plaintiffs are unable to meet their burden to establish they merit injunctive relief.

SIXTH AFFIRMATIVE DEFENSE

Injunctive relief should be denied to Plaintiffs as an exercise of judicial discretion to withhold relief.

SEVENTH AFFIRMATIVE DEFENSE

To the extent Plaintiffs seek *Bivens* damages from the United States Defendants, this Court lacks jurisdiction to order such relief against the United States Defendants. See F.D.I.C. v. Meyer, 510 U.S. 471 (1994).

EIGHTH AFFIRMATIVE DEFENSE

Although United States Defendants do not presently have specific facts in support of its remaining defenses, it wishes to put counsel for Plaintiffs on notice that it raises the affirmative defenses set forth in Rule 8, Fed. R. Civ. P., should subsequent discovery disclose facts that support those defenses.

WHEREFORE United States Defendants ask that this action be dismissed with prejudice, that judgment be entered for the United States

Defendants, that the request of an award of costs and expenses of the suit be denied to Plaintiffs, that the United States Defendants be awarded their costs incurred herein, and that the Court grant such other and further relief to United States Defendants as it deems proper.

Respectfully submitted,

Dated: June 18, 2009

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