

PARTIES

4. Thirty-six-year-old Plaintiff Ernesto Galarza is and was at all times relevant to this Complaint a resident of Allentown, Pennsylvania.

U.S. Defendants

5. Defendant Mark Szalczyk was at all times relevant to this Complaint a Deportation Officer employed by United States Immigration and Customs Enforcement ("ICE"). He is sued in his individual capacity.

6. Defendant Greg Marino was at all times relevant to this Complaint an agent employed by ICE in its Allentown office. He is sued in his individual capacity.

7. At all times relevant to this Complaint, Defendants Szalczyk and Marino were acting within the scope and course of their employment with ICE, an executive agency of the United States.

Allentown Defendants

8. Defendant City of Allentown is a political subdivision of the Commonwealth of Pennsylvania that can sue and be sued in its own name. Defendant City of Allentown includes, operates and is responsible for the Allentown Police Department.

9. Defendant Christie Correa was at all times relevant to this Complaint a narcotics investigator employed by the Allentown Police Department. She is sued in her individual capacity.

10. At all times relevant to this Complaint, Defendant Correa was acting within the scope and course of her employment with the Allentown Police Department.

Lehigh County Defendants

11. Defendant Lehigh County is a political subdivision of the Commonwealth of Pennsylvania that can sue and be sued in its own name. Defendant Lehigh County includes, operates and is responsible for the Lehigh County Prison.

FACTUAL ALLEGATIONS

The Allentown Police Department and ICE Regularly Collaborate to Imprison Criminal Arrestees for Immigration Purposes.

12. Since at least 2006, the Allentown Police Department and ICE have engaged in a joint venture to imprison individuals suspected of being “aliens” subject to deportation. Exhibit A.

13. Under this collaboration, Allentown police “actively work[] with ICE to identify criminal aliens who have committed criminal offenses within the borders of the City of Allentown and to take appropriate steps for deportation where warranted.” *Id.*

14. The collaboration also includes Allentown police conducting “periodic operations,” which the police also term “round ups,” to apprehend undocumented immigrants who have committed crimes. *Id.* In 2006, for instance, Allentown police worked with ICE to apprehend 120 people. *Id.*

15. Until March 2007, in furtherance of this joint venture, ICE maintained an office within the Allentown Police Department. The ICE Special Agent who staffed that desk, Stephanie Fritzges, reviewed Allentown police arrests and attempted to identify arrestees whose immigration status rendered them subject to deportation. *Id.*

16. By November 2008, however, Stephanie Fritzges' post was vacant, and Allentown Police Department employees collaborated with ICE by communicating and working with personnel in ICE's separate Allentown office.

17. For example, in 2008, Defendant Correa, in her role as a narcotics investigator, participated in a joint Allentown Police Department and ICE operation to execute warrants in the City of Allentown.

18. Allentown Police Department personnel regularly communicate with ICE personnel regarding arrestees suspected of being "aliens" subject to deportation.

19. Despite this regular collaboration between its officers and ICE, the City of Allentown has never supplied any training or arranged for its officers to receive training from any other source, about investigating immigration status, when to provide information to ICE, or what information to provide.

20. Notwithstanding the lack of training supplied to its officers, the City of Allentown, with deliberate indifference, has knowingly allowed its officers to make reports to ICE on the basis of ethnicity.

21. The practice of aggressive pursuit of criminal alien detention, carried out through the ongoing collaboration between Allentown Police Department personnel, including Defendant Christie Correa, and ICE agents, including Defendants Mark Szalczyk and Greg Marino, led to Plaintiff's imprisonment on a false immigration detainer.

Although Detainers May Only Be Issued in Accordance with the Fourth Amendment, ICE Officers Regularly Issue Erroneous Detainers against County Inmates in Pennsylvania.

22. The ICE Defendants know or should know that improper detainers have frequently been issued at Lehigh County Prison, where many Allentown Police Department

arrestees are jailed, as ICE officials have issued and then cancelled many immigration detainers previously lodged against Lehigh County Prison inmates and inmates detained in other nearby county prisons and jails.

23. Since at least November 6, 2008, ICE officers were put on official notice of the agency's "ongoing concerns" about the imperative to ensure that U.S. Citizens are not falsely detained on immigration detainers. On that date, then-Director of ICE's Detention and Removal Operations, James T. Hayes, issued a memorandum to ICE Field Office Directors cautioning that, prior to making an arrest, ICE officers must have probable cause that the individual to be arrested is an "alien" subject to removal from the United States. James T. Hayes, *Superseding Guidance on Reporting and Investigating Claims to United States Citizenship*, at 1 (Nov. 6, 2008).

Defendants Imprisoned Plaintiff, a United States Citizen, for Immigration Purposes.

24. Plaintiff Ernesto Galarza was born in Perth Amboy, New Jersey on September 20, 1974.

25. Plaintiff is and always has been a United States Citizen.

26. Plaintiff is a Hispanic man of Puerto Rican heritage.

27. Plaintiff speaks both English and Spanish.

28. On Thursday, November 20, 2008, Plaintiff was performing construction work on a house near 6th and Monroe Streets in Allentown.

29. Unbeknownst to Plaintiff, the contractor directing the construction, Juan Santilme, was selling cocaine.

30. At approximately 2:30 p.m., after Santilme sold cocaine to Defendant Correa, who was acting undercover, Allentown police arrived at 6th and Monroe Streets and arrested Plaintiff.

31. Plaintiff was charged with conspiring with Santilme and two other arrestees, Joel Cruz and Luis Aponte-Maldonado, to deliver cocaine in violation of Pennsylvania law.

32. Juan Santilme, Luis Aponte-Maldonado and Joel Cruz are Hispanic.

33. Juan Santilme is a citizen of the Dominican Republic.

34. On information and belief, Luis Aponte-Maldonado is a citizen of the Dominican Republic. However, following his arrest, he told Defendant Correa that he is a United States citizen from Puerto Rico.

35. On information and belief, Joel Cruz is a citizen of Honduras.

36. Upon his arrest, Plaintiff was taken to the Allentown Police Department and held in a cell separate from the other three arrestees.

37. The Criminal Complaint, dated November 20, 2008 and verified on penalty of perjury by Defendant Correa, correctly listed Plaintiff's place of birth as Perth Amboy and his date of birth as September 20, 1974; the Complaint also listed Plaintiff's Social Security Number and ethnicity (Hispanic).

38. Defendant Correa therefore knew and should have known that Plaintiff was a U.S. citizen.

39. At the time of arrest, Plaintiff carried his wallet, which contained the following:

- a) Plaintiff's Pennsylvania Driver's License
- b) Plaintiff's Social Security Card
- c) Plaintiff's Debit Card

d) Plaintiff's Health Insurance Card.

40. At approximately 8:00 p.m., Plaintiff was transported to Lehigh County Prison in Allentown.

41. At approximately 10:15 p.m., Magisterial District Judge Karen C. Devine set Plaintiff's bail at \$15,000.

42. In the early morning hours of Friday, November 21, 2008, Plaintiff underwent the prison admissions process.

43. During the prison admissions process, all new inmates are asked to report their place of birth. If a birthplace outside the United States is reported, Lehigh County Prison staff complete and fax a special form to ICE.

44. During his admissions processing, Plaintiff told prison officials that he was born in New Jersey.

45. Understanding that Mr. Galarza is an American citizen, Lehigh County Prison staff never faxed to ICE a special form regarding Plaintiff.

46. During the prison admissions process, Plaintiff was fingerprinted.

47. Lehigh County Prison officials stored Plaintiff's wallet.

48. At some point during the evening of November 20, 2008, Defendant Correa phoned ICE and spoke to an agent she believed to be Greg Marino. She stated that she had arrested four men that afternoon on drug charges, some of whom she believed to have given false information about their identities. She provided the ICE agent with information from each arrestee's booking sheet, including, his name, date of birth, place of birth, ethnicity, and Social Security number, if given.

49. Defendant Correa called ICE with this information in furtherance of Allentown's policy and practice of collaborating with ICE to imprison individuals suspected of being "aliens" subject to deportation.

50. Defendant Correa provided the following information regarding Plaintiff:

- a) Name (Ernesto Galarza)
- b) Date of Birth (09/20/74)
- c) Place of Birth (Perth Amboy, New Jersey)
- d) Ethnicity (Hispanic)
- e) Social Security Number.

51. Correa gave the ICE agent to whom she spoke reason to believe that she suspected all four arrestees of being foreign nationals or of having given false information about their identities. Defendant Correa did so even though she knew and should have known that Plaintiff was a U.S. citizen born in New Jersey, based upon the ample documentation to that effect in her possession and control.

52. Defendant Correa gave Plaintiff's information to ICE merely because he was Hispanic and was arrested in the company of three other Hispanic men who did not appear to be citizens.

53. Defendant Correa does not report to ICE about Caucasians arrested with other people whom she believes to be foreign nationals and thus would not have provided Plaintiff's information to ICE if he had not been Hispanic.

54. Defendant Marino gave Defendant Szalczyk the information from Defendant Correa, including the statement or suggestion that Plaintiff had lied about his identity.

55. Before Defendant Marino gave Defendant Szalczyk this information, he conducted no investigation of other reasonably available information that would have confirmed Plaintiff's identity and the fact that Plaintiff is a U.S. citizen.

56. If Defendant Correa spoke to Defendant Szalczyk as opposed to Defendant Marino, then Defendant Correa communicated directly to him information that gave Defendant Szalczyk reason to believe that Plaintiff was a foreign national or had given false information about his identity.

57. Despite being provided Plaintiff's Social Security number and other accurate personal information proving that Plaintiff is a U.S. citizen, Defendant Szalczyk decided to issue a detainer for Plaintiff.

58. Defendant Szalczyk did not make any effort to determine whether the Social Security Number provided by Plaintiff was valid. Instead, he assumed, without sufficient legal cause, that Plaintiff was a foreign national, either based upon the information provided to him by Defendant Correa or Defendant Marino; or because Plaintiff had a Hispanic name and was arrested in the company of three other Hispanic men who did not appear to be citizens.

59. On or about Friday, November 21, 2008, Szalczyk prepared an Immigration Detainer – Notice of Action (Form I-247) directing Lehigh County prison staff not to release Plaintiff. Exhibit B.

60. The detainer was faxed to Lehigh County Prison on Friday, November 21, 2008.

61. The immigration detainer falsely described Plaintiff as an "alien" and falsely listed his nationality as "Dominican Republic." Exhibit B.

62. Upon information and belief, Defendant Szalczyk stated that Plaintiff was from the Dominican Republic because he had a Hispanic name and was arrested in the company of

three other Hispanic men, at least one of whom was known to be from the Dominican Republic. Defendant Szalczyk issued the immigration detainer against Plaintiff despite ample evidence proving that Plaintiff is a U.S. citizen.

63. Defendant Szalczyk took his actions in issuing an immigration detainer against Plaintiff and stating that he was from the Dominican Republic despite the ample evidence that he was a U.S. citizen, and in failing to verify that evidence through a check of his Social Security number, because of Plaintiff's ethnicity. Had Defendant Szalczyk known or believed Plaintiff to be Caucasian, Defendant Szalczyk would not have issued the immigration detainer without at least checking the available identifying information.

64. The immigration detainer correctly listed Plaintiff's birth date. Id.

65. The immigration detainer failed to list an Alien Registration Number or File Number for Plaintiff. Instead it read: "TBD." Id.

66. The immigration detainer also read, in part:

Investigation has been initiated to determine whether this person is subject to removal/deportation from the United States Federal regulations (8 C.F.R. 287.7) require that you detain the alien for a period not to exceed 48 hours (excluding Saturdays, Sundays and Federal holidays) to provide adequate time for ICE to assume custody of the alien.

Id.

67. On Friday, November 21, 2008, a surety company posted bail for plaintiff.

68. Plaintiff learned that bail had been posted when, on Friday, November 21, 2008, a Lehigh County Prison correctional officer told him that his bail had been posted and that he should prepare to leave the facility.

69. Shortly after Plaintiff was told of his imminent release, the same correctional officer told him that a detainer was preventing his release.

70. When Plaintiff protested to the correctional officer that there should be no detainer preventing his release, the officer told him that he would have to wait through the entire weekend until he could speak with a counselor on Monday, November 24, 2008.

71. Solely because of the immigration detainer, Lehigh County Prison officials did not release Plaintiff on Friday, November 21, 2008, after his bail was posted.

72. Prior to issuance of the detainer, Plaintiff had neither been interviewed by any ICE official nor provided with a copy of the detainer. Nor did ICE bother to verify the validity of the ample documentation of Plaintiff's identity and U.S. citizenship, including his Social Security number and Pennsylvania driver's license.

73. Consequently, Plaintiff did not, until Monday, November 24, 2008, learn that the detainer had been issued for immigration purposes.

74. Plaintiff remained jailed at Lehigh County Prison until Monday night, November 24, 2008.

75. After breakfast on Monday, November 24, 2008, a Lehigh County Prison counselor told Plaintiff for the first time that the detainer holding him was an immigration detainer that had been placed by ICE.

76. Plaintiff immediately protested that he is a United States citizen and that there was no basis to hold him on an immigration detainer.

77. Plaintiff urged the counselor to collect his wallet from the property room and look at his Social Security Card and Pennsylvania Driver's License. The counselor refused.

78. Shortly thereafter, two ICE officers met with Plaintiff at the Lehigh County Prison.

79. These ICE officers questioned Plaintiff extensively about his statement that he had been born in New Jersey.

80. Plaintiff gave them his Social Security Number and date of birth.

81. The ICE officers left and returned shortly thereafter. Upon their return, they informed Plaintiff that the detainer was being lifted.

82. The detainer was in fact lifted at 2:05 p.m. on Monday, November 24, 2008.

83. Plaintiff was released from Lehigh County Prison at 8:28 p.m. on Monday, November 24, 2008.

84. The detainer caused Plaintiff to be detained unnecessarily and unconstitutionally for approximately three days.

85. As a result of this imprisonment, Plaintiff lost a part-time job, lost wages from both his full and part time jobs, and suffered emotional distress and physical problems.

86. On April 12, 2010, a jury acquitted Plaintiff of the crime for which he had been arrested on November 20, 2008.

**Plaintiff's Imprisonment Pursuant to an ICE Detainer Was Unlawful
and Based on His Ethnicity.**

87. Notwithstanding the easily verifiable fact of Plaintiff's citizenship, on November 21, 2008, Defendants Szalczyk, Marino, and Correa unlawfully caused an immigration detainer to be lodged against Plaintiff.

88. Because the detainer was intended to cause and did cause Plaintiff's continued imprisonment, it could not lawfully be issued on less than probable cause that Plaintiff was an alien subject to detention and removal from the United States.

89. There was no such cause for issuance of an immigration detainer against Plaintiff. The issuance of the immigration detainer against Plaintiff was instead based on Plaintiff's ethnicity.

Although ICE Represented to Lehigh County Prison that Plaintiff's Detention Was Mandatory, Prison Officials Have No Authority to Imprison, on Less than Probable Cause, Individuals Who Have Met Bail Requirements.

90. Plaintiff's detainer states that "federal regulations *require* that you detain the alien." Exhibit B (emphasis added). ICE officials regularly issue detainers that claim to *require* detention.

91. In reality, an immigration detainer is merely a "request," not a legally-enforceable command, to hold an alien subject to removal for up to 48 hours (excluding weekends and holidays). 8 C.F.R. § 287.7(a). Under the "anti-commandeering" doctrine, a federal official is constitutionally barred from asserting authority to order a state or local official to exercise sovereign authority to imprison. *Printz v. United States*, 521 U.S. 898, 910 (1997):

92. The detainer prevented Plaintiff's release on bail.

93. ICE Defendants intended and expected the detainer to prevent Plaintiff's release.

94. The detainer does not purport to have been issued upon probable cause. Instead, it indicated that "[i]nvestigation has been initiated to determine whether [Plaintiff] is subject to removal/deportation from the United States."

95. Consequently, Lehigh County prison officials agreed to imprison Plaintiff on less than probable cause and disregarded evidence close at hand that had been made available to prison officials upon Plaintiff's admission to the prison – Plaintiff's Social Security card, Pennsylvania driver's license and statements that he was born in New Jersey – as well as the

information in Lehigh County's own records , all of which indicated that Plaintiff is a United States citizen.

96. Were it not for Plaintiff's ethnicity, prison officials would not have detained him as an "alien," specifically as a "Dominican," in the face of evidence confirming that he is a United States citizen.

Defendants' Actions Unlawfully Harmed Plaintiff.

97. As a direct and proximate result of the conduct of Defendants Szalczyk, Marino, Correa, the City of Allentown, and Lehigh County, Plaintiff suffered substantial damages, including physical pain and suffering, emotional distress and harm, embarrassment, lost wages and employment, other financial losses, and lost liberty.

98. Defendants' actions deprived Plaintiff of his liberty and thus amounted to a seizure of his person.

99. Defendants' actions deprived Plaintiff of his liberty with reckless indifference to the absence of a basis on which to continue his detention.

100. Defendants' actions were arbitrary and capricious and had no legitimate or rational basis.

101. Defendants' actions were based on Plaintiff's ethnicity.

102. Defendants' actions failed to provide Plaintiff with due process of law.

103. At all times relevant to this Complaint, the conduct of Defendants was in willful, reckless and callous disregard of Plaintiff's rights under federal law.

104. At all times relevant to this Complaint, Defendants acted jointly and in concert and conspiracy to violate Plaintiff's rights under federal law.

105. At all times relevant to this Complaint, all Defendants acted under color of state law.

CAUSES OF ACTION

Count I

Fourth Amendment and Due Process (*Bivens*) (Unreasonable Seizure)

Plaintiff v. Defendants Szalczyk, Marino, Correa, and the City of Allentown

106. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

107. The issuance of the detainer against Plaintiff occurred without probable cause to believe that he was an “alien” subject to detention and removal. That issuance constituted an unreasonable seizure in violation of Plaintiff’s rights under the Fourth Amendment and caused an unlawful deprivation of liberty in violation of Plaintiff’s due process rights. The actions of Szalczyk and Marino, Correa and the City of Allentown jointly perpetrated this violation of Plaintiff’s rights.

108. The issuance of the detainer was part of a joint endeavor by Defendants Szalczyk, Marino, Correa and the City of Allentown.

109. Plaintiff seeks compensatory and punitive damages against Defendants Szalczyk, Marino, Correa, and the City of Allentown for violation of his right to be free from unlawful seizure.

Count II

Fifth Amendment (*Bivens*) (Equal Protection)

Plaintiff v. Defendants Szalczyk, Marino, Correa, and the City of Allentown

110. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

111. Issuance of an immigration detainer against Plaintiff based on his Hispanic ethnicity violated his right to be free from discrimination on the basis of ethnicity under the equal protection clause of the Fifth Amendment.

112. The actions of Szalczyk and Marino, Correa and the City of Allentown jointly perpetrated this violation of Plaintiff's rights.

113. The issuance of the detainer was part of a joint endeavor by the federal defendants, Correa and the City of Allentown.

114. Plaintiff seeks compensatory and punitive damages against Defendants Szalczyk, Marino, Correa, and the City of Allentown for violation of his right to be free from discrimination on the basis of ethnicity.

Count III
Fifth Amendment and 8 C.F.R. § 1357 (*Bivens*)
(Due Process)
Plaintiff v. Defendants Szalczyk and Marino

115. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

116. A federal agency's failure to follow its own governing statutes and regulations violates due process of law guaranteed by the Fifth Amendment of the United States Constitution.

117. Specifically, Defendants Szalczyk and Marino violated the Fifth Amendment by acting in the following ways:

- a) Violating the terms of 8 U.S.C. § 1357, as interpreted by the courts, by issuing detainers on less than probable cause;
- b) Misrepresenting immigration detainers as orders for mandatory detention contrary to 8 C.F.R. § 287.7(a);
- b) Causing Plaintiff to be detained for three days without affording notice of the basis for the detention and an opportunity to respond.

118. Plaintiff seeks compensatory and punitive damages against Defendants Szalczyk and Marino for violation of his right to due process by imprisoning him on the basis of an immigration detainer issued without probable cause that he is an “alien” subject to detention and removal, causing him to be detained for three days without affording notice of the basis for the detention and an opportunity to respond, and misrepresenting his immigration detainer to prison officials as a mandatory order for imprisonment.

Count IV
Fourteenth Amendment (42 U.S.C. § 1983)
(Equal Protection)
Plaintiff v. Defendants City of Allentown, Szalczyk, Marino, and Correa

119. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

120. The issuance of an immigration detainer against Plaintiff was based on Plaintiff's Hispanic ethnicity.

121. Treating Plaintiff as presumptively subject to detention and removal as an “alien” on the basis of his Hispanic identity violated his rights under the equal protection clause of the Fourteenth Amendment.

122. Defendant Correa treated Plaintiff as an “alien” subject to detention and removal on the basis of his ethnic identity. Such treatment violated his rights under the Equal Protection Clause of the Fourteenth Amendment, and led to the illegal issuance of the detainer against him.

123. This treatment resulted from the custom, policy, practice, and/or deliberate indifference of the relevant policy making officials of the City of Allentown.

124. The issuance of the detainer against Plaintiff was part of a joint endeavor by Defendants Szalczyk and Marino, the City of Allentown, and Correa. Plaintiff seeks compensatory damages against Defendant City of Allentown and compensatory and punitive damages against Defendants Szalczyk, Marino and Correa under Section 1983 for deprivation under color of state law of his violation of his right to be free from discrimination on the basis of ethnicity.

Count V
Fourth and Fourteenth Amendments (42 U.S.C. § 1983)
(Unreasonable Seizure, Deprivation of Liberty and Due Process)
Plaintiff v. Defendants Lehigh County, City of Allentown, Correa, Szalczyk and Marino

125. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

126. Lehigh County’s imprisonment of Plaintiff pursuant to an immigration detainer, issued on less than probable cause to believe that Plaintiff was a deportable non-citizen and in spite of ample evidence of Plaintiff’s United States citizenship, constituted an unreasonable seizure and deprivation of liberty in violation of Plaintiff’s rights under the Fourth and Fourteenth Amendments.

127. Imprisonment of Plaintiff pursuant to the false detainer was part of a joint endeavor by Lehigh County, the City of Allentown, Correa, Szalczyk and Marino.

128. Imprisonment of Plaintiff pursuant to the false detainer resulted from the custom, policy, practice and/or deliberate indifference of the relevant policy making officials of the City of Allentown and Lehigh County.

129. Plaintiff seeks compensatory damages against Defendants Lehigh County and City of Allentown and compensatory and punitive damages against Defendants Correa, Szalczyk and Marino for violation of his right to be free from unlawful seizure.

Count VI
Fourteenth Amendment (42 U.S.C. § 1983)
(Due Process)

Plaintiff v. Defendants Lehigh County, City of Allentown, Correa, Szalczyk and Marino,

130. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

131. The following practices of Defendants Lehigh County Department of Corrections violated Plaintiff's right to due process of law guaranteed by the Fourteenth Amendment of the United States Constitution:

- a) Imprisoning Plaintiff pursuant to a detainer issued on less than probable cause;
- b) Failing to give Plaintiff notice of and an opportunity to be heard regarding the grounds for the detainer before imprisoning Plaintiff pursuant to it.

132. The imprisonment of Plaintiff on the basis of the false detainer without due process was part of a joint endeavor by Lehigh County, the federal defendants, the City of Allentown, and Correa .

133. This treatment resulted from the custom, policy, practice and/or deliberate indifference of the relevant policy making officials of the City of Allentown and Lehigh County.

134. Plaintiff seeks compensatory damages against Defendants Lehigh County and City of Allentown and compensatory and punitive damages against Defendants Correa, Szalczyk and Marino for violation of his right to due process.

Count VII
Fourteenth Amendment (42 U.S.C. § 1983)
(Equal Protection)
Plaintiff v. Defendants Lehigh County, Szalczyk and Marino

135. Plaintiff incorporates by reference the allegations in the paragraphs above as though fully set forth here.

136. In light of the evidence confirming Plaintiff's United States citizenship possessed by prison officials at the time they received the immigration detainer, Plaintiff's continued imprisonment on the basis of an immigration detainer, was based his Hispanic ethnicity.

137. Treating Plaintiff as presumptively subject to detention and removal as an "alien" on the basis of his Hispanic identity violated his rights under the equal protection clause of the Fourteenth Amendment.

138. On information and belief, Defendant Lehigh County treated Plaintiff as an "alien" subject to detention and removal on the basis of his ethnic identity. Such treatment violated his rights under the Equal Protection Clause of the Fourteenth Amendment, and led to his three-day imprisonment on the basis of a false immigration detainer.

139. This treatment resulted from the custom, policy, practice and/or deliberate indifference of the relevant policy making officials of Lehigh County.

140. Plaintiff's ongoing imprisonment pursuant to a false immigration detainer was part of a joint endeavor by federal defendants and Lehigh County. Plaintiff seeks compensatory damages against Defendant Lehigh County and compensatory and punitive damages against the

federal defendants under Section 1983 for deprivation under color of state law of his violation of his right to be free from discrimination on the basis of ethnicity.

WHEREFORE, Plaintiff respectfully requests:

- A. Compensatory damages as to Defendants City of Allentown, Lehigh County, Szalczyk, Marino, and Correa.
- B. Punitive damages against Defendants Szalczyk, Marino, and Correa.
- C. Reasonable attorneys' fees and costs;
- D. Such other and further relief as may appear just and appropriate.

Plaintiff hereby demands a jury trial as to all claims stated in this Complaint.

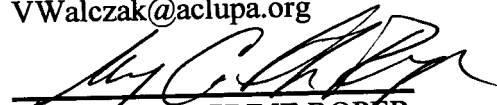
March 21, 2011

Respectfully submitted,



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* Admitted *pro hac vice*