

JAMES J. BROSNAHAN (CA SBN 34555)
JBrosnahan@mofo.com
BRIAN J. MARTINEZ (CA SBN 224587)
BrianMartinez@mofo.com
FRANCHESCA C. HERRERA (CA SBN 239081)
FHerrera@mofo.com
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, California 94105-2482
Telephone: 415.268.7000
Facsimile: 415.268.7522

MARK ROSENBAUM (CA SBN 59940)
mrosenbaum@aclu-sc.org
ACLU FOUNDATION OF
SOUTHERN CALIFORNIA

Attorneys for Plaintiffs
PETER GUZMAN and MARIA CARBAJAL

[Additional counsel appear on following page.]

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN AND MARIA
CARBAJAL,

Plaintiffs,

v.

UNITED STATES OF AMERICA;
MICHAEL CHERTOFF, Secretary,
Department of Homeland Security; JAMES
T. HAYES, Field Office Director, U.S.
Immigration and Customs Enforcement;
PILAR GARCIA, Agent, U.S. Immigration
and Customs Enforcement; COUNTY OF
LOS ANGELES; LEROY BACA, Sheriff
of the County of Los Angeles; TIMOTHY
CORNELL, Captain of Los Angeles
County Inmate Reception Center;
SANDRA FIGUERAS, Custodial
Assistant, Los Angeles County Sheriff's
Department; DOE ICE AGENTS 1-10; and
DOE LASD OFFICERS 1-10,

Defendants.

Case No. CV08-01327 GHK (SSx)

Honorable George H. King

**FIRST AMENDED COMPLAINT
FOR VIOLATION OF THE
FIRST, FOURTH, FIFTH, AND
FOURTEENTH AMENDMENTS
TO THE UNITED STATES
CONSTITUTION (BIVENS; 42
U.S.C. § 1983); FALSE
IMPRISONMENT;
NEGLIGENCE; AND
INTENTIONAL INFLICTION OF
EMOTIONAL DISTRESS**

[JURY TRIAL DEMANDED]

Action Filed: February 27, 2008

Trial Date: TBD

2008 JUL 21 PM 4:04
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

FILED

COPY

1 CATHERINE E. LHAMON (CA SBN 192751)
clhamon@aclu-sc.org
2 AHILAN T. ARULANANTHAM (CA SBN 237841)
aarulanantham@aclu-sc.org
3 MELINDA BIRD (CA SBN 102236)
mbird@aclu-sc.org
4 ACLU FOUNDATION OF
SOUTHERN CALIFORNIA
5 1313 West Eighth St.
Los Angeles, CA 90017
6 Telephone: 213.977.9500, x224
Facsimile: 213.977.5297
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JURISDICTION AND VENUE

1. This civil rights action for declaratory and injunctive relief and compensatory and punitive damages is brought pursuant to, *inter alia*, the First, Fourth, Fifth and Fourteenth Amendments to the United States Constitution, 42 U.S.C. § 1983, the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671, *et seq.*, and law for relief from the commission of tortious acts. This Court has jurisdiction over the federal claims pursuant to the constitutional provisions enumerated and 28 U.S.C. §§ 1331 and 1343(a)(3) and (4), as the claims are brought to redress deprivations of rights, privileges, and immunities secured by the United States Constitution and by law. Jurisdiction is also proper pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and 2202. This Court has jurisdiction over the supplemental state claims pursuant to 28 U.S.C. § 1367.

2. Venue is proper in the Central District of California, under 28 U.S.C. § 1391(b), in that Defendants are located in this state and district, and a substantial part of the acts and/or omissions giving rise to Plaintiffs’ claims occurred in this district.

INTRODUCTION

3. The government – whether it be federal or local – lacks the authority to deport a United States citizen. Citizenship is the constitutional birthright of every individual born within our national borders, and the first obligation of government is to preserve the liberty and security of citizens to remain within their homeland.

4. On May 11, 2007, immigration officials and agents of the Los Angeles District of the United States Immigration and Customs Enforcement (“ICE”) Division, under the United States Department of Homeland Security (“DHS”), acting in concert with officials of the Los Angeles County Sheriff’s Department (“LASD”), unlawfully deported Peter Guzman to Tijuana, Mexico. The illegal deportation of Mr. Guzman was the direct and foreseeable consequence of official policies, patterns, practices, and customs that manifest, at best, intentional

1 discrimination based on race and ethnicity and a failure to recognize basic
2 principles of due process, and, in reality, a reckless disregard for human life and
3 liberty as well.

4 5. Mr. Guzman is a 30 year-old United States citizen, born and raised in
5 Los Angeles County. He has never made his residence anywhere outside of Los
6 Angeles County. Mr. Guzman is cognitively impaired and suffers from a mental
7 illness. He is unable to read at more than a second-grade level and is unable to
8 commit to memory basic information, like his home telephone number.
9 Mr. Guzman lives under the care and supervision of his mother, Plaintiff Maria
10 Carbajal.

11 6. On or about May 11, 2007, Mr. Guzman was loaded on a bus by ICE
12 agents and forced to disembark in Tijuana, Mexico, with only the clothes he was
13 wearing and a few dollars in his pocket – not enough to purchase food or shelter.

14 7. Prior to his unlawful deportation, Mr. Guzman had only visited
15 Mexico on a couple of brief trips with his mother when he was a child. He was
16 unfamiliar with Tijuana and had no personal relationship with any residents of
17 Tijuana.

18 8. As a direct and foreseeable consequence of the illegal deportation,
19 Mr. Guzman spent nearly three months wandering on foot, lost in Mexico. He ate
20 out of garbage cans, bathed in rivers, and slept outside without adequate shelter.
21 That Mr. Guzman survived is a result only of his spirit and will to live, and fortuity.
22 He suffered and continues to suffer grievous physical and psychological injury.

23 9. Ms. Carbajal learned that her son had been illegally deported to
24 Tijuana on or about May 11, 2007. For nearly three months thereafter,
25 Ms. Carbajal spent most of her days in Tijuana and neighboring cities desperately
26 searching for her lost son. Ms. Carbajal lived in constant fear for Mr. Guzman's
27 life. This tragic experience has caused and continues to cause her excruciating
28 emotional and psychological suffering.

1 10. The circumstances under which Mr. Guzman was illegally deported
2 arose from a January 25, 2005 Memorandum of Understanding (“MOU”) between
3 DHS and the Los Angeles County Board of Supervisors. The MOU created a pilot
4 project through which LASD personnel – described as “custody assistants” – were
5 empowered to engage in certain federal immigration enforcement duties.
6 Specifically, LASD custody assistants interviewed and processed inmates confined
7 within the Los Angeles County jail system that LASD presumed or suspected of
8 being unlawfully present in the United States to determine the inmates’
9 immigration status and whether, in their judgment, the inmates were deportable.
10 Custody assistants received only brief and inadequate training by ICE. Pursuant to
11 the MOU, custody assistants were granted federal authority to refer undocumented
12 inmates to ICE for deportation.

13 11. ICE and/or LASD failed to undertake prudent efforts to train,
14 supervise, or otherwise reasonably ensure that the custodial assistants interviewing
15 and processing inmates were adequately trained and knowledgeable as to the
16 complexities of immigration law. Specifically, ICE failed to ensure that custodial
17 assistants understood how to ascertain and verify U.S. citizenship status. In
18 addition, ICE agents and/or LASD officers failed to exercise reasonable or lawful
19 efforts to ensure that processing of inmates as to immigration status occurred absent
20 coercion or reliance upon invidious racial and ethnic biases and stereotypes. ICE
21 and/or LASD also failed to develop adequate policies and procedures to ensure that
22 those who are mentally ill or cognitively impaired are adequately protected, and
23 that any waiver of rights made by these individuals is knowing, intelligent, and
24 voluntary.

25 12. ICE agents, acting in concert with LASD officers and personnel,
26 illegally deported Mr. Guzman, notwithstanding the fact that law enforcement
27 records to which LASD and ICE had ready access during Mr. Guzman’s detention
28 and interrogation correctly stated that Mr. Guzman was born in California and

1 contained his valid California drivers license number. In addition, LASD medical
2 records for Mr. Guzman, to which LASD and ICE had reasonable access, showed
3 that Mr. Guzman was not capable of exercising a voluntary, knowing, and
4 intelligent waiver of his rights. ICE and LASD personnel ignored these records
5 and/or did not undertake reasonable and diligent efforts to review them and
6 appreciate their meaning.

7 13. Throughout the three-month ordeal in which Mr. Guzman was lost and
8 missing in Mexico, DHS officials and agents, including ICE agents, failed to
9 undertake reasonable and diligent efforts to mitigate the harm resulting from the
10 illegal deportation. Despite being notified that they had deported a U.S. citizen,
11 Defendants acted with reckless disregard to the physical and/or emotional distress
12 of Mr. Guzman and Ms. Carbajal. Federal officers and agents failed to make an
13 ongoing, good faith attempt to locate Mr. Guzman.

14 PARTIES

15 I. PLAINTIFFS

16 14. Plaintiff Peter Guzman is a native born United States citizen. While
17 his birth certificate lists his name as "Pedro Guzman," Mr. Guzman uses the name
18 "Peter" in his daily life. Mr. Guzman was born in Los Angeles, California, and
19 resided in Lancaster, California both before and after he was illegally deported.
20 Mr. Guzman was illegally deported to Mexico in May 2007 and was missing for
21 over 85 days. He was detained by U.S. border patrol officers as he attempted to
22 cross the border near Calexico in early August 2007. On or about August 7, 2007,
23 Mr. Guzman was returned to the custody of his family, only after efforts by his
24 family and counsel to secure his release from LASD custody. He now resides with
25 his mother, Maria Carbajal, in Lancaster, California.

26 15. Plaintiff Maria Carbajal is a lawful permanent resident alien who
27 resides in Lancaster, California. Ms. Carbajal is Peter Guzman's mother.

II. DEFENDANTS

16. Defendant United States of America is sued under the Federal Tort Claims Act for the acts of its employees and agencies. The United States is implicated by and through the actions, policies, patterns, practices, and customs of DHS and/or ICE and its policy-makers, agents, and officers.

17. Defendant Michael Chertoff is sued in his official capacity as the Secretary of DHS. In this capacity, he maintains responsibility for the administration and enforcement of the nation's immigration and naturalization laws pursuant to sections 102 and 402 of the Homeland Security Act of 2002, 6 U.S.C. §§ 112 and 202, respectively, and section 102 of the Immigration and Nationality Act, 8 U.S.C. § 1103 (charging the Secretary of DHS with "administration and enforcement of . . . laws relating to the immigration and naturalization of aliens.").

18. Defendant James T. Hayes, Jr. at all times mentioned herein was the Field Office Director for the Los Angeles District of ICE. In that capacity, he was responsible for the enforcement of the immigration laws within this district. Following the filing of Plaintiffs' Complaint in February 2008, Defendant Hayes was promoted to Acting Director of ICE's Office of Detention and Removal. He is sued in his individual capacity.

19. Defendant Pilar Garcia is, and at all times mentioned herein was, an Immigration Enforcement Agent with ICE. She is sued in her individual capacity.

20. Defendant Chertoff, Defendant Hayes and Defendant Garcia are hereafter collectively referred to as "ICE Defendants."

21. Defendant County of Los Angeles is the legal entity responsible for the acts and omissions of LASD, including the policies, patterns, practices, and customs relating to the detention of inmates, the selection of inmates for interrogation to determine their immigration status, and inmates' medical care.

22. Defendant Leroy Baca is the Sheriff of Los Angeles County. In this capacity, he is responsible for the administration of the Los Angeles County jail

1 system, including the supervision of officers who have been deputized to act as
2 immigration agents in the jail. He is sued in his individual and official capacities.

3 23. Defendant Timothy Cornell is the Captain of the Los Angeles County
4 Inmate Reception Center. In this capacity, he is responsible for the administration
5 of the inmate reception center, including the supervision of LASD custodial
6 assistants, and was the immediate custodian of Mr. Guzman at the time he was
7 transferred to the custody of ICE. He is sued in his individual and official
8 capacities.

9 24. Defendant Sandra Figueras is, and at all times mentioned herein was, a
10 custody assistant with LASD. She is sued in her individual and official capacities.

11 25. Defendant County of Los Angeles, Defendant Baca, Defendant
12 Cornell and Defendant Figueras are hereafter collectively referred to as "LASD
13 Defendants."

14 26. Defendants Doe ICE Agents 1–10, inclusive, are sued herein under
15 fictitious names because their true names, capacities, and/or degree of responsibility
16 for the acts alleged herein are unknown to Plaintiffs at this time. When Plaintiffs
17 ascertain this information, they will amend this Complaint accordingly.

18 27. Defendants Doe LASD Officers 1–10, inclusive, are sued herein under
19 fictitious names because their true names, capacities, and/or degree of responsibility
20 for the acts alleged herein are unknown to Plaintiffs at this time. When Plaintiffs
21 ascertain this information, they will amend this Complaint accordingly.

22 28. Plaintiffs are informed and believe, and thereon allege, that Doe ICE
23 Agents 1–10 and Doe LASD Officers 1–10, and each of them, are legally liable to
24 Plaintiffs in some part for the wrongful acts and omissions of which Plaintiffs
25 complain herein.

26 29. Defendants acted under the color of law, in bad faith, and contrary to
27 established law and principles of constitutional and statutory law.
28

1 35. Since leaving high school, Mr. Guzman has worked in construction for
2 several different employers. For approximately one and one-half years before his
3 arrest, Mr. Guzman worked full-time laying and finishing cement for a single
4 construction company.

5 **II. MR. GUZMAN'S INCARCERATION**

6 36. On or about March 31, 2007, Mr. Guzman entered a private airport and
7 attempted to board an airplane. He was arrested for a misdemeanor violation of
8 California Penal Code § 625(b), interfering with an aircraft, and for a violation of
9 California Vehicle Code § 10851(a), taking a vehicle without consent. LASD
10 officers completed an incident report following Mr. Guzman's arrest. The front
11 page of the incident report lists Mr. Guzman's valid California driver's license
12 number. (Exhibit B [LASD Incident Report dated 3/31/06].)

13 37. On March 31, 2007, following his arrest, Mr. Guzman was booked into
14 the Los Angeles County Jail. During the booking process, Mr. Guzman was asked
15 a series of biographical questions, including a question regarding his place of birth.
16 Mr. Guzman responded that he was born in California. The Booking and Property
17 Record obtained from the Los Angeles County Jail dated March 31, 2007 lists
18 Mr. Guzman's birthplace as "CA." (Exhibit C [Los Angeles County Jail, Booking
19 and Property Records].) The booking officer also noted Mr. Guzman's valid
20 California driver's license number in these records.

21 38. On April 19, 2007, Mr. Guzman pled guilty to a single count of
22 vandalism under California Penal Code § 594(a). The judge suspended imposition
23 of the sentence and placed Mr. Guzman on three years probation on the condition
24 that he serve 120 days in the county jail, less 30 days credit for good behavior and
25 time served.

26 39. On or about April 5, 2007, while Mr. Guzman was incarcerated, LASD
27 personnel found him in his cell, unresponsive. Mr. Guzman was taken by
28 ambulance to Los Angeles Community Medical Center ("LCMC"). Mr. Guzman

1 told medical personnel that he had fallen and hit his head. He also told medical
2 personnel at LCMC that he was hearing voices that told him "bad things." Medical
3 personnel at LCMC diagnosed Mr. Guzman with psychosis and prescribed
4 5 milligrams of Zyprexa, an anti-psychotic medication, with instructions to increase
5 the dosage to 10 milligrams as needed and/or tolerated.

6 40. LASD medical personnel provided only four doses of Zyprexa to
7 Mr. Guzman before deciding to stop administering the medication to him.

8 41. During his incarceration, Mr. Guzman informed LASD medical
9 personnel that he was hearing voices. County medical records relating to
10 Mr. Guzman, which were compiled during his detention, documented
11 Mr. Guzman's impaired mental state.

12 **III. THE DEPORTATION OF MR. GUZMAN**

13 42. On or about January 25, 2005, ICE and LASD entered into an MOU.
14 The MOU was approved by the Los Angeles County Board of Supervisors. The
15 MOU authorized LASD personnel to perform certain immigration enforcement
16 activities, including: (1) interrogating individuals to determine if there is probable
17 cause for an immigration violation; (2) completing criminal alien processing,
18 including fingerprinting, photographing, and interviewing for ICE supervisor
19 review; (3) preparing immigration detainers; (4) preparing affidavits and taking
20 sworn statements; and (5) preparing Notice to Appear applications for signature of
21 an ICE officer. According to the MOU, LASD personnel performing the above
22 tasks are to receive training from ICE officers. In addition, the duties and actions of
23 LASD custodial assistants are to be supervised and directed by ICE agents.

24 43. On or about April 26, 2007, Mr. Guzman was selected for
25 interrogation regarding his immigration status and then interrogated by Defendant
26 Sandra Figueras, a custodial assistant employed by LASD.

27 44. Defendant Figueras selected Mr. Guzman for an interview solely based
28 on his perceived race and/or ethnicity. She took this action pursuant to the policy,

1 pattern, practice, custom, and usage established by LASD Defendants and/or ICE
2 Defendants.

3 45. No reasonable basis existed to suspect or otherwise conclude that
4 Mr. Guzman was not a United States citizen. Mr. Guzman was selected for
5 immigration questioning even though he had previously told prison officials that he
6 was born in California and even though LASD records reflected that he was born in
7 California and listed his valid California drivers license number. (See Exhibit B
8 [Incident Report], Exhibit C [Los Angeles County Booking and Property Records],
9 Exhibit D [Excerpt from Los Angeles County Consolidated Criminal History dated
10 April 26, 2007].)

11 46. Defendant Figueras interrogated Mr. Guzman regarding his
12 immigration status on April 26, 2007. Defendant Figueras asked Mr. Guzman
13 where he was born. Mr. Guzman indicated that he was born in California.
14 Defendant Figueras then asked Mr. Guzman where his parents were born.
15 Mr. Guzman indicated that his mother was born in Nayarit, Mexico. Defendant
16 Figueras then told Mr. Guzman that he, too, must be from Mexico. Again,
17 Mr. Guzman indicated that he was from California. Mr. Guzman was then returned
18 to his cell.

19 47. Despite LASD records showing Mr. Guzman's impaired mental state,
20 LASD Defendants failed to develop and/or implement adequate policies, practices,
21 procedures, and customs to ensure that those who are mentally ill or cognitively
22 impaired are adequately informed of their rights and protected from coercive
23 interrogation, and that any waiver of rights made by these individuals is knowing,
24 intelligent, and voluntary.

25 48. Defendant Figueras prepared and signed Form I-213, Record of
26 Deportable/Inadmissible Alien, and Form I-247, Immigration Detainer. In Form I-
27 213, Defendant Figueras represented that Mr. Guzman was born in Nayarit, Mexico
28 and was unlawfully present in the United States.

1 49. On April 26, 2007, Defendant Figueras placed an immigration hold on
2 Mr. Guzman.

3 50. On or about May 7, 2007, LASD Defendants and Doe LASD Officers
4 transferred physical custody of Mr. Guzman to ICE.

5 51. On or about May 10, 2007, Defendant Pilar Garcia, an ICE agent,
6 and/or Doe ICE Agents, interrogated Mr. Guzman regarding his immigration status.
7 Mr. Guzman stated, in response to questioning by Defendant Garcia and/or Doe
8 ICE Agents, that he was born in California.

9 52. Following Mr. Guzman's responses, Defendant Garcia and/or Doe ICE
10 Agents coerced Mr. Guzman to sign Form I-826: Notice of Rights and Request for
11 Disposition ("Form I-826"). Form I-826, written entirely in Spanish, purportedly
12 waived Mr. Guzman's legal rights to a removal deportation hearing and stated that
13 he was a citizen of Mexico and that he agreed to be voluntarily deported to Mexico.

14 53. Mr. Guzman could not read and did not understand the contents of
15 Form I-826. He had no knowledge or understanding of what would occur if he
16 signed Form I-826. Mr. Guzman received no assistance from Defendant Garcia,
17 Doe ICE Agents, or anyone else in attempting to read and understand this form.

18 54. A copy of a printout from Los Angeles County's Consolidated
19 Criminal History System dated, April 26, 2007 and concerning Mr. Guzman's
20 criminal history, was contained in the file ICE maintained regarding Mr. Guzman.
21 This document clearly lists Mr. Guzman's birthplace as California. (Exhibit D
22 [excerpt from Los Angeles County's Consolidated Criminal History System].)

23 55. Even though (1) Mr. Guzman indicated to Defendant Figueras that he
24 was born in California, (2) Mr. Guzman responded to questions during his initial
25 processing by LASD by stating that he was born in California and LASD personnel
26 recorded his responses in LASD records, and (3) LASD records list a valid drivers
27 license number for Mr. Guzman, LASD Defendants and Doe LASD Officers failed
28 to make any inquiry into Mr. Guzman's citizenship or otherwise verify his

1 citizenship in any way. Although LASD contacted Mr. Guzman's family on at
2 least two occasions during the course of his detention, no attempt was made to
3 obtain Mr. Guzman's birth certificate or ask for any further verification of his place
4 of birth.

5 56. Even though Mr. Guzman informed Defendant Garcia that he was born
6 in California, and records in ICE's possession reflect that Mr. Guzman was born in
7 California, ICE Defendants and Doe ICE Agents failed to make any inquiry into
8 Mr. Guzman's citizenship or otherwise verify his citizenship in any way.
9 Furthermore, ICE Defendants failed to review records in the possession of LASD
10 and ICE which clearly showed that Mr. Guzman was born in California.

11 57. The actions of Defendant Figueras and Defendant Garcia were taken
12 pursuant to a policies, patterns, practices, or customs of LASD and/or ICE to:

- 13 • select inmates to detain, interrogate, and deport based on their race
14 and/or ethnicity;
- 15 • unreasonably and unlawfully deny inmates who suffer from mental
16 illness and/or cognitive impairments adequate assistance to
17 (1) understand the nature of their rights during an interrogation,
18 (2) prevent coercive interrogation tactics, and (3) ensure that any
19 waiver of rights made by these individuals is knowing, intelligent, and
20 voluntary; and/or
- 21 • unreasonably and unlawfully detain, interrogate, transport, and deport
22 individuals in violation of due process.

23 58. Prior to May 11, 2007, these policies, patterns, practices, and customs
24 had been known to supervisory and policy-making officers throughout LASD and
25 ICE. Despite their knowledge of these illegal policies, patterns, practices, and
26 customs, the supervisory and policy-making officers have taken no effective steps
27 to terminate the policies, patterns, practices, and customs; have not effectively
28 disciplined or otherwise properly supervised the individual officers who engaged in

1 the policies, patterns, practices, and customs; have not effectively trained LASD
2 officers and ICE agents with regard to the proper constitutional and statutory limits
3 of the exercise of their authority; and have sanctioned the policies, patterns,
4 practices, and customs through their deliberate or grossly negligent indifference to
5 the effect of these policies, patterns, practices, and customs on other individuals in
6 LASD and/or ICE custody. These supervisory and policy-making officers have
7 taken no effective action to ensure that (1) the selection of inmates to detain,
8 interrogate, and deport is not unreasonably and unlawfully based on their race
9 and/or ethnicity; (2) individuals who suffer from mental illness and/or cognitive
10 impairments receive adequate assistance to understand the nature of their rights
11 during an interrogation, prevent coercive interrogation tactics, and ensure that any
12 waiver of rights made by these individuals is knowing, intelligent, and voluntary;
13 and (3) individuals are not unreasonably and unlawfully interrogated, detained,
14 transported, and deported in violation of due process.

15 59. Mr. Guzman's medical records show that he was unable to execute a
16 knowing, voluntary, and intelligent waiver of his legal rights so as to request a
17 voluntary departure to Mexico. The failure to examine and appreciate the
18 significance of LASD medical records reflects ICE's and LASD's deliberate
19 indifference to Mr. Guzman's rights and well-being and is a further example of
20 intentional racial discrimination by these governmental entities.

21 60. ICE and LASD failed to undertake a reasonable and diligent inquiry
22 into the citizenship of Mr. Guzman based upon readily available documentation,
23 including the LASD's own records and Mr. Guzman's documented responses to
24 questioning.

25 61. As a direct and proximate result of the acts and omissions made by
26 Defendants and the policies, patterns, practices, and customs utilized by
27 Defendants, Mr. Guzman was placed by Doe ICE Agents on a bus to Tijuana on
28

1 May 11, 2007. When the bus reached Tijuana, Mr. Guzman was forced to
2 disembark.

3 **IV. MR. GUZMAN MISSING IN MEXICO**

4 62. Mr. Guzman was missing in Mexico for over 85 days.

5 63. When he was told to exit the bus in Tijuana, Mr. Guzman had only
6 about three dollars in his possession and the clothes on his back. He had no cellular
7 phone and his wallet and California drivers license had not been returned to him by
8 either ICE Defendants or LASD Defendants. Mr. Guzman survived by eating food
9 out of trash cans. On occasion, he would find aluminum cans and exchange them
10 for a small amount of change. With that change he was able to purchase tortillas
11 with mayonnaise.

12 64. Mr. Guzman was in constant fear for his life and safety. He kept
13 moving to avoid danger. During his time in Mexico, he walked hundreds of miles –
14 first south to Ensenada, then back to Tijuana, and finally east to Calexico.

15 65. Mr. Guzman slept during the day and walked at night because it was
16 extremely hot during the day. He slept outside with no protection from the
17 elements. He bathed in rivers and canals.

18 **V. THE SEARCH FOR MR. GUZMAN**

19 66. On May 11, 2007, Mr. Guzman placed a single telephone call to the
20 home of his eldest brother, Juan Carlos Chabes. Victoria Chabes, Mr. Guzman's
21 sister-in-law, answered the telephone. Mr. Guzman was confused and disoriented.
22 At one point during the call, he asked a bystander, "Where am I?" Ms. Chabes
23 learned that Mr. Guzman had been placed on a bus and sent to Tijuana.
24 Mr. Guzman told Ms. Chabes that he had no money or clothes. The call lasted no
25 more than one minute and was made from a borrowed cellular phone.

26 67. Mr. Guzman cannot remember his own home telephone number or the
27 telephone numbers of any of his family members. When he was deported,
28 Mr. Guzman had a slip of paper with him that contained his brother's telephone

1 number. At some point after the May 11, 2007 telephone call, Mr. Guzman lost the
2 slip of paper with his brother's telephone number and was unable to call home
3 again.

4 68. Ms. Chabes immediately contacted Ms. Carbajal, Mr. Guzman's
5 mother, by telephone and reported her conversation with Mr. Guzman.
6 Ms. Carbajal was anguished and extremely distressed at learning that her son was
7 alone in Mexico. She feared for his safety and well-being because Mr. Guzman
8 lived in her home and depended upon her for his basic care.

9 69. Ms. Chabes then called her husband, Mr. Guzman's eldest brother,
10 Mr. Juan Carlos Chabes.

11 70. On that same day, May 11, 2007, Ms. Chabes called LASD to report
12 the telephone call from Mr. Guzman and to get information regarding
13 Mr. Guzman's deportation. The representative at LASD informed Ms. Chabes that
14 they had no record of an individual with Mr. Guzman's name and birth date.
15 LASD suggested that Ms. Chabes call the INS (now known as ICE) and provided
16 her with their telephone number. Ms. Chabes then called ICE and explained what
17 had happened to Mr. Guzman. ICE advised Ms. Chabes that there was no
18 individual with Mr. Guzman's name and date of birth in their database.

19 71. On May 11, 2007, after learning the news of Mr. Guzman's
20 deportation, Ms. Carbajal went straight to her home from Los Angeles, where she
21 was running errands. She collected Mr. Guzman's birth certificate and got in a car
22 with her son, Michael Guzman. Michael Guzman drove her to Tijuana to
23 immediately begin their search for Mr. Guzman.

24 72. On May 12, 2007, Michael Guzman had to return home to work. He
25 left his mother searching in Tijuana for Mr. Guzman. Because she had no car,
26 Ms. Carbajal had to search on foot and use public transportation.

27 73. Ms. Carbajal was only able to afford a hotel room for three nights.
28 After that, Ms. Carbajal received assistance from the owners of a local fruit

1 warehouse. They allowed her to sleep on the floor in a room in the warehouse in
2 exchange for cooking for the warehouse workers. The room had no windows and
3 was approximately the size of a closet.

4 74. Ms. Carbajal temporarily left her job as a cook at Jack in the Box to
5 devote all of her time to finding her son. Typically, Ms. Carbajal started her search
6 early in the morning, around 6:00 a.m., and would not return to the warehouse until
7 late at night.

8 75. In May 2007, Mr. Chabes and Ms. Carbajal went to the U.S. Consulate
9 in Tijuana, Mexico to ask for help in searching for Mr. Guzman. The consulate
10 informed gave them no assistance.

11 76. Over the next three months, Maria Carbajal, Juan Chabes, Victoria
12 Chabes, Michael Guzman and other members of Mr. Guzman's family searched in
13 Tijuana and adjoining cities for Mr. Guzman. Ms. Carbajal spent most of this time
14 in Tijuana. Ms. Carbajal followed-up on information and tips received from people
15 who believed that they had seen Mr. Guzman. Ms. Carbajal, her sons, and other
16 family members printed thousands of flyers with Mr. Guzman's picture and
17 physical description, and distributed them throughout the city. Mr. Guzman's
18 family printed t-shirts with his image in hopes that someone might recognize him
19 and contact them.

20 77. Ms. Carbajal searched hospitals, jails, shelters, commercial truck stops,
21 police stations, river beds, canals, and alleys. She walked through the most
22 dangerous neighborhoods in Tijuana. Ms. Carbajal spoke to anyone who would
23 listen to her story in the hope that they might possess some information about her
24 missing son.

25 78. Ms. Carbajal also searched Tijuana's morgue, SEMEFO. SEMEFO
26 maintains a website where they post photographs and descriptions of unidentified
27 bodies found in and near Tijuana. (See <http://periciales.pgjebc.gob.mx/>.) Ms.
28 Carbajal viewed these photos regularly. Ms. Carbajal also went to the morgue on

1 several occasions after receiving telephone calls informing her that a body matching
2 Mr. Guzman's description had been recovered.

3 79. Ms. Carbajal depleted her limited savings quickly. After over a month
4 of searching, she had to return to her job at Jack in the Box a few nights a week in
5 order to provide for her youngest children. Every day that she did not have to
6 work, Ms. Carbajal searched for her missing son.

7 **VI. DEFENDANTS FAILED TO MEANINGFULLY ASSIST IN THE**
8 **SEARCH FOR MR. GUZMAN**

9 80. Officers and agents of the United States government failed to take
10 adequate steps to mitigate the harm and suffering caused by Mr. Guzman's illegal
11 deportation. Until a habeas action was filed in this Court, *Guzman v. Chertoff, et*
12 *al., Case No. CV-07-3746 GHK (SS)*, no assistance in helping to find Mr. Guzman
13 was forthcoming despite pleas for help from the family and their legal counsel, who
14 had repeatedly furnished the government with copies of Mr. Guzman's birth
15 certificate.

16 81. Prior to filing the habeas action, counsel for the family informed
17 Defendant Hayes about Mr. Guzman's deportation. Defendant Hayes stated that
18 upon proof of a United States birth certificate, ICE would amend its records as to
19 the citizenship of Mr. Guzman, but ICE would take no additional steps to assist in
20 finding and returning him to the United States.

21 82. During the course of the habeas action, counsel for DHS represented to
22 the Court that alerts and flyers were being sent to law enforcement and consulates.
23 Although these alerts may have been circulated at some point to law enforcement,
24 including the border patrol, Mr. Guzman was not detained by border officers as a
25 result of these alerts.

26 **VII. MR. GUZMAN RETURNS TO THE UNITED STATES**

27 83. Mr. Guzman was located in August 2007 attempting to enter the
28 United States near Calexico and was returned to LASD custody. Based on

1 information and belief, Mr. Guzman was detained by border guards because there
2 was a warrant issued for his arrest after he failed to appear at a probation hearing
3 following Defendants' unlawful deportation of him to Mexico.

4 84. When he appeared at the border, Mr. Guzman was traumatized. His
5 condition was so poor when he first arrived back in the United States that LASD
6 medical personnel believed that he was mentally retarded and mute.

7 85. When Mr. Guzman was returned to his family on August 7, 2007, he
8 was unable to speak more than a word or two. His body shuttered intermittently
9 and he was exceedingly withdrawn.

10 86. As a direct and foreseeable consequence of his illegal deportation,
11 Mr. Guzman suffered and continues to suffer grievous physical and psychological
12 injury.

13 87. As direct and foreseeable consequence of the illegal deportation of her
14 son, Ms. Carbajal suffered and continues to suffer grievous psychological injury
15 and emotional distress.

16 88. As a further direct and proximate result of the injuries alleged herein,
17 Plaintiffs have incurred, and will continue to incur, medical expenses and lost
18 earnings.

19 89. Defendants' conduct was willful, wanton, malicious, oppressive, and
20 in bad faith. Each of these defendants also acted with reckless or callous disregard
21 for Plaintiffs' and intentionally violated federal and law. Plaintiffs are thus entitled
22 to an award of punitive damages against the individually named ICE and LASD
23 Defendants, Doe ICE Agents 1-10, and Doe LASD Officers 1-10.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

**(Fifth Amendment to the U.S. Constitution)
(*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*)
(Against Defendant Hayes, Defendant Garcia and Doe ICE Agents 1–10)**

90. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

91. By illegally, arbitrarily, and capriciously deporting Mr. Guzman, a United States citizen, to Mexico, ICE Defendants deprived Mr. Guzman of his constitutional right to liberty without due process of law in violation of the Fifth Amendment to the United States Constitution. Defendants deported or caused Mr. Guzman to be deported without reasonable basis or lawful authority.

92. ICE Defendants' conduct violated clearly established constitutional or other rights of which ICE Defendants knew, or of which a reasonable public official should have known.

93. ICE Defendants' actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Mr. Guzman's personal safety, security, freedom, and civil and constitutional rights.

94. These violations are compensable under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct and proximate result of the unlawful actions of these Defendants, Mr. Guzman has suffered economic damages and significant physical and emotional harm.

SECOND CLAIM FOR RELIEF

**(Fifth Amendment to the U.S. Constitution)
(*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*)
(Against Defendant Hayes, Defendant Garcia and DOE ICE Agents 1–10)**

95. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

103. ICE Defendants' conduct violated clearly established constitutional or other rights of which ICE Defendants knew, or of which a reasonable public official should have known.

104. ICE Defendants' actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Ms. Carbajal's personal safety, security, freedom, and civil and constitutional rights.

105. These violations are compensable under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct and proximate result of the unlawful actions of these Defendants, Ms. Carbajal has suffered economic damages and significant physical and emotional harm.

FOURTH CLAIM FOR RELIEF

(Fourth Amendment to the U.S. Constitution)
(*Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*)
(Against Defendant Hayes, Defendant Garcia and Doe ICE Agents 1-10)

106. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

107. ICE Defendants detained Mr. Guzman in violation of his constitutional right to be free from unreasonable seizures, as guaranteed by the Fourth Amendment to the United States Constitution.

108. ICE Defendants' conduct violated clearly established constitutional or other rights of which ICE Defendants knew, or of which a reasonable public official should have known.

109. ICE Defendants' actions, omissions, policies, patterns, practices, and customs, as complained of herein, were intentional and reckless and demonstrate a callous disregard for, or deliberate indifference to, Mr. Guzman's personal safety, security, freedom, and civil and constitutional rights.

110. These violations are compensable under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). As a direct

1 and proximate result of the unlawful actions of these Defendants, Mr. Guzman has
 2 suffered economic damages and significant physical and emotional harm.

3 **FIFTH CLAIM FOR RELIEF**

4 **(False Imprisonment)**
 5 **(Federal Torts Claim Act)**
 6 **(Against Defendant United States of America)**

7 111. Plaintiffs reallege and incorporate herein by reference each and every
 8 allegation contained in paragraphs 1 through 89 of this Complaint.

9 112. ICE Defendants intentionally and unlawfully deprived Mr. Guzman of
 10 his liberty by (1) obtaining custody of Mr. Guzman from LASD, (2) holding
 11 Mr. Guzman, a United States citizen, in ICE custody for an appreciable period of
 12 time, and (3) physically expelling Mr. Guzman from the national borders of the
 13 United States. Mr. Guzman never consented to ICE's arrest, detention, or
 14 deportation of him.

15 113. As a direct and proximate result of ICE Defendants' conduct,
 16 Mr. Guzman has suffered and continues to suffer damages in an amount to be
 17 proven at trial.

18 **SIXTH CLAIM FOR RELIEF**

19 **(Negligence)**
 20 **(Federal Torts Claim Act)**
 21 **(Against Defendant United States of America)**

22 114. Plaintiffs reallege and incorporate herein by reference each and every
 23 allegation contained in paragraphs 1 through 89 of this Complaint.

24 115. ICE Defendants breached their duty of reasonable care by negligently
 25 acting or failing to act in such a way that resulted in Mr. Guzman's wrongful
 26 detention and deportation by ICE, which these defendants knew or should have
 27 known posed a substantial risk of grave harm to Mr. Guzman.

28 116. ICE Defendants were negligent in performing their duties and failed,
 neglected and/or refused to properly and fully discharge their responsibilities by,
 among other things:

- Failing to review readily available documentation provided to ICE by LASD, which stated that Mr. Guzman was born in California;
- Failing to investigate Mr. Guzman's claims that he was born in California;
- Coercing Mr. Guzman to sign Form I-826;
- Failing to provide Mr. Guzman, who suffers from a mental illness and/or mental deficiencies, with assistance to (1) understand his rights, (2) read and understand Form I-826, and (3) protect him from coercive interrogation tactics;
- Creating and/or sanctioning policies, patterns, practices, and customs of selecting inmates to detain, interrogate, and deport based on their race and/or ethnicity;
- Failing to adequately train and supervise personnel performing immigrations duties; and
- Holding and deporting a United States citizen.

117. As a direct and proximate result of ICE Defendants' conduct, Mr. Guzman and Ms. Carbajal have suffered and continue to suffer damages in an amount to be proven at trial.

SEVENTH CLAIM FOR RELIEF

**(Intentional Infliction of Emotional Distress)
(Federal Torts Claim Act)
(Against Defendant United States of America)**

118. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

119. ICE Defendants' willful acts constitute outrageous conduct insofar as they were intended to cause Mr. Guzman to be held in ICE custody, interrogated, and expelled from the national borders of the United States.

120. ICE Defendants intended to cause Mr. Guzman emotional distress, and/or acted in reckless disregard of the likelihood of causing Mr. Guzman emotional distress, in committing these acts.

121. As a direct and proximate result of ICE Defendants' acts, Mr. Guzman suffered and continues to suffer severe mental anguish and emotional and physical distress.

122. Mr. Guzman has incurred and continues to incur medical expenses and other damages in an amount to be proven at trial.

EIGHTH CLAIM FOR RELIEF

**(Fifth and Fourteenth Amendments to the United States Constitution)
(42 U.S.C. § 1983)**

(Against LASD Defendants and Doe LASD Officers 1–10)

123. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

124. LASD Defendants deprived Mr. Guzman of his constitutional right to liberty and deprived him of this liberty without due process of law as guaranteed by the Fifth and Fourteenth Amendments to the United States Constitution by causing and/or participating in the illegal, arbitrary, and capricious deportation of Mr. Guzman, a United States citizen, to Mexico. Defendants caused and/or participated in Mr. Guzman's deportation without reasonable basis or lawful authority.

125. The conduct of Defendants violated clearly established constitutional or other rights, of which Defendants knew, or of which a reasonable public official should have known.

126. The actions, omissions, policies, patterns, practices and customs of these Defendants, complained of herein, were intentional, reckless, and show a callous disregard for, or deliberate indifference to Mr. Guzman's personal safety, security, freedom, and civil and constitutional rights.

127. These violations are compensable pursuant to U.S.C. § 1983. As a direct and proximate result of these Defendants' conduct, Mr. Guzman has suffered economic damages and significant physical and emotional harm.

NINTH CLAIM FOR RELIEF

(Fourteenth Amendment to the United States Constitution)
(42 U.S.C. § 1983)
(Against LASD Defendants and Doe LASD Officers 1–10)

128. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

129. LASD Defendants deliberately and unconstitutionally discriminated against Mr. Guzman on the basis of his race and ethnicity so as to deny him equal protection of the law as guaranteed by the Fourteenth Amendment to the United States Constitution and his liberty by causing or participating in the illegal deportation of Mr. Guzman.

130. The conduct of these Defendants violated clearly established constitutional or other rights, of which Defendants knew, or of which a reasonable public official should have known.

131. The acts, omissions, policies, patterns, practices, and customs of these Defendants complained of herein were intentional, reckless, and show a callous disregard for, or deliberate indifference to Mr. Guzman's personal safety, security, freedom, and civil and constitutional rights.

132. These violations are compensable pursuant to U.S.C. § 1983. As a direct and proximate result of these Defendants' conduct, Mr. Guzman has suffered economic damages and significant physical and emotional harm.

TENTH CLAIM FOR RELIEF

(First and Fourteenth Amendments to the United States Constitution)
(42 U.S.C. § 1983)
(Against LASD Defendants and Doe LASD Officers 1–10)

133. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

134. LASD Defendants caused or participated in the unlawful deportation of Mr. Guzman, the dependant son of Ms. Maria Carbajal.

135. As a direct and proximate result of LASD Defendants' acts, omissions, policies, patterns, practices and customs, Ms. Carbajal was deprived of the companionship and society of her son in violation of her constitutional rights under the First and Fourteenth Amendments of the United States Constitution.

136. The conduct of Defendants violated clearly established constitutional or other rights, of which Defendants knew, or of which a reasonable public official should have known.

137. The actions and omissions of these Defendants complained of herein were intentional, reckless, and show a callous disregard for, or deliberate indifference to Plaintiffs' personal safety, security, freedom, and civil and constitutional rights.

138. These violations are compensable pursuant to U.S.C. § 1983. As a direct and proximate result of Defendants' conduct, Ms. Carbajal has suffered economic damages and significant physical and emotional harm.

ELEVENTH CLAIM FOR RELIEF

**(False Arrest and Imprisonment)
(California Torts Claim Act)
(Against LASD Defendants and Doe LASD Officers 1–10)**

139. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

140. LASD Defendants intentionally and unlawfully deprived Mr. Guzman of his liberty by (1) placing him on an Immigration Hold without a legal basis to do so and (2) physically turning over custody of Mr. Guzman to ICE. Mr. Guzman never consented to the immigration hold or detention by ICE.

141. As a direct and proximate result of LASD defendants' conduct, Mr. Guzman has suffered and continue to suffer damages in an amount to be proven at trial.

TWELFTH CLAIM FOR RELIEF

**(Negligence)
(California Torts Claim Act)
(Against LASD Defendants and Doe LASD Officers 1–10)**

142. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

143. LASD Defendants breached their duty of reasonable care by negligently acting or omitting to act in such a way that resulted in Mr. Guzman's wrongful detention and deportation by ICE, which these Defendants knew or should have known posed a substantial risk of grave harm to Mr. Guzman.

144. LASD Defendants were negligent in performing their duties and failed, neglected and/or refused to properly and fully discharge their responsibilities by, among other things:

- Failing to review readily available documentation maintained by LASD that stated Mr. Guzman was born in California and listing his valid California driver's license number;
- Failing to investigate Mr. Guzman's claims that he was born in California;
- Selecting Mr. Guzman for immigration questioning based on his race an/or ethnicity;
- Failing to establish and/or implement adequate procedures to ensure that Mr. Guzman, an inmate with a mental illness and/or disabilities, understood his rights and was protected from coercive interrogation tactics;
- Establishing and/or sanctioning policies, patterns, practices, and customs of selecting inmates to interrogate, detain on ICE holds and transfer to ICE custody based on their race and/or ethnicity;
- Failing to adequately train and supervise LASD custodial assistants; and

- Transferring custody of Mr. Guzman, a United States born citizen, to ICE.

145. As a direct and proximate result of LASD Defendants' conduct, Plaintiffs have suffered and continue to suffer damages in an amount to be proven at trial.

THIRTEENTH CLAIM FOR RELIEF

(Intentional Infliction of Emotional Distress) (California Torts Claim Act) (Against LASD Defendants and Doe LASD Officers 1–10)

146. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

147. LASD Defendants' willful acts constitute outrageous conduct insofar as they were intended to cause Mr. Guzman to be selected for questioning because of his race and/or ethnicity, be placed on an immigration hold and be transferred to ICE custody.

148. LASD Defendants intended to cause Mr. Guzman emotional distress, and/or acted in reckless disregard of the probability of causing Mr. Guzman emotional distress in committing these acts.

149. As a direct and proximate result of the actions of LASD Defendants, Mr. Guzman suffered and continues to suffer economic damages, severe mental anguish, and emotional and physical distress.

FOURTEENTH CLAIM FOR RELIEF

(Declaratory Relief) (Against ICE Defendants and LASD Defendants)

150. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 89 of this Complaint.

151. A controversy presently exists between Plaintiffs and Defendants in that Defendants deny that their acts, omissions, policies, patterns, practices, and customs unconstitutionally violated (1) Mr. Guzman's liberty interests protected by

1 the Due Process Clause of the Fifth Amendment to the United States Constitution
2 and (2) Mr. Guzman's right to equal protection of the laws protected by the Fifth
3 and Fourteenth Amendments to the United States Constitution.

4 152. The program created by the MOU between ICE and the County of Los
5 Angeles to empower LASD custodial assistants to perform certain immigration
6 functions, as it is currently implemented by ICE and LASD, is unconstitutional.

7 153. Accordingly, Plaintiffs seek injunctive and declaratory relief as prayed
8 for below.

9 **PRAYER FOR RELIEF**

10 WHEREFORE, each Plaintiff prays for judgment against all Defendants, and
11 each of them, as follows:

12 1. For general damages against the United States, ICE Defendants, LASD
13 Defendants, Doe ICE Agents 1-10, and Doe LASD Officers 1-10, jointly and
14 severally, in an amount to be proven at trial;

15 2. For special damages against the United States, ICE Defendants, LASD
16 Defendants, Doe ICE Agents 1-10, and Doe LASD Officers 1-10, jointly and
17 severally, in an amount to be proven at trial;

18 3. For punitive and exemplary damages against the individual ICE
19 Defendants, LASD Defendants, Doe ICE Agents 1-10, and Doe LASD Officers,
20 jointly and severally in an amount to be proven at trial

21 4. For reasonable costs, expenses, and attorneys' fees pursuant to 42
22 U.S.C. § 1988 and any other applicable law;

23 5. For the Court to declare the program created by the MOU between
24 ICE and the County of Los Angeles to empower LASD custodial assistants to
25 perform certain immigration functions, as currently implemented through the acts,
26 policies, patterns, practices, and customs of ICE and LASD, violative of the Fourth,
27 Fifth, and Fourteenth Amendments of the United States Constitution and other
28 applicable federal and state law;


- 1 6. For injunctive relief that the Court deems just and proper; and
2 7. For such other relief as the Court deems just and proper.

3 **DEMAND FOR JURY TRIAL**

4 Plaintiffs demand a trial by jury on any and all issues triable by a jury.

5
6 Dated: July 21, 2008

JAMES J. BROSDNAHAN
BRIAN J. MARTINEZ
FRANCHESCA C. HERRERA
MORRISON & FOERSTER LLP

7
8
9 By: 
10 James J. Brosnahan
11 Attorneys for Plaintiffs

12 Dated: July 21, 2008

MARK D. ROSENBAUM
CATHERINE E. LHAMON
AHILAN T. ARULANANTHAM
MELINDA BIRD
ACLU FOUNDATION OF SOUTHERN
CALIFORNIA

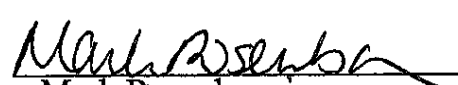

13
14
15
16
17 By: 
18 Mark Rosenbaum
19 Attorneys for Plaintiffs

EXHIBIT A

COUNTY OF LOS ANGELES REGISTRAR-RECORDER/COUNTY CLERK	
CERTIFIED ABSTRACT OF BIRTH	
NAME: PEDRO GUZMAN	SEX: MALE
DATE OF BIRTH: SEPTEMBER 25, 1977	
COUNTY OF BIRTH: LOS ANGELES	
BIRTH SURNAME OF MOTHER: CARBAJAL	
DATE FILED: DECEMBER 1977	
DATE ISSUED: NOVEMBER 22, 2000	
LOCAL REGISTRATION NUMBER: 0090849	



This certified document is a true abstract of the official record filed with the Registrar-Recorder.

Conny B. McCullack

CONNIE E. MCCULLACK
REGISTRAR-RECORDER/COUNTY CLERK

19-080643

EXHIBIT B

IN CUSTODY

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

INCIDENT REPORT

A TRADITION OF SERVICE

DATE 03-31-07

PAGE 1 OF 7

ACTION: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> NON-CRIMINAL		# OF ADULT ARRESTS: 1	# OF SUBJECT DETENTIONS: 0	URN # 4 07 08078 1183 339	RETENTION YEAR SEQUENTIAL REPORTING DISTRICT STAT CODE
CLASSIFICATION 1 / LEVEL / STAT CODE: REASONABLE CAUSE		TAKING A VEHICLE WITHOUT CONSENT 10851(a) C.V.C. / 339			
CLASSIFICATION 2 / LEVEL / STAT CODE: INTERFERING WITH AIRCRAFT		625b(a) P.C. / M / 399			
CLASSIFICATION 3 / LEVEL / STAT CODE:					
DATE, TIME, DAY OF OCCURRENCE: 03-31-07, 1705 HOURS, SATURDAY		PLAINTS REQUESTED: <input type="checkbox"/> BY: <input type="checkbox"/>		TIME	
PLACE OF OCCURRENCE: 4555 WEST AVE G LANCASTER		COMPLETED: <input type="checkbox"/>		BUS. NAME: "FOX FIELD"	
CODE: V - VICTIM • W - WITNESS • I - INFORMANT • H - REPORTING PARTY • P - PARTY					

NAME: I FOX	NAME: MIKE	NAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 04-07-40	Age:
RES. ADDR: ASSISTANT AIRPORT MANAGER	CITY: LANCASTER	ZIP: 93534	VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		RES. PHONE (Area Code):	Day Phone:	
RES. ADDR: 4555 WEST AVE G	CITY: LANCASTER	ZIP: 93534	ENGLISH SPEAKING: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code): 661-940-1709	Day Phone:	
NAME: V FERULLO	NAME: KENNY	NAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 06-07-79	Age:
RES. ADDR: "NET JETS" PILOT	CITY: COLUMBUS OH	ZIP: 43219	VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		RES. PHONE (Area Code):	Day Phone:	
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code): 614-239-5500	Day Phone:	
NAME: V CROOKS	NAME: KENT	NAME: A	SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 09-24-77	Age: 29
RES. ADDR: "NET JETS" PILOT	CITY: COLUMBUS OH	ZIP: 43219	VICTIM OF OFFENSE(S) (CLASSIFICATION) #:		RES. PHONE (Area Code):	Day Phone:	
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		BUS. PHONE (Area Code): 614-239-5500	Day Phone:	
CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • SV - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM							

NAME: S GUZMAN	NAME: PEDRO	NAME: PETER	DOB: 09-25-77	Age: 29
RES. ADDR: 25545 EAST AVE J-4	CITY: LANCASTER	ZIP: 93534	DRIVER'S LICENSE (STATE & No.): CA B7301562	
RES. ADDR: UNEMPLOYED	CITY:	ZIP:	RES. PHONE (Area Code): 661-878-6100	
SEX: M	RACE: H	ETHNIC ORIGIN:	DOB: 09-25-77	Age: 29
HAIR: BRN	EYES: BRN	HGT: 600	WGT: 160	WHERE DETAINED OR CITE: LANCASTER
CHARGE: 10851(a) C.V.C., 625b(a) P.C.			BOOKING #: 9-40429	
NAME:	NAME:	NAME:	DRIVER'S LICENSE (STATE & No.):	
RES. ADDR:	CITY:	ZIP:	RES. PHONE (Area Code):	
RES. ADDR:	CITY:	ZIP:	BUS. PHONE (Area Code):	
SEX:	RACE:	ETHNIC ORIGIN:	DOB:	Age:
HAIR:	EYES:	HGT:	WGT:	WHERE DETAINED OR CITE:
MONIKER:			BOOKING #:	

VEHICLE: 34	SUSPECT STATUS: <input checked="" type="checkbox"/> STORED <input type="checkbox"/> IMPOUNDED <input type="checkbox"/> OUTSTANDING	LICENSE (STATE & No.): CA 3Y97577	YEAR: 89	MAKE: CHEVY	MODEL: CHEYENNE	BODY TYPE: UTILITY	COLOR: WH7
REGISTERED OWNER: AV STEEL BUILDING SERVICES	IDENTIFYING FEATURES:		CHP 100 SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	GARAGE NAME & PH.:			

EMPLOYEE # 489660	VACATION DATES:	EMPLOYEE # 296955	VACATION DATES:
STATION: LANCASTER	SHIFT:	EMPLOYEE # 277205	DATE: 4/1/07, TIME: 1320
VICTIM DESIGNATION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME:	SGT. MINSTER	
NOTIFICATION REQ: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE / TIME:	LAN/DB	
DEP.:	DATE / TIME:	SPECIAL REQUEST DISTRIBUTION:	
CHP SUB RELEASE APPROVED BY:	TIME:	TT BCBY:	DATE / TIME:
PCB SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	TIME:	DATE / TIME:	DATE / TIME:

PC300P - SH-R-49 (Rev. 10/99)

Exhibit B
Page 34

01

DATE 03-31-07		TIME RECEIVED 1704	TAG # 335	URN # 407-08078-1103-339	PAGE 2 OF 7
INPUT / CHECKED NCIC, CAL, ETC.: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		EVIDENCE HELD: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		EVIDENCE ENTERED BY: PATROL	
EVIDENCE HELD: <input type="checkbox"/> BLOOD <input type="checkbox"/> FOOTPRINTS <input type="checkbox"/> OTHER PRINTS <input type="checkbox"/> VEHICLE PARTS		<input type="checkbox"/> BULLET <input type="checkbox"/> FRAUD DOCUMENTS <input type="checkbox"/> PAINT <input type="checkbox"/> WEAPONS		<input type="checkbox"/> BULLET CASING <input type="checkbox"/> GSR <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> CHECKS <input type="checkbox"/> HAIR <input type="checkbox"/> RAPE KIT <input type="checkbox"/> CLOTHES <input type="checkbox"/> JEWELRY <input type="checkbox"/> RECEIPTS <input type="checkbox"/> CREDIT CARDS <input type="checkbox"/> MISCELLANEOUS <input type="checkbox"/> TOOLS <input type="checkbox"/> ELECTRONIC EQUIPMENT <input type="checkbox"/> MONEY <input type="checkbox"/> URINE <input type="checkbox"/> FINGERPRINTS <input type="checkbox"/> NARCOTICS <input type="checkbox"/> VEHICLE IMPOUNDED	

PROPERTY CODE: S - STOLEN • R - RECOVERED • L - LOST • F - FOUND • E - EMBEZZLED • D - DAMAGED • EV - EVIDENCE (Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)			RELEASED TO		
CODE	ITEM #	QUAN.	DESCRIPTION (include kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)	SERIAL #	VALUE

SR 1 1

PART I STATISTICAL INFORMATION

PROPERTY		TYPE OF PROPERTY		STOLEN	RECOVERED
TYPE OF PROPERTY		STOLEN	RECOVERED		
CLOTHING/FURS	\$	\$	\$	JEWELRY	\$
CONSUMABLE GOODS	\$	\$	\$	LIVESTOCK	\$
CURRENCY/NOTES	\$	\$	\$	LOCAL STOLEN VEHICLES	\$
FIREARMS	\$	\$	\$	MISCELLANEOUS	\$
HOUSEHOLD GOODS	\$	\$	\$	OFFICE EQUIPMENT	\$
				TV/RADIO/STEREO	\$

VICTIM OF SEX CRIMES REQUEST FOR CONFIDENTIALITY

PURSUANT TO SECTION 293(a) OF THE CALIFORNIA PENAL CODE, YOU ARE INFORMED THAT YOUR NAME WILL BECOME A MATTER OF PUBLIC RECORD, UNLESS YOU REQUEST THAT IT REMAIN CONFIDENTIAL AND NOT BE A PUBLIC RECORD, PURSUANT TO SECTION 8254 OF THE GOVERNMENT CODE.

I, _____, HEREBY (DO) (DO NOT) ELECT TO EXERCISE MY RIGHT TO PRIVACY.

SCREENING FACTORS

- | | |
|--|--|
| <p>YES <input checked="" type="checkbox"/> NO <input type="checkbox"/></p> <p>1. SUSPECT IN CUSTODY <input checked="" type="checkbox"/></p> <p>2. SUSPECT NAMED/KNOWN <input checked="" type="checkbox"/></p> <p>3. UNIQUE SUSPECT IDENTIFIERS <input type="checkbox"/></p> <p>4. VEHICLE IN CUSTODY <input checked="" type="checkbox"/></p> <p>5. UNIQUE VEHICLE IDENTIFIERS <input checked="" type="checkbox"/></p> <p>6. WRITER/REVIEWER DISCRETION <input checked="" type="checkbox"/></p> | <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p>7. GENERAL SUSPECT DESCRIPTION <input type="checkbox"/></p> <p>8. GENERAL VEHICLE DESCRIPTION <input type="checkbox"/></p> <p>9. UNIQUE M.O. OR PATTERN <input checked="" type="checkbox"/></p> <p>10. SIGNIFICANT PHYSICAL EVIDENCE <input type="checkbox"/></p> <p>11. TRACEABLE STOLEN PROPERTY <input type="checkbox"/></p> <p>12. MULTIPLE WITNESSES <input checked="" type="checkbox"/></p> |
|--|--|

PAGE 3 OF 7

REPORT CONTINUATION NARRATIVE

URN 407-08078-1183-337

WE RESPONDED TO 4555 WEST AVE G ("FOX FIELD") REGARDING A TRESSPASSING CALL (TAG 335).

WE WERE ADVISED THAT THE PERSON TRESSPASSING WAS A MALE IN A WHITE UTILITY TRUCK. AS WE PULLED ONTO THE AIRPORT TARMACK, WE SAW A MALE (S/GUZMAN) SITTING IN A WHITE UTILITY TRUCK (CA #3Y97577). THE TRUCK WAS BACKED IN NEAR A BLOCK WALL NORTH OF THE TERMINAL. THE SUSPECT AND TRUCK WERE ON THE TARMACK FACING "NET JETS" PLANE NUMBER N837Q5 (APPROXIMATELY 25 YARDS AWAY).

AS WE STOPPED NEAR THE SUSPECT IN THE UTILITY TRUCK, WE WERE CONTACTED BY I/FOX. I/FOX DIRECTED US TOWARD S/GUZMAN IN THE WHITE UTILITY TRUCK. I/FOX SAID HE WAS THE ASSISTANT AIRPORT MANAGER, AND THAT S/GUZMAN WAS INTERFERING WITH THE "NET JETS" PLANE.

WE CONTACTED S/GUZMAN (STILL SITTING IN THE UTILITY TRUCK), AND DETAINED HIM PENDING OUR TRESSPASSING INVESTIGATION.

76R288M SH R 313- PS 10-82

PAGE 4 OF 7

REPORT CONTINUATION

NARRATIVE

URN

407-08078-1183-339

WE AGAIN CONTACTED I/FOX WHO TOLD US S/GUZMAN ENTERED "FOX FIELD" THROUGH THE ACCESS GATE, WHICH HAD BEEN LEFT OPEN. I/FOX SAID S/GUZMAN DROVE ON TO THE TARMACK IN THE WHITE UTILITY TRUCK S/GUZMAN THEN OPENED THE DOOR TO "NET JETS" PLANE, WHICH WAS PREPARING TO LEAVE. I/FOX THINKS S/GUZMAN ENTERED THE PLANE. S/GUZMAN WAS TOLD TO LEAVE. S/GUZMAN DROVE TOWARD THE "FOX FIELD" EAST HANGERS. I/FOX SAW HIM BY THE EAST HANGERS AND FOLLOWED HIM AS S/GUZMAN LEFT THE EAST HANGERS TOWARD "NETJETS" PLANE. S/GUZMAN GOT OUT OF THE UTILITY TRUCK AND AGAIN TRIED TO GET INTO THE PLANE. S/GUZMAN TOLD I/FOX HE WAS "WAITING FOR A PLANE." I/FOX TOLD S/GUZMAN HE WOULD HAVE TO "WAIT IN THE HANGER." S/GUZMAN HUNG AROUND THE "NET JETS" PLANE UNTIL DEPUTIES ARRIVED.

WE CONTACTED V/FERULLO AND V/CROOKS WHO WERE THE PILOTS OF THE "NETJETS" PLANE N83705. THEY SAID THEY WERE IN THE PLANE WITH PASSENGERS "PREPARING TO TAXI." S/GUZMAN THEN OPENED THE PLANE DOOR, ENTERED THE PLANE, AND SAT DOWN. S/GUZMAN TOLD V/FERULLO AND V/CROOKS HE WAS "SUPPOSED TO BE ON THE FLIGHT"

76R288M-SH A-313-PS 10-82

PAGE 5 OF 7

REPORT CONTINUATION NARRATIVE

URN 407-08078-1183-339

V/FERULLO AND V/CROOKS TOLD S/GUZMAN HE WAS NOT ON THEIR FLIGHT, AND ASKED HIM TO EXIT. S/GUZMAN SAID "OKAY" AND WENT BACK TO "HIS TRUCK". V/FERULLO AND V/CROOKS SAW S/GUZMAN DRIVE TO THE "EAST TOWERS."

V/FERULLO AND V/CROOKS SAID S/GUZMAN CAME BACK AGAIN AND TRIED TO GET ON THE PLANE. S/GUZMAN WALKED UP TO THE PLANE DOOR, AND ATTEMPTED TO OPEN IT. V/CROOKS SAW S/GUZMAN APPROACHING THE PLANE DOOR AND GRABBED IT FROM THE INSIDE, HOLDING IT CLOSED TO PREVENT S/GUZMAN FROM ENTERING. S/GUZMAN GAVE UP AND WENT BACK TO "HIS TRUCK."

S/GUZMAN STAYED IN HIS TRUCK FOR APPROXIMATELY "FIVE MINUTES." HE THEN STARTED WALKING BACK TOWARD THE PLANE. V/FERULLO AND V/CROOKS STOPPED S/GUZMAN BEFORE HE GOT TO THE PLANE. S/GUZMAN OFFERED "TWO QUICK PICK LOTTERY TICKETS" UP TO V/FERULLO AND V/CROOKS. S/GUZMAN ASKED "DO YOU NEED THESE (HOLDING THE LOTTERY TICKETS)."

PAGE 6 OF 7

REPORT CONTINUATION NARRATIVE

URN 407-68078-1183-339

S/GUZMAN WAS TOLD THE LOTTERY TICKETS WOULD NOT BE ACCEPTED. HE THEN TURNED AROUND AND WALKED BACK TO HIS TRUCK.

WE CONTACTED S/GUZMAN AND ADVISED HIM OF HIS MIRANDA RIGHTS (PER SHAD ATT). S/GUZMAN SAID HE UNDERSTOOD HIS RIGHTS. HE AGREED TO TALK WITHOUT A LAWYER PRESENT. S/GUZMAN TOLD US "THE TRUCK WAS NOT HIS." HE SAID HE FOUND IT NEAR AVENUE "B-8." THE TRUCK WAS BEHIND SOME HOUSE, WITH THE KEYS IN THE IGNITION. S/GUZMAN DECIDED TO TAKE IT "FOR A RIDE" BECAUSE HIS MOM'S VEHICLE WAS BROKEN. S/GUZMAN "FOLLOWED THE SIGNS" TO THE AIRPORT. HE SAID HE WAS GOING TO LEAVE THE TRUCK AT THE AIRPORT. HE DID NOT KNOW WHO OWNED THE TRUCK. S/GUZMAN SAID HE WENT TO THE AIRPORT, BECAUSE HE WANTED TO GET ON A PLANE. WHEN ASKED IF HE STOLE THE TRUCK, S/GUZMAN REFUSED TO ANSWER.




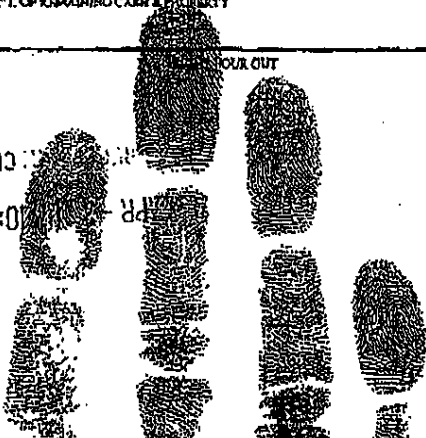
WE ATTEMPTED TO CONTACT THE OWNER OF THE TRUCK VIA PHONE AND PATROL STOP (PALMDALE STATION). THE OWNER COULD NOT BE REACHED.

PAGE 7 OF 7

REPORT CONTINUATION	NARRATIVE	URN
		407-09078-1183-339
	S/GUZMAN WAS TRANSPORTED TO LANCASTER STATION, WHERE HE WAS BOOKED WITH THE APPROVAL OF LT. HINDMAN.	
	IT SHOULD BE NOTED THAT S/GUZMAN HAD NO MONEY OR PLANE TICKETS IN HIS POSSESSION WHEN HE WAS BOOKED. THE "NETJETS" FLIGHT WAS DELAYED AND POSSIBLY CANCELLED DUE TO S/GUZMAN'S ACTIONS. THE VEHICLE S/GUZMAN WAS DRIVING WAS TOWED BY CLARK & HOWARD, PENDING THE OWNERS OF THE VEHICLE BEING CONTACTED.	
	IT SHOULD ALSO BE NOTED S/GUZMAN BECAME INVOLVED IN A BATTERY AGAINST ANOTHER PRISONER IN THE BOOKING CASE, WHILE HE WAS BEING BOOKED (SEE FILE # 107-08087-1177-149 FOR FURTHER).	
	TSA OFFICER KATHY BACA (BOB HOPE AIRPORT, BURBANK, 818-326-1084) CONTACTED LANCASTER STATION ABOUT THE INCIDENT	

76R288M-Sh-A-313- PS 10-82

EXHIBIT C

LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD									
BOOKING NO. 9740429		OCA NO.				FOREIGN NATIONAL YES NO UNKNOWN			
SID NO.		LOC. BKG. LAN		DL LIC. NO. STATE B7301563 CA		ALIMN		SUBJECT PHOTO & FRONT VIEW CLASSED	
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO						HOME PHONE			
ADDRESS 25545 E AVENUE J4 LANCASTER, CA 93535									
SEX M	PERCENT H	HAIR BLK	EYES BRO	HEIGHT 690	WEIGHT 160	BIRTHDATE 09-25-1977	AGE 29		
VER. LIC. NO. ST. 3Y97577 CA		RPT. DIST. 1183		AKA/ALIAS NAME					
BIRTHPLACE CA		FILE NO. 487080781183339		MOMIER		AD. CHG. Y			
ADT. OR DETAIL ARRESTING 1101				DATE & TIME ARRESTED 09-31-2007 1813		TIME INQ. 1840			
LOCATION OF ARREST 4555 W AVE C, LANCASTER				TOTAL BAIL 21000.00					
CHARGE 18851(A) / VC / P VEHICLE THEFT				WARR. COMM. NO.					
JAIL LOC. LAN		ARREST DATE 04-03-2007		TIME 0800		COURT ANT		PRISONER'S SIGNATURE WHEN BOOKED X	
SOC. SEC. NO.		OBSERVABLE PHYSICAL CONDITIONS						OCCUPATION CARPENTER	
EMPLOYER (FURN OR PERSON'S NAME, CITY & PHONE NO.)						SPECIAL MEDICAL PROBLEM			
CLOTHING WORN				LOCATION OF DISPOSITION OF VEHICLE CLARK AND HOWARD					
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.)									
ARRESTING OFFICER HORNING 256955		BOOKING EMPLOYEE GARCIA 489660		SEARCHING OFFICER		TRANSPORTING OFFICER			
CASH RETAINED 00.00		PROPERTY							
PRISONER'S SIG. FOR REC'D. OF FORFEITING CASH & PROPERTY X									
CASH DEPOSITED 000000.00		PROPERTY							
PRISONER'S SIG. FOR REC'D. OF REMAINING CASH & PROPERTY X									
RIGHT FOUR IN				RIGHT THUMB IN		RIGHT THUMB OUT		RIGHT FOUR OUT	
									

TELEPHONE CALLS INTERVIEWS						OFFICER HANDLING	PRISONER'S INITIALS
CODE A-ATTY B-BONDESMAN D-DR E-Employer R-RELATIVE W-WAYED O-OTHER						SERIAL #	
NAME	CODE	PHONE # OR INTERVIEWER	DATE & TIME MADE				
BAIL DEVIATION	O.	(213) 351-0311					

REMARKS

X	COMPLETED CALL
---	----------------

MISDEMEANOR, BOLD:	REASON FOR RELEASE	EXPIRATION	FINE	CITATION	RAIL	OTHER
NO IDENTIFICATION	ARREST #	DATE AND TIME				
WARRANT		5-07-07 INS				
ON GOING PROBLEM	RELEASED BY:	DOCUMENT ANALYST:				
NON-CITIZABLE MISDEMEANOR	1031141 S101	[Signature]				
OTHER:	RELEASED TO: (NAME, AGENCY & DETAIL)					
APPROVED BY	M. L. ICE 3444					
WATCH COMMANDER:						

015

DATE 03/31	TIME 1900	JLR SIG [Signature]	SGT SIG [Signature]	LOS ANGELES COUNTY JAIL BOOKING AND PROPERTY RECORD NO. 661 MOM'S HOUSE 923-6106		FOREIGN NATIONAL <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> REF	HAVE AIDS HAVE VD HAVE HEPATITIS HAVE TB EVER HAVE TB	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
BOOKING NO. 9740429	LOC. BKT. LAN	OR. LIC. NO. B7301562	STATE CA	JAIL CUSTODY RECORD				
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO PETER				SEX M				
ADDRESS 25545 EAST AVE J-4				CITY LAN				
DESCENT H	HAIR BLK	EYES BRN	HEIGHT 600	WEIGHT 160	BIRTHDATE 09-25-77	AGE 29		
VEH. LIC. NO. 3Y97577	STATE CA	RPT. DIST. 1183	AKA/NICKNAME					
BIRTHPLACE CA	FILE NO. 407-08078-1183	332	AD. CHG. Y					
AGY. OR DETAIL ARRESTING 1101	DATE & TIME ARRESTED 03-31-07/1813	TIME BKT. 1810						
LOCATION OF ARREST 4555 W. AVE G, LANCASTER	TOTAL BAIL 20,000							
CHARGE 108516 D/F / TAKING VEHICLE WITHOUT PERMISSION	WARRANT NO.							
JAIL LOC. LAN	ARRAIGN. DATE 04-03-07	TIME 0800	COURT ATP	PRISONER'S SIGNATURE WHEN BOOKED [Signature]				
SOC. SEC. NO. UNKNOWN	OBSERVABLE PHYSICAL ODITIES TT "X3" ON INNER LEFT MIDDLE FINGER			OCCUPATION CONSTRUCTION				
EMPLOYER (FIRM OR PERSON'S NAME, CITY, & PHONE NO.) UNEMPLOYED				SPECIAL MEDICAL PROBLEM NONE				
CLOTHING WORN BLUE SHIRT, BLACK JEANS,	LOCATION OR DISPOSITION OF VEHICLE CLARK & HOWARD							
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.) MARIA CALABAJAL, (MOTHER), 25545 EAST AVE J-4, LANCASTER 661-878-6106								
ARRESTING OFFICER HORNING 296955	BOOKING EMPLOYEE GARCIA 489660	SEARCHING OFFICER	TRANSPORTING OFFICER					
CASH RETAINED X	PROPERTY CLOTHING WORN							
CASH DEPOSITED X	PROPERTY BLACK BELT			PRISONER'S SIG. FOR RECT. OF FOREGOING CASH & PROPERTY [Signature]				
				PRISONER'S SIG. FOR RECT. OF REMAINING CASH & PROPERTY X				



76850 C-244-J-224 10/97

QRB 4-1-07
 CI # A11798272
 FBI # 869202EB5

TELEPHONE CALLS INTERVIEWS				CODE: A - ATTY. B - BONDSMAN D - DR. E - EMPLOYER R - RELATIVE W - WAIVED O - OTHER	OFFICER HANDLING	PRISONER'S INITIALS
NAME	CODE	PHONE # OR INTERVIEW #	DATE & TIME MADE	SERIAL #		
311	W			2		PG
	W			4		PG
	W			4		PG
	W			5		PG

REMARKS:

X COMPLETED CALL

RIGHT FINGERPRINTS		WHEN BOOKED	WHEN RELEASED
		WHEN BOOKED	WHEN RELEASED
			

REASON FOR RELEASE: ☐ EXPIRATION ☐ FINE ☐ CITATION

☐ BAIL ☐ OTHER

RECEIPT # _____ DATE AND TIME _____

RELEASED BY: _____ DOCUMENT ANALYST: _____

RELEASED TO: (NAME, AGENCY, & DETAIL) _____

EXHIBIT D

JUN-11-2007 13:44 SECTION CHIEF LOS/DRO 213 830 7973 P.15

LOS ANGELES COUNTY
CONSOLIDATED CRIMINAL HISTORY SYSTEM

Date: 04/26/2007 Page 2
Time: 10:02

CRIMINAL HISTORY TRANSCRIPT FOR OFFICE USE ONLY - UNAUTHORIZED USE IS A CRIMINAL OFFENSE
INFORMATION FINGERPRINT VERIFIED UNLESS OTHERWISE NOTED BY AN ASTERISK(*)

Key Name: (1) GUZMAN, PEDRO PETER Date Name First Used: 04/14/1998
SID/CIR: A13/08272 MAIN: 3225253 FBI: 869202EB5

DESCRIPTORS

#Names/AKAs/Count

(1) GUZMAN, PEDRO PETER 8 (2) GUZMAN, PEDRO 7

Dates of Birth/Count

09/25/1977 4

Scars/Marks/Tattoos

Other Identifiers

DL B7301562 CA FBI 869202EB5

Address/Count

25545 E AVENUE J4 LANCASTER CA 93535 2 25545 E AVE J4 LANCASTER CA 93535 1
25545 EAST AVENUE J4 LANCASTER CA 93535 1 25545 EAST AVENUE J4 LANCASTER CA 93534 1

Birth Place/Count

CA 3

Moniker/Count

Gang Membership/Count

MISC LATINS - LASD 1

JUVENILE SUSTAINED PETITIONS

No Juvenile Information

EXHIBIT A

Exhibit D
Page 47

JUN-11-2007 14:10

99%

P.16