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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

15 PETER GUZMAN and MARIA CARBAJAL,

**Plaintiffs,**

VS.

18 MICHAEL CHERTOFF, Secretary,  
19 Department of Homeland Security;  
20 JAMES T. HAYES, Field Office  
Director, U.S. Immigration and  
Customs Enforcement; PILAR  
21 GARCIA, Agent, U.S. Immigration  
and Customs Enforcement; COUNT  
22 OF LOS ANGELES; LEROY BACA  
Sheriff of the County of Los Angeles;  
23 TIMOTHY CORNELL, Captain, Los  
Angeles County Inmate Reception  
24 Center; SANDRA FIGUERAS,  
Custodial Assistant, Los Angeles  
25 County Sheriff's Department; AND  
DOES 1-100, 101,

Defendants.

CASE NO.:

**COMPLAINT FOR VIOLATIONS  
OF THE FIRST, FIFTH AND  
FOURTEENTH AMENDMENTS TO  
THE UNITED STATES  
CONSTITUTION**

**DEMAND FOR JURY TRIAL**

21

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## 1 JURISDICTION AND VENUE

2 1. This civil rights action for declaratory relief and compensatory and  
3 punitive damages is brought pursuant to, inter alia, the Fourth, Fifth and Fourteenth  
4 Amendments to the United States Constitution, 42 U.S.C. § 1983, the Federal Tort  
5 Claims Act (“FTCA”), 28 U.S.C. §§ 2671, et seq. and law for relief from  
6 commission of tortious acts. This Court has jurisdiction over federal claims  
7 pursuant to the constitutional provisions enumerated and 28 U.S.C. § 1331 and  
8 § 1343 (3) and (4), as they are brought to redress deprivations of rights privileges  
9 and immunities secured by the United States Constitution and by law. Jurisdiction  
10 is also proper pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201(a) and  
11 2202. This Court has jurisdiction over the supplemental state claims pursuant to  
12 28 U.S.C. § 1367.

13 2. Venue is proper in the Central District of California, under 28 U.S.C.  
14 § 1391(b), in that Defendants are located in this state and district, and a substantial  
15 part of the acts and/or omissions giving rise to Plaintiffs’ claim occurred in this  
16 district.

## 17 INTRODUCTION

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

23 4. On May 11, 2007, immigration officials and agents of the Los Angeles  
24 District of the United States Immigration and Customs Enforcement (“ICE”)  
25 Division, under the United States Department of Homeland Security (“DHS”),  
26 acting in concert with officials of the Los Angeles County Sheriff’s Department  
27 (“LASD”), unlawfully deported Plaintiff Peter Guzman to Tijuana, Mexico. The  
28 illegal deportation of Mr. Guzman is the direct and foreseeable consequence of

1 official procedures, practices, and policies that manifest, at best, intentional  
2 discrimination based on race and ethnicity, and, in reality, a reckless disregard for  
3 human life and 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. He is unable to read at  
7 more than a second-grade level and is unable to commit to memory basic  
8 information like his home telephone number. Mr. Guzman has always lived under  
9 the care and supervision of his mother, Plaintiff Maria Carbajal.

10 6. On or about May 11, 2007, Mr. Guzman was loaded on a bus by ICE  
11 agents and forced to disembark in Tijuana, Mexico. All he had were the clothes he  
12 was wearing and a few dollars in his pocket – not enough to purchase food or  
13 shelter. He had no cellular phone and his identification had not been returned to  
14 him by either LASD or ICE officials.

15 7. Prior to his unlawful deportation Mr. Guzman had only visited Mexico  
16 on a couple of brief trips with his mother when he was a child. He was unfamiliar  
17 with Tijuana and had no personal relationship with any residents of 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 or  
21 warmth. That Mr. Guzman survived is a matter only of his spirit and will to live,  
22 and fortuity. He suffered and continues to suffer grievous physical and  
23 psychological injury.

24 9. Plaintiff Maria Carbajal learned that her son had been illegally  
25 deported to Tijuana on or about May 11, 2007. For nearly three months following  
26 May 11, 2007, Ms. Carbajal spent most of her days in Tijuana and neighboring  
27 cities searching for her lost son. She regularly visited morgues, jails, shelters,  
28 churches, riverbeds and dangerous locations in a desperate search for her son.

1 Ms. Carbajal lived in constant fear for her son's life. This tragic experience has  
2 caused and continues to cause her excruciating emotional and psychological  
3 suffering.

4 10. The circumstances under which Mr. Guzman was illegally deported  
5 arose from a January 25, 2005 Memorandum of Understanding ("MOU") between  
6 DHS and LASD, and approved by the Los Angeles County Board of Supervisors.  
7 The MOU created a pilot project through which LASD personnel – described as  
8 "custody assistants" – were empowered to engage in certain federal immigration  
9 enforcement duties. Specifically, LASD custody assistants interviewed and  
10 processed presumed or suspected foreign-born inmates confined within the Los  
11 Angeles County jail system to determine the inmates' immigration status and  
12 whether, in their judgment, the inmates were deportable. Custody assistants  
13 received only brief and inadequate training by ICE. Pursuant to the MOU, custody  
14 assistants were granted federal authority to obtain consents of non-citizens to be  
15 voluntarily deported and to make referrals to ICE for deportations.

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

27 12. ICE officers and agents, acting in concert with LASD personnel,  
28 illegally deported Mr. Guzman, notwithstanding the fact that LASD's own records

1 correctly stated that he was born in California and contained his valid California  
2 driver's license number. Law enforcement records to which LASD and ICE had  
3 ready access during Mr. Guzman's arrest and detention correctly stated that  
4 Mr. Guzman was born in California. In addition, LASD medical records for  
5 Mr. Guzman, to which LASD and ICE had reasonable access, made clear that  
6 Mr. Guzman was not capable of exercising a voluntary, knowing, and intelligent  
7 waiver of his rights. ICE and LASD personnel ignored these records or did not  
8 undertake reasonable and diligent efforts to review them and appreciate their  
9 meaning.

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

## PARTIES

18 | Plaintiffs

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

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

3 **Defendants**

4       16. Defendant Michael Chertoff is sued in his individual and official  
5 capacities as the Secretary of DHS. In this capacity, he maintains responsibility for  
6 the administration and enforcement of the nation's immigration and naturalization  
7 laws pursuant to sections 102 and 402 of the Homeland Security Act of 2002, 6  
8 U.S.C. § 112 and § 202, respectively, and the Immigration and Nationality Act,  
9 § 102, 8 U.S.C. § 1103 (charging the Secretary of DHS with "administration and  
10 enforcement of . . . laws relating to the immigration and naturalization of aliens.").

11       17. Defendant James Hayes is the Field Office Director for the Los  
12 Angeles District of ICE. He is responsible for the enforcement of the immigration  
13 laws within this district. He is sued in his individual and official capacities.

14       18. Defendant Pilar Garcia is, and at all times mentioned herein was, an  
15 Immigration Enforcement Agent with ICE. She is sued in her individual and  
16 official capacities.

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

19       20. Defendant County of Los Angeles is the legal entity responsible for the  
20 acts and omissions of the Sheriff's Department of Los Angeles County including  
21 the practices, policies, and procedures relating to detention, processing for  
22 immigration status, and medical care.

23       21. Defendant Leroy Baca is the Sheriff of Los Angeles County. In this  
24 capacity, he is responsible for the administration of the Los Angeles County jail  
25 system, including for the officers who have been deputized to act as immigration  
26 agents in the jail. He is sued in his individual and official capacities.

27       22. Defendant Timothy Cornell is the Captain of the Los Angeles County  
28 Inmate Reception Center. In this capacity, he is responsible for the administration

1 of the inmate reception center and was the immediate custodian of Mr. Guzman at  
2 the time he was transferred to the custody of ICE. He is sued in his individual and  
3 official capacities.

4 23. Defendant Sandra Figueras is, and at all times mentioned herein was, a  
5 custody assistant with the Los Angeles County Sheriff's Department. She is sued  
6 in her individual and official capacities.

7 24. Defendant County of Los Angeles, Defendant Baca, Defendant  
8 Cornell and Defendant Figueras are hereafter collectively referred to as "LASD  
9 Defendants".

10 25. Defendants Does 1-100, inclusive, are sued herein under fictitious  
11 names because their true names, capacities, and/or degree of responsibility for the  
12 acts alleged herein are unknown to Plaintiffs at this time. When Plaintiffs ascertain  
13 this information, they will amend this Complaint accordingly. Doe Defendants  
14 include, but are not limited to, Doe ICE agents and Doe LASD officers. Plaintiffs  
15 are informed and believe, and thereon allege, that Does 1-<sup>100</sup>~~100~~, inclusive, and each  
16 of them, are legally liable to Plaintiffs in some part for the wrongful acts and  
17 omissions of which Plaintiffs complain herein.

18 26. All of the Defendants acted under the color of law, in bad faith, and  
19 contrary to established law and principles of constitutional and statutory law.

20 27. Plaintiffs are informed and believe and thereon allege that each of the  
21 Defendants caused, and is liable for the unconstitutional and unlawful conduct and  
22 resulting injuries, by, among other things, personally participating in said conduct  
23 or acting jointly with others who did so; by authorizing, acquiescing or setting in  
24 motion policies, plans or actions that led to the unlawful conduct; by failing or  
25 refusing with deliberate indifference to maintain adequate supervision; and/or by  
26 ratifying the unlawful conduct taken by employees under their direction and  
27 control. Defendants actions were taken pursuant to a policies, custom or usage of  
28 ICE and/or LASD.

## FACTUAL ALLEGATIONS

28. Plaintiff Peter Guzman was born on September 25, 1977 in Los Angeles, California. [Exhibit A (Birth Certificate of Mr. Guzman).]

29. Mr. Guzman began attending elementary school in Los Angeles, California. While he was still attending elementary school, his family moved to Lancaster, California. Mr. Guzman grew up in Lancaster with his mother, Plaintiff Maria Carbajal, and his six siblings.

30. Although Mr. Guzman completed elementary school and attended high school through the eleventh grade, Mr. Guzman's reading comprehension and writing skills are severely limited. During elementary school, Mr. Guzman was placed in special education classes. He continues to struggle with basic reading and writing, visual processing, conceptualization skills, and memory. While Mr. Guzman can speak both Spanish and English, his English language skills are significantly stronger. Mr. Guzman finds it difficult to remember even basic information like his home telephone number.

31. Since leaving high school, Mr. Guzman has worked in construction for several different employers. Immediately before his arrest, Mr. Guzman worked laying and finishing cement.

### Mr. Guzman's Incarceration

32. On or about March 31, 2007, Mr. Guzman entered a private airport and attempted to board an airplane. He was arrested for a misdemeanor violation of California Penal Code § 625(b), interfering with an aircraft, and for violation of California Vehicle Code § 10851(a), taking a vehicle without consent. Officers with the Los Angeles County Sheriff's Department completed an incident report following Mr. Guzman's arrest. The front page of the incident report lists Mr. Guzman's birthplace as California and lists his California driver's license number. [Exhibit B (County of Los Angeles Sheriff's Department, Incident Report dated 3/31/06).]

1       33. On March 31, 2007, following his arrest, Mr. Guzman was booked into  
2 Los Angeles County Jail. During the booking process, Mr. Guzman was asked a  
3 series of biographical questions, including a question regarding his birthplace.  
4 Mr. Guzman responded that he was born in California. The Booking and Property  
5 Record obtained from the Los Angeles County Jail dated March 31, 2007 lists  
6 Mr. Guzman's birthplace as "CA." [Exhibit C (Los Angeles County Jail, Booking  
7 and Property Records).] The booking officer also noted Mr. Guzman's California  
8 driver's license number in these records.

9       34. On April 19, 2007, Mr. Guzman pled guilty to a single count of  
10 misdemeanor trespassing under California Penal Code § 602. The judge suspended  
11 imposition of the sentence and placed Mr. Guzman on three years probation with a  
12 condition that he serve 120 days in County Jail, less 30 days credit for good  
13 behavior and time served.

14       35. On or about April 5, 2007, while Mr. Guzman was incarcerated, he  
15 suffered a head injury and was found by LASD personnel in an altered mental state.  
16 He was taken by ambulance to Los Angeles Community Medical Center  
17 ("LCMC"). Mr. Guzman told medical personnel that he had fallen and hit his head.  
18 He also told medical personnel at LCMC that he was hearing voices that told him  
19 bad things. Medical personnel at LCMC prescribed 5 milligrams of Zyprexa, an  
20 anti-psychotic medication, with instructions to increase the dosage to 10 milligrams  
21 as needed and/or tolerated.

22       36. During his incarceration, Mr. Guzman also informed LASD medical  
23 personnel that he was hearing voices. County medical records relating to  
24 Mr. Guzman, which were compiled during his detention, documented  
25 Mr. Guzman's impaired mental state.

## 26 **The Deportation of Mr. Guzman**

27       37. On or about January 25, 2005, ICE and LASD entered into a  
28 Memorandum of Understanding ("MOU"). The MOU was approved by the Los

1       Angeles County Board of Supervisors. The MOU authorized LASD personnel to  
2 perform certain federal immigration enforcement activities such as (1) interrogate  
3 individuals to determine if there is probable cause for an immigration violation; (2)  
4 complete criminal alien processing including fingerprinting, photographing and  
5 interviewing for ICE supervisor review; (3) prepare immigration detainers; (4)  
6 prepare affidavits and take sworn statements; and (5) prepare Notice to Appear  
7 applications for signature of an ICE officer. According to the MOU, LASD  
8 personnel performing the above tasks were to receive training from ICE officers. In  
9 addition, the duties and actions of LASD custodial assistants were to be supervised  
10 and directed by ICE agents.

11       38. On or about April 26, 2007, Mr. Guzman was interviewed by  
12 Defendant Sandra Figueras, a custodial assistant with the Los Angeles County  
13 Sheriff's Department. Mr. Guzman was interviewed even though he had previously  
14 told prison officials that he was born in California and even though LASD records  
15 reflected that he was born in California as well as listed his California driver license  
16 number.

17       39. Mr. Guzman was selected for interview by custody assistant Sandra  
18 Figueras solely on the basis of his perceived race, ethnicity and national origin.

19       40. No reasonable basis existed to suspect or otherwise conclude that  
20 Mr. Guzman was not a United States citizen. In fact, numerous records maintained  
21 by the Los Angeles County Sheriff's Department list Mr. Guzman's birthplace as  
22 California and list his valid California driver's license number. [See Exhibit B  
23 (Incident Report), Exhibit C (Los Angeles County Booking and Property Records),  
24 Exhibit D (Page 1 of Los Angeles County Consolidated Criminal History for Pedro  
25 Peter Guzman dated April 26, 2007).]

26       41. At some point between April 26, 2007 and May 10, 2007, Mr. Guzman  
27 was transferred to ICE custody by LASD officers.

1       42. On or about May 10, 2007, Pilar Garcia, an ICE agent, acting with  
2 other Doe Defendant ICE agents, coerced Mr. Guzman to sign a Notice of Rights  
3 and Request for Disposition (Form I-826). This form, written entirely in Spanish,  
4 effectively waived his legal rights to a removal deportation hearing and stated that  
5 he was a citizen of Mexico and that he agreed to be voluntarily deported to Mexico.  
6 Mr. Guzman received no assistance from ICE agents – or anyone else – in  
7 attempting to read or understand the Notice of Rights and Request for Disposition  
8 form that he signed.

9       43. Mr. Guzman could not read and did not understand the contents of the  
10 Notice of Rights and Request for Disposition. He had no knowledge or  
11 understanding of what would occur if he signed the Notice of Rights and Request  
12 for Disposition form.

13       44. Even though Mr. Guzman responded to questions during his initial  
14 processing by LASD by stating that he was born in California and LASD personnel  
15 recorded his responses in LASD records, LASD officials made no attempt to verify  
16 his citizenship. Although LASD contacted Mr. Guzman’s family on at least two  
17 occasions during the course of his detention, no attempt was made to obtain  
18 Mr. Guzman’s birth certificate or ask for any further verification of his place of  
19 birth.

20       45. The practices and procedures implemented by both ICE and LASD to  
21 process Mr. Guzman, to determine that he was unlawfully present in the United  
22 States, and to coerce him to sign a document waiving his legal rights and requesting  
23 a voluntary departure are part of a pattern, custom, and habit by ICE and LASD  
24 personnel to presume foreign citizenship of inmates based on their race, ethnicity,  
25 appearance, and/or surname. As consequence, ICE and LASD failed to undertake a  
26 reasonable and diligent inquiry into the citizenship of Mr. Guzman based upon  
27 readily available documentation, including the LASD’s own records and Mr.  
28 Guzman’s documented responses to questioning.

1       46. ICE personnel failed to adequately train and supervise LASD's  
2 custodial assistants. ICE personnel failed to review records in the possession of  
3 LASD and ICE which clearly identify Mr. Guzman as being born in the United  
4 States.

5       47. Mr. Guzman's medical records show that he was unable to execute a  
6 knowing, voluntary, and intelligent waiver of his legal rights so as to request a  
7 voluntary departure to Mexico. The failure to examine and appreciate the  
8 significance of LASD and ICE records reflects a deliberate indifference by ICE and  
9 the LASD to the rights and well-being of Mr. Guzman and is a further example of  
10 intentional racial discrimination by these governmental entities.

11       48. Even if Mr. Guzman had been unlawfully present in the United States  
12 – which he was not – a prior conviction under California Health & Safety Code  
13 § 11378 in March 2000 seriously calls into question whether Mr. Guzman would  
14 have been eligible for voluntary deportation. LASD and ICE failed to take a careful  
15 look at Mr. Guzman's criminal history or any other records in their possession  
16 before summarily deporting him from the United States. The failure to adequately  
17 examine these records was consequence of inadequate training and supervision and  
18 reflects a deliberate indifference by ICE and LASD to the rights and well-being of  
19 inmates of or perceived to be racially/ethnically Latino.

20       49. As a direct and foreseeable consequence of the practices and  
21 procedures utilized, Mr. Guzman was placed by LASD and/or ICE personnel on a  
22 bus to Tijuana on May 11, 2007. When the bus reached Tijuana, Mr. Guzman was  
23 forced to disembark.

24 **The Search for Mr. Guzman**

25       50. On May 11, 2007 at approximately 11:15 a.m., Mr. Guzman placed a  
26 single telephone call to the home of his eldest brother, Juan Carlos Chabes.  
27 Victoria Chabes, Mr. Guzman's sister-in-law, answered the telephone.  
28 Mr. Guzman was confused and disoriented. At one point during the call, he asked a

1 bystander, "Where am I?" Ms. Chabes learned that Mr. Guzman had been placed  
2 on a bus and sent to Tijuana. Mr. Guzman told Ms. Chabes that he had no money  
3 or clothes. The call lasted no more than one minute and was made from a borrowed  
4 cellular phone.

5 51. Mr. Guzman cannot remember his own home telephone number or the  
6 telephone numbers of any of his family members. When he was deported, Mr.  
7 Guzman had a slip of paper with him that contained his brother Juan's telephone  
8 number. At some point after the May 11, 2007 telephone call, Mr. Guzman lost the  
9 slip of paper with his brother's telephone number on it and was unable to call home  
10 again.

11 52. Ms. Chabes immediately contacted Ms. Carbajal, Mr. Guzman's  
12 mother, by telephone and reported her conversation with Mr. Guzman.  
13 Ms. Carbajal was anguished and extremely distressed at learning that Peter was  
14 alone in Mexico, because she feared for his safety and well-being. Mr. Guzman  
15 lived in his mother's home his entire life and has always depended upon her for his  
16 basic care.

17 53. Ms. Chabes then called her husband, Mr. Guzman's eldest brother, Mr.  
18 Juan Carlos Chabes.

19 54. On that same day, May 11, 2007, Ms. Chabes called LASD to report  
20 her telephone call from Mr. Guzman and to get information regarding  
21 Mr. Guzman's deportation. The representative at LASD informed Ms. Chabes that  
22 they had no record of an individual with Mr. Guzman's name and birthdate. LASD  
23 suggested that Ms. Chabes call the INS (now known as ICE) and provided her with  
24 their telephone number. Ms. Chabes then called ICE and explained what had  
25 happened to Mr. Guzman. The only information ICE told her was that there was no  
26 individual with Mr. Guzman's name or date of birth in their database.

27 55. On May 11, 2007, after learning the news of Mr. Guzman's  
28 deportation, Ms. Carbajal went straight to her home from Los Angeles, where she

1 was running errands. She collected Peter's birth certificate and got in a car with her  
2 son, Michael Guzman. Michael Guzman drove her to Tijuana to immediately begin  
3 their search for Mr. Guzman.

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

7 57. Ms. Carbajal was only able to afford a hotel room for three nights.  
8 After that, Ms. Carbajal received assistance from the owners of a local fruit  
9 warehouse. They allowed her to sleep on the floor in a room in the warehouse in  
10 exchange for cooking for the warehouse workers. The room had no windows and  
11 was approximately the size of a closet.

12 58. Ms. Carbajal temporarily left her job as a cook at Jack in the Box to  
13 devote all of her time to finding Peter. Typically, Ms. Carbajal started her search  
14 early in the morning, around 6:00 a.m., and would not return to the warehouse until  
15 late at night.

16 59. In May 2007, Mr. Juan Chabes and Ms. Carbajal went to the U.S.  
17 Consulate in Tijuana, Mexico to ask for help in searching for Mr. Guzman. The  
18 consulate informed them that unless Mr. Guzman comes to the consulate, says he is  
19 a U.S. citizen, and asks for help, there was nothing they could do.

20 60. Over the next three months, Maria Carbajal, Juan Chabes, Victoria  
21 Chabes, Michael Guzman and other members of Mr. Guzman's family searched in  
22 Tijuana and adjoining cities for Mr. Guzman. Ms. Carbajal spent most of this time  
23 in Tijuana. Ms. Carbajal followed-up on information and tips received from people  
24 who believed that they had seen Mr. Guzman. Ms. Carbajal, her sons and other  
25 family members printed thousands of flyers with Mr. Guzman's picture and  
26 physical description, and distributed them throughout the city. Mr. Guzman's  
27 family printed t-shirts with his image in hopes that someone might recognize him  
28 and contact them.

1       61. Ms. Carbajal searched hospitals, jails, shelters, commercial truck stops,  
2 police stations, river beds, canals, alleys, and morgues. Ms. Carbajal also  
3 monitored Tijuana's city website viewing pictures of unidentified bodies found in  
4 and near Tijuana. She walked through the most dangerous neighborhoods in  
5 Tijuana. Ms. Carbajal spoke to anyone who would listen to her story in the hope  
6 that they might possess some information about her missing son.

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

### 11 **Mr. Guzman Missing in Tijuana**

12       63. Mr. Guzman was missing in Mexico for over 85 days.

13       64. When he was told to exit the bus in Tijuana, Mr. Guzman had only  
14 three dollars in his possession and the clothes on his back. His wallet and  
15 California Driver's license were never returned to him by ICE or LASD. Mr.  
16 Guzman survived by begging and eating food out of trash cans.

17       65. Mr. Guzman bathed in rivers and canals.

18       66. Mr. Guzman was in constant fear for his life and safety. Mr. Guzman  
19 kept moving to avoid danger. Mr. Guzman walked hundreds of miles – first south  
20 to Ensenada, then back to Tijuana, and finally to Calexico.

21       67. Mr. Guzman slept during the day and walked at night because it was  
22 extremely hot during the day. Mr. Guzman slept outside and had no protection  
23 from the elements.

24       68. Mr. Guzman was located attempting to cross the border near Calexico.

25       69. When Mr. Guzman was detained in early August 2007, he was  
26 returned to LASD custody. Mr. Guzman was traumatized. Mr. Guzman's  
27 condition was so poor when he first arrived back in the U.S. that LASD medical  
28 personnel believed that Mr. Guzman was mentally retarded and mute.

1     **Defendants Failed to Meaningfully Assist in the Search to Locate Mr. Guzman**

2       70. Officers and agents of the United States government provided slight  
3 and inadequate assistance to Ms. Carbajal and her family so as to mitigate the harm  
4 and suffering caused by the illegal deportation of Mr. Guzman. Until a habeas  
5 action was filed in this Court, *Guzman v. Chertoff, et al., USDC Case No. CV-07-*  
6 *3746 GHK (SS)*, no assistance was forthcoming despite pleas for help from the  
7 family and counsel, both of whom had repeatedly furnished the government with  
8 copies of Mr. Guzman's birth certificate.

9       71. Prior to the filing of the habeas action, counsel for the family informed  
10 Defendant James Hayes, Field Office Director for the Los Angeles office of ICE, a  
11 division of DHS, about the deportation. Mr. Hayes stated that upon proof of a U.S.  
12 birth certificate ICE would amend its records as to the citizenship of Mr. Guzman,  
13 but ICE would take no additional steps to assist in finding and returning him to the  
14 United States.

15       72. During the course of the habeas action, counsel for DHS represented to  
16 the Court that alerts and flyers were being sent to law enforcement and consulates.  
17 Although these alerts may have been circulated at some point to law enforcement,  
18 including the border patrol, Mr. Guzman was not detained by border officials as a  
19 result of these alerts. Rather, based on information and belief, Mr. Guzman was  
20 detained by border guards because there was a warrant issued for his arrest after  
21 Mr. Guzman failed to appear at a probation hearing following Defendants' unlawful  
22 deportation of him to Mexico.

23       73. As a direct and foreseeable consequence of his illegal deportation,  
24 Mr. Guzman suffered and continues to suffer grievous physical and psychological  
25 injury.

26       74. As direct and foreseeable consequence of the illegal deportation of her  
27 son, Ms. Carbajal suffered and continues to suffer grievous psychological injury  
28 and emotional distress. The infliction of this injury and emotional distress was

1 willful and was the result of deliberate indifference and gross negligence by  
2 Defendants' responsible for the illegal deportation and the failure of these parties to  
3 undertake reasonable and diligent efforts to locate and return Mr. Guzman to his  
4 home and family so as to mitigate the effects of their unlawful acts.

5 **CLAIMS FOR RELIEF**

6 **FIRST CLAIM FOR RELIEF**  
7 **(Fifth and Fourteenth Amendments to the U.S. Constitution)**

8 **(Against DHS Defendants and DOE ICE Agents 1-100) 10,**

9 75. Plaintiffs reallege and incorporate herein by reference each and every  
10 allegation contained in paragraphs 1 through 74 of this Complaint.

11 76. Defendants denied Plaintiff Guzman his constitutional right to liberty  
12 and deprived him of his liberty without due process of law as guaranteed by the  
13 Fifth and Fourteenth Amendments to the U.S. Constitution by the illegal, arbitrary,  
14 and capricious deportation of Mr. Guzman, a United States citizen, to Mexico.  
15 Defendants deported or caused Plaintiff Guzman to be deported without reasonable  
16 basis or lawful authority.

17 77. The Defendants' conduct violated clearly established constitutional or  
18 other rights, of which Defendants knew, or of which a reasonable public official  
19 should have known.

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

24 79. As a direct and proximate result of the unlawful actions of these  
25 Defendants, Plaintiffs have suffered significant physical and emotional harm.

26 **SECOND CLAIM FOR RELIEF**  
27 **(Fifth and Fourteenth Amendments to the U.S. Constitution)**

28 **(Against DHS Defendants and DOE ICE Agents 1-100) 10,**

80. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 74 of this Complaint.

81. Defendants deliberately and unconstitutionally discriminated against Plaintiff Guzman on the basis of his race and ethnicity so as to deny him equal protection of the law and his liberty by illegally deporting him to Mexico.

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

83. 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.

84. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiffs have suffered significant physical and emotional harm.

**THIRD CLAIM FOR RELIEF**  
**(Fifth and Fourteenth Amendment to the U.S. Constitution)**

(Against DHS Defendants and DOE ICE Agents 1-180) 10,)

85. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 74 of this Complaint.

86. As a direct result of Defendants' actions, policies and procedures, Ms. Carbajal was deprived of the companionship, custody and control of her dependent son in violation of the Fifth and Fourteenth Amendment of the United States Constitution.

87. Ms. Carbajal has cared for Mr. Guzman for his entire life. The reckless, intentional, and deliberate acts and omissions of Defendants forced Ms. Carbajal to travel to Mexico and suffer innumerable hardships searching for her son.

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

89. 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.

90. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiffs have suffered significant physical and emotional harm.

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

91. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 74 of this Complaint.

92. Defendants denied plaintiff Guzman his constitutional right to liberty and deprived him of his liberty without due process of law as guaranteed by the Fifth and Fourteenth Amendments to the U.S. Constitution by causing or participating in the illegal, arbitrary, and capricious deportation of Mr. Guzman, a United States citizen, to Mexico. Defendants deported or caused Plaintiff Guzman to be deported without reasonable basis or lawful authority.

93. These violations are compensable pursuant to 42 U.S.C. § 1983. As a result of Defendants' conduct, Plaintiffs have suffered significant physical and emotional harm.

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

**(Against LASD Defendants and DOE LASD Officers 1-100)**

94. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 74 of this Complaint.

95. Defendants deliberately and unconstitutionally discriminated against plaintiff Guzman on the basis of his race and ethnicity so as to deny him equal protection of the law and his liberty by causing or participating in the illegal deportation of Mr. Guzman.

96. These violations are compensable pursuant to 42 U.S.C. § 1983. As a result of Defendants' conduct, Plaintiffs have suffered significant physical and emotional harm.

**SIXTH CLAIM FOR RELIEF**  
**(First and Fourteenth Amendments to the United States Constitution)**  
**(42 U.S.C. § 1983 - Loss of Familial Association)**  
**(Against LASD Defendants and DOE LASD Officers 1-100) 10,**

97. Plaintiffs reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 74 of this Complaint.

98. Defendants denied Plaintiff Maria Carbajal her constitutional rights under the First and Fourteenth Amendments when they deprived her familial association with her defendant son, Mr. Guzman. Defendants' illegal, arbitrary, and capricious deportation of Mr. Guzman to Mexico violated Ms. Carbajal's fundamental liberty interest as guaranteed by the U.S. Constitution.

99. These violations are compensable pursuant to 42 U.S.C. § 1983. As a result of Defendants' conduct, Plaintiffs have suffered significant physical and emotional harm.

## **ADDITIONAL CLAIMS FOR RELIEF**

100. In addition to filing this Complaint, Plaintiffs are presenting a claim pursuant to the Federal Tort Claims Act seeking relief from the United States of America. If the claim is denied, Plaintiffs will amend this Complaint to seek monetary damages from the United States of America for various torts committed.

101. In addition to filing this Complaint, Plaintiffs are presenting a claim pursuant to California Government Code § 905, *et seq.* to the County of Los Angeles seeking relief from the County of Los Angeles. If the claim is denied, Plaintiff will amend this Complaint to seek monetary damages from the County of Los Angeles for various torts committed.

## PRAYER FOR RELIEF

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

1. For general damages against all Defendants, jointly and severally, in an amount to be proven at trial;

2. For special damages against all Defendants, jointly and severally, in an amount to be proven at trial;

3. For punitive and exemplary damages against the individual law enforcement officer defendants, and Does 1-~~10~~, jointly and severally in an amount <sup>10,</sup> to be proven at trial;

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

5. Declare the actions and omissions of defendants violative of Plaintiffs' constitutional rights under the First, Fifth and Fourteenth Amendments; &

6. Grant such further relief as the Court deems just and proper.

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## DEMAND FOR JURY TRIAL

Plaintiffs demand a trial by jury in this matter.

Dated: February 27, 2008

JAMES J. BROSNAHAN  
FRANCESCA C. HERRERA  
MORRISON & FOERSTER LLP

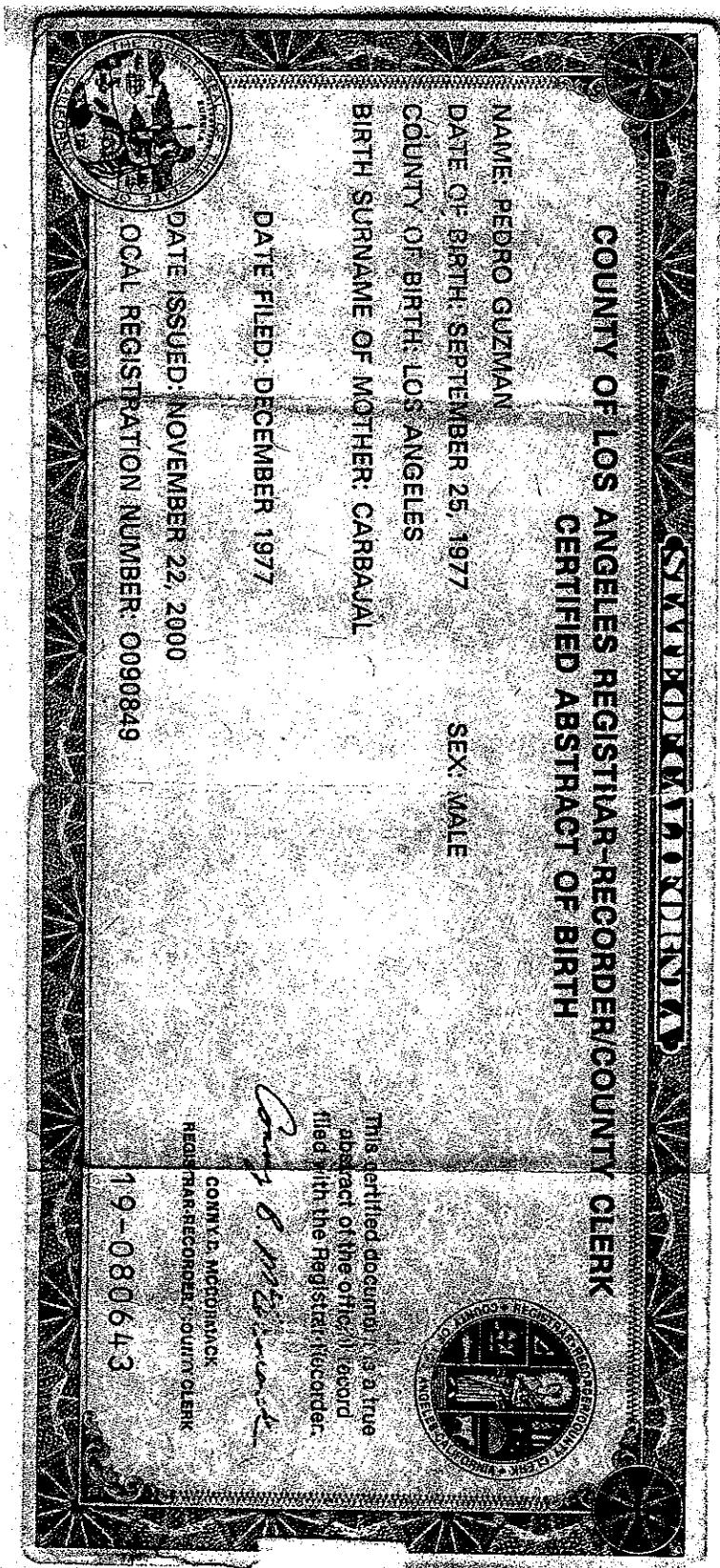
By: James J. Broshahan  
Attorneys for Petitioner

Dated: February 27, 2008

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

By: Mark Rosenbaum  
Mark Rosenbaum  
Attorneys for Petitioner







IN CUSTODY  
COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT  
INCIDENT REPORT

DATE 03-31-07

PAGE 1 OF 7

## A TRADITION OF SERVICE

ACTION: <input checked="" type="checkbox"/> ACTIVE <input type="checkbox"/> NON-CRIMINAL	# OF ADULT ARRESTS	# OF SUBJECT DETENTIONS	URN # 407	RETENTION	YEAR 08078	SEQUENTIAL 1183	REPORTING DISTRICT 339	STAT CODE		
CLASSIFICATION 1/ LEVEL / STAT CODE		TAKING A VEHICLE WITHOUT CONSENT 10851(a) C.V.C. / F/339						SEX OFFENSE VICTIM INFO? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
CLASSIFICATION 2 / LEVEL / STAT CODE		INTENDING TO STEAL AIRCRAFT 625b(a) P.C. / M/399						DOMESTIC VIOLENCE		
CLASSIFICATION 3 / LEVEL / STAT CODE								<input type="checkbox"/> NON-PERSONAL (GUN, KNIFE, ETC)		
								<input type="checkbox"/> PERSONAL (HAND, FIST, ARM, ETC)		
								INJURY		
								<input type="checkbox"/> Major	<input type="checkbox"/> Minor	<input type="checkbox"/> None
								<input type="checkbox"/> NON-CRIMINAL		
TIME, DAY OF OCCURRENCE 03-31-07, 1705 HOURS, SATURDAY								TIME		
PLACE OF OCCURRENCE 4555 WEST AVE G LANCASTER		BUS. NAME "FOX FIELD"								

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE: I - VICTIM	LNAM: FOX	FNAME: MIKE	MNAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN: M.W.	DOB: 04-07-61	Age: 40
RES. ADDR: ASSISTANT AIRPORT MANAGER	CITY: LANCASTER	ZIP: 93534	VICTIM OF OFFENSE(S) (CLASSIFICATION):				RES. PHONE (Area Code): 661-990-1709	Day Phone: <input type="checkbox"/>
HUS. ADDR: 4555 WEST AVE G LANCASTER	CITY: LANCASTER	ZIP: 93534	ENGLISH SPEAKING: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	BUS. PHONE (Area Code): 661-990-1709				Day Phone: <input type="checkbox"/>
CODE: V - WITNESS	LNAM: FERULLO	FNAME: KENNETH	MNAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN: M.W.	DOB: 06-07-79	Age: 29
RES. ADDR: "NET JETS" PILOT	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: <input type="checkbox"/>
HUS. ADDR: 4111 BRIDGEWAY AVE COLUMBUS OH	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: <input type="checkbox"/>
CODE: S - SUSPECT	LNAM: CROOKS	FNAME: KENT	MNAME: A	SEX: M	RACE: W	ETHNIC ORIGIN: M.W.	DOB: 09-24-77	Age: 29
RES. ADDR: "NET JETS" PILOT	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: <input type="checkbox"/>
HUS. ADDR: 4111 BRIDGEWAY AVE COLUMBUS OH	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: <input type="checkbox"/>

CODE: S - SUSPECT	LNAM: GUZMAN	FNAME: PEDRO	MNAME: PETER	DRIVER'S LICENSE (STATE & No.)				
RES. ADDR: 25545 EAST AVE S-4 LANCASTER	CITY: LANCASTER	ZIP: 93534	RES. PHONE (Area Code): 661-878-6100					
HUS. ADDR: UNEMPLOYED	CITY: LANCASTER	ZIP: 93534	BUS. PHONE (Area Code):					
SEX: M RACE: W ETHNIC ORIGIN: M.H.	HAIR: BRN EYES: BRN HGT: 600 WGT: 160	MONIKER:	DOB: 09-25-77	Age: 29				
WHERE DETAINED OR CITE: LANCASTER								
BOOKING #: 9-40429								
STUD: # 401 LNAME:	FNAME:			MNAME:			DRIVER'S LICENSE (STATE & No.)	
RES. ADDR:	CITY:			ZIP:			RES. PHONE (Area Code):	
BU. ADDR:	CITY:			ZIP:			BUS. PHONE (Area Code):	
SEX: RACE: ETHNIC ORIGIN:	HAIR:	EYES:	HGT:	WGT:	DOB:	Age:		
CHARGE:	MONIKER:			WHERE DETAINED OR CITE:				
AKA:							BOOKING #:	

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

OFFICER: GARCIA, R. STATION: LANCASTER	EMPLOYEE #: 489660	VACATION DATES: -	DER: HURNING	EMPLOYEE #: 296955	VACATION DATES: -
NOTIFICATION REQ: YES <input checked="" type="checkbox"/> NO	UNIT / CAR #: DEP:	SHIFT:	APPROVED:	EMPLOYEE #: 277205	DATE: 4/1/07 TIME: 1320
NOTIFICATION REQ: YES <input checked="" type="checkbox"/> NO	TIME:	PCO SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	IT BY: BY	DATE: TIME: SEC: 01	4/1/07
SPECIAL REQUEST DISTRIBUTION: CAN/DB					

SAC300F - SHER-49 (Rev. 10/99)

DATE	63-31-07	TIME RECEIVED	704	TAG #	335	URN #	407-68078-1183-339	PAGE 2 OF 7
INPUT / CHECKED IN, OR ETC:	EVIDENCE HELD:		EVIDENCE ENTERED IN PATROL		NARCOTICS	SAFE	BY	
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Ledger/Page	Ledger/Page	Ledger/Page	Ledger/Page	Ledger/Page	Ledger/Page	
EVIDENCE HELD:	<input type="checkbox"/> BLOOD <input type="checkbox"/> BULLET <input type="checkbox"/> BULLET CASING <input type="checkbox"/> CHECKS <input type="checkbox"/> CLOTHES <input type="checkbox"/> CREDIT CARDS <input type="checkbox"/> ELECTRONIC EQUIPMENT <input type="checkbox"/> FINGERPRINTS <input type="checkbox"/> FOOTPRINTS <input type="checkbox"/> FRAUD DOCUMENTS <input type="checkbox"/> GSR <input type="checkbox"/> HAIR <input type="checkbox"/> JEWELRY <input type="checkbox"/> MISCELLANEOUS <input type="checkbox"/> MONEY <input type="checkbox"/> NARCOTICS <input type="checkbox"/> OTHER PARTS <input type="checkbox"/> PAINT <input type="checkbox"/> PHOTOGRAPHS <input type="checkbox"/> RAPE KIT <input type="checkbox"/> RECEIPTS <input type="checkbox"/> TOOLS <input type="checkbox"/> URINE <input type="checkbox"/> VEHICLE IMPOUNDED <input type="checkbox"/> VEHICLE PARTS <input type="checkbox"/> WEAPONS <input type="checkbox"/>							
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	JEWELRY	\$	\$	\$	\$	
CLOTHING/FURS	\$	\$	LIVESTOCK	\$	\$	\$	\$	
CONSUMABLE GOODS	\$	\$	LOCAL STOLEN VEHICLES	\$	\$	\$	\$	
CURRENCY/NOTES	\$	\$	MISCELLANEOUS	\$	\$	\$	\$	
FIREARMS	\$	\$	OFFICE EQUIPMENT	\$	\$	\$	\$	
HOUSEHOLD GOODS	\$	\$	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 6254 OF THE GOVERNMENT CODE.								
HEREBY (DO) (DO NOT) ELECT TO EXERCISE MY RIGHT TO PRIVACY.								
YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		SCREENING FACTORS						
		1. SUSPECT IN CUSTODY <input type="checkbox"/> NO <input checked="" type="checkbox"/> 2. SUSPECT NAMED/KNOWN <input type="checkbox"/> 7. GENERAL SUSPECT DESCRIPTION <input type="checkbox"/> 3. UNIQUE SUSPECT IDENTIFIERS <input type="checkbox"/> 8. GENERAL VEHICLE DESCRIPTION <input type="checkbox"/> 4. VEHICLE IN CUSTODY <input type="checkbox"/> 9. UNIQUE M.O. OR PATTERN <input type="checkbox"/> 5. UNIQUE VEHICLE IDENTIFIERS <input type="checkbox"/> 10. SIGNIFICANT PHYSICAL EVIDENCE <input type="checkbox"/> 6. WRITER/REVIEWER DISCRETION <input type="checkbox"/> 11. TRACEABLE STOLEN PROPERTY <input type="checkbox"/> <input type="checkbox"/> 12. MULTIPLE WITNESSES <input type="checkbox"/>						

REPORT CONTINUATION	NARRATIVE	URN 407-08078-1183-339
<p>WE RESPONDED TO 4555 WEST AVE G ("FOX FIELD") REGARDING A TRESPASSING CALL (TAG 335).</p> <p>WE WERE ADVISED THAT THE PERSON TRESPASSING 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 1 BLOCK WALL NORTH OF THE TERMINAL. THE SUSPECT AND TRUCK WERE ON THE TARMACK FACING "NET JETS" PLANE NUMBER N837QS (APPROXIMATELY 25 YARDS AWAY).</p> <p>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.</p> <p>WE CONTACTED S/GUZMAN (STILL SITTING IN THE UTILITY TRUCK), AND DETAINED HIM PENDING OUR TRESPASSING INVESTIGATION.</p>		

REPORT CONTINUATION	NARRATIVE	URN 407-08078-1183-339
<p>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 "NET JETS" 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.</p>		
<p>WE CONTACTED V/FERULLO AND V/CROOKS, WHO WERE THE PILOTS OF THE "NET JETS" PLANE N837QS. 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."</p>		

REPORT CONTINUATION NARRATIVE      URN 407-08078-1183-339

V/FEARULLO 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/FEARULLO AND V/CROOKS SAW S/GUZMAN DRIVE TO THE "EAST TOWERS".

V/FEARULLO AND V/CROOKS SAID S/GUZMAN CAME BACK AGAIN AND TRY 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/FEARULLO AND V/CROOKS STOPPED S/GUZMAN BEFORE HE GOT TO THE PLANE. S/GUZMAN OFFERED "TWO QUICK PICK LOTTERY TICKETS" UP TO V/FEARULLO AND V/CROOKS. S/GUZMAN ASKED "DO YOU NEED THESE (HOLDING THE LOTTERY TICKETS)."

REPORT CONTINUATION NARRATIVE

URN 407-08078-1183-339

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 54AD 477). 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 (PALMOSALES STATION). THE OWNER COULD NOT BE REACHED.

REPORT CONTINUATION NARRATIVE

URN 407-08078-1183-339

S/GUZMAN WAS TRANSPORTED TO LANCASTER STATION, WHERE HE WAS BOOKED WITH THE APPROVAL OF LT. HINOMAN.

IT SHOULD BE NOTED THAT S/GUZMAN HAD NO MONEY OR PLANE TICKETS IN HIS POSSESSION WHEN HE WAS BOOKED. THE "NET JETS" FLIGHT WAS DELAYED AND POSSIBLY CANCELLED DUE TO S/GUZMAN'S ACTIONS. THE VEHICLE S/GUZMAN WAS DRIVING WAS TOWED BY CLARK & HOLLOWAY, 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 LAGE, WHILE HE WAS BEING BOOKED (SEE FILE # 107-08087-1127-144 FOR FURTHER).

TSA OFFICER KATHY BACH (BOB HOPE AIRPORT, BURBANK, 818-326-1084) CONTACTED LANCASTER STATION ABOUT THE INCIDENT



BOOKING NO. 9740429	OCA NO.		LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD						YES	NO	VNC	
SD NO.	LOC. BKD. LAN	DL/LIC. NO. STATE B7301561 CA	ALIEN/						FOREIGN NATIONAL PCO SUBMITTED			
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO			HOME PHONE						BUSTED, SHOT, KILLED IN CRASH			
ADDRESS 2555 E AVENUE J4 LANCASTER, CA 93535												
SEX	DESCENT	HAIR	EYES	HEIGHT	WEIGHT	BIRTHDATE	AGE					
M	H	BLK	BRO	600	160	09-25-1977	29					
VEH. LIC. NO. ST. 3Y97577 CA		RPT. DIST. 2183		ARRESTING OFFICER NAME								
BIRTHPLACE CA		FILE NO. 487080781183339		MONIKER				AD. CHG. Y				
ADT. OR DETAIL ARRESTING J101			DATE & TIME ARRESTED 03-31-2007			TIME INDEX 1813			TIME INDEX 1840			
LOCATION OF ARREST 4355 W AVE G, LANCASTER				TOTAL BAIL 21000.00								
CHARGE 10851(A) / VC / F VEHICLE THEFT				WARRANT NUMBER								
JAIL LOC. LAN		ARRAIGN DATE 04-03-2007		TIME 0800		OCCRT ANT		PRISONER'S SIGNATURE WHEN BOOKED				
SOC. SEC. NO.				OBSERVABLE PHYSICAL IDIOSYNCRASIES								OCCUPATION CARPENTER
EMPLOYER (FIRM OR PERSON'S NAME, CITY & PHONE NO.)												SPECIAL MEDICAL PROBLEM
CLOTHING WORN				LOCATION & DISPOSITION OF VEHICLE CLARK AND HOWARD								
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.)												
ARRESTING OFFICER HORNIG 296955			BOOKING EMPLOYEE GARCIA 489660			SEARCHING OFFICER			TRANSPORTING OFFICER			
CASH RETAINED 00.00	PROPERTY											
PRISONER'S SIG. FOR REC'D. OF RECEIVED CASH & PROPERTY												
CASH DEPOSITED 000000.00	PROPERTY											
PRISONER'S SIG. FOR REC'D. OF REMAINING CASH & PROPERTY												
RIGHT FOOT IN				RIGHT THUMB IN		RIGHT THUMB OUT		RIGHT FOOT OUT				

TELEPHONE CALLS INTERVIEWS				CODE A-ATTY B-BONDEMAN D-DA E-EMPLOYER R-RELATIVE W-WAIVED O-OTHER	OFFICER HANDLING	PRISONER'S INITIALS
NAME	CODE 0.	PHONE FOR INTERVIEWER (213) 351-0311	DATE & TIME MADE	SERIAL #		
BAIL DEVIATION						

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**REMARKS**

X COMPLETED CALL

258

MISDEMEANOR CODEX <input type="checkbox"/> NO IDENTIFICATION <input type="checkbox"/> WARRANT <input type="checkbox"/> ON GOING PROBLEM <input type="checkbox"/> NON CITABLE MISDEMEANOR <input type="checkbox"/> OTHER: _____		REASON FOR RELEASE RECEIVED BY:	EXPIRATION DATE AND TIME:	FINE	CRIMINAL CITATION	BAIL	OTHER
		RELEASED BY: <i>TO BUCHI STONE</i>	DOCUMENT ANALYST: <i>Agnew</i>				
		RELEASED TO: (NAME, AGENCY & DETAILS)					
		MURKIN 105 3944					

OFFICER MAKING FINAL RELEASE DATE AND TIME 100 HEARTY ACKNOWLEDGE RECEIPT OF ALL MY REMAINING PROPERTY

100100

DATE 03/31	TIME 1920	JUR SIG 80	SGT SIG <i>[Signature]</i>	LOS ANGELES COUNTY JAIL BOOKING AND PROPERTY RECORD 661-878-6100 MOMS HOUSE 328-6000	FOREIGN NATION □ YES □ NO □ REF HAVE AIDS HAVE VD HAVE HEPATITIS HAVE TB EVER HAVE TB
BOOKING NO. 9740429 LOC. BKD. LAW DR. LIC. NO. B7301562 CA				STATE CITY SEX M	
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO Peter					
ADDRESS 25545 EAST AVE J-4 LAW					
DECEASED H	HAIR BLK	EYES BAN	HEIGHT 600	WEIGHT 160	BIRTHDATE 09-25-77
VEH. LIC. NO. 3497577	STATE CA	RPT. DIST. 1183	ACR/NICKNAME		
BIRTHPLACE FILE NO. CA 407-08078-1183 332					
AGY. OR DETAIL ARRESTING 1101		DATE & TIME ARRESTED 03-31-07 / 1813		TIME BKD. 1840	
LOCATION OF ARREST 4555 W. AVE G, LANCASTER					
CHARGE POSSESSION OF TAKING DRUGS WITHOUT CONSENT					
JAIL LOC. LAW	ARRAIGN. DATE 04-03-07	TIME 0800	COURT ATP	PRISONER'S SIGNATURE WHEN BOOKED Pedro Guzman.	
SOC. SEC. NO. UNKNOWN	OBSERVABLE PHYSICAL ODDITIES TT "X" ON INNER LEFT MIDDLE FINGER				OCCUPATION CONSTRUCTION
EMPLOYER (NAME OR PERSON'S NAME, CITY, & PHONE NO.) UNEMPLOYED					
CLOTHING WORN BLACK SHIRT, BLACK JEANS, BLACK BELT					
LOCATION OF DISPOSITION OF VEHICLE CLARK E HOWARD					
IN CASE OF EMERGENCY NOTIFY (NAME, RELATIONSHIP, ADDRESS, CITY & PHONE NO.) MARIA CALABAJAL (MOT46A) 25545 EAST AVE J-4, LANCASTER					
ARRESTING OFFICER HORNING	BOOKING EMPLOYEE 296955/GARCIA	SEARCHING OFFICER 489660	TRANSPORTING OFFICER	661-878-6100	
CASH RETAINED 0	PROPERTY CLOTHING WORN				
PRISONER'S SIG. FOR REC'T. OF FOREGOING CASH & PROPERTY <i>(X) Pedro Guzman.</i>					
CASH DEPOSITED 0	PROPERTY BLACK BELT				
PRISONER'S SIG. FOR REC'T. OF REMAINING CASH & PROPERTY <i>(X)</i>					

768630 C-SPL-A-204 10-07

John B 4-1-07  
CI # A11798272  
FBI # 869202EBS

TELEPHONE CALLS INTERVIEWS				CODE: A-ATTY. B-HONOSMAN D-DR. E-EMPLOYER, R-RELATIVE W-WAIVED O-OTHER	OFFICER HANDLING	PRISONER'S INITIALS
NAME	CODE	PHONE # OR INTERVIEWER	DATE & TIME MADE	SERIAL #		
3KV	W			2	PG	
	W			4	PG	
	W			6	PG	
	W			9	PG	
				5	PG	

REMARKS: X COMPLETED CALL

RIGHT FINGERPRINTS  
WHEN BOOKED. WHEN RELEASED



WHEN BOOKED	RIGHT THUMB	WHEN RELEASED	REASON FOR RELEASE: <input type="checkbox"/> EXPIRATION <input type="checkbox"/> FINE <input type="checkbox"/> CITATION
			<input type="checkbox"/> BAIL <input type="checkbox"/> OTHER RECEIPT #
			DATE AND TIME
			RELEASED BY: DOCUMENT ANALYST:
			RELEASED TO: (NAME, AGENCY, & DETAIL)

017



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: 10:02CRIMINAL 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 OF BIRTH (1) 09/25/1977	SEX (1) M
MAIN (1) 25545 E AVENUE J4 LANCASTER CA 93535	SSN (1) 869-202-EB5	DRN (1)
SID/CIR (1) 11798232		

**DESCRIPTORS**#Names/AKAs/Count

(1) GUZMAN, PEDRO PETER

8 (2) GUZMAN, PEDRO

7

Dates of Birth/Count

09/25/1977 4

Scars/Marks/TattoosOther Identifiers

DL B7301562 CA FBI 869202EB5

Address/Count25545 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 1Birth Place/Count

CA 3

Moniker/CountGang Membership/Count

MISC LATINS - LASD 1

**JUVENILE SUSPENDED PETITIONS**

No Juvenile Information

Exhibit D  
34

JUN-11-2007 14:10

CHIEF LOS/DRO

99%

P.16

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN and MARIA CARBAJAL  <i>Michael Chertoff</i>  <i>(See attachment.)</i>	PLAINTIFF(S)  DEFENDANT(S).	CASE NUMBER  <b>CV08-01327CAS (SSx)</b>
		SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
James J. Brosnahan; Franchesca C. Herrera, whose address is:

(add'l counsel on attachment)  
MORRISON & FOERSTER LLP  
425 Market Street, 31st Floor  
San Francisco, California 94105-2482  
Tel: (415) 268-7000, Fax: (415) 268-7522

an answer to the  complaint  amended complaint  counterclaim  cross-claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

Dated: FEB 27 2008

Clerk, U.S. District Court

By: NATALIE LONGORIA  
Deputy Clerk*(Seal of the Court)*

**ATTACHMENT TO SUMMONS**

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, Los Angeles County Inmate Reception Center; SANDRA FIGUERAS, Custodial Assistant, Los Angeles County Sheriff's Department; AND DOES 1-~~100~~, <sup>10</sup>,

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN and MARIA CARBAJAL

CASE NUMBER

CV08-01327 CAS(SSx)

PLAINTIFF(S)

Michael Chertoff  
v.

(See attachment.)

DEFENDANT(S).

SUMMONS

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney  
James J. Brosnahan; Franchesca C. Herrera, whose address is:

(add'l counsel on attachment)

MORRISON & FOERSTER LLP  
425 Market Street, 31st Floor  
San Francisco, California 94105-2482  
Tel: (415) 268-7000, Fax: (415) 268-7522

an answer to the  complaint  amended complaint  counterclaim  cross-claim  
which is herewith served upon you within 60 days after service of this Summons upon you, exclusive  
of the day of service. If you fail to do so, judgement by default will be taken against you for the relief  
demanded in the complaint.

Dated: FEB 27 2008

Clerk, U.S. District Court

By: \_\_\_\_\_

NATALIE LONGORIA

Deputy Clerk

(Seal of the Court)

1198



**ATTACHMENT TO SUMMONS**

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, Los Angeles County Inmate Reception Center; SANDRA FIGUERAS, Custodial Assistant, Los Angeles County Sheriff's Department; AND DOES 1-~~100~~, 10,

<b>I (a) PLAINTIFFS</b> (Check box if you are representing yourself <input type="checkbox"/> )  PETER GUZMAN and MARIA CARBAJAL		<b>DEFENDANTS</b>  MICHAEL CHERTOFF, et al.					
<b>(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):</b> County of Los Angeles		County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):					
<b>(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)</b> James J. Brosnahan (SBN 34555), Franchesca C. Herrera (SBN 239081) (Add'l counsel on attachment) Morrison & Foerster, 425 Market St., 31st Floor, San Francisco, CA 94105, Tel: (415) 268-7000, Fax: (415)268-7522		Attorneys (If Known)					
<b>II. BASIS OF JURISDICTION</b> (Place an X in one box only.)		<b>III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only</b> (Place an X in one box for plaintiff and one for defendant.)					
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		Citizen of This State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1      Incorporated or Principal Place of Business in this State <input type="checkbox"/> PTF <input type="checkbox"/> DEF <input type="checkbox"/> 4 <input type="checkbox"/> 4					
<input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input type="checkbox"/> 2 <input type="checkbox"/> 2      Incorporated and Principal Place of Business in Another State <input type="checkbox"/> 5 <input type="checkbox"/> 5					
		Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3      Foreign Nation <input type="checkbox"/> 6 <input type="checkbox"/> 6					
<b>IV. ORIGIN</b> (Place an X in one box only.)							
<input checked="" type="checkbox"/> 1 Original <input type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened <input type="checkbox"/> 5 Transferred from another district (specify): <input type="checkbox"/> 6 Multi-District Litigation <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge							
<b>V. REQUESTED IN COMPLAINT: JURY DEMAND:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Check 'Yes' only if demanded in complaint.)							
<b>CLASS ACTION under F.R.C.P. 23:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<b>MONEY DEMANDED IN COMPLAINT:</b> \$ Unspecified					
<b>VI. CAUSE OF ACTION</b> (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.) Amend. I, V, XIV, U.S. Constitution; see Bivens v. Six Unknown Agents, 403 US 388 (1971); 42 U.S.C. Sec. 1983; civil suit for damages for deprivation of liberty without due process, equal protection and familial association.							
<b>VII. NATURE OF SUIT</b> (Place an X in one box only.)							
<b>OTHER STATUTES</b>	<b>CONTRACT</b>	<b>TORTS</b>	<b>TORTS</b>	<b>PRISONER</b>	<b>LABOR</b>		
<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities /Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<b>BANKRUPTCY</b> <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<b>PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>FORFEITURE / PENALTY</b> <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 381	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<b>REAL PROPERTY</b>			<b>CIVIL RIGHTS</b>		<b>PROPERTY RIGHTS</b>		
			<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights		<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark		
					<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))		
					<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609		

**VIII(a). IDENTICAL CASES:** Has this action been previously filed and dismissed, remanded or closed?  No       Yes

If yes, list case number(s):

**FOR OFFICE USE ONLY:** Case Number: \_\_\_\_\_

CV08-01327

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case?  No  Yes

If yes, list case number(s): U.S. District Court Case No. Civ. 07-3746 GHK (SS)

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)

Check here if the U.S. government, its agencies or employees is a named plaintiff.

PETER GUZMAN, County of Los Angeles  
MARIA CARBAJAL, County of Los Angeles

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.

MICHAEL CHERTOFF, District of Columbia; JAMES HAYES, County of Los Angeles; PILAR GARCIA, County of Los Angeles; COUNTY OF LOS ANGELES, County of Los Angeles; LEROY BACA, County of Los Angeles; TIMOTHY CORNELL, County of Los Angeles; SANDRA FIGUERAS, County of Los Angeles.

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

County of Los Angeles

X. SIGNATURE OF ATTORNEY (OR PRO PER): Mark P. Sorkin

Date \_\_\_\_\_

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

1 Re: Guzman, et al. v. Chertoff, et al.

2 Attachment to Civil Cover Sheet I(c):

3 Additional counsel for Plaintiffs, Peter Guzman and Maria Carbajal

4 MARK D. ROSENBAUM (SBN 59940)  
5 CATHERINE E. LHAMON (SBN 192751)  
6 AHILAN T. ARULANANTHAM (SBN 237841)  
7 RANJANA NATARAJAN (SBN 230159)  
8 MELINDA BIRD (SBN 102236)  
9 ACLU FOUNDATION OF  
10 SOUTHERN CALIFORNIA  
11 1616 Beverly Boulevard  
12 Los Angeles, California 90026  
13 Telephone: (213) 977-9500, x224  
14 Facsimile: (213) 250-3919  
15 E-mail: mrosenbaum@aclu-sc.org

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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Christina A. Snyder and the assigned discovery Magistrate Judge is Suzanne H. Segal.

The case number on all documents filed with the Court should read as follows:

**CV08- 1327 CAS (SSx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

**=====**  
**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.