

JAMES J. BROSNAN (SBN 34555)
 FRANCESCA C. HERRERA (SBN 239081)
 MORRISON & FOERSTER LLP
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: (415) 268-7000
 Facsimile: (415) 268-7522
 E-mail: JBrosnahan@mofo.com

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

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN and MARIA
 CARBAJAL,

Plaintiffs,

vs.

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,

Defendants.

CASE NO.:

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

DEMAND FOR JURY TRIAL

2008 FEB 27 AM 11:07
 CLERK U.S. DISTRICT COURT
 CENTRAL DISTRICT OF CALIF.
 LOS ANGELES

FILED

CV08-01327CAS

(SSX)

JURISDICTION AND VENUE

1
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.

INTRODUCTION

17
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.

17 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 1-¹⁰~~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.
28

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.

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

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

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

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

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

74. As direct and foreseeable consequence of the illegal deportation of her son, Ms. Carbajal suffered and continues to suffer grievous psychological injury 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,**

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

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

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

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

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

15 **THIRD CLAIM FOR RELIEF**
16 **(Fifth and Fourteenth Amendment to the U.S. Constitution)**
17 **(Against DHS Defendants and DOE ICE Agents 1-100) 10,)**

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

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

24 87. Ms. Carbajal has cared for Mr. Guzman for his entire life. The
25 reckless, intentional, and deliberate acts and omissions of Defendants forced
26 Ms. Carbajal to travel to Mexico and suffer innumerable hardships searching for her
27 son.
28

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

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

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

10 **FOURTH CLAIM FOR RELIEF**
11 **(Fifth and Fourteenth Amendments to the United States Constitution)**
12 **(42 U.S.C. § 1983)**

13 **(Against LASD Defendants and DOE LASD Officers 1-190) 10**

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

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

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

25 **FIFTH CLAIM FOR RELIEF**
26 **(Fifth and Fourteenth Amendments to the United States Constitution)**
27 **(42 U.S.C. § 1983)**

28 **(Against LASD Defendants and DOE LASD Officers 1-190) 10**

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

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

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

10 **SIXTH CLAIM FOR RELIEF**
11 **(First and Fourteenth Amendments to the United States Constitution)**
12 **(42 U.S.C. § 1983 - Loss of Familial Association)**
13 **(Against LASD Defendants and DOE LASD Officers 1-~~100~~ 10)**

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

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

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

24 **ADDITIONAL CLAIMS FOR RELIEF**

25 100. In addition to filing this Complaint, Plaintiffs are presenting a claim
26 pursuant to the Federal Tort Claims Act seeking relief from the United States of
27 America. If the claim is denied, Plaintiffs will amend this Complaint to seek
28 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-~~100~~¹⁰, jointly and severally in an amount 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.

///

///

///

///

///

///

///

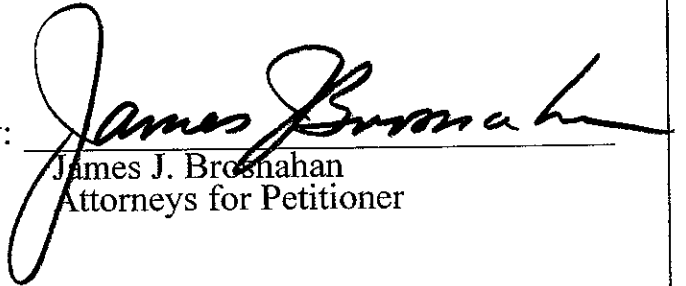
///

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. Brosnahan
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
Attorneys for Petitioner

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	
<p>This certified document is a true abstract of the official record filed with the Registrar/Recorder.</p> <p><i>Conn V. D. McCorhuck</i> CONN V. D. MCCORHUCK REGISTRAR-RECORDER/COUNTY CLERK 19-080643</p>	

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: 1	# OF SUBJECT DETENTIONS: 0	URN# 4 07 08078	1183	339
CLASSIFICATION 1 / LEVEL / STAT CODE: REASONABLE CAUSE		RETENTION	YEAR	SEQUENTIAL	REPORTING DISTRICT	STAT CODE
CLASSIFICATION 2 / LEVEL / STAT CODE: INTERFERING WITH AIRCRAFT		TAKING A VEHICLE WITHOUT CONSENT 10851(a) C.V.C. / F/339				
CLASSIFICATION 3 / LEVEL / STAT CODE:		6256(a) P.C. / M/399				
DATE, TIME, DAY OF OCCURRENCE: 03-31-07, 1705 HOURS, SATURDAY		PRINTS REQUESTED <input type="checkbox"/> BY:		TIME		
PLACE OF OCCURRENCE: 4555 WEST AVE G LANCASTER		COMPLETED <input type="checkbox"/>		BUS. NAME: "FOX FIELD"		
CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY SEX OFFENSE VICTIM INFO? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO DOMESTIC VIOLENCE <input type="checkbox"/> NON-PERSONAL (GUN, KNIFE, ETC.) <input type="checkbox"/> PERSONAL (MAGG, FELT, ART, ETC.) INJURY <input type="checkbox"/> Major <input type="checkbox"/> Minor <input type="checkbox"/> None <input type="checkbox"/> NON-CRIMINAL						

NAME: I 1 FOX	NAME: MIKE	NAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 04-07-40	Age: 40
RES. ADDR: ASSISTANT AIRPORT MANAGER	CITY: LANCASTER	ZIP: 93534	VICTIM OF OFFENSE(S) (CLASSIFICATION):		RES. PHONE (Area Code):	Day Phone:	Day Phone:
RES. ADDR: 4555 WEST AVE G	CITY: LANCASTER	ZIP: 93534	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:
RES. ADDR: 4555 WEST AVE G	CITY: LANCASTER	ZIP: 93534	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:
NAME: V 2 FERULLO	NAME: KENNY	NAME: NMN	SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 06-07-79	Age: 29
RES. ADDR: "NET JETS" PILOT	CITY: COLUMBUS OH	ZIP: 43219	VICTIM OF OFFENSE(S) (CLASSIFICATION):		RES. PHONE (Area Code):	Day Phone:	Day Phone:
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:
NAME: V 2 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:	Day Phone:
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:
RES. ADDR: 4111 BRIDGEWAY AVE	CITY: COLUMBUS OH	ZIP: 43219	ENGLISH SPEAKING: YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		BUS. PHONE (Area Code):	Day Phone:	Day Phone:

NAME: S 1 GURMAN	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: LANCASTER	ZIP: 93534	RES. PHONE (Area Code): 661-878-6100	
RES. ADDR: UNEMPLOYED	CITY: LANCASTER	ZIP: 93534	BUS. PHONE (Area Code):	
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: R/L 10851(a) C.V.C., 6256(a) P.C.			BOOKING #: 9-40429	

NAME: I 1 FOX	NAME: MIKE	NAME: NMN	DOB: 04-07-40	Age: 40
RES. ADDR: ASSISTANT AIRPORT MANAGER	CITY: LANCASTER	ZIP: 93534	DRIVER'S LICENSE (STATE & No.):	
RES. ADDR: 4555 WEST AVE G	CITY: LANCASTER	ZIP: 93534	RES. PHONE (Area Code):	
RES. ADDR: 4555 WEST AVE G	CITY: LANCASTER	ZIP: 93534	BUS. PHONE (Area Code):	
SEX: M	RACE: W	ETHNIC ORIGIN:	DOB: 04-07-40	Age: 40
HAIR: BRN	EYES: BRN	HGT: 600	WGT: 160	WHERE DETAINED OR CITE: LANCASTER
CHARGE: R/L 10851(a) C.V.C., 6256(a) P.C.			BOOKING #: 9-40429	

VEHICLE: 1	SUSPECT STATUS: <input checked="" type="checkbox"/> STORED <input type="checkbox"/> OUTSTANDING	LICENSE (STATE & No.): CA 3Y97577	YEAR: 89	MAKE: CHEVY	MODEL: CHEYENNE	BODY TYPE: UTILITY	COLOR: WHI
REGISTERED OWNER: AV STEEL BUILDING SERVICES	IDENTIFYING FEATURES:		CHP 180 SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	GARAGE NAME & PH.:			

OFF: GARCIA, R.	EMPLOYEE #: 489660	VACATION DATES:	DEP: HURNING	EMPLOYEE #: 296955	VACATION DATES:
STATION: LANCASTER	UNIT / CAR #:	SHIFT:	APPROVED: SGT. MINSTER	EMPLOYEE #: 277205	DATE: 4/1/07, TIME: 1330
VICTIM DESIGNATION: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DEP:	DATE / TIME:	ASSIGNMENT: LAN/DB	SPECIAL REQUEST DISTRIBUTION:	
NOTIFICATION REQ: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DEP:	DATE / TIME:	IT BC BY:	DATE:	TIME:
SUB RELEASE APPROVED BY:	TIME:	PCO SUBMITTED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DATE:	TIME:	SECT: 01

SC000F - SHER-49 (Rev. 10/99)

PAGE 3 OF 7

REPORT CONTINUATION	NARRATIVE	URN
		407-08078-1183-339
	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 1082

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 HANGARS. I/FOX SAW HIM BY THE EAST HANGARS, AND FOLLOWED HIM AS S/GUZMAN LEFT THE EAST HANGARS 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 HANGAR." 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"

PAGE 5 OF 7

REPORT CONTINUATION	NARRATIVE	URN
		407-08078-1183-339
	<p>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."</p>	
	<p>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."</p>	
	<p>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)."</p>	

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

05

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 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 (PALMDALE STATION). THE OWNER COULD NOT BE REACHED.	

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

06

PAGE 7 OF 7

REPORT CONTINUATION NARRATIVE

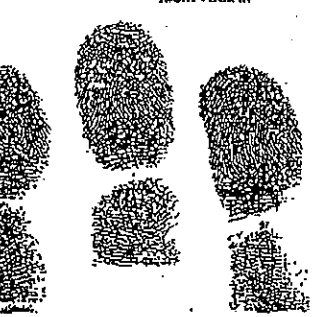


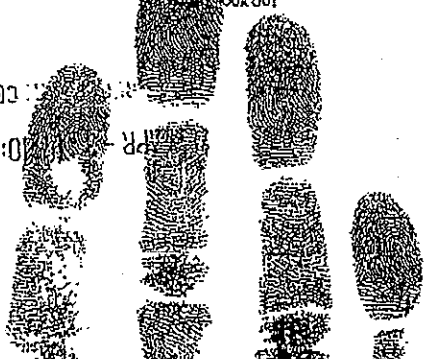
URN 407-09078-1183-339

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 CAGE, WHILE HE WAS BEING BOOKED (SEE FILE # 107-08087-1127-149 FOR FURTHER).

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

LOS ANGELES COUNTY BOOKING AND PROPERTY RECORD									
BOOKING NO. 9740429		OCA NO.		ALIEN #		FOREIGN NATIONAL, PCD SUBMITTED		YES NO MRK	
SID NO.		LOC. BKD. LAN	DL LIC NO. STATE B7301561	CA		RESPECT PHOTO - FRONT TWO GLASSES			
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO						HOME PHONE			
ADDRESS 25545 E AVENUE 34 LANCASTER, CA 93535									
SEX M	PERCENT H	HAIR BLK	EYES BRO	HEIGHT 600	WEIGHT 160	BIRTHDATE 09-25-1977	AGE 29		
VEH. LIC. NO. 3Y97577	ST. CA	RPT. DIST. 1183	AKA/ALIAS						
BIRTHPLACE CA		FILE NO. 497080781183339	MOMENT		AD. CHO. Y				
ADY. OR DETAIL ARRESTING 1101		DATE & TIME ARRESTED 03-31-2007		1813	TIME BND. 1840				
LOCATION OF ARREST 4555 W AVE G, LANCASTER				TOTAL BAIL 21000.00					
CHARGE 10851(A) / VC / F 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 QUALITIES				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 HORNUNG 296955			BOOKING EMPLOYEE GARCIA 489660			SEARCHING OFFICER		TRANSPORTING OFFICER	
CASH RECEIVED 00.00		PROPERTY							
PRISONER'S NO. FOR REC'D. OF RECEIVING CASH & PROPERTY X									
CASH DEPOSITED 000000.00		PROPERTY							
PRISONER'S NO. FOR REC'D. OF REMAINING CASH & PROPERTY X									
RIGHT FOUR IN			RIGHT THUMB IN		RIGHT THUMB OUT		LEFT FOUR OUT		
									

014

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

REMARKS

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

MISDEMEANOR, HOLD	REASON FOR RELEASE	EXPIRATION	FINE	CITATION	RAIL	OTHER
NO IDENTIFICATION	ARREST	DATE AND TIME				
WARRANT		5-07-07 INS				
ON OOSNO PROBLEM	RELEASED BY:	DOCUMENT ANALYST:				
NON-CITIZABLE MISDEMEANOR	10814 (S) 101	[Signature]				
OTHER:	RELEASED TO: (NAME, AGENCY & DETAIL)					
APPROVED BY	M. L. 105 3464					
WATCH COMMANDER:						

RECORD OF PROPERTY TRANSACTIONS			CODE	A - ADD W - WITHDRAW I - INSPECT E - REMOVE FOR EVIDENCE
NAME OF PRISONER ADDRESS WITHDRAWING OR INSPECTING	OFFICER HANDLING SERIAL #	PRISONER'S SIGNATURE AUTHORIZING WITHDRAW	CODE	DESCRIPTION OF PROPERTY
OFFICER MAKING FINAL RELEASE		DATE AND TIME	I DO HEREBY ACKNOWLEDGE RECEIPT OF ALL MY REMAINING PROPERTY	
			SIGNATURE	

DATE 03/31	TIME 1900	JR SIG RW	SGT SIG [Signature]	LOS ANGELES COUNTY JAIL BOOKING AND PROPERTY RECORD MOM'S HOUSE 22-640		FOREIGN NATION. #1 <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> REF	HAVE AIDS HAVE VD HAVE HEPATITIS HAVE TB EVER HAVE TB	YES <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	NO <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
BOOKING NO. 9740429	LOC. BKG. LAN	OR. LIC. NO. B7301562	STATE CA	JAIL CUSTODY RECORD					
ARRESTEE'S NAME (LAST, FIRST, MIDDLE) GUZMAN, PEDRO PETER									
ADDRESS 25545 EAST AVE J-4 LAN									
DESCENT H	HAIR BLK	EYES BRN	HEIGHT 600	WEIGHT 160	BIRTHDATE 09-25-77	AGE 29	SEX M		
VEH. LIC. AND 3Y97577 CA		STATE CA	RPT. DIST. 1183	AKA/NICKNAME					
BIRTHPLACE CA		FILE NO. 407-08078-1183	339	AD. CHG. Y					
AGY. OR DETAIL ARRESTING 1101		DATE & TIME ARRESTED 03-31-07/1813		TIME BKG. 1840					
LOCATION OF ARREST 4555 W. AVE G, LANCASTER				TOTAL BAIL 20,000					
CHARGE 10851(2) V/F / TAKING VEHICLE WITHOUT CONSENT				WARR/COMM. 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 CALAJAL, (MOTHER) 25545 EAST AVE J-4, LANCASTER 661-878-6100									
ARRESTING OFFICER HORNUNG 296955		BOOKING EMPLOYEE GARCIA 489660		SEARCHING OFFICER			TRANSPORTING OFFICER		
CASH RETAINED 0		PROPERTY CLOTHING WORN							
CASH DEPOSITED 0		PROPERTY BLACK BELT							
				PRISONER'S SIG. FOR RECT. OF REMAINING CASH & PROPERTY X					

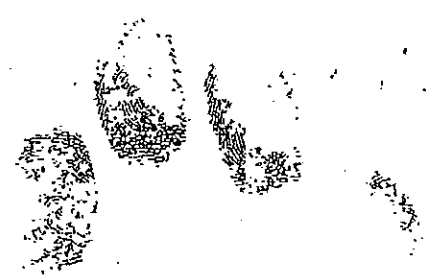

768630 C-SM-J-224 10/97

GRB 4-1-07
 CI # A11798272
 FBI # 869202EBS

TELEPHONE CALLS INTERVIEWS				CODE: A - ATTY. B - HONORSMAN D - DR. E - EMPLOYER R - RELATIVE W - WAIVED O - OTHER	OFFICER HANDLING	PRISONER'S INITIALS
NAME	CODE	PHONE # OR INTERVIEW #	DATE & TIME MADE	SERIAL #		
365	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: <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

213 838 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 Name First Used: 05/14/1998
SID/CII: A1178222	MAIN: 32252531 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 D
34

JUN-11-2007 14:18

CHIEF LOS/DRO

99%

P.15

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN and MARIA CARBAJAL

PLAINTIFF(S)

CASE NUMBER

CV08-01327CAS (SSX)

v.
Michael Chertoff
(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 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.

Clerk, U.S. District Court

FEB 27 2008

Dated: _____

By: _____

NATALIE LONONIA

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-~~180~~, 10,

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PETER GUZMAN and MARIA CARBAJAL

PLAINTIFF(S)

Michael Cheretoff

(see Attachment.)

DEFENDANT(S).

CASE NUMBER

CV08-01327 CAS(SSx)

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.

Clerk, U.S. District Court

NATALIE LONGORIA

By:

Deputy Clerk

(Seal of the Court)



1198

Dated: FEB 27 2008

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-~~10~~, 10,

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) PETER GUZMAN and MARIA CARBAJAL (b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases): County of Los Angeles (c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) 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	DEFENDANTS MICHAEL CHERTOFF, et al. County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only): Attorneys (If Known)
--	--

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input checked="" type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	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
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
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																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☒ **MONEY DEMANDED IN COMPLAINT:** \$ Unspecified

VI. CAUSE OF ACTION (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.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <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	CONTRACT <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 REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <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	TORTS PERSONAL PROPERTY <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 BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <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	PRISONER PETITIONS <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 FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <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 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <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)) FEDERAL TAX SUITS <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: _____

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

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 ☒ YesIf 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).

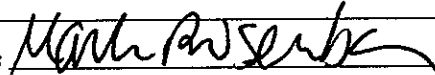
- ☒ Check here if the U.S. government, its agencies or employees is a named defendant.
MICHAEL CHERTOFF, District of Columbia; JAMES HAYES, County of Los Angeles; PILAR GARCIA, County of Los Angeles; COUNTY OF LOS ANGELES, County of Los Angeles; LEROY BACA, County of Los Angeles; TIMOTHY CORNELL, County 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):



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
16
17
18
19
20
21
22
23
24
25
26
27
28

**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.