

his charges were dismissed pursuant to its policy, practice, and custom of not releasing individuals until it receives an email or facsimile from a judicial authority.

2. ICE's statutory authority to issue detainers, without a warrant, is limited. 8 U.S.C. § 1357(d); 8 U.S.C. § 1226; and 8 U.S.C. § 1357(a). However, ICE regularly exceeds its statutory authority in issuing detainers without a warrant, without a notice to appear, without a final order of removal, and without providing the affected individual notice about the immigration detainer. ICE's detainer practice exceeds the authority granted to it under the Immigration and Nationality Act (INA).

3. Immigration detainers violate the Fourth Amendment because they result in an arrest and detention without a warrant. The detainers violate the due process clause of the Fifth and Fourteenth Amendments inasmuch as the affected individual is provided no notice about a pending charge, and is not afforded a hearing or any process by which to challenge the detainer before any judicial or administrative authority.

4. Defendant Bexar County has no authority to arrest individuals for violations of the federal immigration laws. Nevertheless, Defendant Bexar County admitted in documents filed with this Court that it maintains a policy, practice and custom of detaining individuals in the BCADC whenever ICE issues them a detainer request. ECF Doc. 4-1 at ¶ 5. Pursuant to this policy, practice, and custom, the Defendant Bexar County detains individuals suspected of violating federal immigration law even when it lacks the authority to do so. The Defendant Bexar County detains individuals pursuant to ICE detainer requests even when the person's State criminal charges have been dismissed or when the affected individual has posted a bond. This policy, practice, and custom was a moving force behind the Plaintiff being unlawfully detained in the BCADC for approximately 76 days after his criminal charges were dismissed. The Defendant Bexar County

expends significant law enforcement resources in an unlawful attempt to enforce federal immigration law. The Defendant Bexar County's illegal and wasteful conduct has caused, and if not addressed will continue to cause, substantial harm to Texas residents.

5. The Defendant Bexar County also admits to a policy, practice, and custom of not releasing detainees until it receives an email or facsimile from a judicial authority informing it that charges were dismissed against an individual in its custody. *Id.* at ¶ 3. This policy, practice, and custom was a moving force behind the Plaintiff being detained for approximately 76 days after his criminal charges were dismissed in violation of the Fourth, Fifth and Fourteenth Amendments. The Plaintiff's criminal charges were dismissed on March 24, 2016, but the Defendant Bexar County did not release him until June 8, 2016, pursuant to this policy or custom.

6. Plaintiff also brings constitutional claims under the Fourth and Fifth Amendments pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against Defendants Lucero and Davis. These ICE officers are directly responsible for the Plaintiff's illegal detention. These federal officers incorrectly alleged in their detainer that they had a final order of removal against the Plaintiff, which resulted in Plaintiff's unlawful detention. These officers also left the Plaintiff to languish in the BCADC for approximately 76 days without a warrant for arrest, without notice of any charges against him (there were none), without any opportunity to be considered for release on bond, and without any other legal process of any kind.

7. To vindicate his fundamental constitutional rights, Plaintiff seeks a declaratory judgment that the Defendants' policies, practices, and customs described herein are unlawful and/or unconstitutional. Plaintiff also seeks monetary compensation for Defendants' unconstitutional deprivation of his liberty.

JURISDICTION

8. This action arises under the Constitution and laws of the United States. This Court has jurisdiction pursuant to 42 U.S.C. § 1983, 28 U.S.C. §§ 1331 and 1343.

9. The Court has jurisdiction to consider the Plaintiff's statutory claims under the Administrative Procedures Act (APA) under federal question jurisdiction. 28 U.S.C. § 1331

10. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202.

11. Venue is proper in this district because the Plaintiff resides in Bexar County and all of the underlying events occurred in this district. 28 U.S.C. § 1391(b).

PARTIES

12. Plaintiff is an adult who currently resides in Bexar County, Texas. He was unlawfully detained by Defendants in the BCADC for approximately 76 days after his State charges for misdemeanor assault were dismissed.

13. Defendant Bexar County, Texas is a county organized and operating under the laws of the State of Texas. Defendant Bexar County is geographically located within the boundaries of this district and can be sued in its own name. The Defendant Bexar County includes, but is not limited to, the Bexar County Courts, the District Attorney's Office, the Bexar County Sheriff's Office and the BCADC staff.

14. Defendant Jeh Johnson is the Secretary of the Department of Homeland Security (DHS). Defendant Johnson is charged with administering the INA. He is being sued in his official capacity.

15. Defendant Sarah Saldana is the Director of ICE. Defendant Saldana is charged with enforcing the INA including the issuance of immigration detainers to law enforcement agencies (LEA). Defendant Saldana is being sued in her official capacity.

16. Defendant Daniel Bible is the current Field Office Director of the San Antonio Field Office for ICE. Defendant Bible is charged with enforcing the INA in the San Antonio district including the issuance of detainer requests to the Defendant Bexar County and other LEAs within the San Antonio district's zone of authority. Defendant Bible is responsible for formulating and implementing policies applicable to the ICE San Antonio Field Office's detention of prisoners, including policies to ensure that those inmates housed at ICE's request at the Bexar County Jail are detained pursuant to and in accordance with federal regulations, and that their detention does not violate the Constitution. Defendant Bible is also responsible for training and supervising his staff to ensure that those inmates held at ICE's request in the Bexar County Jail are detained pursuant to and in accordance with federal law and that their detention does not violate the Constitution. Defendant Bible is being sued in his official capacity.

17. Defendant Enrique Lucero is the former Field Office Director of the San Antonio Field Office for the ICE Office of Detention and Removal Operations. He was the Director during the time period when Plaintiff Trujillo was illegally detained. Defendant Lucero was responsible for formulating and implementing policies applicable to the ICE San Antonio Field Office's detention of prisoners, including policies to ensure that those inmates housed at ICE's request at the Bexar County Jail are detained pursuant to and in accordance with federal regulations, and that their detention does not violate the Constitution. Defendant Lucero was also responsible for training and supervising his staff to ensure that those inmates held at ICE's request in the Bexar County Jail are detained pursuant to and in accordance with federal law and that their detention does not violate the Constitution. At all times relevant to this Complaint, Defendant Lucero acted or failed to act under color of federal law. Defendant Lucero is being sued in his individual capacity.

18. Defendant Leonard Davis is an ICE officer who issued the immigration detainer against

the Plaintiff which led to his unlawful detention. Defendant Davis is being sued in his individual capacity.

FACTS

A. Immigration detainer requests generally.

19. ICE issues detainer requests to State and local LEAs when they desire to investigate whether an individual in the custody of an LEA violated federal immigration law. The detainer requests LEAs to detain individuals after their charges are dismissed, they posted a bond, or served their sentence to permit ICE time to assume custody.

20. ICE detainer requests carry no lawful mandate and the LEA who receives such a request is under no lawful obligation to abide by it. *See Galarza v. Szalczyk*, 745 F.3d 634, 640-45 (3d Cir. 2014) and 8 C.F.R. § 287.7 (“The detainer is a request that such agency advise the Department, prior to the release of the alien, in order for the Department to arrange to assume custody, in situations when gaining immediate physical custody is either impracticable or impossible.”). In fact, the Tenth Amendment prevents federal immigration officials from ordering state or local officials to imprison suspected immigration violators “at the request of the federal government.” *Galarza*, 745 F.3d at 643.

21. When an LEA continues to detain a person after their charges are dismissed, they posted bond, or they served their sentence, the LEA has re-arrested the individual without a warrant.

22. ICE detainer requests are issued to LEAs on forms I-247, I-247N, I-247D, and Form I-247-X. These forms are not warrants, enforceable orders, and are in no way binding upon the local LEA that receives it. Nor do immigration detainers require probable cause that the detainee committed a crime. In fact, immigration detainers are routinely used to detain individuals based upon suspected civil violations of the immigration laws.

23. ICE does not provide an administrative procedure for challenging the issuance of a

detainer. Nor does the Defendant Bexar County provide any process by which the affected individual can challenge the ICE detainer.

24. Immigration detainers are not subject to review by a neutral judge or magistrate, nor are they subject to the same procedural and substantive due process requirements and safeguards to which ordinary criminal detainers are subject.

25. The statutory authority for such detainers is located in 8 U.S.C. § 1357(d). Although the plain language of § 1357(d) plainly limits the use of detainers to individuals detained “for violation of any law relating to controlled substances,” ICE routinely issues detainers against individuals who are detained for offenses other than controlled substances violations.

26. Congress provided that ICE must obtain “a warrant issued by the Attorney General” to arrest an individual “pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § 1226(a). ICE can only effectuate warrantless arrests for a violation of the immigration law when the officer has reason to believe that the individual “is likely to escape before a warrant can be obtained for his arrest” 8 U.S.C. § 1357(a)(2). In violation of § 1357(a)(2), ICE routinely issues detainers—which are not warrants—that result in an individual’s arrest by an LEA without conducting an individualized determination about whether the person is likely to escape. *See, e.g., Moreno v. Napolitano*, No. 11-C-5452, 2016 U.S. Dist. LEXIS 136449 (N.D. Ill. Sep. 30, 2016) (interpreting § 1357(a)(2) to require an individualized determination that the detainee “is likely to escape” before a warrantless arrest pursuant to an ICE detainer can be effectuated).

27. Based on information and belief, ICE does not always assume custody of a person after they issue a detainer. Based on information and belief, in some cases, ICE will assume custody pursuant to a detainer and then release the individual if the person is not an enforcement priority.

B. Defendant Bexar County's policies, practices, or customs were the moving force behind Plaintiff Trujillo's, and other similarly situated individuals, unconstitutional detention in the BCADC.

i. ICE detainer requests.

28. Defendant Bexar County routinely detains individuals without a warrant whenever ICE issues a detainer pursuant to an official county policy, practice, or custom.

29. In a sworn statement provided to this Court, the Defendant Bexar County admitted that they have a policy, practice and custom of detaining individuals pursuant to ICE detainer requests. ECF Doc. 4-1 at ¶¶ 5-7. Thus, it is the actual policy, practice and custom of the Defendant Bexar County to hold detainees with immigration detainers in the BCADC awaiting pick-up by the federal immigration authorities, even when such people have had bond posted on their behalf, have paid their fines, have no additional charges pending against them, and are not subject to any judicial order requiring or authorizing their continued detention.

30. Defendant Bexar County's policy, practice or custom is to enforce immigration detainers regardless of whether immigration officials have, or even claim to have, a warrant to arrest the suspected immigration violator.

31. Defendant Bexar County's policy, practice or custom of detaining individuals without a warrant whenever immigration requests them to do so is a "persistent, often repeated, constant" constitutional violation that "constitutes a custom and policy." *Campbell v. City of San Antonio*, 43 F.3d 973, 977 (5th Cir. 1995). On March 23, 2016, Sheriff Susan Pamerleau testified before the Texas State Senate on border security that there were 90 people detained in the BCADC with ICE detainer requests, which demonstrates the high number of individuals affected by the Defendant Bexar County's policy, practice or custom. *Video testimony available at http://tlcsenate.granicus.com/MediaPlayer.php?view_id=40&clip_id=10949.*

32. The Defendant's practice, policy or custom was the moving force behind the Plaintiff's unlawful detention, and the unconstitutional detention of other similarly situated individuals.

33. Defendant Bexar County's policymakers have actual and constructive knowledge about the constitutional violations that result from the policy to hold detainees whenever ICE issues a hold or detainer and regardless if there is a properly issued warrant for arrest. Indeed, Bexar County Sheriff Susan Pamerleau represented to Texas State Senator Brian Birdwell that the Defendant Bexar County complies with all immigration detainer requests. *See Exh. A.* Defendant Bexar County detains such individuals regardless if there is a properly authorized warrant allowing them to do so.

ii. The Defendant Bexar County's "email/facsimile" policy.

34. In a sworn affidavit filed with this Court, the Defendant Bexar County admitted to the following policy, practice or custom regarding when they will release inmates from the BCADC:

Inmates may only be released from BCADC pursuant to appropriate judicial authorization. This may include bond or dismissal of charges. Judicial authorization is received by BCADC via facsimile and/or email.

ECF Doc. 4-1 at ¶ 3.

35. Thus, the Defendant Bexar County's actual policy, practice or custom is not to release inmates—who have had their charges dismissed—until they receive an email or facsimile.

36. The Defendant Bexar County's policymakers have actual and constructive knowledge of this policy, practice and custom. *Id.* at ¶ 2.

37. The Defendant Bexar County's policy, practice, or custom of not releasing inmates until an email or facsimile is received from their own employees was a moving force behind Plaintiff's unlawful detention in the BCADC.

C. Plaintiff Trujillo's unlawful detention in the BCADC
from March 24, 2016 until June 8, 2016.

38. On or around January 20, 2016, Plaintiff was arrested for misdemeanor assault and detained at the BCADC.

39. On January 20, 2016, in a custodial setting at the BCADC, and without access to counsel, Defendant Leonard Davis, an ICE agent, interrogated the Plaintiff about his immigration status. Defendant Davis failed to Mirandize the Plaintiff before his custodial interrogation. Subsequent to the custodial investigation, Defendant Davis filed an immigration detainer with the Defendant Bexar County requesting that the Plaintiff remain in the BCADC beyond the time when he would otherwise be released to allow ICE to assume his custody. *Exh. B* (Form I-247D).

40. In the detainer request, Defendant Davis inaccurately represented that probable cause existed that the Plaintiff was a removable alien based on a final order of removal. On January, 20, 2016, the day when the detainer was issued, ICE had no final order of removal which they could legally execute against the Plaintiff. They did not procure an order of removal until June 8, 2016. *Ex. C* (Removal Order). Thus, Defendant Davis' basis for "probable cause" was incorrect as a matter of law and the Plaintiff was provided no legal channel by which to challenge it.

41. At no time while Plaintiff was in custody at the BCADC did ICE seek a warrant of arrest for federal immigration violations.

42. On or around March 24, 2016, Plaintiff's misdemeanor assault charge was dismissed. *See Exh. D* (Order of dismissal).

43. The Plaintiff remained in unlawful detention at the BCADC after his charges were dismissed pursuant to the ICE detainer request and the Defendant Bexar County's policy, practice or custom of not releasing inmates until they receive an email or facsimile from a judicial authority. The Plaintiff remained in BCADC without a warrant for arrest, order from a Court, order of

removal, or other legal basis until June 8, 2016. He was in custody at BCADC for approximately 76 days after his criminal charges were dismissed pursuant to the ICE detainer and the Defendant Bexar County's policy, practice or custom requiring an email or facsimile from a judicial authority before a detainee is released. He was at no time presented before a magistrate or other authority for a hearing. Nor was he provided bail or the opportunity to seek a bond.

44. During his unlawful detention, the Plaintiff submitted multiple inquiries with the Defendants seeking to understand why he was detained after the Bexar County Court dismissed the misdemeanor criminal case against him. Defendant Bexar County informed the Plaintiff that he was being detained pursuant to a detainer request from immigration officials.

45. On April 29, 2016—over one month after his criminal charges were dismissed—the Plaintiff wrote to the Bexar County Sergeant's Office:

“What's my release date? And do I have bond or what? My case has already been dismissed. Let me know something.”

To which the response was:

“Hold for ICE.”

See Exh. E.

46. Plaintiff's girlfriend also inquired on multiple occasions about why Plaintiff remained in custody after his misdemeanor assault charge was dismissed. Defendant Bexar County repeatedly informed her that the Plaintiff was detained pursuant to a request from federal immigration officials.

47. Plaintiff's girlfriend then called ICE who informed her that the Plaintiff was not on their list to be picked up.

48. During Plaintiff's custody at the BCADC he was never served with a warrant for his arrest

for federal immigration violations, a notice to appear before an immigration judge, or a final order of removal. He also was not served with the ICE detainer request in violation of ICE policy. He was not provided a bond, judicial review, or provided any due process of law.

49. On June 6, 2016, Plaintiff, still being unlawfully detained without a warrant or pending charges, was forced to hire counsel and pay attorney fees for an attorney to seek his release from unlawful detention in the BCADC.

50. According to the Defendant Bexar County's filings with this Court, the following day, "[o]n June 7, 2016 at approximately 2:50 p.m., BCADC received an order via e-mail from the court showing that charges against Mr. Trujillo Santoyo had been dismissed." ECF Doc. 4-1 at ¶ 8. He was released into ICE custody on June 8, 2016. *See also Exh. F* (Letter from the Bexar County Sheriff's Office confirming the dates of Plaintiff's detention in the Bexar County Jail).

51. The Defendants held Plaintiff in the BCADC, against Plaintiff's will, without his consent, and with absolutely no legal authority from March 24, 2016 (date when his charges were dismissed) to June 8, 2016 (date when immigration assumed his custody).

52. ICE agents then assumed custody of the Plaintiff on June 8, 2016 and read him his Miranda rights.

53. From March 24, 2016 until June 8, 2016, while under arrest and detained at the BCADC the Plaintiff was not charged with any offense under federal immigration laws. He was held without a warrant for his arrest. He did not receive prompt independent review of whether there was probable cause to detain him. He was not provided notice about any pending charges. He had no opportunity to appear before a judge to seek his release, to learn why he was deprived of his liberty, or post a bond.

FIRST CLAIM FOR RELIEF

(Plaintiff's first 42 U.S.C. § 1983 claim against Defendant Bexar County—ICE detainer policy)

54. The foregoing allegations are incorporated by reference.

55. The Defendant Bexar County has a policy, practice or custom of detaining individuals in the BCADC after criminal charges have been dismissed, bonds have been posted, and after detainees have completed their terms of imprisonment whenever they receive a detainer request from ICE.

56. The Defendant Bexar County's policymakers have actual and constructive knowledge about this policy, practice and custom.

57. The Defendant Bexar County's policy, practice or custom of detaining individuals was a moving force that caused the Plaintiff's unconstitutional detention in the BCADC. The Defendant Bexar County deprived the Plaintiff of his liberty, without legal authority, in violation of his Fourth Amendment right to be free from unreasonable searches and seizures. Defendant Bexar County deprived the Plaintiff of his liberty, without legal authority, in violation of his Fifth and Fourteenth Amendment rights to due process.

58. Defendant Bexar County's policies, practices and customs, including its deliberate indifference to establish adequate procedures, policies, supervision and training, caused Plaintiff's injuries and the violations of his constitutional rights.

59. The Defendant's policy, practice or custom of detaining individuals with ICE detainers is a pattern of conduct that will be repeated in the future unless this Court intervenes to stop it.

60. As a direct and proximate cause of Defendant Bexar County's policy of detaining individuals without a warrant for arrest whenever immigration agents request them to do so the Plaintiff suffered damages and is entitled to compensatory damages, attorney fees and costs pursuant to 42 U.S.C. § 1988 and any other relief the Court deems just and proper.

SECOND CLAIM FOR RELIEF

(Plaintiff's first 42 U.S.C. § 1983 claim against Defendant Bexar County—email/fax policy.)

61. The foregoing allegations are incorporated by reference.
62. The Defendant Bexar County maintains a policy, practice or custom of not releasing individuals from the BCADC until they receive “judicial authorization” via “facsimile and/or email.” ECF Doc. 4-1, p. 2, ¶ 3.
63. The Defendant Bexar County’s policymakers have actual and constructive knowledge about this policy, practice or custom.
64. The Defendant Bexar County’s policy, practice, or custom of not releasing individuals until they receive a fax or email from their own employees was the moving force behind the Plaintiff’s unconstitutional detention in the BCADC.
65. The Plaintiff’s criminal charges were dismissed on March 24, 2016, but the Defendant Bexar County unlawfully continued to detain the Plaintiff until June 8, 2016 when it received an email from the court.
66. The Defendant Bexar County was aware that the Plaintiff was being detained at the BCADC after his charges were dismissed. First, the Defendant Bexar County, through its County Court, ordered the dismissal of the charges. The Defendant Bexar County, through the District Attorney’s Office, was a party to the litigation and had knowledge that the charges were dismissed. Finally, the Plaintiff alerted the Defendant Bexar County that he was still in custody on April 29, 2016, over one month after his charges were dismissed. *See Exh. E.*
67. The Plaintiff’s detention in the BCADC pursuant to the email/fax policy from March 24, 2016 until June 8, 2016 violated the Fourth Amendment because the Plaintiff was detained without a warrant or probable cause that he committed an offense.

68. The Plaintiff's detention in the BCADC pursuant to the email/fax policy from March 24, 2016 until June 8, 2016 violated the due process clause of the Fifth and Fourteenth Amendments. The Plaintiff was not provided notice of any charges and was never afforded a hearing. He was not provided bail and was not given the opportunity to request a bond.

69. The Defendant's policy, practice or custom of detaining individuals with charges dismissed until they receive an email or facsimile from a judicial authority is a pattern of conduct that will be repeated in the future unless this Court intervenes to stop it.

70. As a direct and proximate cause of Defendant Bexar County's policy of detaining individuals without a warrant for arrest pursuant to their "email/fax" policy or custom the Plaintiff suffered damages and is entitled to compensatory damages, attorney fees and costs pursuant to 42 U.S.C. § 1988 and any other relief the Court deems just and proper.

THIRD CLAIM OF RELIEF

(Plaintiff's statutory claims against the Federal Defendants for issuing detainers in excess of the authority provided them under the INA)

71. The foregoing allegations are incorporated by reference.

72. The Federal Defendants' application of immigration detainers against the Plaintiff exceeded their constitutional and statutory authority in violation of law.

73. The Federal Defendants failure to issue detainers in accordance with the due process protections required by the relevant provisions of the INA (8 U.S.C. § 1226(a), 8 U.S.C. § 1357(a)(2), and 8 U.S.C. § 1357(d)) caused the Defendant's loss of liberty. *See Moreno v. Napolitano*, No. 11-C-5452, 2016 U.S. Dist. LEXIS 136449 (N.D. Ill. Sep. 30, 2016) (interpreting § 1357(a)(2) to require an individualized determination that the detainee "is likely to escape" before a warrantless arrest pursuant to an ICE detainer can be effectuated).

74. ICE routinely issues detainers to individuals who have not been convicted a crime relating

to a controlled substance in violation of 8 U.S.C. § 1357(d)'s plain language.

75. ICE routinely issues detainers without warrants and without any consideration about whether the individual affected is reasonably likely to escape.

76. As a direct and proximate cause of these statutory violations, the Plaintiff was unlawfully detained and is entitled damages.

FOURTH CLAIM OF RELIEF

(Plaintiff's constitutional claims)

77. All preceding allegations are incorporated by reference.

78. ICE detainers should be declared unconstitutional since they constitute a warrantless seizure in violation of the Fourth Amendment.

79. ICE detainers should be declared unconstitutional since they violate detainees' due process rights in violation of the Fifth Amendment.

80. Defendant Bexar County's policy, practice and custom of detaining people under an ICE detainer even after the time requested by ICE has expired violates the Fourth and Fifth Amendments and should be declared unconstitutional.

81. As a direct and proximate cause of these constitutional violations, alone or in the aggregate, the Plaintiff was unconstitutionally deprived of his liberty.

FIFTH CLAIM OF RELIEF

(Plaintiff's *Bivens* claims against Defendant Lucero, and Defendant Davis)

82. Defendant Lucero's policies, customs and practices, including his deliberately indifferent failure to establish adequate procedures, supervision and training caused the Plaintiff's injuries and the violations of the Fourth and Fifth Amendments.

83. These policies are not reasonably related to any legitimate governmental objective.

84. Defendant Lucero's actions and inactions caused the Plaintiff to be deprived of his Fourth Amendment right to be free from unreasonable seizures and his Fifth Amendment right to due process of law.

85. Defendant Davis incorrectly represented to the Defendant Bexar County that ICE had a final order of removal which provided them with probable cause for arrest. In fact, on the day when the detainer was issued, ICE was not in possession of a final order of removal which it could execute against the Plaintiff. ICE was without an order of removal until June 8, 2016. *See Exh. C*. This order of removal is still not a final, executable order. *See Ponce-Osorio v. Johnson*, 824 F.3d 502 (5th Cir. 2016) (holding that reinstatement orders of removal are final only upon completion of reasonable fear and withholding of removal proceedings).

86. As a result of his unlawful detention, the Plaintiff is entitled to compensatory damages, and any other relief the Court deems just.

PLAINTIFF'S CLAIM FOR ATTORNEY FEES

87. The Plaintiff seeks and is entitled to recover reasonable attorney fees, expenses and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, for those claims to which it is appropriate.

JURY DEMAND

88. Pursuant to the Federal Rule of Civil Procedure 38(b), Plaintiff requests a trial by jury as to all issues so triable.

CONCLUSION

For the foregoing reasons, the Plaintiff respectfully requests the Court enter the following orders:

- a) Enter judgment in favor of Plaintiff against Defendants for compensatory and

punitive damages;

- b) Declare ICE detainers violate the Fourth and Fifth Amendments;
- c) Declare Defendant Bexar County's policy, practice, or custom of detaining persons under an ICE detainer to be unconstitutional;
- d) Award Plaintiff damages for his unlawful detention pursuant to the Defendant Bexar County's policy, practice or custom of requiring an email or facsimile from a judicial authority before releasing an individual;
- e) Grant Plaintiff reasonable attorney's fees and his costs and expenses herein as authorized by 42 U.S.C. § 1988 against Defendant; and
- f) Grant Plaintiff any and all additional relief to which they may appear to be entitled.

Respectfully submitted,

/s/ Lance Curtright
Lance Curtright
State Bar No. 24032109
lance@dmcausa.com

Juan Carlos Rodriguez
State Bar No. 24033007
juancarlos@dmcausa.com

DE MOTT, McCHESNEY, CURTRIGHT,
ARMENDARIZ, LLP
800 Dolorosa, Ste. 100
San Antonio, Texas 78207
Phone: (210)354-1844
FAX: (210)212-2116

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify that on October 18, 2016, I caused the foregoing Plaintiff's First Amended Complaint and Attached Exhibits to be electronically filed using the Court's CM/ECF system. All Defendants who have entered their appearance through the Court's CM/ECF system will be served with a copy through the Court's electronic system.

October 18, 2016

/s/ Lance Curtright
Lance Curtright

ATTORNEY FOR PLAINTIFF