

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ARTURO MERCADO, PABLO CARRANZA,
SERGIO DIAZ, JOSE GUTIERREZ, HEYDY
JARQUIN JIMENEZ, JOSE LOPEZ-
ARANDA, MOISES MARTINEZ, JAVIER
NAVARRETE, EFREN PEREZ VILLEGAS,
MIGUEL RODRIGUEZ, ELEAZAR
SAAVEDRA, ANDRES TORRES CABRERA,
MOISES VEGA COSTILLA, MARIO
GARIBALDI, RODOLFO MARMOLEJO,
RICARDO GARZA, CARLOS ALVAREZ
CASTRO, JEREMIAS CHEVEZ, MIGUEL
FLORES, FELIPE GONZALEZ LUJAN, LUIS
HERNANDEZ, JOSE VALENCIANO, JOSE
DELCID BONILLA, JUAN CAMACHO,
MARIA CASTILLO, CARLOS FUENTES
PÁRAMO, ABEL HERNANDEZ, SALVADOR
JAUREQUI, JULIO LOERA, ARTURO
MUÑOZ MARTINEZ, ALBERTO SANCHEZ
CHAVEZ, ABRAHAM SANTANA, JESUS
LOPEZ, GONZALO RAMIREZ VASQUEZ,
CARLOS REYNA ESPARRAGOZA, JOSE
RODRIGUEZ, EPIFANIO URIBE ORTIZ,
RAUL GOMEZ, JORGE MARRUFO,
FERNANDO HUERTA, JACINTO
HERNANDEZ, MARIO HERNANDEZ
JASSO, FLORENCIO VEGA, FRANCISCO
LARA MARTINEZ, and JESUS PADILLA,

Plaintiffs,

v.

DALLAS COUNTY, TEXAS,

Defendant.

TEXAS,

Permissive Intervenor.

No. 3:15-CV-3481-D
(consolidated with No. 3:15-CV-04008-D
and 3:17-CV-201-D)

JURY TRIAL DEMANDED

SECOND AMENDED COMPLAINT

Freedom from pretrial detention is a fundamental right protected by the United States Constitution. “This traditional right to freedom before conviction permits the unhampered preparation of a defense, and serves to prevent the infliction of punishment prior to conviction.” *Stack v. Boyle*, 342 U.S. 1, 4 (1951). “The consequences of prolonged detention may be more serious than the interference occasioned by arrest. Pretrial confinement may imperil the suspect’s job, interrupt his source of income, and impair his family relationships.” *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). Dallas County held Plaintiffs in Dallas County jail for months pending trial, even for purported misdemeanors, without allowing immediate release on bond. Dallas County also overdetained Plaintiffs without probable cause. Plaintiffs seek damages under 42 U.S.C. § 1983.

PARTIES

1. Plaintiffs were detained by Dallas County. U.S. Immigration and Customs Enforcement (“ICE”) issued detainers requesting that Dallas County facilitate ICE’s arrest of each Plaintiff, generally by (i) detaining each Plaintiff for up to 48 hours after the time that each Plaintiff otherwise would have been released, or (ii) notifying ICE when Dallas County intended to release each Plaintiff. As a result, an “immigration hold” appears in each Plaintiff’s file. At the time this lawsuit was filed, no Plaintiff remained in Dallas County custody.

2. Dallas County is located in North Texas. Process for Dallas County may be effected on Clay Jenkins, County Judge, who is located at 411 Elm St., Dallas, Texas, 75202. Tex. Civ. Prac. & Rem. Code § 17.024(a).

3. Texas has intervened in the lawsuit pursuant to Rule 24(b)(1)(B). ECF No. 75.

JURISDICTION AND VENUE

4. This is a civil-rights case arising under the United States Code, title 42. The Court thus has subject-matter jurisdiction over this lawsuit. 28 U.S.C. § 1331.

5. Dallas County is located in this District. Dallas County regularly conducts business in Texas and this district.

6. Dallas County's acts in Texas form the basis of this lawsuit. The Court thus has personal jurisdiction over Dallas County.

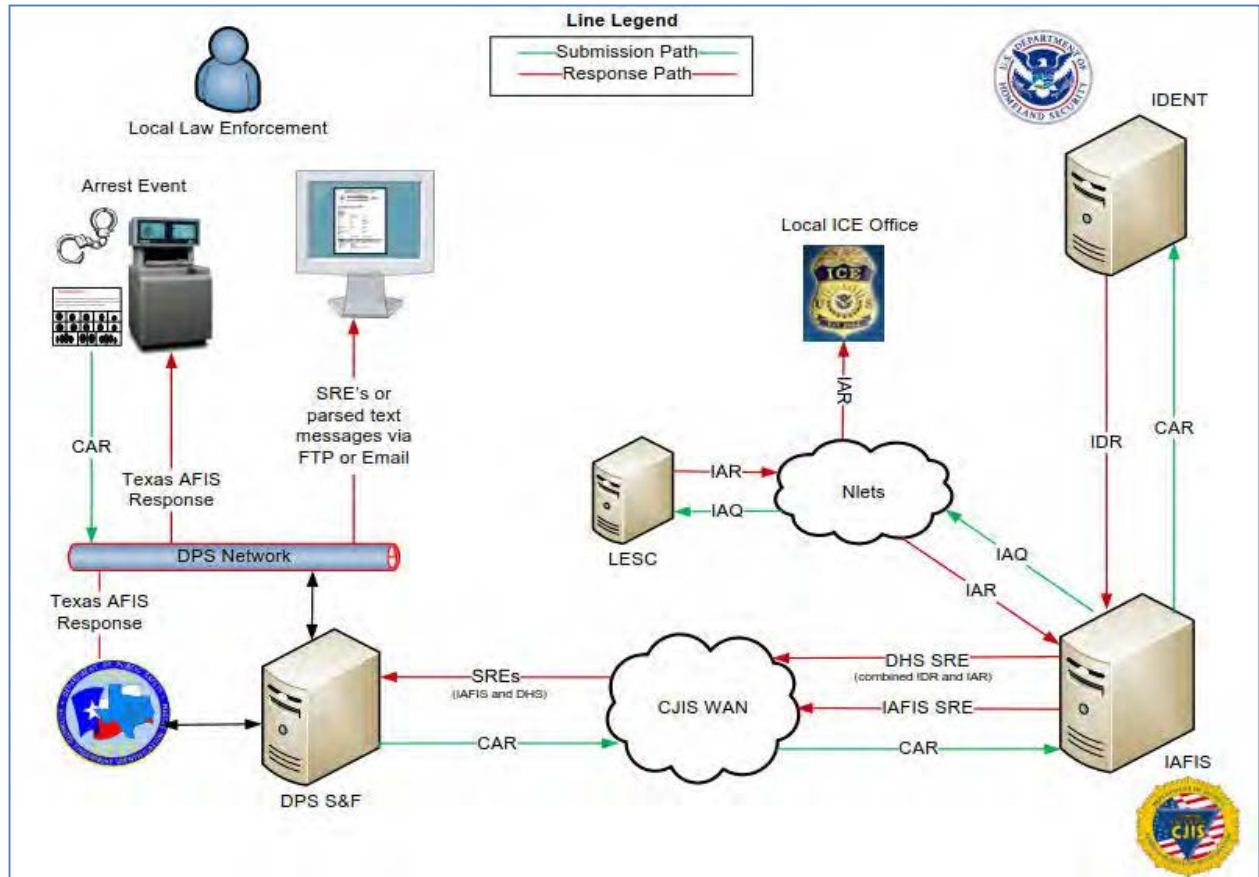
7. Venue is proper under 28 U.S.C. § 1391 because many of the complained-of acts in this case occurred in Dallas County, Texas, and because Dallas County is located in this District.

LOCAL LAW-ENFORCEMENT AGENCIES: THE NEW FRONT LINE IN ENFORCING IMMIGRATION LAWS

8. ICE is a large, sophisticated federal agency charged with enforcing our nation's immigration laws. ICE has a \$6 billion budget and more than 20,000 employees. Ex. C (Morgan Smith & Terri Langford, *Texas Sheriffs, Jails on Immigration Front Line*, Texas Tribune, Feb. 16, 2016) at C1. Despite its size and resources, ICE has "no proactive way [to use] watch lists, data mining or the like . . . to systematically search for dangerous undocumented immigrants, including those who have returned to the United States after being deported for committing crimes." *Id.* "Instead, if an immigrant criminal is caught and thrown out of the country, the process most likely begins when a local police officer or sheriff's deputy pulls them over for a traffic stop or arrests them as part of a criminal investigation." *Id.*

9. For many decades, local law-enforcement officers have fingerprinted detainees during booking. Over the last few years, however, technology has changed in an important

way—local law-enforcement agencies now route detainees’ fingerprints through federal databases at the FBI and Homeland Security during booking. Ex. D (Julia Preston, *Despite Opposition, Immigration Agency to Expand Fingerprint Program*, The N.Y. Times, May 11, 2012) at D2; Ex. E (Dianne Solís, *Police Use of Federal Databases to ID Illegal Immigrants after Arrests Raises Profiling Concerns*, The Dallas Morning News, Jan. 18, 2010), at E1-3. In particular, law enforcement can now routinely check fingerprints taken in local arrests against (i) the FBI’s Integrated Automated Fingerprint Identification System (“IAFIS”) of the FBI’s Criminal Justice Information Services Division, and (ii) the Automated Biometric Identification System (“IDENT”) of the Department of Homeland Security’s US-VISIT Program. See Ex. F (Secure Communities Fact Sheet, U.S. Dep’t of Homeland Sec., Sept. 1, 2009) at F1. After submission, “ICE evaluates each case to determine the individual’s immigration status and communicate their findings to law enforcement within a few hours.” *Id.* A presentation created by the Texas Department of Public Safety shows the data flow from local arrests to federal databases (including IAFIS and IDENT) in the graphic below.



Ex. G at G5. According to one commentator, the submission of fingerprints for ICE’s use “turn[s] local jails into tiny immigration outposts.” Ex. H (Lomi Kriel, *Immigration Screening Still Used in Texas as Other Agencies Withdraw*, *Houston Chronicle*, Oct. 16, 2014), at H1.

10. When fingerprints submitted by a local agency match an IDENT record, the information about the match (called an “IDR”) is forwarded to the FBI. Ex. I (*Secure Communities: Removing Criminal Aliens from Communities through Biometric Information Sharing*, U.S. Department of Homeland Security) at I2; Ex. G at G5. The FBI then populates and forwards an Immigration Agency Query (“IAQ”) to the ICE Law Enforcement Support Center. Ex. I at I2; Ex. G at G5. The Support Center responds to the Query (the response is called an “IAR”), which is then forwarded to other ICE offices. Ex. I at I2; Ex. G at G5. ICE ultimately uses the

information to determine whether ICE will seek to remove the detainee. *See* Ex. J (*Secure Communities Standard Operating Procedures*, Immigrations and Customs Enforcement) at J8.

11. If ICE believes it can meet its burden to deport a detainee, ICE can arrest and take possession of that detainee, hold the detainee pre-removal, and then remove the detainee. But if ICE were to deport the detainee immediately, the detainee would not stand trial for the original, local criminal offense. Consequently, ICE generally waits until after the local criminal offense is resolved to arrest the detainee and commence the removal process. *See* Ex. A at A22 (Torres Cabrera detainer) (“DHS discourages dismissing criminal charges based on the existence of a detainer.”) at A1; Ex. J (ICE Secure Communities Operating Procedures) at J8 (“Normally, ICE will not remove an alien until pending criminal charges are adjudicated.”).

12. To facilitate ICE’s arrest of detainees after local criminal offenses are resolved, ICE requests that local law-enforcement agencies (i) notify ICE when they intend to release targeted detainees and/or (ii) hold targeted detainees after those detainees otherwise would be released, to allow ICE time to show up and take custody of the detainees. ICE uses forms called “detainers” to formally request assistance. *See, e.g.*, Ex. A (detainers). The Code of Federal Regulations describes detainers as “request[s]” that “advise” local law-enforcement agencies that ICE seeks custody of an alien presently in the custody of that agency:

(a) Detainers in general. Detainers are issued pursuant to sections 236 and 287 of the Act and this chapter 1. Any authorized immigration officer may at any time issue a Form I-247, Immigration Detainer-Notice of Action, to any other Federal, State, or local law enforcement agency. A detainer serves to advise another law enforcement agency that the Department seeks custody of an alien presently in the custody of that agency, for the purpose of arresting and removing the alien. The detainer is a request that such agency advise the Department, prior to 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.

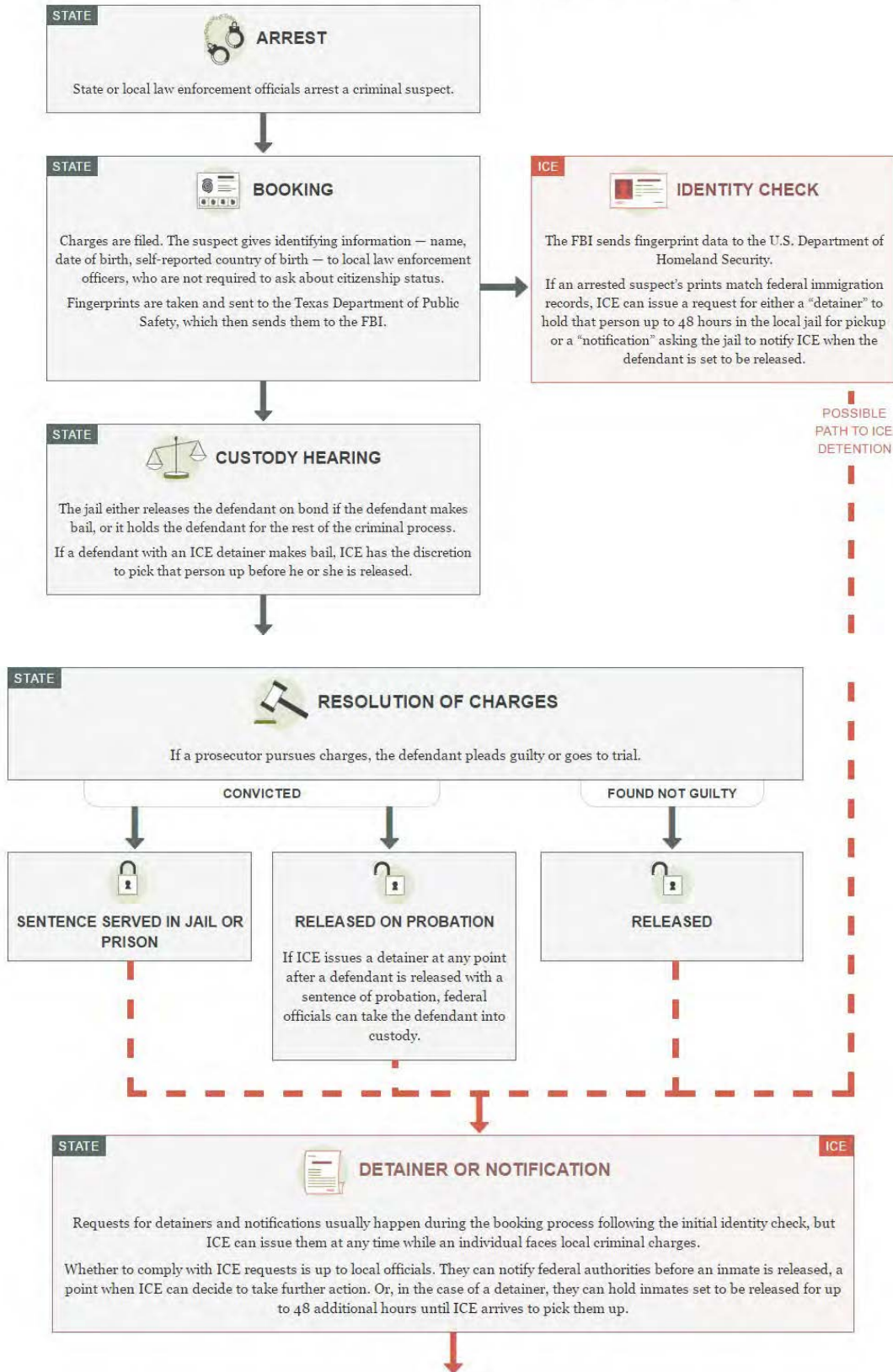
8 C.F.R. § 287.7(a). Because detainers are “requests,” local law-enforcement agencies need not respond or comply with detainers. *See Galarza v. Szalczyk*, 745 F.3d 634, 642 (3d Cir. 2014); ECF No. 53 at 21.¹ In 2013, ICE stated that detainers served three functions: (i) to notify a local law-enforcement agency that ICE intends to assume custody of an alien in the local agency’s custody once the alien is no longer subject to the local agency’s detention; (ii) to request information from a local agency about an alien’s impending release so that ICE may assume custody before the alien is released from the local agency’s custody; and (iii) “to request that the [local agency] maintain custody of an alien who would otherwise be released for a period not to exceed 48 hours (excluding Saturdays, Sundays, and holidays) to provide ICE time to assume custody.” Ex. K (*ICE Detainers: Frequently Asked Questions*, visited Mar. 20, 2013) at K1.

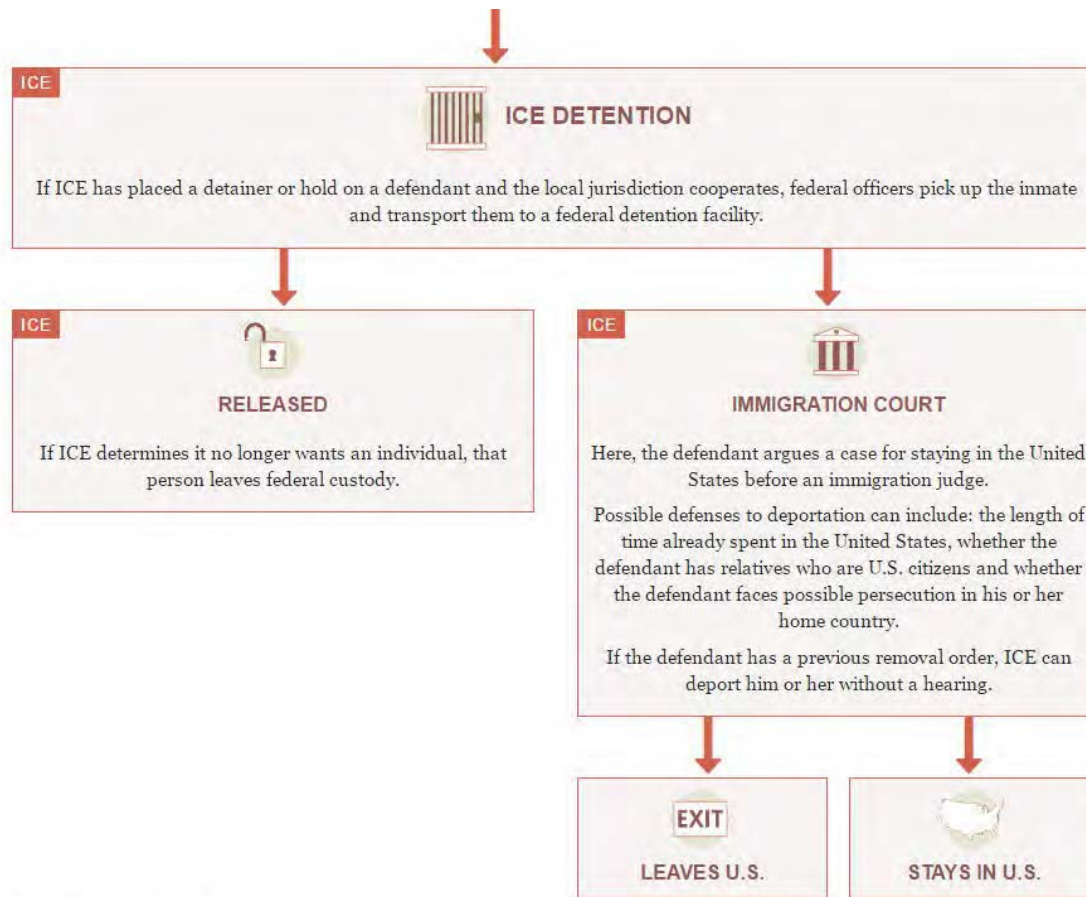
13. In February 2016, the Texas Tribune created a flowchart showing how detainers interact with the Texas criminal-justice system, shown below:

¹ *See also* Ex. L (Letter from ICE Acting Director Daniel H. Ragsdale to Rep. Mike Thompson dated February 25, 2014) at L1 (“While immigration detainers are an important part of ICE’s effort to remove criminal aliens who are in federal, state, or local custody, they are not mandatory as a matter of law.”).

How ICE Interacts with the Texas Criminal Justice System

The flowchart below details the criminal justice process on both the state and federal sides.





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14. On December 21, 2012, the Director of ICE issued a memorandum describing Form I-247, the detainer form used by the Dallas ICE Office until at least May 2015. *See* Ex. A at A22 (I-247 form issued to Dallas County in May 2015). “The revised detainer form . . . will . . . require the issuing officer or agent to identify [the grounds for removal] that apply so that the receiving agency and alien will know the specific basis for the detainer.” Ex. M (Morton memorandum dated December 21, 2012) at M3. The memorandum states that ICE should issue a detainer only where (i) ICE has reason to believe that the alien is subject to removal, and (ii) one or more of the following conditions apply:

- The individual has a prior felony conviction;
- The individual has three prior misdemeanor convictions;

- The individual has a prior misdemeanor conviction or pending charge that involves violence, sexual abuse, driving under the influence of alcohol, unlawful flight from the scene of an accident, unlawful possession of a firearm, trafficking of a controlled substance, or other significant threats to public safety;
- The individual has been convicted of illegal entry;
- The individual has illegally re-entered the country after a previous removal or return;
- The individual has an outstanding order of removal;
- The individual has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud; or
- The individual otherwise poses a significant risk to national security, border security, or public safety.

Id. at M2. As stated in the memorandum (*id.* at M3), the I-247 detainer form reflects these conditions, and includes checkboxes for each of the above conditions, as shown in the excerpt below:

<p>THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:</p> <p><input checked="" type="checkbox"/> Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (<i>check all that apply</i>):</p>	
<p><input checked="" type="checkbox"/> has a prior a felony conviction or has been charged with a felony offense;</p> <p><input type="checkbox"/> has three or more prior misdemeanor convictions;</p> <p><input type="checkbox"/> has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;</p>	<p><input type="checkbox"/> has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;</p> <p><input type="checkbox"/> has illegally re-entered the country after a previous removal or return;</p> <p><input type="checkbox"/> has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;</p> <p><input type="checkbox"/> otherwise poses a significant risk to national security, border security, or public safety; and/or</p> <p><input type="checkbox"/> other (specify): _____</p>

Ex. A at A22; *see also* Ex. B at B1 (example Form I-247).

15. The “conditions” identified in the Morton memorandum are not criminal immigration offenses.² It is not a crime to “be subject to removal,” to have prior felony or misdemeanor convictions, or to be charged with a crime. It is often a crime to for an alien to re-enter

² Criminal immigration offenses are found at 8 U.S.C. §§ 1324-1328 and include: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain

the United States after the alien has been deported or removed. But the checkbox on the I-247 form is not limited to this situation—it lists re-entry after a previous “removal **or return**,” and reentry after “return” is not listed at 8 U.S.C. § 1326 (listing reentry after being “denied admission, excluded, deported, or removed” as a crime).

16. On June 12, 2015, ICE released two new detainer forms: the I-247N and the I-247D. Ex. HH (*Why ‘PEP’ Doesn’t Fix S-Comm’s Failings*, National Immigration Law Center) at HH1; Ex. B at B4, B7 (sample forms). ICE explained that the I-247N Form was a “Request for Voluntary Notification of Release of Suspected Priority Alien,” while the I-247D Form was a “Request for Voluntary Action”:

Under PEP, DHS will no longer use the Form I-247 (Immigration Detainer - Notice of Action) and will instead use two new forms:

Form I-247N, Request for Voluntary Notification of Release of Suspected Priority Alien.

The Form I-247N requests the receiving local law enforcement agency (LEA) notify ICE of the pending release from custody of a suspected priority removable individual at least 48 hours prior to release, if possible. The Form I-247N does not request or authorize the LEA to hold an individual beyond the point at which he or she would otherwise be released. Additionally, on the Form I-247N, ICE must identify the enforcement priority under which the individual falls.

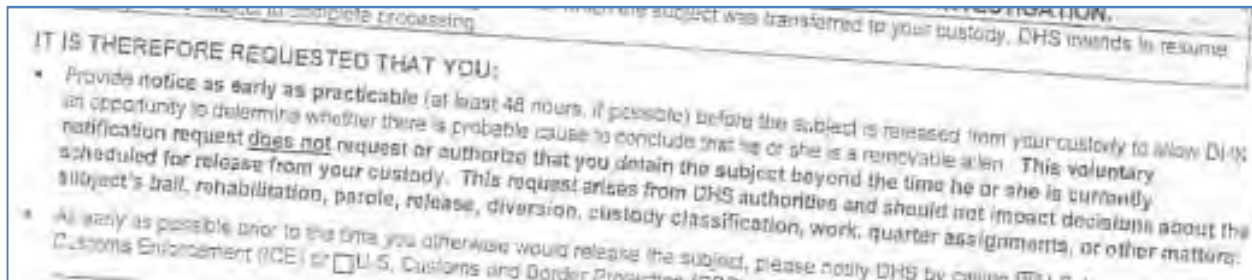
Form I-247D, Immigration Detainer - Request for Voluntary Action.

The Form I-247D requests the receiving LEA maintain custody of the priority individual for a period not to exceed 48 hours beyond the time when he or she would have otherwise been released from custody. On this form, ICE must identify the enforcement priority under which the individual falls, as well as the basis for its determination of probable cause. The LEA must also serve a copy of the request on the individual in order for it to take effect.

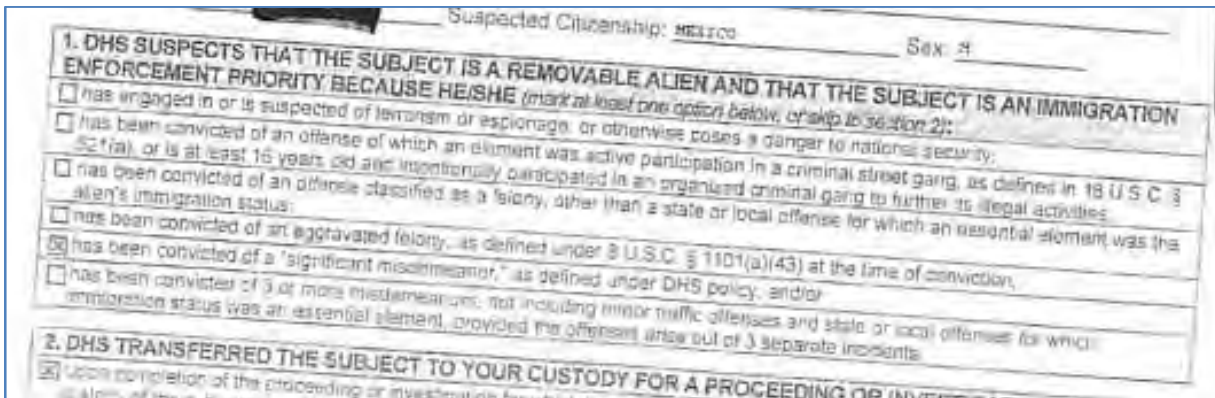
Ex. GG (ICE brochure on Priority Enforcement Program) at GG1.

aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328).

17. ICE used the new detainer forms. See Ex. DD at DD8 (I-247N for F. Lara Martinez served on Dallas County in September 2015). The I-247N form explicitly “does not request or authorize that [the local law-enforcement agency] detain the subject beyond the time he or she is currently scheduled for release from [agency] custody,” as shown below:

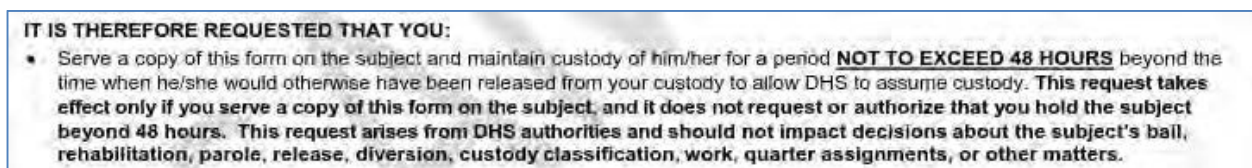


Id.; see also Ex. B at B7. Like the I-247 form, the I-247N form provides checkboxes for certain conditions that do not identify criminal probable cause:



Ex. DD at DD8; Ex. B at B7. Prior convictions, alone, do not provide Dallas County with probable cause to believe that a detainee is committing or has committed a new criminal offense.

18. Unlike the I-247N form, the I-247D form requests that local law enforcement detain for up to 48 hours:



Ex. B at B4 (Sample form I-247D). Form I-247D provides checkboxes to show that “probable cause exists **that the subject is a removable alien**” (emphasis added), but does not show that probable cause exists that the subject is committing or has committed a new criminal violation:

1. DHS HAS DETERMINED THAT (mark at least one option in subsection A and one option in subsection B, or skip to section 2):
A. THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE:
<input type="checkbox"/> has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;
<input type="checkbox"/> has been convicted of an offense of which an element was active participation in a criminal street gang, as defined in 18 U.S.C. § 521(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;
<input type="checkbox"/> has been convicted of an offense classified as a felony, other than a state or local offense for which an essential element was the alien's immigration status;
<input type="checkbox"/> has been convicted of an aggravated felony, as defined under 8 U.S.C. § 1101(a)(43) at the time of conviction;
<input type="checkbox"/> has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or
<input type="checkbox"/> has been convicted of 3 or more misdemeanors, not including minor traffic offenses and state or local offenses for which immigration status was an essential element, provided the offenses arise out of 3 separate incidents.
B. PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON:
<input type="checkbox"/> a final order of removal against the subject;
<input type="checkbox"/> the pendency of ongoing removal proceedings against the subject;
<input type="checkbox"/> biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
<input type="checkbox"/> statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

Id.

19. Neither the I-247D nor the I-247N provide local law enforcement with probable cause of an independent criminal violation that might allow Dallas County to detain under the Fourth Amendment. The I-247D explicitly only states that ICE has probable cause of a **civil** violation—removability. Ex. B at B4. The I-247N only states that DHS “suspects” that the subject is removable. Ex. DD at DD8. The checkboxes in both forms do not provide Dallas County with sufficient facts to conclude that any detainee is committing or was committing a crime. No detainer issued using Form I-247D or I-247N provides probable cause of an independent criminal violation that might allow Dallas County to detain under the Fourth Amendment.

20. In Plaintiffs’ situation, Dallas County can only arrest based on a warrant issued by a neutral and detached magistrate. *Crane v. Texas*, 759 F.2d 412, 426 (5th Cir. 1985). None of the detainer forms are signed by neutral and detached magistrates—they are signed by immigration officers. *See* Ex. A. Further, even if detainers showed probable cause of a felony

(which they do not), Dallas County must ensure that a judicial determination of probable cause by a neutral magistrate follows any warrantless arrest. *Id.* at 424. Dallas County does not do so.

21. Sometime after June 2015, ICE began using Forms I-247X (Request for Voluntary Transfer) and Form I-247A (Immigration Detainer—Notice of Action). Ex. B at B8-B11 (sample forms); Ex. S at S1 (ICE guidance on use of I-247A). Plaintiffs do not believe that any detainers at issue in this lawsuit use these forms. Nevertheless, for reasons similar to those for the other forms, these forms do not provide probable cause of an independent criminal violation that might allow Dallas County to detain under the Fourth Amendment.

22. Further, according to the Transactional Records Access Clearinghouse at Syracuse University, most detainers are lodged against individuals who have never been convicted of a crime. During April 2015, only 19% of detainers related to those with a felony conviction, and only 32% of detainers related to those with any convictions. Ex. N (*Further Decrease in ICE Detainer Use: Still not Targeting Serious Criminals*, Transactional Records Access Clearinghouse, Aug. 28, 2015) at N2. Two-thirds of the detainers issued by ICE targeted individuals without any prior criminal convictions. *Id.*

23. ICE regularly issues detainers. In August 2011, ICE issued over 27,000 detainers. Ex. C at C2. More recently, as of October 2015, ICE issued over 7,000 detainers. Ex. N at N2. For the fiscal year ending September 30, 2015, approximately 59% of the individuals removed from the United States were originally arrested and held in local jails and prisons. *Id.*

24. ICE regularly issues detainers in Texas. Texas jails detained, on average, around 3,700 undocumented immigrants each month in 2015. *Id.* To “highlight the burden . . . placed on county budgets” caused by complying with detainers, the Texas Legislature passed S.B.

1698,³ which “requires jails to track the number of inmates held on federal detainees along with the number of days those prisoners are housed and how much counties are paying to hold them.” Ex. O (Sarah Thomas, *Officials Grapple with Costs of Jailing Undocumented Immigrants*, Longview News-Journal, Oct. 16, 2013) at O1. From those records, the Texas Tribune concluded that Texas county jails have spent over \$218.9 million housing over 180,000 undocumented immigrants with federal detainees between October 2011 and June 2014. Ex. P (Dan Hill, *Interactive: The Cost of Jailing Undocumented Immigrants*, Texas Tribune, July 21, 2014) at P1.

ICE REGULARLY ISSUES DETAINERS TO DALLAS COUNTY

25. Dallas County receives a large number of ICE detainees. In 2015, eight jails received more than 1,000 detainees, including Dallas County. Ex. C at C2. In fiscal 2014, ICE placed about 1,930 holds in Dallas County (about 160 a month). Ex. Q (Dianne Solís, *Dallas County Sheriff Eases Immigration Holds on Minor Offenses*, The Dallas Morning News, Oct. 12, 2015) at Q2. In fiscal 2015, ICE placed about 2,048 holds in Dallas County (about 170 a month). *Id.* “Dallas County spent more than \$22 million housing more than 12,000 undocumented immigrants.” Ex. O at O2; *see also* Ex P at P2 (Dallas County spent over \$22 million between October 2011 and June 2014). Judge Michael Snipes, who served as a criminal district-court judge in Dallas County until December 31, 2014, confirms that ICE would serve detainees on Dallas County. Ex. JJ ¶ 3. Judge Snipes’ statements cited throughout the Amended Complaint are informed by his personal experience with and personal knowledge of the Dallas County criminal-justice system until December 31, 2014. *Id.* ¶ 2.

³ Portions of that bill are codified at Tex. Gov’t Code § 511.0101.

26. Detainers are generally not publicly available. Plaintiffs nevertheless attach around 20 detainers that they have received, mostly through discovery in the instant matter, as Exhibit B. As an example, the Immigration Detainer for Andres Torres Cabrera is attached at Ex. A at A22. The Torres Cabrera Immigration Detainer states that “there is reason to believe [Mr. Torres Cabrera] is subject to removal from the United States.” *Id.* But under federal law, being “subject to removal” is not a crime. The Immigration Detainer states that Mr. Torres Cabrera has a prior felony, but does not state (in form or substance) facts showing probable cause that would support arrest under the Fourth Amendment, such as probable cause to believe that Mr. Torres Cabrera has committed a different criminal offense or is committing a different criminal offense. *See id.* The Immigration Detainer requests that Dallas County maintain custody over Mr. Torres Cabrera:

IT IS REQUESTED THAT YOU: Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS** excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow [the Department of Homeland Security] to take custody of the subject.

Id. The Immigration Detainer requests that Dallas County provide a copy of the Detainer to the subject, *id.*, but Mr. Torres Cabrera did not receive a copy of the Detainer.

27. The Immigration Detainer for Arturo Mercado is attached as Exhibit A, at A1. The Mercado Immigration Detainer states that “there is reason to believe [Mr. Mercado] is subject to removal from the United States.” *Id.* Again, under federal law, being “subject to removal” is not a crime. The Immigration Detainer states that Mr. Mercado has a prior felony, but does not state (in form or substance) facts showing probable cause that would support arrest under the Fourth Amendment, such as probable cause to believe that Mr. Mercado has

committed a different criminal offense or is committing a different criminal offense. *See id.*

The Immigration Detainer requests that Dallas County maintain custody over Mr. Mercado:

IT IS REQUESTED THAT YOU: Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS** excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow [the Department of Homeland Security] to take custody of the subject.

Id. The Immigration Detainer requests that Dallas County provide a copy of the Detainer to the subject, *id.*, but Mr. Mercado did not receive a copy of the Detainer.

28. Third, the Immigration Detainer for Francisco Lara Martinez is attached Exhibit DD, at DD8. Mr. Lara Martinez is a plaintiff. The Lara Martinez Detainer has the title “Request for Voluntary Notification of Release of Suspected Priority Alien.” Ex. DD at DD8. The Lara Martinez Detainer states that “DHS suspects that [Mr. Lara Martinez] is a removable alien and that the subject is an immigration enforcement priority because [he] . . . has been convicted of a ‘significant misdemeanor,’ as defined by DHS policy.” *Id.* Under federal law, being “suspected” of being a removable alien is not a crime. The Detainer states that Mr. Lara Martinez has a prior misdemeanor, but does not state (in form or substance) facts showing probable cause that would support arrest under the Fourth Amendment, that is, probable cause to believe that Mr. Lara Martinez has committed a different criminal offense or is committing a different criminal offense. *See id.*

29. Many Plaintiffs do not have copies of their detainers. Dallas County claims that “only Sheriff Valdez” might have access and be able to provide the detainers, as shown in the below email exchange between Anthony Garza (counsel for Plaintiffs) and Peter Harlan (counsel for Dallas County):

From: Anthony Garza [agarza@ccrglaw.com]
Sent: Thursday, June 09, 2016 5:20 PM
To: Peter Harlan
Subject: Mercado: detainers for plaintiffs

Mr. Harlan-

Good afternoon. Discovery is stayed in the Mercado matter. We nevertheless request that Dallas County voluntarily provide the immigration detainers in its possession for Plaintiffs. We intend to attach them to our amended complaint.

Feel free to call me if you have any questions.

Anthony M. Garza
Charhon Callahan Robson & Garza

Anthony:

Unfortunately I must respectfully decline your request for voluntary discovery at this time. Dallas County administration does not have custody of any of the documents relevant to the Plaintiffs claims in this suit. Assuming the documents you request exist and can be located, only Sheriff Valdez would have access and be able to produce them. Any voluntary production of these documents by her at this juncture of the case might be construed as a waiver of her qualified immunity from discovery and suit which she is understandably not willing to do at this time.

Of course, if you would like to discuss the matter further please do not hesitate to contact me at your convenience.

Kind regards,

Peter L. Harlan
Assistant District Attorney
Federal Litigation Section

Ex. R at R1. Dallas County has now produced the detainers for the 21 plaintiffs from the original *Mercado* and *Garza* lawsuits, which are attached as Exhibit A. Dallas County has not yet produced the detainers for (i) the plaintiffs from the *Delcid-Bonilla* matter or (ii) the plaintiffs added to the lawsuit through the instant amended complaint.

30. In light of the detainers attached to the Complaint, each of which do not show probable cause of a criminal offense, Plaintiffs claim as fact that no detainer relating to any Plaintiff states facts sufficient to show that any Plaintiff had committed a different criminal offense or was committing a different criminal offense. Plaintiffs also claim as fact that no detainer relating to any Plaintiff was reviewed by a neutral magistrate, and instead were only reviewed by ICE officials.

DALLAS COUNTY OVERDETAINED FOR TRANSFER TO ICE

31. Dallas County generally honors ICE's requests to detain. Ex. T (*Dallas Sheriff Responds to Texas Governor: All ICE Detainers Honored this Year*, The Dallas Morning News Trailblazers Blog, Oct. 26, 2015) at T1 (stating that Sheriff Valdez had not rejected any detainees in 2015: "we have accepted 1469 detainees from ICE and declined zero."). Dallas County is not alone—the Houston Chronicle reported in October 2014 that "every county jail [in Texas] continues to comply with ICE detainer requests by holding suspects whose fingerprints match the immigration database." Ex. H at H1. Between January 2014 and September 2015, Texas law enforcement agencies refused only 146 detainees.⁴ Ex. U (Andy East, *U.S. Citizen Jailed in Immigration Status Mistake*, Texas Tribune, Feb. 27, 2016) at U2. A review of ICE records obtained by the Texas Tribune showed that Dallas County had only twice declined to enforce a detainer. Ex. V (Morgan Smith and Jay Root, *Jails Refused to Hold Thousands of Immigrants for Feds*, Texas Tribune, Jan. 15, 2016) at V3.

32. Upon receipt of an ICE detainer, Dallas County places an "immigration hold" in that detainee's file. As an example, the following appears in the file for Plaintiff Jose Delcid Bonilla:

⁴ An earlier article in the Texas Tribune suggested that the number of refused detainees was artificially inflated because it included "cases where inmates were transferred to other jurisdictions in response to outstanding warrants or had to be released after federal authorities failed to pick them up within 48 hours." Ex. V (Morgan Smith & Jay Root, *Jails Refused to Hold Thousands of Immigrants Sought by Feds*, Texas Tribune, Jan. 15, 2016) at V2.

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354418483
Magistrate	
Remark	HF INS

“Illegal Alien” is often used by Dallas County as shorthand for an immigration hold. The immigration hold in each Plaintiff’s file is evidence that ICE sent a detainer to Dallas County for each Plaintiff, often (but not always) requesting that Dallas County detain each Plaintiff for up to 48 hours after the time that each Plaintiff otherwise would have been released to facilitate ICE’s arrest of that Plaintiff, like the example requests attached for Mr. Torres Cabrera and Mr. Mercado. Ex. A at A1, A22. Judge Snipes confirmed that “Dallas County places ‘immigration holds’ on detainees that are subject to an ICE detainer.” Ex. JJ ¶ 4.

33. Dallas County detains individuals after they would otherwise be released to allow ICE an opportunity to take custody of those individuals. ICE picks up detained individuals from Dallas County on a regular schedule. As a result, at least in the past, Dallas County detains individuals for ICE for more than 48 hours. ICE does not always take custody of the individuals with immigration holds. Judge Snipes confirmed that “Dallas County would sometimes hold detainees more than 48 hours based on an ICE detainer.” Ex. JJ ¶ 5.

34. The fact that Dallas County overdetains based on immigration holds is reflected in emails authored by Sr. Sgt. Ric Bruner, the “ICE Liaison” employed by Dallas County. For example, the below email from Sr. Sgt. Bruner to Ray Hindieh (an attorney) shows that Dallas County does not immediately release detainees subject to an immigration hold. Instead, Dallas

County treats the immigration hold as if it were a criminal warrant from a sister county and holds individuals based solely on that hold:

To answer your question regarding bonds: if you bond someone out on the state bond and they have an ICE hold, then they will be transferred to ICE custody. The federal hold works similar to a state hold with another agency. For example: Defendant posts a bond with Dallas County for BMV, but there is also a hold on him from Denton county for Theft. The jail notifies Denton County that the defendant posted the required bond with Dallas and Denton has 72 hours to pick him up or he will be released. ICE works the same way. The jail notifies ICE when the defendant has either posted their bond, has time served, probation, etc... and ICE has 48 hours to pick them up. A federal hold has the same weight as a state hold, unless the agency cancels the hold. The difference with federal holds (ICE holds) is unlike a state

Ex. W (Sr. Sgt. Bruner email dated July 28, 2015) at W1. Sr. Sgt. Bruner’s analysis notwithstanding, Dallas County ignores the constitutional problems with detaining based solely with ICE holds—the Fourth Amendment allows Dallas County to detain based on probable cause of **criminal** violations (such as a Denton County charge of theft), but not based on probable cause of **civil** violations (such as a civil immigration violation). Judge Snipes confirmed that “Dallas County will treat a detainer from ICE just like Dallas County treats an arrest warrant from a different Texas county” and “Dallas County treats ‘immigration holds’ based on ICE detainees just like Dallas County treats holds occasioned by arrest warrants from other Texas counties.” Ex. JJ ¶ 6. Sr. Sgt. Bruner confirmed in an email dated December 7, 2015, that Dallas County would not release an immigration hold caused by an ICE detainer:

3. I have no authority, nor does the DA's office have the authority to cancel a federal hold. If you want to get a detainer cancelled, you will need to go to the source, ICE, to get them to remove it. I can facilitate that, but I cant remove the hold; therefore the threats of having full blown hearings regarding this is a mute point because we don't have the authority to remove federal holds, nor does a state judge.

Ric

Ex. X (Sr. Sgt. Bruner email dated December 7, 2016) at X1. The email exchange, below, is an example of Dallas County’s practice of refusing immediate release when a detainee with an immigration hold tenders bond:

-----Original Message-----
From: Raymond Hindieh [mailto:rhindieh@phflaw.com]
Sent: Tuesday, December 02, 2014 2:23 PM
To: Ric Bruner
Subject: [REDACTED]

Hey ric!

We discussed this guy with you before, and you had said that as long as we bond him out he won't be held on his immigration hold. We bonded him out and he wasn't released, and the bond desk is saying the won't release him because he has an immigration hold. Is there anything we can do to show the bond desk that he's ok to be bonded out? Thanks man! Sorry to hit you with a complicated issue in between the holidays.

Ray

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Tuesday, December 2, 2014 4:22 PM
To: Raymond Hindieh
Subject: RE: [REDACTED]

Hey Ray,

I never said he wouldn't be held on his immigration hold. I said we (the DA's office) wont seek to hold his bond insufficient for that charge. He still has to go to ICE. He is going to ICE tomorrow morning.

Ric

Ex. Y (Email exchange between Sr. Sgt. Bruner and Mr. Hindieh dated December 2, 2014) at Y2. The email exchange above is evidence of the fact that Dallas County overdetains based solely on immigration holds.

35. Judge Snipes confirmed that “Dallas County would not immediately release a detainee subject to an immigration hold that, absent the immigration hold, would have been immediately released. . . . [but] would instead hold the detainee, based on the immigration hold and ICE detainer, for transfer to ICE.” Ex. JJ ¶ 7. Judge Snipes also confirmed that “Dallas County would not immediately release a detainee subject to an immigration hold that had paid bail, was found not guilty, had all charges dropped against him or her, served his or her sentence, or pleaded guilty and received no additional jail time. . . . [but] would instead hold the detainee, based on the immigration hold and ICE detainer, for transfer to ICE.” *Id.* ¶ 8. In fact, Judge Snipes “do[es] not know of any detainees with immigration holds that were not

held for ICE after they otherwise should have been released, absent the immigration hold.” *Id.* ¶ 9.

36. Dallas County’s practices sharply contrast with those of Harris County. In October 2014, the Houston Chronicle reported that Harris County “almost instantaneously” transferred detainees to ICE custody, minimizing Fourth Amendment concerns. Ex. H at H1. Harris County manages to avoid prolonged detention even though Harris County processes around 300 detainers a month—almost twice that of Dallas County. *Compare id.* at H2 (300 detainers per month for Harris County) *with* Ex. Q at Q2 (160-170 detainers a month for Dallas County).

37. According to the Texas Tribune, Melinda Urbina, a spokesperson at the Dallas County Sheriff’s Department, confirmed in February 2016 that if ICE asks Dallas County to hold an inmate for 48 hours, “the additional time typically does not begin until after the prisoner’s county charges are resolved.” Ex. U at U2. Ms. Urbina also stated that “[w]e follow what [ICE asks] us to do.” *Id.* This is evidence of the fact that Dallas County holds detainees with immigration holds, at ICE’s request, after the detainee’s county charges are resolved.

DALLAS COUNTY DENIES PRE-TRIAL RELEASE BASED ON ICE DETAINERS

38. Before November 2014, Dallas County would allow pretrial release for certain detainees with immigration holds. Sr. Sgt. Ric Bruner, the Dallas County ICE Liaison Officer, was responsible for determining which detainees subject to an ICE detainer were nevertheless eligible for bond. In the April 2014 email below, Sr. Sgt. Bruner provided Mr. Hindieh with stipulation forms to use when a detainee with an immigration hold was approved for pretrial release.

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Wednesday, April 23, 2014 12:32 PM
To: Raymond Hindieh
Subject: Stip forms

Hey Ray,

Here are the stip bond forms that we are using now. Please don't hesitate to shoot me an email regarding any requests you have. Just remember if your client has a misdemeanor case and is approved to receive an ICE bond, you need to go to LaQuita Long to sign off on the stip. If it's a felony, then please go to the ADA handling the case.

Thanks bro,

Ric

Sr. Sgt Ric Bruner #480
Criminal Investigator
DCDA I.C.E. Liaison Officer
NTFTF Officer/U.S. Marshals
[REDACTED] office

Ex. Z (Sr. Sgt. Bruner email dated April 23, 2014) at Z1.

39. At this time, if an immigration hold was in place, a detainee generally was not eligible for pretrial release. The June 2014 email below, from Sr. Sgt. Bruner to Mr. Hindieh, allows bond for a detainee because ICE intended to withdraw its request to detain.

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Tuesday, June 3, 2014 2:46 PM
To: Raymond Hindieh
Subject: Re: [REDACTED]

Hey Ray,

ICE is dropping the detainer on this guy today. He will probably be able to bond out today, or if he makes it to ICE, they will just release him. No need to do a stip in him.

Thanks,

Ric

Ex. AA (Sr. Sgt. Bruner email dated June 3, 2014) at AA1. The February 2015 email below, from Sr. Sgt. Bruner to Eric Puente (an attorney), also states that a detainee can leave jail only after ICE cancels its detainer:

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Thursday, February 26, 2015 3:27 PM
To: Eric Puente
Subject: [REDACTED]

Hey Eric,

Her detainer is going to be dropped. Should be today. She will be able to post bond from the jail and leave.

Ric

Ex. BB (Sr. Sgt. Bruner email dated February 26, 2015) at BB1. These emails are evidence of the fact that Dallas County generally would not allow bond for those with immigration holds. Judge Snipes confirmed that “if a detainee had an immigration hold, the detainee was generally not eligible for pretrial release.” Ex. JJ ¶ 10; *see also id.* at ¶ 11 (“I do not know of any detainees with immigration holds that received immediate release on bond.”)

40. Dallas County changed its policies in late 2014, and stopped processing “stip bond forms” for pretrial release. Instead, if a detainee with an immigration hold were to pay bond, either (i) Dallas County would hold the detainee (ostensibly for less than 48 hours) for transfer to ICE (as described above), or (ii) on request from ICE, Mr. Bruner would ask a Dallas County Assistant District Attorney to notify the Court that the bond was insufficient, so that Dallas County could maintain custody over the detainee. Under either scenario, Dallas County refused immediate release on bond. Judge Snipes confirmed that “if a detainee has an immigration hold, Dallas County would not immediately release the detainee if he or she paid bond. . . . Dallas County would instead either (i) continue to detain the detainee for transfer to ICE, based on the ICE detainer, or (ii) ask an Assistant District Attorney to petition a court to find the bond insufficient.” Ex. JJ ¶ 12.

41. Plaintiffs have evidence of the policy in the previous paragraph. First, as explained earlier, Dallas County treats immigration holds as if they were criminal warrants from a sister county:

To answer your question regarding bonds: If you bond someone out on the state bond and they have an ICE hold, then they will be transferred to ICE custody. The federal hold works similar to a state hold with another agency. For example: Defendant posts a bond with Dallas County for BMV, but there is also a hold on him from Denton county for Theft. The jail notifies Denton County that the defendant posted the required bond with Dallas and Denton has 72 hours to pick him up or he will be released. ICE works the same way. The jail notifies ICE when the defendant has either posted their bond, has time served, probation, etc... and ICE has 48 hours to pick them up. A federal hold has the same weight as a state hold, unless the agency cancels the hold. The difference with federal holds (ICE holds) is unlike a state

Ex. W at W1. But an ICE hold is fundamentally different than a hold from a sister county. Unlike a hold from a sister county, an ICE hold is based on civil immigration violations, rather than suspicion of a crime. As explained earlier, the following email is an example of Dallas County's practice of refusing immediate release when a detainee with an immigration hold tenders bond:

-----Original Message-----

From: Raymond Hindieh [mailto:rhindieh@phflaw.com]
Sent: Tuesday, December 02, 2014 2:23 PM
To: Ric Bruner
Subject: [REDACTED]

Hey ric!

We discussed this guy with you before, and you had said that as long as we bond him out he won't be held on his immigration hold. We bonded him out and he wasn't released, and the bond desk is saying the won't release him because he has an immigration hold. Is there anything we can do to show the bond desk that he's ok to be bonded out? Thanks man! Sorry to hit you with a complicated issue in between the holidays.

Ray

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Tuesday, December 2, 2014 4:22 PM
To: Raymond Hindieh
Subject: RE: [REDACTED]

Hey Ray,

I never said he wouldn't be held on his immigration hold. I said we (the DA's office) wont seek to hold his bond insufficient for that charge. He still has to go to ICE. He is going to ICE tomorrow morning.

Ric

Ex. Y at Y2. The email exchange above is evidence of the facts that (i) Dallas County would detain inmates based solely on an immigration hold, and (ii) Dallas County had a practice of seeking to hold bonds insufficient for those with immigration holds.

42. Second, an email shows that Dallas County will affirmatively hold a detainee's bond insufficient to ensure that the detainee remains in custody for ICE. In December 2015, Sr. Sgt. Bruner explained to Mr. Puente that if a detainee cannot avoid removal, ICE will inform Dallas County of the same, and Dallas County will refuse bond on the basis of that termination:

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Monday, December 14, 2015 4:39 PM
To: Eric Puente
Subject: Re: [REDACTED]

Eric,

We arent really doing those anymore. Instead we are going back to the normal Dallas county bond schedule and letting them go to ICE. You can contact ICE once she gets there to see if she will get a bond with them. **If she is a reinstate or has no options to stay, then ICE will contact me before she goes to them and we will hold her bond insufficient and keep her here.** If she does have options, then she will be sent to Johnson county or Haskell and wait until her IJ hearing. If you want her back to Dallas county after she gets there, you will need to get the judge to issue a bench warrant or hold her bond insufficient in order to get her back. If she is ordered removed before her criminal case is dispo'd, then ICE will contact me.

Ex. CC (Sr. Sgt. Bruner email dated December 14, 2015) at CC1. For example, on September 20, 2015, bail was set for Mr. Francisco Lara Martinez, for \$15,000. Ex. DD (various records for F. Lara Martinez) at DD2. ICE sent a detainer to Dallas County. *Id.* at DD8. Mr. Lara Martinez tendered bond on September 21, 2015. *Id.* at DD6-7. But Dallas County nevertheless refused to release Mr. Lara Martinez. Instead, Sr. Sgt. Bruner's office requested that an ADA file a "notice of flight risk." The form used by Dallas County explicitly recognizes that Mr. Lara Martinez had already paid bail:

NOTICE OF FLIGHT RISK

COMES NOW THE STATE OF TEXAS, by and through its Dallas County Assistant District Attorney Layne Jackson, and hereby provides Notice to the Court that the above named defendant is a flight risk. The Immigration and Customs Enforcement Division (ICE) of the Department of Homeland Security has placed a detainer on the defendant who will be transferred to ICE custody prior to the defendant answering to the charge now pending against him/her.

The defendant is currently incarcerated in the Dallas County Jail for the offense of AA/DW, and has posted a \$15,000 Surety Bond. In order to ensure the defendant's presence for this case, the State requests this Honorable Court to exercise its authority pursuant to Code of Criminal Procedure, Article 17.09, Section 3 and hold the bond insufficient and set a bond hearing, if the court believes such is warranted.

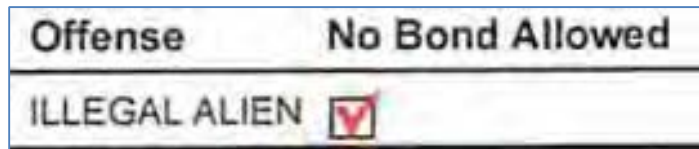
Id. at DD9. The Court held bond insufficient the next day, on September 22, 2015. *Id.* at DD10-11. Mr. Lara Martinez's treatment is evidence of the fact that Dallas County would not immediately release those with immigration holds, even if they paid bond. Instead, Dallas County would continue to hold the detainee while Sr. Sgt. Bruner's office sought to hold the bond insufficient. *See also infra* ¶ 80 (similar facts for Plaintiff Carlos Reyna Esparragoza). In another email dated November 11, 2015, Sr. Sgt. Bruner admitted that he has gone to a particular judge "several times over the years to get bonds held insufficient."

43. As explained earlier, when Dallas County receives an ICE detainer, Dallas County places an "immigration hold" in the detainee's file. At times, the hold indicates that no bond is allowed, as shown by the file for Plaintiff Carlos Reyna Esparragoza:



Additionally, the file for Plaintiff Julio Loera states “H/F INS NO BOND.” Also, the file for Jose Lopez-Aranda states “H/F IMMIGRATION/NO BOND,” and the file for Efren Perez Villegas states “H/F IMMIGRATION NO BOND ALLOWED.” The notation in these files is evidence of the fact that Dallas County does not allow bond to those with immigration holds.


44. Dallas County’s internal computer records confirm its practice.



Many of the plaintiffs have explicit red-

check indications in their file showing that “no bond [is] allowed,” including the plaintiffs shown below:

Adult Identification Information



True Last Name Suffix **True First Name** **Middle Name**
 ALVAREZCASTRO [REDACTED] CARLOS [REDACTED]

Date of Birth **Current Age** **Height** **Weight**
 [REDACTED] [REDACTED] 5' 8" 150 lb

Photo **Fingerprints** **In Dallas Jail Before** **Native Language**
 Available Available NO

Race **Sex** **Ethnicity** **Skin Tone**
 White Male Non Hispanic Light


Date: 10/1/2015
[Photos\(1\)](#)

Magistrate Hearing **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
<input checked="" type="checkbox"/> ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE	Grand Prairie Police	09/26/2015 12:00AM	15054540	10/01/2015 8:09PM	\$2,500.00	Cash	CCC10	Lusk, Janet
Hold for Agency Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments				
IMMIGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	H/F IMMIGRATION				

Adult Identification Information



True Last Name Suffix **True First Name** **Middle Name**
 CARRANZA [REDACTED] PABLO [REDACTED] RAMOS

Date of Birth **Current Age** **Height** **Weight**
 [REDACTED] [REDACTED] 5' 5" 130 lb

Photo **Fingerprints** **In Dallas Jail Before** **Native Language**
 Unavailable Unavailable NO

Race **Sex** **Ethnicity** **Skin Tone**
 White Male Hispanic Light

Date: 5/1/2015
[Photos\(1\)](#)

Magistrate Hearing **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
<input checked="" type="checkbox"/> MAN DEL CS PG 1 >=4G<200G	Dallas Police	04/30/2015 12:00AM	15023972	05/01/2015 4:40PM	\$100,000.00	Cash/Surety	F265	Randall, Anthony
Hold for Agency Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments				
IMMIGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	COND RLSD H/F INS				

Adult Identification Information



Date: 10/12/2015
Photos(1)

True Last Name: FLORES
 Suffix: [REDACTED]
 True First Name: MIGUEL
 Middle Name: [REDACTED]
 Date of Birth: [REDACTED]
 Current Age: [REDACTED]
 Height: 5' 5"
 Weight: 130 lb
 Photo: Unavailable
 Fingerprints: Unavailable
 In Dallas Jail Before: NO
 Native Language: [REDACTED]
 Race: White
 Sex: Male
 Ethnicity: Hispanic
 Skin Tone: Medium

Magistrate Hearing | Magistrate Orders

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
THEFT PROP >=\$2,500<\$30K	Dallas County Sheriff	10/08/2015 12:00AM	15055962	10/09/2015 8:17AM	\$500.00	Cash/Surety	F282	Bronchetti, Lisa
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMGRATION	ILLEGAL ALIEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	COND REL///H/F INS			

Adult Identification Information



Date: 8/18/2015
Photos(3)


True Last Name: GARIBALDI
 Suffix: [REDACTED]
 True First Name: MARIO
 Middle Name: EFRAIN
 Date of Birth: [REDACTED]
 Current Age: [REDACTED]
 Height: 5' 11"
 Weight: 185 lb
 Photo: Unavailable
 Fingerprints: Unavailable
 In Dallas Jail Before: NO
 Native Language: [REDACTED]
 Race: White
 Sex: Male
 Ethnicity: Hispanic
 Skin Tone: Medium

Magistrate Hearing | Magistrate Orders

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
PROBATION VIOLATION - POSS CS PG 1 >=4G<200G	Dallas County Sheriff	08/18/2015 12:00AM	15046054	08/18/2015 7:46PM	\$0.00	Cash/Surety	F291	Shead, Dorothy
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE	Dallas Police	05/31/2015 12:00AM	15029894	05/31/2015 1:36PM	\$2,500.00	Cash	CCC11	Harlan, La Donna
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL ALIEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	COND REL///H/F IMMIGRATION			
INSUFFICIENT BOND - MAN DEL CS PG 3/4 >=200G<400G	Dallas County Sheriff	06/04/2013 12:00AM	13036288	06/06/2013 6:25PM	\$0.00	Cash/Surety	F291	Jendrzey, Edward

Adult Identification Information



Date: 8/22/2015
[Photos\(2\)](#)


True Last Name	Suffix	True First Name	Middle Name
GONZALEZLUJAN		FELIPE	
Date of Birth	Current Age	Height	Weight
		5' 2"	170 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Unavailable	Unavailable	NO	
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Medium

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT	Cockrell Hill Police	08/20/2015 12:00AM	15046759	08/22/2015 8:38AM	\$100,000.00	Cash/Surety	F363	Wolff, Janice
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	COND REL IMMIGRATION			
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE	Dallas Police	05/09/2015 12:00AM	15025563	05/09/2015 8:23PM	\$1,500.00	Cash/Surety	CCC10	Lusk, Janet

Adult Identification Information



Date: 7/11/2015
[Photos\(3\)](#)

True Last Name	Suffix	True First Name	Middle Name
GUTIERREZ		JOSE	ANIBALMARTINEZ
Date of Birth	Current Age	Height	Weight
		5' 8"	200 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Available-Dallas County Sheriff	Available-Dallas County Sheriff	YES	
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Light

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
AGG ASSAULT W/DEADLY WEAPON	Dallas Police	07/09/2015 12:00AM	15037920	07/11/2015 3:04AM	\$100,000.00	Cash/Surety	F194	Jendrzej, Edward
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
ICE	ILLEGAL/ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	H/F ICE			
PROBATION VIOLATION - POSS CS PG 1 <1G	Dallas County Sheriff	08/07/2013 12:00AM	13051414	08/07/2013 8:32PM	\$0.00	Cash/Surety	F194	Randall, Anthony
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL/ALIEN <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	H/F IMMIGRATION			
FAIL TO IDENTIFY FUGITIVE FROM JUSTICE	Dallas Police	04/14/2008 12:00AM	08027828	04/14/2008 8:17AM	\$500.00	Cash/Surety	CCC1	Shead, Dorothy
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
DPD	RAN STOP SIGN <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	REL PER CITY FINES/H/F DPD			
DPD	NO DL <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	REL PER CITY FINES/H/F DPD			
DPD	FMFR <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	REL PER CITY FINES/H/F DPD			
DPD	PUBLIC INTOXICATION <input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	\$0.00	REL PER CITY FINES/H/F DPD			

Adult Identification Information



Date: 5/31/2015
Photos(1)

True Last Name HERNANDEZ	Suffix	True First Name LUIS	Middle Name
Date of Birth	Current Age	Height 5' 8"	Weight 170 lb
Photo Unavailable	Fingerprints Unavailable	In Dallas Jail Before NO	Native Language
Race White	Sex Male	Ethnicity Hispanic	Skin Tone Medium

Magistrate Hearing

Magistrate Orders

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
ASSAULT FAM/HOUSE MEM IMPEDE BREATH/CIRCULAT	Dallas Police	05/31/2015 12:00AM	15029859	05/31/2015 8:07AM	\$50,000.00	Cash/Surety	F283	Harlan, La Donna
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL / ALIEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	H/F IMMIGRATION			

Adult Identification Information



Date: 5/7/2015
Photos(1)

True Last Name LOPEZ-ARANDA	Suffix	True First Name JOSE	Middle Name
Date of Birth	Current Age	Height 5' 0"	Weight 130 lb
Photo Unavailable	Fingerprints Unavailable	In Dallas Jail Before NO	Native Language
Race White	Sex Male	Ethnicity Hispanic	Skin Tone Medium

Magistrate Hearing

Magistrate Orders

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
BURGLARY OF HABITATION	Dallas Police	05/07/2015 12:00AM	15025199	05/07/2015 8:07PM	\$100,000.00	Cash/Surety	F194	Lusk, Janet
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMGRATION/DALLAS	ILLEGAL ALIEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	\$0.00	COND RLSD H/F IMMIGRATION/NO BOND			

Adult Identification Information



Date: 2/27/2015
[Photos\(1\)](#)

True Last Name	Suffix	True First Name	Middle Name
MERCADO		ARTURO	GARCIA
Date of Birth	Current Age	Height	Weight
		5' 5"	0 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Unavailable	Unavailable	YES	
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Medium

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
EVADING ARREST DETENTION W/VEH OR WATERCRAFT	Dallas Police	02/26/2015 12:00AM	15011082	02/27/2015 8:24AM	\$100,000.00	Cash/Surety	CDC1	Jendrzey, Edward
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL/ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	CANCELLED DETAINER/H/F INS IMMIGRAITON			

Adult Identification Information



Date: 6/5/2015
[Photos\(3\)](#)


True Last Name	Suffix	True First Name	Middle Name
PEREZVILLEGAS		EFREN	
Date of Birth	Current Age	Height	Weight
		5' 7"	180 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Available-Dallas County Sheriff	Available-Dallas County Sheriff	YES	
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Medium

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
ASSAULT PUBLIC SERVANT	Dallas Police	06/04/2015 12:00AM	15030869	06/05/2015 11:14AM	\$10,000.00	Cash/Surety	F194	Turley, Hal
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	H/F IMMIGRATION DETAINER NO BOND ALLOWED			
TDC STATE JAIL	ASSAULT PUB SERV <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	\$0.00	OTHER HF TDC STATE JAIL			
POSS MARIJ <2OZ	Dallas Police	04/13/2015 12:00AM	15020311	04/14/2015 2:31AM	\$1,500.00	Cash/Surety	CCC10	Turley, Hal
POSS MARIJ <2OZ	Dallas Police	12/07/2013 12:00AM	13078653	12/08/2013 2:44AM	\$500.00	Cash/Surety	CCC3	Lusk, Janet

Adult Identification Information



Date: 4/18/2015
[Photos\(2\)](#)

True Last Name	Suffix	True First Name	Middle Name
SAAVEDRA		ELEAZAR	H
Date of Birth	Current Age	Height	Weight
		5' 8"	170 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Unavailable	Unavailable	YES	Spanish
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Medium

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
AGG ASSAULT W/DEADLY WEAPON	Dallas Police	04/18/2015 12:00AM	15021354	04/18/2015 8:13PM	\$100,000.00	Cash/Surety	CDC7	Jendrzey, Edward
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
GRAPEVINE PD	EXP MV INSPECTION <input type="checkbox"/>	<input type="checkbox"/>		\$300.25	H/F GRAPEVINE PD \$300.25			
INS DETAINER	ILLEGAL/ALIEN <input type="checkbox"/>	<input type="checkbox"/>		\$0.00	H/F INS			
GRAPEVINE PD	EXP LP <input type="checkbox"/>	<input type="checkbox"/>		\$297.25	H/F GRAPEVINE PD \$297.25			
GRAPEVINE PD	NO VALID DL <input type="checkbox"/>	<input type="checkbox"/>		\$297.25	H/F GRAPEVINE PD \$297.25			
DRIVING W/LIC INV W/PREV CONV/SUSP/W/O FIN RES	Coppell Police	10/31/2012 12:00AM	12072916	10/31/2012 8:30PM	\$500.00	Cash/Surety	CCC8	Landwehr, Terry
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMIGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>		\$0.00	COND REL TO INS H/F IMMIGRATION			

Adult Identification Information



Date: 5/8/2015
[Photos\(1\)](#)

True Last Name	Suffix	True First Name	Middle Name
TORRESCABRERA		ANDRES	
Date of Birth	Current Age	Height	Weight
		5' 7"	145 lb
Photo	Fingerprints	In Dallas Jail Before	Native Language
Unavailable	Unavailable	NO	
Race	Sex	Ethnicity	Skin Tone
White	Male	Hispanic	Medium

Magistrate Hearing | **Magistrate Orders**

Magistrate Hearing

Primary Offense	Arresting Agency	Arrest DT/TM	Book-In No.	Magistrate DT/TM	Bond Amount	Bond Type	Court	Judge
ABANDON ENDANGER CHILD IMMINENT DANGER BODILY INJ	Garland Police	05/06/2015 12:00AM	15025373	05/08/2015 8:12PM	\$100,000.00	Cash/Surety	CDC1	Lusk, Janet
Hold for Agency	Offense	No Bond Allowed	No Bond Specified	Bond Amount	Comments			
IMMGRATION	ILLEGAL ALIEN <input checked="" type="checkbox"/>	<input type="checkbox"/>		\$0.00	COND REL///H/F IMMIGRATION			

Ex. FF at FF1-FF12.

45. On January 27, 2016, Sr. Sgt. Bruner emailed a number of attorneys, including Mr. Puente and Mr. Hindieh. Sr. Sgt. Bruner advised the attorneys that Dallas County would seek to hold bonds insufficient when (i) ICE tells Dallas County that the detainee cannot remain in the United States, (ii) a detainee is ordered removed by an immigration judge, or (iii) a detainee requests a voluntary removal:

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Wednesday, January 27, 2016 10:12 AM
To: Dan Wood (danwoodjr@sbcglobal.net); Attorney Daniel Hernandez (hernandezlawfirm@me.com); Clark Birdsall (clarkbirds@aol.com); Diana Alonzo (diana@alonzolawfirm.com); Eric Puente; 'fernandez105@aol.com'; Katherine Reed (katherine@sualaw.com); omarnawazlaw@gmail.com; r.banda@yahoo.com; ROBERT DUENO (duenoroberto@icloud.com); Raymond Hindieh; 'Valeria Umpire (receptionist@alonzolawfirm.com)'
Cc: Beatriz Gutierrez; Randall Johnson; Robert David Miller II
Subject: Bonds and Bench Warrants

Good morning all,

As most of you know, the DA's office recently went back to giving defendants with immigration holds bonds based on the Dallas County bond schedule. What this means is no more \$2500 cash for misdemeanors and \$100,000 cash or surety for felonies. Instead, the defendant's with immigration holds will receive the same bond as U.S. citizens based on the Dallas County bond schedule for that offense and we will not seek to hold the bonds insufficient unless: 1. ICE tells me that the defendant doesn't have options to remain in the United States (ie: reinstates, ICE fugitives, etc..) before he is transferred to ICE custody or 2: they go to ICE and get ordered removed by an Immigration judge or request a voluntary return/departure.

Ex. EE (Sr. Sgt. Bruner email dated Jan. 27, 2016) at EE1. The email is evidence of the fact that, at ICE's request, Sr. Sgt. Bruner will ensure that a detainee is refused pre-trial release by asking an assistant district attorney to petition a court to hold a bond insufficient. Judge Snipes confirmed that he "[has] personal knowledge of detainees in Dallas County with immigration holds that (i) attempted to post bond, and (ii) were not granted pretrial release" and that he "[has] heard, from others, of detainees in Dallas County with immigration holds that (i) attempted to post bond, and (ii) were not granted pretrial release." Ex. JJ ¶¶ 13-14.

46. By refusing pretrial release, Dallas County has effectively agreed to detain those awaiting civil removal proceedings for ICE.

47. Unquestionably, the federal government generally has the constitutional power to detain those awaiting civil removal proceedings, subject to limits imposed by Congress. But the Constitution treats Dallas County differently. Dallas County cannot constitutionally detain based solely on civil immigration violations, even if both Dallas County and ICE agents would prefer that Dallas County do so. And Dallas County cannot abridge the constitutional guarantee of criminal pretrial release and the presumption of innocence, even if that requires ICE to build additional detention centers to house those awaiting civil removal proceedings. Dallas County must allow the opportunity for immediate pretrial release on bond, even if ICE would prefer that Dallas County hold certain individuals pending civil removal proceedings. Furthermore, Dallas County must allow for a neutral, detached probable-cause review before a judicial offer to satisfy the Fourth Amendment. *See Gerstein v. Pugh*, 420 U.S. 103, 114 (1975) (“[T]he detached judgment of a neutral magistrate is essential if the Fourth Amendment is to furnish meaningful protection from unfounded interference with liberty.”).

48. In sum, Dallas County imposes pretrial detention on individuals subject to immigration holds (like Plaintiffs) in at least two ways. First, Dallas County denies bond by affirmatively seeking to hold a detainee’s bond insufficient to ensure that the detainee remains in custody for ICE. This directly imposes pretrial detention. Because Dallas County will not release a detainee with an immigration hold even when bond is met, bail is illusory. Dallas County imposes pretrial detention by not allowing bonds for individuals with immigration holds. Second, even if individuals subject to immigration holds are cleared for release (such as after a plea hearing), Dallas County detains those individuals pending transfer to ICE. Thus, even if Dallas County accepts bond, the bond does not result in release. On payment, Dallas County instead maintains pretrial detention, pending transfer to ICE. Judge Snipes confirmed

that “if a detainee has an immigration hold, Dallas County would not immediately release the detainee if he or she paid bond. . . . Dallas County would instead either (i) continue to detain the detainee for transfer to ICE, based on the ICE detainer, or (ii) ask an Assistant District Attorney to petition a court to find the bond insufficient.” Ex. JJ ¶ 12.

49. Based on the evidence above, Plaintiffs claim the following fact: Dallas County refuses immediate release on bond for any detainee with an immigration hold. Judge Snipes confirmed that “if a detainee has an immigration hold, the detainee was generally not eligible for pretrial release” and that he “[does] not know of any detainees with immigration holds that received immediate release on bond.” *Id.* ¶¶ 10-11.

50. Dallas County’s practices are widely known by immigration attorneys, criminal attorneys, judges, and the community. Judge Snipes confirmed that “Dallas County’s refusal to allow pretrial release for detainees subject to immigration holds was widely known by immigration attorneys, criminal attorneys, judges, and the community” and that “[i]t is widely known that Dallas County will not immediately release detainees with immigration holds, even if they post bond.” Ex. JJ ¶¶ 16-17. As a result, attempting to post bond is known as a futile exercise for those with immigration holds, because it will not result in immediate release. Judge Snipes confirmed that he “would not expect detainees with immigration holds to attempt to pay bond, because Dallas County would not release those detainees on payment of the bond.” Ex. JJ ¶ 18. The scheme has predictable effects. Because Dallas County will not immediately release those on bond, individuals with immigration holds generally do not waste money by attempting to post bond, and Dallas County maintains pretrial detention over almost all individuals with immigration holds.

51. Plaintiffs claim the following fact: it is widely known that Dallas County will not immediately release a detainee with an immigration hold, even if they post bond. Judge Snipes confirmed that “detainees with immigration detainers would not receive immediate release on bond,” “Dallas County’s refusal to allow pretrial release for detainees subject to immigration holds was widely known by immigration attorneys, criminal attorneys, judges, and the community,” and “it is widely known that Dallas County will not immediately release detainees with immigration holds, even if they post bond.” Ex. JJ ¶¶ 15-17.

52. Dallas County’s failure to provide immediate release on bond offends state law. Under state law, the accused must “shall at once be set at liberty” upon payment of bond. TEX. CODE CRIM. PROC. § 17.29(a). Dallas County cannot rely solely on a request to detain from ICE to justify any further arrest or detention, for at least the following reasons:

- Pursuant to Texas statute, all arrests generally require a warrant. An ICE request to detain is not a warrant, and the ICE request to detain does not satisfy any statutory exception that would allow Dallas County to arrest Plaintiffs without a warrant.
- Dallas County cannot show probable cause to believe that a different criminal offense has been or is being committed, and Dallas County has no other authority to detain that satisfies Article I, Section 9, of the Texas Constitution.
- Dallas County cannot show probable cause to believe that a different criminal offense has been or is being committed, and Dallas County has no other authority to detain that satisfies the Fourth Amendment of the United States Constitution.

53. Dallas County’s wrongful two-part scheme predictably results in pretrial detention over most individuals with immigration holds. Dallas County reported to the Texas Commission on Jail Standards that, in November 2016, Dallas County held 497 prisoners that were subject to an ICE request to detain. The Dallas Morning News reported that, between January 1, 2015, to October 26, 2015, Dallas County “accepted 1469 detainees from ICE and declined

zero.” Ex. T at T1. Due to its two-part practice of refusing immediate release on bond to those with immigration holds, Dallas County unconstitutionally imposed pretrial detention on most of those individuals subject to detainer.

54. Dallas County and Sheriff Valdez are responsible for Dallas County’s policy and practice of refusing immediate release on bond to individuals with immigration holds by (i) refusing to allow bond for those with immigration holds, and (ii) detaining individuals subject to an immigration hold, even after those individuals make bail or are otherwise cleared for release. In particular, Sheriff Valdez oversees and is responsible for Dallas County’s decisions on (i) whether to allow bond posted for those with immigration holds, and (ii) whether to detain individuals with immigration holds that make bail or are otherwise cleared for release.

DALLAS COUNTY DETAINS EVEN ABSENT AN ICE REQUEST

55. As explained earlier, one of the detainer forms that ICE has used is I-247N, which requests **notification** of the date the detainee is to be released, rather than requesting additional detention. That form states: “**This voluntary notification request does not request or authorize that you detain the subject beyond the time he or she is currently scheduled for release from your custody.**” Ex. B at B7.

56. Dallas County received I-247N forms for at least six of the plaintiffs: Ricardo Garza, Carlos Alvarez Castro, Miguel Flores, Felipe Gonzalez Lujan, Francisco Lara Martinez and Jose Valenciano—around 20% of the Plaintiffs that have a copy of their detainers. Ex. A at A14-15, A17-18, A20. Dallas County held those six plaintiffs unconstitutionally, even absent any direction to detain from ICE. There is no question that Dallas County had no legal right to hold these individuals (or deny pretrial release) on a basis of a Form I-247N, which did not request detention.

DALLAS COUNTY IS PAID FOR HOLDING UNDOCUMENTED IMMIGRANTS

57. Dallas County applies for and receives funding from the U.S. Government, based on Dallas County's arrest of undocumented immigrants, through SCAAP (State Criminal Alien Assistance Program), administered through the U.S. Department of Justice. The SCAAP instructions limit the detainees that Dallas County might claim for reimbursement under the program: "To be eligible for reporting, inmates must have been convicted of a felony or second misdemeanor for violations of state or local law, and housed in the applicant's state or local correctional facility for 4 or more consecutive days during the reporting period." *See* Ex. II at II3 (FY2014 SCAAP Guidelines); II9 (FY2015); II15-16 (FY2016).

58. Dallas County has received over \$16.3 million from SCAAP since fiscal year 1997. *See* Ex. LL at LL1 (Memorandum to Commissioners Court dated November 1, 2016).

59. The amount of funds that Dallas County receives depends, in part, on the number of days that it holds an undocumented immigrant. Thus, if Dallas County were to release an undocumented immigrant on bond before trial, Dallas County would lose the ability to claim funds for the days that the undocumented immigrant would otherwise have been held. If Dallas County were to ignore ICE detainers, it would be not be eligible to claim SCAAP funds for the days that it holds immigrants under detainers.

60. For example, Dallas County held Ms. Jarquin Jimenez pretrial for the time period between November 15, 2014 (the date the Court allowed bail) and March 20, 2015 (the date that the Court dismissed her charges for lack of prosecution), and held her for ICE until March 24, 2015. An entry from Dallas County's SCAAP Application shows that it claimed funds for the entirety of Ms. Jarquin Jimenez' detention—from November 15, 2014, to March 24, 2015:

00000000JARQUIN HEYDY
2014111520150324

Ex. MM at MM7. (The number below the word “Heydy” begins with “20141115,” which indicates the date that Dallas County began detaining her, 11/15/2014, and continues with “20150324,” the date that Dallas County released her, 3/24/2015.)

61. Dallas County claimed funds in its FY2016 SCAAP application for detentions that occurred between July 1, 2014, and July 30, 2015, which included at least part of the detentions for Plaintiffs Moises Vega Costilla, Arturo Mercado, Sergio Diaz, Efren Perez Villegas, Pablo Carranza, Eleazar Saavedra, and Heydy Jarquin Jimenez, as shown below:

00000000VEGA-COSTILLA MOISES
2015032720150529

00000000MERCADO ARTURO GARCIA
201502262015042

00000000DIAZ SERGIO RAURY
2015012820150630

00000000CARRANZA PABLO RAMOS
2015050120150630

00000000SAAVEDRA ELEAZAR H
2015041820150630

00000000PEREZVILLEGAS EFREN
2015041320150427

00000000JARQUIN HEYDY
2014111520150324

Ex. MM at MM2-MM7. Of those seven plaintiffs, four were not eligible for reporting, per the SCAAP guidelines, which require that the “inmate . . . have been convicted of a felony or

second misdemeanor for violations of state or local law.” Moises Vega Costilla and Heydy Jarquin Jimenez were not found guilty of any crime, and Arturo Mercado and Eleazar Saavedra had been convicted of only one misdemeanor. Because Plaintiffs located four ineligible entries on a brief review, Plaintiffs expect that a comprehensive review of the 1700 entries submitted by Dallas County to SCAAP as “eligible” detainees in FY2016 may include many entries claiming funds for holding detainees who had not been convicted of a felony or two misdemeanors.

62. Dallas County still holds immigrants on detainers. For April 2017, Dallas County reported holding 573 individuals on an immigration detainer, resulting in 10,917 inmate days. *See Ex. KK at KK2* (Tex. Comm’n on Jail Standards Immigration Detainer Report for April 2017). Based on the evidence cited above, Dallas County will attempt to claim SCAAP funds for these inmate days in its FY2018 application.

DALLAS COUNTY OVERDETAINED PLAINTIFFS WITHOUT PROBABLE CAUSE OF A CRIMINAL VIOLATION

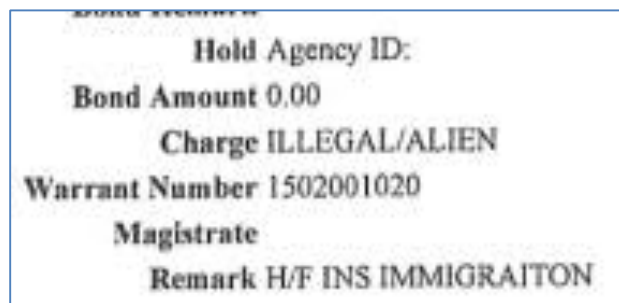
63. As explained in more detail below, Plaintiffs were overdetained by Dallas County. Dallas County held Plaintiffs for transfer to ICE, even after they paid bail or otherwise should have been released. Dallas County did not have probable cause of criminal activity when it held each Plaintiff for transfer to ICE.

64. Dallas County’s practice of honoring ICE requests to detain, even after those individuals otherwise would otherwise be released, denies Plaintiffs their rights under the Fourth Amendment to the United States Constitution. After individuals have served their sentence, are sentenced to time served, are found not guilty, or have their charges dismissed, Dallas County does not have probable cause to believe that a different criminal offense has been or is being committed (based on a detainer that only lists civil immigration violations) and has no other authority to detain that satisfies the Fourth Amendment. Dallas County and

Sheriff Valdez are responsible for Dallas County's policy of detaining individuals subject to an immigration hold, even after those individuals otherwise would be released, and are thus responsible for this constitutional violation.

65. Plaintiffs' overdetention claims do not turn on the availability of bail. Each Plaintiff, below, was detained after (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail. Whether or not each Plaintiff paid bail, each Plaintiff should have been released after (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail. Because Dallas County continued to maintain custody without separate probable cause of a criminal offense, Dallas County's overdetention of the Plaintiffs offends the Fourth Amendment.

66. **Overdetention of Arturo Mercado.** After he was arrested, an immigration hold was placed on Mr. Mercado, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Mercado, requesting that Dallas County detain Mr. Mercado after he otherwise would be released for transfer to ICE. Mr. Mercado pleaded guilty to a class C misdemeanor, which does not carry any jail time, in April 2015, as shown below:

COURT'S ADMONITIONS TO DEFENDANT	
You are charged with the offense of:	<u>Stopping, standing, or parking outside Residence</u>
The punishment range for the offense charged is:	<u>545.301 of transportation code</u>
<input type="checkbox"/>	1 st Degree Felony, 5-99 years or Life and an optional fine not to exceed \$10,000.00
<input type="checkbox"/>	2 nd Degree Felony, 2-20 years confinement and an optional fine not to exceed \$10,000.00
<input type="checkbox"/>	3 rd Degree Felony, 2-10 years confinement and an optional fine not to exceed \$10,000.00
<input type="checkbox"/>	State Jail Felony, 180 days – 2 years State Jail and an optional fine not to exceed \$10,000.00
<input checked="" type="checkbox"/>	<u>Class C Misdemeanor 0 days in jail up to \$500 fine</u>

Despite receiving no jail time, Mr. Mercado was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Mercado for transfer to ICE. Dallas County thus overdetained Mr. Mercado for transfer to ICE. The only hold listed in Mr. Mercado's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Mercado due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Mercado. The detainer, attached to this complaint, does not show probable cause of a criminal offense. See Ex. A at A1. Based on this evidence, Mr. Mercado claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Mercado had committed or was committing a crime. Thus, Dallas County held Mr. Mercado for transfer to ICE without probable cause that Mr. Mercado had committed or was committing a crime. As a result, Dallas

County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

67. **Overdetention of Pablo Carranza.** After he was arrested, an immigration hold was placed on Mr. Carranza, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1505000
Magistrate	
Remark	H/F INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Carranza, requesting that Dallas County detain Mr. Carranza after he otherwise would be released for transfer to ICE. Mr. Carranza pleaded guilty September 2015, and received no jail time for this offense, as shown below:

Agreed sentence:	
<input type="checkbox"/>	Confinement in <input type="checkbox"/> penitentiary <input type="checkbox"/> state jail <input type="checkbox"/> county jail for _____ <input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input type="checkbox"/>	Post-conviction community supervision, confinement probated for _____ <input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input checked="" type="checkbox"/>	Deferred community supervision for <u>FIVE</u> <input checked="" type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input checked="" type="checkbox"/>	Fine of \$ <u>2500</u> <input type="checkbox"/> to be paid <input type="checkbox"/> to be probated

Despite receiving no jail time, Mr. Carranza was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Carranza for transfer to ICE. Dallas County thus overdetained Mr. Carranza for transfer to ICE. The only hold listed in Mr. Carranza's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state,

and (ii) Dallas County held Mr. Carranza due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Carranza. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A2. Based on this evidence, Mr. Carranza claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Carranza had committed or was committing a crime. Thus, Dallas County held Mr. Carranza for transfer to ICE without probable cause that Mr. Carranza had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

68. **Overdetention of Jose Gutierrez.** After he was arrested, an immigration hold was placed on Mr. Gutierrez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL/ALIEN
Warrant Number	A095035104
Magistrate	
Remark	H/F ICE

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Gutierrez, requesting that Dallas County either (i) detain Mr. Gutierrez after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Gutierrez. Mr. Gutierrez pleaded guilty in September 2015, and was sentenced to time in Dallas County jail:

Agreed sentence:
<input checked="" type="checkbox"/> Confinement in <input type="checkbox"/> penitentiary <input type="checkbox"/> state jail <input checked="" type="checkbox"/> county jail for <u>45</u> <input type="checkbox"/> years <input type="checkbox"/> months <input checked="" type="checkbox"/> days


Because Mr. Guterrez received credit for time served (as shown below), he did not spend 45 additional days in Dallas County jail.

ADDITIONAL CREDIT FOR TIME SERVED 080713-090413_070915-090115
--

Mr. Gutierrez was not immediately released from Dallas County custody when his sentence ended, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Gutierrez for transfer to ICE. Dallas County thus overdetained Mr. Gutierrez for transfer to ICE. The only hold listed in Mr. Gutierrez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Gutierrez due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A5. Based on this evidence, Mr. Gutierrez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Gutierrez had committed or was committing a crime. Thus, Dallas County held Mr. Gutierrez for transfer to ICE without probable cause that Mr. Gutierrez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

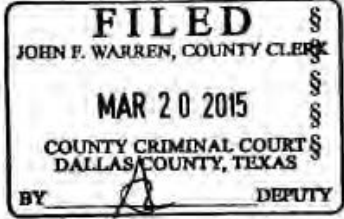
69. **Overdetention of Heydy Jarquin Jimenez.** After she was arrested, an immigration hold was placed on Ms. Jarquin Jimenez. Evidence of this hold includes (i) the fact that bail was set at \$100,000, which was standard practice for those with immigration holds, and (ii) the fact that Ms. Jarquin Jimenez was overdetained for transfer to ICE. This is also

evidence of the fact that ICE sent a detainer to Dallas County for Ms. Jarquin Jimenez, requesting that Dallas County detain Ms. Jarquin Jimenez after she otherwise would be released for transfer to ICE. Dallas County voluntarily dismissed the two charges brought against Ms. Jarquin Jimenez, as shown below:

No. F14-60256			<i>620/226</i>
THE STATE OF TEXAS,			
vs.	§	IN THE 283RD JUDICIAL	
	§	DISTRICT COURT	
HEYDY J. JARQUIN	§	OF DALLAS COUNTY, TEXAS	
	§	JANUARY TERM, A.D., 2015	
POSSESSION CONTROLLED SUBSTANCE	§		
Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:			
<p>This case was filed by the Dallas Police Department.</p> <p>After further investigation, this case should be dismissed in the interest of justice.</p> <p>WHEREFORE PREMISES CONSIDERED, the State respectfully requests that this case be dismissed.</p>			
			 DEPUTY DISTRICT ATTORNEY DALLAS COUNTY, TEXAS
			2015 FEB 19 AM 9:52 FILED

NO. M14-63352

<p>THE STATE OF TEXAS</p> <p>VS.</p> <p>JARQUIN, HEYDY</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>IN THE COUNTY CRIMINAL</p> <p>COURT #10</p> <p>DALLAS COUNTY, TEXAS</p>
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MOTION TO DISMISS PROSECUTION

TO THE HONORABLE JUDGE OF SAID COURT:

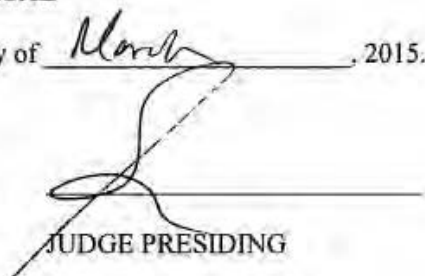
Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

It has been determined that this case should be dismissed based on the District Attorney's office investigation.

WHEREFORE PREMISES CONSIDERED, the State respectfully requests that this case be dismissed.

ORDER OF DISMISSAL

The foregoing motion is granted on the 20 day of March, 2015.



 JUDGE PRESIDING

Despite Dallas County dismissing both charges, Ms. Jarquin Jimenez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold her for her original purported criminal offense. Instead, Dallas County maintained custody over Ms. Jarquin Jimenez, for more than 48 hours, for transfer to ICE. Dallas County thus overdetained Ms. Jarquin Jimenez for transfer to ICE. Ms. Jarquin Jimenez knew of no hold besides the immigration hold. This is evidence of the fact that Dallas County held Ms.

Jarquín Jimenez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Ms. Jarquín Jimenez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A4. Based on this evidence, Ms. Jarquín Jimenez claims as fact that Dallas County overdetained her based on an ICE detainer, and that the ICE detainer did not indicate that Ms. Jarquín Jimenez had committed or was committing a crime. Thus, Dallas County held Ms. Jarquín Jimenez for transfer to ICE without probable cause that Ms. Jarquín Jimenez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

70. **Overdetention of Jose Lopez-Aranda.** After he was arrested, an immigration hold was placed on Mr. Lopez-Aranda, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1505000219
Magistrate	
Remark	H/F IMMIGRATION/NO BOND

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Lopez-Aranda, requesting that Dallas County detain Mr. Lopez-Aranda after he otherwise would be released for transfer to ICE. Mr. Lopez-Aranda pleaded guilty in September 2015, and received time served for this offense, as shown below:

Agreed sentence:

Confinement in penitentiary state jail county jail for 120 years months days

Post-conviction community supervision, confinement probated for _____ years months days

Deferred community supervision for _____ years months days

Fine of \$ _____ to be paid to be probated

Boot Camp Shock Probation Substance Abuse Felony Program

CENIKOR Judicial Treatment Center Dallas County Jail Chemical Dependency Program

Restitution in the amount of \$ _____

Defendant will sign waiver of extradition Defendant knowingly and voluntarily waives appeal

Defendant Waives a court reporter Other: _____

Back-time included: Credit for All back time Back time NOT included

ADDITIONAL CREDIT FOR TIME SERVED
 050715-092415
 REMARKS 092415

Despite receiving no additional jail time, Mr. Lopez-Aranda was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Lopez-Aranda for transfer to ICE. Dallas County thus overdetained Mr. Lopez-Aranda for transfer to ICE. The only hold listed in Mr. Lopez-Aranda’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Lopez-Aranda due to that immigration hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Lopez-Aranda. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A6. Based on this evidence, Mr. Lopez-Aranda claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Lopez-Aranda had committed or was committing a crime. Thus, Dallas County held Mr. Lopez-Aranda for transfer to ICE without probable cause that Mr. Lopez-Aranda had committed or was committing a crime. As a result, Dallas County violated the

Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

71. **Overdetention of Moises Martinez.** After he was arrested, an immigration hold was placed on Mr. Martinez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1504000
Magistrate	
Remark	HF INF

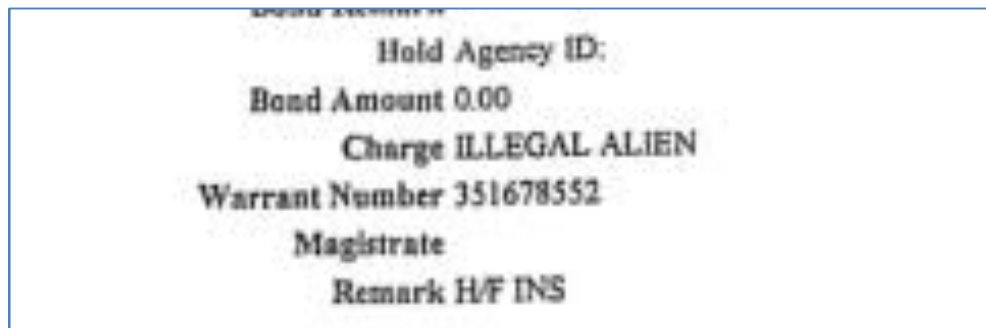
The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Martinez, requesting that Dallas County detain Mr. Martinez after he otherwise would be released for transfer to ICE. Mr. Martinez was found not guilty in September 2015, as shown below:

EVIDENCE WAS PRESENTED TO THE JUDGE AND HAVING HEARD THE EVIDENCE, THE JUDGE FINDS THAT THE EVIDENCE IS INSUFFICIENT TO SUPPORT THE ALLEGATIONS. THE JUDGE FINDS THE DEFENDANT NOT GUILTY.
IT IS, THEREFORE, ORDERED AND DECREED BY THE JUDGE THAT SAID DEFENDANT BE ADJUDGED NOT GUILTY OF THE OFFENSE AS SHOWN ABOVE. THE JUDGE ORDERS THAT THE DEFENDANT BE AT ONCE DISCHARGED FROM ALL FURTHER LIABILITY UPON THE CHARGE FOR WHICH DEFENDANT WAS TRIED.
SIGNED AND ENTERED THIS 17TH DAY OF SEPTEMBER, 2015

Despite this finding, Mr. Martinez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Martinez for transfer to ICE. Dallas County thus overdetained Mr. Martinez for transfer to ICE. The only hold listed in Mr. Martinez's file is the immigration hold. This is evidence of the fact that (i) Dallas County

did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Martinez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Martinez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A7. Based on this evidence, Mr. Martinez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Martinez had committed or was committing a crime. Thus, Dallas County held Mr. Martinez for transfer to ICE without probable cause that Mr. Martinez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

72. **Overdetention of Javier Navarette.** After he was arrested, an immigration hold was placed on Mr. Navarette, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Navarette, requesting that Dallas County detain Mr. Navarette after he otherwise would be released for transfer to ICE. Mr. Navarette pleaded guilty in December 2014, and received a thirty-day sentence in Dallas County Jail, as shown below:

PUNISHMENT AND PLACE OF CONFINEMENT:	
30 DAYS	CONFINEMENT IN THE DALLAS COUNTY JAIL AND A FINE OF \$ 100.00
DATE TO COMMENCE: 12/11/2014	
CREDIT FOR TIME SERVED: 12 DAYS	FINE PROBATED: NO

When he finished serving his sentence, Mr. Navarette was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Navarette for transfer to ICE. Dallas County thus overdetained Mr. Navarette for transfer to ICE. The only hold listed in Mr. Navarette's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Navarette due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Navarette. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A8.* Based on this evidence, Mr. Navarette claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Navarette had committed or was committing a crime. Thus, Dallas County held Mr. Navarette for transfer to ICE without probable cause that Mr. Navarette had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

73. **Overdetention of Efren Perez Villegas.** After he was arrested, an immigration hold was placed on Mr. Perez Villegas, as shown below:

Hold Agency ID:	
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353015191
Magistrate	
Remark	H/F IMMIGRATION DETAINER NO BOND ALLOWED

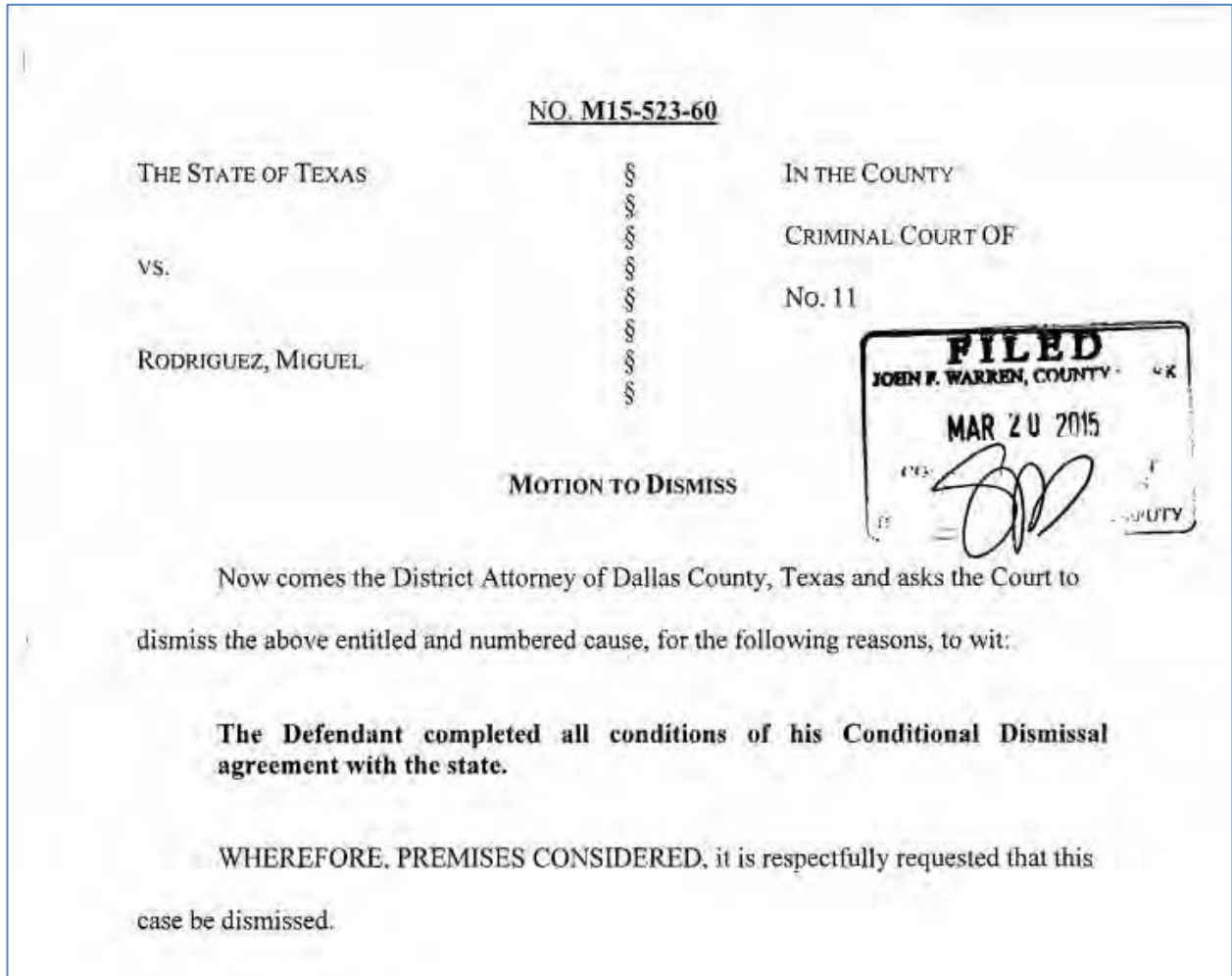
The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Perez Villegas, requesting that Dallas County detain Mr. Perez Villegas after he otherwise would be released for transfer to ICE. Mr. Perez Villegas pleaded guilty in September 2015, and received time served for his offense, as shown below:

SENTENCE		APPEAL	_____
60 DAYS TO H JAIL		MNT	_____
SPECIAL CONDITION			
\$ 0.00 FINE \$ 0.00 COST		SENTENCE TO BEGIN	092315
ADDITIONAL CREDIT FOR TIME SERVED			
060415-092315			
REMARKS 092315 DEPT IN JAIL - CORRECTED DISPO			
DEPT RECEIVED 60 DAYS COUNTY JAIL INSEAD OF 60 DAYS			
STATE JAIL THIS CASE ONLY			

Despite receiving no additional jail time, Mr. Perez Villegas was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Perez Villegas for transfer to ICE. Dallas County thus overdetained Mr. Perez Villegas for transfer to ICE. The only hold listed in Mr. Perez Villegas' file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Perez Villegas due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Perez Villegas. The detainer, attached to this complaint, does not show probable cause of a criminal

offense. *See* Ex. A at A21. Based on this evidence, Mr. Perez Villegas claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Perez Villegas had committed or was committing a crime. Thus, Dallas County held Mr. Perez Villegas for transfer to ICE without probable cause that Mr. Perez Villegas had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

74. **Overdetention of Miguel Rodriguez.** After he was arrested, an immigration hold was placed on Mr. Rodriguez. The fact that Dallas County held Mr. Rodriguez for ICE, after he should have been released, is evidence of that hold. This is also evidence of the fact that ICE sent a detainer to Dallas County for Mr. Rodriguez, requesting that Dallas County detain Mr. Rodriguez after he otherwise would be released for transfer to ICE. Dallas County dismissed its claims against Mr. Rodriguez in March 2015, as shown below:



Despite receiving no jail time, Mr. Rodriguez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Rodriguez, for over 48 hours, for transfer to ICE. Dallas County thus overdetained Mr. Rodriguez for transfer to ICE. Mr. Rodriguez knew of no hold besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Rodriguez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Rodriguez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A9.* Based on

this evidence, Mr. Rodriguez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Rodriguez had committed or was committing a crime. Thus, Dallas County held Mr. Rodriguez for transfer to ICE without probable cause that Mr. Rodriguez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

75. **Overdetention of Eleazar Saavedra.** After he was arrested, an immigration hold was placed on Mr. Saavedra, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL/ALIEN
Warrant Number	DAL1504000
Magistrate	
Remark	HF INS

This hold is also evidence of the fact that ICE sent a detainer to Dallas County for Mr. Saavedra, requesting that Dallas County detain Mr. Saavedra after he otherwise would be released for transfer to ICE. Mr. Saavedra pleaded guilty, and was sentenced to time in Dallas County Jail. After serving his sentence, Mr. Saavedra was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Saavedra for transfer to ICE. Dallas County thus overdetained Mr. Saavedra for transfer to ICE. Mr. Saavedra knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Saavedra due to that immigration hold, and

ultimately because of ICE's request for Dallas County to detain Mr. Saavedra. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A10. Based on this evidence, Mr. Saavedra claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Saavedra had committed or was committing a crime. Thus, Dallas County held Mr. Saavedra for transfer to ICE without probable cause that Mr. Saavedra had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate. Mr. Saavedra served his time as of August 17, 2015, but was not released to ICE until almost a month later—on September 16, 2015. Thus, Mr. Saavedra was overdetained for longer than 48 hours based on the detainer.

76. **Overdetention of Andres Torres Cabrera.** After he was arrested, an immigration hold was placed on Mr. Torres Cabrera, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1505000
Magistrate	
Remark	H/F IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Torres Cabrera, requesting that Dallas County detain Mr. Torres Cabrera after he otherwise

would be released for transfer to ICE. Mr. Torres Cabrera pleaded guilty in August 2015, and received time served, as shown below:

Agreed sentence:	
<input checked="" type="checkbox"/> Confinement in	<input type="checkbox"/> penitentiary <input type="checkbox"/> state jail <input checked="" type="checkbox"/> county jail for <u>89</u> <input type="checkbox"/> years <input type="checkbox"/> months <input checked="" type="checkbox"/> days
<input type="checkbox"/> Post-conviction community supervision, confinement probated for _____	<input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input type="checkbox"/> Deferred community supervision for _____	<input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input type="checkbox"/> Fine of \$ _____	<input type="checkbox"/> to be paid <input type="checkbox"/> to be probated
<input type="checkbox"/> Boot Camp	<input type="checkbox"/> Shock Probation <input type="checkbox"/> Substance Abuse Felony Program
<input type="checkbox"/> CENIKOR	<input type="checkbox"/> Judicial Treatment Center <input type="checkbox"/> Dallas County Jail Chemical Dependency Program
<input type="checkbox"/> Restitution in the amount of \$ _____	
<input type="checkbox"/> Defendant will sign waiver of extradition	<input type="checkbox"/> Defendant knowingly and voluntarily waives appeal
<input type="checkbox"/> Defendant Waives a court reporter	Other: <u>Agreed sentence</u>
<input checked="" type="checkbox"/> Back-time included: <u>5/8/2015 - 8/19/15</u>	<input type="checkbox"/> Back time NOT included

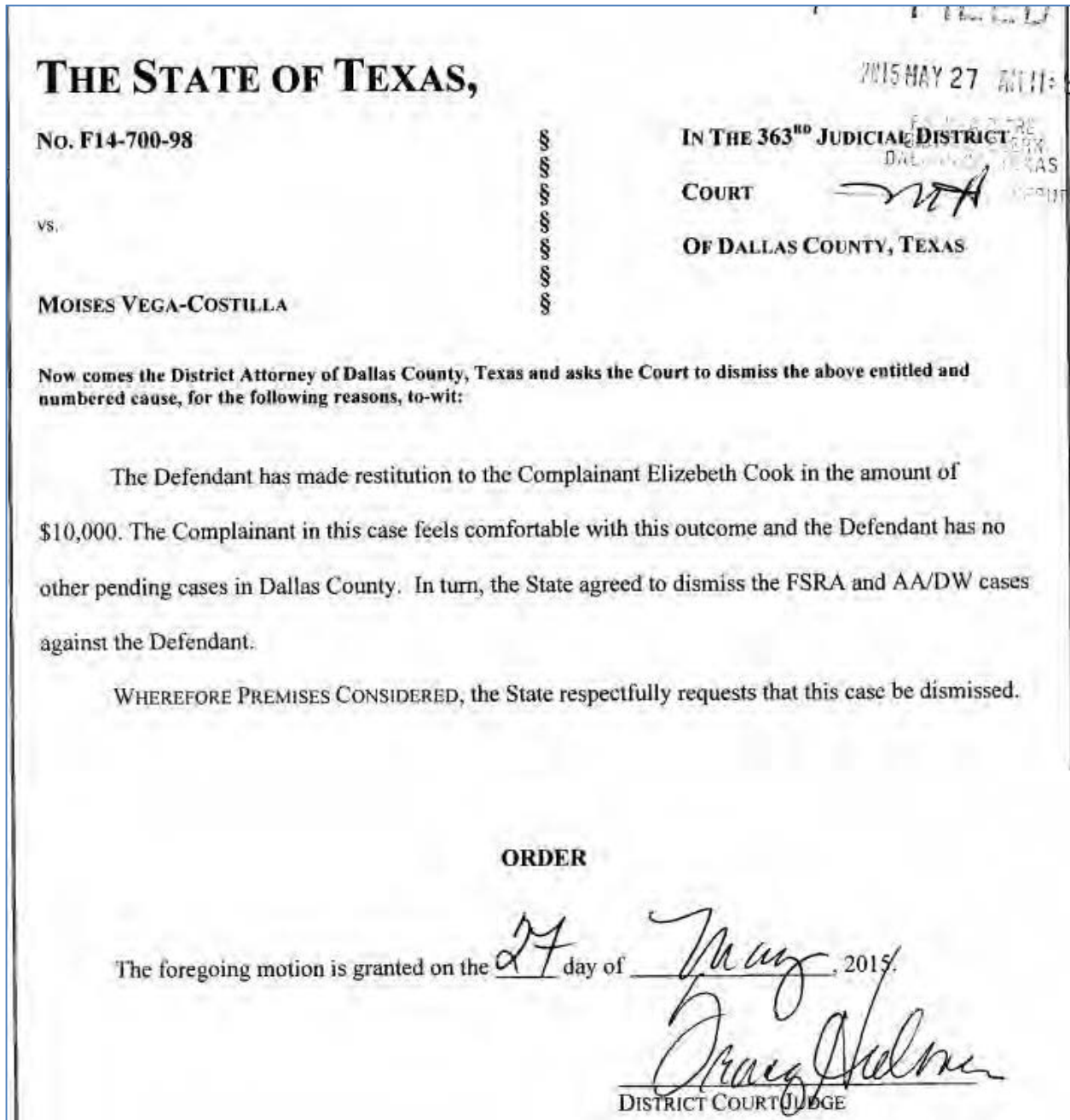
Despite receiving no additional jail time, Mr. Torres Cabrera was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Torres Cabrera for transfer to ICE. Dallas County thus overdetained Mr. Torres Cabrera for transfer to ICE. The only hold listed in Mr. Torres Cabrera’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Torres Cabrera due to that immigration hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Torres Cabrera. The detainer for Mr. Torres Cabrera only shows that he was “subject to removal” and “has a prior felony conviction,” as shown below:

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS	
Name of Alien:	TORRES CABRERA, ANDRES
Date of Birth:	██████████
Nationality:	MEXICO
Sex:	M
THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY: SID #: TX50693881	
<input checked="" type="checkbox"/> Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (check all that apply):	
<input checked="" type="checkbox"/> has a prior a felony conviction or has been charged with a felony offense;	<input type="checkbox"/> has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
<input type="checkbox"/> has three or more prior misdemeanor convictions;	<input type="checkbox"/> has illegally re-entered the country after a previous removal or return;
<input type="checkbox"/> has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;	<input type="checkbox"/> has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
<input type="checkbox"/> Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).	<input type="checkbox"/> otherwise poses a significant risk to national security, border security, or public safety; and/or
<input type="checkbox"/> Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).	<input checked="" type="checkbox"/> other (specify): Fed Intellect
<input type="checkbox"/> Obtained an order of deportation or removal from the United States for this person.	

Ex. A at A22. The detainer only provides evidence of a civil immigration violation, and not evidence that Mr. Torres Cabrera is committing or has committed a crime. Based on this evidence, Mr. Torres Cabrera claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Torres Cabrera had committed or was committing a crime. Thus, Dallas County held Mr. Torres Cabrera for transfer to ICE without probable cause that Mr. Torres Cabrera had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate. Mr. Torres Cabrera served his time as of June 4, 2015, but was not released to ICE until over two months later—on August 22, 2015. Thus, Mr. Saavedra was overdetained for longer than 48 hours based on the detainer.

77. **Overdetention of Moises Vega Costilla.** A court granted Mr. Vega Costilla’s Motion for New Trial in April 2015, and he was returned to Dallas County custody. An immigration hold was placed on Mr. Vega Costilla, which is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Vega Costilla, requesting that Dallas County detain Mr. Vega

Costilla after he otherwise would be released for transfer to ICE. Dallas County dismissed the charges against Mr. Vega Costilla on May 27, 2015:



Despite receiving no jail time, Mr. Vega Costilla was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his

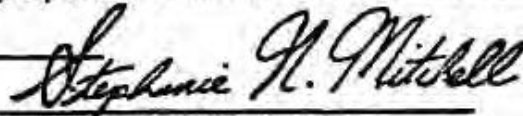
original purported criminal offense. Instead, Dallas County maintained custody over Mr. Vega Costilla for transfer to ICE. Dallas County thus overdetained Mr. Vega Costilla for transfer to ICE. Mr. Vega Costilla knows of no other hold besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Vega Costilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Vega Costilla. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A11. Based on this evidence, Mr. Vega Costilla claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Vega Costilla had committed or was committing a crime. Thus, Dallas County held Mr. Vega Costilla for transfer to ICE without probable cause that Mr. Vega Costilla had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

78. **Overdetention of Mario Garibaldi.** After he was arrested, an immigration hold was placed on Mr. Garibaldi. The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Garibaldi, requesting that Dallas County detain Mr. Garibaldi after he otherwise would be released for transfer to ICE. Mr. Garibaldi was ordered released from jail on August 20, 2015, as shown below:

ORDER


The foregoing State's Motion having been presented to the Court, is hereby in all things granted, and it is ordered that.

Defendant is released from custody;
 Defendant to be held in custody until released to: _____
 Defendant is continued on probation;
 Defendant is discharged from probation;
 The Conditions of Community Supervision are modified as stated in the Modification Order filed this same date.



JUDGE

* Filed *
* AUGUST 20, 2015 *
* Felicia Pitre *
* District Clerk *
* Dallas County, TX *
* Deputy *


AUG 20 2015
H 8/20

Despite the order to release, Mr. Garibaldi was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Garibaldi for transfer to ICE, as shown by the email exchange between Mr. Hindieh and Sr. Sgt. Bruner, below:

From: Raymond Hindieh [mailto:rhindieh@phflaw.com]
Sent: Wednesday, August 19, 2015 2:19 PM
To: Ric Bruner
Subject: Mario Efrain Garibaldi F1231052

Ric,

I have a client, Mario Efrain Garibaldi. The only hold (other than ICE) is his p/v for his 2012 drug case. The DAs have agreed to continue him on probation. That just leaves his ICE hold. I have attached the judgement from immigration court yesterday, he was granted Cancellation of removal. Can his ICE hold be removed now so he can be released and continue probation please? Thanks for all your help Ric.

Hey Ray,

That will still be up to ICE to drop the detainer once he goes back to them. The fact that he has a drug conviction, I don't know that they will. He is mandatory detention with them. They will figure all that out once he is transferred to their custody.

Ric

Ric Bruner #480
Criminal Investigator
Dallas County District Attorney's Office
ICE Liaison/NTFTF U.S. Marshals

Dallas County thus overdetained Mr. Garibaldi for transfer to ICE. Mr. Garibaldi knows of no other hold besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Garibaldi due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Garibaldi. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A12. Based on this evidence, Mr. Garibaldi claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Garibaldi had committed or was committing a crime. Thus, Dallas County held Mr. Garibaldi for transfer to ICE without probable cause that Mr. Garibaldi had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

79. **Overdetention of Rodolfo Marmolejo.** After he was arrested, an immigration hold was placed on Mr. Marmolejo, as shown below:

Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	334040375
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Marmolejo, requesting that Dallas County detain Mr. Marmolejo after he otherwise would be released for transfer to ICE. Mr. Marmolejo was arrested for failure to pay a fine, which was paid on October 19, 2015. Despite paying the fine, Mr. Marmolejo was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Marmolejo for transfer to ICE, as shown by the exchange between Mr. Puente and Sr. Sgt. Bruner:

I wanted to ask you about a client I just consulted with. He was picked up on a capias for failing to pay a fine on a No Drivers License ticket. He has no deportations, no voluntary departures, no agg felonies, and no CIMT's. His family payed the fine this morning. Is there anyway that we can get his hold removed

From: Ric Bruner <RIC.BRUNER@dallascounty.org>
Sent: Monday, October 19, 2015 12:35 PM
To: Eric Puente
Subject: Re: Rodolfo Marmolejo Bookin number 15057695

He was on my list either this weekend or today. He is either already at ICE or will be tomorrow.

Ric

Dallas County thus overdetained Mr. Marmolejo for transfer to ICE. The only hold listed in Mr. Marmolejo’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Marmolejo due to that immigration hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Marmolejo. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A13. Based on this evidence, Mr. Marmolejo claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Marmolejo had committed or was committing a crime. Thus, Dallas County held Mr. Marmolejo for transfer to ICE without probable cause that Mr. Marmolejo had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

80. **Overdetention of Carlos Alvarez Castro.** After he was arrested, an immigration hold was placed on Mr. Alvarez Castro, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1610000001
Magistrate	
Remark	NY IMMIGRATION

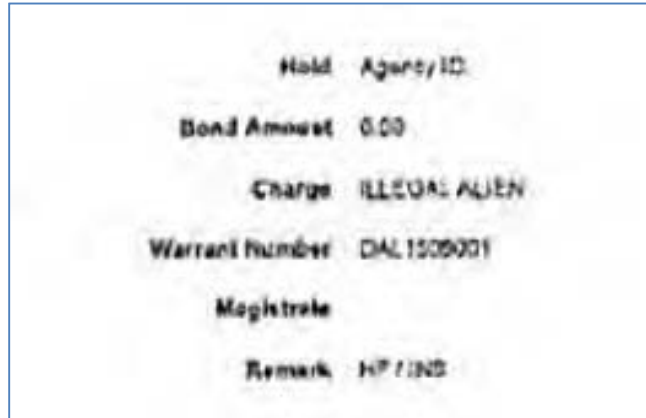
The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Alvarez Castro, requesting that Dallas County either (i) detain Mr. Alvarez Castro after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Alvarez

Castro. Mr. Alvarez Castro pleaded guilty in October 2015 and received a suspended sentence, as shown below:

IT IS FURTHER ORDERED, ADJUDGED AND DECREED by the Judge that the imposition of sentence is hereby suspended for 3 days months from this date on the following terms and conditions, to-wit:

Despite receiving a suspended sentence, Mr. Alvarez Castro was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Alvarez Castro for transfer to ICE. Dallas County thus overdetained Mr. Alvarez Castro for transfer to ICE. The only hold listed in Mr. Alvarez Castro's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Alvarez Castro due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A15. Based on this evidence, Mr. Alvarez Castro claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Alvarez Castro had committed or was committing a crime. Thus, Dallas County held Mr. Alvarez Castro for transfer to ICE without probable cause that Mr. Alvarez Castro had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

81. **Overdetention of Jeremias Chevez.** After he was arrested, an immigration hold was placed on Mr. Chevez, as shown below:



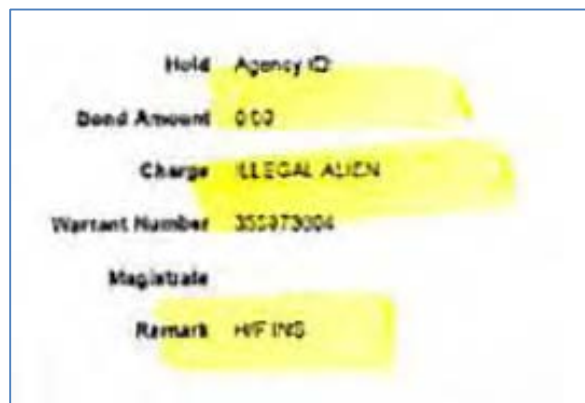
The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Chevez, requesting that Dallas County either (i) detain Mr. Chevez after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Chevez. Mr. Chevez pleaded guilty in November 2015 to time served, as shown below:

TERMS OF NEGOTIATED PLEA BARGAIN: (IN DETAIL) 30 DAYS	PLEA BARGAIN AGREEMENT FOLLOWED: YES / NO
DATE SENTENCE IMPOSED: 11/19/15	COST: YES
PUNISHMENT AND PLACE OF CONFINEMENT:	
30 DAYS CONFINEMENT IN THE DALLAS COUNTY JAIL AND A FINE OF \$ _____	
DATE TO COMMENCE: 11/19/15	
CREDIT FOR TIME SERVED: 82 DAYS BT CRDT	FINE PROBATED: NO

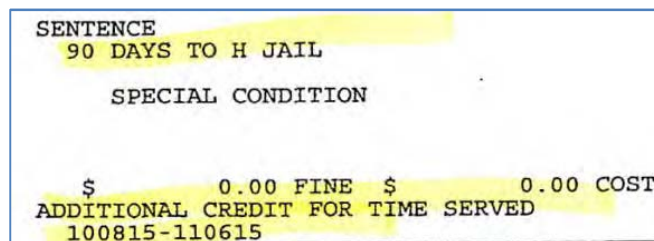
Despite receiving no additional jail time, Mr. Chevez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Chevez for transfer to ICE. Dallas County thus overdetained Mr. Chevez for transfer to ICE. The only hold listed in Mr. Chevez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Chevez due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable

cause of a criminal offense. *See* Ex. A at A16. Based on this evidence, Mr. Chevez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Chevez had committed or was committing a crime. Thus, Dallas County held Mr. Chevez for transfer to ICE without probable cause that Mr. Chevez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

82. **Overdetention of Miguel Flores.** After he was arrested, an immigration hold was placed on Mr. Flores, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Flores, requesting that Dallas County either (i) detain Mr. Gutierrez after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Flores. Mr. Flores was sentenced to time in Dallas County Jail, as shown below:



After serving his sentence, Mr. Flores was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Flores for transfer to ICE. Dallas County thus overdetained Mr. Flores for transfer to ICE. The only hold listed in Mr. Flores' file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Flores due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A17. Based on this evidence, Mr. Flores claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Flores had committed or was committing a crime. Thus, Dallas County held Mr. Flores for transfer to ICE without probable cause that Mr. Flores had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

83. **Overdetention of Felipe Gonzalez Lujan.** After he was arrested, an immigration hold was placed on Mr. Gonzalez Lujan, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1508000946
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Gonzalez Lujan, requesting that Dallas County either (i) detain Mr. Gonzalez Lujan after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Gonzalez Lujan. Mr. Gonzalez Lujan was required to serve time in Dallas County Jail. After his sentence, Mr. Gonzalez Lujan was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Gonzalez Lujan for transfer to ICE. Dallas County thus overdetained Mr. Gonzalez Lujan for transfer to ICE. The only hold listed in Mr. Gonzalez Lujan's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Gonzalez Lujan due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A18. Based on this evidence, Mr. Gonzalez Lujan claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Gonzalez Lujan had committed or was committing a crime. Thus, Dallas County held Mr. Gonzalez Lujan for transfer to ICE without probable

cause that Mr. Gonzalez Lujan had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

84. **Overdetention of Luis Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL / ALIEN
Warrant Number	1505000955
Magistrate	
Remark	H/F IMMIGRATION

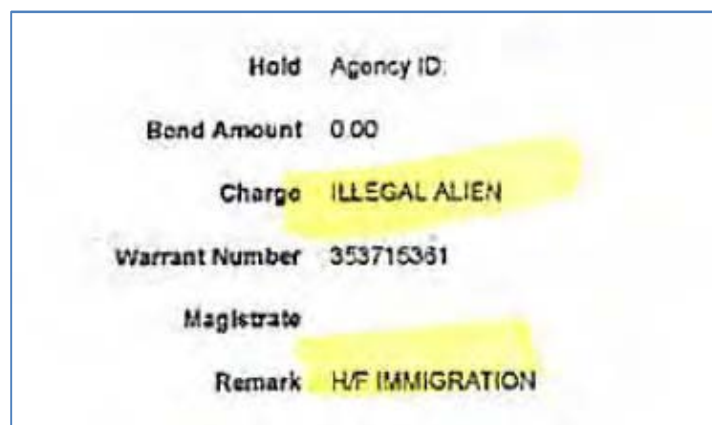
The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez, requesting that Dallas County detain Mr. Hernandez after he otherwise would be released for transfer to ICE. Mr. Hernandez was sentenced to time served in October 2015, as shown below:

SENTENCE	
90 DAYS TO H JAIL	
SPECIAL CONDITION	
\$	0.00 FINE
\$	267.00 COST
ADDITIONAL CREDIT FOR TIME SERVED	
053115-101515	

Despite receiving no additional jail time, Mr. Hernandez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over

Mr. Hernandez for transfer to ICE. Dallas County thus overdetained Mr. Hernandez for transfer to ICE. The only hold listed in Mr. Hernandez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. See Ex. A at A19. Based on this evidence, Mr. Hernandez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Hernandez had committed or was committing a crime. Thus, Dallas County held Mr. Hernandez for transfer to ICE without probable cause that Mr. Hernandez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

85. **Overdetention of Jose Valenciano.** After he was arrested, an immigration hold was placed on Mr. Valenciano, as shown below:



86. The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Valenciano, requesting that Dallas County either (i) detain Mr. Valenciano after

he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Valenciano. Mr. Valenciano received a sentence to Dallas County Jail. After serving his sentence, Mr. Valenciano was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Valenciano for transfer to ICE. Dallas County thus overdetained Mr. Valenciano for transfer to ICE. The only hold listed in Mr. Valenciano's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Valenciano due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A20. Based on this evidence, Mr. Valenciano claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Valenciano had committed or was committing a crime. Thus, Dallas County held Mr. Valenciano for transfer to ICE without probable cause that Mr. Valenciano had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

87. **Overdetention of Jose Delcid Bonilla.** After he was arrested, an immigration hold was placed on Mr. Delcid Bonilla, as shown below:

Hold Agency ID
 Bond Amount 0.00
 Charge ILLEGAL ALIEN
 Warrant Number 354418483
 Magistrate
 Remark HF INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Delcid Bonilla, requesting that Dallas County detain Mr. Delcid Bonilla after he otherwise would be released for transfer to ICE. Mr. Delcid Bonilla pleaded guilty to a class C misdemeanor, which does not carry any jail time, in May 2016, as shown below:

THE STATE OF TEXAS
 VS.
Jose Delcid Bonilla

CAUSE NO. F 1524807-K
CRIMINAL DISTRICT COURT 4
 DALLAS COUNTY, TEXAS

795
994

PLEA AGREEMENT

State ID No: [REDACTED] Incident No / TRN: _____
 Attorney for State: Brad Carpenter Attorney for Defendant: Erin Garey
 Offense: Assault
 Statute for Offense: _____ Charging Instrument: Indictment Information
 Date of Offense: 11-02-2015 Degree of Offense: Class C
 Affirmative finding of deadly weapon: YES NO Type of Weapon: _____
 Affirmative finding of family violence: YES NO Ignition Interlock required YES NO
 Affirmative finding of bias or prejudice: YES NO If yes, Group: _____
 Sentence to run CONCURRENTLY CONSECUTIVELY WITH _____
 Time Credit: From 12/2/15 To today From _____ To _____
 Sex Offender Registration DOES DOES NOT apply. Age of victim at time of offense: _____

COURT'S ADMONITIONS TO DEFENDANT

You are charged with the offense of: _____

The punishment range for the offense charged is:

- 1st Degree Felony, 5-99 years or Life and an optional fine not to exceed \$10,000.00
- 2nd Degree Felony, 2-20 years confinement and an optional fine not to exceed \$10,000.00
- 3rd Degree Felony, 2-10 years confinement and an optional fine not to exceed \$10,000.00
- State Jail Felony, 180 days – 2 years State Jail, and an optional fine not to exceed \$10,000.00
- Class C assault - \$0-\$500

Despite receiving no jail time, Mr. Delcid Bonilla was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Delcid Bonilla for transfer to ICE. Dallas County thus overdetained Mr. Delcid Bonilla for transfer to ICE. The only hold listed in Mr. Delcid Bonilla's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Delcid Bonilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Delcid Bonilla. Mr. Delcid Bonilla does not have a copy of the detainer that ICE sent Dallas County. Mr. Delcid Bonilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Delcid Bonilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Delcid Bonilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Delcid Bonilla was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or

assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Delcid Bonilla's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Delcid Bonilla had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Delcid Bonilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Delcid Bonilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Delcid Bonilla had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Delcid Bonilla had committed or was committing a crime. Based on this evidence, Mr. Delcid Bonilla claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Delcid Bonilla had committed or was committing a crime. Thus, Dallas County held Mr. Delcid Bonilla for transfer to ICE without probable cause that Mr. Delcid Bonilla had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

88. **Overdetention of Juan Camacho.** After he was arrested, an immigration hold was placed on Mr. Camacho, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ELLEGAL/ALIEN
Warrant Number	353883110
Magistrate	
Remark	H/F US IMMIGRATION (ICE)

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Camacho, requesting that Dallas County detain Mr. Camacho after he otherwise would be released for transfer to ICE. Mr. Camacho was convicted of attempted assault and was sentenced to time in county jail. After serving his sentence, Mr. Camacho was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Camacho for transfer to ICE. Dallas County thus overdetained Mr. Camacho for transfer to ICE. Mr. Camacho knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Camacho due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Camacho. Mr. Camacho does not have a copy of the detainer that ICE sent Dallas County. Mr. Camacho nevertheless claims, as a fact, that the detainer does not indicate that Mr. Camacho had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Camacho

had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Camacho was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Camacho's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Camacho had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Camacho claims as fact that there is nothing in the IDENT database that would indicate that Mr. Camacho had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Camacho had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Camacho had committed or was committing a crime. Based on this evidence, Mr. Camacho claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Camacho had committed or was committing a crime. Thus, Dallas County held Mr. Camacho for transfer to ICE without probable cause that Mr. Camacho had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

89. **Overdetention of Maria Castillo.** After she was arrested, an immigration hold was placed on Ms. Castillo, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354213490
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Ms. Castillo, requesting that Dallas County detain Ms. Castillo after she otherwise would be released for transfer to ICE. Ms. Castillo was convicted and given a suspended sentence. But Ms. Castillo was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold her for her original purported criminal offense. Instead, Dallas County maintained custody over Ms. Castillo for transfer to ICE. Dallas County thus overdetained Ms. Castillo for transfer to ICE. The only hold listed in Ms. Castillo's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Ms. Castillo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Ms. Castillo. Ms. Castillo does not have a copy of the detainer that ICE sent Dallas County. Ms. Castillo nevertheless claims, as a fact, that the detainer does not indicate that Ms. Castillo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Based on this evidence, Ms. Castillo claims

as fact that Dallas County overdetained her solely based on an ICE detainer, and that the ICE detainer did not indicate that Ms. Castillo had committed or was committing a crime. Thus, Dallas County held Ms. Castillo for transfer to ICE without probable cause that Ms. Castillo had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

90. **Overdetention of Carlos Fuente Páramo.** After he was arrested, an immigration hold was placed on Mr. Fuente Páramo, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1511000
Magistrate	
Remark	H/F IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Fuente Páramo, requesting that Dallas County detain Mr. Fuente Páramo after he otherwise would be released for transfer to ICE. Mr. Fuente Páramo was convicted and received a suspended sentence. But Mr. Fuente Páramo was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Fuente Páramo for transfer to ICE. Dallas County thus overdetained Mr. Fuente Páramo for transfer to ICE. Mr. Fuente Páramo knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause

of a criminal offense from another county or state, and (ii) Dallas County held Mr. Fuente Páramo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Fuente Páramo. Mr. Fuente Páramo does not have a copy of the detainer that ICE sent Dallas County. Mr. Fuente Páramo nevertheless claims, as a fact, that the detainer does not indicate that Mr. Fuente Páramo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Fuente Páramo had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Fuente Páramo was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Fuente Páramo's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Fuente Páramo had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Fuente Páramo claims as fact that there is nothing in the IDENT database that would indicate that Mr. Fuente Páramo had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Fuente Páramo had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Fuente Páramo had committed or was committing a crime. Based on this evidence, Mr. Fuente Páramo claims as fact

that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Fuente Páramo had committed or was committing a crime. Thus, Dallas County held Mr. Fuente Páramo for transfer to ICE without probable cause that Mr. Fuente Páramo had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

91. **Overdetention of Abel Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGALALIEN
Warrant Number	353993510
Magistrate	
Remark	HF US IMMIGRATION (ICE)

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez, requesting that Dallas County detain Mr. Hernandez after he otherwise would be released for transfer to ICE. Dallas County dismissed the charges against Mr. Hernandez, pre-trial, as shown below:

DALLAS COUNTY

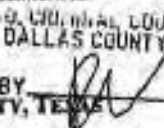
THE STATE OF TEXAS,

No. M15-61160 VS.

HERNANDEZ, ABEL

ASSAULT

DO NOT WRITE ANYTHING ABOVE THIS LINE

2015 DEC -8 AM 10:50
IN THE COUNTY CRIMINAL
DISTRICT COURT NO. 10
DALLAS COUNTY, TEXAS
BY  DEPUTY
OCTOBER TERM, A.D., 2015

Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:


This case was set in court on December 8, 2015. The State of Texas has is unable to procure the presence and testimony of Sonis Hernandez, the complaining witness in this case. At this time there is no probability that the witness will become available for trial in the foreseeable future.

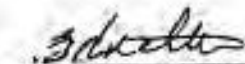
As a result of a recent Dallas Court of Appeals case interpreting *Crawford v. Washington*, 54 U.S. 36 (2004), the State will be unable to present a prima facie case without the testimony of this witness. Even if the State could get past a Crawford hearing, the State will be unable to present a prima facie case without the identification of the defendant.

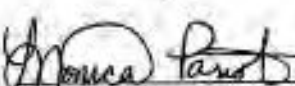
WHEREFORE PREMISES CONSIDERED, the State respectfully requests that this case be dismissed.

ORDER

The above Motion came to be heard on this the 8 day of December, 2015 and said Motion is hereby **GRANTED / DENIED**.


PRESIDING JUDGE


Assistant District Attorney of
Dallas County, Texas


For Susan Hawk
District Attorney of Dallas County, Texas

Despite the dismissal of the charges, Mr. Hernandez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Hernandez for transfer to ICE. Dallas County thus overdetained Mr. Hernandez for transfer to ICE. The only hold listed in Mr. Hernandez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. Mr. Hernandez does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez had not been

charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Hernandez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Hernandez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Hernandez had committed or was committing a crime. Based on this evidence, Mr. Hernandez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Hernandez had committed or was committing a crime. Thus, Dallas County held Mr. Hernandez for transfer to ICE without probable cause that Mr. Hernandez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

92. **Overdetention of Salvador Jauregui.** After he was arrested, an immigration hold was placed on Mr. Jauregui, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353074343
Magistrate	
Remark	H/F INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Jauregui, requesting that Dallas County detain Mr. Jauregui after he otherwise would be released for transfer to ICE. Dallas County dismissed the charges against Mr. Jauregui, pre-trial, as shown below:

FILED

THE STATE OF TEXAS,
2016 FEB -4 AM 10:58

686 / 141

No. F1-24705

A PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

283RD JUDICIAL DISTRICT
COURT
OF DALLAS COUNTY, TEXAS
JANUARY TERM, A.D., 2016

SALVADOR JAUREGUI

Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

Despite rigorous attempts by the Dallas County District Attorney's Office, the State of Texas has been unable to procure the testimony of the complaining witness.

As a result of a Dallas Court of Appeals case interpreting *Crawford v. Washington*, 54 U.S. 36 (2004), the State will be unable to present a prima facie case without the testimony of this witness.


WHEREFORE PREMISES CONSIDERED, the State respectfully requests that these cases be dismissed.


ORDER

The foregoing motion is granted on the 5th day of Feb 2016

Criminal District Court Judge

JA
2016


Assistant District Attorney of
Dallas County, Texas


Forney Stock
District Attorney of Dallas County, Texas

ERW
2-5-16

Despite the dismissal of the charges, Mr. Jauregui was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offense. Instead, Dallas County maintained custody over Mr. Jauregui for transfer to ICE. Dallas County thus overdetained Mr. Jauregui for transfer to ICE. The only hold listed in Mr. Jauregui's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Jauregui due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Jauregui. Mr. Jauregui does not have a copy of the detainer that ICE sent Dallas County. Mr. Jauregui nevertheless claims, as a fact, that the detainer does not indicate that Mr. Jauregui had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Jauregui had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Jauregui was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Jauregui's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Jauregui had not been charged with an immi-

gration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Jauregui claims as fact that there is nothing in the IDENT database that would indicate that Mr. Jauregui had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Jauregui had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Jauregui had committed or was committing a crime. Based on this evidence, Mr. Jauregui claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Jauregui had committed or was committing a crime. Thus, Dallas County held Mr. Jauregui for transfer to ICE without probable cause that Mr. Jauregui had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

93. **Overdetention of Julio Loera.** After he was arrested, an immigration hold was placed on Mr. Loera, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1501001118
Magistrate	
Remark	H/F INS NO BOND

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Loera, requesting that Dallas County detain Mr. Loera after he otherwise would be released

for transfer to ICE. Mr. Loera entered a plea bargain that included deferred adjudication and probation:

Findings on 1 st Enhancement Paragraph:	N/A	Findings on 2 nd Enhancement/Habitual Paragraph:	N/A
ADJUDICATION OF GUILT DEFERRED; DEFENDANT PLACED ON COMMUNITY SUPERVISION.			
PERIOD OF COMMUNITY SUPERVISION: 5 YEARS			
Fine:	Court Costs:	Restitution:	Restitution Payable to: <input type="checkbox"/> AGENCY/AGENT

Despite receiving no jail time, Mr. Loera was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Loera for transfer to ICE. Dallas County thus overdetained Mr. Loera for transfer to ICE. The only hold listed in Mr. Loera’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Loera due to that immigration hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Loera. Mr. Loera does not have a copy of the detainer that ICE sent Dallas County. Mr. Loera nevertheless claims, as a fact, that the detainer does not indicate that Mr. Loera had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Loera had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Loera was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or

assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Loera's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Loera had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Loera claims as fact that there is nothing in the IDENT database that would indicate that Mr. Loera had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Loera had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Loera had committed or was committing a crime. Based on this evidence, Mr. Loera claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Loera had committed or was committing a crime. Thus, Dallas County held Mr. Loera for transfer to ICE without probable cause that Mr. Loera had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

94. **Overdetention of Arturo Muñoz Martinez.** After he was arrested, an immigration hold was placed on Mr. Muñoz Martinez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1512000
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Muñoz Martinez, requesting that Dallas County detain Mr. Muñoz Martinez after he otherwise would be released for transfer to ICE. Mr. Muñoz Martinez entered a plea bargain that included 7 years deferred community supervision, in lieu of confinement:

State's recommendation:	
Agreed sentence:	
<input type="checkbox"/>	Confinement in <input type="checkbox"/> penitentiary <input type="checkbox"/> state jail <input type="checkbox"/> county jail for _____ <input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input type="checkbox"/>	Post-conviction community supervision, confinement probated for _____ <input type="checkbox"/> years <input type="checkbox"/> months <input type="checkbox"/> days
<input checked="" type="checkbox"/>	Deferred community supervision for <u>7</u> 14 years <input type="checkbox"/> months <input type="checkbox"/> days
<input checked="" type="checkbox"/>	Fine of \$ <u>2500</u> <input type="checkbox"/> to be paid <input type="checkbox"/> to be probated

Despite receiving no jail time, Mr. Muñoz Martinez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Muñoz Martinez for transfer to ICE. Dallas County thus overdetained Mr. Muñoz Martinez for transfer to ICE. The only hold listed in Mr. Muñoz Martinez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Muñoz Martinez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Muñoz Martinez. Mr. Muñoz Martinez does not have a copy of the detainer that ICE sent Dallas

County. Mr. Muñoz Martinez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Muñoz Martinez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Muñoz Martinez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Muñoz Martinez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Muñoz Martinez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Muñoz Martinez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Muñoz Martinez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Muñoz Martinez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Muñoz Martinez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Muñoz Martinez had committed or was committing a crime. Based on this evidence, Mr. Muñoz Martinez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Muñoz Martinez had committed or was committing a crime. Thus, Dallas County held Mr. Muñoz Martinez for transfer to ICE without probable cause that Mr.

Muñoz Martinez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

95. **Overdetention of Alberto Sanchez Chavez.** After he was arrested, an immigration hold was placed on Mr. Sanchez Chavez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354161463
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Sanchez Chavez, requesting that Dallas County detain Mr. Sanchez Chavez after he otherwise would be released for transfer to ICE. Mr. Sanchez Chavez received a sixty-day sentence in Dallas County Jail.

Date Sentence Imposed:	1/6/2016	Date Sentence to Commence:	1/6/2016
Punishment and Place of Confinement:	60 DAYS COUNTY JAIL		
THIS SENTENCE SHALL RUN CONCURRENTLY.			

After he served his sentence, Mr. Sanchez Chavez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Sanchez Chavez for transfer to ICE. Dallas County thus overdetained Mr. Sanchez Chavez for transfer to ICE. The only hold listed in Mr. Sanchez Chavez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense

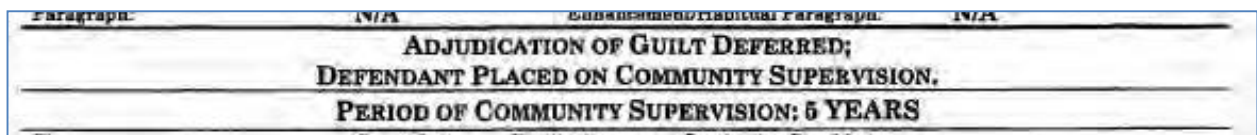
from another county or state, and (ii) Dallas County held Mr. Sanchez Chavez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Sanchez Chavez. Mr. Sanchez Chavez does not have a copy of the detainer that ICE sent Dallas County. Mr. Sanchez Chavez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Sanchez Chavez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Sanchez Chavez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Sanchez Chavez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Sanchez Chavez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Sanchez Chavez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Sanchez Chavez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Sanchez Chavez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Sanchez Chavez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Sanchez Chavez had committed or was committing a crime. Based on this evidence, Mr. Sanchez Chavez claims as fact

that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Sanchez Chavez had committed or was committing a crime. Thus, Dallas County held Mr. Sanchez Chavez for transfer to ICE without probable cause that Mr. Sanchez Chavez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

96. **Overdetention of Abraham Santana.** After he was arrested, an immigration hold was placed on Mr. Santana, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Santana, requesting that Dallas County detain Mr. Santana after he otherwise would be released for transfer to ICE. Mr. Santana received an order of deferred adjudication, and was placed on community supervision for five years:



Even though he was not sentenced to further jail time, Mr. Santana was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained

custody over Mr. Santana for transfer to ICE. Dallas County thus overdetained Mr. Santana for transfer to ICE. Mr. Santana knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Santana due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Santana. Mr. Santana does not have a copy of the detainer that ICE sent Dallas County. Mr. Santana nevertheless claims, as a fact, that the detainer does not indicate that Mr. Santana had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Santana had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Santana was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Santana's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Santana had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Santana claims as fact that there is nothing in the IDENT database that would indicate that Mr. Santana had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Santana had committed or was committing

a crime, the detainer provided by ICE to Dallas County did not show that Mr. Santana had committed or was committing a crime. Based on this evidence, Mr. Santana claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Santana had committed or was committing a crime. Thus, Dallas County held Mr. Santana for transfer to ICE without probable cause that Mr. Santana had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

97. **Overdetention of Jorge Marrufo.** After he was arrested, an immigration hold was placed on Mr. Marrufo, as shown below:

Hold	Agency ID
Bond Amount	0 00
Charge	ILLEGAL ALIEN
Warrant Number	354248963
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Marrufo, requesting that Dallas County detain Mr. Marrufo after he otherwise would be released for transfer to ICE. Mr. Marrufo pleaded guilty to a class A misdemeanor, and was sentenced to less time than he had already served in Dallas County Jail. Although he was not sentenced to further jail time, Mr. Marrufo was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Marrufo for

transfer to ICE. Dallas County thus overdetained Mr. Marrufo for transfer to ICE. Mr. Marrufo knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Marrufo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Marrufo. Mr. Marrufo does not have a copy of the detainer that ICE sent Dallas County. Mr. Marrufo nevertheless claims, as a fact, that the detainer does not indicate that Mr. Marrufo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Marrufo had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Marrufo was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Marrufo's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Marrufo had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Marrufo claims as fact that there is nothing in the IDENT database that would indicate that Mr. Marrufo had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Marrufo had committed or was committing a crime,

the detainer provided by ICE to Dallas County did not show that Mr. Marrufo had committed or was committing a crime. Based on this evidence, Mr. Marrufo claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Marrufo had committed or was committing a crime. Thus, Dallas County held Mr. Marrufo for transfer to ICE without probable cause that Mr. Marrufo had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

98. **Overdetention of Fernando Huerta.** After he was arrested, an immigration hold was placed on Mr. Huerta, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Huerta, requesting that Dallas County detain Mr. Huerta after he otherwise would be released for transfer to ICE. Dallas County dropped its charges against Mr. Huerta for failure to locate a complaining witness:

MOTION TO DISMISS PROSECUTION Form 183

THE STATE OF TEXAS,

CAUSE NO. F15-709-25-I

IN THE CRIMINAL DISTRICT

COURT #2

OF DALLAS COUNTY, TEXAS

vs.

FERNANDO HUERTA-GARCIA
AGGRAVATED ASSAULT DW

Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

After thorough due diligence by the Assistant District Attorney Mischeka Nicholson, it has been determined that the State cannot make a prima facie case. To no avail, the State has made multiple attempts to find and discuss this case with the complaining witness, Jose Zacarias-Sogura (Jose Zacarias). Furthermore, it has been confirmed that the eyewitness, Gustavo Huerta, is no longer in the Country. Without these witnesses, the elements of this case cannot be met.

WHEREFORE PREMISES CONSIDERED, the State respectfully requests that this case be dismissed.

ORDER OF DISMISSAL

The foregoing motion is granted on the 11 day of Oct, 2016.

2016 OCT 11 AM 3:36
S
T
CRIM DIST COURT JUDGE

DISMISSED ON MOTION OF DISTRICT ATTORNEY

Assistant District Attorney of Dallas County, Texas

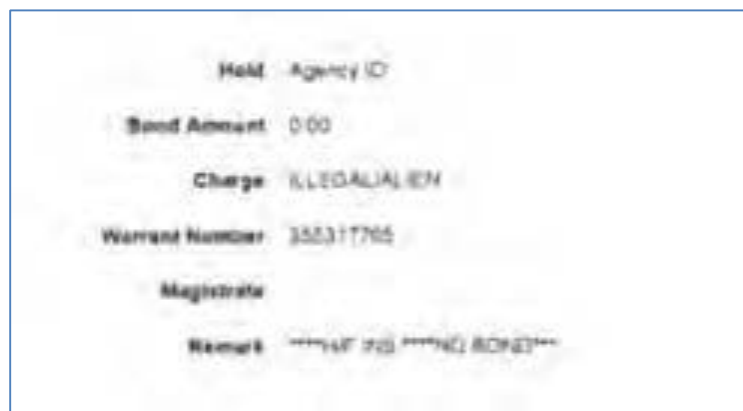
For Susan Hawk
District Attorney of Dallas County, Texas

784/390

Even after his charges were dropped, Mr. Huerta was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Huerta for transfer to ICE. Dallas County thus overdetained Mr. Huerta for transfer to ICE. Mr. Huerta knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Huerta due to that immigration

hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Huerta. Mr. Huerta does not have a copy of the detainer that ICE sent Dallas County. Mr. Huerta nevertheless claims, as a fact, that the detainer does not indicate that Mr. Huerta had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Based on this evidence, Mr. Huerta claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Huerta had committed or was committing a crime. Thus, Dallas County held Mr. Huerta for transfer to ICE without probable cause that Mr. Huerta had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

99. **Overdetention of Jacinto Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez, requesting that Dallas County detain Mr. Hernandez after he otherwise would be released for transfer to ICE. Mr. Hernandez pleaded guilty to a class A misdemeanor, and was sentenced to less time than he had already served in Dallas County Jail. Although he was not

sentenced to further jail time, Mr. Hernandez was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Hernandez for transfer to ICE. Dallas County thus overdetained Mr. Hernandez for transfer to ICE. Mr. Hernandez knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. Mr. Hernandez does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez had not been charged with an immigration crime, convicted of an immigration

crime, or guilty of an immigration crime, Mr. Hernandez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Hernandez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Hernandez had committed or was committing a crime. Based on this evidence, Mr. Hernandez claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Hernandez had committed or was committing a crime. Thus, Dallas County held Mr. Hernandez for transfer to ICE without probable cause that Mr. Hernandez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

100. **Overdetention of Mario Hernandez Jasso.** After he was arrested, an immigration hold was placed on Mr. Hernandez Jasso, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez Jasso, requesting that Dallas County detain Mr. Hernandez Jasso after he otherwise

would be released for transfer to ICE. Dallas County dropped its charges against Mr. Hernandez Jasso for failure to locate a complaining witness:

COUNTY CLERK
DALLAS COUNTY

THE STATE OF TEXAS,
NO. M16-55001 vs. 2016 JUN 15 AM 11:31 IN THE COUNTY CRIMINAL
D. CRIMINAL COURT NO. 10
DALLAS COUNTY, TEXAS COURT NO. 10
MARIO HERNANDEZ-JASSO BY § 17 DEPUTY OF DALLAS COUNTY, TEXAS

Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

This case was set in court on June 15, 2016. The State of Texas is unable to procure the presence and testimony of Lena Flores, the complaining witness in this case. The State has not had contact with the complaining witness, and at this time there is no probability that the witness will become available for trial in the foreseeable future.

As a result of a recent Dallas Court of Appeals case interpreting *Crawford v. Washington*, 54 U.S. 36 (2004), the State will be unable to present a prima facie case without the testimony of this witness. Even if the State could get past a Crawford hearing, the State will be unable to present a prima facie case without the identification of the defendant.

WHEREFORE PREMISES CONSIDERED, the State respectfully requests that this case be dismissed.

ORDER

The above Motion came to be heard on this the 15 day of June, 2016 and said Motion is hereby GRANTED // DENIED.

PRESIDING JUDGE

Assistant District Attorney of Dallas County, Texas
Per Susan Hawk
District Attorney of Dallas County, Texas

Even after his charges were dropped, Mr. Hernandez Jasso was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over

Mr. Hernandez Jasso for transfer to ICE. Dallas County thus overdetained Mr. Hernandez Jasso for transfer to ICE. Mr. Hernandez Jasso knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez Jasso due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez Jasso. Mr. Hernandez Jasso does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez Jasso nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez Jasso had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez Jasso had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez Jasso was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez Jasso's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez Jasso had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Hernandez Jasso claims as fact that there is nothing in the

IDENT database that would indicate that Mr. Hernandez Jasso had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez Jasso had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Hernandez Jasso had committed or was committing a crime. Based on this evidence, Mr. Hernandez Jasso claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Hernandez Jasso had committed or was committing a crime. Thus, Dallas County held Mr. Hernandez Jasso for transfer to ICE without probable cause that Mr. Hernandez Jasso had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

101. **Overdetention of Florencio Vega.** After he was arrested, an immigration hold was placed on Mr. Vega, as shown below:

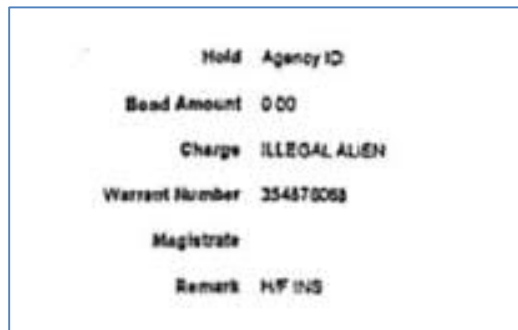
Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	355180115
Magistrate	
Remark	HF 203

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Vega, requesting that Dallas County detain Mr. Vega after he otherwise would be released for transfer to ICE. Mr. Vega pleaded guilty to a class A misdemeanor, and was sentenced to 90 days in Dallas County Jail. After serving his sentence, Mr. Vega was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold

him for his original purported criminal offenses. Instead, Dallas County maintained custody over Mr. Vega for transfer to ICE. Dallas County thus overdetained Mr. Vega for transfer to ICE. Mr. Vega knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Vega due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Vega. Mr. Vega does not have a copy of the detainer that ICE sent Dallas County. Mr. Vega nevertheless claims, as a fact, that the detainer does not indicate that Mr. Vega had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Vega had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Vega was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Vega's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Vega had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Vega claims as fact that there is nothing in the IDENT database that would indicate that Mr. Vega had committed or was committing a crime. Because nothing in the IDENT database indicated

that Mr. Vega had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Vega had committed or was committing a crime. Based on this evidence, Mr. Vega claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Vega had committed or was committing a crime. Thus, Dallas County held Mr. Vega for transfer to ICE without probable cause that Mr. Vega had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

102. **Overdetention of Jesus Padilla.** After he was arrested, an immigration hold was placed on Mr. Padilla, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Padilla, requesting that Dallas County detain Mr. Padilla after he otherwise would be released for transfer to ICE. Mr. Padilla's charges were no-billed, and thus were not brought to trial, as shown by the following entry from his file:



Although Mr. Padilla's charges were no-billed, Mr. Padilla was not immediately released from Dallas County custody, even though Dallas County no longer had probable cause to hold him for his original purported criminal offenses. Instead, Dallas County maintained custody over

Mr. Padilla for transfer to ICE. Dallas County thus overdetained Mr. Padilla for transfer to ICE. Mr. Padilla knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Padilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Padilla. Mr. Padilla does not have a copy of the detainer that ICE sent Dallas County. Mr. Padilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Padilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Padilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Padilla was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Padilla's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Padilla had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Padilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Padilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Padilla had committed or was committing a crime, the detainer provided

by ICE to Dallas County did not show that Mr. Padilla had committed or was committing a crime. Based on this evidence, Mr. Padilla claims as fact that Dallas County overdetained him solely based on an ICE detainer, and that the ICE detainer did not indicate that Mr. Padilla had committed or was committing a crime. Thus, Dallas County held Mr. Padilla for transfer to ICE without probable cause that Mr. Padilla had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment. Dallas County also violated the Fourth Amendment by holding the Plaintiff on a detainer without the oversight of a neutral magistrate.

DALLAS COUNTY DENIED PLAINTIFFS PRE-TRIAL RELEASE BASED ON AN ICE DETAINER

103. As described earlier, Plaintiffs claim the fact that Dallas County refuses immediate release on bond for any detainee with an immigration hold. More particularly, Dallas County denied pre-trial release to the Plaintiffs listed below.

104. Dallas County abridged, in two ways, Plaintiffs' freedom from pretrial detention protected by the Fourth and Fourteenth Amendments to the United States Constitution. First, Dallas County's practice of refusing to allow bond for individuals with immigration holds directly results in unconstitutional pretrial detention. Dallas County and Sheriff Valdez are responsible for the County's policy of refusing to allow bond for individuals with immigration holds, and are thus responsible for this constitutional violation. Second, even if Dallas County accepts the bond, because Dallas County has a policy and practice of wrongfully detaining individuals with immigration holds for ICE on request (e.g., in violation of Texas statutes, the Texas Constitution, and the United States Constitution), Dallas County denies immediate release on bond, indirectly resulting in unconstitutional pretrial detention. Dallas County and Sheriff Valdez are responsible for the County's policy of detaining individuals subject to an

immigration hold, even after those individuals are otherwise cleared for release, and are thus responsible for this constitutional violation.

105. Each of the Plaintiffs listed below either (i) posted bond and was denied pre-trial release due to an ICE detainer, or (ii) did not attempt to post bond because he believed that doing so would be futile, as a result of Dallas County's policies and practices explained above. In particular, Plaintiffs claim as fact that, under Dallas County's policies and practices, if a detainee with an immigration hold were to pay bond, either (i) Dallas County would hold the detainee (ostensibly for less than 48 hours) for transfer to ICE (as described above), or (ii) on request from ICE, Mr. Bruner would ask a Dallas County Assistant District Attorney to notify the Court that the bond was insufficient, so that Dallas County could maintain custody over the detainee. *See supra* ¶¶ 37-45. As explained *supra*, Dallas County's policies and practices are widely known by immigration attorneys, criminal attorneys, judges, and the community. *See supra* ¶¶ 46-47.

106. Plaintiffs claim as fact that immigration attorneys, criminal attorneys, judges, the community, and the Plaintiffs identified below, knew that Dallas County never afforded immediate release on bond for those with immigration holds and ICE detainers (during the time period at issue in this lawsuit). Because Dallas County set up a system where those with immigration holds and ICE detainers could not receive immediate release on bond, Dallas County cannot claim surprise when most detainees with immigration holds or ICE detainers do not waste the time or money to secure bond in a futile effort to obtain immediate release.

107. **Refusal of Pre-trial Release for Arturo Mercado.** After he was arrested, an immigration hold was placed on Mr. Mercado, as shown below:

Hold Agency ID:
Bond Amount 0.00
Charge ILLEGAL/ALIEN
Warrant Number 1502001020
Magistrate
Remark H/F INS IMMIGRAITON

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A1. Bail was nominally set for Mr. Mercado in February 2015, showing that Mr. Mercado was eligible for pretrial release. Mr. Mercado did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Mercado knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Mercado could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Mercado to pay bail on his original purported criminal offense, Dallas County should have released Mr. Mercado, as Dallas County had no other basis to believe that Mr. Mercado had committed or was committing a criminal offense. Thus, to further detain Mr. Mercado, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Mercado. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Mercado's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Mercado due to that immigration hold, and ultimately because of ICE's request for Dallas

County to detain Mr. Mercado. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A1. Based on this evidence, Mr. Mercado claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Mercado pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

108. **Refusal of Pre-trial Release for Pablo Carranza.** After he was arrested, an immigration hold was placed on Mr. Carranza, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1505000
Magistrate	
Remark	H/F INS

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A2. Bail was nominally set for Mr. Carranza in May 2015, showing that Mr. Carranza was eligible for pretrial release. Mr. Carranza did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Carranza knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Carranza could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted

in pretrial detention. If Dallas County had allowed Mr. Carranza to pay bail on his original purported criminal offense, Dallas County should have released Mr. Carranza, as Dallas County had no other basis to believe that Mr. Carranza had committed or was committing a criminal offense. Thus, to further detain Mr. Carranza, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Carranza. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Carranza's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Carranza due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Carranza. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A2.* Based on this evidence, Mr. Carranza claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Carranza pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

109. **Refusal of Pre-trial Release for Sergio Diaz.** After he was arrested, an immigration hold was placed on Mr. Diaz, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL / ALIEN
Warrant Number	1501001217
Magistrate	
Remark	REL DETAINER CANCELLED H/F IMMIGRATION

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A3. Bail was nominally set for Mr. Diaz in January 2015, showing that Mr. Diaz was eligible for pretrial release. Mr. Diaz did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Diaz knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Diaz could have and would have secured a bond to ensure pretrial release. In fact, after ICE withdrew the detainer in August 2015, Dallas County allowed Mr. Diaz to pay bond, and Mr. Diaz could only then pay bond and be released, pretrial. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Diaz to pay bail on his original purported criminal offense, Dallas County should have released Mr. Diaz, as Dallas County had no other basis to believe that Mr. Diaz had committed or was committing a criminal offense. Thus, to further detain Mr. Diaz, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Diaz. The fact that Dallas County did not have probable cause of a different criminal offense is supported by the fact that Dallas

County did, in fact, release Mr. Diaz after Dallas County finally allowed him to pay bail, as is his detainer, which does not show probable cause of a criminal offense. Ex. A at A3. Based on this evidence, Mr. Diaz claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Diaz pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

110. **Refusal of Pre-trial Release for Jose Gutierrez.** After he was arrested, an immigration hold was placed on Mr. Gutierrez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL/ALIEN
Warrant Number	A095035104
Magistrate	
Remark	H/F ICE

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A5. Bail was nominally set for Mr. Gutierrez in July 2015, showing that Mr. Gutierrez was eligible for pretrial release. Mr. Gutierrez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Gutierrez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Gutierrez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds

resulted in pretrial detention. If Dallas County had allowed Mr. Gutierrez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Gutierrez, as Dallas County had no other basis to believe that Mr. Gutierrez had committed or was committing a criminal offense. Thus, to further detain Mr. Gutierrez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Gutierrez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Gutierrez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Gutierrez due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A5.* Based on this evidence, Mr. Gutierrez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Gutierrez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

111. **Refusal of Pre-trial Release for Heydy Jarquin Jimenez.** After she was arrested, an immigration hold was placed on Ms. Jarquin Jimenez. Evidence of this hold include (i) the fact that bail was set at \$100,000, which was standard practice for those with immigration holds, and (ii) the fact that Ms. Jarquin Jimenez was overdetained for transfer to ICE. ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See Ex. A at A4.* Bail was nominally set for Ms. Jarquin Jimenez in November 2014, showing that Ms. Jarquin Jimenez was eligible for pretrial release. Ms. Jarquin Jimenez did not attempt to pay bond because she believed it was futile to do so.

It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Ms. Jarquin Jimenez knew that she had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Ms. Jarquin Jimenez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Ms. Jarquin Jimenez to pay bail on her original purported criminal offense, Dallas County should have released Ms. Jarquin Jimenez, as Dallas County had no other basis to believe that Ms. Jarquin Jimenez had committed or was committing a criminal offense. Thus, to further detain Ms. Jarquin Jimenez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Ms. Jarquin Jimenez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Ms. Jarquin Jimenez knew of no hold besides the immigration hold. This is evidence of the fact that Dallas County held Ms. Jarquin Jimenez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Ms. Jarquin Jimenez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A4. Based on this evidence, Ms. Jarquin Jimenez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Ms. Jarquin Jimenez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

112. **Refusal of Pre-trial Release for Jose Lopez-Aranda.** After he was arrested, an immigration hold was placed on Mr. Lopez-Aranda, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1505000219
Magistrate	
Remark	H/F IMMIGRATION/NO BOND

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A6. Bail was nominally set for Mr. Lopez-Aranda in May 2015, showing that Mr. Lopez-Aranda was eligible for pretrial release. On information and belief, Mr. Lopez-Aranda attempted to pay bond, and Dallas County would not accept the bond. In the alternative, Mr. Lopez-Aranda did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Lopez-Aranda knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Lopez-Aranda could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Lopez-Aranda to pay bail on his original purported criminal offense, Dallas County should have released Mr. Lopez-Aranda, as Dallas County had no other basis to believe that Mr. Lopez-Aranda had committed or was committing a criminal offense. Thus, to further detain Mr. Lopez-Aranda, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Lopez-Aranda. The fact that Dallas County did not have probable cause of a different criminal

offense is supported by evidence. The only hold listed in Mr. Lopez-Aranda's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Lopez-Aranda due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Lopez-Aranda. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A6. Based on this evidence, Mr. Lopez-Aranda claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Lopez-Aranda pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

113. **Refusal of Pre-trial Release for Moises Martinez.** After he was arrested, an immigration hold was placed on Mr. Martinez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1504000
Magistrate	
Remark	HF INF

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A7. Bail was nominally set for Mr. Martinez in April 2015, showing that Mr. Martinez was eligible for pretrial release. Mr. Martinez attempted to pay bond, but Dallas County would not allow Mr. Martinez to do so, due to the immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Martinez could have and would have

secured a bond to ensure pretrial release. In fact, after being held pretrial for over a month on a purported misdemeanor (on which he was later found innocent), Mr. Martinez sought to be granted “time served” to avoid further pretrial detention:

MA1533618E 5/8/15

First of all, with all due respect, to Judge Nancy Mulder; I, Moises Gomez Martinez, declare over my case of DWI, the 6th day of April, 2015, would like to confirm through immigration processes, without liberty of bond, realizing the court date of June 10th, 2015 whose circumstances have obligated me to make a decision.

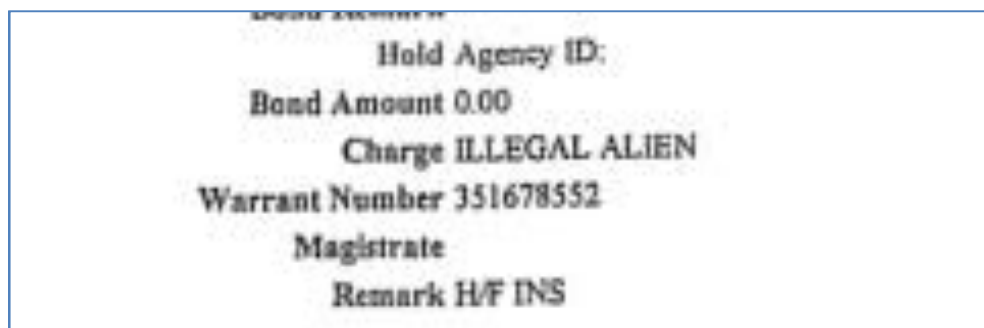
Due to these circumstances, I would like to request of you, your honor, to grant me time served over my case. My case is at a standstill while my family is in dire need of my presence. I have worked more than 30 physical days in Dallas County Jail. I leave my case in your esteemed hands your honor, once again, with all due respect . . .

MA1533618E
2015 05

Dallas County’s practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Martinez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Martinez, as Dallas County had no other basis to believe that Mr. Martinez had committed or was committing a criminal offense. Thus, to further detain Mr. Martinez, Dallas County must show

probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Martinez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Martinez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Martinez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Martinez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A7. Based on this evidence, Mr. Martinez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Martinez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

114. **Refusal of Pre-trial Release for Javier Navarette.** After he was arrested, an immigration hold was placed on Mr. Navarette, as shown below:



ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A8. Bail was nominally set for Mr. Navarette in December 2014, showing that Mr. Navarette was eligible for pretrial release. Mr. Navarette did not attempt to pay bond because he believed it was futile to do so. It was well

known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Navarette knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Navarette could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Navarette to pay bail on his original purported criminal offense, Dallas County should have released Mr. Navarette, as Dallas County had no other basis to believe that Mr. Navarette had committed or was committing a criminal offense. Thus, to further detain Mr. Navarette, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Navarette. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Navarette's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Navarette due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Navarette. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A8.* Based on this evidence, Mr. Navarette claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Navarette pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

115. **Refusal of Pre-trial Release for Efren Perez Villegas.** After he was arrested, an immigration hold was placed on Mr. Perez Villegas, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353015191
Magistrate	
Remark	H/F IMMIGRATION DETAINER NO BOND ALLOWED

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A21. Bail was nominally set for Mr. Perez Villegas in June 2015, showing that Mr. Perez Villegas was eligible for pretrial release. Mr. Perez Villegas did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Perez Villegas knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Perez Villegas could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Perez Villegas to pay bail on his original purported criminal offense, Dallas County should have released Mr. Perez Villegas, as Dallas County had no other basis to believe that Mr. Perez Villegas had committed or was committing a criminal offense. Thus, to further detain Mr. Perez Villegas, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Perez Villegas. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Perez Villegas' file is the immigration hold. This is evidence

of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Perez Villegas due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Perez Villegas. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A21.* Based on this evidence, Mr. Perez Villegas claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Perez Villegas pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

116. **Refusal of Pre-trial Release for Miguel Rodriguez.** After he was arrested, an immigration hold was placed on Mr. Rodriguez. The fact that Dallas County held Mr. Rodriguez for ICE, after he should have been released, is evidence of that hold. ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See Ex. A at A9.* Bail was nominally set for Mr. Rodriguez in February 2015, showing that Mr. Rodriguez was eligible for pretrial release. Mr. Rodriguez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Rodriguez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Rodriguez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Rodriguez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Rodriguez, as Dallas County had no other basis to believe that Mr. Rodriguez had committed or was committing a criminal

offense. Thus, to further detain Mr. Rodriguez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Rodriguez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Rodriguez knew of no hold besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Rodriguez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Rodriguez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A9. Based on this evidence, Mr. Rodriguez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Rodriguez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

117. **Refusal of Pre-trial Release for Eleazar Saavedra.** After he was arrested, an immigration hold was placed on Mr. Saavedra, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL/ALIEN
Warrant Number	DAL1504000
Magistrate	
Remark	HF INS

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A10. Bail was nominally set for Mr. Saavedra in April 2015, showing that Mr. Saavedra was eligible for pretrial release. On information and belief, Mr. Saavedra attempted to pay bail, but Dallas County would not allow him to because of the pending immigration hold. In the alternative, Mr. Saavedra did not attempt

to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Saavedra knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Saavedra could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Saavedra to pay bail on his original purported criminal offense, Dallas County should have released Mr. Saavedra, as Dallas County had no other basis to believe that Mr. Saavedra had committed or was committing a criminal offense. Thus, to further detain Mr. Saavedra, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Saavedra. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Saavedra knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Saavedra due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A10. Based on this evidence, Mr. Saavedra claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Saavedra pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

118. **Refusal of Pre-trial Release for Andres Torres Cabrera.** After he was arrested, an immigration hold was placed on Mr. Torres Cabrera, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1505000
Magistrate	
Remark	H/F IMMIGRATION

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A22. Bail was nominally set for Mr. Torres Cabrera in May 2015, showing that Mr. Torres Cabrera was eligible for pretrial release. Mr. Torres Cabrera did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Torres Cabrera knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Torres Cabrera could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Torres Cabrera to pay bail on his original purported criminal offense, Dallas County should have released Mr. Torres Cabrera, as Dallas County had no other basis to believe that Mr. Torres Cabrera had committed or was committing a criminal offense. Thus, to further detain Mr. Torres Cabrera, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Torres Cabrera. The fact that Dallas County did not have probable cause of a different criminal offense is supported

by evidence. The only hold listed in Mr. Torres Cabrera’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Torres Cabrera due to that immigration hold, and ultimately because of ICE’s request for Dallas County to detain Mr. Torres Cabrera. The detainer for Mr. Torres Cabrera only shows that he was “subject to removal” and “has a prior felony conviction,” as shown below:

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS	
Name of Alien:	TORRES CABRERA, ANDRES
Date of Birth:	[REDACTED]
Nationality:	MEXICO
Sex:	M
THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY; SID #: TX50693881	
<input checked="" type="checkbox"/> Determined that there is reason to believe the individual is an alien subject to removal from the United States. The individual (check all that apply):	
<input checked="" type="checkbox"/> has a prior a felony conviction or has been charged with a felony offense;	<input type="checkbox"/> has been convicted of illegal entry pursuant to 8 U.S.C. § 1325;
<input type="checkbox"/> has three or more prior misdemeanor convictions;	<input type="checkbox"/> has illegally re-entered the country after a previous removal or return;
<input type="checkbox"/> has a prior misdemeanor conviction or has been charged with a misdemeanor for an offense that involves violence, threats, or assaults; sexual abuse or exploitation; driving under the influence of alcohol or a controlled substance; unlawful flight from the scene of an accident; the unlawful possession or use of a firearm or other deadly weapon, the distribution or trafficking of a controlled substance; or other significant threat to public safety;	<input type="checkbox"/> has been found by an immigration officer or an immigration judge to have knowingly committed immigration fraud;
<input type="checkbox"/> Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____ (date).	<input type="checkbox"/> otherwise poses a significant risk to national security, border security, or public safety; and/or
<input type="checkbox"/> Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____ (date).	<input checked="" type="checkbox"/> other (specify): <u>Fed Intellect</u>
<input type="checkbox"/> Obtained an order of deportation or removal from the United States for this person.	

Ex. A at A22. The detainer only provides evidence of a civil immigration violation, and not evidence that Mr. Torres Cabrera is committing or has committed a crime. Based on this evidence, Mr. Torres Cabrera claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Torres Cabrera pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

119. **Refusal of Pre-trial Release for Moises Vega Costilla.** A court granted Mr. Vega Costilla’s Motion for New Trial in April 2015, and he was returned to Dallas County custody. An immigration hold was placed on Mr. Vega Costilla. ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal

offense or felony. *See* Ex. A at A11. Bail was nominally set for Mr. Vega Costilla in April 2015, showing that Mr. Vega Costilla was eligible for pretrial release. Mr. Vega Costilla did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Vega Costilla knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Vega Costilla could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Vega Costilla to pay bail on his original purported criminal offense, Dallas County should have released Mr. Vega Costilla, as Dallas County had no other basis to believe that Mr. Vega Costilla had committed or was committing a criminal offense. Thus, to further detain Mr. Vega Costilla, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Vega Costilla. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Vega Costilla knows of no other hold besides the immigration hold. This is evidence of the fact that Dallas County held Mr. Vega Costilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Vega Costilla. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A11. Based on this evidence, Mr. Vega Costilla claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Vega Costilla pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

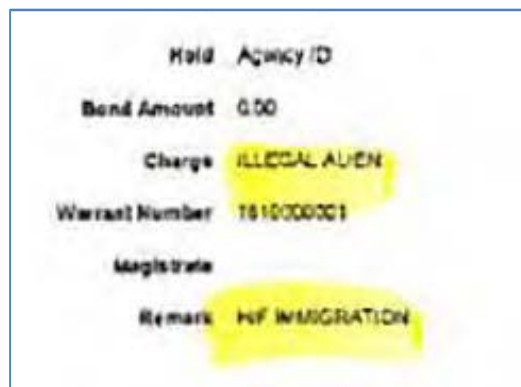
120. **Refusal of Pre-trial Release for Ricardo Garza.** After he was arrested, an immigration hold was placed on Mr. Garza even though Mr. Garza is a U.S. Citizen. ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. See Ex. A at A14. Mr. Garza did not attempt to pay bond in Dallas County because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Garza knew that he had an immigration hold. After the ICE hold was removed, Dallas County allowed Mr. Garza to pay bail, as shown in the excerpt below from Mr. Garza's docket sheet:

11/12/15	Bond set @ 25,000 Cash/surety Report to Court w/in 24 hrs. of release. Signed by [signature]
12/9/15	Δ ordered to install in-home portable alcohol monitor Δ is Δ currently Δ released 12/7/15. ICE Hold released Δ posted bond. Δ to report to Jail Diversion [signature]

After Dallas County allowed bail, Mr. Garza paid bail and secured immediate pretrial release. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Garza could have and would have secured a bond in November 2015 to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Garza to pay bail on his original purported criminal offense, Dallas County should have released Mr. Garza, as Dallas County had no other basis to believe that Mr. Garza had committed or was committing a criminal offense. Thus, to further detain Mr. Garza, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Garza. The fact that Dallas County did not have probable cause of a different criminal offense is supported by the fact that Dallas County did,

in fact, release Mr. Garza on bail once the ICE hold was removed. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A14. Based on this evidence, Mr. Garza claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Garza pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

121. **Refusal of Pre-trial Release for Carlos Alvarez Castro.** After he was arrested, an immigration hold was placed on Mr. Alvarez Castro, as shown below:



ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A15. Bail was nominally set for Mr. Alvarez Castro in October 2015, showing that Mr. Alvarez Castro was eligible for pretrial release. Mr. Alvarez Castro did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Alvarez Castro knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Alvarez Castro could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals

with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Alvarez Castro to pay bail on his original purported criminal offense, Dallas County should have released Mr. Alvarez Castro, as Dallas County had no other basis to believe that Mr. Alvarez Castro had committed or was committing a criminal offense. Thus, to further detain Mr. Alvarez Castro, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Alvarez Castro. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Alvarez Castro's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Alvarez Castro due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A15. Based on this evidence, Mr. Alvarez Castro claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Alvarez Castro pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

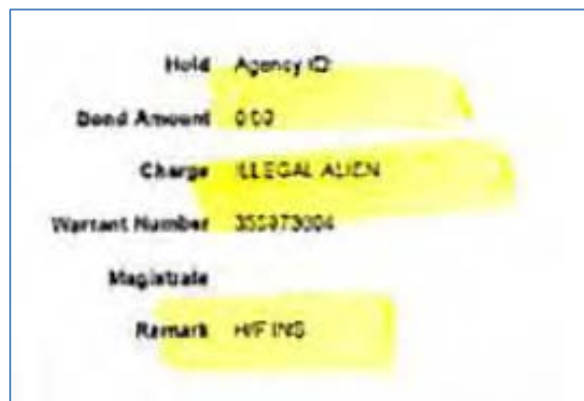
122. **Refusal of Pre-trial Release for Jeremias Chevez.** After he was arrested, an immigration hold was placed on Mr. Chevez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1509001
Magistrate	
Remark	HP / IND

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A16. Bail was nominally set for Mr. Chevez in February 2015, showing that Mr. Chevez was eligible for pretrial release. Mr. Chevez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Chevez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Chevez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pre-trial detention. If Dallas County had allowed Mr. Chevez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Chevez, as Dallas County had no other basis to believe that Mr. Chevez had committed or was committing a criminal offense. Thus, to further detain Mr. Chevez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Chevez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Chevez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal

offense from another county or state, and (ii) Dallas County held Mr. Chevez due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. See [cite]. Based on this evidence, Mr. Chevez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Chevez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

123. **Refusal of Pre-trial Release for Miguel Flores.** After he was arrested, an immigration hold was placed on Mr. Flores, as shown below:



ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. See Ex. A at A17. Bail was nominally set for Mr. Flores in October 2015, showing that Mr. Flores was eligible for pretrial release. Mr. Flores did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Flores knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Flores could have and would have secured a bond to ensure pretrial release. Dallas County's practice

of refusing immediate release on bond to individuals with immigration holds resulted in pre-trial detention. If Dallas County had allowed Mr. Flores to pay bail on his original purported criminal offense, Dallas County should have released Mr. Flores, as Dallas County had no other basis to believe that Mr. Flores had committed or was committing a criminal offense. Thus, to further detain Mr. Flores, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Flores. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Flores' file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Flores due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See Ex. A at A17.* Based on this evidence, Mr. Flores claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Flores pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

124. **Refusal of Pre-trial Release for Felipe Gonzalez Lujan.** After he was arrested, an immigration hold was placed on Mr. Gonzalez Lujan, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1508000946
Magistrate	
Remark	HF IMMIGRATION

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A18. Bail was nominally set for Mr. Gonzalez Lujan in August 2015, showing that Mr. Gonzalez Lujan was eligible for pretrial release. Mr. Gonzalez Lujan did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Gonzalez Lujan knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Gonzalez Lujan could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Gonzalez Lujan to pay bail on his original purported criminal offense, Dallas County should have released Mr. Gonzalez Lujan, as Dallas County had no other basis to believe that Mr. Gonzalez Lujan had committed or was committing a criminal offense. Thus, to further detain Mr. Gonzalez Lujan, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Gonzalez Lujan. The fact that Dallas County did not have probable cause of a different criminal offense

is supported by evidence. The only hold listed in Mr. Gonzalez Lujan’s file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Gonzalez Lujan due to that immigration hold, and ultimately because of ICE’s detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A18. Based on this evidence, Mr. Gonzalez Lujan claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Gonzalez Lujan pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

125. **Refusal of Pre-trial Release for Luis Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL / ALIEN
Warrant Number	1505000955
Magistrate	
Remark	H/F IMMIGRATION

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A19. Mr. Hernandez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Hernandez knew that he had an immigration hold. But for Dallas County’s practices of refusing

immediate release on bond for any detainee with an immigration hold, Mr. Hernandez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Hernandez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Hernandez, as Dallas County had no other basis to believe that Mr. Hernandez had committed or was committing a criminal offense. Thus, to further detain Mr. Hernandez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Hernandez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Hernandez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A19. Based on this evidence, Mr. Hernandez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Hernandez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

126. **Refusal of Pre-trial Release for Jose Valenciano.** After he was arrested, an immigration hold was placed on Mr. Valenciano, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353715381
Magistrate	
Remark	H/F IMMIGRATION

ICE sent Dallas County a detainer for this plaintiff, but that detainer did not show probable cause of a separate criminal offense or felony. *See* Ex. A at A20. Bail was nominally set for Mr. Valenciano in September 2015, showing that Mr. Valenciano was eligible for pretrial release. Mr. Valenciano did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Valenciano knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Valenciano could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Valenciano to pay bail on his original purported criminal offense, Dallas County should have released Mr. Valenciano, as Dallas County had no other basis to believe that Mr. Valenciano had committed or was committing a criminal offense. Thus, to further detain Mr. Valenciano, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Valenciano. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Valenciano's file is the immigration hold. This is evidence of the fact that (i) Dallas County did

not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Valenciano due to that immigration hold, and ultimately because of ICE's detainer. The detainer, attached to this complaint, does not show probable cause of a criminal offense. *See* Ex. A at A20. Based on this evidence, Mr. Valenciano claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Valenciano pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

127. **Refusal of Pre-Trial Release for Jose Delcid Bonilla.** After he was arrested, an immigration hold was placed on Mr. Delcid Bonilla, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354418483
Magistrate	
Remark	HF INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Delcid Bonilla, requesting that Dallas County detain Mr. Delcid Bonilla after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Delcid Bonilla in February 2015, showing that Mr. Delcid Bonilla was eligible for pretrial release. Mr. Delcid Bonilla attempted to pay bail, but Dallas County would not allow him to. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Delcid Bonilla to pay bail on his original purported criminal offense, Dallas County should have released Mr. Delcid Bonilla, as Dallas County had

no other basis to believe that Mr. Delcid Bonilla had committed or was committing a criminal offense. Thus, to further detain Mr. Delcid Bonilla, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Delcid Bonilla. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Delcid Bonilla's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Delcid Bonilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Delcid Bonilla. Mr. Delcid Bonilla does not have a copy of the detainer that ICE sent Dallas County. Mr. Delcid Bonilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Delcid Bonilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Delcid Bonilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Delcid Bonilla was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Delcid Bonilla's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Delcid Bonilla had not been charged

with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Delcid Bonilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Delcid Bonilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Delcid Bonilla had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Delcid Bonilla had committed or was committing a crime. Based on this evidence, Mr. Delcid Bonilla claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Delcid Bonilla pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

128. **Refusal of Pre-Trial Release For Juan Camacho.** After he was arrested, an immigration hold was placed on Mr. Camacho, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ELLEGAL/ALIEN
Warrant Number	353883110
Magistrate	
Remark	H/F US IMMIGRATION (ICE)

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Camacho, requesting that Dallas County detain Mr. Camacho after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Camacho in September 2015, showing that Mr. Camacho was eligible for pretrial release. Mr. Camacho did not attempt to pay

bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Camacho knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Camacho could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Camacho to pay bail on his original purported criminal offense, Dallas County should have released Mr. Camacho, as Dallas County had no other basis to believe that Mr. Camacho had committed or was committing a criminal offense. Thus, to further detain Mr. Camacho, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Camacho. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Camacho knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Camacho due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Camacho. Mr. Camacho does not have a copy of the detainer that ICE sent Dallas County. Mr. Camacho nevertheless claims, as a fact, that the detainer does not indicate that Mr. Camacho had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Camacho had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Camacho was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a);

willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Camacho's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Camacho had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Camacho claims as fact that there is nothing in the IDENT database that would indicate that Mr. Camacho had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Camacho had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Camacho had committed or was committing a crime. Based on this evidence, Mr. Camacho claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Camacho pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

129. **Refusal of Pre-Trial Release For Maria Castillo.** After she was arrested, an immigration hold was placed on Ms. Castillo, as shown below:

Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	354213490
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Ms. Castillo, requesting that Dallas County detain Ms. Castillo after she otherwise would be released for transfer to ICE. Bail was nominally set for Ms. Castillo in November 2015, showing that Ms. Castillo was eligible for pretrial release. Ms. Castillo did not attempt to pay bond because she believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Ms. Castillo knew that she had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Ms. Castillo could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Ms. Castillo to pay bail on her original purported criminal offense, Dallas County should have released Ms. Castillo, as Dallas County had no other basis to believe that Ms. Castillo had committed or was committing a criminal offense. Thus, to further detain Ms. Castillo, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Ms. Castillo. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence.

The only hold listed in Ms. Castillo's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Ms. Castillo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Ms. Castillo. Ms. Castillo does not have a copy of the detainer that ICE sent Dallas County. Ms. Castillo nevertheless claims, as a fact, that the detainer does not indicate that Ms. Castillo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Based on this evidence, Ms. Castillo claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Ms. Castillo pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

130. **Refusal of Pre-Trial Release For Carlos Fuente Páramo.** After he was arrested, an immigration hold was placed on Mr. Fuente Páramo, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1511000
Magistrate	
Remark	H/F IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Fuente Páramo, requesting that Dallas County detain Mr. Fuente Páramo after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Fuente Páramo in November 2014, showing that Mr. Fuente Páramo was eligible for pretrial release. Mr. Fuente

Páramo did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Fuente Páramo knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Fuente Páramo could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Fuente Páramo to pay bail on his original purported criminal offense, Dallas County should have released Mr. Fuente Páramo, as Dallas County had no other basis to believe that Mr. Fuente Páramo had committed or was committing a criminal offense. Thus, to further detain Mr. Fuente Páramo, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Fuente Páramo. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Fuente Páramo knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Fuente Páramo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Fuente Páramo. Mr. Fuente Páramo does not have a copy of the detainer that ICE sent Dallas County. Mr. Fuente Páramo nevertheless claims, as a fact, that the detainer does not indicate that Mr. Fuente Páramo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Fuente Páramo had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Fuente Páramo was innocent of any of the

following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Fuente Páramo's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Fuente Páramo had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Fuente Páramo claims as fact that there is nothing in the IDENT database that would indicate that Mr. Fuente Páramo had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Fuente Páramo had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Fuente Páramo had committed or was committing a crime. Based on this evidence, Mr. Fuente Páramo claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Fuente Páramo pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

131. **Refusal of Pre-Trial Release for Abel Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGALALIEN
Warrant Number	353092510
Magistrate	
Remark	HF US IMMIGRATION (ICE)

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez, requesting that Dallas County detain Mr. Hernandez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Hernandez in October 2015, showing that Mr. Hernandez was eligible for pretrial release. Mr. Hernandez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Hernandez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Hernandez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Hernandez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Hernandez, as Dallas County had no other basis to believe that Mr. Hernandez had committed or was committing a criminal offense. Thus, to further detain Mr. Hernandez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Hernandez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Hernandez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a

criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. Mr. Hernandez does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Hernandez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Hernandez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Hernandez had committed or was committing a crime. Based on this evidence, Mr. Hernandez claims as fact that Dallas County did not have probable cause of a different criminal

offense, and should not have held Mr. Hernandez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

132. **Refusal of Pre-Trial Release for Salvador Jauregui.** After he was arrested, an immigration hold was placed on Mr. Jauregui, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353074343
Magistrate	
Remark	HF INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Jauregui, requesting that Dallas County detain Mr. Jauregui after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Jauregui in October 2015, showing that Mr. Jauregui was eligible for pretrial release. Mr. Jauregui did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Jauregui knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Jauregui could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Jauregui to pay bail on his original purported criminal offense, Dallas

County should have released Mr. Jauregui, as Dallas County had no other basis to believe that Mr. Jauregui had committed or was committing a criminal offense. Thus, to further detain Mr. Jauregui, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Jauregui. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Jauregui's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Jauregui due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Jauregui. Mr. Jauregui does not have a copy of the detainer that ICE sent Dallas County. Mr. Jauregui nevertheless claims, as a fact, that the detainer does not indicate that Mr. Jauregui had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Jauregui had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Jauregui was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Jauregui's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the

IDENT database, *see supra* ¶¶ 9-10. Because Mr. Jauregui had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Jauregui claims as fact that there is nothing in the IDENT database that would indicate that Mr. Jauregui had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Jauregui had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Jauregui had committed or was committing a crime. Based on this evidence, Mr. Jauregui claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Jauregui pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

133. **Refusal of Pre-Trial Release for Julio Loera.** After he was arrested, an immigration hold was placed on Mr. Loera, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1501001118
Magistrate	
Remark	H/F INS NO BOND

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Loera, requesting that Dallas County detain Mr. Loera after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Loera in March 2015, showing that Mr. Loera was eligible for pretrial release. Mr. Loera did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release

on bond for any detainee with an immigration hold, and Mr. Loera knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Loera could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Loera to pay bail on his original purported criminal offense, Dallas County should have released Mr. Loera, as Dallas County had no other basis to believe that Mr. Loera had committed or was committing a criminal offense. Thus, to further detain Mr. Loera, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Loera. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Loera's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Loera due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Loera. Mr. Loera does not have a copy of the detainer that ICE sent Dallas County. Mr. Loera nevertheless claims, as a fact, that the detainer does not indicate that Mr. Loera had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Loera had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Loera was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship

fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Loera's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Loera had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Loera claims as fact that there is nothing in the IDENT database that would indicate that Mr. Loera had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Loera had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Loera had committed or was committing a crime. Based on this evidence, Mr. Loera claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Loera pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

134. **Refusal of Pre-Trial Release for Arturo Muñoz Martinez.** After he was arrested, an immigration hold was placed on Mr. Muñoz Martinez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	DAL1512000
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Muñoz Martinez, requesting that Dallas County detain Mr. Muñoz Martinez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Muñoz Martinez in December 2014, showing that Mr. Muñoz Martinez was eligible for pretrial release. Mr. Muñoz Martinez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Muñoz Martinez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Muñoz Martinez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Muñoz Martinez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Muñoz Martinez, as Dallas County had no other basis to believe that Mr. Muñoz Martinez had committed or was committing a criminal offense. Thus, to further detain Mr. Muñoz Martinez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Muñoz Martinez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Muñoz Martinez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Muñoz Martinez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Muñoz Martinez. Mr. Muñoz Martinez does not have a copy of the detainer that ICE sent Dallas County. Mr. Muñoz Martinez nevertheless claims, as a fact, that the detainer does not indicate that Mr.

Muñoz Martinez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Muñoz Martinez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Muñoz Martinez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Muñoz Martinez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Muñoz Martinez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Muñoz Martinez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Muñoz Martinez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Muñoz Martinez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Muñoz Martinez had committed or was committing a crime. Based on this evidence, Mr. Muñoz Martinez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Muñoz Martinez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

135. **Refusal of Pre-Trial Release for Alberto Sanchez Chavez.** After he was arrested, an immigration hold was placed on Mr. Sanchez Chavez, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354161463
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Sanchez Chavez, requesting that Dallas County detain Mr. Sanchez Chavez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Sanchez Chavez in November 2015, showing that Mr. Sanchez Chavez was eligible for pretrial release. Mr. Sanchez Chavez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Sanchez Chavez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Sanchez Chavez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Sanchez Chavez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Sanchez Chavez, as Dallas County had no other basis to believe that Mr. Sanchez Chavez had committed or was committing a criminal offense. Thus, to further detain Mr.

Sanchez Chavez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Sanchez Chavez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Sanchez Chavez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Sanchez Chavez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Sanchez Chavez. Mr. Sanchez Chavez does not have a copy of the detainer that ICE sent Dallas County. Mr. Sanchez Chavez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Sanchez Chavez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Sanchez Chavez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Sanchez Chavez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Sanchez Chavez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Sanchez Chavez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Sanchez

Chavez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Sanchez Chavez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Sanchez Chavez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Sanchez Chavez had committed or was committing a crime. Based on this evidence, Mr. Sanchez Chavez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Sanchez Chavez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

136. **Refusal of Pretrial Release for Abraham Santana.** After he was arrested, an immigration hold was placed on Mr. Santana, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354186305
Magistrate	
Remark	HF IMMIGRATION NO BOND

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Santana, requesting that Dallas County detain Mr. Santana after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Santana in November 2015, showing that Mr. Santana was eligible for pretrial release. Mr. Santana did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Santana knew

that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Santana could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Santana to pay bail on his original purported criminal offense, Dallas County should have released Mr. Santana, as Dallas County had no other basis to believe that Mr. Santana had committed or was committing a criminal offense. Thus, to further detain Mr. Santana, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Santana. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. Mr. Santana knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Santana due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Santana. Mr. Santana does not have a copy of the detainer that ICE sent Dallas County. Mr. Santana nevertheless claims, as a fact, that the detainer does not indicate that Mr. Santana had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Santana had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Santana was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud

(8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Santana's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Santana had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Santana claims as fact that there is nothing in the IDENT database that would indicate that Mr. Santana had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Santana had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Santana had committed or was committing a crime. Based on this evidence, Mr. Santana claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Santana pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

137. **Refusal of Pretrial Release for Jesus Lopez.** After he was arrested, an immigration hold was placed on Mr. Lopez, as shown below:

Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	354016714
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Lopez, requesting that Dallas County detain Mr. Lopez after he otherwise would be released

for transfer to ICE. Bail was nominally set for Mr. Lopez in October 2015, showing that Mr. Lopez was eligible for pretrial release. Mr. Lopez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Lopez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Lopez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Lopez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Lopez, as Dallas County had no other basis to believe that Mr. Lopez had committed or was committing a criminal offense. Thus, to further detain Mr. Lopez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Lopez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Lopez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Lopez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Lopez. Mr. Lopez does not have a copy of the detainer that ICE sent Dallas County. Mr. Lopez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Lopez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Lopez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Lopez was innocent of any of the following immigration crimes: bringing in

and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Lopez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Lopez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Lopez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Lopez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Lopez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Lopez had committed or was committing a crime. Based on this evidence, Mr. Lopez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Lopez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

138. **Refusal of Pretrial Release for Gonzalo Ramirez Vasquez.** After he was arrested, an immigration hold was placed on Mr. Ramirez Vasquez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1505000183
Magistrate	
Remark	H/F INS/////NO BOND

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Ramirez Vasquez, requesting that Dallas County detain Mr. Ramirez Vasquez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Ramirez Vasquez in January 2015, showing that Mr. Ramirez Vasquez was eligible for pretrial release. Mr. Ramirez Vasquez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Ramirez Vasquez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Ramirez Vasquez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Ramirez Vasquez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Ramirez Vasquez, as Dallas County had no other basis to believe that Mr. Ramirez Vasquez had committed or was committing a criminal offense. Thus, to further detain Mr. Ramirez Vasquez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Ramirez Vasquez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Ramirez Vasquez's file is the immigration hold.

This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Ramirez Vasquez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Ramirez Vasquez. Mr. Ramirez Vasquez does not have a copy of the detainer that ICE sent Dallas County. Mr. Ramirez Vasquez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Ramirez Vasquez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Ramirez Vasquez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Ramirez Vasquez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Ramirez Vasquez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Ramirez Vasquez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Ramirez Vasquez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Ramirez Vasquez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Ramirez Vasquez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Ramirez Vasquez

had committed or was committing a crime. Based on this evidence, Mr. Ramirez Vasquez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Ramirez Vasquez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.


139. **Refusal of Pretrial Release for Carlos Reyna Esparragoza.** After he was arrested, an immigration hold was placed on Mr. Reyna Esparragoza, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	353180757
Magistrate	
Remark	H/F IMMIGRATION NO BOND ALLOWED

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Reyna Esparragoza, requesting that Dallas County detain Mr. Reyna Esparragoza after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Reyna Esparragoza in June 27, 2015, for \$1,500, showing that Mr. Reyna Esparragoza was eligible for pretrial release.

Offense(s): POSS CS PG 1 >=1G<4G	Cause No. F1555669	Agency Name Dallas Police	Bond Amount \$1,500.00	Cash/Suz
Remanded to custody of _____ on _____		in witness whereof, I have subscribed my name		
this the <u>27</u> day of <u>June</u> , 2015		<i>Janet W. Lusk</i>		
		Magistrate Dallas County, Texas		

The same day, Mr. Reyna Esparragoza tendered a bail bond in the amount of \$1,500 to secure pretrial release, as shown below:



A-EZ OUT BAIL BONDS

BAIL BOND

THE STATE OF TEXAS, COUNTY OF DALLAS

JAIL LOCATION: LS

Carlos VS Reyna Esparragoza

First Middle Last

Race W Sex M DOB [REDACTED]

MISDEMEANOR _____ FELONY

JUDGE: Lusk BOOKIN NO [REDACTED]

DATE: 06/07/2015 CASE/WARRANT # F16551ava

KNOWN ALL MEN THESE PRESENTS: THAT WE, _____ AS PRINCIPAL, AND THE UNDERSIGNED AMERICAN SURETY CO. agent: Eddie Salazar aka A-EZ Out Bail Bonds AS SURETY, ARE HELD FIRMLY BOUND UNTO THE STATE OF TEXAS IN THE PENAL SUM OF Fifteen hundred DOLLARS (\$ 1500) AND IN ADDITION THERE TO, WE ARE BOUND FOR THE PAYMENT OF ALL FEES AND EXPENSES THAT MAY BE INCURRED BY ANY PEACE OFFICER IN RE-ARRESTING THE SAID PRINCIPAL IN THE EVENT OF THE STATED CONDITIONS OF THIS BOND ARE VIOLATED FOR THE PAYMENT OF WHICH SUM OR SUMS WILL AND TRULY TO BE MADE, WE DO BIND OURSELVES, AND EACH OF US, OUR HEIRS, EXECUTORS AND ADMINISTRATORS, JOINTLY AND SEVERALLY. THE CONDITION OF THIS BOND IS THAT THE DEFENDANT HAS BEEN CHARGED WITH Pass CS Per 17-1644 AND TO SECURE HIS/HER RELEASE FROM CUSTODY IS ENTERING INTO THIS OBLIGATION BINDING HIM/HER TO MAKE A PERSONAL APPEARANCE (INSTANTER) BEFORE COURT TO WHICH THE SAME MAY BE TRANSFERRED AND BASED ON SAID CHARGE. HABEAS CORPUS WITH WRIT- THAT IS SAID PRINCIPAL SHALL WELL AND TRULY APPEAR IN THE Instanter COURT OF _____ TEXAS, AT _____ AM, ON THE _____ DAY OF _____, A.D. 20____ IN THE COURT ROOM OF SAID COURT, IN THE CITY OF DALLAS, COUNTY OF DALLAS, TEXAS, PURSUANT TO THE ORDER OF THE JUDGE THIS DAY MADE, GRANTING A WRIT OF HABEAS CORPUS ON APPLICATION OF SAID PRINCIPAL, IT HAVING BEEN CALLED TO HIS ATTENTION THAT SAID PRINCIPAL IS RESTRAINED OF HIS LIBERTY BY A PEACE OFFICER OF DALLAS COUNTY, TEXAS UNDER ACCUSATION OF SAID CHARGE AGAINST THE LAWS OF THE STATE OF TEXAS, SAID WRIT BEING DEPART THERE FROM WITHOUT LEAVE OF SAID COURT, PENDING EXAMINATION OF AND HEARING OF SAID WRIT, IN ORDER TO ABIDE FINAL DETERMINATION THEREOF BY SAID COURT.

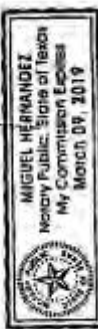
I, AMERICAN SURETY CO. agent: Eddie Salazar aka A-EZ Out Bail Bonds, DO SWEAR THAT I AM WORTH AT LEAST THE SUM OF \$ 3000 DOLLARS, AFTER DEDUCTING FROM MY PROPERTY ALL THAT WHICH IS EXEMPT BY THE CONSTITUTION AND OF THE STATE FROM FORCED SALE AND AFTER PAYMENT OF ALL BY DEBTS, WHETHER INDIVIDUAL OR SECURITY DEBTS AND AFTER SATISFYING ALL ENCUMBRANCES UPON MY PROPERTY WHICH ARE KNOWN TO ME AND THAT I RESIDE IN DALLAS COUNTY AND HAVE PROPERTY IN THIS STATE LIABLE TO FURTHER SWEAR THAT THERE ARE NO OUTSTANDING JUDGEMENTS IN DALLAS COUNTY, TEXAS OR ELSEWHERE AGAINST THE AFFIANT AND THAT THE AFFIANT MAKES THIS STATEMENT FOR THE EXPRESS PURPOSE OF INDUCING THE APPROVAL AND ACCEPTANCE OF SAID BOND WITH HIMSELF AS A SURETY THEREON, WELL KNOWING, BELIEVING AND INTENDING THAT THE MAKING OF THIS STATEMENT WILL INDUCE THE OFFICIAL CHARGED WITH THE DUTY OF ACCEPTING AND APPROVING SAID BOND TO ACCEPT AND APPROVE THE SAME AND THAT ALL STATEMENTS HEREIN ARE TRUE, SO HELP ME GOD.

[Signature]
PRINCIPAL
ADDRESS: 1410 Buckner Blvd
CITY: Dallas STATE Tx ZIP 75217
PHONE: 214 687 3360

[Signature] #0662
WITNESS/JAILED DEPT/AGENCY

TAKEN AND APPROVED BY ME THIS 27th DAY OF June 2015
Lupe Valdez 2015
LUPE VALDEZ, SHERIFF, DALLAS CO, TEXAS

BY: [Signature] DEPUTY



[Signature]
American Surety Co. Agent: Eddie Salazar, 400 E. IRVING BLVD, A-EZ OUT BAIL BONDS
400 E. IRVING BLVD
IRVING, TEXAS 75060
972-785-1000

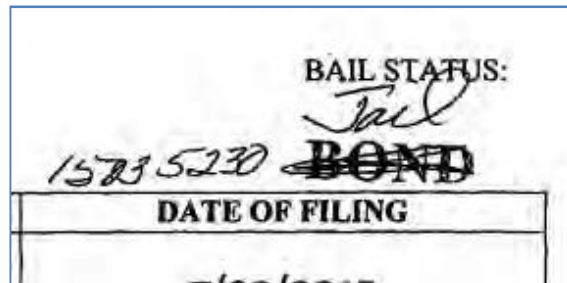
SWORN TO AND SUBSCRIBED BEFORE ME ON
THIS 27th DAY OF June 2015

[Signature]
NOTARY PUBLIC FOR DALLAS COUNTY NOTARY COMMISSION # 31919

BOND ACCT# 1127 BOND ID # 12958



Dallas County did not release Mr. Reyna Esparragoza pre-trial, even though he tendered bail. One of the docket sheets for Mr. Reyna Esparragoza shows the indicator “BOND” crossed out, and replaced with “Jail.”



Instead of releasing Mr. Reyna Esparragoza after he paid bail, on August 5, 2015 (around six weeks later), Sr. Sgt. Ric Bruner (or another Dallas County employee) caused a Dallas County district attorney to seek to hold the bond insufficient because of the detainer lodged against Mr. Reyna Esparragoza:



The Court granted Dallas County's request, and continued to hold Mr. Reyna Esparragoza pretrial. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Reyna Esparragoza to pay bail on his original purported criminal offense, Dallas County should have released Mr. Reyna Esparragoza, as Dallas County had no other basis to believe that Mr. Reyna Esparragoza had committed or was committing a criminal offense. Thus, to further detain Mr. Reyna Esparragoza, Dallas County must show probable cause of a different criminal offense.

Dallas County did not have such probable cause, but continued to detain Mr. Reyna Esparragoza. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Reyna Esparragoza's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Reyna Esparragoza due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Reyna Esparragoza. Mr. Reyna Esparragoza does not have a copy of the detainer that ICE sent Dallas County. Mr. Reyna Esparragoza nevertheless claims, as a fact, that the detainer does not indicate that Mr. Reyna Esparragoza had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Reyna Esparragoza had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Reyna Esparragoza was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Reyna Esparragoza's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Reyna Esparragoza had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Reyna Esparragoza claims as fact that there is nothing in the IDENT

database that would indicate that Mr. Reyna Esparragoza had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Reyna Esparragoza had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Reyna Esparragoza had committed or was committing a crime. Based on this evidence, Mr. Reyna Esparragoza claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Reyna Esparragoza pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

140. **Refusal of Pretrial Release for Jose Rodriguez.** After he was arrested, an immigration hold was placed on Mr. Rodriguez, as shown below:

Hold	Agency ID:
Bond Amount	0.00
Charge	ILLEGAL/ALIEN
Warrant Number	354592762
Magistrate	
Remark	H/F INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Rodriguez, requesting that Dallas County detain Mr. Rodriguez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Rodriguez in December 2015, showing that Mr. Rodriguez was eligible for pretrial release. Mr. Rodriguez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Rodriguez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Rodriguez could

have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Rodriguez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Rodriguez, as Dallas County had no other basis to believe that Mr. Rodriguez had committed or was committing a criminal offense. Thus, to further detain Mr. Rodriguez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Rodriguez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Rodriguez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Rodriguez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Rodriguez. Mr. Rodriguez does not have a copy of the detainer that ICE sent Dallas County. Mr. Rodriguez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Rodriguez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Rodriguez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Rodriguez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. §

1328). Mr. Rodriguez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Rodriguez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Rodriguez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Rodriguez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Rodriguez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Rodriguez had committed or was committing a crime. Based on this evidence, Mr. Rodriguez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Rodriguez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

141. **Refusal of Pretrial Release for Epifanio Uribe Ortiz.** After he was arrested, an immigration hold was placed on Mr. Uribe Ortiz, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1508000201
Magistrate	
Remark	H/F IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Uribe Ortiz, requesting that Dallas County detain Mr. Uribe Ortiz after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Uribe Ortiz in August 2015, showing

that Mr. Uribe Ortiz was eligible for pretrial release. Mr. Uribe Ortiz did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Uribe Ortiz knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Uribe Ortiz could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Uribe Ortiz to pay bail on his original purported criminal offense, Dallas County should have released Mr. Uribe Ortiz, as Dallas County had no other basis to believe that Mr. Uribe Ortiz had committed or was committing a criminal offense. Thus, to further detain Mr. Uribe Ortiz, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Uribe Ortiz. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Uribe Ortiz's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Uribe Ortiz due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Uribe Ortiz. Mr. Uribe Ortiz does not have a copy of the detainer that ICE sent Dallas County. Mr. Uribe Ortiz nevertheless claims, as a fact, that the detainer does not indicate that Mr. Uribe Ortiz had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Uribe Ortiz had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Uribe Ortiz was innocent of any of the following immigration crimes:

bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Uribe Ortiz's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Uribe Ortiz had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Uribe Ortiz claims as fact that there is nothing in the IDENT database that would indicate that Mr. Uribe Ortiz had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Uribe Ortiz had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Uribe Ortiz had committed or was committing a crime. Based on this evidence, Mr. Uribe Ortiz claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Uribe Ortiz pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

142. **Refusal of Pre-Trial Release for Raul Gomez.** After he was arrested, an immigration hold was placed on Mr. Gomez. Evidence of this hold includes (i) the fact that bail was set at \$100,000, which was standard practice for those with immigration holds, and (ii) the fact that Mr. Gomez was overdetailed for transfer to ICE. This is also evidence of the fact that ICE sent a detainer to Dallas County for Mr. Gomez, requesting that Dallas County detain Mr.

Gomez after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Gomez in December 2014, showing that Mr. Gomez was eligible for pretrial release. Mr. Gomez did not attempt to pay bond because he believed it was futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Gomez knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Gomez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Gomez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Gomez, as Dallas County had no other basis to believe that Mr. Gomez had committed or was committing a criminal offense. Thus, to further detain Mr. Gomez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Gomez. The fact that Dallas County did not have probable cause of a different criminal offense is supported by evidence. The only hold listed in Mr. Gomez's file is the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Gomez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Gomez. Mr. Gomez does not have a copy of the detainer that ICE sent Dallas County. Mr. Gomez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Gomez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Gomez had not been charged or convicted of a separate immigration crime. Mr. Gomez claims as fact that the detainer provided

by ICE to Dallas County did not show that Mr. Gomez had committed or was committing a crime. Based on this evidence, Mr. Gomez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held Mr. Gomez pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

143. **Refusal of Pretrial Release for Jorge Marrufo.** After he was arrested, an immigration hold was placed on Mr. Marrufo, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354248963
Magistrate	
Remark	HF IMMIGRATION

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Marrufo, requesting that Dallas County detain Mr. Marrufo after he otherwise would be released for transfer to ICE. Bail was nominally set for Mr. Marrufo in November 2015, showing that he was eligible for pretrial release. Mr. Marrufo did not attempt to pay bond because he believed it futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Marrufo knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Marrufo could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed

Mr. Marrufo to pay bail on his original purported criminal offense, Dallas County should have released Mr. Marrufo, as Dallas County had no other basis to believe that Mr. Marrufo had committed or was committing a criminal offense. Thus, to further detain Mr. Marrufo, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Marrufo. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Marrufo knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Marrufo due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Marrufo. Mr. Marrufo does not have a copy of the detainer that ICE sent Dallas County. Mr. Marrufo nevertheless claims, as a fact, that the detainer does not indicate that Mr. Marrufo had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Marrufo had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Marrufo was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Marrufo's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on

information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Marrufo had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Marrufo claims as fact that there is nothing in the IDENT database that would indicate that Mr. Marrufo had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Marrufo had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Marrufo had committed or was committing a crime. Based on this evidence, Mr. Marrufo claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

144. **Refusal of Pretrial Release for Fernando Huerta.** After he was arrested, an immigration hold was placed on Mr. Huerta, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	055300425
Magistrate	
Remark	HF INQ

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Huerta, requesting that Dallas County detain Mr. Huerta after he otherwise would be released for transfer to ICE. Bail was nominally set for Huerta in April 2016, showing that he was eligible for pretrial release. Mr. Huerta attempted to pay bond, but was not allowed to. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Huerta knew that he had an immigration hold. But for Dallas

County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Huerta could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Huerta to pay bail on his original purported criminal offense, Dallas County should have released Mr. Huerta, as Dallas County had no other basis to believe that Mr. Huerta had committed or was committing a criminal offense. Thus, to further detain Mr. Huerta, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Huerta. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Huerta knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Huerta due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Huerta. Mr. Huerta does not have a copy of the detainer that ICE sent Dallas County. Mr. Huerta nevertheless claims, as a fact, that the detainer does not indicate that Mr. Huerta had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Based on this evidence, Mr. Huerta claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

145. **Refusal of Pretrial Release for Jacinto Hernandez.** After he was arrested, an immigration hold was placed on Mr. Hernandez, as shown below:

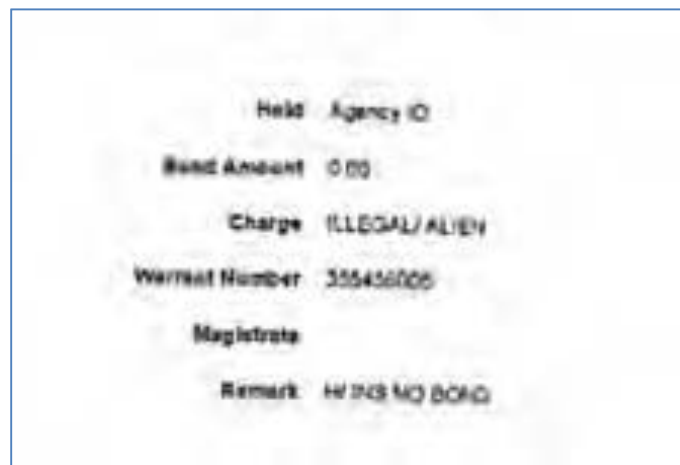


The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez, requesting that Dallas County detain Mr. Hernandez after he otherwise would be released for transfer to ICE. Bail was nominally set for Hernandez in March 2016, showing that he was eligible for pretrial release. Mr. Hernandez did not attempt to pay bond because he believed it futile to do so. As shown above, his hold stated “NO BOND.” It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Hernandez knew that he had an immigration hold. But for Dallas County’s practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Hernandez could have and would have secured a bond to ensure pretrial release. Dallas County’s practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Hernandez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Hernandez, as Dallas County had no other basis to believe that Mr. Hernandez had committed or was committing a criminal offense. Thus, to further detain Mr. Hernandez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Hernandez. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Hernandez knew

of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez. Mr. Hernandez does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Hernandez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Hernandez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr.

Hernandez had committed or was committing a crime. Based on this evidence, Mr. Hernandez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

146. **Refusal of Pretrial Release for Mario Hernandez Jasso.** After he was arrested, an immigration hold was placed on Mr. Hernandez Jasso, as shown below:



The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Hernandez Jasso, requesting that Dallas County detain Mr. Hernandez Jasso after he otherwise would be released for transfer to ICE. Bail was nominally set for Hernandez Jasso in April 2016, showing that he was eligible for pretrial release. Mr. Hernandez Jasso did not attempt to pay bond because he believed it futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Hernandez Jasso knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Hernandez Jasso could have and would have secured a bond to ensure pretrial release. Dallas County's practice

of refusing immediate release on bond to individuals with immigration holds resulted in pre-trial detention. If Dallas County had allowed Mr. Hernandez Jasso to pay bail on his original purported criminal offense, Dallas County should have released Mr. Hernandez Jasso, as Dallas County had no other basis to believe that Mr. Hernandez Jasso had committed or was committing a criminal offense. Thus, to further detain Mr. Hernandez Jasso, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Hernandez Jasso. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Hernandez Jasso knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Hernandez Jasso due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Hernandez Jasso. Mr. Hernandez Jasso does not have a copy of the detainer that ICE sent Dallas County. Mr. Hernandez Jasso nevertheless claims, as a fact, that the detainer does not indicate that Mr. Hernandez Jasso had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Hernandez Jasso had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Hernandez Jasso was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and

importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Hernandez Jasso's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Hernandez Jasso had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Hernandez Jasso claims as fact that there is nothing in the IDENT database that would indicate that Mr. Hernandez Jasso had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Hernandez Jasso had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Hernandez Jasso had committed or was committing a crime. Based on this evidence, Mr. Hernandez Jasso claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

147. **Refusal of Pretrial Release for Florencio Vega.** After he was arrested, an immigration hold was placed on Mr. Vega, as shown below:

Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	355180115
Magistrate	
Remark	HF 203

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Vega, requesting that Dallas County detain Mr. Vega after he otherwise would be released for

transfer to ICE. Bail was nominally set for Vega in March 2016, showing that he was eligible for pretrial release. Mr. Vega did not attempt to pay bond because he believed it futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Vega knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Vega could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Vega to pay bail on his original purported criminal offense, Dallas County should have released Mr. Vega, as Dallas County had no other basis to believe that Mr. Vega had committed or was committing a criminal offense. Thus, to further detain Mr. Vega, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Vega. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Vega knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Vega due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Vega. Mr. Vega does not have a copy of the detainer that ICE sent Dallas County. Mr. Vega nevertheless claims, as a fact, that the detainer does not indicate that Mr. Vega had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Vega had not been charged or convicted of an immigration crime, and was not guilty of an immigration

crime. In particular, Mr. Vega was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Vega's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see supra* ¶¶ 9-10. Because Mr. Vega had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Vega claims as fact that there is nothing in the IDENT database that would indicate that Mr. Vega had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Vega had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Vega had committed or was committing a crime. Based on this evidence, Mr. Vega claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

148. **Refusal of Pretrial Release for Francisco Lara Martinez.** After he was arrested, an immigration hold was placed on Mr. Lara Martinez, as suggested by the following entry from his file:

DATE OF ORDER	ORDER OF COURT
9/22/15	Bond held insufficient ICE hold. \$100,000 cash/surety.

ICE sent a detainer to Dallas County for Mr. Lara Martinez, which is attached to the Complaint. Ex. DD at DD8. Bail was nominally set for Lara Martinez in September 2015, showing that he was eligible for pretrial release. Mr. Lara Martinez attempted to pay the bond, but was unsuccessful, for the reasons detailed earlier in the complaint. *See supra* ¶ 42. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Lara Martinez could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Lara Martinez to pay bail on his original purported criminal offense, Dallas County should have released Mr. Lara Martinez, as Dallas County had no other basis to believe that Mr. Lara Martinez had committed or was committing a criminal offense. Thus, to further detain Mr. Lara Martinez, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Lara Martinez. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Lara Martinez knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Lara Martinez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr.

Lara Martinez. Mr. Lara Martinez's detainer does not indicate that Mr. Lara Martinez had committed or was committing a crime. Ex. DD at DD8. Based on this evidence, Mr. Lara Martinez claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

149. **Refusal of Pretrial Release for Jesus Padilla.** After he was arrested, an immigration hold was placed on Mr. Padilla, as shown below:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354870068
Magistrate	
Remark	HF INS

The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Padilla, requesting that Dallas County detain Mr. Padilla after he otherwise would be released for transfer to ICE. Bail was nominally set for Padilla in February 2016, showing that he was eligible for pretrial release. Mr. Padilla did not attempt to pay bond because he believed it futile to do so. It was well known that Dallas County refused immediate release on bond for any detainee with an immigration hold, and Mr. Padilla knew that he had an immigration hold. But for Dallas County's practices of refusing immediate release on bond for any detainee with an immigration hold, Mr. Padilla could have and would have secured a bond to ensure pretrial release. Dallas County's practice of refusing immediate release on bond to individuals with immigration holds resulted in pretrial detention. If Dallas County had allowed Mr. Padilla

to pay bail on his original purported criminal offense, Dallas County should have released Mr. Padilla, as Dallas County had no other basis to believe that Mr. Padilla had committed or was committing a criminal offense. Thus, to further detain Mr. Padilla, Dallas County must show probable cause of a different criminal offense. Dallas County did not have such probable cause, but continued to detain Mr. Padilla. The fact that Dallas County did not have probable cause of a different criminal offense or felony is supported by evidence. Mr. Padilla knew of no hold that might justify further detention besides the immigration hold. This is evidence of the fact that (i) Dallas County did not have probable cause of a criminal offense from another county or state, and (ii) Dallas County held Mr. Padilla due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Mr. Padilla. Mr. Padilla does not have a copy of the detainer that ICE sent Dallas County. Mr. Padilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Padilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Padilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Padilla was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employment of aliens (8 U.S.C. § 1324a); willful failure to disclose role as document preparer (8 U.S.C. § 1324c(e)(1)); improper entry (8 U.S.C. § 1325(a)); marriage fraud (8 U.S.C. § 1325(c)); immigration-related entrepreneurship fraud (8 U.S.C. § 1325(d)); illegal reentry (8 U.S.C. § 1326); aiding or assisting certain aliens to enter (8 U.S.C. § 1327); and importation of alien for immoral purpose (8 U.S.C. § 1328). Mr. Padilla's claimed innocence of these crimes is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. Further, the detainer is based on information contained in the IDENT database, *see*

supra ¶¶ 9-10. Because Mr. Padilla had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Padilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Padilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Padilla had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Padilla had committed or was committing a crime. Based on this evidence, Mr. Padilla claims as fact that Dallas County did not have probable cause of a different criminal offense, and should not have held him pretrial. Dallas County also violated the Fourth Amendment by refusing the Plaintiff pretrial release due to a detainer issued without the oversight of a neutral magistrate.

COUNT 1: 42 U.S.C. § 1983—DENIAL OF PRETRIAL RELEASE
(ALL PLAINTIFFS EXCEPT MARIO GARIBALDI AND RODOLFO MARMOLEJO)

150. Plaintiffs incorporate the allegations of all previous paragraphs.
151. The Fourth Amendment prevents arrests and seizures, absent probable cause.
152. Dallas County must allow an opportunity for pretrial release that satisfies the Fourth Amendment.
153. Plaintiffs' rights under the Fourth Amendment are clearly established.
154. The Due Process Clause of the Fourteenth Amendments protect every person against government interference with certain fundamental rights and liberty interests, unless the interference is narrowly tailored to serve a compelling state interest.
155. Freedom from pretrial detention is a fundamental and clearly established right.

156. Dallas County imposed pretrial detention on Plaintiffs, infringing the Plaintiffs' strong interest in liberty. This intentional or reckless pretrial detention is not narrowly tailored to serve a compelling state interest.⁵

157. Based on the facts and allegations at ¶¶ 8-62 and 103-106, which are incorporated by reference, Plaintiffs claim that Dallas County did not allow an opportunity for pretrial release for those with immigration holds, even when a court nominally set bail. In particular, if any detainee with an immigration hold (such as plaintiffs) paid bail, Dallas County would either (i) continue to hold the detainee for transfer to ICE, or (ii) Sr. Sgt. Bruner's office would ask an assistant district attorney to petition a court to find the bail insufficient. Based on this evidence, Plaintiffs claim that Dallas County did not allow immediate release on bond to Plaintiffs. Further, each Plaintiff either (i) attempted to pay bail, and was not released, or (ii) believed paying bail to be a futile exercise, based on the widespread knowledge of Dallas County's refusal to allow immediate release on bond for detainees with immigration holds.

158. Plaintiffs make more particularized allegations at ¶¶ 107-149, which are incorporated by reference. Based on those allegations and evidence, as well as those found at ¶¶ 8-62 and 103-106, Plaintiffs claim that Dallas County did not allow immediate release on bond to Plaintiffs. Further, Plaintiffs either (i) attempted to pay bail, and were not released, or (ii) believed paying bail to be a futile exercise, based on the widespread knowledge of Dallas

⁵ Plaintiffs plead the pretrial-release claims under both the Fourth Amendment and the Due Process Clause. The Court has already dismissed the due-process claims for the original *Mercedo* and *Garza* Plaintiffs. The remaining plaintiffs (the original *Delcid Bonilla* plaintiffs and the plaintiffs added for the first time in this amended complaint) do not expect that the due-process claims will survive a motion to dismiss, but Plaintiffs seek to protect the appellate record by urging the Due Process claim along with the Fourth Amendment claim.

County's refusal to allow immediate release on bond for detainees with immigration holds. As examples:

- Dallas County unconstitutionally detained Abel Hernandez, Moises Vega Costilla, Florencio Vega, Miguel Rodriguez, Jose Valenciano, Arturo Mercado, and Mario Hernandez Jasso for **more than a month**, pretrial;
- Dallas County unconstitutionally detained Jose Gutierrez, Jesus Lopez, Alberto Sanchez Chavez, Jose Rodriguez, Carlos Reyna Esparragoza, and Jeremias Chevez for **over two months**, pretrial;
- Dallas County unconstitutionally detained Raul Gomez, Felipe Gonzalez Lujan, Maria Castillo, Andres Torres Cabrera, Jacinto Hernandez, Epifanio Uribe Ortiz, Efren Perez Villegas, Jorge Marrufo, and Salvador Jaurequi for **over three months**, pretrial;
- Dallas County unconstitutionally detained Heydy Jarquin Jimenez, Pablo Carranza, Luis Hernandez, Jose Lopez-Aranda, and Eleazar Saavedra for **over four months**, pretrial;
- Dallas County unconstitutionally detained Jose Declid Bonilla, Moises Martinez, and Francisco Lara Martinez for **over five months**, pretrial;
- Dallas County unconstitutionally detained Fernando Huerta, Abraham Santana, Sergio Diaz, and Gonzalo Ramirez Vasquez for **over six months**, pretrial;
- Dallas County unconstitutionally detained Julio Loera for **over ten months**, pretrial;
- Dallas County unconstitutionally detained Carlos Fuentes Paramo for **over a year**, pretrial; and
- Dallas County unconstitutionally detained Arturo Muñoz Martinez for **over a year and a half**, pretrial.

159. If Dallas County had allowed bail, Dallas County would have been required to release Plaintiffs if Plaintiffs had paid bail, as Dallas County had no other probable cause to believe that any Plaintiff had committed or was committing criminal activity, for the reasons stated at ¶¶ 107-149, which are incorporated by reference. Further, Plaintiffs either (i) attempted to pay bail, and were not released, or (ii) believed paying bail to be a futile exercise, based on the widespread knowledge of Dallas County's refusal to allow immediate release on bond for detainees with immigration holds. Finally, in Plaintiffs' situation, Dallas County can

only arrest based on a warrant issued by a neutral and detached magistrate. *Crane v. Texas*, 759 F.2d 412, 426 (5th Cir. 1985). None of the detainer forms are signed by neutral and detached magistrates—they are signed by immigration officers. *See* Exs. A, B. Further, even if Plaintiffs' detainers showed probable cause of a felony (which they do not), Dallas County must ensure that a judicial determination of probable cause by a neutral magistrate follows any warrantless arrest. *Id.* at 424. Dallas County does not do so.

160. The moving force for this claim is Dallas County's practice of refusing immediate release on bond for detainees with immigration holds. In particular, if any detainee with an immigration hold (such as plaintiffs) paid bail, Dallas County would either (i) continue to hold the detainee for transfer to ICE, or (ii) Sr. Sgt. Bruner's office would ask an assistant district attorney to petition a court to find the bail insufficient. Holding plaintiffs without an adequate opportunity for bail violates Texas statutes, the Texas Constitution, and/or the United States Constitution. Dallas County and Sheriff Valdez are responsible for these policies and practices. In particular, Sheriff Valdez oversees and is responsible for Dallas County's decisions on (i) whether to refuse bond posted for those with immigration holds, and (ii) whether to detain individuals with immigration holds that are otherwise cleared for release.

161. As a result of Dallas County's actions, Plaintiffs suffered damages in an amount to be proven at trial.

COUNT 2: 42 U.S.C. § 1983—OVERDETENTION

(ALL PLAINTIFFS EXCEPT SERGIO DIAZ, RICARDO GARZA, JESUS LOPEZ, GONZALO RAMIREZ VASQUEZ, CARLOS REYNA ESPARRAGOZA, JOSE RODRIGUEZ, EPIFANIO URIBE ORTIZ, RAUL GOMEZ, AND FRANCISCO LARA MARTINEZ)

162. Plaintiffs incorporate the allegations of all previous paragraphs.

163. The Fourth Amendment prevents arrests and seizures, absent probable cause.

164. When an individual is found not guilty, has all charges dropped against him or her, serves his or her sentence, or pleads guilty and receives no additional jail time, Dallas County must release that individual, absent a separate showing of probable cause that satisfies the Fourth Amendment.

165. Plaintiffs' rights under the Fourth Amendment are clearly established.

166. Dallas County has a policy and practice of detaining individuals with immigration holds who have otherwise been cleared for release, without requiring probable cause to believe that a different criminal offense has been or is being committed or other authority that would satisfy the Fourth Amendment. Instead, Dallas County justifies its detentions with ICE-issued requests to detain that neither satisfy the Fourth Amendment nor show probable cause to believe that a different criminal offense has been or is being committed. In Plaintiffs' situation, Dallas County can only arrest based on a warrant issued by a neutral and detached magistrate. *Crane v. Texas*, 759 F.2d 412, 426 (5th Cir. 1985). None of the detainer forms are signed by neutral and detached magistrates—they are signed by immigration officers. See Exs. A, B. Further, even if Plaintiffs' detainers showed probable cause of a felony (which they do not), Dallas County must ensure that a judicial determination of probable cause by a neutral magistrate follows any warrantless arrest. *Id.* at 424. Dallas County does not do so.

167. As shown at ¶¶ 8-37 and 55-65, which are incorporated by reference, Dallas County detained Plaintiffs after (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty, but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail, without probable cause that satisfies the Fourth Amendment. Further, Dallas County detained certain Plaintiffs for more than 48 hours.

168. Plaintiffs make Plaintiff-specific allegations at ¶¶ 66-102, which are incorporated by reference. As explained therein, along with the allegations and facts at ¶¶ 8-37 and 55-65 (which are incorporated by reference), Plaintiffs were detained after (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty, but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail. But, as explained at least ¶¶ 66-102, Dallas County did not know of any facts that showed that each Plaintiff had committed or was committing a new criminal violation sufficient to show probable cause under the Fourth Amendment. As a result, each Plaintiff should have been released after (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty, but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail.

169. The moving force for this claim is Dallas County's policy of honoring ICE requests to detain and detaining individuals subject to an immigration hold, even when Dallas County has no probable cause of a new criminal violation, and (i) Dallas County dropped all pending criminal charges, (ii) the detainee was found innocent of all pending criminal charges, (iii) the detainee pleaded guilty, but received no additional jail time, or (iv) the detainee pleaded guilty and served his sentence in Dallas County Jail. Dallas County and Sheriff Valdez are responsible for this policy. In particular, Sheriff Valdez oversees and is responsible for Dallas County's decision on whether to detain individuals with immigration holds that are otherwise cleared for release.

170. As a result of Dallas County's actions, Plaintiffs suffered damages in an amount to be proven at trial.

JURY DEMAND

171. Plaintiffs demand a jury on all issues so triable.

PRAYER FOR RELIEF

Plaintiffs request the following relief:

- i. That the Court award Plaintiffs actual and compensatory damages in an amount to be proven at trial;
- ii. That the Court award pre-judgment interest at the maximum rate allowed by law and post-judgment interest pursuant to 28 U.S.C. § 1961, continuing until such judgment is paid, at the maximum rate allowed by law;
- iii. That Dallas County pay Plaintiffs' reasonable attorney fees and costs as permitted by law, including as permitted by 42 U.S.C. § 1988; and
- iv. That the Court award such other and further relief as the Court deems just and proper.

Dated: June 16, 2017

Respectfully submitted,

/s Anthony M. Garza
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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

On June 16, 2017, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic-case-filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Anthony M. Garza
ANTHONY M. GARZA