

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, and JOSE VALENCIANO,

Plaintiffs,

v.

DALLAS COUNTY, TEXAS,

Defendant.

No. 3:15-CV-3481-D
(consolidated with No. 3:15-CV-4008-D)

JURY TRIAL DEMANDED

FIRST 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 each 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). Lupe Valdez¹ is the Sheriff of Dallas County and is the highest ranking law-enforcement officer in Dallas County. She is responsible for the Dallas County Sheriff’s Department, Dallas County jails, and Dallas County inmates.

JURISDICTION AND VENUE

3. 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.

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

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

¹ Presently, Sheriff Valdez is not a defendant in this case. Although Plaintiffs originally brought claims against Sheriff Valdez, the Court dismissed those claims. (ECF No. 30). Plaintiffs do not replead those dismissed claims in this Amended Complaint.

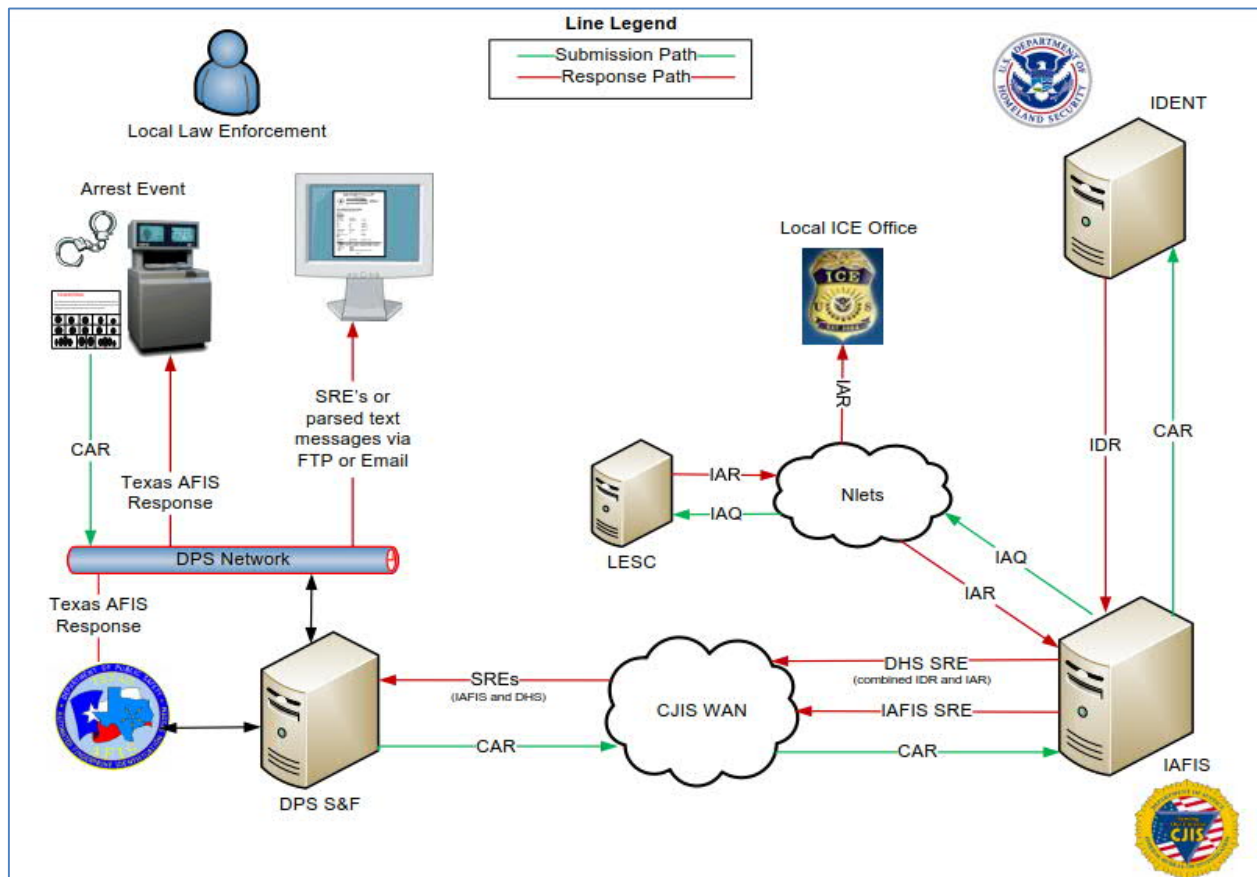
6. Venue is proper under 28 U.S.C. § 1391 because many of the complained-of acts in this case occurred in Dallas County, Texas, and because Dallas County is located in this District.

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

7. 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.

8. 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, July 25, 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.

9. 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 Communi-

ties: 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.

10. 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 (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.”).

11. 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., Exs. A-B (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.

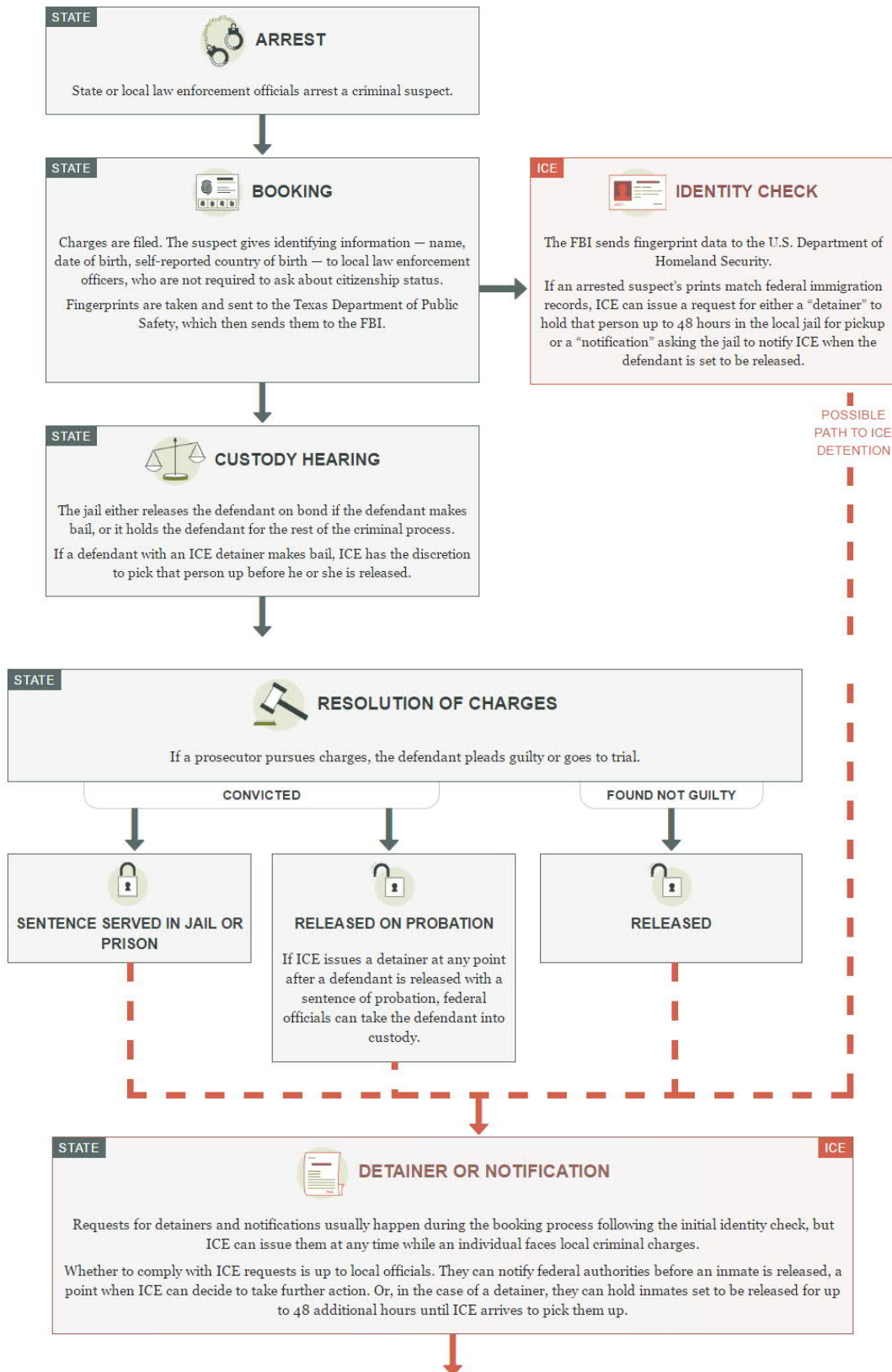
8 C.F.R. § 287.7(a). Because detainers are “requests,” local law-enforcement agencies need not respond or comply with detainers. See *Galarza v. Szalczyk*, 745 F.3d 634, 642 (3d Cir. 2014).² In 2013, ICE stated that detainers served three functions: (i) to notify a local law-enforcement agency that ICE 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.

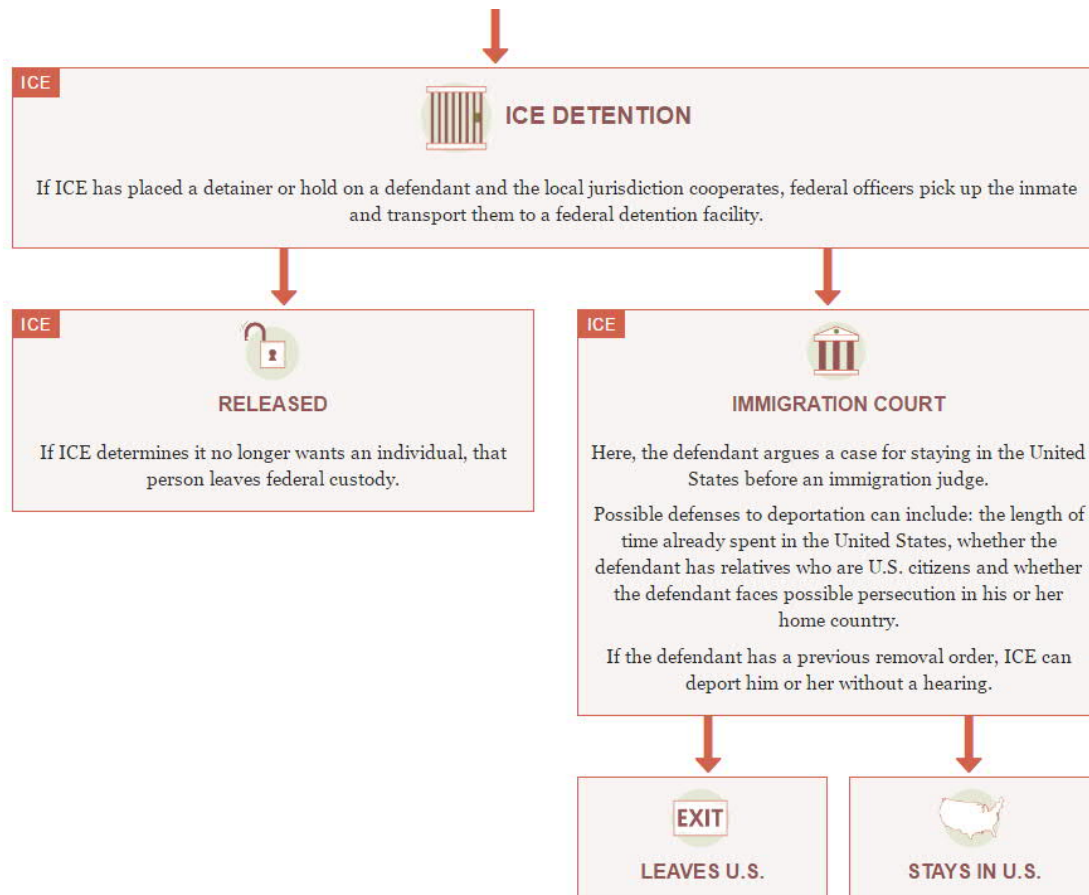
12. In February 2016, the Texas Tribune created a flowchart showing how detainers interact with the Texas criminal-justice system, shown below:

² 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.





/s/Cullough and Emily Albracht

13. 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 A1 (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 A1.

14. The “conditions” identified in the Morton memorandum are not criminal immigration offenses.³ It is not a crime to “be subject to removal,” to have prior felony or mis-

³ 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

demeanor convictions, or to be charged with a crime. It is often a crime to for an alien to re-enter 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).

15. 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. 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.

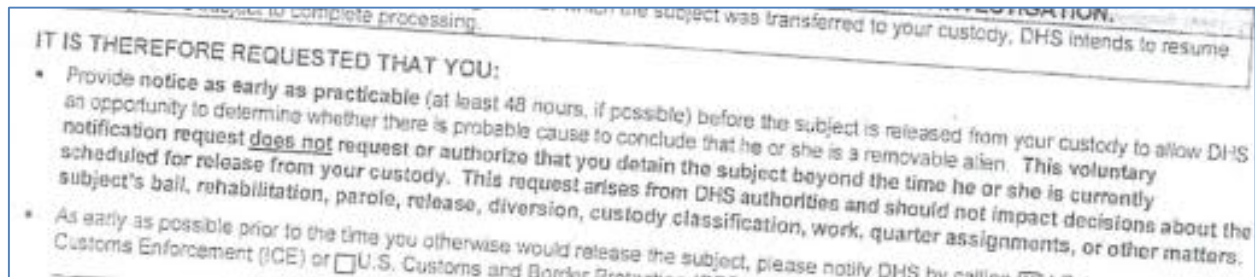
Form I-247D, Immigration Detainer - Request for Voluntary Action.

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.

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

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

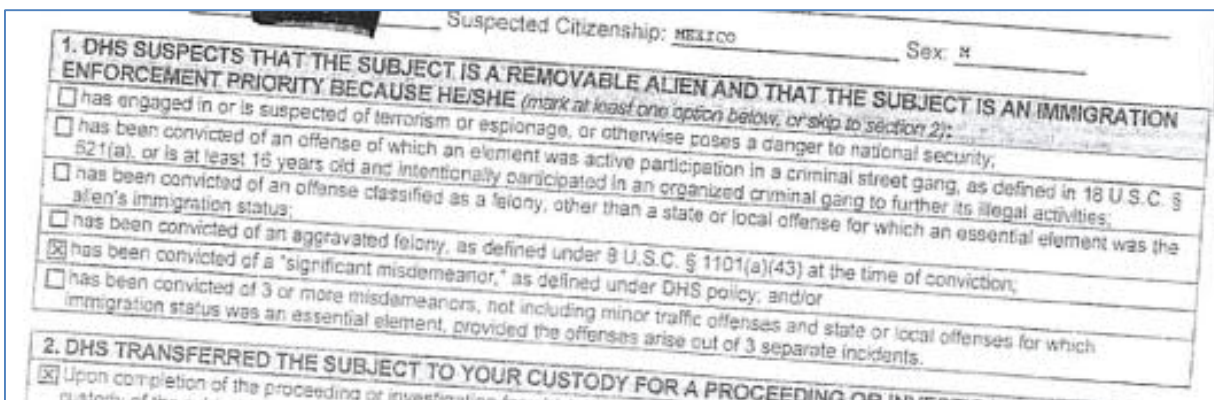
16. ICE uses the new detainer forms. See Ex. DD at DD8 (I-247N for F. Lara Martinez served on Dallas County in September 2015). The I-247N forms explicitly "does not request or authorize that [the local law-enforcement agency] detain the subject beyond the time he or she is currently scheduled for release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



IT IS THEREFORE REQUESTED THAT YOU:

- Provide notice as early as practicable (at least 48 hours, if possible) before the subject is released from your custody to allow DHS an opportunity to determine whether there is probable cause to conclude that he or she is a removable alien. 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. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.
- As early as possible prior to the time you otherwise would release the subject, please notify DHS by calling (800) 368-7347, U.S. Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP).

Id. Like the I-247 form, the I-247N form provides checkboxes for certain conditions that do not identify criminal probable cause:



1. DHS SUSPECTS THAT THE SUBJECT IS A REMOVABLE ALIEN AND THAT THE SUBJECT IS AN IMMIGRATION ENFORCEMENT PRIORITY BECAUSE HE/SHE (mark at least one option below, or skip to section 2):

- ☐ has engaged in or is suspected of terrorism or espionage, or otherwise poses a danger to national security;
- ☐ 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. § 821(a), or is at least 16 years old and intentionally participated in an organized criminal gang to further its illegal activities;
- ☐ 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;
- ☒ has been convicted of an aggravated felony, as defined under 9 U.S.C. § 1101(a)(43) at the time of conviction;
- ☐ has been convicted of a "significant misdemeanor," as defined under DHS policy; and/or
- ☐ 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.

2. DHS TRANSFERRED THE SUBJECT TO YOUR CUSTODY FOR A PROCEEDING OR SUBJECT TO YOUR CUSTODY

- ☒ Upon completion of the proceeding or investigation

Id. 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.

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

IT IS THEREFORE REQUESTED THAT YOU:

- Serve a copy of this form on the subject and maintain custody of him/her for a period **NOT TO EXCEED 48 HOURS** beyond the time when he/she would otherwise have been released from your custody to allow DHS to assume custody. **This request takes effect only if you serve a copy of this form on the subject, and it does not request or authorize that you hold the subject beyond 48 hours. This request arises from DHS authorities and should not impact decisions about the subject's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters.**

Ex. II (Sample form I-247D) at II1. 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.

18. 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. II at II1. 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 inde-

pendent criminal violation that might allow Dallas County to detain under the Fourth Amendment.

19. 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.*

20. 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.*

21. 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. 1698,⁴ which “requires jails to track the number of inmates held on federal detainers 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

⁴ Portions of that bill are codified at Tex. Gov’t Code § 511.0101.

over 180,000 undocumented immigrants with federal detainers 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

22. Dallas County receives a large number of ICE detainers. In 2015, eight jails received more than 1,000 detainers, 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. 11, 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 detainers 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.

23. Detainers are generally not publicly available. Plaintiffs attach three examples of detainers directed to Dallas County. First, the Immigration Detainer for Plaintiff Andres Torres Cabrera is attached as Exhibit A. The Torres Cabrera Immigration Detainer states that “there is reason to believe [Mr. Torres Cabrera] is subject to removal from the United States.” Ex. A at A1. 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.

Ex. A. 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.

24. Second, the Immigration Detainer for Jesus Nava Arriola is attached as Exhibit B. Mr. Nava Arriola is not a plaintiff. The Nava Arriola Immigration Detainer states that “there is reason to believe [Mr. Nava Arriola] is subject to removal from the United States.” Ex. B at B1. Again, under federal law, being “subject to removal” is not a crime. The Immigration Detainer states that Mr. Nava Arriola 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. Nava Arriola 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. Nava Arriola:

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. Nava Arriola did not receive a copy of the Detainer.

25. Third, the Immigration Detainer for Francisco Lara Martinez is attached Exhibit DD, at DD8. Mr. Lara Martinez is not 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.

26. Most Plaintiffs were not provided copies of their detainers. Plaintiffs have requested copies of those detainers from Dallas County. Dallas County has not provided copies of those detainers, claiming 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. Plaintiffs also formally requested the detainers before the Court stayed discovery. Ex. S (Dallas County Response to Request for Production) at S3 (Dallas County objecting to Plaintiffs' request for "[a]ll immigration detainers for any Plaintiff" as "vague, ambiguous, confusing, overbroad, unduly burdensome, and not reasonably calculated to lead to the discovery of admissible evidence").

27. In light of the three detainers attached to the Complaint, each of which do not show probable cause of a criminal offense, Plaintiffs claim as fact (especially in light of Dallas County's refusal to provide them) 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.

DALLAS COUNTY OVERDETAINED FOR TRANSFER TO ICE

28. 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 detainers in 2015: "we have accepted 1469 detainers 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 finger-

prints match the immigration database.” Ex. H at H1. Between January 2014 and September 2015, Texas law enforcement agencies refused only 146 detainees.⁵ 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.

29. 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 Moises Martinez:

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

“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 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. Nava Ar-

⁵ An earlier article in the Texas Tribune suggested that the number of refused detainers 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.

riola. Exs. A-B. Judge Snipes confirmed that “Dallas County places ‘immigration holds’ on detainees that are subject to an ICE detainer.” Ex. JJ ¶ 4.


30. 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, approximately twice a week. As a result, at times, Dallas County detains individuals for ICE for more than 48 hours. ICE does not always take custody of the individuals with immigration holds. For example, Dallas County detained Plaintiff Miguel Rodriguez after he otherwise would have been released for transfer to ICE. ICE did not take custody, and Dallas County eventually released Mr. Rodriguez. Judge Snipes confirmed that “Dallas County would sometimes hold detainees more than 48 hours based on an ICE detainer.” Ex. JJ ¶ 5.

31. 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 detainers 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: 

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.

32. On October 11, 2015, about two weeks before Plaintiffs filed their initial complaint, Sheriff Valdez announced that she “changed policies on holding immigrants in the Dallas County jail for federal immigration officials once the person is past his or her release date.” Ex. Q at Q1. According to The Dallas Morning News, Sheriff Valdez stated that detainees who committed “minor offenses” would not be held for up to an additional 48 hours for ICE. *Id.* This change in policy is evidence of the fact that, before October 2015, Dallas County held detainees subject to immigration holds (including those who had committed minor offenses) for up to an additional 48 hours for ICE, even after the person was past his or her release date. Judge Snipes confirmed that “Dallas County would not immediately release a detainee subject to an immigration hold that, absent the immigration hold. . . . [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] would instead hold the detainee, based on the

immigration hold and ICE detainer, for transfer to ICE.” Id. ¶ 8. In fact, Judge Snipes “does 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.

33. 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 detainees a month—almost twice that of Dallas County. Compare id. at H2 (300 detainees per month for Harris County) with Ex. Q at Q2 (160-170 detainees a month for Dallas County).

34. 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

35. 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.

36. 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 has 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.”)

37. 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.

38. 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 usually 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.

39. 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 determination:

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.

40. 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 Efren Perez Villegas:

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

Similarly, the file for Plaintiff Jose Lopez-Aranda states "H/F IMMIGRATION/NO BOND." The notation in these two files is evidence of the fact that Dallas County does not allow bond to those with immigration holds.

41. 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.

42. Plaintiffs requested that Dallas County identify the procedures by which a detainee with an immigration hold might secure pretrial release. As shown below, Dallas County refused to respond to the interrogatory.

INTERROGATORY NO. 4

If you contend that pretrial release was available for inmates with immigration holds held by Dallas County between July 2014 and the present, please explain all procedures by which an inmate with an immigration hold could secure release from Dallas County custody, pretrial.

RESPONSE:

The Defendants object to this interrogatory for the reasons more particularly set out and delineated in Defendants' Motion to Stay Discovery or in the Alternative for Protective Order (Document 22) which is incorporated by this reference as if fully set forth herein.

The Defendants further object to this interrogatory as vague, ambiguous, confusing, overbroad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

Ex. FF (Dallas County Response to Interrogatories) at FF3.

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

44. 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 Defendants accept 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.

45. 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.

46. 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.

47. 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.

48. 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). Defendants 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.

49. 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 June 2015, Dallas County held 557 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.

50. 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 OVERDETAINED PLAINTIFFS WITHOUT PROBABLE CAUSE OF A CRIMINAL VIOLATION

51. 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 other-

wise should have been released. Dallas County did not have probable cause of criminal activity when it held each Plaintiff for transfer to ICE.

52. 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.

53. 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.

54. Overdetention of 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

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:	<i>Stopping, standing, or parking outside residence</i>
The punishment range for the offense charged is:	<i>545.301 of transportation code</i>
<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"/> <i>Class C Misdemeanor 0 days in jail up to \$500 fine</i>	

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. Mr. Mercado does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Mercado, despite requesting the detainer from their attorney. Mr. Mercado nevertheless claims, as a fact, that the detainer does not indicate that Mr. Mercado had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Mercado had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Mercado 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. Mercado'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* ¶¶ 8-9. Because Mr. Mercado had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Mercado claims as fact that there is nothing in the IDENT database that would indicate that Mr. Mercado had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Mercado had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Mercado had committed or was committing a crime. Based on this evidence, Mr. Mercado claims as fact that Dallas County overdetained him solely based on an ICE de-

tainer, 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.

55. 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. Mr. Carranza does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Carranza, despite requesting the detainer from their attorney. Mr. Carranza nevertheless claims, as a fact, that the detainer does not indicate that Mr. Carranza had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Carranza had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Carranza 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. Carranza'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* ¶¶ 8-9. Because Mr. Carranza had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Carranza claims as fact that there is nothing in the IDENT database that would indicate that Mr. Carranza had committed or was committing a crime. Because nothing in the IDENT database indicated

that Mr. Carranza had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Carranza had committed or was committing a crime. 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.

56. 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:

☒ Confinement in ☐ penitentiary ☐ state jail ☒ county jail for 45 ☐ years ☐ months ☒ days

Because Mr. Gutierrez 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. Mr. Gutierrez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Gutierrez, despite requesting the detainer from their attorney. Mr. Gutierrez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Gutierrez had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Gutierrez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Gutierrez 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. Gutierrez'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 off

of information contained in the IDENT database. Because Mr. Gutierrez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Gutierrez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Gutierrez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Gutierrez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Gutierrez had committed or was committing a crime. Finally, because Mr. Gutierrez was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

57. 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 re-

leased 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
	§	
HEYDY J. JARQUIN	§	DISTRICT COURT
	§	
POSSESSION CONTROLLED SUBSTANCE	§	OF DALLAS COUNTY, TEXAS
	§	
	§	JANUARY 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 filed by the Dallas Police Department.

After further investigation, this case should be dismissed in the interest of justice.

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

[Signature]
CLERK
DISTRICT CLERK
DALLAS CO. TEXAS
DEPUTY

2015 FEB 19 AM 9:52

FILED

THE STATE OF TEXAS

VS.

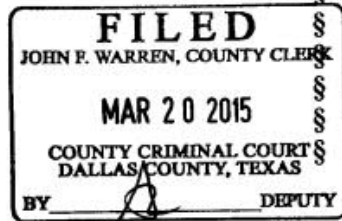
JARQUIN, HEYDY

NO. M14-63352

IN THE COUNTY CRIMINAL

COURT #10

DALLAS COUNTY, TEXAS



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. Jarquin Jimenez due to that immigration hold, and ultimately because of ICE's request for Dallas County to detain Ms. Jarquin Jimenez. Ms. Jarquin Jimenez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Ms. Jarquin Jimenez, despite requesting the detainer from their attorney. Ms. Jarquin Jimenez nevertheless claims, as a fact, that the detainer does not indicate that Ms. Jarquin Jimenez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Ms. Jarquin Jimenez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Ms. Jarquin Jimenez 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). Ms. Jarquin Jimenez'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* ¶¶ 8-9. Because Ms. Jarquin Jimenez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Ms. Jarquin Jimenez claims as fact that there is nothing in the IDENT database that would indicate that Ms. Jarquin Jimenez had committed or was committing a crime. Because nothing in the IDENT database indicated that Ms. Jarquin Jimenez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not

show that Ms. Jarquin Jimenez had committed or was committing a crime. Based on this evidence, Ms. Jarquin Jimenez claims as fact that Dallas County overdetained her based on an ICE detainer, and that the ICE detainer did not indicate that Ms. Jarquin Jimenez had committed or was committing a crime. Thus, Dallas County held Ms. Jarquin Jimenez for transfer to ICE without probable cause that Ms. Jarquin Jimenez had committed or was committing a crime. As a result, Dallas County violated the Fourth Amendment.

58. 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:	
<input checked="" type="checkbox"/> Confinement in	<input type="checkbox"/> penitentiary <input type="checkbox"/> state jail <input checked="" type="checkbox"/> county jail for <u>120</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	<input type="checkbox"/> Other: _____
<input type="checkbox"/> Back-time included: <u>Credit for All back time</u>	<input type="checkbox"/> 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. Mr. Lopez-Aranda does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Lopez-Aranda, despite requesting the detainer from their attorney. Mr. Lopez-Aranda nevertheless claims, as a fact, that the detainer does not indicate that Mr. Lopez-Aranda had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Lopez-Aranda had not been charged or convicted of an immigration crime. This is evidence of the fact that the detainer used by

ICE did not show probable cause of a criminal violation. 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.

59. 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. Mr. Martinez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Martinez, despite requesting the detainer from their attorney. Mr. Martinez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Martinez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Martinez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. 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. 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* ¶¶ 8-9.

Because Mr. Martinez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Martinez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Martinez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Martinez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Martinez had committed or was committing a crime. 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.

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

Hold Agency ID:
Bond Amount 0.00
Charge ILLEGAL ALIEN
Warrant Number 351678552
Magistrate
Remark H/F INS

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 \$ <u>100.00</u>
DATE TO COMMENCE: <u>12/11/2014</u>	
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. Mr. Navarette does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Navarette, despite requesting the detainer from their attorney. Mr. Navarette nevertheless claims, as a fact, that the detainer does not indicate that Mr. Navarette had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Navarette had not been charged or convicted of an immigration crime. This is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. 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.

61. 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 DEFT IN JAIL - CORRECTED DISPO			
DEFT 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. Mr. Perez Villegas does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Perez Villegas, despite requesting the detainer from their attorney. Mr. Perez Villegas nevertheless claims, as a fact, that the detainer does not indicate that Mr. Perez Villegas had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Perez Villegas had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Perez Villegas 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. Perez Villegas' 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* ¶¶ 8-9. Because Mr. Mr. Perez Villegas had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Perez Villegas claims as fact that there is nothing in the IDENT database that would indicate that Mr. Perez Villegas had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Perez Villegas had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Perez Villegas had committed or was committing

a crime. 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.

62. 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:

NO. M15-523-60

THE STATE OF TEXAS §
 §
 §
VS. §
 §
 §
RODRIGUEZ, MIGUEL §
 §
 §

IN THE COUNTY

CRIMINAL COURT OF

No. 11

MOTION TO DISMISS

FILED
JOHN F. WARREN, COUNTY CLERK
MAR 20 2015
[Signature]
DEPUTY

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:

The Defendant completed all conditions of his Conditional Dismissal agreement with the state.

WHEREFORE, PREMISES CONSIDERED, it is respectfully requested that this case be dismissed.

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. Mr. Rodriguez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County

and Sheriff Valdez will not provide that detainer to Mr. Rodriguez, despite requesting the detainer from their attorney. 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* ¶¶ 8-9. 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 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.

63. Overdetention of Eliazar 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. Mr. Saavedra does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Saavedra, despite requesting the detainer from their attorney. Mr. Saavedra nevertheless claims, as a fact, that the detainer does not indicate that Mr. Saavedra had committed or was committing a crime.

The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Saavedra had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Saavedra 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. Saavedra'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* ¶¶ 8-9. Because Mr. Saavedra had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Saavedra claims as fact that there is nothing in the IDENT database that would indicate that Mr. Saavedra had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Saavedra had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Saavedra had committed or was committing a crime. 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.

64. 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:

☒ Confinement in ☐ penitentiary ☐ state jail ☒ county jail for 89 ☐ 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

☒ Back-time included: 5/8/2015 - 8/19/15 ☐ Back time NOT included

Other: Agreed sentence: 89 days

[Handwritten signature]

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 cus-

tody 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: <u>TORRES CABRERA, ANDRES</u>	
Date of Birth: <u>[REDACTED]</u>	Nationality: <u>MEXICO</u>
Sex: <u>M</u>	
THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY: SID #: <u>TX50693881</u>	
<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 Interest</u>
<input type="checkbox"/> Obtained an order of deportation or removal from the United States for this person.	

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.

65. 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 im-

migration 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:

THE STATE OF TEXAS,	§ § § § § § §	<div style="text-align: right;">2015 MAY 27 AM 11:58 CLERK DALLAS CO. TEXAS</div> IN THE 363RD JUDICIAL DISTRICT COURT OF DALLAS COUNTY, TEXAS
No. F14-700-98		
vs.		
MOISES VEGA-COSTILLA		

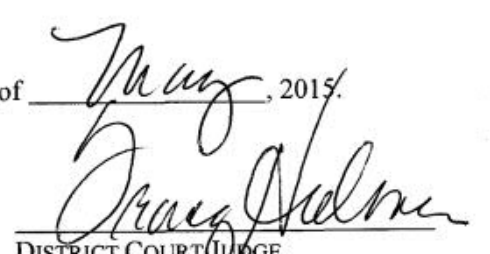
Now comes the District Attorney of Dallas County, Texas and asks the Court to dismiss the above entitled and numbered cause, for the following reasons, to-wit:

The Defendant has made restitution to the Complainant Elizebeth Cook in the amount of \$10,000. The Complainant in this case feels comfortable with this outcome and the Defendant has no other pending cases in Dallas County. In turn, the State agreed to dismiss the FSRA and AA/DW cases against the Defendant.

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

ORDER

The foregoing motion is granted on the 27 day of May, 2015.


DISTRICT COURT JUDGE

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. Mr. Vega Costilla does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Vega Costilla, despite requesting the detainer from their attorney. Mr. Vega Costilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Vega Costilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Vega Costilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Vega Costilla 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 Costilla'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* ¶¶ 8-9. Because Mr. Vega Costilla

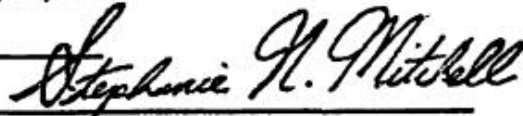
had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Vega Costilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Vega Costilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Vega Costilla had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Vega Costilla had committed or was committing a crime. 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.

66. 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/NTTF 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. Mr. Garibaldi does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Garibaldi, despite requesting the detainer from their attorney. Mr. Garibaldi nevertheless claims, as a fact, that the detainer does not indicate that Mr. Garibaldi had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Garibaldi had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Garibaldi 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. Garibaldi'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* ¶¶ 8-9. Because Mr. Garibaldi had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Garibaldi claims as fact that there is nothing in the IDENT database that would indicate that Mr. Garibaldi had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Garibaldi had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Garibaldi had committed or was committing a crime. 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.

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

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	354040375
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. Mr. Marmolejo does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Marmolejo, despite requesting the detainer from their attorney. Mr. Marmolejo nevertheless claims, as a fact, that the detainer does not indicate that Mr. Marmolejo had committed or was committing a crime. The form used by ICE generally

indicates civil immigration violations, not criminal violations. Further, Mr. Marmolejo had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Marmolejo 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. Marmolejo'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* ¶¶ 8-9. Because Mr. Marmolejo had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Marmolejo claims as fact that there is nothing in the IDENT database that would indicate that Mr. Marmolejo had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Marmolejo had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Marmolejo had committed or was committing a crime. 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.

68. 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. Mr. Alvarez Castro

does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Alvarez Castro, despite requesting the detainer from their attorney. Mr. Alvarez Castro nevertheless claims, as a fact, that the detainer does not indicate that Mr. Alvarez Castro had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Alvarez Castro had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Alvarez Castro 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. Alvarez Castro'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* ¶¶ 8-9. Because Mr. Alvarez Castro had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Alvarez Castro claims as fact that there is nothing in the IDENT database that would indicate that Mr. Alvarez Castro had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Alvarez Castro had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Alvarez Castro had committed or was committing a crime. Finally, because Mr. Alvarez Castro was arrested after June 2015, ICE used either the I-247N or I-247D form.

Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that “probable cause exists that the subject is a removable alien,” and the I-247N form explicitly only claims that “DHS suspects that the subject is a removable alien.” 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.

69. Overdetention of 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	HF / IND

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. Mr. Chevez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Chevez, despite requesting the detainer from their attorney. Mr. Chevez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Chevez had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Chevez had not been charged with an immigration crime. Finally, because Mr. Chevez was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

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

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	355973004
Magistrate	
Remark	HF INS

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:

SENTENCE	
90 DAYS TO H JAIL	
SPECIAL CONDITION	
\$ 0.00 FINE	\$ 0.00 COST
ADDITIONAL CREDIT FOR TIME SERVED	
100815-110615	

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. Mr. Flores does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Flores, despite requesting the detainer from their attorney. Mr. Flores nevertheless claims, as a fact, that the detainer does not indicate that Mr. Flores had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Flores had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Flores 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. Flores' 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 off of information contained in the IDENT database. Because Mr. Flores had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Flores claims as fact that there is nothing in the IDENT database that would indicate that Mr. Flores had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Flores had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Flores had committed or was committing a crime. Finally, because Mr. Flores

was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that “probable cause exists that the subject is a removable alien,” and the I-247N form explicitly only claims that “DHS suspects that the subject is a removable alien.” 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.

71. 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. Mr. Gonzalez Lujan does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Gonzalez Lujan, despite requesting the detainer from their attorney. Mr. Gonzalez Lujan nevertheless claims, as a fact, that the detainer does not indicate that Mr. Gonzalez Lujan had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Gonzalez Lujan had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Gonzalez Lujan 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. Gonzalez Lujan'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* ¶¶ 8-9. Because Mr. Gonzalez Lujan had not been charged with an

immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Gonzalez Lujan claims as fact that there is nothing in the IDENT database that would indicate that Mr. Gonzalez Lujan had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Gonzalez Lujan had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Gonzalez Lujan had committed or was committing a crime. Finally, because Mr. Gonzalez Lujan was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

72. 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. Her-

nandez. Mr. Hernandez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Hernandez, despite requesting the detainer from their attorney. 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* ¶¶ 8-9. 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.

73. Overdetention of 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

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. Mr. Valenciano does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Valenciano, despite requesting the detainer from their attorney. Mr. Valenciano nevertheless claims, as a fact, that the detainer does not indicate that Mr. Valenciano had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Valenciano had not been charged of an immigration crime. Finally, because Mr. Valenciano was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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 DENIED PLAINTIFFS PRE-TRIAL RELEASE BASED ON AN ICE DETAINER

74. 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.

75. 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.

76. Each of the Plaintiffs listed below either (i) posted bond and was denied pretrial 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.

77. 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. 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.

78. 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

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. 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. Mr. Mercado does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Mercado, despite requesting the detainer from their attorney. Mr. Mercado nevertheless claims, as a fact, that the detainer does not indicate that Mr. Mercado had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Mercado had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Mercado 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. Mercado'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 off of in-

formation contained in the IDENT database. Because Mr. Mercado had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Mercado claims as fact that there is nothing in the IDENT database that would indicate that Mr. Mercado had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Mercado had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Mercado had committed or was committing a crime. 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.

79. 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

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. 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. Car-

ranza 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. Mr. Carranza does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Carranza, despite requesting the detainer from their attorney. Mr. Carranza nevertheless claims, as a fact, that the detainer does not indicate that Mr. Carranza had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Carranza had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Carranza 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. Carranza'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* ¶¶ 8-9. Because Mr. Carranza had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Carranza claims as fact that there is nothing in the IDENT database that would indicate that Mr. Carranza had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Carranza had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Carranza had committed or was committing a crime. 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.

80. 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

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

81. 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

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. 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. Mr. Gutierrez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Gutierrez, despite requesting the detainer from their attorney. Mr. Gutierrez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Gutierrez had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Gutierrez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Gutierrez 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. Gutierrez'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* ¶¶ 8-9. Because Mr. Gutierrez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Gutierrez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Gutierrez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr.

Gutierrez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Gutierrez had committed or was committing a crime. Finally, because Mr. Gutierrez was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

82. 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. 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. 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 individu-

als 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. Ms. Jarquin Jimenez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Ms. Jarquin Jimenez, despite requesting the detainer from their attorney. Ms. Jarquin Jimenez nevertheless claims, as a fact, that the detainer does not indicate that Ms. Jarquin Jimenez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Ms. Jarquin Jimenez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Ms. Jarquin Jimenez 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 pur-

pose (8 U.S.C. § 1328). Ms. Jarquin Jimenez'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 off of information contained in the IDENT database. Because Ms. Jarquin Jimenez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Ms. Jarquin Jimenez claims as fact that there is nothing in the IDENT database that would indicate that Ms. Jarquin Jimenez had committed or was committing a crime. Because nothing in the IDENT database indicated that Ms. Jarquin Jimenez had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Ms. Jarquin Jimenez had committed or was committing a crime. 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.

83. 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

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. 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. Mr. Lopez-Aranda does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Lopez-Aranda, despite requesting the detainer from their attorney. Mr. Lopez-Aranda nevertheless claims, as a fact, that the detainer does not indicate that Mr.

Lopez-Aranda had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Lopez-Aranda had not been charged or convicted of an immigration crime. This is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. 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.

84. 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

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. 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 . . .



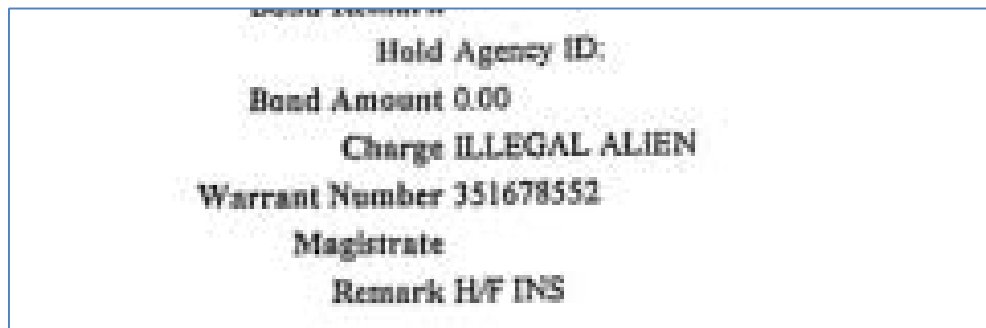
2015 Dec 10

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. Mr. Martinez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Martinez, despite requesting the detainer from their attorney. Mr. Martinez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Martinez had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Martinez had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. 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. 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* ¶¶ 8-9. Because Mr. Martinez had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Martinez claims as fact that there is nothing in the IDENT database that would indicate that Mr. Martinez had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Martinez had committed or

was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Martinez had committed or was committing a crime. 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.

85. Refusal of Pre-trial Release for 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. 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. Mr. Navarette does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Navarette, despite requesting the detainer from their attorney. Mr. Navarette nevertheless claims, as a fact, that the detainer does not indicate that Mr. Navarette had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Navarette had not been charged or convicted of an immigration crime. This is evidence of the fact that the detainer used by ICE did not show probable cause of a criminal violation. 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.

86. 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

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. 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. Mr. Perez Villegas does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Perez Villegas, despite requesting the detainer from their attorney. Mr. Perez Villegas nevertheless claims, as a fact, that the detainer does not indicate that Mr. Perez Villegas had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Perez Villegas had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Perez Villegas 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. Perez Villegas' 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* ¶¶ 8-9. 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.

87. 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. Rodri-

guez 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. 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. Mr. Rodriguez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Rodriguez, despite requesting the detainer from their attorney. 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* ¶¶ 8-9. 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.

88. 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

The immigration hold is 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. 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 Mr. Saavedra. Mr. Saavedra does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Saavedra, despite requesting the detainer from their attorney. Mr. Saavedra nevertheless claims, as a fact, that the detainer does not indicate that Mr. Saavedra had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Saavedra had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Saavedra 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. Saavedra'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* ¶¶ 8-9. Because Mr. Saavedra had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Saavedra claims as fact that there is nothing in the IDENT database that would indicate that Mr. Saavedra had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Saavedra had committed or was

committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Saavedra had committed or was committing a crime. 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.

89. 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

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. 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: <u>TORRES CABRERA, ANDRES</u>	
Date of Birth: <u>[REDACTED]</u>	Nationality: <u>MEXICO</u>
	Sex: <u>M</u>
THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY; SID #: <u>TX50693881</u>	
<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 Interest</u>
<input type="checkbox"/> Obtained an order of deportation or removal from the United States for this person.	

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.

90. 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, 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. 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. Mr. Vega Costilla does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Vega Costilla, despite requesting the detainer from their attorney. Mr. Vega Costilla nevertheless claims, as a fact, that the detainer does not indicate that Mr. Vega Costilla had committed or was committing a crime. The form used by ICE generally indicates civil immigration violations, not criminal violations. Further, Mr. Vega Costilla had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Vega Costilla 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 Costilla'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* ¶¶ 8-9. Because Mr. Vega Costilla had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Vega Costilla claims as fact that there is nothing in the IDENT database that would indicate that Mr. Vega Costilla had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Vega Costilla had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Vega Costilla had committed or was committing a

crime. 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.

91. 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. The immigration hold is evidence of the fact that ICE sent a detainer to Dallas County for Mr. Garza, requesting that Dallas County either (i) detain Mr. Garza after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Garza. Bail was nominally set for Mr. Garza in Dallas County November 2015, showing that Mr. Garza was eligible for pretrial release. 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 J. A. [Signature]
12/9/15	Ordered to install in-home portable alcohol monitor & a city present & released 12/7/15. ICE Hold Released & a posted bond. A to report to Jail Diversion Jdy. [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. Finally, because Mr. Garza was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that “probable cause exists that the subject is a removable alien,” and the I-247N form explicitly only claims that “DHS suspects that the subject is a removable alien.” 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.

92. 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:

Hold	Agency ID
Bond Amount	0.00
Charge	ILLEGAL ALIEN
Warrant Number	1510000001
Magistrate	
Remark	NO 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. 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. Mr. Alvarez Castro does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Alvarez Castro, despite requesting the detainer from their attorney. Mr. Alvarez Castro nevertheless claims, as a fact, that the detainer does not indicate that Mr. Alvarez

Castro had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Alvarez Castro had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Alvarez Castro 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. Alvarez Castro'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* ¶¶ 8-9. Because Mr. Alvarez Castro had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Alvarez Castro claims as fact that there is nothing in the IDENT database that would indicate that Mr. Alvarez Castro had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Alvarez Castro had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Alvarez Castro had committed or was committing a crime. Finally, because Mr. Alvarez Castro was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

93. 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	DAL1009001
Magistrate	
Remark	HF / INS

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. 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 pretrial 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 com-

mitted 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. Mr. Chevez does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Chevez, despite requesting the detainer from their attorney. Mr. Chevez nevertheless claims, as a fact, that the detainer does not indicate that Mr. Chevez had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Chevez had not been charged with an immigration crime. Finally, because Mr. Chevez was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

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

Hold	Agency ID
Bond Amount	000
Charge	ILLEGAL ALIEN
Warrant Number	355973004
Magistrate	
Remark	HF INS

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. Flores after he otherwise would be released for transfer to ICE or (ii) notify DHS before releasing Mr. Flores. 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 pretrial 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. Mr. Flores does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Flores, despite requesting the detainer from their attorney. Mr. Flores nevertheless claims, as a fact, that the detainer does not indicate that Mr. Flores had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Flores had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Flores 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. Flores' 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* ¶¶ 8-9. Because Mr. Flores had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Flores claims as fact that there is nothing in the IDENT database that would indicate that Mr. Flores had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Flores had committed or was committing a crime, the detainer provided by ICE to Dallas County

did not show that Mr. Flores had committed or was committing a crime. Finally, because Mr. Flores was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that “probable cause exists that the subject is a removable alien,” and the I-247N form explicitly only claims that “DHS suspects that the subject is a removable alien.” 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.

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

Held	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. 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. Mr. Gonzalez Lujan does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Gonzalez Lujan, despite requesting the detainer from their attorney. Mr. Gonzalez Lujan nevertheless claims, as a fact, that the detainer does not indicate that Mr. Gonzalez Lujan had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Gonzalez Lujan had not been charged or convicted of an immigration crime, and was not guilty of an immigration crime. In particular, Mr. Gonzalez Lujan was innocent of any of the following immigration crimes: bringing in and harboring aliens (8 U.S.C. § 1324); unlawful employ-

ment 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. Gonzalez Lujan'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* ¶¶ 8-9. Because Mr. Gonzalez Lujan had not been charged with an immigration crime, convicted of an immigration crime, or guilty of an immigration crime, Mr. Gonzalez Lujan claims as fact that there is nothing in the IDENT database that would indicate that Mr. Gonzalez Lujan had committed or was committing a crime. Because nothing in the IDENT database indicated that Mr. Gonzalez Lujan had committed or was committing a crime, the detainer provided by ICE to Dallas County did not show that Mr. Gonzalez Lujan had committed or was committing a crime. Finally, because Mr. Gonzalez Lujan was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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.

96. 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

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 May 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, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Hernandez, despite requesting the detainer from their attorney. 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* ¶¶ 8-9. 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 pre-trial.

97. 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	353715361
Magistrate	
Remark	H/F IMMIGRATION

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. 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. Mr. Valenciano does not have a copy of the detainer that ICE sent Dallas County, and Dallas County and Sheriff Valdez will not provide that detainer to Mr. Valenciano, despite requesting the detainer from their attorney. Mr. Valenciano nevertheless claims, as a fact, that the detainer does not indicate that Mr. Valenciano had committed or was committing a crime. The forms used by ICE generally indicate civil immigration violations, not criminal violations. Further, Mr. Valenciano had not been charged of an immigration crime. Finally, because Mr. Valenciano was arrested after June 2015, ICE used either the I-247N or I-247D form. Neither the I-247D form nor the I-247N form provides probable cause of a criminal violation. The I-247D form explicitly only claims that "probable cause exists that the subject is a removable alien," and the I-247N form explicitly only claims that "DHS suspects that the subject is a removable alien." 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 pre-trial.

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

98. Plaintiffs incorporate the allegations of all previous paragraphs.

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

100. Dallas County must allow an opportunity for pretrial release that satisfies the Fourth Amendment.

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

102. 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.

103. Freedom from pretrial detention is a fundamental and clearly established right.

104. Defendants 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.⁶

105. Based on the facts and allegations at ¶¶ 7-18, 22-50, and 74-77, 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

⁶ The Court originally dismissed Plaintiffs' pretrial-release claims for (i) failure to plead adequate facts and (ii) because the claims sound under the Fourth Amendment instead of the Due Process Clause. (ECF No. 30). Plaintiffs replead the pretrial-release claims under both the Fourth Amendment and the Due Process Clause. Plaintiffs do not expect that the due-process claims will survive if the Court reapplies the reasoning in its prior opinion, but Plaintiffs seek to protect the appellate record by reurging the Due Process claim with the more fulsome factual explanation in the Amended Complaint.

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.

106. Plaintiffs make more particularized allegations at ¶¶ 78-97, which are incorporated by reference. Based on those allegations and evidence, as well as those found at ¶¶ 7-18, 22-50, and 74-77, 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 County's refusal to allow immediate release on bond for detainees with immigration holds.

107. If Dallas County had allowed bail, Dallas County would have needed 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 ¶¶ 78-97, 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.

108. 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.

109. 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 AND RICARDO GARZA)

110. Plaintiffs incorporate the allegations of all previous paragraphs.

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

112. 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.

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

114. 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.

115. As shown at ¶¶ 7-18, 22-34, and 51-53, 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.

116. Plaintiffs make Plaintiff-specific allegations at ¶¶ 54-73, which are incorporated by reference. As explained therein, along with the allegations and facts at ¶¶ 7-18, 22-34, and 51-53 (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 at least ¶¶ 54-73, 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.

117. 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 if 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.

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

JURY DEMAND

119. 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 Defendants 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: July 5, 2016

Respectfully submitted,

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

On July 5, 2016, 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