

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

v.

U.S. DEPARTMENT OF HOMELAND SECURITY; KIRSTJEN NIELSEN, Secretary of Homeland Security; DAVID RIVERA, Director of the New Orleans Field Office of U.S. Immigration and Customs Enforcement; and DAVID COLE, Warden of the LaSalle Detention Facility,

Respondents.

CASE NO.

JUDGE:

MAGISTRATE JUDGE:

Date: April 13, 2018

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. The actions pursued by government officials in this case threaten core First Amendment freedoms that are essential to our democracy: the right to criticize and expose the actions of government officials, and the right of members of the press to write and publish about them. Petitioner Manuel Duran Ortega is a 42-year-old journalist from El Salvador who fled to the United States in 2006 after his life was threatened. On April 3, 2018, while reporting on a demonstration in Memphis, Tennessee, Mr. Duran Ortega was illegally arrested by Memphis police and subsequently turned over to and detained by the Department of Homeland Security (DHS) in retaliation for his past critical

coverage of immigration enforcement activities. Mr. Duran Ortega was arrested and is being detained by DHS in order to punish and suppress his speech as a journalist, in violation of the First, Fourth, Fifth, and Fourteenth Amendments to the United States Constitution.

2. On April 3, 2018, Mr. Duran Ortega was arrested without probable cause by Memphis Police Department (“MPD”) officers while covering a protest related to MLK50, a city-sponsored event commemorating the 50th anniversary of Dr. Martin Luther King Jr.’s assassination. The demonstration specifically protested local law enforcement officials’ detention of immigrants for the purpose of turning them over to DHS custody. Although all charges against Mr. Duran Ortega were dropped on April 5, 2018, he was not allowed to leave jail. Instead, local officials turned him over to DHS officials at DHS’ behest. Since April 5, Mr. Duran Ortega has been detained at LaSalle Detention Center in Jena, Louisiana. He now faces removal to El Salvador, where investigative journalists like him regularly face threats and violent retaliation. His current detention is a direct result of his unlawful arrest and detention in violation of the First, Fourth, Fifth, and Fourteenth Amendments.

JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. §§ 1331, 2241, 2243, and the Habeas Corpus Suspension Clause of the U.S. Constitution (U.S. Const. art. I, § 9, cl. 2).

4. Venue lies in the Western District of Louisiana, because a substantial part of the events or omissions giving rise to this action, specifically, Petitioner’s ongoing

unconstitutional detention, have occurred and are occurring in the District. *See* 28 U.S.C. § 1391 and 28 U.S.C. § 2241. Divisional venue is proper in the Alexandria Division. *See* LR77.3.

5. No petition for habeas corpus has previously been filed in any court to review Petitioner's case.

6. Nothing in federal immigration law strips this Court of its jurisdiction over Petitioner's claims. *See* 8 U.S.C. § 1252 (specifying provisions governing judicial review of orders of removal). Petitioner is currently challenging his removal order through separate proceedings in immigration court. Here, Petitioner challenges his current detention, which violates the First, Fourth, Fifth, and Fourteenth Amendments to the Constitution.

PARTIES

7. Petitioner Manuel Duran Ortega is a citizen of El Salvador who has lived continuously in the United States since 2006. Mr. Duran Ortega has been in the custody of Respondents since April 5, 2018.

8. The U.S. Department of Homeland Security ("DHS") is a cabinet department of the United States federal government with the primary mission of securing the United States. Immigrations and Customs Enforcement (ICE) is a component agency of DHS.

9. Respondent Kirstjen Nielsen is the Secretary of DHS. She is sued in her official capacity.

10. Respondent David Rivera is the Director of the New Orleans Field Office of ICE, which has immediate custody of Petitioner. He is sued in his official capacity.

11. Respondent David Cole is the warden of the LaSalle Detention Center. He is sued in his official capacity.

STATEMENT OF FACTS

A. Mr. Duran Ortega is a journalist who has engaged in political speech critical of federal and local law enforcement.

12. Manuel Duran Ortega is a citizen of El Salvador who has lived in the United States continuously since his arrival in 2006. He has resided in Memphis, Tennessee, for the majority of that time. *See* Ex. 1 ¶ 5 (Duran Ortega Decl.)

13. In 2006, Mr. Duran Ortega fled El Salvador, where he had been working as a television station manager. *Id.* ¶ 3. After a rival television station employee used his law enforcement connections to have Mr. Duran Ortega arrested on trumped-up charges, Mr. Duran Ortega reported on corruption in law enforcement and the judicial system.. *Id.* After his report, he began to receive death threats and escaped to the United States. *Id.*

14. In Memphis, Mr. Duran Ortega is a well-known member of the local press. *See Id.* ¶ 8 (Duran Ortega Decl.); Ex. 2 (Valdez Decl.) ¶ 6; Ex. 3 (Escobar Decl.) ¶ 4; Ex. 4 (Flores Decl.) ¶ 3; Ex. 5 (Morales Decl.) ¶ 6. In 2007, Mr. Duran Ortega began working with a Spanish-language radio program called *La Voz*. *See* Ex. 1 (Duran Ortega Decl.) ¶5. In 2008, he left *La Voz* and began working as a host and producer for another radio station called *Radio Ambiente*. *Id.* He became well-known through his reporting with *Radio Ambiente*, but felt stifled in his ability to engage in investigative journalism. *See*

id.; *see also* Ex. 2 (Valdez Decl.) ¶¶ 3-4. Around 2012, he founded the Spanish language media outlet *Las Noticias con Manuel Duran*. Ex. 2 (Valdez Decl.) ¶ 4. In 2017, he began focusing on *Memphis Noticias* as his primary news outlet. *Id.* ¶ 5; Ex. 1 (Duran Ortega Decl.) ¶ 6. He expanded his reporting, including use of direct interviews, posting videos on Facebook Live, and posting updates to stories as they continued to evolve. *See* Ex. 1 (Duran Ortega Decl.) ¶¶ 7-9; Ex. 2 (Valdez Decl.) ¶ 5; Ex. 4 (Flores Decl.) ¶ 3.

15. Mr. Duran Ortega has recently published numerous stories on controversial issues involving the Memphis Police Department and other local law enforcement. *See* Ex. 1 (Duran Ortega Decl.) ¶¶ 7-9; Ex. 2 (Valdez Decl.) ¶ 6-7; Ex. 4 (Flores Decl.) ¶ 4. For example, he published a story on Facebook in July 2017 identifying collaboration between the Memphis Police Department and ICE at a traffic stop. Ex. 1 (Duran Ortega Decl.) ¶ 9; Ex. 23. Following that publication, a Memphis police officer sent Mr. Duran Ortega a text message asking him to take down the story and meet with a senior official in the Department. *See* Ex. 1 (Duran Ortega Decl.) ¶ 10; Ex. 4 (Flores Decl.) ¶ 5; Ex. 28 (screenshot of text message). The Memphis Police Department had publicly denied collaboration with ICE enforcement, and Mr. Duran Ortega's reporting contradicted their official line. Ex. 22-23.

16. Mr. Duran Ortega has also recently criticized DHS, including publishing an article in *Memphis Noticias* article regarding unjust conditions at DHS detention facilities and an article on the devastating impact of family separation caused by immigration enforcement. Exs. 16, 20, 24.

17. In addition to these stories, Mr. Duran Ortega, through *Memphis Noticias*, reported on police shootings, MPD collaboration with ICE, ICE enforcement actions and the resulting hardship on immigrant families, demonstrations calling for law enforcement accountability, and incidents of police misconduct. *See* Exs. 9-11, 13-15, 17-18, 20-21, 22-27. Most recently, in February 2018, he did significant in-depth reporting on an incident in which the body of Latino murder victim, Bardomiano Perez Hernandez, was left in the back of a van for 49 days after it had been impounded by the MPD. Ex. 1 (Duran Ortega Decl.) ¶ 12; Ex. 2 (Valdez Decl.) ¶ 7; *see also* Exs. 9-11. This reporting included attending hearings and conducting interviews with the victim's family. Ex. 1 (Duran Ortega Decl.) ¶ 12.

18. Mr. Duran Ortega has had numerous interactions with MPD personnel in his role as a reporter. *See* Ex. 3 (Escobar Decl.) ¶ 5; Ex. 4 (Flores Decl.) ¶ 4. He interviewed the department sub-director on a Facebook Live broadcast and attended an MPD meeting to discuss police cooperation with ICE. Ex. 1 (Duran Ortega Decl.) ¶ 7. He also was frequently in touch with the department as he pushed for *Memphis Noticias* to be included in MPD briefings and press conferences despite his exclusion from such events. *See* Ex. 1 (Duran Ortega Decl.) ¶ 11.

19. He had also spoken publicly with other government officials about police activity. *See* Ex. 22. He interviewed the mayor of Memphis about collaboration between the MPD and ICE, and most recently had broadcast an interview with a victim services specialist from the District Attorney's office about the mishandling of Mr. Perez Hernandez's body. *See* Ex. 1 (Duran Ortega Decl.) ¶ 7; Ex. 2 (Valdez Decl.) ¶ 7; Ex. 22.

B. Mr. Duran Ortega was engaged in activities as a member of the press at the time he was arrested without probable cause.

20. On April 3, 2018, a group of individuals participated in a protest related to the city's commemoration of the 50th anniversary of the assassination of Dr. Martin Luther King Jr. *See* Ex. 29 (MLK50.com article); Ex. 1 (Duran Ortega Decl.) ¶¶ 14-15; Ex. 2 (Valdez Decl.) ¶ 8; Ex. 3 (Escobar Decl.) ¶ 6; Ex. 5 (Morales Decl.) ¶ 4. The protest was held in front of the Shelby County Justice Center, the complex which houses the Shelby County Sheriff's Office (SCSO) and Memphis's central jail, which is administered by SCSO. *See* Ex. 1 (Duran Ortega Decl.) ¶ 14; Ex. 4 (Flores Decl.) ¶ 6; Ex. 5 (Morales Decl.) ¶ 5; Ex. 29 (MLK50.com article).

21. The protestors specifically targeted the MPD's collaboration with ICE and the SCSO officials' instances of prolonging the detention of suspected undocumented immigrants beyond their official release from jail in order to turn them over to ICE. *See* Ex. 1 ¶ 15; Ex. 2 (Valdez Decl.) ¶ 8; Ex. 3 (Escobar Decl.) ¶ 6; Ex. 5 (Morales Decl.) ¶ 5; Ex. 6 (Swatzell Decl.) ¶ 4; Ex. 7 (Vega Decl.) ¶ 3.

22. Mr. Duran Ortega arrived on the scene to film and report on the protest. *See* Ex. 1 (Duran Ortega Decl.) ¶ 14; Ex. 2 (Valdez Decl.) ¶ 8; Ex. 8 (Kaaz Decl.) ¶ 4. He was clearly identified as a member of the press. He was dressed in business attire and wore his press credentials, a bright yellow badge labeled "Press," around his neck. Ex. 1 (Duran Ortega Decl.) ¶ 16; Ex. 4 (Flores Decl.) ¶ 6; Ex. 5 (Morales Decl.) ¶ 6; Ex. 7 (Vega Decl.) ¶¶ 4, 7-8; Ex. 8 (Kaaz Decl.) ¶ 4; *see also* Ex. 29 (MLK50.com article). He spoke into the camera he carried, observed and described the activities, and did not join

the protestors in their chants. *See* Ex. 3 (Escobar Decl.) ¶ 6; Ex. 4 (Flores Decl.) ¶ 6; Ex. 5 (Morales Decl.) ¶ 6-7; *see also* Duran Ortega's Facebook Live video of the protest, <https://www.facebook.com/memphisnoticias/videos/1807922945897801/UzpfSTUxMjIzMDMzNTQ2NzA3NToxODA3OTg1NDM1ODkxNTUy/>.

23. Several MPD officers arrived at the demonstration. *See* Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 4 (Flores Decl.) ¶ 7; Ex. 5 (Morales Decl.) ¶¶ 7-8; Ex. 7 (Vega Decl.) ¶ 5. During the march, protestors crossed a street at a crosswalk that had been blocked off by police cars. Ex. 4 (Flores Decl.) ¶ 7; *see also* Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 3 (Escobar Decl.) ¶ 7; Ex. 5 (Morales Decl.) ¶¶ 7-8; Ex. 7 (Vega Decl.) ¶ 5; Ex. 8 (Kaaz Decl.) ¶ 5.

24. MPD officers began ordering protestors to move to a sidewalk. Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 4 (Flores Decl.) ¶ 7; Ex. 5 (Morales Decl.) ¶ 9; Ex. 7 (Vega Decl.) ¶ 7; Ex. 8 (Kaaz Decl.) ¶ 6. At that point, at least one individual was arrested by local law enforcement in the street. Ex. Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 4 (Flores Decl.) ¶ 7; Ex. 5 (Morales Decl.) ¶ 9; Ex. 7 (Vega Decl.) ¶ 5; Ex. 8 (Kaaz Decl.) ¶ 8. A number of protestors and media attempted to observe and film the arrest. Ex. 3 (Escobar Decl.) ¶ 7; *see also* Ex. 4 (Flores Decl.) ¶¶ 8, 10; Ex. 5 (Morales Decl.) ¶ 9.

25. MPD officers continued to attempt to clear the street by ordering the group onto the sidewalk. Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 5 (Morales Decl.) ¶ 10; Ex. 8 (Kaaz Decl.) ¶ 6; *see also* Ex. 7 (Vega Decl.) ¶ 6. A bottleneck occurred where two cars were parallel parked against the sidewalk to which officers were instructing people to move. Ex. 4 (Flores Decl.) ¶ 8; Ex. 5 (Morales Decl.) ¶ 10; Ex. 8 (Kaaz Decl.) ¶ 6.

26. Some members of the press were physically guided to the sidewalk. *See* Facebook Live Video, <https://www.facebook.com/memphisnoticias/videos/1807922945897801/UzpfSTUxMjIzMDMzNTQ2NzA3NToxODA3OTg1NDM1ODkxNTUy/>. Other members of the press were permitted to remain near the arrest in the middle of the street to film and photograph. *See* Ex. 29 (MLK50.com article); Ex. 4 (Flores Decl.) ¶ 10; Ex. 5 (Morales Decl.) ¶ 12; Ex. 8 (Kaaz Decl.) ¶ 8.

27. Mr. Duran Ortega, wearing his press credentials, attempted to comply with the officer's orders to "get out of the street." Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 7 (Vega Decl.) ¶ 6; Ex. 8 (Kaaz Decl.) ¶ 6. A participant in the protest, Spencer Kaaz, held Mr. Duran Ortega's shoulder and responded to the police, "he's going; we're going together." Ex. 8 (Kaaz Decl.) ¶ 6; *see also* Facebook Live Video at <https://www.facebook.com/memphisnoticias/videos/1807922945897801/UzpfSTUxMjIzMDMzNTQ2NzA3NToxODA3OTg1NDM1ODkxNTUy/> at 15:04-15:20.

28. Several members of the press were filming the individual being arrested in the street. They were not ordered to go onto the sidewalk. *See* <https://www.facebook.com/memphisnoticias/videos/1807922945897801/UzpfSTUxMjIzMDMzNTQ2NzA3NToxODA3OTg1NDM1ODkxNTUy/> at 14:30-15:10.

29. As Mr. Duran Ortega attempted to comply with the police officers' orders, he felt an officer behind him and he showed the officer his press badge. Ex. 1 (Duran Ortega Decl.) ¶ 17. The officer told him "I don't care," and began to pull him from the crowd. *Id.* An officer knocked the video camera from his hands. Ex. 8 (Kaaz Decl.) ¶ 7;

see

also

<https://www.facebook.com/memphisnoticias/videos/1807922945897801/UzpfSTUxMjIzMDMzNTQ2NzA3NToxODA3OTg1NDM1ODkxNTUy/> at 15:04-15:30.

30. People who had been participating in the demonstration, knowing Mr. Duran Ortega to be a member of the press, grabbed him to attempt to prevent his arrest. Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 3 (Escobar Decl.) ¶ 7; Ex. 4 (Flores Decl.) ¶ 9; Ex. 5 (Morales Decl.) ¶ 11; Ex. 7 (Vega Decl.) ¶ 6; Ex. 8 (Kaaz Decl.) ¶ 7. The video taken at the event shows that Mr. Duran Ortega did not resist arrest. Mr. Duran Ortega was, in fact, terrified that if he resisted arrest police would shoot him. Ex. 1 (Duran Ortega Decl.) ¶ 17. The two women attempted to communicate to the officers that Mr. Duran Ortega was a member of the press by yelling “he’s a reporter.” *See* Ex. 5 (Morales Decl.) ¶ 11; Video at <https://www.youtube.com/watch?v=VSCoXe8vR0w&app=desktop> at 3:02. An officer at the scene pointed at Mr. Duran Ortega while he was being arrested. *Id.* at 3:04. Ex. 8 (Kaaz Decl.) ¶ 7.

C. Mr. Duran Ortega’s arrest, continued detention in Shelby County jail, and transfer to DHS custody were without probable cause and retaliatory.

31. Mr. Duran Ortega was the only member of the press arrested at the MLK50 demonstration on April 3, 2018. Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 2 (Valdez Decl.) ¶ 9. He was charged with misdemeanor (1) disorderly conduct and (2) obstruction of a highway or passageway. Ex. 32 (Shelby County Court Record). As set forth above, his conduct at the protest was that of a professional journalist, was not disorderly, and was

consistent with all police directives. *See* Ex. 1 (Duran Ortega Decl.) ¶ 17; Ex. 7 (Vega Decl.) ¶ 6; Ex. 8 (Kaaz Decl.) ¶ 6.

32. Mr. Duran Ortega was processed at the Shelby County jail alongside three other men who were arrested. Ex. 8 (Kaaz Decl.) ¶ 9. Because he does not speak English well, they helped him look at his paperwork. *Id.*

33. A bond was set for Mr. Duran Ortega on the evening of April 3, 2018 in the amount of \$100. Ex. 1 (Duran Ortega Decl.) ¶ 18; Ex. 2 (Valdez Decl.) ¶ 10; *see also* Ex. 6 (Swatzell Decl.) ¶ 6; Ex. 33 (bond receipt). Melisa Valdez, his domestic partner, paid the \$100 bond at around 9:00pm on April 3, 2018. Ex. 2 (Valdez Decl.) ¶ 10; Ex. 33; *see also* Ex. 6 (Swatzell Decl.) ¶ 7. Despite this, Mr. Duran Ortega was not released. Ex. 1 (Duran Ortega Decl.) ¶ 18; Ex. 2 (Valdez Decl.) ¶ 10; Ex. 6 (Swatzell Decl.) ¶ 7; Ex. 8 (Kaaz Decl.) ¶ 10. A clerk brought him documents in Spanish stating that DHS wanted to verify information about him. Ex. 1 (Duran Ortega Decl.) ¶ 18; Ex. 2 (Valdez Decl.) ¶ 10. The clerk also brought him paperwork in English that he did not understand and refused to sign. Ex. 1 (Duran Ortega Decl.) ¶ 18. Spencer Kaaz, who saw the paper, remembers that it was an ICE detainer. Ex. 8 (Kaaz Decl.) ¶ 9.

34. Later that evening, the other men arrested at the protest were released on bond. Ex. 8 (Kaaz Decl.) ¶ 10. Mr. Duran Ortega was separated from them. *Id.* One of the men attempted to ask an officer why he was being separated when his bond had also been paid, urging that the detainer itself said that it was not mandatory. *Id.* The officer refused to respond. *Id.*

35. On the morning of April 4, 2018, a SCSO representative stated publicly that Mr. Duran Ortega was not being released because he had not signed for his bond, and claimed that there was no immigration “hold.” Ex. 2 (Valdez Decl.) ¶ 11; Ex. 6 (Swatzell Decl.) ¶ 7 <http://wreg.com/2018/04/05/memphis-journalist-could-face-deportation-after-arrest-during-protest/>. In fact, ICE had lodged an immigration detainer against Mr. Duran Ortega on April 3, 2018, requesting that the Shelby County jail hold him and contact ICE at least 48 hours before he was released from custody on the state charges. Ex. 31 (Detainer). Mr. Duran Ortega’s lawyer requested that the bond paperwork be taken to him again so he could have the opportunity to sign it, but this was not done. Ex. 2 (Valdez Decl.) ¶ 11; Ex. 6 (Swatzell Decl.) ¶ 9.

36. Mr. Duran Ortega appeared with counsel in a Shelby County criminal court hearing on April 5, 2018. Ex. 1 (Duran Ortega Decl.) ¶¶ 19-20; Ex. 2 (Valdez Decl.) ¶ 13; Ex. 6 (Swatzell Decl.) ¶ 10. At that hearing, the district attorney dropped the charges and the judge dismissed the case Ex. 1 (Duran Ortega Decl.) ¶¶ 19-20; Ex. 2 (Valdez Decl.) ¶ 13; Ex. 6 (Swatzell Decl.) ¶ 10. After his case was dismissed, Mr. Duran Ortega was led back to the jail cell. Ex. 1 (Duran Ortega Decl.) ¶ 20; *see also* Ex. 6 (Swatzell Decl.) ¶ 10. No one told him what would happen next. Ex. 1 (Duran Ortega Decl.) ¶ 20.

37. Ms. Valdez asked a clerk in the sheriff’s office about Mr. Duran Ortega’s release following dismissal of the charges against him. Ex. 2 (Valdez Decl.) ¶ 13. The clerk told her that release normally took place within 6-8 hours. *Id.*

38. Instead of releasing Mr. Duran Ortega, Shelby County jail authorities transferred him to ICE custody less than two hours after his return to the jail. Ex. 1

(Duran Ortega Decl.) ¶ 20; Ex. 2 (Valdez Decl.) ¶ 14; Ex. 6 (Swatzell Decl.) ¶ 10. Two officers led him to a waiting vehicle where they fingerprinted him and attempted to make him sign documents in English that he did not understand. Ex. 1 (Duran Ortega Decl.) ¶ 20.

39. Ordinarily, detainees at Shelby County jail are transferred into DHS custody through processing first at a facility in Memphis and then spend several days at a small short-term detention center in Mason, Tennessee, before transfer to a longer-term ICE detention facility such as LaSalle Detention Center. *See* Ex. 4 (Flores Decl.) ¶ 12; Ex. 6 (Swatzell Decl.) ¶ 11; Daniel Connolly, *Immigration agents make arrests in Memphis – one family’s story*, Commercial Appeal (June 9, 2017) <https://www.commercialappeal.com/story/news/2017/06/09/immigration-agents-make-arrests-memphis-one-familys-story/101211638/> (ICE agents confirming transferring immigrants in Memphis to a holding center on Summer Ave., to Mason, TN, and then to LaSalle).

40. In contrast with this routine process for Tennessee detainees, Mr. Duran Ortega, was transferred directly from Shelby County jail to LaSalle Detention Center in Jena, Louisiana on April 5, 2018. *See* Ex. 1 (Duran Ortega Decl.) ¶ 20; Ex. 2 (Valdez Decl.) ¶ 14; Ex. 4 (Flores Decl.) ¶ 12; Ex. 6 (Swatzell Decl.) ¶ 11; Ex. 8 (Kaaz Decl.) ¶ 11. From the vehicle that drove him away from the Shelby County jail, he was transferred to a bus in Mississippi. Ex. 1 (Duran Ortega Decl.) ¶ 20. On that bus, he was shackled by his wrists, ankles, and waist and forced to endure the eight-hour ride without access to a bathroom. *Id.*

41. Mr. Duran Ortega remains in detention, where is he is subject to removal pursuant to an *in absentia* order of removal entered at a January 2007 immigration court hearing in Atlanta. Mr. Duran Ortega did not receive communication from DHS or the Immigration Court providing him notice of the 2007 Atlanta hearing. Ex. 1 (Duran Ortega Decl.) ¶ 4. On April 9, 2018, Mr. Duran Ortega filed a motion to reopen with the Atlanta Immigration Court. In his Motion to Reopen, Mr. Duran Ortega argues that: (1) material changes in conditions in El Salvador lead him to fear that, if returned, he will be persecuted both as a journalist and as an individual who has a political opinion rooted in pro-accountability and anti-corruption; (2) he was not notified of the hearing as required by statute and regulation and extraordinary circumstances prevented his presence at the hearing; and (3) humanitarian and constitutional considerations require re-opening his immigration case.

42. Mr. Duran Ortega's removal has been temporarily halted in conjunction with the filing of the Motion to Reopen, but he remains unlawfully detained by DHS pursuant to and as a direct result of, his unlawful arrest and detention.

CAUSES OF ACTION

COUNT ONE FIRST AMENDMENT – RETALIATION

43. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

44. The First Amendment to the United States Constitution prohibits government action that restricts freedom of speech. “The First Amendment prohibits not only direct limits on individual speech but also adverse governmental action taken against an individual in retaliation for the exercise of protected speech activities.” *Keenan v. Tejada*, 290 F.3d 252, 258 (5th Cir. 2002).

45. Speech that addresses matters of government policy, including criticism of law enforcement practices, is entitled to vigorous First Amendment protection. Indeed, “[t]he freedom of individuals verbally to oppose or challenge police action without thereby risking arrest is one of the principal characteristics by which we distinguish a free nation from a police state.” *City of Houston, Tex. v. Hill*, 482 U.S. 451, 462–63 (1987). Furthermore, critical speech is rooted in our “profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *New York Times Co. v. Sullivan*, 376 U.S. 354, 270 (1964).

46. Moreover, all persons in the United States, including non-citizens, enjoy the “right to peaceful expression of views through public demonstration.” *Parcham v. I.N.S.*, 769 F.2d 1001, 1004 (4th Cir. 1985); *see also Am.-Arab Anti-Discrimination Comm. v. Reno*, 70 F.3d 1045, 1064 (9th Cir. 1995) (“It is thus especially appropriate that the First Amendment principle of tolerance for different voices restrain our decisions to expel a participant in that community from our midst.”).

47. The First Amendment precludes law enforcement officials from retaliating by targeting, detaining, arresting, and/or seeking to deport an individual engaging in protected speech where the officials’ actions “caused [the speaker] to suffer an injury that

would chill a person of ordinary firmness from continuing to engage in that activity” and were “substantially motivated against the plaintiffs’ exercise of constitutionally protected conduct.” *Keenan*, 290 F.3d at 258.

48. When law enforcement officers’ decisions to target, arrest, detain, or deport a non-citizen are substantially motivated by that individual’s protected speech, those decisions violate the First Amendment.

49. Mr. Duran Ortega’s speech, through his publications in *Memphis Noticias* and on social media outlets is core protected speech under the First Amendment. His articles and commentary have exposed the entanglement of local law enforcement and federal immigration enforcement and its impact on community members. His reporting on DHS, ICE, and local law enforcement activities have frequently been critical of law enforcement. His speech about immigration enforcement policy pertains to matters of public concern and seeks to educate and inform the Latino communities of Memphis about matters of political concern. It is therefore entitled to the highest level of protection under the First Amendment.

50. The arrest, detention, and imminent deportation that Mr. Duran Ortega currently faces have injured him and continue to injure him, and would chill any person of ordinary firmness from continuing to speak out on issues related to immigration enforcement and policy.

51. Respondents’ detention of Mr. Duran Ortega is a direct result of Memphis law enforcement officers’ and ICE officers’ illegal and unconstitutional actions in targeting, arresting, detaining, and seeking to deport Mr. Duran Ortega. MPD unlawfully

arrested Mr. Duran Ortega to silence and retaliate against him. Once Mr. Duran Ortega was jailed SCSO officials prevented him from exercising his right to bond and otherwise acted to prolong his already unlawful confinement in jail.

52. SCSO officials further retaliated against Mr. Duran Ortega by voluntarily turning him over to ICE officers. ICE officials then swiftly acted—in contrast with their normal processing of Memphis detainees—to remove Mr. Duran Ortega from Tennessee, where his attorneys and a large community of supporters were located.

53. Respondents' detention of Mr. Duran Ortega reflects a growing pattern of efforts by ICE officials to silence and suppress the controversial speech of certain immigrants by arresting, detaining, and attempting to summarily remove them. *See, e.g., Ragbir v. Sessions*, No. 18-CV-236 (KBF), 2018 WL 623557, at *1 n.1 (S.D.N.Y. Jan. 29, 2018) (“The Court also notes with grave concern the argument that petitioner has been targeted as a result of his speech and political advocacy on behalf of immigrants’ rights and social justice.”); *Vargas v. United States Dep’t of Homeland Sec.*, No. 1:17-CV-00356, 2017 WL 962420, at *3 (W.D. La. Mar. 10, 2017) (habeas petitioner alleged that ICE arrested, detained, and sought to remove her to retaliate against her for statements to the media); *see also* John Burnett, “Immigration Advocates Warn ICE is Retaliating for Activism,” *National Public Radio* (March 16, 2018). <https://www.npr.org/2018/03/16/593884181/immigration-advocates-warn-ice-is-retaliating-for-activism> .

54. The illegal detention of Mr. Duran Ortega suppresses his constitutionally-protected conduct; namely, Mr. Duran Ortega's reporting on how conduct by local law enforcement and ICE has adversely impacted immigrant communities in Memphis.

55. Respondents' ongoing detention of Mr. Duran Ortega violates the First Amendment to the United States Constitution.

COUNT TWO
FIRST AMENDMENT – SUPPRESSION OF FREEDOM OF THE PRESS

56. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

57. The First Amendment to the United States Constitution enshrines broad protections for freedom of the press. It protects the freedom of the press to speak and report, and also to gather news. *In re Express-News Corp.*, 695 F.2d 807, 808 (5th Cir. 1982) (“news-gathering is entitled to first amendment protection, for without some protection for seeking out the news, freedom of the press could be eviscerated”) (internal citations omitted). “Where a newspaper publishes truthful information which it has lawfully obtained, punishment may lawfully be imposed, if at all, only when narrowly tailored to a state interest of the highest order.” *The Florida Star v. B.J.F.*, 491 U.S. 524, 542 (1989); *see also Smith v. Daily Mail Pub. Co.*, 443 U.S. 97, 103 (1979) (subjecting to heightened scrutiny criminal punishment for publication of information lawfully obtained through news-gathering).

58. “At the heart of the First Amendment lies the principle that each person should decide for himself or herself the ideas and beliefs deserving of expression, consideration, and adherence . . . Government action that stifles speech on account of its message, or that requires the utterance of a particular message favored by the Government, contravenes this essential right.” *Turner Broadcasting System, Inc. v. F.C.C.*, 512 U.S. 622, 641 (1994). The press must have broad discretion to print particular view points, and “[g]overnmental restraint on publishing need not fall into familiar or traditional patterns to be subject to constitutional limitations on governmental powers.” *Miami Herald Pub. Co. v. Tornillo*, 418 U.S. 241, 256 (1974).

59. Through *Memphis Noticias*, Mr. Duran Ortega has published in writing or posted to social media numerous reports that criticize or give voice to others criticizing law enforcement, particularly with respect to immigration enforcement activities by federal and local officials and local law enforcement’s entanglement with ICE. Memphis law enforcement officials attempted to make him change the content of his reporting, going so far as to ask him to remove a story about MPD’s collaboration with ICE. By repeatedly excluding *Memphis Noticias* from its press conferences on issues of importance to Mr. Duran Ortega’s readers, MPD continued its attempts to influence his reporting. On the day MPD arrested Mr. Duran Ortega, he was covering a protest that specifically targeted collaboration between local law enforcement and immigration authorities.

60. Mr. Duran Ortega’s arrest on April 3, his detention by local officials, his subsequent transfer to DHS custody and immediate transportation by DHS to a remote

detention center, and DHS' ongoing detention of Mr. Duran Ortega result directly from local and federal law enforcement officials' efforts to target, punish, and silence his voice as a journalist.

61. Mr. Duran Ortega's continued detention constitutes unlawfully targeted punishment and retaliation for his protected activities as a member of the press.

COUNT THREE
FOURTH AMENDMENT – UNLAWFUL ARREST AND DETENTION¹

62. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

63. As set forth above, Mr. Duran Ortega was arrested without a prior warrant or probable cause by Memphis Police Department (MPD) officers while he was reporting on a protest at the Shelby County Justice Center. Mr. Duran Ortega was attempting to comply with police orders to clear the street by moving from a crosswalk area to the sidewalk but was grabbed by MPD officers and not given a chance to do so. One

¹ The Supreme Court recently held that a plaintiff who alleged unlawful arrest stated a Fourth Amendment claim “when he sought relief not merely for his (pre-legal-process) arrest, but also for his (post-legal-process) pretrial detention.” *Manuel v. City of Joliet, Ill.*, 137 S. Ct. 911, 919 (2017); *see also Brooks v. George Cty., Miss.*, 84 F.3d 157, 166 (5th Cir. 1996) (“[O]nce the incidents of a *valid arrest* have long since been completed and the pretrial detainee remains in detention, the Fourth Amendment no longer applies when the challenge is solely to continued incarceration.” (emphasis added); *Blackwell v. Barton*, 34 F.3d 298, 302 (5th Cir. 1994) (plaintiff's claims that she was made to go to the police station without probable cause for detaining her were properly considered under Fourth Amendment). In the event this Court were to determine that his underlying arrest is lawful, Petitioner has plead in the alternative unlawful detention claims under the Fifth and Fourteenth Amendments.

protestor explicitly told MPD officers that Mr. Duran Ortega was following their instructions. Mr. Duran Ortega did not resist arrest. Protestors alerted MPD officers to the fact Mr. Duran Ortega was a journalist, and he was clearly identified as a journalist. These circumstances clearly showed Mr. Duran Ortega was neither engaged in disorderly conduct nor obstructing the road. *See* Tenn. Code Ann. § 39-17-305 (defining disorderly conduct as requiring, *inter alia*, “intent to cause annoyance or alarm”); Tenn. Code Ann. § 39-17-307 (requiring, *inter alia*, that an individual “intentionally, knowingly or recklessly” obstruct a road). Despite these facts, Mr. Duran Ortega was hastily arrested and charged with misdemeanor disorderly conduct and obstruction of a road.

64. Mr. Duran Ortega was then unlawfully detained at the Shelby County Jail for two days. Mr. Duran Ortega’s warrantless arrest and resultant unlawful detention by Memphis law enforcement officers violated the Fourth Amendment to the United States Constitution. *Hogan v. Cunningham*, 722 F.3d 725, 731 (5th Cir. 2013) (“It is well established that under the Fourth Amendment a warrantless arrest must be based on probable cause.”) (internal quotations omitted).

65. The MPD’s unlawful arrest and detention of Mr. Duran Ortega in violation of the Fourth Amendment was the direct cause of his current detention by DHS. Mr. Duran Ortega’s arrest and current detention by DHS flows directly from the unlawful arrest and detention effectuated by the MPD and SCSO and accordingly violates the Fourth Amendment. *See New York v. Harris*, 495 U.S. 14, 19 (1990) (“[T]he the indirect fruits of an illegal search or arrest should be suppressed when they bear a sufficiently close relationship to the underlying illegality.”); *Elkins v. United States*, 364 U.S. 206,

223 (1960) (evidence obtained from state officers during a search that violates the Fourth Amendment may not be introduced in federal proceedings).

COUNT FOUR
UNLAWFUL DETENTION IN VIOLATION OF THE FOURTEENTH
AMENDMENT

66. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

67. The due process clause of the Fourteenth Amendment protects pre-trial detainees from being detained in excess of their lawful period of detention. *Brooks v. George Cty., Miss.*, 84 F.3d 157, 166 (5th Cir. 1996).

68. As set forth above, the MPD had no lawful basis on which to arrest or detain Mr. Duran Ortega. Because MPD unlawfully arrested Mr. Duran Ortega, his confinement in the Shelby County jail for two days pursuant to MPD's unlawful arrest deprived him of his liberty without due process of law.

69. Even after Mr. Duran Ortega's domestic partner posted bond for him on April 3, 2018, SCSO jail authorities continued to detain Mr. Duran Ortega. SCSO authorities intentionally failed to present the bond papers to Mr. Duran Ortega for his signature, thereby restraining him from leaving jail when bond was posted for him. *See Dodds v. Richardson*, 614 F.3d 1185, 1193 (10th Cir. 2010) (arrestees who have bail "have a protected liberty interest in posting bail and being freed from detention"); *Campbell v. Johnson*, 586 F.3d 835, 840–41 (11th Cir. 2009) (plaintiff stated due process claim against sheriff who allegedly directed that plaintiff's bond would not be accepted).

70. Upon dismissal of all charges against Mr. Duran Ortega, SCSO authorities transferred him to ICE custody at DHS' behest, deliberately prolonging his already unlawful detention.

71. Shelby County authorities' illegal extension of Mr. Duran Ortega's confinement, which directly resulted in his transfer to DHS custody and his current detention, violated the due process clause of the Fourteenth Amendment to the Constitution.

**COUNT FIVE
UNLAWFUL DETENTION IN VIOLATION OF THE FIFTH
AMENDMENT**

72. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

73. The due process clause of the Fifth Amendment requires that no person be subject to confinement by federal government officials without lawful basis for their detention. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

74. Here, DHS's assumption of custody over Mr. Duran Ortega flowed directly and inextricably from his unlawful arrest by MPD and his unlawful detention in the Shelby County jail. DHS' current detention of Mr. Duran Ortega is the fruit of unlawful detention by SCSO officials.

75. DHS' continued detention of Mr. Duran Ortega results directly from the unlawful arrest and detention and violates the due process clause of the Fifth Amendment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- (1) Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner immediately;
- (2) Enter a judgment declaring that Respondents' detention of Petitioner is in violation of his First, Fourth, Fifth and Fourteenth Amendment rights;
- (3) Award Petitioner reasonable costs and attorney's fees; and
- (4) Grant any other and further relief that this Court may deem fit and proper.

Respectfully submitted this 13th day of April, 2018,

/s/ Meredith B. Stewart
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**Pro hac vice motions forthcoming*

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

CASE NO.

Petitioner,

JUDGE:

v.

MAGISTRATE JUDGE:

U.S. DEPARTMENT OF HOMELAND
SECURITY; KIRSTJEN NIELSEN,
Secretary of Homeland Security; DAVID
RIVERA, Director of the New Orleans
Field Office of U.S. Immigration and
Customs Enforcement; and DAVID
COLE, Warden of the LaSalle Detention
Facility,

Date: April 13, 2018

Respondents.

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Exhibit 1

Declaration of Manuel Duran Ortega

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

CASE NO.

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

DECLARATION OF MANUEL LEONIDAS DURAN ORTEGA

1. My name is Manuel Leonidas Duran Ortega. I am over the age of 18 and competent to testify. I am currently detained under the authority of the United States Department of Homeland Security at the LaSalle detention center in Jena, Louisiana. I speak and understand some English but I do not consider myself fluent in English and I do not read it well.

2. Before I signed this Declaration, a person who is fluent in English and Spanish orally translated it for me into Spanish so that I understood what is written in this Declaration.
3. I was born in Ozatlan, El Salvador. Before coming to the United States, I worked as a television station manager in El Salvador. In 2005, a rival station employee used his connections to law enforcement to have a colleague and me arrested and brought before a judge. After the judge dismissed the charges against us, I did a broadcast report on the corruption I saw in law enforcement and in the judicial system, denouncing the other station and highlighting the arbitrary detention we had experienced. Immediately, my colleague and I began receiving death threats through text messages. The threats said things like, "Get out of the country or you will regret it" and "we will kill you." To protect my life, I decided to leave the country. I left El Salvador for the United States in June of 2006.
4. Border Patrol apprehended me shortly after I entered the United States. Border Patrol then gave me some papers and released me. The papers were all in English and I could not read English, so I did not know what they were.

5. I have been a journalist for almost my entire time in the United States.

After staying in North Carolina for a while, I moved to Memphis, Tennessee. I worked at a radio station called *La Voz 1240* for about a year. In 2008, I began working for *Radio Ambiente 1030AM*, also in Memphis, as a co-anchor. In about 2012, I became the News Director there. I love being a journalist and reporting the news. I consider myself a journalist of analysis, giving my opinion and analyzing all of the information. Even though this was my goal, the work at *Radio Ambiente* was not investigative, it was focused on reporting top stories.

6. At the end of 2016, I founded *Memphis Noticias*, a news outlet dedicated to community reporting for the Memphis-area Latino community and devoted to investigative journalism. The most important value held by *Memphis Noticias* is to inform the public and we do that through a focus on news, interviews, and community. I believe that the press' role in a democracy is to inform the public about how the decisions and actions of their public servants, hidden or not, affect their lives and to give a voice to narratives other than the official government line. In 2017, I left *Radio Ambiente* to focus full-time on *Memphis Noticias* and my time spent reporting drastically increased.

7. At *Memphis Noticias*, I have frequently covered incidents of racial profiling and abuse by the Memphis Police Department (MPD) against members of the Black and Latino communities. I have also reported on cooperation between ICE and the MPD and recounted community viewpoints that are critical of this cooperation. I interviewed the mayor of Memphis recently about the topic of participation of MPD in ICE enforcement. I was scared that this would bring me immigration problems, so it was a difficult decision to do the interview and write the story. My commitment and my obligation are to report on issues impacting the community. The community was demanding information about police and ICE cooperation, so I did the interview. I also interviewed the sub-director of MPD and had a meeting with MPD to speak on these topics. I have also done interviews with local prosecutors about the process for resolving cases related to Hispanic victims of crimes.
8. Many people in our community – the Spanish-speaking community in Memphis – know me and know my face. I use Facebook Live for interviews and to show different events, so people are used to seeing me report the news. I have worked with the major Spanish language news organizations Mundo Hispanico and Univision Noticias. I was well-

known even before *Memphis Noticias* because of my work with *Radio Ambiente*. More recently, since I began focusing full-time on *Memphis Noticias*, I have gained followers and an audience outside of the Spanish-speaking community because I collaborate with English-language networks. My reporting and the stories I follow are about issues that impact not just Spanish-speakers but also other Americans, so many English-speakers have also identified with the issues I cover.

9. I did not shy away from stories about police misconduct and I became well known to the police department as a result. For example, on July 19, 2017, I published an interview I did with a friend of a person who was detained in a joint operation by ICE and the MPD. All over the country, people were talking about ICE cooperation with local law enforcement, but MPD had been insisting that they do not cooperate with ICE. The joint operation ran counter to the MPD's official story. The story was important to share with our community to hold MPD accountable.
10. MPD was not happy about my reporting. In July 2017, an officer sent a text message directly to my cell phone to ask that I remove the information from our Facebook feed. I refused to remove the story. I attended a meeting with MPD officials, to which I brought an attorney.

At the meeting, the MPD denied working with ICE and insisted that they had only been on the scene of ICE enforcement actions when they were specifically called there.

11. *Memphis Noticias* is not invited to MPD press conferences, but I always push to be included. Because I am a public figure and I am frequently contacting MPD, MPD officers know me, or if they do not know me personally, know of me and my work.
12. In February 2018, *Memphis Noticias* published a high-profile series of unflattering stories about the Memphis police and their involvement in the case of Bardomiano Perez Hernandez. Bardomiano was a murder victim whose body had been left to decompose in the back of a van that had been impounded for forty nine days. In one of the articles I wrote about the incident, Mr. Perez Hernandez's family called the Memphis Police's handling of the case "negligent."
13. I firmly believe that I was under watch by the police after reporting on the Perez Hernandez case because my story was critical of the actions of the police. In around March 2018 when I was reporting one day, a stranger came up to me on the street and told me, "be careful of what you talk about." I felt confused and did not pay much attention to it at the time. I was not going to stop reporting because this was a story that

impacted my audience. I did a report on the first hearing a few weeks before my arrest and ended the story with “we are going to continue investigating.” To this day, the case is not resolved and people want to know what will happen.

14. On April 3, 2018, I was covering for *Memphis Noticias* a small, peaceful protest at the Shelby County Criminal Justice Complex. I have covered many marches and know the role of a journalist during a protest as distinct from a protestor. As a journalist, it does not matter what I personally believe – my job is to report what is going on at a march. There were several other members of the press there, but only two Spanish speaking outlets including *Memphis Noticias*. I felt it was particularly important that I cover the march as part of the Spanish-speaking media.

15. The organizers had been very secretive about the purpose of the march because they were nervous, so I only began to learn more about the march when I arrived. The protest was part of the MLK50, a commemoration of the fiftieth anniversary of the assassination of Dr. Martin Luther King Jr., and was specifically protesting against MPD’s cooperation with ICE as well as mass incarceration in general.

16. During the protest, I was wearing my press credentials and filming in the same area as other members of the media. At the beginning of the march, I saw two female officers. One was filming with a phone and the other was monitoring. I saw one of the women point a finger at me and get the attention of her colleague.

17. I was filming live for Facebook Live and went to the front of the protest to get the best image of the event. There were other member of the press who were in that area. I then crossed the street to join other journalists. Very quickly, many patrol cars pulled up and police began ordering people to get out of the streets and onto the sidewalk, and then immediately began arresting people without giving the opportunity to comply. When the first arrest was made, I was in the street filming for Facebook Live. A Memphis Police officer told me to step back and I immediately complied. I felt an officer close behind me and I showed my press pass to the officer who spoke to me as I was simultaneously stepping back. The officer said "I don't care," and the next thing I knew two officers had handcuffed me and were arresting me. Two protesters grabbed me, but I did not want to appear that I was resisting arrest so I stood as still as possible for fear that an officer might shoot me if he thought I was resisting. I was terrified. I was put in a police car with

two other people for about two hours. Then they moved us to a van and left us there for about two hours. No other members of the press were arrested.

18. I arrived at the jail and had my fingerprints taken. I had a bond set at \$100 without a hearing. I spoke with my domestic partner, Melisa, on the phone and she said she was going to pay the bond that was set. After a while, the clerk at the jail gave me a paper and I asked for it in Spanish, which she brought to me. It said that DHS wanted to verify my information and there was a hold on my release. A copy of this paper is being filed with my declaration. The clerk explained to me that Melisa had paid the bond, but that because of the hold I could not be released. They asked me to sign paperwork that was in English, but because I did not understand it I did not sign it. I do not think that this was bond paperwork.

19. While in jail, I found out I was being charged with misdemeanor disorderly conduct and obstruction of a highway or passageway. I know that I was not doing either of those things – I was moving to the sidewalk and the road was being blocked by police cars. I felt targeted because of my reporting on the police. I appeared in front of the judge once on April 4, 2018, and once on April 5, 2018. The prosecutor

dropped the charges against me on April 5, 2018. A copy of the court records reflecting the dropped charges is filed with this declaration. I believe that charges were dropped because there was enough video footage by people at the protest that showed that I was not disorderly and that the street where I had been filming had already been closed off by police.

20. After my case was dismissed, I was taken back to the dorm in the jail. About 10 minutes later, someone from the sheriff's office came to get me. I thought I would be released. Instead, there were two ICE officers waiting and they took me to a car. The ICE officers took my fingerprints again in the car. They gave me a piece of paper in English and told me it was mandatory to sign it. I told them I could not sign anything I did not understand or without my lawyer present. We drove from Tennessee to Mississippi, where they transferred me from the car to an ICE bus that went on to Louisiana. They chained my wrists, ankles, and waist like a criminal. It was impossible to use the bathroom and the bus ride was about eight (8) hours.

21. I suspect that the MPD targeted me as a member of the press that had written articles exposing their falsehoods and quoting community members critical of them. They had already once told me to take down

my reporting. Their decision to arrest me, the trumped up charges they brought against me, and their decision to turn me over to ICE, only further confirm those suspicions.

22.I believe that ICE participated in retaliating against me by immediately arresting and detaining me, knowing that I am a journalist who had been critical of law enforcement. I have published several articles critical of ICE and the immigrant detention system.

23.I fear returning to El Salvador. I believe that if I return I will be killed. I fear for my life because of the threats I received before. Since I left, El Salvador has only grown more dangerous and more corrupt. Because of this, it is more dangerous for reporters who try to bring corruption to light. Also, my arrest and detention has been well-publicized. It is not unusual for news outlets in El Salvador to pick up stories from the United States involving Salvadoran nationals. Because I have been in the United States and am known as an investigative journalist, I will be a target by both gangs and the government. It would be dangerous for me to practice my profession.

24.It would also be very hard for me to leave this country where I have lived for over 10 years. I feel very much a part of the Memphis community. I have made a home and a career here. It would be very hard

because of my community ties. There are families who need my help, and who are served by my style of journalism. It would be so hard for me to start from zero without this community that I love so much and that I've served for 10 years.

25. I am interested in pursuing civil rights complaints to vindicate my rights.

This would be much more difficult to do if I were removed to El Salvador and if I remain in detention. If I do pursue civil rights complaints, this would be because I don't want what happened to me to happen to anyone else. This is an experience that shouldn't happen to anyone, ever.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018, in Jena, Louisiana.



Manuel Leonidas Duran Ortega

04/12/18
Date

Interpreter's Declaration


I, Jenna Finkle, hereby state as follows:

1. I am over the age of 18 and competent to testify. I am fluent in the English and Spanish languages.
2. On the date noted below, I interpreted the document entitled "Declaration of Mañel Duran Ortega" orally from English to Spanish to Manuel Duran Ortega. He has affirmed to me that the contents of the Declaration are true and correct.
3. The Spanish interpretation I performed was a true and accurate interpretation of the Declaration to the best of my knowledge and ability.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.



Jenna Finkle



Date

Exhibit 2

Declaration of Melisa Valdez

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

CASE NO.

JUDGE:

MAGISTRATE JUDGE:

Date: April 12, 2018

DECLARATION OF MELISA VALDEZ

1. My name is Melisa Valdez. I am over the age of 18 and competent to testify. I live in Memphis, TN. I have known Manuel Duran Ortega since he moved to Memphis in about 2007. We met at church and I have been his domestic partner since then.
2. When Manuel first arrived in Memphis, my pastor discovered that Manuel had been a journalist in El Salvador. My pastor had a radio station called *La Voz* and hired Manuel to work there. Manuel had a morning show and did the news at noon. He worked at *La Voz* for a short time and then it closed down.
3. After *La Voz* closed down, Manuel began working at *Radio Ambiente*. Manuel did the news at noon and also had a morning show. After he had been working there for a while, he became the producer of the afternoon show. *Radio Ambiente* was a conservative station. Manuel would give community information, but did not have the opportunity to report in-depth or do interviews with the people who were being affected.
4. In about 2011 or 2012, Manuel began working on his personal project, which he called *Las Noticias con Manuel Duran*. He wanted to be able to give more attention to the local news, to be able to give interviews with families so that they could have the opportunity to say what kind of help they needed. He

wanted to talk with different organizations and connect them with people who needed assistance. He began publishing some stories online, but did not have much time since to dedicate to it since he was still working at *Radio Ambiente*.

5. In 2017, Manuel was let go from *Radio Ambiente*. He had more time to go after different stories and be more focused on issues affecting the families in our community. He had made a lot of contacts through his previous job, and was able to use those to follow stories in-depth, interviewing family members and keeping stories updated.
6. Many people in our community know Manuel. Even if people don't know him in-person, they know his work. People know that he cares about the community and what happens to every person. He published a lot of stories that were critical of law enforcement. It is an important part of our community's experience now with growing concerns over cooperation between the police and immigration and more families being torn apart by immigration enforcement. Manuel did not shy away from these stories and wanted to continue publishing them.
7. Memphis had a big story come up in 2017 where a man's body was left inside the back of a van after police took it to an impound yard. Manuel talked to the family and was able to interview them and family members of the other victims

in the shooting. A few weeks ago, he went to the trial and did a Facebook Live interview with the victim services coordinator. It was widely watched.

8. On the afternoon of April 3, 2018, I drove Manuel to a demonstration being organized by a local group called *Comunidades Unidas en Una Voz*. It was the same day as the city's official MLK50 celebration and was an attempt to use the spotlight on Martin Luther King to show discrimination and injustice today. The protest was against private prisons and immigration detention. I did not stay after dropping Manuel off, and instead I went to my dad's house since he lives nearby where the protest was. My dad then got a call from someone who works for a local newspaper saying that Manuel was being arrested. We drove there as quickly as we could but we arrived after he had already been arrested and taken to the jail.
9. I knew a few of the people who were arrested. The first man who was arrested is a leader in Black Lives Matter in Memphis. He had just been arrested for another demonstration and released from jail only a few days before. Two other women were arrested for trying to protect Manuel and tell the police that he is a journalist. I found out that in total, about nine people had been arrested at the protest, but that Manuel was the only journalist arrested.

10. On the evening of April 3, 2018, we found out that Manuel had been given a \$100 bond. I went to pay the bond at the Shelby County sheriff's office around 9 pm. The woman who accepted the bond asked if we wanted her to check on whether there was an immigration hold. I told her that I just wanted to pay the bond. I called Manuel at the jail at about 10:30pm and told him that someone would soon bring him a document asking him to accept the bond. Manuel had been arrested a few years before when he was pulled over while driving and did not have identification. I had paid the bond and he had signed for the bond paperwork, so he knew what the papers looked like and what the process was. Manuel called me at about 11:00pm. He said that he had received a paper that said "immigration" and "hold" on it. I asked if he knew that it was an "h" and not a "b" for "bond." Manuel speaks Spanish, but he is able to read English and knew what the bond paperwork looked like. He said he was sure that it was not the bond paperwork and he did not sign it.

11. On April 4, 2018, I saw an article in the news that quoted a Shelby County official as saying that Manuel had not been released because his bond had not been paid. I quickly went over to the jail again with my receipt to make sure the bond had been processed. I was afraid something had gone wrong and they had not entered it correctly and that's why he wasn't released. The woman there was the same woman who I had given the bond money to the night before

and she recognized me. She told me that there was an immigration hold so he would not get bonded out. I was confused because the news report had said that there was no immigration hold. His criminal lawyer told me that he had not signed any of the paperwork he had gotten because it said "immigration" on it. She asked the sheriff to bring him the bond paperwork again, but they did not.

12. On April 5, 2018, I went to the Shelby County courthouse because Manuel was scheduled to see the judge. The guards at the courthouse told us that we had to wait outside of the courtroom. I noticed a man who was standing to the side and was hiding his face. He was acting really weird and standing near our group. He was wearing a white baseball cap and beige sweatshirt that had a small American flag on the sleeve. I believed him to be an ICE agent.

13. Finally they let us into the courtroom. The hearing was very short because the judge agreed to dismiss all the charges against Manuel. The hearing ended at about 11:30am or 12:00pm. Afterwards, I went upstairs in the same building to the sheriff's office. We delivered letters to the sheriff's assistant and asked about whether there was an ICE hold. He would not give us any information but took my cell phone number. Then we went to the jail, which is next door to the courthouse. I told the woman at the desk that Manuel's case had been

dismissed and asked if he would be released. She did not look up his case specifically, but told me that it was normally about 6-8 hours until detainees were released. We waited outside the jail to see if he would be released. We were worried because we had been told he had an ICE hold, but we were also hopeful that he might be released since the case was dismissed.

14. Manuel has a friend who works for the city. Around 1:30pm or 2:00pm, that friend told me that Manuel had been transferred to immigration custody. She went back inside and we saw a van leaving and knew Manuel was in it. We tried to follow the van in our car to find out where they were going, but we were not able to keep up. We went to the Summer St. office, because we knew that most of the time people with an ICE hold go there from the jail for processing, but the van never arrived there. We found out later that he went straight to LaSalle Detention Center.

15. I have been devastated by this. It has been frightening because I am worried for Manuel if he has to return to El Salvador. So many people who know his work are praying for him because he has done so much for community.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2018 in Memphis, TN.



Melisa Valdez

04/11/2018

Date

Exhibit 3

Declaration of Guadalupe Yuleiny Escobar

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

v.

CASE NO.

**U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,**

JUDGE:

MAGISTRATE JUDGE:

Date: April 12, 2018

Respondents.

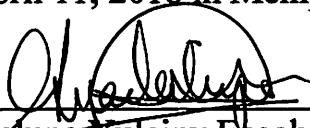
DECLARATION OF GUADALUPE YULEINY ESCOBAR

- 1. My name is Guadalupe Yuleiny Escobar. I am over the age of 18 and competent to testify. I live in Memphis, Tennessee.**
- 2. I am a community organizer and activist and I have known Manuel Duran for about a year. I met Manuel when I was organizing a demonstration inside Walmart and wanted to publicize the demonstration. I contacted him since he has access to a wide audience within the Memphis Latino community. I first met him when he interviewed me in advance of the demonstration.**
- 3. I know Manuel primarily because he reports on issues affecting the Latino community in Memphis, and I am very involved in social issues affecting the Latino community.**
- 4. Manuel is the number one reporter for the Latino community in Memphis and the surrounding areas. He is the one who follows communities being repressed and reports on it. He does a lot of work posting on Facebook. He is the reporter that most people follow to get important community news and to hear the truth instead of just the headline. As far as many people are concerned, Manuel is considered the only source of news for the Latino community in Memphis. In my experience as a community activist, he is known, beloved, admired, and appreciated for the attention he brings to issues affecting us.**

5. Manuel is also known by the Memphis police. Manuel had attended meetings with the Memphis Police Department about collaboration with ICE.
6. On April 3, 2018, I was leading the MLK50 demonstration against the Memphis Police Department's collaboration with ICE. I was walking in the front with a bullhorn. I saw Manuel with his camera and press badge. He was with all of the other reporters and was filming the protest.
7. At one point in the march, we crossed a street at a crosswalk. I was at the front, so I was one of the first ones to get to the sidewalk on the other side of the street. Once I had gotten across the street, I saw one of our companions being arrested in the street. After that first arrest happened, I saw Manuel near the curb behind a car, filming our companion's arrest, like many other members of the press. I then saw the police start to arrest him and I ran to him. We wanted to protect him because the press should not be arrested and we knew that Manuel was only acting as a member of the press. I tried to tell the officers that he was a reporter, but nobody reacted. I saw two officers holding him and each had tried to handcuff him, so he had two sets of handcuffs on. It looked to me like the officers had targeted him.
8. Because I was also arrested at the protest that day, I was in court for his first hearing. All that happened was that it was moved to the next day. I was released from jail, so I went to the court to wait for him to be released on April 5, 2018,

after the charges were dismissed. While we were waiting outside, a woman went into the jail to find out if there was any news. The clerk told her that he was no longer in MPD custody, so we knew he has been taken by ICE.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 11, 2018 in Memphis, TN.



Guadalupe Kuleiny Escobar

4/11/2018
Date



Exhibit 4

Declaration of Francisco Ivan Flores

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

CASE NO.

JUDGE:

MAGISTRATE JUDGE:

Date: April 12, 2018

DECLARATION OF FRANCISCO IVAN FLORES

1. My name is Francisco Ivan Flores. I am over the age of 18 and competent to testify. I live in Memphis, Tennessee.
2. I have known Manuel Duran personally for about two years. I am a community organizer in Memphis and he has covered many events I have been involved with. I see him about once a month. I have known his partner, Melisa, and her family for about 15 years.
3. Manuel is the go-to journalist in the Latino community in Memphis. He was a journalist in El Salvador and started working at a radio station in Memphis years ago. Recently, he started *Memphis Noticias*. From my experience with community organizations in Memphis, I saw that anytime a group wanted media coverage of an event, they would go to Manuel. Memphis has other Spanish-language newspapers, but Manuel was different because he adapted to using new forms of technology like streaming on Facebook Live. He had honest coverage of everything he reported on, and people respect his work.
4. Manuel is a well-known journalist with city officials and the police. He has interviewed mayors, mayoral candidates, the police director and other public officials.

5. Manuel told me about some messages he got from an officer at the Memphis Police Department. He said that the officer told him to take the story down because the police department was trying to build a good relationship with the Latino community. I did not see the story come down, and Manuel justified keeping it up because he had to stick by the stories he was hearing.
6. On April 3, 2018, I was present at the protest outside of the Shelby County courthouse and jail. There were about 40-50 people there. I saw Manuel while we were getting ready to start walking. He was wearing his press badge and filming himself with his phone and a selfie-stick for Facebook Live. As soon as the group started walking, he went to the front of the group to film. There were other national and local journalists there at the front, also, because many of the protesters were dressed like either jail inmates and ICE officers and the jail inmates had chains around themselves.
7. I was also live-streaming and was at the front of the march. I saw Manuel going back and front taking video. The video I took is available at [<https://www.facebook.com/hombrelobito/videos/10156287679146660/>] and is an accurate representation of what occurred on April 3, 2018. We got to a crosswalk where there isn't a light, and the police were starting to get closer. The street was blocked and the front of the march started crossing the street at

the crosswalk. The police started ordering everyone to get on the sidewalk. I then saw them arrest my friend, who was marshaling the march.

8. I went to go film my friend's arrest and I walked past Manuel. Manuel was clearly reporting. He had his phone on a stick in front of him and had his press badge on. When I walked past him, he was stuck at the front of a crowd trying to get onto the sidewalk. There was a car and a van parked close to each other, and there were protesters on the sidewalk, so people were having trouble getting on to the sidewalk.
9. Just after I had walked past Manuel, I heard a commotion and saw that officers were arresting Manuel. Two of the women who had been in the march were holding on to him, yelling to the police that he is a reporter. Manuel was not resisting.
10. I don't know why the police focused on Manuel. There were a lot of people who were in the street trying to get onto the sidewalk. He was clearly a member of the press. Also, there were a lot of members of the media who were allowed to stay in the street. Even while Manuel was being arrested, there were journalists in the street near the police and nothing happened to them. There are pictures of some of the arrests that the journalists could not have gotten if they were on the sidewalk. A few minutes after the arrests, an older white male who

was with our group walked back and forth across the crosswalk where everyone had been arrested. The police did not arrest him or tell him to move, either.

11. A few of the people the police arrested seemed targeted. This demonstration was during the commemoration of the 50th Anniversary of Martin Luther King Jr.'s assassination, but it was not part of the official city program. The city was holding events that showed progress and made the city look good. This march and the use of the chain-gang was to show that there is still injustice and oppression in our city. The first person arrested was Keedran, an organizer who the police have targeted many times. He was just at the front making sure people were safe, but he was the first to be handcuffed. Then, maybe 30 seconds later, they went for Manuel. After him, they arrested Spencer, another organizer who the police also targets a lot. It seemed like they were going after specific high-profile people to scare others away from demonstrating in a way that didn't go along with the city's programming.

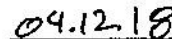
12. I went to Manuel's court date on April 5. While I was there, I spoke with a Shelby County Sheriff spokesperson. He told me, "We don't hold anyone for ICE." I knew that was a lie because I had heard from Melisa and others that Manuel had an ICE hold and I have seen the Shelby County Sheriff hold people for ICE, some times for more than just a few days. I waited in my car for Manuel to be released – we thought that because his case had been dropped he

might be released. After a while, a friend came to my car and told me that Manuel was gone. I drove to the Summer Ave. ICE office because I have heard of multiple other people's experiences being sent to DHS custody from Shelby County jail, and they always go through the Summer Ave. office, then go to Mason, Tennessee, for between a day to a week, and then get transferred to Louisiana. Manuel did not go to the Summer Ave. office, which I thought was strange. I have never heard of someone before being taken straight to the Louisiana detention center.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018 in Memphis, TN.



Francisco Ivan Flores



Date

Exhibit 5

Declaration of Andrea Morales

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

CASE NO.

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

DECLARATION OF ANDREA MORALES

1. My name is Andrea Morales. I am over the age of 18 and competent to testify.
2. I am a freelance photojournalist in Memphis, Tennessee. My photos have appeared in several publications, including the *New York Times*, *Washington Post*, *Wall Street Journal*, *Memphis Commercial Appeal*, and the independent journalism project MLK50.com.

3. As part of my job, I frequently attend local protests, marches, and other events in Memphis to document what is happening there.
4. On April 3, 2018, I was covering a protest being staged as part of the MLK50 events around the city. MLK50 organized by the city and the Memphis Civil Rights Museum to commemorate the assassination of Dr. Martin Luther King, Jr. fifty years before. Many national and local public officials and prominent figures converged on the city for events. With so much national attention focused on the city, many local activists were also holding events and protests to draw attention to problems they believe exist in Memphis today.
5. The April 3 protest I covered was being held in front of the Shelby County Criminal Justice Center and addressed issues of incarceration, specifically focusing on local officials' collaboration with immigration authorities.
6. Soon after I arrived to cover the protest, I noticed several national and local journalists, including Manuel Duran Ortega, covering the event. As a member of the Memphis press, I have known Manuel and his work for about a year. I have seen him reporting for *Memphis Noticias* at many of the same events that I have covered as a photojournalist. On April 3, like the other times I have seen him reporting, he was wearing a visible press badge and carrying his phone on a selfie stick, which he uses to do live reporting.


7. The protestors gathered together—they were forming a line and about 13-14 of them had linked themselves with chains to dress themselves like prisoners. The protestors walked down Poplar Street on the sidewalk and then began crossing the street towards the Justice Center in the designated crosswalk. Manuel and other photo/video journalists were walking near them, taking video and photos. Manuel was also giving his commentary on what he was observing for his video stream.
8. When the group was about halfway across the crosswalk, the police showed up. The group was making its way to the sidewalk on the opposite side of the street. At least one officer had a camera and was filming.
9. A police officer announced that the protest was “not a permitted event” and the group needed to get out of the street or they would be arrested. One of the protestors who was monitoring traffic, Keedran Franklin, was arrested, and several of us journalists moved closer to document the arrest.
10. Then more noise broke out between police and protestors. There were two parallel-parked cars at the place where the crosswalk met the sidewalk, so people had to squeeze through the parked cars in order to follow the officers’ instructions and get out of the street.
11. One of the police officers told the people in the crosswalk area to get back. I heard two women, Yuleiny Escobar and Zyanya Cruz, shouting to the

police: “he’s a reporter!” It appeared that Manuel was pinned up against a car.

12. The police arrested Manuel, placing one set of handcuffs on each of his hands. I did not see him resist arrest in any way. I photographed Manuel’s arrest. This photo, along with a picture that a fellow photojournalist took, is posted on the MLK50 website, at <https://mlk50.com/rolling-block-party-ends-at-201-32793c4add23> . Manuel is wearing a blue shirt and his press badge is visible.

13. As a journalist, seeing the Memphis Police Department’s conduct towards Manuel that day concerned me. It did not convey respect for the First Amendment rights of the press and our professional role in covering the news.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018.



Andrea Morales

04/12/18
Date

Exhibit 6

Declaration of Christina Swatzell

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

CASE NO.

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

DECLARATION OF CHRISTINA M. SWATZELL

1. My name is Christina Swatzell. I am over the age of 18 and competent to testify.
I live in Memphis, Tennessee.
2. I am employed as an immigration attorney with the local advocacy organization
Latino Memphis. As an immigration attorney, I frequently represent immigrants

in Memphis who have been charged with crimes and subsequently detained by ICE.

3. I have known Manuel Duran Ortega as a Spanish media personality for less than a year. I have personally observed his presence reporting on community events. For example, on or about September 2017, he recorded a DACA event hosted by a coalition of Latino organizations including Latino Memphis, Inc. I met him formally the day after his initial arrest.
4. On April 3, 2018, I learned than Mr. Duran Ortega had been arrested at a MLK 50 demonstration where people were protesting collaboration between the Memphis Police Department and ICE.
5. Because of my experience in immigration law, Mr. Duran Ortega's criminal attorney Ann Schiller and I decided to serve as co-counsel in representing him in his criminal charges.
6. I spoke with Mr. Duran Ortega's partner, Melisa Valdez, about whether to post bond for Mr. Duran Ortega the evening of his arrest.
7. The following morning, she informed me that the family posted the bond, but he was not released. At the same time Shelby County Sheriff's Office also stated publicly that there was no ICE hold. I communicated this to Ms. Valdez who informed me later that when she went directly to the jail after court to inquire she was told by an officer that there was an immigration hold. My co-counsel, Ms.

Ann Schiller also informed me that she had called the jail the morning before court and was also informed of the ICE hold. Throughout the day and the evening, Ms. Schiller continued to monitor his custody status. The immigration hold did not change.

8. I learned that Ms. Valdez had paid the bond on the night of April 3, 2018, but that Mr. Duran Ortega had not signed it.
9. The first time I saw Mr. Duran Ortega after his arrest was on April 4, 2018 when he appeared in court and his proceedings were postponed to the next day. At that time, Mr. Duran Ortega informed me that he had been presented with a paper that he said was an ICE hold, but said that he had not received bond papers. When I asked how he knew, he replied that the word “immigration” appeared on the page. Mr. Duran Ortega told me that it was the only paper presented to him, and that he refused to sign it. Before leaving the Shelby County Justice Center on the afternoon of April 4, Ms. Schiller agreed that she would specifically asked that the bond papers be re-presented to Mr. Duran Ortega to sign. She did so. There were never re-presented to our knowledge.
10. On April 5, 2018, I was representing Mr. Duran Ortega in front of the Shelby County criminal court when all charges against him were dropped. I have represented a number of immigrants who have faced criminal charges and were detained at the Shelby County jail and my understanding is that even when

charges are resolved, it usually takes a while for people to get processed out of the jail. If individuals are being transferred to ICE after they are in jail, that process is usually not quick. Typically, it can take hours according to prior clients. I therefore found it very unusual when Mr. Duran Ortega was placed in ICE custody within two hours of his criminal charges being dismissed.

11. I found some other things about the way Mr. Duran Ortega's ICE detention was handled to be highly unusual. I have represented dozens of immigrants who were taken into ICE custody in the Memphis area. Typically, immigrants are sent first to an ICE office on Summer Avenue in Memphis where they are, then transferred to a detention center in Mason, Tennessee, where they usually stay for a few days before being transferred elsewhere. I understand that Mr. Duran Ortega was sent straight to LaSalle. I am not familiar with this happening in any other case in which me or my colleagues have handled.

12. Mr. Duran Ortega's immediate transfer to LaSalle created significant logistical obstacles to my continued representation of him and the efforts by the Memphis community to support him and advocate for his release, because LaSalle is approximately a 6 hour drive from Memphis.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018 in Memphis, TN.

Christina Swatzell

Christina Swatzell

04-12-2018

Date

Exhibit 7

Declaration of Elizabeth Vega

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

CASE NO.

v.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

Respondents.

DECLARATION OF ELIZABETH VEGA

1. My name is Elizabeth Vega. I am over the age of 18 and competent to testify. I live in St. Louis, Missouri.

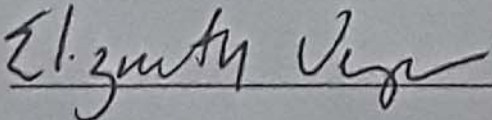
2. I arrived in Memphis, Tennessee, the first week of April 2018 to support local organizers who would be demonstrating in response to the city's official activities in commemoration of the 50th anniversary of Martin Luther King Jr.'s assassination. I do not live in Memphis and I met many people for the first time during the days I was there.
3. On April 3, 2018, I participated in the demonstration outside of the Shelby County jail protesting private prisons and the practice of local police collaborating with ICE, specifically focusing on the sheriff's office practice of honoring detainers from DHS. It was decided that the march would be low-risk for the participants and participants were instructed to stay on the sidewalks and on the crosswalk.
4. I was near the front of the march; I was in the "chain-gang" with chains loosely tied around myself, dressed as a prisoner. I was focused on the action, but I did see Manuel Duran. He had a press badge around his neck and was carrying his phone on a selfie-stick.
5. We were only walking for a few minutes when we turned to cross the street at a crosswalk. As we were crossing the street, the police were there. Another participant, Keedran, was observing at the crosswalk, marshaling everyone across and making sure we were safe. As soon as the first people got to the other side of the street, we saw the police arrest Keedran. I got out of my chain

and started walking toward the curb from the sidewalk. I was right next to a parked car.

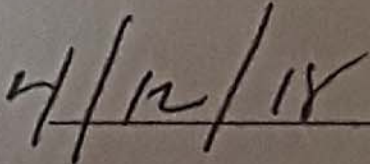
6. I stepped off the curb and saw police start to circle around Manuel, who looked like he was still trying to move toward the sidewalk. He was about a foot away from me. I had never met him before, but I saw that he had a press badge on. I am a former journalist and the First Amendment is incredibly important to me. I hold a very firm belief that without the freedom of the press, we do not have a democracy. In my opinion, there was no way anyone would have confused him for a protestor. As soon as I saw the officers begin to close in on Manuel, I reached for him and yelled, “Leave him alone, he’s the press!” An officer grabbed me by my hair, threw me on the ground, and arrested me.
7. From the time the officers started issuing orders to go to the sidewalk, they did not give anyone time to comply. Many people were in the crosswalk trying to get to the sidewalk. Manuel was about a foot from the curb and moving toward the sidewalk.
8. The way the arrest happened looked like the police targeted Manuel. He had a press badge around his neck – it was bright yellow and it said “Press” very clearly. Although I had not noticed him very much during the time we were marching and I had never seen him before that day, it was clear to me that he was filming and reporting as a member of the press.

9. After we were arrested, Manuel and I were put in a police car together with another man, Bill. The officers were demanding Manuel's ID, but he could not understand them because he speaks Spanish and they were speaking English. I was able to speak with him a little bit using my limited Spanish and that was when I found out that he was undocumented. We tried to call people who could interpret so he could understand what the police wanted.
10. While sitting in the car, we heard some say that the people who were arrested for being in the street should have been ticketed, not arrested. It scared me that the protestors were arrested, but it affected me more that Manuel was arrested. There were other press there from The Guardian, BBC, and others, and he was the only journalist arrested.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018 in St. Louis, MO.



Elizabeth Vega



Date

Exhibit 8

Declaration of Spencer Kaaz

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION**

MANUEL DURAN ORTEGA,

Petitioner,

v.

CASE NO.

U.S. DEPARTMENT OF
HOMELAND SECURITY; KIRSTJEN
NIELSEN, Secretary of Homeland
Security; DAVID RIVERA, Director of
the New Orleans Field Office of U.S.
Immigration and Customs
Enforcement; and DAVID COLE,
Warden of the LaSalle Detention
Facility,

JUDGE:

MAGISTRATE JUDGE:

Respondents.

DECLARATION OF SPENCER KAAZ

1. My name is Spencer Kaaz. I am over the age of 18 and competent to testify. I live in Memphis, Tennessee.

2. I have known of Manuel Duran and his work with *Memphis Noticias* for between six months and year. Although I didn't know him personally until April 3, 2018, I have been in the same places as him and recognize him. I have seen him reporting at various demonstrations, vigils, and other community events.
3. Manuel serves an important role with his work informing Memphians about topics relevant to residents who come from a different cultural or language background. He is an independent journalist who covered stories he saw and necessary and important.
4. The first time I interacted with Manuel was April 3, 2018. I was at the demonstration, which was meant to be a theatrical representation of conditions that do and historically have existed for poor people in this country. Manuel was there as a reporter. I saw him from the time he got there. He was wearing his press badge and introduced himself to everyone as we were getting ready and handing out signs. He made everyone aware that he was a reporter and would be covering the march and documenting on Facebook Live.
5. When the march started, we walked down the street chanting and approached a crosswalk. People in the front started accessing the other side of the street by crossing the crosswalk. I left the larger group momentarily to check the police presence and check to make sure we would all be safe. On my way back, I was

walking through the middle of the road and an officer ordered me to get out of the road. I saw Manuel with some of my friends, so I went to that side of the street to stand with them.

6. Where we were standing, there were two cars that had been parallel-parked so that there was a bottleneck trying to get to the sidewalk. The police were on both sides pressuring us like cattle through the gap between the cars. They kept saying “y’all need to get on the sidewalk.” I was standing between Manuel and the police, and I had my hand on his shoulder. At that point, I saw my friend Keedran, one of the protestors, being arrested. I started walking toward him to check on him, and he told me to go back. I found Manuel again and put my hand back on his shoulder. The police were ordering us to move on the sidewalk and I continued to say “we’re going; we can’t move any further back; we’re going as fast as we can.” I made it clear to the police that we were trying to move back. The video Manuel took that day and which is available on Facebook Live is an accurate representation of what happened on April 3, 2018. In that video, my voice is the one telling the officers that we are trying to move—speaking for both me and Manuel.

7. At that point, an officer snatched Manuel’s camera and the police jumped on Manuel. They circled around him and pulled him away from two women who

were holding him. One officer pointed at him during the arrest. It was clear he was not going leaving the site without being detained.

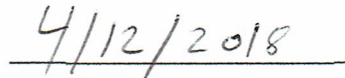
8. Manuel did not attempt to remove himself from the officers. While he was being arrested, there were other members of the press walking around freely. I saw some weaving in and out of the crowd, the same crowd that Manuel had been standing in when he was arrested. The reporters were taking pictures unhindered by the police. It was clear that Manuel was a reporter. He had his press badge on and you could see it around his neck.
9. I was also arrested on April 3, and I was in the transport van with Manuel. We went through standard processing together, being transferred from police custody to the Sheriff's custody. When we were through to the holding cell, we checked Manuel's paperwork to see if he had gotten anything different from the people arrested who were U.S. citizens. We saw a detainer from DHS and read it with him.
10. When we were being bonded out, Manuel came out of the holding cell with us. He went with us through the paperwork, but as we were being taken into a room to give blood, he was separated. I heard Keedran ask what was happening and he told the officer that Manuel's bond had been paid, too. He told the officers that the detainer was not mandatory. The officer shut the conversation down and would not respond.

11. I went to the courthouse after Manuel's hearing on April 5. We were outside and got notification that he had been transferred. I went inside and asked the clerk if there was anywhere else that people who were bonded out were released. She said no. I asked if someone would be taken out another way only if they were transferred to the custody of another agency, and she said yes. This told us that he had been taken into DHS custody. I drove with some others to the Virginia Run DHS office on Summer Ave. There, they told us he was being taken straight to LaSalle Detention Center.

I declare under penalty of perjury that the foregoing is true and correct. Executed on April 12, 2018 in Memphis, TN.



Spencer Kaaz



Date

Exhibit 9

Manuel Duran, “The Body of a Man is Found in the Police Impound More Than 6 Weeks After Shooting,” *Memphis Noticias*, Feb. 6, 2018
(*English translation with Spanish original*)

**THE BODY OF A MAN IS FOUND IN THE POLICE IMPOUND MORE THAN 6 WEEKS
AFTER SHOOTING**

Posted by Manuel Duran | Feb 6, 2018 | Local, News

The Memphis Police Department confirmed that a man was found dead in a police depot more than 6 weeks after being shot.

The shooting occurred on December 18th, 2017 in Binghamton.

Police said two men were sitting in a car when they were approached by three suspects who tried to rob them.

The suspects fired at the victims after they refused to comply with their demands.

The first victim, a 47-year-old man, was shot several times and transported to Regional One Health in critical condition. The second victim, a 55-year-old man, was sitting in the passenger seat and was not injured during the shooting.

Due to the injuries of the first victim, the police could not talk to him until January 22, one day before being discharged from the hospital.

He confirmed that both he and his passenger were sitting in the vehicle when three men approached and started firing.

Authorities say the victim went to the police depot in Frayser on Monday to recover his van that was confiscated during the investigation.

That's when they found a corpse in the back of the vehicle. The deceased man was there since the shooting, more than six weeks earlier, and was shot by the suspects.

The identity of the victim has not yet been revealed.

<https://memphisnoticias.com/es-encontrado-el-cuerpo-de-un-hombre-en-deposito-de-la-policia-mas-de-6-semanas-de-tiroteo/>

ES ENCONTRADO EL CUERPO DE UN HOMBRE EN DEPÓSITO DE LA POLICÍA A MÁS DE 6 SEMANAS DE TIROTEO

Posted by [Manuel Duran](#) | Feb 6, 2018 | [Local](#), [Noticia](#) | [0](#) |

El Departamento de Policía de Memphis confirmó que un hombre fue hallado muerto en un depósito de la policía a más de 6 semanas de haber recibido un disparo.

El tiroteo ocurrió el 18 de diciembre del 2017 en Binghamton.

La policía dijo que dos hombres estaban sentados en un automóvil cuando fueron abordados por tres sospechosos que intentaron robarles.

Los sospechosos dispararon contra las víctimas luego de que estas se negaran de cumplir con sus demandas.

La primer víctima, un hombre de 47 años, recibió varios disparos y fue transportado a Regional One Health en estado crítico. La segunda víctima, un hombre de 55 años, estaba sentado en el asiento del pasajero y no resulto herido durante el tiroteo.

Debido a las lesiones de la primer víctima, la policía no pudo hablar con él hasta el 22 de enero, un día antes de ser dado de alta del hospital.

El confirno que tanto él como su pasajero estaban sentados en el vehículo cuando tres hombres se acercaron y comenzaron a disparar.

Las autoridades dicen que la víctima fue al depósito de la policía en en Frayser el Lunes para recuperar su camioneta que fue confiscada durante la investigación.

Fue entonces cuando encontraron un cadáver en la parte trasera del vehículo. El hombre fallecido estuvo allí desde el tiroteo, más de seis semanas antes, y recibió disparos de los sospechosos.

La identidad de la víctima aun no ha sido revelada.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 10

Manuel Duran, “The Name of the Hispanic Found Dead in Memphis Police Impound Lot Was Revealed,” *Memphis Noticias*, Feb. 9, 2018
(English translation with Spanish original)

THE NAME OF THE HISPANIC FOUND DEAD IN MEMPHIS POLICE IMPOUND LOT WAS REVEALED.

Posted by Manuel Duran | Feb 9, 2018 | Local, News

The Memphis Police Department released the name of the Hispanic whose body was found in a van in the MPD impound lot after 49 days.

Bardomiano Hernandez, 33, was identified by his ex-wife through photographs. She says the authorities did not allow her to identify him personally.

Hernandez was shot in the 3000 block of Yale on December 18, 2017, when three men tried to steal a truck in which he, Pablo Castor and Florencio Perez were at that moment.

The driver, Pablo Castor, was seriously injured and spent weeks in the hospital. The second passenger, Florencio Perez, suffered no injuries. Florencio told a friend of his that someone had tried to rob them and that he had shot at them. He never mentioned that Bardomiano had been shot too, nor did he report the incident to the police.

The wife of Pablo Castor went to pick up the van after the city warned her that it would be auctioned or towed that's when they found Hernandez's body.

Maria Morales described Hernandez as a great worker in construction and restaurants.

The couple has a one-year old son in common and although they separated in June 2017, he treated his children from another relationship as if they were his own, she said.

With the impact of death still fresh, Morales wept, put her face in her hands at times and said that the way the police handled the case was "negligent".

She told us she spoke to Hernandez last on December 16, 2017, two days before the shooting.

Morales says she called the hospitals after discovering that Hernandez was the victim of a robbery, but could not locate him. She did not present a report of Hernandez's disappearance, because his friends told her that he had left the city to another state for a job in construction.

Maria, Bardomiano's ex-wife, told us that this Friday she would meet with an attorney to consider a lawsuit against the Memphis Police for negligence.

Morales also asked the authorities for answers and she asks that justice be done in the death of her ex-husband.

She said Perez Hernandez does not have other relatives in Memphis and that the family plans to send his body to Mexico for burial.

The funeral will be held at Serenity Funeral Home.

<https://memphisnoticias.com/es-dado-conocer-el-nombre-del-hispano-encontrado-en-el-corralon-de-la-policia-memphis/>

ES DADO A CONOCER EL NOMBRE DEL HISPANO ENCONTRADO MUERTO EN EL CORRALÓN DE LA POLICÍA MEMPHIS

Posted by [Manuel Duran](#) | Feb 9, 2018 | [Local](#), [Noticia](#) | [0](#) |

El Departamento de Policía de Memphis dio a conocer el nombre del hispano cuyo cadáver fue encontrado en una camioneta en el corralón de MPD después de 49 días.

Bardomiano Pérez Hernández, de 33 años fue identificado por su ex-esposa a través de fotografías. Ella dice que las autoridades no le permitieron identificarlo personalmente.



[Memphis Police Dept](#)@MEM_PoliceDept

The victim who was shot & killed @ 3084 Yale December 18, 2017 has been identified as 33-year-old Bardomiano Perez Hernandez. The suspects responsible have not been identified. If anyone has any information pertaining to this investigation, they are urged to call Crime Stoppers.

[7:23 PM - Feb 8, 2018](#)

Hernández fue baleado en la cuadra 3000 de Yale el pasado 18 de diciembre de 2017, cuando tres hombres intentaron robar una camioneta en la que él, Pablo Castor y Florencio Perez se encontraban en ese momento.

El conductor Pablo Castor resultó gravemente herido y pasó semanas en el hospital. El segundo pasajero Florencio Perez no sufrió heridas. Florencio le dijo a un amigo de el, que los habían tratado de asaltar y que los agarraron a balazos. Este nunca mencionó que Bardomiano había sido baleado también, tampoco reporto el incidente a la Policía.

La esposa de Pablo Castor fue a recoger la Van, después que la ciudad advirtió que sería subastado o remolcado, fue ahí cuando encontraron el cuerpo de Hernandez.

Maris Morales describió a Hernández como un gran trabajador en la construcción y en restaurantes.

La pareja tiene un hijo de un año en común y aunque se separaron en junio de 2017, trató a sus hijos de otra relación como si fueran suyos, dijo.

Con el impacto de la muerte aún fresca, Morales lloró, puso su rostro en sus manos a veces y dijo que la forma en que la policía manejó el caso fue "negligencia".

Ella dice que habló por última vez con Hernández el 16 de diciembre de 2017, dos días antes del tiroteo.

Morales dice que llamó a los hospitales después de descubrir que Hernández fue víctima de un robo, pero no pudo ubicarlo. Ella no presentó ningún reporte de la desaparición de Hernandez, porque sus amigos le dijeron que se había ido de la ciudad a otro estado a trabajar en la construcción.

Maris la Ex-esposa de Bardomiano nos dijo que este viernes se reuniría con un abogado para considerar una demanda en contra de la Policía de Memphis por negligencia.

Ademas Morales pide a las autoridades, respuestas y que se haga justicia por la muerte de su Ex-esposo.


Ella dijo que Pérez Hernández no tiene otros familiares en Memphis, y que la familia planea enviar su cuerpo a México para su entierro.

El funeral será en Serenity Funeral Home.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 11

Manuel Duran, “New information reveals that six officers were on the scene of the attack on Hispanics. None saw the body of Bardomiano Hernandez,” *Memphis Noticias*, Mar. 9, 2018
(English translation with Spanish original)

**New information reveals that six officers were on the scene of the attack on Hispanics.
None saw the body of Bardomiano Hernandez.**

Posted by Manuel Duran | Mar 9, 2018 | Local, News

New information comes to light in the case of the attack against Hispanics on December 18, were Pablo Castor received four bullet wounds and the body of Bardomiano Hernandez was found 49 days later. The body was found in the back of Pablo Castor's van. Castor says that at the time of the incident, he informed the detective that someone else was with them. However, the officer apparently did not listen or did not want to listen to what Castor had told him.

In this new report on the investigation, Memphis Noticias has been informed that at least six Memphis Police officers showed up at the crime scene in the apartments on Yale Road, some of them are high-ranking officers, including two lieutenants and a sergeant.

Information we have gathered tells us that when the officer arrived the night of December 18, 2017 he found Pablo Castor with bullet wounds in the neck and stomach.

The officers found evidence on the driver's side of the truck.

Several officers then started taking pictures and collecting evidence.

As the night progressed, several senior officers appeared and the crime scene registration was completed.

The officers searched the nearby apartment complex for cameras and found two. They also spoke with witnesses.

Florencio Perez told detectives at the time that he was in the passenger seat of the van drinking beer and listening to music when a man approached the driver's side of the van where Castor was seating.

The criminals demanded money, Castor refused and the man shot him several times. To all this, at no time was the back of the truck checked until Castor left the hospital. Then he went to look for his vehicle from the impound lot.

It was then that he found the body of his friend Bardomiano Perez Hernandez.

"Although the cargo van was overly equipped with equipment, there is no explanation as of how the deceased victim remained in the vehicle undetected," said Memphis Police Director Mike Rallings.

On Thursday, the Memphis Police were questioned about the officers involved, they said the officers were still on duty.

We spoke with people familiar with search policies that said it is common for agents to continue performing their regular duty because there is not a criminal investigation about them. If there is a disciplinary action, it will come when the investigation is complete. The officers continue working normally, for now, without any problems and this is what worries relatives and various other people interested in this case, hinting that if they are being investigated, they should be out of service for the duration of said investigation. Two men are currently in custody waiting to appear for the first hearing on March 29.

NUEVA INFORMACIÓN REVELA QUE SEIS OFICIALES ESTUVIERON EN LA ESCENA DEL ATAQUE A HISPANOS. NINGUNO VIO EL CUERPO DE BARDOMIANO HERNANDEZ

Posted by [Manuel Duran](#) | Mar 9, 2018 | [Local](#), [Noticia](#) | [0](#) |

Nueva información sale a la luz en el caso del ataque a hispanos el 18 de diciembre, donde Pablo Castor recibió cuatro impactos de bala y 49 días después fue encontrado el cadáver de Bardomiano Hernandez. El cuerpo fue encontrado en la parte trasera de la van de Pablo Castor. Castor dice que en el momento cuando del incidente el informó a un detective que alguien mas estaba con ellos, sin embargo al parecer el oficial no escucho o no quiso escuchar lo que Castor le dijo.

En este nuevo informe sobre la investigación, se ha informado a Memphis Noticias que al menos seis oficiales de la policía de Memphis se presentaron en la escena del crimen en los apartamentos en Yale Road, algunos de ellos son oficiales de alto rango, incluidos dos tenientes y un sargento.

Información que hemos reunido muestra cuando un oficial se presentó la noche del 18 de diciembre, 2017 se encontró con Pablo Castor con heridas de bala, en el cuello y uno en el estómago.

Los oficiales encontraron evidencia en el lado del conductor de la camioneta.

Varios oficiales luego comenzaron a tomar fotos y recolectar evidencia.

A medida que avanzaba la noche, aparecieron varios oficiales de alto rango y se completó el registro de la escena del crimen.

Los oficiales revisaron el complejo de apartamentos cercano en busca de cámaras y encontraron dos. También hablaron con testigos.

Florencio Perez les dijo a los detectives en su momento que estaba en el asiento del pasajero de la furgoneta bebiendo cerveza y escuchando música cuando un hombre se acercó al lado del conductor de la furgoneta donde estaba sentado Castor.

Los delincuentes exigieron dinero, Castor se negó y el hombre le disparó varias veces.

A todo esto, en ningún momento se revisó la parte trasera de la camioneta hasta que Castor salió del hospital.

Luego fue a buscar su vehículo del lote confiscado.

Fue entonces cuando encontró el cuerpo de su amigo Bardomiano Pérez Hernández.

“Aunque la camioneta de carga estaba excesivamente con equipos, no hay explicación de cómo la víctima fallecida permaneció en el vehículo sin ser detectada”, dijo el director de la policía de Memphis, Mike Rallings.

El jueves se interrogó a la policía de Memphis sobre los oficiales involucrados, ellos dijeron que aún están trabajando en las calles.

En un comunicado, el Departamento de Policía de Memphis dijo:

“El número de oficiales que responden a una escena varía dependiendo del tipo de llamada y la mano de obra necesaria. No es extraordinario tener seis oficiales en una escena para este tipo de incidente. El incidente que ocurrió en Yale aún está bajo investigación. Todos los oficiales que estuvieron involucrados todavía están trabajando ”.

Hablamos con personas familiarizadas con las políticas de investigación que dijeron que es común que los agentes sigan trabajando, porque no hay una investigación criminal sobre ellos.

Si hay una acción disciplinaria, vendrá cuando la investigación esté completa.

Los oficiales continúan trabajando normalmente, por ahora sin ningún tipo de problemas y es lo que inquieta a familiares y diversas personas


interesadas en el caso, haciendo alusión que si estos están siendo investigados, deberían estar fuera de servicio mientras dura esa investigación.

Dos hombres están bajo custodia de las autoridades, esperando presentarse a la primera audiencia el próximo 29 de marzo.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 12

Manuel Duran, “Shelby County Crackdown, the operation of the Shelby County Sheriff’s Department to catch traffic offenders,” *Memphis Noticias*, Feb. 23, 2018
(English translation with Spanish original)

**“Shelby County Crackdown”, the operation of the Shelby County Sheriff’s Department to catch traffic offenders.
Posted by Manuel Duran | Feb 23, 2018 | Local, News**

Starting today at 9:00 am, the police will patrol the streets of Shelby County and the highways stopping all those who commit a traffic infraction. They are calling this operation “Shelby County Crackdown.”

The officers will concentrate their efforts on three areas: Austin Peay Highway, Hacks Cross and shelby Drive, and I-55.

The captain of Tennessee Highway Patrol, Jimmie Johnson, said that “this is going to be a zero tolerance operation”.

Drive safely for your own safety.

Also remember that both the shelby County Sheriff’s Office and the Tennessee Highway Patrol collaborate with ICE.

<https://memphisnoticias.com/shelby-county-crackdown-la-operacion-del-departamento-del-sheriff-del-condado-de-shelby-para-atrapar-a-infractores-de-las-leyes-de-trafico/>

“SHELBY COUNTY CRACKDOWN”, LA OPERACIÓN DEL DEPARTAMENTO DEL SHERIFF DEL CONDADO DE SHELBY PARA ATRAPAR A INFRACTORES DE LAS LEYES DE TRÁFICO

Posted by [Manuel Duran](#) | Feb 23, 2018 | [Local](#), [Noticia](#) | [0](#) |

Comenzando hoy desde las 9 de la mañana, la policía va a patrullar las calles del condado de Shelby y las autopistas parando a todos los que cometan una infracción de tráfico. Están llamando a esta operación “Shelby County Crackdown”.

Los oficiales van a concentrar sus esfuerzos en tres áreas: Austin Peay Highway, Hacks Cross y Shelby Drive, e I-55.

El capitán de Tennessee Highway Patrol, Jimmie Johnson, dijo que “esta va a ser una operación de cero tolerancia”.

Manejen siempre con cuidado por su seguridad.

También recuerden que tanto el Shelby County Sheriff’s Office como el Tennessee Highway Patrol, colaboran con ICE.

Translator's Certification

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Exhibit 13

Manuel Duran, “Four officers accused of bringing drugs into Tennessee,” *Memphis Noticias*, Mar. 23, 2018

(English translation with Spanish original)

**Four officers accused of bringing drugs to Tennessee jail.
Posted by Manuel Duran | Mar 23, 2018 | Local, News**

Federal prosecutors say four penitentiary agents in Tennessee were accused of bringing drugs to jail.

The US Attorney's office in Memphis said Thursday that the four officers worked at the Northwest Penitentiary Complex, a state penitentiary in Lake County.

The officers were charged on February 20 on charges of possession or introducing drugs into the facility, located at about 125 miles north of Memphis. The four have pleaded innocent.

Prosecutors say Kiara Bogan is accused of distributing marijuana. Darreia Johnson is accused of possession of marijuana with the intention to distribute. Both are from Hickman, Kentucky.

Michael Holland of Union City is also accused of possession of marijuana with the intention to distribute. Robert Sanders of Newbern is accused of possession of cocaine with the intention to distribute.

<https://memphisnoticias.com/cuatro-oficiales-acusados-de-llevar-drogas-a-la-carcel-de-tennessee/>

CUATRO OFICIALES ACUSADOS DE LLEVAR DROGAS A LA CÁRCEL DE TENNESSEE

Posted by [Manuel Duran](#) | Mar 23, 2018 | [Local](#), [Noticia](#) | [0](#) |

Fiscales federales dicen que cuatro agentes penitenciarios en Tennessee fueron acusados de llevar drogas a la cárcel.

La oficina del fiscal de Estados Unidos en Memphis dijo el Jueves que los cuatro oficiales trabajaban en el Complejo Penitenciario del Noroeste, una penitenciaría estatal en el condado de Lake.

Los oficiales fueron acusados el 20 de Febrero por cargos de posesión o introducción de drogas en la instalación, ubicada a unas 125 millas (200 kilómetros) al norte de Memphis. Los cuatro se han declarado inocentes.

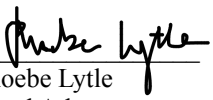
Los fiscales dicen que Kiara Bogan está acusada de distribuir marihuana. Darreia Johnson es acusada de posesión de marihuana con la intención de distribuirla. Ambos son de Hickman, Kentucky.

Michael Holland, de Union City, también está acusado de posesión de marihuana con la intención de distribuir. Robert Sanders, de Newbern, está acusado de posesión de cocaína con la intención de distribuirla.

Translator's Certification

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Exhibit 14

Manuel Duran, “Ismael Lopez’ attorneys speak
about evidence,” *Memphis Noticias*,

Jul. 26, 2017

(English translation with Spanish original)

ISMAEL LOPEZ' ATTORNEYS SPEAK ABOUT EVIDENCE
Posted by Manuel Duran | Jul 26, 2017 | Local, News |

MEMPHIS, Tennessee - Family attorneys of Ismael Lopez's, shot dead by Southaven police, held a press conference at 3 p.m. to present evidence about the case.

Ismael Lopez was shot dead at his home in Surrey Lane on Sunday night.

Attorneys for Lopez's family say they went to the house recently and collected evidence.

They say that Lopez's door was closed when he was shot. The police said they fired because Lopez opened the door and had a gun.

Court records show that the officers had been sent to arrest a domestic violence suspect on the other side of the street, but they went to the wrong address.

Police said the officer shot Lopez several times after he refused to put a gun down, although the family of the victim has denied that there was a weapon.

The man the police were looking for, Samuel Pearman, is not yet in custody and the Tate County Sheriff's Department wants him to surrender.

Lopez's lawyers said they are ready to file a lawsuit.

<https://memphisnoticias.com/los-abogados-de-ismael-lopez-hablan-de-evidencia/>

LOS ABOGADOS DE ISMAEL LÓPEZ HABLAN DE EVIDENCIA

Posted by [Manuel Duran](#) | Jul 26, 2017 | [Local](#), [Noticia](#) | [0](#) |

MEMPHIS, Tennessee – Abogados de la familia de Ismael López asesinado a tiros por la policía de Southaven celebraron una conferencia de prensa a las 3 p.m. Para presentar pruebas en el caso.

Ismael López fue asesinado a tiros en su casa en Surrey Lane el domingo por la noche.

Los abogados de la familia de López dicen que fueron a la casa recientemente y recopilaron pruebas.

Dicen que la puerta de López estaba cerrada cuando le dispararon. La policía dijo que dispararon porque López abrió la puerta y tenía un arma.

Los registros de la corte muestran que los oficiales habían sido enviados a arrestar a un sospechoso de violencia doméstica al otro lado de la calle, pero fueron a la dirección equivocada.

La policía dijo que el oficial disparó a López varias veces después de que se negó a poner un arma, aunque

La familia de la víctima ha negado que hubiera un arma.


El hombre al que la policía estaba buscando, Samuel Pearman, todavía no está bajo custodia y el Departamento del Sheriff del Condado de Tate quiere que se entregue.

Los abogados de López dijeron que están listos para entablar una demanda.

Translator's Certification

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Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 15

Manuel Duran, “Questions and Answers about
Latino killed in Southaven, Mississippi,”

Memphis Noticias, Jul. 27, 2017

(English translation with Spanish original)

QUESTIONS AND ANSWERS ABOUT LATINO KILLED IN SOUTHAVEN, MISSISSIPPI
Posted by Manuel Duran | Jul 27, 2017 | Community, Local |

Ismael Lopez was 41 years old, he was Mexican, he lived in Mississippi and had no warrants of any kind. The police arrived at his house looking for a man who lived on the same street. However, the officers shot him to death. The official version of the case and that of the family contradict each other.

The case of Ismael Lopez, a Mexican who was killed by mistake when Mississippi police went to the wrong house on Sunday is still surrounded by doubt and conflicting versions. While authorities provide little information to the media and support a version that Lopez was armed, family and close friends contradict these claims and claim that the man was completely disarmed.

Who was Ismael Lopez?

Ismael Lopez was 41 years old and had lived in the United States for several years without legal status. Both he and his family are originally from Veracruz, Mexico, as confirmed by Univision Noticias.

A friend of the family, Jordan Castillo, told the local newspaper the Commercial Appeal that Lopez had worked as an auto mechanic in the city of Bartlett, Tennessee, about 20 kilometers from what was his current residence and more recently operated a small store in the same branch of business across the street of his house.

He had lived in Southaven, Mississippi, a neighborhood of trailer homes, for 13 years with his wife, Claudia Linares. At the time of the incident, according to his partner, they were alone at home.

Now they are under the advice of an attorney in Memphis, Tennessee - Murray Wells- who instructed the family not to talk to the press and not to give public statements. The family hopes that Lopez' body will be delivered shortly to perform a funeral and they plan to send the body to Mexico.

What happened (official version)

The incident happened at 11:50 p.m. local time on Sunday, July 23, at the 5800 block home on Surrey Lane, in Southaven, DeSoto County, Mississippi, as the police department of this city confirmed by email to Univision News.

Southaven is located on the state boundary with Tennessee and is part of the suburbs of Memphis.

In a press conference on Monday, DeSoto County prosecutor John Champion explained that the officers were looking for a man named Samuel Pearman (for a crime reported in another county) that is being investigated by another agency, although he did not clarify which agency. Then he gave a description of the events although he noticed that many details are still unclear. He said the officers allegedly went to the wrong house and that the confusion could have been caused because there are several mailboxes in the area all grouped together.

He also claimed that two policemen were on the scene and that a pit bull dog came out of Lopez's house, which would have caused one of the officers to shoot. Champion says that then a man (Lopez) pointed a gun at the officers through an open door to the house. He then says that the agents repeatedly warned him to lower the gun before one of them opened fire.

According to Champion, authorities believe that one of the officers shot the dog, while the other shot the man. He added that a weapon was found at the scene. Lopez had no arrest warrants. Champion added that the Mississippi Bureau of Investigation is collecting information and that his role as prosecutor will be to review evidence of possible charges against the officers involved.

The city police does not carry body cameras, so the incident was not recorded. What is the other version and what are the doubts it raises.

The family members and Lopez's lawyer contradict this version.

Lopez's attorney told CNN news channel that a woman from Tate County called the police that night to report an assault. From that county they contacted the Southaven Police Department to search for the suspect, Pearman's, whose address is 5878 Surrey Lane, across the street of Lopez's house.

The agents knocked on Lopez's door to determine if it was the correct location. The family's lawyer said that Ismael Lopez heard the door and that when he went to answer, accompanied by his dog "everything exploded". He added that Lopez's wife did not hear any verbal order from the police.

Murray Wells said that the officer fired through the door of the ouse and killed the man who was unarmed. Wells pointed to the bullet holes that were printed on the front door.

The lawyer confirmed that there were two weapons in the house: one in the bedroom and another on the sofa. He said that neither of the two weapons were near the body of Lopez and that non had blood from the deceased.

The city police classified the incident as 'shooting': "Officers participated in a shooting in the 5800 block of Surrey Lane (...) No name will be released at this time. The Mississippi Investigations Office and the DeSoto County Prosecutor will investigate this case." The Southaven Police and the mayor at the close of this article did not give more details. Nor did they comment on the current status of the officers involved.

Through email, they responded that questions about this case should be directed to the prosecutor's office. Reporters from Univision news in Mississippi tried to contact the office but the response was that "Champions is out of town".

<https://memphisnoticias.com/preguntas-y-respuestas-por-hispano-muerto-en-southeven-mississippi/>

PREGUNTAS Y RESPUESTAS POR HISPANO MUERTO EN SOUTHAVEN MISSISSIPPI

Posted by [Manuel Duran](#) | Jul 27, 2017 | [Comunidad](#), [Local](#) | [0](#) |

Ismael López tenía 41 años, era mexicano, vivía en Mississippi y no tenía pedido de captura policial de ningún tipo. La policía llegó a su casa buscando a un hombre que vivía en la misma calle. Sin embargo, los oficiales le dispararon fatalmente. La versión oficial del caso y la de la familia se contradicen.

El caso de Ismael López, **un mexicano que murió baleado por error cuando la policía de Mississippi** fue a la vivienda equivocada el domingo, aún está rodeado de dudas y versiones contrapuestas.

Mientras las autoridades brindan escasa información a los medios y sostienen una versión de que López estaba armado, la familia y personas cercanas contradicen dichas afirmaciones y aseguran que el hombre estaba completamente desarmado.

Quién era Ismael López Ismael López tenía 41 años y vivía en Estados Unidos desde hacía varios años sin papeles. Tanto él como su familia son originarios de Veracruz, México, según pudo confirmar Univision Noticias.

Un amigo de la familia, Jordan Castillo, dijo al medio local *Commercial Appeal* que López había trabajado como mecánico automotriz en la ciudad de Bartlett, Tennessee, a unos 20 kilómetros de la que era su actual residencia y más recientemente operaba una pequeña tienda del mismo rubro cruzando la calle de su casa.

Vivía en Southaven, Mississippi, un vecindario de casas de remolque, desde hace unos 13 años junto a su esposa, Claudia Linares. Al momento del incidente, según la mujer, estaban solos en casa.

Ahora están bajo la asesoría de un abogado de Memphis, Tennessee -Murray Wells- quien instruyó a la familia de no hablar con la prensa y de no dar declaraciones públicas.

La familia espera que el cuerpo de López sea entregado en breve para realizar un funeral y enviar los restos a México.

QUÉ PASÓ (VERSIÓN OFICIAL)

El incidente ocurrió a las 11:50 pm hora local del domingo 23 de julio, en la vivienda de la cuadra 5800 de Surrey Lane, en Southaven, condado de DeSoto, Mississippi, según confirmó vía correo electrónico a Univision Noticias el Departamento de Policía de la ciudad.

Southaven está ubicada en límite del estado con Tennessee y es parte de los suburbios de Memphis.

En una conferencia de prensa el lunes, John Champion, fiscal del condado de DeSoto explicó que los oficiales estaban buscando a un hombre llamado Samuel Pearman (por un delito denunciado en otro condado) que está siendo investigado por otra agencia, aunque no aclaró cuál era.

Luego dio una descripción de los acontecimientos aunque advirtió que muchos detalles son aún confusos:

Dijo que los oficiales fueron presuntamente a la casa equivocada y que la confusión pudo haberse ocasionado porque hay varios buzones de correo en el área agrupados.

También afirmó que dos policías estaban en la escena y que un perro de raza pitbull salió de la casa de López, lo que habría provocado que uno de los oficiales disparara.

Champion dice que entonces un hombre (López) apuntó con un arma a los oficiales a través de una puerta abierta de ingreso a la vivienda. Luego dice que los agentes le advirtieron repetidamente que bajara el arma antes de que uno de ellos abriera fuego.

Según Champion, las autoridades creen que uno de los oficiales disparó contra el perro, mientras que el otro disparó contra el hombre. Agregó que se encontró un arma en la escena. López **no tenía órdenes de arresto**.

Champion agregó que la Oficina de Investigación de Mississippi (Mississippi Bureau of Investigation) está recolectando información y que su papel como fiscal será revisar las pruebas de posibles cargos contra los oficiales involucrados.

La policía de la ciudad no lleva cámaras corporales, por lo que no quedó registrado el incidente.

CUÁL ES LA OTRA VERSIÓN Y LAS DUDAS QUE GENERA

Los familiares y el abogado de los López contradicen esa versión.

El defensor de los López dijo al canal de noticias [CNN](#) que esa noche una mujer del condado de Tate llamó a la policía para reportar un asalto. Desde ese condado se contactaron con la Policía de Southaven para buscar al sospechoso, Pearman, cuya dirección es 5878 Surrey Lane, en frente de la casa de López.

Los agentes llamaron a la puerta de López para determinar si era la ubicación correcta. El abogado de la familia dijo que Ismael López oyó la puerta y que cuando fue a contestar acompañado de su perro "todo estalló". Agregó que la mujer de López no oyó ninguna orden verbal de la policía.

Murray Wells dijo que el oficial disparó a través de la puerta de la casa y mató al hombre que estaba desarmado. Wells señaló los agujeros de bala que quedaron impresos en la puerta principal.

El abogado confirmó que había dos armas en la casa: una en el dormitorio y otra en el sofá. Dijo que ninguna de las dos armas estaban cerca del cuerpo tendido de López y que ninguna tenía sangre del fallecido.

La Policía de la ciudad catalogó el incidente como 'tiroteo': "Oficiales participaron en un tiroteo en la cuadra 5800 de Surrey Lane (...) Ningún nombre se dará a conocer en este momento. La Oficina de Investigación de Mississippi y el fiscal del Condado de Desoto investigarán este caso".

La Policía de Southaven y la alcaldía al cierre de este artículo no dieron más detalles. Tampoco comentaron sobre el estado actual de los oficiales involucrados.

Mediante correo electrónico respondieron que las preguntas sobre este caso deben dirigirse a la oficina del fiscal Champion. Reporteros de Univision Noticias en Mississippi intentaron contactar a dicha oficina pero respondieron que "Champion está fuera de la ciudad".

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 16

Manuel Duran, “ICE centers punish without a reason, treat with insults, and feed expired food to detained immigrants,” *Memphis Noticias*,
Dec. 16, 2017

(English translation with Spanish original)

ICE CENTERS PUNISH WITHOUT A REASON, TREAT WITH INSULTS, AND FEED EXPIRED FOOD TO DETAINED IMMIGRANTS.

Posted by Manuel Duran | Dec 16, 2017 | Immigration, News

In response to multiple complaints, the inspector of the Department of Homeland Security (DHS) visited six migrant prisons finding a series of failures, including inadequate and dirty facilities, lack of translation services and excessive segregation.

LOS ANGELES, Calif. - Federal inspections conducted at six Immigration and Customs Enforcement (ICE) detention centers found that immigrants have been punished without reason, treated with insults, do not receive immediate medical attention and even serve expired food.

The report published Thursday by the Office of the Inspector General of the Department of National Security (DHS), an independent entity, warns that such failures "undermine the protection of the rights of detainees, their humane treatment and the provision of a safe and healthy environment."

This investigation was carried out in response to complaints filed by pro-immigrant groups and others received on the agency's telephone line. The report exposes different cases of abuse, such as that of a detainee who spent several days in an isolation cell just for sharing his coffee with another, and those of other migrants who, before being treated by a doctor, endured long days of pain because they had infected teeth and a knee injury.

The report, however, does not mention concerns about physical and sexual assaults, or deaths in such facilities. From April 13 to May 31, three immigrants died in the Adelanto prison in southern California, which was not subject to scrutiny.

"We are concerned about the lack of professionalism and inadequate treatment by staff in the centers, which fostered a disrespectful culture and contempt for the basic rights of detainees," warns the report, which recorded multiple complaints of degrading treatment and the use of inappropriate language.

For example, several detainees in the Santa Ana municipal jail, one of the inspected sites, reported that a guard shouted at them for several minutes and threatened to punish them at their discretion. The inspector general of the DHS confirmed that complaint when reviewing the videos of the prison. Right there, a person waited several months before receiving the glasses he needed. ICE canceled last May the contract it had with the government of Santa Ana.

Other ICE centers inspected by that entity are Hudson County Correctional Facility in New Jersey, Laredo Detention Center in Texas, Otero County Processing Center in New Mexico, Stewart Detention Center in Georgia and Theo Lacy in California.

The latter, located in Orange County and subject to multiple accusations, was under scrutiny last March, when it was detected that it imposed excessive segregation without the right to visits, exits to the patio, telephone calls and even showers. It was also found that Theo Lacy, guarded by the Orange Sheriff, served rotten food, had dirty toilets and unusable phones.

The DHS inspector's report comes as the Trump administration seeks congressional approval for ICE to have more than 51,000 available beds in its detention centers, almost double that of the previous administration.

Only one of the facilities reviewed, Laredo Detention Center, in Texas, received praise for its treatment of immigrants. In the others the severity of their faults varied. In some, for example, they found food and products in poor condition, dirty toilets and broken phones.

The DHS inspector was particularly concerned about segregations without reason, without notifying their rights, or providing them with forms to appeal these punishments. "In many cases, the detainees were disciplined, including segregation or locked up in their cells, without adequate documentation to justify the disciplinary measure," the report cites.

It was also detected that the guards did not use translation services to communicate with the immigrants, which could lead to these reprimands.

The Detained Migrant Solidarity Committee said it expects ICE to resolve so many complaints. "The DHS inspectors simply confirmed reports of inhumane treatment in multiple detention centers," the organization says.

ICE, which oversees nearly 250 migrant prisons through private contractors and local governments, said it accepted such recommendations and stressed that it already guarantees humane treatment for migrants.

"To ensure the safety and well-being of the people in our custody, we regularly work with consultants and a variety of external stakeholders to review and improve the conditions of detention at ICE facilities," the agency said.

<https://memphisnoticias.com/centros-de-ice-castigan-sin-razon-insultan-y-dan-comida-descompuesta-inmigrantes-detenido/>

CENTROS DE ICE CASTIGAN SIN RAZÓN, INSULTAN Y DAN COMIDA DESCOMPUESTA A INMIGRANTES DETENIDOS

Posted by [Manuel Duran](#) | Dec 16, 2017 | [Inmigración](#), [Noticia](#) | [0](#) |

En respuesta a múltiples quejas, el inspector del Departamento de Seguridad Nacional (DHS)

visitó seis cárceles migratorias encontrando una serie de fallas, incluyendo instalaciones inadecuadas y sucias, falta de servicios de traducción y segregaciones excesivas.

LOS ÁNGELES, California.- Inspecciones federales realizadas en **seis centros de detención** del Servicio de Inmigración y Aduanas (ICE) descubrieron que los inmigrantes han sido castigados sin razón, tratados a punta de insultos, no reciben atención médica inmediata e **incluso les sirven comida caducada.**

El **informe** publicado este jueves por la Oficina del Inspector General del Departamento de Seguridad Nacional (DHS), una entidad independiente, alerta que tales fallas “socavan la protección de los derechos de los detenidos, su trato humano y la provisión de un entorno seguro y saludable”.

Esta investigación se efectuó en respuesta a las quejas presentadas por grupos proinmigrantes y otras recibidas en la línea telefónica del organismo. El reporte expone distintos casos de maltrato, como el de **un detenido que pasó varios días en una celda de aislamiento solo por compartir su café con otro**, y los de otros migrantes que antes de ser atendidos por un doctor soportaron largas jornadas de dolor porque tenían dientes infectados y una lesión de rodilla.

El reporte, sin embargo, no menciona preocupaciones sobre agresiones físicas y sexuales, ni por muertes en dichas instalaciones. Del 13 de abril al 31 de mayo, **tres inmigrantes fallecieron** en la cárcel de Adelanto, en el sur de California, el cual no fue objeto de escrutinio.

“Nos preocupa la falta de profesionalismo y el trato inadecuado por parte del personal en los centros, lo que fomentó una cultura irrespetuosa y de **desprecio por los derechos básicos de los detenidos**”, alerta el informe, el cual registró múltiples denuncias por trato denigrante y el uso de lenguaje inapropiado.

Por ejemplo, varios detenidos en la cárcel municipal de Santa Ana, uno de los sitios inspeccionados, relataron que **un guardia les gritó** durante varios minutos y les amenazó con castigarlos a su discreción. El inspector general del DHS confirmó esa queja al revisar los videos del penal. Ahí mismo una persona esperó varios meses antes de recibir los anteojos que necesitaba. ICE **canceló en mayo pasado el contrato** que tenía con el gobierno de Santa Ana.

Otros centros de ICE inspeccionados por dicha entidad son Hudson County Correctional Facility en Nueva Jersey, Laredo Detention Center en Texas, Otero County Processing Center en Nuevo México, Stewart Detention Center en Georgia y **Theo Lacy en California.**

Este último, ubicado en el condado de Orange y objeto de múltiples señalamientos, estuvo bajo la lupa en marzo pasado, cuando se detectó que imponía **segregaciones excesivas** sin derecho a visitas, salidas al patio, llamadas telefónicas e incluso duchas. También se encontró que **Theo Lacy, vigilado por el Sheriff de Orange, sirvió comida descompuesta**, tenía baños sucios y teléfonos inservibles.

El reporte del inspector del DHS se presenta cuando la administración Trump busca la aprobación del Congreso para que ICE tenga **más de 51,000 camas** disponibles en sus centros de detención, casi el doble que durante el gobierno anterior.

Solo una de las instalaciones revisadas, Laredo Detention Center, en Texas, recibió elogios por su trato a los inmigrantes. En las otras la gravedad de sus fallas variaba. En algunas, por ejemplo, se encontraron **alimentos y productos en mal estado**, sanitarios sucios y teléfonos descompuestos. Al inspector del DHS le preocupó en particular las segregaciones sin motivo, sin notificar sus derechos, ni proporcionarles formularios para apelar estos castigos. “En múltiples casos, los detenidos fueron disciplinados, incluida la segregación o encerrarlos en sus celdas, **sin la documentación adecuada** para justificar la medida disciplinaria”, cita el informe.

También se detectó que los guardianes no usaban servicios de traducción para comunicarse con los inmigrantes, lo que pudo conducir a estas reprimendas.

El Comité de Solidaridad Migrante Detenido dijo que espera que ICE resuelva tantas quejas.

“Los inspectores del DHS simplemente confirmaron informes de **trato inhumano** en múltiples centros de detención”, menciona la organización.

ICE, que supervisa cerca de 250 cárceles migratorias a través de contratistas privados y gobiernos locales, indicó que aceptaba tales recomendaciones y subrayó que ya garantiza un trato humano para los migrantes.

“Para garantizar la seguridad y **el bienestar de las personas** bajo nuestra custodia, trabajamos regularmente con consultores y una variedad de interesados externos para revisar y mejorar las condiciones de detención en las instalaciones de ICE”, señaló la agencia.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 17

Manuel Duran, “Three Hispanic women arrested after crashing with immigration patrol in Memphis,” *Memphis Noticias*, Mar. 5, 2018
(English translation with Spanish original)

THREE HISPANIC WOMEN ARRESTED AFTER CRASHING WITH IMMIGRATION PATROL IN MEMPHIS

Posted by Manuel Duran | Mar 5, 2018 | Local, News

Three undocumented Hispanic workers experienced the worst scare of their lives after they ran into a Department of National Security patrol stationed in downtown Memphis, Tennessee, officials confirmed to MundoHispánico.

Immediately multiple units of the Memphis police, and patrols of the Immigration and Customs Enforcement Service (ICE), arrived at the site, which ended with the arrest of the three women when they realized that they were not legally in the country.

Everything was recorded in a video provided by Rolando Rostro, pastor of the Nueva Vida church in Memphis, who confronted immigration agents live on Facebook, despite the fact that they asked him to stop recording, and removed cell phones from the three women.

"What they are doing is racial profile (racial characterization)," Rostro shouted at the ICE agents, while broadcasting live saying that this can not continue. "They see them (identify) as Hispanics and they want to take them, they see Latino people and they already believe they are illegal. They do not have orders to arrest them. "

The pastor affirms that he arrived at the place after the women, who attend his church, told him what was happening and told him of the fear they felt for the accident.

"I wanted to arrive to try to stop this, but I was not on time," said Rostro. "I called the police to stop them, but they did not listen to me."

"We were just in the place to investigate the crash. The driver of the vehicle was fined for driving without being aware of the road, and not having a driver's license," said Karen Rudolph, spokeswoman for the Memphis Police Department at MundoHispánico.

Rudolph said that the local police were not collaborating with ICE, and that they had nothing to do with the procedures they performed.

Mauricio Calvo, executive director of Latino Memphis, recommended that when having any contact with the ICE authorities, people should take into account a series of recommendations, for example, never say or show documents from their country of origin.

The immigration agents verified the migratory status of the three women and realizing that they were illegally in the country, they were arrested, and transported to the local headquarters of ICE, according to Rostro.

The operation was confirmed to MundoHispánico by the federal agency spokesman Thomas Byrd, who said two of the women were released hours later, but gave no further details on the reason for the arrest or under what conditions these two Hispanic women were released.

<https://memphisnoticias.com/arrestan-tres-mujeres-hispanas-luego-de-chocar-con-patrulla-de-inmigracion-en-memphis/>

ARRESTAN A TRES MUJERES HISPANAS LUEGO DE CHOCAR CON PATRULLA DE INMIGRACIÓN EN MEMPHIS

Posted by [Manuel Duran](#) | Mar 5, 2018 | [Local](#), [Noticia](#) | [0](#) |

Tres trabajadoras hispanas indocumentadas vivieron el peor susto de sus vidas luego de que chocaran contra una patrulla del Departamento de Seguridad Nacional que estaba estacionada en el centro de Memphis, Tennessee, confirmaron autoridades a MundoHisánico.

De inmediato múltiples unidades de la policía de Memphis, y patrullas del Servicio de Inmigración y Control de Aduana (ICE), llegaron al lugar, lo que terminó con el arresto de las tres mujeres al darse cuenta que no se encontraban legalmente en el país.

Todo quedó grabado en un video que suministró Rolando Rostro, pastor de la iglesia Nueva Vida en Memphis, quien confrontó a los agentes de inmigración en vivo por Facebook, a pesar de que estos le pidieron que dejara de grabar, y le quitaran los celulares a las afectadas.

“Lo que están haciendo es perfil racial (caracterización racial)”, gritaba Rostro a los agentes de ICE, mientras transmitía en vivo diciendo que esto no puede continuar. “Los miran (identifican) hispanos y se los quieren llevar, ven gente latina y ya creen que son ilegales. No tienen órdenes para arrestarlas”.

El pastor asegura que llegó al lugar luego que las mujeres, quienes asisten a su iglesia, le avisaran de lo que ocurría y le narraran el temor que sentían por el accidente.

“Quería llegar para tratar de frenar esto, pero no estuve a tiempo”, dijo Rostro. “Llamé a la policía para que los frenara, pero no me escuchaban”.

“Solo estábamos en el lugar para investigar el choque. La conductora del vehículo fue multada por manejar sin estar pendiente de la vía, y no tener licencia de conducir”, dijo Karen Rudolph, vocera del Departamento de Policía de Memphis a MundoHispanico.

Rudolph dijo que la policía local no estaba colaborando con ICE, y que no tenían nada que ver con los procedimientos que ellos realizaron.

Mauricio Calvo director ejecutivo de Latino Memphis recomendó que al tener cualquier contacto con las autoridades de ICE se debe tener en cuenta una serie de recomendaciones, por ejemplo nunca decir ni mostrara documentos de su país de origen.

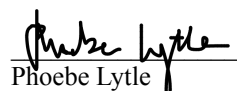
Los agentes de inmigración verificaron el estatus migratorio de las tres mujeres y al darse cuenta que estaban de manera ilegal en el país, fueron arrestadas, y transportadas hasta la sede local de ICE, según Rostro.

La operación fue confirmada por el vocero de la agencia federal, Thomas Byrd, a MundoHispanico, quien dijo que dos de las mujeres fueron liberadas horas después, pero no dio más detalles sobre la razón del arresto o bajo qué condiciones estas dos hispanas fueron liberadas.

Translator's Certification

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Signed this 8th day of April, 2018 in Jena, LA



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Exhibit 18

Manuel Duran, “ICE deports farm worker who ends up kidnapped in Mexico,” *Memphis Noticias*, Mar. 14, 2018

(English translation with Spanish original)

ICE DEPORTS FARM WORKER WHO ENDS UP KIDNAPPED IN MEXICO

Posted by Manuel Duran Mar 14, 2018 Local, News

Alex Ruiz, 34, is a farm worker who came to the United States when he was fifteen years old after escaping violence and lack of opportunities in Mexico, his native country.

But, since then, he began fleeing the immigration authorities for being undocumented, until last March 6th, when he was deported by the Immigration and Customs Enforcement Service (ICE), according to his wife, Michelle Andrade.

Andrade thought that Alex's deportation would be the worst thing that could happen to her after living eight years together in a humble house in Memphis, Tennessee, because now she was going to be alone.

But a call from her brother-in-law informing her that Alex had been kidnapped in the state of Tamaulipas, in northern Mexico, where he remained in a migrant shelter, changed her life in seconds.

"My brother-in-law told me that they had kidnapped him and wanted six thousand dollars", said Andrade, who says she doesn't have the money. "It's hard and I'm very scared for his life."

Drug trafficking cartels like the Zetas, which operate in the north of the country in states like Tamaulipas, routinely kidnap immigrants in order to ask for money from their family that are waiting for them in the United States.

Details of the kidnapping

The kidnapping occurred on Thursday, March 8th, less than 72 hours after Ruiz stepped foot on Mexican soil, according to Andrade.

His wife, who is American, said that she had deposited \$300 dollars for him the day before, and she felt like something was not normal.

"I felt like he was acting weird, very nervous, he couldn't say anything, and he was only worried about the money."

His wife mentioned her husband's kidnapping to Sandra Palacios, a Hispanic that had become Michelle's friend when both of their husbands were detained at the same immigration center in Louisiana before being deported.

"My husband was deported two days later, but he also arrived in Tamaulipas", said Palacios. "When I asked him about Michelle's husband, he told me yes, that he had been kidnapped."

Crying, Palacios lamented what was happening to Andrade: "what she is going through is sad, I've been here with her."

His wife says she has been in contact with the kidnappers and that she has sent \$1,500 dollars, but that she has not been able to speak to Alex. She is planning to contract an attorney in order to initiate residency paperwork for her husband and attempt to bring him back to the United States, once he has been released by his captors.

<https://memphisnoticias.com/ice-deporta-a-trabajador-del-campo-y-termina-secuestrado-en-mexico/>

ICE DEPORTA A TRABAJADOR DEL CAMPO Y TERMINA SECUESTRADO EN MÉXICO

Posted by [Manuel Duran](#) | Mar 14, 2018 | [Local](#), [Noticia](#) | [0](#) |

Alex Ruiz, de 34 años, es un trabajador del campo que llegó a Estados Unidos cuando tenía quince años luego de escapar de la violencia y la falta de oportunidades en México, su país natal.

Pero, desde entonces, comenzó a huir de las autoridades de inmigración por ser indocumentado, hasta el pasado seis de marzo cuando fue deportado por el Servicio de Inmigración y Control de Aduanas (ICE por sus siglas en inglés), según cuenta su esposa, Michelle Andrade.

Andrade pensaba que la deportación de Alex sería lo peor que le podía pasar después de vivir ocho años juntos en una humilde casa en Memphis, Tennessee, pues ahora se iba a quedar sola.

Pero una llamada de su cuñado informándole que Alex había sido secuestrado en el estado de Tamaulipas, al norte de México, donde permanecía en un refugio para inmigrantes, cambió su vida en segundos.

"Mi cuñado me dijo que lo tenían secuestrado y que querían seis mil dólares por él", dijo Andrade, quien dice que no cuenta con ese dinero. "Es duro y me da miedo por su vida".

Carteles del narcotráfico como Los Zetas, que operan al norte del país en estados como el de Tamaulipas, rutinariamente secuestran a inmigrantes para pedirles dinero a sus familiares que están o los esperan en Estados Unidos.

Detalles del secuestro

El presunto secuestro ocurrió el jueves ocho de marzo, a menos de 72 horas de que Ruiz pisara el suelo mexicano, según Andrade.

La mujer, quien es estadounidense, dice que ya le había depositado 300 dólares un día antes, y lo notó algo fuera de lo normal.

"Lo sentía raro, muy nervioso, no me podía decir nada, solo estaba preocupado por el dinero".

La mujer corroboró el secuestro de su pareja con Sandra Palacios, una hispana que se hizo amiga de Michelle, ya que los esposos de ambas estuvieron detenidos en el mismo centro de inmigración en Louisiana, antes de ser deportados.

"A mi esposo lo deportaron dos días después, pero también llegó a Tamaulipas", dijo Palacios. "Cuando le pregunte por el esposo de Michelle, me dijo que sí, que lo tenían secuestrado".

Llorando, Palacios lamenta lo que le está ocurriendo a Andrade: "es triste lo que ella está pasando, yo he estado aquí con ella".

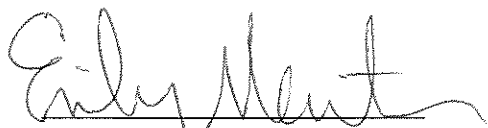
La mujer dice haber estado en contacto con los ya ha enviado 1,500 dólares a los secuestradores, pero hasta el momento no ha podido hablar con Alex.

Tiene pensado ir con un abogado con el fin de iniciar el proceso de pedir la residencia de su esposo y tratar de traerlo de regreso a Estados Unidos, una vez que sea liberado por sus captores.

Translator's Certification

I, Emily Martin, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 12th day of April, 2018 in Atlanta, GA

A handwritten signature in cursive script that reads "Emily Martin". The signature is written in black ink and is positioned above the printed name.

Emily Martin

Paralegal

Southern Poverty Law Center

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Exhibit 19

Manuel Duran, “Attorney General Slatery of Tennessee, launches a cruel attack against over 8,000 young people with DACA,” *Memphis Noticias*, Jul. 5, 2017

(English translation with Spanish original)

**ATTORNEY GENERAL SLATERY OF TENNESSEE, LAUNCHES A CRUEL ATTACK
AGAINST OVER 8,000 YOUNG PEOPLE WITH DACA
Posted by Manuel Duran | Jul 5, 2017 | Immigration, Local**

Nashville - The Attorney General of Tennessee, Herbert Slatery, joined another 9 Attorneys General and together with the governor, they sent a letter to the Trump administration with an ultimatum: to end the Deferred Action for Children program that started in 2012 (DACA, for their acronym in English) or they will sue his administration. The letter arrives only weeks after the fifth anniversary of the program. Slatery and the other signatories give the President until September 5th, 2017 to formally terminate the DACA program or they will challenge the program in court.

For five years since the program began, the lives of more than 8,000 immigrant youth in Tennessee have been transformed. Thousands more will be eligible to apply in the future if the program remains intact. With the DACA program, youth are protected against deportation and have permission to work in the United States. The DACA program has been incredibly successful, creating opportunities for immigrant youth, who contribute and participate more in their communities.

Slatery, the Attorney General, was one of the 26 attorneys general who sued the Obama administration to stop the 2014 program for parents of US citizens and green card holders (DAPA) which is an extension of the 2012 DACA program. The 2014 program could have benefited some 38,000 people in Tennessee; Both programs were joined by a federal judge, paralyzing the process of the lawsuit before the court. On June 15, President Trump formally rescinded the 2014 memo that created the programs. According to the letter sent today, if the Trump administration does not terminate the 2012 DACA program before the deadline, it will expand the demand that exists to challenge the DACA program.

The following is a quote from Cesar Bautista, in charge of the youth area of the Tennessee Immigrants and Refugees Rights Coalition by its acronym TIRRC:

"It is shameful that Slatery, the Attorney General (AG), joined other extremist Attorneys General to launch an attack against the beneficiaries of the DACA program as I am, but we will not give up. For years, we have built a powerful coalition of educators, entrepreneurs, friends and family. We will organize throughout the state to defend the program. Tennessee is our home, and we will not let our own Attorney General help deport us. We are here to stay. "

The following is a quote from Jazmin Ramirez, Vice President of the Board of Directors of TIRRC

"I can not understand why Attorney General Slatery is trying to put Tennesseans like me in the wave of deportation. We have fought too hard for the DACA program and it has been too successful, we will not let extremists like Slatery, the Attorney General, take it away. We will defend the DACA program and protect young people from deportations, but we will not stop there, we will fight for our families as well. This is our house. We are part of Tennessee and we will not give up. "

TIRRC is a collaborative organization at the state level, aimed at immigrants and refugees whose mission is their empowerment throughout Tennessee, in order to unite them in one voice, defend their rights and create an environment in which they are recognized as taxpayers of the state. Since its founding in 2001, TIRRC has worked to develop immigrant leadership, strengthen the capacity of its members, leaders of organizations, help members of the

immigrant community to understand and participate in the civic process and educate the public about the policies that help promote the integration of new immigrants and facilitate their full participation in American society. In just a few years, TIRRC has gone from being the foundation of a network of community leaders to one of the most diverse and effective coalition of its kind, a model for emerging immigrant rights organizations in the Southeast and across the United States.

"My brother-in-law told me they had him kidnapped and that they wanted six thousand dollars for him," said Andrade, who says he does not have that money. "It's tough and I am scared for his life."

Drug trafficking cartels such as Los Zetas, operating in the north of the country in states such as Tamaulipas, routinely kidnap immigrants to ask for money from their relatives who are waiting for them in the United States.

Details of the kidnapping

The alleged kidnapping occurred on Thursday, March 8th, less than 72 hours after Ruiz stepped on Mexican soil, according to Andrade.

The woman, who is American, says that she had already deposited him \$ 300 a day before, and she noticed something out of the ordinary about him.

"I felt weird, very nervous, he could not say anything, he was just worried about the money."

The woman corroborated the abduction of her partner with Sandra Palacios, a Hispanic who became friends with Michelle, since their husbands were detained at the same immigration center in Louisiana, before being deported.

"My husband was deported two days later, but he also arrived in Tamaulipas," Palacios said. "When I asked about Michelle's husband, he said yes, they had him kidnapped."

Crying, Palacios laments what is happening to Andrade: "it's sad what she's going through, I've been here with her".

The woman claims to have been in contact with the she has already sent \$ 1,500 to the kidnapers, but so far she has not been able to talk to Alex.

She plans to go with a lawyer in order to begin the process of requesting the residence of her husband and try to bring him back to the United States, once he is released by his captors.

<https://memphisnoticias.com/slatery-fiscal-g...jovenes-con-daca/>

SLATERY FISCAL GENERAL DE TENNESSEE, LANZA UN ATAQUE CRUEL CONTRA MÁS DE 8,000 JÓVENES CON DACA

Posted by [Manuel Duran](#) | Jul 5, 2017 | [Inmigración](#), [Local](#) | [0](#) |

Nashville – El Fiscal General de Tennessee, Herbert Slatery, se unió a otro 9 Fiscales Generales y junto con el gobernador, enviaron una carta a la administración Trump con un ultimátum: que finalice el programa Acción Diferida para los Niños que llegaron en el 2012 (DACA, por sus siglas en inglés) o ellos lo demandarán. La carta llega solo semanas después del quinto aniversario del programa. Slatery y los otros signatarios le dan al Presidente hasta el 5 de septiembre de 2017 para que rescinda formalmente el programa DACA o desafiarán el programa ante la corte.

Desde hace cinco años en que inicio el programa, las vidas de más de 8,000 jóvenes inmigrantes en Tennessee han sido transformadas. Miles más serán elegibles para aplicar en el futuro si el programa permanece intacto. Con el programa DACA, los jóvenes están protegidos contra la deportación y tienen permiso para trabajar en los Estados Unidos. El programa DACA ha sido increíblemente exitoso, creando oportunidades para los jóvenes inmigrantes, quienes contribuyen y participan más en sus comunidades.

Slatery, la Fiscal General, fue una de los 26 Fiscales Generales que demandaron a la administración de Obama para detener el programa 2014 para padres de ciudadanos estadounidenses y titulares de tarjetas verdes (DAPA) que es una extensión del programa DACA 2012. El programa 2014, y que podría haber beneficiado a unas 38,000 personas en Tennessee; ambos programas fueron juntados por un juez federal, paralizándose el proceso de la demanda ante la corte. El 15 de junio, el Presidente Trump rescindió formalmente el memorando de 2014 que creó los programas. De acuerdo con la carta enviada hoy, si la administración Trump no rescinde el programa DACA 2012 antes de la fecha límite, ampliarán la demanda que existe para retar al programa DACA.

Lo que sigue es una cita de Cesar Bautista, encargado del área de los jóvenes de la Coalición por los Derechos de los Inmigrantes y Refugiados de Tennessee por sus siglas TIRRC:

“Es vergonzoso que Slatery, la Fiscal General (AG), se uniera a otros Fiscales Generales extremistas para lanzar un ataque contra los beneficiarios del programa DACA como lo soy yo, pero no nos rendiremos. Durante años, hemos construido una poderosa coalición de educadores, empresarios, amigos y familia. Nos organizaremos a través de todo el estado para defender el programa. Tennessee es nuestro hogar, y no vamos a dejar que nuestro propio Fiscal General ayude a deportarnos. Nosotros estamos aquí para quedarnos.”

La siguiente es una cita de Jazmin Ramirez, Vicepresidenta de la Junta Directiva de TIRRC

“No puedo entender por qué el Fiscal General Slatery, está tratando de poner a los jóvenes tennesseeanos como yo en la oleada de deportación. Hemos luchado demasiado duro por el programa DACA y ha sido demasiado exitoso, no permitiremos que extremistas como Slatery, la Fiscal General, no lo arrebaté. Defenderemos el programa DACA y protegeremos a los jóvenes de las deportaciones, pero no nos detendremos ahí, peharemos por nuestras familias también. Esta es nuestra casa. Somos parte de Tennessee y no nos rendiremos”.

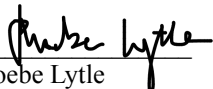
TIRRC es una organización de colaboración a nivel estatal, dirigido a los inmigrantes y refugiados cuya misión es su empoderamiento a través de todo Tennessee, con el fin de unirlos en una sola voz, defender sus derechos y crear un ambiente en el cual ellos sean reconocidos como contribuyentes del estado. Desde su fundación en 2001, TIRRC ha trabajado para desarrollar el liderazgo de los inmigrantes, fortalecer la capacidad de sus miembros, líderes de organizaciones, ayudar a los miembros de la comunidad inmigrante a comprender y participar en el proceso cívico y educar al público sobre las políticas que ayudan a promover la integración de nuevos Inmigrantes y facilitar su plena participación en la sociedad

estadounidense. En solo pocos años, TIRRC ha pasado de ser la base de una red de líderes comunitarios a una de las coaliciones más diversas y eficaces de su tipo, un modelo para las organizaciones emergentes de derechos de los inmigrantes en el sudeste y a través de los Estados Unidos.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



Phoebe Lytle
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phoebe.lytle@splcenter.org

Exhibit 20

Manuel Duran, “Immigrant groups carry out a vigil to demand the end of the separation of immigrant families,” *Memphis Noticias*,
Jul. 30, 2017

(English translation with Spanish original)

IMMIGRANT GROUPS CARRY OUT A VIGIL TO DEMAND THE END OF THE SEPARATION OF IMMIGRANT FAMILIES

Posted by Manuel Duran | Jul 30, 2017 | Immigration, Local

Memphis, TN - This Saturday Communities United in One Voice (CUUV), religious leaders, and immigrant rights activists came together in Mason, TN to denounce the abusive and inhumane immigration detention system. The vigil is part of a broader campaign by Southeast Immigrant Rights Network and Detention Watch Network to demand, in coordination with other groups in the region, the end of the separation of immigrant families and the system of private detention centers.

"Today's event demonstrates the strength of our resistance to the detention system," said Verónica Márquez (Communities United in One Voice). "We are not going to stay impassive while our brothers and sisters, children and parents are unjustly locked up."

With a series of recent hunger strikes inside detention centers and the deaths of 10 people in ICE custody since the beginning of this fiscal year, immigration detention continues to be a fatally flawed system that must be closed.

"Detention centers throughout the country, like the CCA West Tennessee Detention Facility where we are today, are part of an incarceration machinery for private benefit that is well known for its scandalous conditions and systematic failures," said Márquez. "From failures in the prosecution of people to isolation and a culture of abuse, the detention system is fraught with danger."

The vigil was an interreligious event focusing on the experiences of working immigrant families facing separation, detention and deportation in the United States. Facing anti-immigrant laws was also a main objective of the vigil, according to the organizers.

"Not one more dollar for Trump's anti-immigrant agenda," said Márquez from CUUV. "We demand that our legislators block the flow of our tax money to the detention and deportation machine - we want our people to feel free and without fear."

Communities United in One Voice (CUUV) is a grassroots organization made up of immigrants and citizens whose main objective is to educate, organize and take action to promote social justice in immigrant communities. CUUV believes in the use of non-violent actions to promote immigration reform and works with local and state organizations to inform the immigrant community of their rights and produce systemic change within the Memphis area.

<https://memphisnoticias.com/grupos-inmigrant...lias-inmigrantes/>

GRUPOS INMIGRANTES LLEVAN A CABO UNA VIGILIA PARA EXIGIR EL FIN DE LA SEPARACIÓN DE FAMILIAS INMIGRANTES

Posted by [Manuel Duran](#) | Jul 30, 2017 | [Inmigración](#), [Local](#) | [0](#) |

Memphis, TN – Este sábado Comunidades Unidas en Una Voz (CUUV), líderes religiosos, y activistas por los derechos de los inmigrantes se unieron en Mason, TN para denunciar el abusivo e inhumano sistema de detención de inmigrantes. La vigilia es parte de una campaña más amplia por parte de Southeast Immigrant Rights Network y Detention Watch Network para exigir, en coordinación con otros grupos de la región, el fin de la separación de familias inmigrantes y del sistema de centros de detención privados.

“El evento de hoy demuestra la fuerza de nuestra resistencia al sistema de detención”, dijo Verónica Márquez (Comunidades Unidas en Una Voz). “No vamos a quedarnos impasibles mientras nuestros hermanos y hermanas, hijos y padres son injustamente encerrados”.

Con una serie de huelgas de hambre recientes dentro de los centros de detención y las muertes de 10 personas bajo custodia de ICE desde el principio de este año fiscal, la detención de inmigrantes continúa mostrándose como un sistema fatalmente defectuoso que debe ser cerrado.

“Centros de detención por todo el país, igual que el CCA West Tennessee Detention Facility donde nos encontramos hoy, son parte de una maquinaria de encarcelamiento para beneficio privado que es bien conocida por sus condiciones escandalosas y fallos sistemáticos” dijo Márquez. “Desde fallos en el procesamiento de personas hasta el aislamiento y una cultura de abuso, el sistema de detención está lleno de peligros”.

La vigilia fue un evento interreligioso centrado en las experiencias de las familias inmigrantes trabajadoras que enfrentan la separación, la detención y la deportación en los Estados Unidos. Enfrentar leyes antiinmigrantes también era un objetivo principal de la vigilia, de acuerdo con los organizadores.


“Ni un dolar más para la agenda antiinmigrante de Trump”, comentó Márquez de CUUV. “Exigimos que nuestros legisladores bloqueen el flujo de dinero de nuestros impuestos a la máquina de detención y deportación – queremos que nuestra gente pueda sentirse libre y sin miedo.”

Comunidades Unidas en Una Voz (CUUV) es una organización de base integrada por inmigrantes y ciudadanos cuyo objetivo principal es educar, organizar y tomar acción para promover la justicia social en las comunidades inmigrantes. CUUV cree en el uso de acciones no violentas para promover la reforma migratoria y trabaja con organizaciones locales y estatales para informar a la comunidad inmigrante de sus derechos y producir cambio sistémico dentro del área de Memphis.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



Phoebe Lytle
Legal Advocate
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phoebe.lytle@splcenter.org

Exhibit 21

Manuel Duran, “Two agents of Shelby County will not face charges for killing a woman in Lakeland,” *Memphis Noticias*, Feb. 1, 2018
(*English translation with Spanish original*)

**TWO AGENTS OF SHELBY COUNTY WILL NOT FACE CHARGES FOR KILLING A WOMAN
IN LAKELAND**

Posted by Manuel Duran | Feb 1, 2018 | Local, News

Two agents from Shelby County will not face charges for shooting and killing a woman in Lakeland, Tennessee in March 2017. According to Shelby County Attorney General Amy Weirich.

Nancy Jane Lewellyn, 59, called the office of the Shelby County Sheriff's Office on March 17, 2017 and said she was sick, had a gun and was going to kill or kill the next person I saw.

The Prosecutor's Office said that Lewellyn came out the door of a house in Woodland Pine Cove West, armed with a large gun, which was later identified as a Marksman Repeater BB, and the officers fired.

A thorough review of the Tennessee Bureau of Investigation report showed that there are no criminal charges that can be filed against these two officers that carry a reasonable chance of conviction. The victim made it clear that he intended to cause deadly damage to himself or others, and left the officers with no choice but to fire their weapons.

"This was a tragic event for all involved," Weirich said in a statement.

<https://memphisnoticias.com/dos-agentes-del-condado-de-shelby-no-enfrentaran-cargos-por-matar-una-mujer-en-lakeland/>

DOS AGENTES DEL CONDADO DE SHELBY NO ENFRENTARÁN CARGOS POR MATAR A UNA MUJER EN LAKELAND

Posted by [Manuel Duran](#) | Feb 1, 2018 | [Local](#), [Noticia](#) | [0](#) |

Dos agentes del condado de Shelby no enfrentarán cargos por disparar y matar a una mujer en Lakeland, Tennessee en Marzo del 2017. Según la Fiscal General del Condado de Shelby, Amy Weirich.

Nancy Jane Lewellyn, de 59 años, llamó al despacho de la Oficina del Sheriff del Condado de Shelby el 17 de Marzo del 2017 y dijo que estaba enferma, que tenía un arma de fuego y que se iba a matar o mataría a la próxima persona que viera.

La Oficina del Fiscal dijo, que Lewellyn salió por la puerta de una casa en Woodland Pine Cove West, armada con una gran pistola, la que fue identificada luego como una Marksman Repeater BB.y los agentes, dispararon.

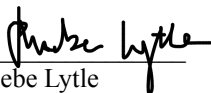
Una revisión exhaustiva del informe del Buró de Investigaciones de Tennessee, mostró que no hay cargos penales que puedan presentarse contra estos dos oficiales que conlleven una probabilidad razonable de condena. La víctima dejó en claro que tenía la intención de causar un daño mortal a sí misma o a otros, y dejó a los oficiales sin otra opción que disparar sus armas.

“Este fue un evento trágico para todos los involucrados”, dijo Weirich en un comunicado.

Translator's Certification

I, Phoebe Lytle, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 8th day of April, 2018 in Jena, LA



Phoebe Lytle
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phoebe.lytle@splcenter.org

Exhibit 22

Memphis Noticias. (Jul. 18, 2017). Facebook interview with Memphis Mayor Jim Strickland in which he says he would not condone police ICE collaborations

(English translation with Spanish original)

Jul. 18, 2017 <https://www.facebook.com/memphisnoticias/videos/1546466352043463/>

[facebook caption accompanying video interview posted on facebook on July 18 2017, an interview with Memphis Mayor Jim Strickland in which he says he would not condone police-ICE collaborations, by Memphis noticias]

[image] Memphis Noticias
about 9 months ago [image]

Let's refresh the memory, at the beginning of the year I interviewed the Mayor of Memphis Jim Strickland and he said that the Memphis police would not work in conjunction with ICE. But please keep an eye on an interview I have today with a person who says otherwise.

[image] 23 Shares 3.3K Views
[image] Like [image] Comment [image] Share [image]



Memphis Noticias

about 9 months ago · 🌐

Refresquemos la memoria, a principios del año le hice esta entrevista al Alcalde de Memphis Jim Strickland y dijo que la policía de Memphis no trabajaría en conjunto con ICE. Pero por favor manténganse pendiente de una entrevista que tengo hoy con una persona que dice lo contrario.

👍👎👤 63

23 Shares 3.3K Views

👍 Like

💬 Comment

➦ Share

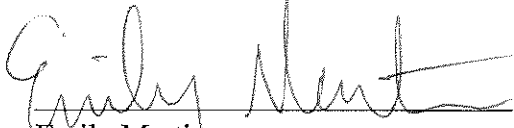


[captured 4/8/2018]

Certificate of Translation

I, Emily Martin, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 13th day of April, 2019 in Atlanta, GA.

A handwritten signature in cursive script, appearing to read "Emily Martin", written over a horizontal line.

Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 23

Memphis Noticias. (Jul. 19, 2017). Facebook interview with person stopped by Memphis PD before being stopped by ICE

(English translation with Spanish original)

<https://www.facebook.com/memphisnoticias/videos/1547634998593265/>

[facebook caption accompanying video interview posted on facebook on July 19 2017, an interview with a person stopped by Memphis Police Department before being stopped by ICE, by Memphis noticias]

[image] Memphis Noticias
about 9 months ago [image]

Memphis Police is collaborating with ICE according to arrested person.

[image] 23 Shares 3.3K Views
[image] Like [image] Comment [image] Share [image]



Memphis Noticias

...

about 9 months ago · 🌐

Policía de Memphis está colaborando con ICE según persona arrestada.

👍 😬 🙄 182

186 Shares 21K Views

👍 Like

💬 Comment

➦ Share

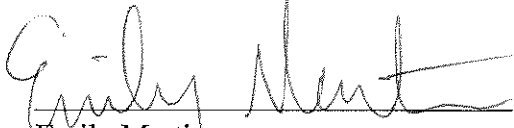


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Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 24

Memphis Noticias. (Oct. 23, 2017) Facebook
post describing family separation

(English translation with Spanish original)

<https://www.youtube.com/watch?v=-FK6iM5fcj4&feature=youtu.be&t=2m10s>

[accompanying caption to youtube video of Memphis Noticias]

[image]

Manuel Duran

Published on Oct 23, 2017

SUBSCRIBE 53

This week in Memphis News Online: ICE continues to take our people, a father was separated from his family in Macon Rd. The Lopez Grace family needs our help after Maria Garcia suffered a traffic accident that left her in critical condition.



Manuel Duran

Published on Oct 23, 2017

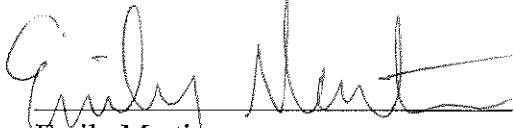
SUBSCRIBE 53

Esta semana en Memphis Noticias Online: ICE continúa llevándose a nuestra gente, un padre fue separado de su familia en Macon Rd. La familia Lopez Gracia necesita de nuestra ayuda luego de que Maria Garcia sufriera un accidente de transito que la dejó en estado crítico.

Certificate of Translation

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Signed this 13th day of April, 2019 in Atlanta, GA.

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Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 25

Memphis Noticias. Facebook Live
demonstration at the ICE offices in Summer
(English translation with Spanish original)

<https://www.facebook.com/memphisnoticias/videos/1558097404213691/>

[image] Memphis Noticias was live.
about 8 months ago [image]

Demonstration at the ICE Offices in Summer

[image] 787 373 Shares 18K Views
[image] Like [image] Comment [image] Share [image]



Memphis Noticias was live.
about 8 months ago · 

...

Manifestación en las Oficinas de ICE en Summer

787

373 Shares 18K Views

 **Like**

 **Comment**

 **Share**

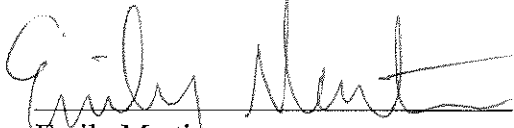


[captured 4/8/2018]

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Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 26

Memphis Noticias. Facebook post regarding
arrests of Hispanics

(English translation with Spanish original)

<https://www.facebook.com/memphisnoticias/videos/1685286578161439/>


[image] Memphis Noticias was live – with Manuel Duran at [image] Shelby County Sheriff’s Office.
about 4 months ago [image]



From 201 Poplar to find out about the cases of the Hispanics arrested in Expeditors.


The Judge in charge postponed court for the 13th of December.

Manuel Duran
See Less

[image] 240 19 Shares 7.2K Views
[image] Like [image] Comment [image] Share [image]






Memphis Noticias was live — with Manuel Duran at  Shelby County Sheriff’s Office.
about 4 months ago · 



Desde el 201 Poplar para conocer sobre el caso de los hispanos arrestados en Expeditors.

La Jueza a cargo pospuso la corte para el 13 de Diciembre.

Manuel Duran
See Less




240

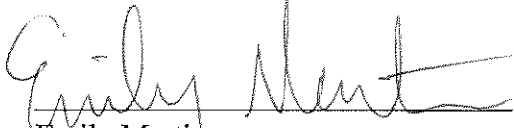
19 Shares 7.2K Views

[captured 4/8/2018]

Certificate of Translation

I, Emily Martin, declare under penalty of perjury that I am competent to translate from Spanish to English. I have accurately translated the preceding into English prior to signing.

Signed this 13th day of April, 2019 in Atlanta, GA.

A handwritten signature in cursive script, appearing to read "Emily Martin", written over a horizontal line.

Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 27

Memphis Noticias. Facebook post regarding
ICE taking a person from their home
(English translation with Spanish original)

<https://www.facebook.com/memphisnoticias/videos/1695772650446165/>

[image] Memphis Noticias was live.
about 4 months ago [image]

Today at approximately 4:30pm ICE took a person from the area of Macon Rd. and Homer St. The family is shattered.

Manuel Duran

[image] 336
[image] Like

[image] Comment

81 Shares 9.9K Views
[image] Share [image]



Memphis Noticias was live.

...

about 4 months ago ·

Hoy aproximadamente a las 4:30pm ICE se llevó a una persona del área de la Macon Rd y Homer St. La familia está destrozada.

Manuel Duran

336

81 Shares 9.9K Views

Like

Comment

Share

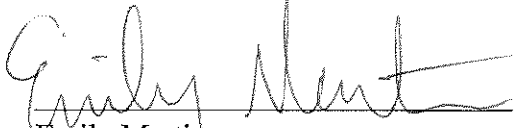


[captured 4/8/2018]

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Signed this 13th day of April, 2019 in Atlanta, GA.

A handwritten signature in cursive script, appearing to read "Emily Martin", written over a horizontal line.

Emily Martin

Paralegal

Southern Poverty Law Center

Exhibit 28

Text messages from Memphis PD to
Manuel Duran Ortega



+1 (901) 568-3079

Text Message
Today 7:03 PM

Manuel, we lost connection. Please call Deputy Director Ryall at 901-598-9866

As was mentioned via our phone conversation, the information (interview) that was posted on your Facebook page regarding an ICE investigation and MPD is erroneous and inaccurate. The Memphis Police Department did NOT conduct a traffic stop, nor were any Memphis Police Officers involved in any way. MPD was not on the scene, nor did we have any knowledge of this incident. This traffic stop AND investigation was conducted by ICE and ICE only. We ask that you remove the interview and retract the information pertaining to MPD. We are open to building a relationship with you so that you have an avenue to inquire about MPD and its involvement with the public. We have a public relations division that you can contact in the future if you find it necessary. Lt.



Text Message





+1 (901) 568-3079

public. We have a public relations division that you can contact in the future if you find it necessary. Lt. Rudolph or Officer Brownlee can be reached at PIO@memphistn.gov or Lt. Rudolph can be reach by phone at [901-568-3079](tel:901-568-3079). Your corroperation in this matter is appreciated. In addition to our brief conversation via phone and this text, we would like to discuss this with you further. Please contact Deputy Director Ryall at [901-598-9866](tel:901-598-9866) or respond to this text so that we can set up a face-to-face meeting. Thank you, Lt. Rudolph

Manuel, thank you so much for contacting Deputy Director Ryall. He looks forward to meeting with you Monday at 4pm at 170 North Main on the 12th floor.

Today 8:57 PM

We definitely want to make sure the information we report to our community is truthful and complete, especially as it pertains to our



Text Message

70



Exhibit 29

Micaela Watts, “Rolling Block Party Ends at
County Jail,” *MLK50: Justice Through
Journalism*, Apr. 4, 2018



MLK50 Memphis Follow

A yearlong reporting project on economic justice in Memphis. Inspired by MLK. Led by @wendi_c_thomas. @MLK50Memphis. Contact: StayWoke@MLK50.com
Apr 4 · 4 min read

Nine arrested

Rolling Block Party ends at county jail

Police charge demonstrators, journalist with disorderly conduct



Keedran Franklin, an organizer with the C-3 coalition, is arrested by Memphis police officers during a protest against immigrant detention at the Shelby County Criminal Justice Center on April 3, 2018. Photo by Andrea Morales.

By Micaela Watts

As dignitaries and national press gathered in Memphis to commemorate the 50th anniversary of Dr. Martin Luther King's assassination, eight activists and an independent journalist who had gathered to protest immigration detention sat in jail.

Keedran Franklin, a high-profile organizer in Memphis, was the first arrested when officers pulled him out of a pedestrian crosswalk in front of the Shelby County Criminal Justice Center at 201 Poplar. Yuleiny Escobar, an organizer with Comunidades Unidas en Una Voz, was next.

Minutes before her arrest, Escobar was leading a makeshift "chain gang" of demonstrators wearing prison-style garments shuffling behind Bill Stegall, who was dressed up as an Immigration and Customs Enforcement agent. He was arrested shortly after Franklin and Escobar.



About a dozen people, mostly women and all people of color, used chain to wrap themselves together in solidarity with a protest against immigrant detention practices. Photo by Andrea Morales.

Three other demonstrators were arrested in the scuffle that followed, as well as Manuel Duran, of the Spanish-language publication Memphis Noticias, who was reporting at the time.

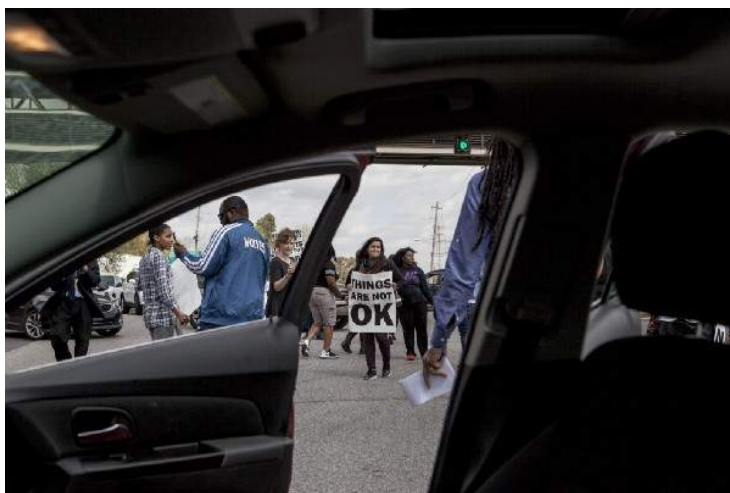


From left: Independent journalist Manuel Duran is arrested by Memphis police officers while activists Yuleiny Escobar and Zyanya Cruz (arm reaching around) try to shield him. Photo by Andrea Morales; Duran’s press credential is visible as he’s escorted outside of the Shelby County Criminal Justice Center. Photo courtesy of Brad Vest; Yuleiny Escobar is arrested. Photo by Andrea Morales.

Minutes before her arrest, Escobar was shouting in the direction of the justice complex: “We know that you illegally hold people for more than 48 hours,” she said. “We know that you hold them until ICE can come and get them!”

C.U.U.V’s chain-gang demonstration, or “street theater,” was meant to call attention to the uptick in ICE raids and undocumented migrant arrests in the area.

The Coalition of Concerned Citizens, or C3, Memphis activists who demonstrate for economic justice issues, joined C.U.U.V. at the justice center after their own demonstration on Tchulahoma Road, where they shut down traffic in both directions outside the gates of FedEx’s distribution hub.





Scenes from the Rolling Block Party that disrupted traffic at a FedEx employee entrance along Tchulahoma Road. Clockwise from top: A view of Tchulahoma Road during the protest; A view of the block party through one of the parked cars; Gabrielle Jamison dances to the protest music that the group broadcast over central radio transmitter; Workers wave down at the block party from a pedestrian bridge. Photos by Andrea Morales.

“It’s called the Rolling Block Party for a reason,” Franklin had said at a planning meeting the Saturday before. “We’re going to roll, we’re going to block, and then we’re going to party!”

Escobar, Franklin, Stegall and dozens more had gathered in a South Memphis neighborhood Tuesday morning to plan the day. While they finalized details of the so-called “Rolling Block Party”, C3 member Al Lewis summed up their objective.



Hands come together before the start of the Rolling Block Party in South Memphis. Photo by Andrea Morales.

“We got stuck on the mountaintop fifty years ago,” Lewis said in a reference to King’s final speech, “I’ve Been to the Mountaintop,” delivered at Mason Temple the night before his assassination. “It’s time to come down. Our fight is in the valley now.”

Protests tied to issues King fought for have rolled across various sites in Memphis in the past year and a half—including at public parks that, until recently, housed monuments to the Confederacy; and the I-40 bridge connecting Tennessee to Arkansas, which was shut down for hours.

Also arrested Tuesday were Fight for \$15 organizers Ashley Cathey and her sister Ambra Cathey, Spencer Kaaz, Zyanya Cruz and Elizabeth Vega.

The protesters were charged with disorderly conduct and obstruction of a highway or passageway. All those arrested, except Duran, now are out on bond. Some Memphis activists have posted that Duran may be in ICE custody.



Clockwise from top: The Memphis police officers approach protestors while announcing that they are assembled illegally because they don't have a permit; Elizabeth Vega's hair is pulled as she is arrested; CNN commentator and activist Angela Rye stopped by and spoke with Antonio Cathey, a Fight For \$15 organizer, who had just seen his sister Ashley get arrested; Ashley Cathey, also an organizer with Fight For \$15, is arrested by Memphis police officers. Witnesses said that it had been more than a half hour since the other arrests were made and Ashley and her family, including her sister Amber who also was arrested, were targeted by police as they crossed Poplar Avenue.

Michael Moorehead, a bail bondsman, watched the scene unfold from the window of his office that faces 201 Poplar. And though arrests are a bondsman's bread and butter, Moorehead wasn't happy about this potential crop of arrests.

“It’s embarrassing. It’s shameful. People are getting arrested for no reason,” said Moorehead.



After the arrests, protestors stayed outside of the Shelby County Criminal Justice Center. Photo by Andrea Morales.

This story is brought to you by MLK50: Justice Through Journalism, a nonprofit reporting project on economic justice in Memphis. Support independent journalism by making a tax-deductible donation today. MLK50 is also supported by the Center for Community Change and the Surdna Foundation.

Exhibit 30

Laura Huss, “Memphis-Based Journalist Taken into ICE Custody After Arrest While Covering Protest (Updated),” *Rewire.News*, Apr. 5, 2018



NEWS IMMIGRATION

Memphis-Based Journalist Taken Into ICE Custody After Arrest While Covering Protest (Updated)

Apr 5, 2018, 7:13pm Laura Huss

Organizers argued that the Shelby County Sheriff’s Office could have immediately released Manuel Duran after his court hearing, but “decided to stand on the wrong side of history.”

Get the facts, direct to your inbox:





As *Rewire.News* Immigration Reporter Tina Vasquez has explained, "local and state law enforcement agencies have no obligation to honor" ICE detainers.

Kena Betancur / Getty

UPDATE, Friday, April 6, 6:30 p.m.: *Commercial Appeal* reported Friday that Duran has "been transferred to an immigration detention center in Louisiana, his attorney says."

On Tuesday, nine people, including journalist Manuel Duran, were arrested in Memphis, Tennessee, in front of the Shelby County Jail following a protest. The eight activists arrested have since been released on bail, but Duran, who was covering the protest for *Memphis Noticias*, remained in custody until his court hearing Thursday morning. As of Thursday afternoon, all the charges against Duran were dropped, but he has since been transferred into Immigration and Customs Enforcement (ICE) custody.

As Gabriela Marquez-Benitez, an organizer with Detention Watch Network (DWN), told *Rewire.News* in a phone interview, the Shelby County Sheriff's Office could have immediately released Duran after his court hearing, but "decided to stand on the wrong side of history and comply [with] this administration's immigration agencies."

Protesters arrived outside the Shelby County Jail in Memphis to put on an action that theatrically portrayed an ICE agent followed by inmates wearing scrubs and in shackles and chains. The action was spearheaded by Comunidades Unidas en Una Voz (CUUV), a grassroots immigrant rights organization in Memphis.

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Press freedoms are under attack now, more than ever.

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As Ivan Flores, an organizer with CUUV and Workers Interfaith Network, told *Rewire.News* in a phone interview, the action was largely organized to highlight “the privatization of prisons and slave labor that happens in prisons.” It coincided with multiple other events happening in the city for the 50th anniversary of the Rev. Dr. Martin Luther King Jr.’s assassination. National media and leaders, including Sen. Bernie Sanders (I-VT), had convened in Memphis for these anniversary events.

Tuesday’s action resulted in multiple arrests, including that of one journalist who was clearly covering the protest.

Micaela Watts, a Memphis-based reporter who covered the action for *MLK50: Justice Through Journalism*, told *Rewire.News* in a phone interview, “I was around [Manuel Duran] for a few minutes before the protest started when everyone was in sort of a staging phase and getting into costume and getting lined up. And he was about as professional as it got. He was just there, had sort of a selfie stick holding up his phone, he was doing a live stream. And so when the activists were crossing the street, Manuel was in front. He was in front of the whole thing just kind of getting that shot and walking backwards.”

Duran posted his live stream of the protest on the *Memphis Noticias* Facebook page. Watts noted that in Duran’s live stream, you can see that Duran was backing up and trying to comply with police requests to move out of the street when he was arrested. As Watts told *Rewire.News*, “There’s just no even discernible guess or reason to why they would arrest him. It makes no sense. And his press badge was on full display. His press credentials were out. It was very clear he was reporting.”

All nine people arrested by police, including Duran, were charged with disorderly conduct and obstructing a highway or passageway, both misdemeanor counts. The Memphis Police Department

publicized the charges in a Facebook post on Tuesday. But when the eight activists were released on bail, Duran remained in custody.

The *Commercial Appeal* reported that Shelby County District Attorney General Amy Weirich issued the following statement after dropping Duran's charges Thursday morning: "This office has dismissed misdemeanor charges of disorderly conduct and obstruction of a highway or passageway filed Tuesday against Manuel Duran. There was not sufficient evidence to go forward with prosecution. This ends any legal issues Mr. Duran has with this office."

However, Duran was still being held on an ICE detainer. As *Rewire.News* Immigration Reporter Tina Vasquez has explained, "a detainer is a key tool used by ICE to apprehend undocumented people who come in contact with law enforcement, according to the American Civil Liberties Union (ACLU). Made in writing, the request asks 'that a local jail or other law enforcement agency detain an individual for an additional 48 hours (excluding weekends and holidays) after his or her release date in order to provide ICE agents extra time to decide whether to take the individual into federal custody for removal purposes,' the ACLU explains Detainer requests are not mandatory or legally required; local and state law enforcement agencies have no obligation to honor them. A detainer does not indicate probable cause and it does not operate as an arrest warrant."

On Thursday afternoon, Duran was taken into ICE custody. Although ICE did not respond to *Rewire.News*' request for comment, a spokesperson told the *Commercial Appeal* that Duran "is living in the country illegally" after failing to appear for a scheduled immigration hearing in 2007.

As Marquez-Benitez told *Rewire.News*, the sheriff's office did not have to comply in transferring Duran to ICE custody: "So throughout all of this the sheriff and the county have publicly mentioned that they do not collaborate with immigration. We see that this is totally false. And now more than anything it is very clear that with Manuel Duran's case both the city of Memphis, the Shelby County Office, and the Shelby County Sheriff's Office have shown that they clearly do collaborate with Immigration Customs Enforcement in the case of a journalist who was simply doing his job."

According to Marquez-Benitez, Duran is a known journalist in Memphis who has been supported by community groups and individuals since his arrest. A letter from about 130 local businesses and local, state, and national organizations was delivered to Sheriff Bill Oldham in support of Duran and asking for his release.

In a press statement released on Thursday evening, CUUV, DWN, and the Tennessee Immigrant and Refugee Rights Coalition denounced ICE for taking Duran into custody. Flores said in the statement, "We

believe this is also retaliation against a journalist who has brought to light issues between local enforcement agencies and the immigrant community in Memphis. The decision of the Shelby County sheriff to collaborate with Trump’s ICE agency is a clear example of how the detention and deportation machinery functions in the Mid-South.”

Micaela Watts of MLK50: Justice Through Journalism contributed to this story.

This is a developing story. Rewire.News will continue to report as more information emerges.

Topics and Tags:

Human Rights, Immigration and Customs Enforcement, Law and Policy

RELATED ARTICLES



NEWS HUMAN RIGHTS

A Diabetic Migrant Was Taken Into ICE Custody—Then They Trashed Her Medication

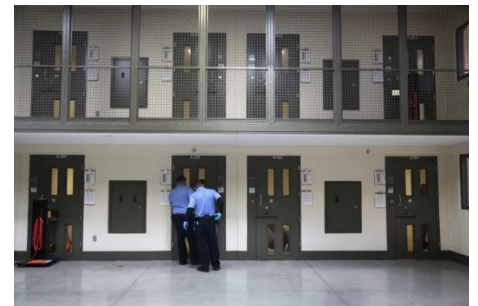
Jul 10, 4:29pm Tina Vasquez



NEWS HEALTH SYSTEMS

Planned Parenthood Opens New Memphis Clinic to Better Serve Latino Residents—Next to an ICE Office

May 24, 4:58pm Tina Vasquez



NEWS HUMAN RIGHTS

Yet Another Person Dies in ICE Custody

Apr 20, 4:28pm Tina Vasquez

LOAD MORE



Exhibit 31

Department of Homeland Security Immigration
Detainer for Manuel Duran Ortega, Apr. 3, 2018

DEPARTMENT OF HOMELAND SECURITY
IMMIGRATION DETAINER - NOTICE OF ACTION

#18107162

Subject ID: 360996847
Event #: MEM1804000015

File No: [Redacted]
Date: April 3, 2018

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency) SHELBY CO. SHERIFF OFFICE
201 POPLAR AVENUE
MEMPHIS, TN 38103

FROM: (Department of Homeland Security Office Address)
ERO - Memphis, TN Sub Office
ICE
ERO MEMPHIS Sub Office
842 VIRGINIA RUN COVE suite 100
MEMPHIS, TN 38122

Name of Alien: DURAN ORTEGA, MANUEL LEONIDAS
Date of Birth: 01/14/ [Redacted] Citizenship: EL SALVADOR Sex: M

1. DHS HAS DETERMINED THAT PROBABLE CAUSE EXISTS THAT THE SUBJECT IS A REMOVABLE ALIEN. THIS DETERMINATION IS BASED ON (complete box 1 or 2).

- A final order of removal against the alien;
- The pendency of ongoing removal proceedings against the alien;
- Biometric confirmation of the alien's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- Statements made by the alien to an immigration officer and/or other reliable evidence that affirmatively indicate the alien either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

20 APR 13 11:03 AM

2. DHS TRANSFERRED THE ALIEN TO YOUR CUSTODY FOR A PROCEEDING OR INVESTIGATION (complete box 1 or 2).

- Upon completion of the proceeding or investigation for which the alien was transferred to your custody, DHS intends to resume custody of the alien to complete processing and/or make an admissibility determination.

IT IS THEREFORE REQUESTED THAT YOU:

- Notify DHS as early as practicable (at least 48 hours, if possible) before the alien is released from your custody. Please notify DHS by calling U.S. Immigration and Customs Enforcement (ICE) or U.S. Customs and Border Protection (CBP) at 901-603-0987. If you cannot reach an official at the number(s) provided, please contact the Law Enforcement Support Center at: (802) 872-6020.
 - Maintain custody of the alien 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. The alien must be served with a copy of this form for the detainer to take effect. This detainer arises from DHS authorities and should not impact decisions about the alien's bail, rehabilitation, parole, release, diversion, custody classification, work, quarter assignments, or other matters
 - Relay this detainer to any other law enforcement agency to which you transfer custody of the alien.
 - Notify this office in the event of the alien's death, hospitalization or transfer to another institution.
- If checked: please cancel the detainer related to this alien previously submitted to you on _____ (date).

returned to ICE

G. 8619 WARD - Deportation Officer
(Name and title of Immigration Officer)

GEORGE D WARD
(Signature of Immigration Officer) (Sign in ink)

Notice: If the alien may be the victim of a crime or you want the alien to remain in the United States for a law enforcement purpose, notify the ICE Law Enforcement Support Center at (802) 872-6020. You may also call this number if you have any other questions or concerns about this matter.

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE ALIEN WHO IS THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to DHS by mailing, emailing or faxing a copy to _____

Local Booking/Inmate #: _____ Estimated release date/time: _____

Date of latest criminal charge/conviction: _____ Last offense charged/conviction: _____

This form was served upon the alien on _____, in the following manner:

- in person by inmate mail delivery other (please specify): _____

[Signature]
(Name and title of Officer)

[Signature]
(Signature of Officer) (Sign in ink)

Exhibit 32

Printout from Shelby County showing case
information for The State of Tennessee vs
Duran-Ortega

Case Information

18007709 | The State of Tennessee vs DURAN-ORTEGA, MANUEL LEONIDAS

Case Number	Court	Judicial Officer
18007709	Division 7	Anderson, William Bill
File Date	Case Type	Case Status
04/03/2018	Misdemeanor Arrest	Disposed

Party

Defendant
DURAN-ORTEGA, MANUEL LEONIDAS

DOB
01/14/ [REDACTED]

Race
White

Address
[REDACTED]
[REDACTED]

Active Attorneys ▼
Lead Attorney
SCHILLER, ANN
Retained

Charge

Charges
DURAN-ORTEGA, MANUEL LEONIDAS

	Description	Statute	Level	Date
1	DISORDERLY CONDUCT	39-17-305	Misdemeanor C	04/03/2018
2	OBSTRUCT HIGHWAY OR PASSAGEWAY	39-17-307	Misdemeanor C	04/03/2018

Bond Settings

Setting Date

4/3/2018

Bond

Bond Type	Bond Number	Bond Amount	Current Bond Status
Cash Bonds	MM00959	\$100.00	Posted

Disposition Events

04/05/2018 Disposition ▼

Judicial Officer

Anderson, William Bill

1	DISORDERLY CONDUCT	Nolle Prosequi no Court Costs
2	OBSTRUCT HIGHWAY OR PASSAGEWAY	Nolle Prosequi no Court Costs

Events and Hearings

04/03/2018 Booking Occurred
04/03/2018 Probable Cause
04/03/2018 Arrest Ticket
04/03/2018 Affidavit ▼
Affidavit
04/03/2018 Verified RNI
04/03/2018 Active Bond Set
04/03/2018 Division Assignment Completed By 24 Hr Clerk
04/03/2018 Bond Posted
04/03/2018 Custody Released From The Case
04/03/2018 Bond Posted
04/04/2018 Arraignment ▼
Judicial Officer
Anderson, William Bill
Hearing Time
9:00 AM
Result
Continued

04/05/2018 Report to Court ▼

Judicial Officer
Anderson, William Bill

Hearing Time
9:00 AM

Result
Nolle Prosequi

04/05/2018 Final Disposition

Financial

No financial information exists for this case.

Documents

Affidavit

Case Information

10109990-01 | The State of Tennessee vs MANUEL LEONIDAS DURAN-ORTEGA

Case Number	Court	Judicial Officer
10109990-01	Division 13	Montesi, Louis J., Jr.
File Date	Case Type	Case Status
03/13/2010	Affidavit	Sentenced

Party

State of Tennessee
The State of Tennessee

Race
Other

Officer
MPD TRANSFER OFFICER, Unknown

Address
[Redacted]

Defendant
DURAN-ORTEGA, MANUEL LEONIDAS

DOB
01/14/ [Redacted]

Race
White

Address

Active Attorneys ▼
Lead Attorney
GILCHRIST,
CHARLES
Retained

Bond Type	Bond Number	Bond Amount	Current Bond Status
Cash Bonds	2981182	\$100.00	Case Disposed

Disposition Events

06/16/2010 Plea ▼

Judicial Officer
Judge, Converted

1	VIOLATION OF FINANCIAL LAW	Not Guilty
---	----------------------------	------------

06/16/2010 Plea ▼

Judicial Officer
Judge, Converted

2	NO DRIVER LICENSE	Not Guilty
---	-------------------	------------

06/16/2010 Plea ▼

Judicial Officer
Judge, Converted

3	VIOL OF VEHICLE REGISTRATION LAW M	Not Guilty
---	------------------------------------	------------

06/16/2010 Disposition ▼

1	VIOLATION OF FINANCIAL LAW	Nolle Prosequi no Court Costs
---	----------------------------	-------------------------------

06/16/2010 Disposition ▼

2	NO DRIVER LICENSE	Found Guilty, Guilty Plea
---	-------------------	---------------------------

06/16/2010 Disposition ▼

3 VIOL OF VEHICLE REGISTRATION LAW M Nolle Prosequi no Court Costs

06/16/2010 Sentenced ▼

3 VIOL OF VEHICLE REGISTRATION LAW M Sentenced

06/16/2010 Sentenced ▼

2 NO DRIVER LICENSE Sentenced

Condition - Adult

1. Conversion, CONFINEMENT: 0 Month(s) 1 Day(s) CREDIT: 0 Month(s) 1 Day(s) 0 Hour(s) , 06/16/2010, Active 06/16/2010

06/16/2010 Sentenced ▼

1 VIOLATION OF FINANCIAL LAW Sentenced

Events and Hearings

03/13/2010 Case Filed

03/14/2010 Bond Fee

03/15/2010 Arraignment ▼

Hearing Time
9:00 AM

03/16/2010 Interpreter Fee
06/16/2010 Attorney ▼
Hearing Time 9:00 AM
06/16/2010 Base Rate Clerk
06/16/2010 Resets
06/16/2010 Court House Security
06/17/2010 Interpreter Fee
07/19/2010 Collections Appearance Letter
03/02/2017 First Garnishment

Financial

DURAN-ORTEGA, MANUEL LEONIDAS

Total Financial Assessment	\$284.00
Total Payments and Credits	\$284.00

6/16/2010	Transaction Assessment	\$284.00
-----------	------------------------	----------

6/16/2010	Payment	Receipt #	DURAN-ORTEGA, MANUEL LEONIDAS	(\$100.00)
		3004749		

8/3/2010	Payment	Receipt #	DURAN-ORTEGA, MANUEL LEONIDAS	(\$184.00)
		3017560		

Exhibit 33

Receipt for bond payment for
Manuel Duran Ortega

GENERAL SESSIONS CRIMINAL COURT
SHELBY COUNTY JUSTICE CENTER
201 POPLAR AVE. LL-81
MEMPHIS, TENNESSEE 38103
901-222-3500

No. 4466
4-3-18
2018

RECEIVED FROM: Manuel Duran Ortega

ADDRESS: [Redacted]

DOCKET NUMBER: 18007709

DEFENDANT DOB: 7/14-1982 MONTH-DAY-YEAR

PAYMENT AMOUNT: \$ One Hundred DOLLARS

AMOUNT TENDERED: BY [Redacted] CK# 100 MO APR

CHANGE: BY [Redacted] RECEIPT NUMBER: 4-3-18

DATE ENTERED INTO COMPUTER: 4-3-18

REASON FOR MANUAL RECEIPT: No money

CLERK'S SIGNATURE: [Signature]

SUPERVISOR: [Signature] NAME: 4-5-18 DIV 7 9:00 am

DATE CHECKED