

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

MARIE JUSTEEN MANCHA,)
through her Next Friend Maria)
Christina Martinez, MARIA)
CHRISTINA MARTINEZ,)
RANULFO PEREZ, MARIA)
MARGARITA MORALES,)
GLADIS ALICIA ESPITIA,)
and)
DAVID ROBINSON,)

CASE NO. 1:06-CV-2650 - TWT

Plaintiffs,)

THIRD AMENDED
COMPLAINT

v.)

THE UNITED STATES OF)
AMERICA, LEO FORD,)
WILLIAM WARD HUNTER,)
SCOTT MCCORMACK,)
KARL MULLER,)
DON PLYBON,)
GREGORY RICKS,)
HYG JEONG (aka JEANNIE)
YOO),)
JEREMY BLANKLEY,)
LARRY ORTON,)
MARC STRESSINGER,)
PHILLIP SCOTT,)
MICHAEL NELSON,)
EVAN KATZ,)
CHARLES HICKS,)
BARRY SANDS,)
GREGORY L. WIEST,)
F/N/U AKERS,)
JOSEPH BRIM,)
TALBERT CRAPPS (aka BERT)

CRAPPS,)
F/N/U HARDIN,)
RICHARD MCMANAWAY,)
BRIAN ROBINSON,)
MARK ROBINSON,)
HOWELL C. TAYLOR III (aka)
TREY TAYLOR),)
THOMAS WEST (aka TOM WEST)
ROBERT JAMES (aka ROB))
JAMES),)
DAVID CASIMIRO,)
ROBERT RODRIGUEZ)
HENRY COOK,)
JEFFREY COOPER,)
PAUL CRISWELL,)
DANIEL CUTTS,)
CRAIG HANNAH,)
STEVE MICHAELS,)
KEVIN POLK,)
WILLIAM ROSS (aka BILL ROSS))
ANDREA ROUBAL,)
JOHN VANEK, and)
JOHNNY WALTON,)

Defendants.)

INTRODUCTION

1. This action challenges a series of raids conducted by federal immigration authorities in Southeast Georgia over the course of at least two weeks in September, 2006, that trampled on the constitutional rights of every person of Hispanic descent unfortunate enough to get in the way. The campaign against the Latino community was conducted ostensibly to locate certain suspected undocumented workers who had previously been employed at the Crider poultry

facility in Stillmore, Georgia. However, the scope of the campaign went far beyond that. Casting the fundamental protections of the Fourth Amendment aside, federal agents entered and searched private homes without warrants or any other lawful authority to do so, detained and interrogated people merely because they looked “Mexican,” used excessive and wholly unnecessary force against some of the persons they detained, and destroyed private property without cause. All of these unconstitutional actions were taken in an effort to drive the Latino community out of Southeast Georgia.

2. The raids were the product of racial and ethnic profiling at odds with the fundamental premise of the Equal Protection Clause of the Fifth Amendment and in conflict with the basic values upon which this country was founded. The named plaintiffs are U.S. citizens who were victimized by these unconstitutional actions solely because they appeared to be “Mexican” to federal agents who failed to give even lip service to the protections of the Constitution and their oath of office.

3. Upon information and belief, the raids were authorized by federal government officials at the highest levels of the bureau of Immigration and Customs Enforcement.

4. Plaintiffs seek damages under the Constitution and under the Federal Tort Claims Act for the injuries they have suffered.

JURISDICTION AND VENUE

5. Jurisdiction of the Court is predicated upon 28 U.S.C § 1331 (federal question jurisdiction), 28 U.S.C. § 1361 (jurisdiction to compel an officer to perform a duty owed to Plaintiffs), 28 U.S.C. § 1343 (civil rights and equal protection), and 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391 (e)(1) because a defendant in this action resides in this district.

PARTIES

7. Plaintiff **MARIE JUSTEEN MANCHA** (“Plaintiff Mancha”) is a Latina teenager who is a native and citizen of the United States. At all times relevant to this suit, she was a resident of Reidsville, Tattnall County, Georgia. She appears in this suit through her Next Friend and mother Maria Christina Martinez.

8. Plaintiff **MARIA CHRISTINA MARTINEZ** (“Plaintiff Martinez”) is a Latina woman who is a native and citizen of the United States. At all times relevant to this suit, she was a resident of Reidsville, Tattnall County, Georgia. Plaintiff Martinez appears in this suit as both a plaintiff in her individual capacity and as Next Friend for her daughter, Plaintiff Marie Justeen Mancha, a minor child. Plaintiff Martinez has the authority to act as Next Friend for Plaintiff Mancha pursuant to Rule 17(c) of the Federal Rules of Civil Procedure.

9. Plaintiff **RANULFO PEREZ** (“Plaintiff Perez”) is a Latino man who is a native and citizen of the United States. At all times relevant to this suit, he was a resident of Adrian, Emanuel County, Georgia.

10. Plaintiff **MARIA MARGARITA MORALES** (“Plaintiff Morales”) is a Latina woman who is a native and citizen of the United States. At all times relevant to this suit, she was a resident of Oak Park, Emanuel County, Georgia.

11. Plaintiff **GLADIS ALICIA ESPITIA** (“Plaintiff Espitia”) is a Latina woman who is a native and citizen of the United States. At all times relevant to this suit, she was a resident of Oak Park, Emanuel County, Georgia.

12. Plaintiff **DAVID ROBINSON** (“Plaintiff Robinson”) is a native and citizen of the United States. At all times relevant to this suit, he was a resident of Metter, Candler County, Georgia.

13. Defendant **UNITED STATES OF AMERICA** is a sovereign national and exists under the Constitution of the United States of America and the laws enacted by the United States Congress. Immigrations and Customs Enforcement (ICE) is, and at all times relevant to this lawsuit was, an agency of the Department of Homeland Security, organized and existing under the laws of the United States.

14. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT LEO FORD** was a federal law enforcement agent employed by

the Defendant United States of America through its agency, Immigration and Customs Enforcement.

15. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT WILLIAM WARD HUNTER** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

16. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT SCOTT MCCORMACK** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

17. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT KARL MULLER** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

18. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT DON PLYBON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

19. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT GREGORY RICKS** was a federal law enforcement agent

employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

20. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JEANNIE YOO** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

21. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JEREMY BLANKLEY** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

22. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT LARRY ORTON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

23. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT MARC STRESSINGER** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

24. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT PHILLIP SCOTT** was a federal law enforcement agent employed

by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

25. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT MICHAEL NELSON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

26. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT EVAN KATZ** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

27. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT CHARLES HICKS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

28. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT BARRY SANDS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

29. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT GREGORY L. WIEST** was a federal law enforcement agent

employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

30. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT F/N/U AKERS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

31. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JOSEPH BRIM** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

32. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT BERT CRAPPS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

33. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT F/N/U HARDIN** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

34. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT RICHARD MCMANAWAY** was a federal law enforcement

agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

35. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT BRIAN ROBINSON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

36. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT MARK ROBINSON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

37. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT TREY TAYLOR** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

38. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT TOM WEST** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

39. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT ROB JAMES** was a federal law enforcement agent employed by

the Defendant United States of America through its agency, Immigration and Customs Enforcement.

40. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT DAVID CASIMIRO** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

41. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT ROBERT RODRIGUEZ** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

42. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT HENRY COOK** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

43. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JEFFREY COOPER** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

44. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT PAUL CRISWELL** was a federal law enforcement agent

employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

45. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT DANIEL CUTTS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

46. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT CRAIG HANNAH** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

47. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT STEVE MICHAELS** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

48. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT KEVIN POLK** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

49. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT BILL ROSS** was a federal law enforcement agent employed by

the Defendant United States of America through its agency, Immigration and Customs Enforcement.

50. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT ANDREA ROUBAL** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

51. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JOHN VANEK** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

52. At all times relevant to the incidents complained of in this lawsuit, **DEFENDANT JOHNNY WALTON** was a federal law enforcement agent employed by the Defendant United States of America through its agency, Immigration and Customs Enforcement.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

53. Plaintiffs presented timely administrative claims under the Federal Tort Claims Act with the Department of Homeland Security, pursuant to 28 U.S.C. § 2675(a).

54. The United States neither approved nor denied the claims within the six months after United States' receipt of the claims. Plaintiffs' suit is timely filed pursuant to 28 U.S.C. § 2675(a).

FACTUAL ALLEGATIONS

Plaintiffs Mancha and Martinez

55. On a weekday morning in early September, 2006, Plaintiff Mancha, a tenth grade high school student, was getting ready for school. Her mother, Plaintiff Martinez, left their home in Reidsville, Georgia, to run an errand.

56. After her mother had left, Plaintiff Mancha heard car doors slamming outside of her home. She believed it was her mother returning, so she went to the front door, unlocked the door, left it closed, and went back to her bedroom.

57. Shortly thereafter, Plaintiff Mancha heard voices coming from within the house. She left her bedroom, and, as she was walking down the hallway towards the living room, she heard people yelling, "Police! Illegals!" When she reached the living room, she saw at least five agents standing in the living room blocking the front door. One agent had his hand on his gun as if he was ready to take it out at any minute.

58. Plaintiff Mancha became extremely frightened because of the number of unknown men who had broken into her home and because at least one of them had a visible gun.

59. Plaintiff Mancha saw approximately five other agents on the stairs leading up to her front door and several more outside in her yard. In all, there were approximately 20-25 agents who had either entered or surrounded her home.

60. An agent interrogated Plaintiff Mancha regarding whether there were other people in the house, whether her mother had worked for Crider Poultry and the reason she had quit, whether her mother was “Mexican,” and whether her mother had “papers” or a green card. Plaintiff Mancha told the Defendants that her mother was born in Florida and, therefore, did not need a green card.

61. When Plaintiff Mancha asked why Defendants were inside of her home, one of the agents told her that they were looking for “illegals.”

62. One of the Defendants declared to the other defendants that they would go to the gas station where they were sure to find a lot of “Mexicans.” Plaintiff Mancha asked the Defendants if they were leaving, and one of them responded that they were going to be in the area “looking for the rest of them.”

63. After approximately five minutes inside Plaintiffs’ home, Defendants finally left without ever showing a warrant authorizing their presence therein.

64. Defendants Leo Ford, William Ward Hunter, Scott McCormack, Karl Muller, Don Plybon, Gregory Ricks and Jeannie Yoo personally participated in and were responsible for the unlawful actions at the home of Plaintiffs Mancha and Martinez.

65. Plaintiff Martinez returned home to find the Defendants coming from behind her home and leaving from her driveway in more than six vehicles. Plaintiff Martinez grew very concerned and immediately went to check on Plaintiff Mancha, her daughter.

66. Defendants lacked lawful authority for all detention and interrogation activities involving Plaintiff Mancha and did not have a warrant, probable cause and exigent circumstances, or consent to enter Plaintiffs' home.

67. As a result of Defendants' unlawful actions, Plaintiffs Mancha and Martinez were traumatized, and both continue to suffer to this day.

Plaintiff Perez

68. On or about September 5, 2006, Plaintiff Perez was standing next to his truck parked on his property in front of his home in Adrian, Georgia, when approximately six to eight vehicles drove into his yard and parked in such a manner as to block the only entrance or exit to Plaintiff Perez' property. Approximately fifteen agents exited the vehicles. They immediately pulled their weapons and began to approach Plaintiff Perez and surround his home.

69. Believing the agents to be immigration officers, Plaintiff Perez hurriedly declared that he had “papers.” Without even asking for Plaintiff Perez’ name, one of the agents grabbed Plaintiff Perez by the front of his shirt, jammed his gun into Plaintiff Perez’ side, and threw him against his truck. The agent then twisted Plaintiff Perez’ arm around and held him so that he could not easily get away.

70. The agent told Plaintiff Perez to stay there and not to move. The agent held Plaintiff Perez in this uncomfortable position for approximately ten minutes.

71. The agent then directed some of the other agents to go into Plaintiff Perez’ home. Approximately three of the Defendants entered and searched Plaintiff Perez’ home – without producing a warrant or asking for permission. Approximately nine other agents searched around outside the home.

72. Plaintiff Perez repeatedly told the agent that he had “papers,” but the agent would not respond. Instead of requesting that Plaintiff Perez produce his “papers,” the agent continued to physically detain Plaintiff Perez.

73. At the end of this ten-minute period, the agent asked Plaintiff Perez if he had any weapons on him. Plaintiff Perez told the agent that he did not have any weapons and the agent proceeded to search Plaintiff Perez for weapons on his person. The agents then asked Plaintiff Perez to show his “papers.” Plaintiff Perez

reached into his pocket, produced his driver's license and social security card, and gave them to the agent. The agent finally released Plaintiff Perez' arm and went to his vehicle. A minute or two later, the agent returned with Plaintiff Perez' identification.

74. The agents told Plaintiff Perez that the Defendants were with "immigration" and had been sent by the federal government. He also told Plaintiff Perez that immigration would be in the area for another two weeks and suggested that Plaintiff Perez and his family go elsewhere during that time period so as to avoid any future incidents and entries to their home.

75. Defendants finally left after approximately thirty to forty minutes.

76. Defendants Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, and Charles Hicks personally participated in and were responsible for the detention, interrogation, and arrest activities involving Plaintiff Perez.

77. Defendants lacked lawful authority for all detention, interrogation, and arrest activities involving Plaintiff Perez and did not have a warrant, probable cause and exigent circumstances, or consent to enter Plaintiff Perez's home.

Plaintiff Morales

78. On or about September 1, 2006, Plaintiff Morales was driving home from work when she stopped at the post office in the town of Stillmore, Georgia.

After she picked up her mail, she got back in her jeep. Plaintiff Morales had her windows down because it was hot and her air conditioner was not working.

79. Plaintiff Morales turned right onto Old Kenfield Road towards her home, after waiting for a long line of cars to turn left in front of her onto Old Kenfield Road.

80. Plaintiff Morales was driving behind this long line of vehicles when an unmarked car driven by ICE agents pulled over to the left-hand side of the road, allowing Plaintiff Morales' jeep to pass him. ICE agents then pulled in directly behind Plaintiff Morales.

81. All of the cars in front of Plaintiff Morales proceeded to stop in the middle of the two-lane road, forcing Plaintiff Morales to stop as well. As Plaintiff Morales was coming to a stop, an ICE agent, believed to be Robert Rodriguez (driving the vehicle directly behind her) and another ICE agent, believed to be Gregory Wiest (driving the vehicle directly in front of her) put on their blue, blinking hazard lights. At this point Plaintiff Morales felt that she was being pulled over by the Defendants. Plaintiff Morales stopped her jeep directly behind the vehicle of Agent Wiest, and Agent Rodriguez stopped his vehicle very closely behind that of Plaintiff Morales. Plaintiff Morales' jeep was blocked in by the vehicles of Agent Wiest and Agent Rodriguez and, at that point, Plaintiff Morales was unable to leave.

82. Agent Wiest and Agent Rodriguez then proceeded to exit their vehicles and walk towards Plaintiff Morales' jeep. Plaintiff Morales remained inside her jeep, and Agent Wiest and Agent Rodriguez were standing next to the door of her jeep throughout their interrogation of Plaintiff Morales.

83. Agent Rodriguez immediately called Plaintiff Morales a "Mexican" and told her to get out of her jeep. Plaintiff Morales responded that she was born in Texas. Agent Rodriguez told her that if she was not "Mexican," then she had to prove it to them. Plaintiff Morales showed them her Georgia driver's license. The Defendant declared that the driver's license was "false" and again ordered Plaintiff Morales out of her jeep. He then reached in through the open window, grabbed Plaintiff Morales' arm, and pulled her towards him. He repeatedly accused Plaintiff Morales of being a "Mexican" and ordered her out of her jeep. The Defendant continued to interrogate her regarding her identification, her citizenship, where she was coming from, and where she was going. The Defendant falsely claimed that they had seen her in town motioning to "Mexicans," and repeatedly asked her whether she knew any "Mexicans." Plaintiff Morales insisted that her driver's license was not false and that she could take the Defendants to the Georgia State Patrol's office to prove to them that she was a citizen so that they would let her go.

84. As Agent Rodriguez interrogated Plaintiff Morales regarding her citizenship and asked her to prove that she was not “Mexican,” Agent Wiest continuously whispered things to Agent Rodriguez, leading Plaintiff Morales to believe that Agent Rodriguez was taking direction from Agent Wiest.

85. Plaintiff Morales wanted to leave but did not believe that she was permitted to leave while Agent Wiest and Agent Rodriguez interrogated her. Moreover, Plaintiff Morales was not physically able to leave in her car due to Agent Wiest and Agent Rodriguez blocking her in.

86. Agent Wiest and Agent Rodriguez finally allowed her to leave the scene; however, Agent Rodriguez told Plaintiff Morales that she could not continue driving on that road in the direction she had been heading. He said it did not matter that she lived in that direction; he told her that she would not be able to continue down that road until after the agents had finished their business and returned to the town of Stillmore. Agent Rodriguez also ordered her not to make any phone calls and not to tell anyone that “immigration” was in town.

87. Plaintiff Morales’ unlawful detention lasted approximately fifteen to twenty minutes before Plaintiff Morales was forced to return to town in order to make her way home using an alternate route.

88. Upon information and belief, Defendants lacked lawful authority for all detention and interrogation activities involving Plaintiff Morales.

Plaintiff Espitia

89. On or about September 2, 2006, Plaintiff Espitia was inside her home in Oak Park, Georgia, visiting with members of her family when approximately eighteen vehicles drove into her yard and parked in her driveway and on either side of her home. Over twenty agents exited the vehicles and covered Plaintiff Espitia's yard.

90. Some of the agents began to handcuff and detain Plaintiff Espitia's family members who were outside in the yard, while other agents, including Defendant Sands approached Plaintiff Espitia's home, knocked on the door, and yelled for someone to open the door. At least one of the agents threatened to break down the door and throw "gas" inside the home if Plaintiff Espitia and her family did not comply with their orders.

91. Plaintiff Espitia and her family members were very frightened and did not open the door. Several of Plaintiff Espitia's family members took the young children and ran to hide in a bedroom. The agents then forcefully broke through the front door, causing damage to the door frame and lock.

92. Many of the agents poured into Plaintiff Espitia's home and began to search through it. As they made their way through the home, some of the agents continued making threats to use "gas" in an effort to scare Plaintiff Espitia's family members out of the bedroom.

93. The agents did not identify themselves as “immigration” officers until after they had already forcefully entered the home, and they never produced a warrant authorizing their presence inside Plaintiff’s home.

94. One of the agents led one of Plaintiff Espitia’s family members outside, and Plaintiff Espitia followed them. While Plaintiff Espitia was trying to console her family members, one of the agents approached her, took her hand, and pulled his handcuffs from his belt in an attempt to take her into custody. He did so without ever asking for Plaintiff Espitia’s name or immigration status. Plaintiff Espitia told him that she had papers in her car to prove her citizenship.

95. The agent let go of Plaintiff Espitia’s hand and allowed her to proceed to her car, but told her to open her car door slowly. Plaintiff Espitia complied with his demand and retrieved her social security card and gave it to the Defendant. He left to verify its validity and eventually returned the card to Plaintiff Espitia and told her that she had a valid social security number.

96. Plaintiff Espitia then went back inside her home, where another agent interrogated Plaintiff Espitia and some of her family members for approximately twenty minutes.

97. Defendants lacked lawful authority for all detention and interrogation activities involving Plaintiff Espitia and did not have a warrant, probable cause and exigent circumstances, or consent to enter Plaintiff Espitia’s home.

98. Defendants Gregory L. Wiest, Joseph Brim, F/N/U Akers, Bert Crapps, F/N/U Hardin, Scott McCormack, Richard McManaway, Don Plybon, Brian Robinson, Mark Robinson, Barry Sands, Trey Taylor, Tom West, Rob James, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, David Casimiro, and Robert Rodriguez personally participated in and were responsible for the detention and interrogation activities involving Plaintiff Espitia.

99. Plaintiff Espitia was approximately six months pregnant at the time of this raid. As a result of Defendants' unlawful actions, Plaintiff Espitia was traumatized, and she continues to suffer to this day.

Plaintiff Robinson

100. Plaintiff Robinson owns two trailer parks in the Metter, Georgia, area that were raided by ICE agents in early September, 2006. Plaintiff Robinson's trailer park located on Turkey Ridge Road ("Turkey Ridge Road Park") was raided on or about September 7. His second trailer park located on Highway 46 ("Highway 46 Park") was raided on two separate occasions – once on or about September 3 and again on or about September 5.

101. The ICE agents involved in the raids forcefully broke into many of the trailers in Plaintiff Robinson's parks. The ICE agents caused intentional damage to at least one door and four windows in the Highway 46 Park. In the Turkey Ridge

Road Park, Defendant Wiest and other ICE agents ripped the skirting from the perimeter of a trailer and caused damage to the floorboards.

102. Defendants did not have warrants to enter the homes or other legal justification for their actions.

103. Defendants Gregory L. Wiest, Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, Henry Cook, Jeffrey Cooper, Bert Crapps, Paul Criswell, Daniel Cutts, Craig Hannah, Scott McCormack, Richard McManaway, Steve Michaels, Karl Muller, Don Plybon, Kevin Polk, Gregory Ricks, Bill Ross, Andrea Roubal, Barry Sands, Trey Taylor, Johnny Walton, Tom West, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, David Casimiro, John Vanek and Rob James personally participated in and were responsible for the unlawful actions related to Mr. Robinson's property.

104. As a result of the unlawful and terrorizing actions of the ICE agents, the tenants who rented from Plaintiff Robinson were so terrified that many simply fled from the area.

105. On October 31, 2006, almost two months after the raids at issue in this case, ICE agents visited a store in Stillmore, Georgia, that sells mostly Mexican food products and caters to the Latino community. The agents demanded to see the store's business license and the store employee's documentation of citizenship.

106. Upon information and belief, ICE agents have also made two separate demands for documents relating to the legal status of Crider employees since the September 2006 raids, indicating that ICE is still targeting the Southeast Georgia communities.

**COUNT I *BIVENS* CLAIM OF PLAINTIFF MANCHA
(Against Defendants Leo Ford, William Ward Hunter, Scott McCormack,
Karl Muller, Don Plybon, Gregory Ricks and Jeannie Yoo**

107. Plaintiff Mancha incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

108. In doing the acts complained of, Defendants Leo Ford, William Ward Hunter, Scott McCormack, Karl Muller, Don Plybon, Gregory Ricks and Jeannie Yoo deprived Plaintiff Mancha of certain constitutionally protected rights, including, but not limited to:

- a. the right to be free from unlawful entries to and searches of her home without a valid warrant or voluntary consent and in the absence of probable cause and exigent circumstances, as guaranteed by the Fourth Amendment to the United States Constitution;
- b. the right to be free from detentions without a lawful, reasonable and articulable suspicion of unlawful activity or probable cause, as

guaranteed by the Fourth Amendment to the United States Constitution; and

c. the right to equal protection under the law, as guaranteed by the Fifth Amendment to the United States Constitution.

109. Because these Defendants acted in clear violation of well-settled law, of which a reasonable person would have been aware, with regard to standards for home entry, search, seizure, questioning, and detention, they are not entitled to a good faith defense or official immunity defense.

110. The actions of these Defendants were intentional, malicious, and reckless and showed a callous disregard of, or indifference to, the rights of the Plaintiff.

111. The actions of these Defendants give rise to a cause of action for damages against them in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

112. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiff Mancha has suffered harm, in the form of, *inter alia*, outrage, humiliation, and emotional distress. Plaintiff Mancha is entitled to compensatory and punitive damages in an amount to be determined at trial.

**COUNT II: BIVENS CLAIM OF PLAINTIFF MARTINEZ
(Against Defendants Leo Ford, William Ward Hunter, Scott McCormack,
Karl Muller, Don Plybon, Gregory Ricks and Jeannie Yoo**

113. Plaintiff Martinez incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

114. In doing the acts complained of, Defendants Leo Ford, William Ward Hunter, Scott McCormack, Karl Muller, Don Plybon, Gregory Ricks and Jeannie Yoo deprived Plaintiff Martinez of certain constitutionally protected rights, including, but not limited to:

- a. the right to be free from unlawful entries to and searches of her home without a valid warrant or voluntary consent and in the absence of probable cause and exigent circumstances, as guaranteed by the Fourth Amendment to the United States Constitution; and
- b. the right to equal protection under the law, as guaranteed by the Fifth Amendment to the United States Constitution.

115. Because these Defendants acted in clear violation of well-settled law, of which a reasonable person would have been aware, with regard to standards for home entry and search, they are not entitled to a good faith defense or official immunity defense.

116. The actions of these Defendants were intentional, malicious, reckless, and showed a callous disregard of, or indifference to, the rights of the Plaintiff.

117. The actions of these Defendants give rise to a cause of action for damages against them in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

118. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiff Martinez has suffered harm, in the form of, *inter alia*, outrage and emotional distress. Plaintiff Martinez is entitled to compensatory and punitive damages in an amount to be determined at trial.

**COUNT III: BIVENS CLAIM OF PLAINTIFF PEREZ
(Against Defendants Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, and Charles Hicks)**

119. Plaintiff Perez incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

120. In doing the acts complained of, Defendants Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, and Charles Hicks deprived Plaintiff Perez of certain constitutionally protected rights, including, but not limited to:

- a. the right to be free from unlawful entries to and searches of his home without a valid warrant or voluntary consent and in the absence of probable cause and exigent circumstances, as guaranteed by the Fourth Amendment to the United States Constitution;

- b. the right to be free from detentions without a lawful, reasonable and articulable suspicion of unlawful activity or probable cause, as guaranteed by the Fourth Amendment to the United States Constitution;
- c. the right to be free from arrest without probable cause, as guaranteed by the Fourth Amendment to the United States Constitution;
- d. the right to be free from the use of excessive force, as guaranteed by the Fourth Amendment to the United States Constitution; and
- e. the right to equal protection under the law, as guaranteed by the Fifth Amendment to the United States Constitution.

121. Because these Defendants acted in clear violation of well-settled law, of which a reasonable person would have been aware, with regard to standards for home entry, search, seizure, questioning, detention, arrest and use of force, they are not entitled to a good faith defense or official immunity defense.

122. The actions of these Defendants were intentional, malicious, and reckless and showed a callous disregard of, or indifference to, the rights of the Plaintiff.

123. The actions of these Defendants give rise to a cause of action for damages against them in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

124. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiff Perez has suffered harm, in the form of, *inter alia*, outrage, humiliation, and emotional distress. Plaintiff Perez is entitled to compensatory and punitive damages in an amount to be determined at trial.

**COUNT IV: BIVENS CLAIM OF PLAINTIFF ESPITIA
(Against Defendants Gregory L. Wiest, Joseph Brim, Akers, Bert Crapps, Hardin, Scott McCormack, Richard McManaway, Don Plybon, Brian Robinson, Mark Robinson, Barry Sands, Trey Taylor, Tom West, Rob James, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, David Casimiro, and Robert Rodriguez)**

125. Plaintiff Espitia incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

126. In doing the acts complained of, Defendants Gregory L. Wiest, Joseph Brim, Bert Crapps, Hardin, Scott McCormack, Richard McManaway, Don Plybon, Brian Robinson, Mark Robinson, Barry Sands, Trey Taylor, Tom West, Rob James, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, and David Casimiro deprived Plaintiff Espitia of certain constitutionally protected rights, including, but not limited to:

- a. the right to be free from unlawful entries to and searches of her home without a valid warrant or voluntary consent and in the

- absence of probable cause and exigent circumstances, as guaranteed by the Fourth Amendment to the United States Constitution;
- b. the right to be free from detentions without a lawful, reasonable and articulable suspicion of unlawful activity or probable cause, as guaranteed by the Fourth Amendment to the United States Constitution;
- c. the right to be free from the use of excessive force, as guaranteed by the Fourth Amendment to the United States Constitution;
- d. the right to be free from unreasonable seizures of property, as guaranteed by the Fourth Amendment to the United States Constitution; and
- e. the right to equal protection under the law, as guaranteed by the Fifth Amendment to the United States Constitution.

127. Because these Defendants acted in clear violation of well-settled law, of which a reasonable person would have been aware, with regard to standards for home entry, search, seizure, questioning, use of force, and detention, they are not entitled to a good faith defense or official immunity defense.

128. The actions of these Defendants were intentional, malicious, and reckless and showed a callous disregard of, or indifference to, the rights of the Plaintiff.

129. The actions of these Defendants give rise to a cause of action for damages against them in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

130. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiff Espitia has suffered harm, in the form of, *inter alia*, outrage, humiliation, property damage and emotional distress. Plaintiff Espitia is entitled to actual, compensatory and punitive damages in an amount to be determined at trial.

COUNT V BIVENS CLAIM OF PLAINTIFF ROBINSON
(Against Defendants Gregory L. Wiest, Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, Henry Cook, Jeffrey Cooper, Bert Crapps, Paul Criswell, Daniel Cutts, Craig Hannah, Scott McCormack, Richard McManaway, Steve Michaels, Karl Muller, Don Plybon, Kevin Polk, Gregory Ricks, Bill Ross, Andrea Roubal, Barry Sands, Trey Taylor, Johnny Walton, Tom West, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, David Casimiro, and Rob James)

131. Plaintiff Robinson incorporates by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

132. In doing the acts complained of, Defendants Gregory L. Wiest, Jeremy Blankley, Larry Orton, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, Henry Cook, Jeffrey Cooper, Bert Crapps, Paul

Criswell, Daniel Cutts, Craig Hannah, Scott McCormack, Richard McManaway, Steve Michaels, Karl Muller, Don Plybon, Kevin Polk, Gregory Ricks, Bill Ross, Andrea Roubal, Barry Sands, Trey Taylor, Johnny Walton, Tom West, Marc Stressinger, Phillip Scott, Michael Nelson, Evan Katz, Charles Hicks, David Casimiro, and Rob James deprived Plaintiff Robinson of his constitutionally protected right to be free from unreasonable seizures of property, as guaranteed by the Fourth Amendment to the United States Constitution.

133. Because these Defendants acted in clear violation of well-settled law, of which a reasonable person would have been aware, with regard to standards for home entry, search, seizure, and use of force, they are not entitled to a good faith defense or official immunity defense.

134. The actions of these Defendants were intentional, malicious, and reckless and showed a callous disregard of, or indifference to, the rights of the Plaintiff.

135. The actions of these Defendants give rise to a cause of action for damages against them in their individual capacities, pursuant to *Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

136. As a direct and proximate result of the unlawful actions of these Defendants, Plaintiff Robinson has suffered property damage. Plaintiff Perez is

entitled to actual, compensatory and punitive damages in an amount to be determined at trial.

**COUNT VI: FEDERAL TORT CLAIMS ACT--TRESPASS
(Against Defendant United States of America by Plaintiffs Mancha, Perez,
Martinez, Espitia, and Robinson)**

137. Plaintiffs incorporate by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

138. At all times relevant to this action, agents, officials and other personnel were acting in their official capacity under the authority of DHS and ICE, and, therefore, under the authority of the United States of America.

139. Defendant United States unlawfully abused the property of Plaintiffs Mancha, Perez, Martinez, Espitia, and Robinson by invading their property without permission or justification.

140. Defendant's abuse of the property of Plaintiffs Mancha, Perez, Martinez, Espitia, and Robinson as alleged in the preceding paragraphs constituted unlawful trespass against those plaintiffs.

141. Defendant's actions as alleged above were intentional.

142. Defendant United States is not entitled to any defense, statutory or otherwise, in that the acts or omissions of Defendant United States were not discretionary functions and were not performed in good faith.

143. As a proximate result of the Defendant's actions, Plaintiffs Mancha, Perez, Martinez, Espitia, and Robinson suffered substantial damages, for which they seek monetary relief pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671.

144. Under the laws of Georgia, a private person would be liable to plaintiffs for these acts or omissions. Under 28 U.S.C. § 1346(b), the United States is liable to Plaintiffs for their damages arising from the commission of these acts or omissions.

**COUNT VII: FEDERAL TORT CLAIMS ACT—FALSE IMPRISONMENT
(Against Defendant United States of America by
Plaintiffs Mancha, Morales, Perez, and Espitia)**

145. Plaintiffs incorporate by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

146. At all times relevant to this action, agents, officials and other personnel were acting in their official capacity under the authority of DHS and ICE, and, therefore, under the authority of the United States of America.

147. Defendants' actions as alleged above unlawfully deprived Plaintiffs Mancha, Morales, Perez and Espitia of their personal liberty without justification.

148. Defendants' actions in unlawfully detaining Plaintiffs Mancha, Morales, Perez and Espitia and depriving them of their personal liberty constituted false imprisonment.

149. Defendant United States is not entitled to any defense, statutory or otherwise, in that the acts or omissions of Defendant United States were not discretionary functions and were not performed in good faith.

150. As a proximate result of the Defendant's actions, Plaintiffs Mancha, Morales, Perez and Espitia suffered substantial damages, for which they seek monetary relief pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671.

151. Under the laws of Georgia, a private person would be liable to Plaintiffs for this act or omission. Under 28 U.S.C. § 1346(b), the United States is liable to Plaintiffs for their damages arising from the commission of these acts or omissions.

**COUNT VIII: FEDERAL TORT CLAIMS ACT—ASSAULT
(Against Defendant United States of America by Plaintiffs Mancha, Morales
Perez, and Espitia)**

152. Plaintiffs incorporate by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

153. At all times relevant to this action, agents, officials and other personnel were acting in their official capacity under the authority of DHS and ICE, and, therefore, under the authority of the United States of America.

154. By its actions as alleged above, Defendant caused Plaintiffs Mancha, Morales, Perez, and Espitia to apprehend a violent injury from Defendant's unlawful actions.

155. Defendant's actions as alleged above were intentional and malicious.

156. Defendant's actions as alleged above constituted tortious assault.

157. Defendant United States is not entitled to any defense, statutory or otherwise, in that the acts or omissions of Defendant United States were not discretionary functions and were not performed in good faith.

158. As a proximate result of the Defendant's actions, Plaintiffs Mancha, Morales, Perez and Espitia, suffered substantial damages, for which they seek monetary relief pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671.

159. Under the laws of Georgia, a private person would be liable to Plaintiffs for these acts or omissions. Under 28 U.S.C. § 1346(b), the United States is liable to Plaintiffs for their damages arising from the commission of these acts or omissions.

**COUNT IX: FEDERAL TORT CLAIMS ACT—BATTERY
(Against Defendant United States of America by Plaintiffs Morales, Perez,
and Espitia)**

160. Plaintiffs incorporate by reference each and every allegation contained in the preceding paragraphs as though fully set forth herein.

161. At all times relevant to this action, agents, officials and other personnel were acting in their official capacity under the authority of DHS and ICE, and, therefore, under the authority of the United States of America.

162. By its actions as alleged above, Defendant intentionally and maliciously inflicted offensive and unwanted physical violence against Plaintiffs Morales, Perez and Espitia.

163. Defendant's actions as alleged above constituted battery.

164. Defendant United States is not entitled to any defense, statutory or otherwise, in that the acts or omissions of Defendant United States were not discretionary functions and were not performed in good faith.

165. As a proximate result of the defendant's actions, Plaintiffs Morales, Perez and Espitia suffered substantial damages, for which they seek monetary relief pursuant to the Federal Tort Claims Act, 28 U.S.C. § 2671.

166. Under the laws of Georgia, a private person would be liable to Plaintiffs for these acts or omissions. Under 28 U.S.C. § 1346(b), the United States is liable to Plaintiffs for their damages arising from the commission of these acts or omissions.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray this Court:

1. Award Plaintiffs Mancha, Martinez, Perez, Espitia, and Robinson actual, compensatory, and punitive damages for violations of the Fourth Amendment to the United States Constitution;
2. Award Plaintiffs Mancha, Martinez, Perez, and Espitia actual, compensatory, and punitive damages for violations of the Fifth Amendment to the United States Constitution;
3. Award Plaintiffs monetary damages for claims arising under the Federal Tort Claims Act;
4. Award Plaintiffs costs of this action;
5. Award Plaintiffs pre- and post-judgment interest, as permitted by law; and
6. Grant Plaintiffs other such relief as the Court deems appropriate and just.

Respectfully submitted this 19th day of June, 2008.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(D)

As required by Local Rule 7.1(d), I hereby certify that this brief was prepared using the Times New Roman font, in a 14-point size.

Dated: June 19, 2008

s/ Mary Bauer, Esq.

CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2009, a true and correct copy of the foregoing was filed electronically and served by mail on any previously-served unable to accept electronic filing. Notice of this filing will be sent by e-mail to all previously-served parties by operation of the Court's electronic filing system or by mail to any previously-served party unable to accept electronic filing. Parties may access this filing through the court's CM/ECF System.

s/ Daniel Werner