

**NON-DETAINED**

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UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
OFFICE OF THE IMMIGRATION JUDGE  
LOS ANGELES, CALIFORNIA

In the Matter of:  
Jonathan MONDRAGON PATINO,  
Respondent,  
In Removal Proceedings.

No. [REDACTED]  
Hearing date: August 14, 2018  
Hearing time: 1:00 P.M.  
Before: Hon. Judge Rose C. Peters  
Courtroom: 14C

MOTION TO TERMINATE PROCEEDINGS

## **Introduction**

Respondent Jonathan Mondragon Patino, by and through counsel, hereby moves to terminate these proceedings because Customs and Border Protection (CBP) officials arrested him in violation of controlling regulations and the United States Constitution.

On August 17, 2017, a CBP officer conducting a roving patrol pulled over Mr. Mondragon as he drove home from work along a well-traveled stretch of highway in north San Diego County. Knowing nothing about him other than the fact that he appeared to be of Latino ethnicity, a CBP officer pulled over Mr. Mondragon for questioning. Although his questions elicited no information giving rise to probable cause to believe Mr. Mondragon was a noncitizen subject to removal, the CBP officer nonetheless arrested Mr. Mondragon—in clear violation of regulations, statute, and the Fourth Amendment. The integrity of the administrative and judicial process requires that proceedings arising out of these regulatory violations be terminated. *See Sanchez v. Sessions*, 870 F.3d 901, 910 (9th Cir. 2017); *Gonzalez-Rivera v. I.N.S.*, 22 F.3d 1441, 1448 (9th Cir. 1994).

## **Statement of Facts**

Jonathan Mondragon Patino, a 29-year-old Latino man, lives in Los Angeles, California with his young family. Decl. of Respondent Jonathan Mondragon Patino, Exh. 1 at ¶ 2. Mr. Mondragon works in construction laying tile. *Id.* On August 17, 2017, Mr. Mondragon worked a renovation job at a Japanese restaurant in San Diego. *Id.* at ¶ 3. After completing work that afternoon, Mr. Mondragon began driving back to Los Angeles on Interstate Highway 15. *Id.* Around 4:30 p.m., a Customs and Border Protection (CBP) officer pulled him over without reasonable suspicion and arrested him without probable cause to believe he was subject to removal. *See id.* at ¶¶ 4–17.

Around north San Diego County, Mr. Mondragon decided he would take a break from driving and exit the freeway near Highway 76 in Pala Mesa. *Id.* at ¶ 4–5. He was driving in the second lane from the right. *Id.* at ¶ 5. About one exit prior to Highway 76, he saw a vehicle marked CBP enter the freeway. *Id.* The CBP vehicle merged into the lane to the right of Mr. Mondragon’s and pulled up alongside his car. *Id.* The vehicle matched Mr. Mondragon’s speed, driving parallel to him. *Id.* The officer driving the vehicle repeatedly looked at Mr. Mondragon. *Id.* Mr. Mondragon glanced at the officer, but kept his attention on the road. *Id.* Because the CBP vehicle drove directly beside Mr. Mondragon even when he accelerated or reduced his speed, the patrol car prevented Mr. Mondragon from changing lanes or exiting at Pala Mesa as he had intended. *Id.* at ¶ 6.

After approximately one mile, Mr. Mondragon signaled his intent to change lanes and accelerated slightly. *Id.* He entered the right lane ahead of the CBP vehicle and took the next exit. *Id.* at ¶ 7. The CBP car followed him, exiting the freeway behind him. *Id.* On the exit ramp, the CBP vehicle turned on its lights, signaling Mr. Mondragon to pull over. *Id.* He immediately complied. *Id.*

The CBP officer approached the rolled-down window on the driver’s side of Mr. Mondragon’s vehicle. *Id.* at ¶ 8. The officer first asked Mr. Mondragon where he was coming from. *Id.* Mr. Mondragon replied by asking why the officer had stopped him. *Id.* The officer then asked: “Do you have papers allowing you to be here?” *Id.* Mr. Mondragon did not respond directly to the question and instead told the officer that he has a valid driver’s license. *Id.* The agent asked Mr. Mondragon several times whether he had papers authorizing his presence in the United States, and Mr. Mondragon answered only by saying he had a valid driver’s license. *Id.* at

¶ 8–9. He told the officer his name and date of birth. *Id.* at ¶ 9. The agent returned to his vehicle. *Id.* at ¶ 10.

After a few minutes, the agent again approached Mr. Mondragon’s car and said, “You do not have papers to be here.” *Id.* Mr. Mondragon remained silent. *Id.* The agent ordered Mr. Mondragon to exit the vehicle, patted him down, and handcuffed him. *Id.* at ¶ 11. He took Mr. Mondragon’s personal belongings: his cell phone, wallet, charging cable, and car keys. *Id.* He asked Mr. Mondragon whose car he was driving. *Id.* Mr. Mondragon replied it was his sister-in-law’s. *Id.* The agent asked Mr. Mondragon if he had any weapons and Mr. Mondragon replied he did not. *Id.* The agent looked in Mr. Mondragon’s wallet and did not find his license, so he asked Mr. Mondragon where his license might be. *Id.* at ¶ 12. Mr. Mondragon answered that it could be in his car. *Id.* The agent then requested permission to search the car, which Mr. Mondragon granted. *Id.* The agent put Mr. Mondragon into the CBP vehicle and then searched Mr. Mondragon’s car. *Id.*

Following the search, the CBP agent said he was placing Mr. Mondragon under arrest on suspicion that he did not have papers authorizing him to be in the country. *Id.* at ¶ 13. Mr. Mondragon estimates that this was about fifteen minutes after his initial stop. *Id.*

While in the car, Mr. Mondragon told the CBP agent that his handcuffs were too tight and were injuring his wrists. *Id.* at ¶ 14. In a mocking tone, the agent replied that he did not have the keys to loosen the cuffs. *Id.* Mr. Mondragon asked how that could be, and the agent stated that he had left them in another car and Mr. Mondragon would have to wait. *Id.* When the cuffs were finally removed some time later, Mr. Mondragon’s wrists were bruised. *Id.* at ¶ 16.

The CBP officer drove Mr. Mondragon for twenty minutes to what he believes was the Murrieta CBP field station. *Id.* at ¶ 15. Upon his arrival, three or four CBP agents asked him a

series of questions, including his name and date of birth, whether he has any children, whether he had any pending immigration proceedings or applications, and whether he has a criminal record. *Id.* at ¶ 16. He answered all of these questions truthfully, but he did not volunteer any information about his citizenship or immigration status. *Id.*

CBP agents took his fingerprints and ran searches in their databases. *Id.* at ¶ 17. They reported to Mr. Mondragon that they were unable to locate any information about him in their databases, and Mr. Mondragon replied that this is because he had no prior contact with law enforcement or immigration authorities. *Id.* Mr. Mondragon knew he had no criminal or immigration record and feared ICE would detain him forever because it knew nothing about him. *Id.*

After some time one agent found a record indicating that Mr. Mondragon had attended high school in California, and Mr. Mondragon confirmed that information. *Id.* Another CBP agent asked Mr. Mondragon if he wanted to accept voluntary departure. *Id.* at ¶ 18. Mr. Mondragon said no and asked to speak to an attorney. *Id.* At that point, he was taken to a cell, where he remained (without access to a telephone). *Id.*

Around 3 a.m. the following morning, a CBP officer woke Mr. Mondragon and drove him to a new facility. *Id.* at ¶ 19. Nobody told Mr. Mondragon its name or location. In this facility, Mr. Mondragon felt very cold and had only a small piece of plastic to keep warm. *Id.* The hygienic conditions were very poor. *Id.*

At the close of three days in this facility, agents removed Mr. Mondragon from his cell and drove him to another nearby facility, whose name he does not know. *Id.* at ¶ 20. He believes this facility belongs to Immigration and Customs Enforcement (ICE). *Id.*

The following day, ICE officers drove Mr. Mondragon in a van with about ten other detainees to the San Luis Regional Detention Center in Arizona. During the trip to the Arizona, the van stopped for gas. *Id.* at ¶ 22. The officers turned off the air conditioning and left the detainees for about half an hour in the van. *Id.* Mr. Mondragon and the other detainees were shackled, bound at the wrists and ankles. *Id.* Mr. Mondragon suffers from asthma and claustrophobia, and in the hot, crowded van he thought he might die. *Id.*

After approximately four hours of driving, the van reached the San Luis Regional Detention Center. *Id.* at ¶ 23. ICE detained Mr. Mondragon for approximately eight days in the San Luis Regional Detention Center. *Id.*

On August 27, ICE agents transferred Mr. Mondragon to the Adelanto Detention Facility in San Bernardino County, California. *Id.* at ¶ 24. On September 21, Mr. Mondragon received a Notice of Hearing. *Id.* On September 26, six weeks after his arrest, Mr. Mondragon had his first appearance before an immigration judge for his master calendar hearing. *Id.* at ¶ 25. During that hearing, Mr. Mondragon requested a custody determination and the judge ordered him eligible for release on a \$4500 bond. *Id.* On September 27, Mr. Mondragon's family paid the bond and ICE released him from custody. *Id.*

### **Summary of Argument**

Mr. Mondragon respectfully moves for termination of these proceedings. CBP officers violated governing regulations by detaining and arresting Mr. Mondragon without a warrant and individualized reasonable suspicion or probable cause. *See* 8 C.F.R. § 287.8(b)-(c). These regulations, which govern investigative detentions and arrests, are designed to implement the protections of the Fourth Amendment to the U.S. Constitution and to safeguard the rights of people like Mr. Mondragon. *See id.*; U.S. Const. amend. IV; *Sanchez v. Sessions*, 870 F.3d 901,

910 (9th Cir. 2017). Because these proceedings result from CBP agents' violation of governing regulations, this Court should grant Mr. Mondragon's motion to terminate. *See Matter of Garcia-Flores*, 17 I. & N. Dec. 325, 328 (BIA 1980).

## **Argument**

### **I. This Court Should Terminate These Proceedings Because CBP's Detention and Arrest of Mr. Mondragon Was Unlawful**

Mr. Mondragon requests that the Court terminate these removal proceedings because CBP arrested him in violation of governing regulations, statute, and the Fourth Amendment to the Constitution. In particular, a CBP field agent stopped and detained Mr. Mondragon without reasonable suspicion that he was a noncitizen subject to removal, in violation of 8 C.F.R. § 287.8(b)(1), (2). When the agent pulled over Mr. Mondragon's car, he knew nothing about the Mr. Mondragon but the make of his vehicle and his apparent ethnicity. *See* Exh. 1 at ¶¶ 2–7. The stop was plainly unlawful, as longstanding Ninth Circuit and Supreme Court precedent holds that, even in the context of a CBP roving patrol, agents must have reasonable suspicion based on specific, articulable facts to believe that an individual is a noncitizen subject to removal in order to make a constitutional seizure—and critically, this suspicion cannot be based on that person's Latino ethnicity.

Next, the CBP field agent arrested Mr. Mondragon without probable cause to believe he was subject to removal, in violation of 8 C.F.R. § 287.8(c)(2)(i) and the statute it implements, I.N.A. § 287(a)(2). In the time that elapsed between Mr. Mondragon's initial stop and his subsequent arrest, the CBP agent learned nothing more about him: Mr. Mondragon had no prior contact with immigration or law enforcement authorities, and as other CBP officers later told Mr. Mondragon, a search for his name in the agency's databases produced no results. *See* Exh. 1 at ¶¶ 8-14, 17.

The officer who detained and arrested Mr. Mondragon knew nothing about him but the fact that he looked Latino. *See* Exh. 1 at ¶¶ 2–7. The officer therefore had no reasonable suspicion to detain, let alone probable cause to arrest Mr. Mondragon. Because CBP agents disregarded regulatory provisions designed to safeguard Mr. Mondragon’s constitutional rights, this Court should terminate these proceedings. *See Sanchez*, 870 F.3d at 912–13.

**A. Relevant Legal Standards**

An immigration court must terminate removal proceedings when the government violates its own immigration regulation if (1) the regulation serves “a purpose of benefit to [the noncitizen]” and (2) the violation prejudiced the noncitizen’s protected “interests in such a way as to affect potentially the outcome of the[] deportation proceeding.” *Garcia–Flores*, 17 I. & N. at 328; *accord Sanchez*, 870 F.3d at 912.

The Ninth Circuit has held that the regulations at issue in this case—8 C.F.R. § 287.8(b) and (c)—were designed to benefit noncitizens by protecting their right to privacy and preventing them from being subject to racial profiling and unjust detention. *Sanchez*, 870 F.3d at 912–13. The regulations enforce statutory and constitutional constraints on agents’ authority to carry out detentions and arrests. 8 C.F.R. § 287.8 sets out the rules that “*must* be adhered to by every immigration officer involved in enforcement activities.” *Id.* (emphasis added). CBP officials may only detain an individual for questioning if they have “reasonable suspicion, based on specific articulable facts, that the person being questioned” is a noncitizen without authorization to be in the United States. 8 C.F.R. § 287.8(b)(1), (2).

Similarly, 8 C.F.R. § 287.8(c), like the statute it implements, INA § 287(a)(2), only permits CBP to make a warrantless arrest if it has “reason to believe” the person “is an alien illegally in the United States” and is likely to escape before a warrant can be obtained. 8 C.F.R.



§ 287.8(c)(2)(i)-(ii). “Reason to believe” is the constitutional equivalent of “probable cause.” *Tejeda–Mata v. Immigration & Naturalization Serv.*, 626 F.2d 721, 725 (9th Cir. 1980). *See also, e.g., United States v. Cantu*, 519 F.2d 494, 496 (7th Cir. 1975)) (“The words of the statute ‘reason to believe’ are properly taken to signify probable cause.”). Therefore, 8 C.F.R. § 287.8(b) and (c) serve “a purpose of benefit” to Mr. Mondragon: they protect his rights under the statute and under the Fourth Amendment.

“Where compliance with the regulation is mandated by the Constitution, prejudice may be presumed.” *Garcia–Flores*, 17 I. & N. at 329. This presumption of prejudice for certain regulatory violations is rooted in a long line of Supreme Court cases invalidating agency action when the agency violates a regulation promulgated to protect a fundamental right. *See, e.g., Bridges v. Wixon*, 326 U.S. 135, 152–53, 65 S. Ct. 1443, 89 L. Ed. 2103 (1945) (invalidating a deportation order based on statements obtained in violation of the INS’s rules designed “to afford [the noncitizen] due process of law”); *see also Leslie v. Holder*, 611 F.3d 171, 180 (3d Cir. 2010) (collecting cases and concluding, “For the sake of emphasis we repeat: we hold that when an agency promulgates a regulation protecting fundamental statutory or constitutional rights of parties appearing before it, the agency must comply with that regulation. Failure to comply will merit invalidation of the challenged agency action without regard to whether the alleged violation has substantially prejudiced the complaining party.”). As noted, 8 C.F.R. § 287.8 creates an “entire procedural framework” that was “designed to insure the fair processing of an action affecting an individual,” *Garcia–Flores*, 17 I. & N. at 328—here, by safeguarding that individual’s Fourth Amendment rights. *Sanchez*, 870 F.3d at 912–13. Therefore, CBP’s violation of these regulations “can be deemed prejudicial.” *See Garcia–Flores*, 17 I. & N. at 329.

***B. CBP Detained Mr. Mondragon Without Reasonable Suspicion to Believe He Was a Noncitizen Subject to Removal***

This Court should terminate Mr. Mondragon’s removal proceedings because CBP detained him in violation of 8 C.F.R. §§ 287.8(b)(1)–(2). As described above, the regulations governing enforcement operations make clear that CBP officials may only stop and detain an individual for questioning if they have “reasonable suspicion, based on specific articulable facts, that the person being questioned” is a noncitizen without authorization to be in the United States. 8 C.F.R. § 287.8(b)(1). Absent such suspicion, an official may only question an individual so long as that person knows that he or she is free to leave. *See Enhancing the Enforcement Authority of Immigration Officers*, 59 FR 42406, 42411, 59 FR 42406-01, 42411; *see also* 59 Fed. Reg. 42406, 42411 (Aug. 17, 1994) (“[Q]uestioning must not lead the person being questioned to believe that he or she is not free to leave the presence of the officer.”); *I.N.S. v. Delgado*, 466 U.S. 210, 104 S. Ct. 1758, 80 L. Ed. 2d 247 (1984). These regulations track and implement the protections of the Fourth Amendment, *see Sanchez*, 870 F.3d at 912–13, and therefore case law defining a reasonable seizure for constitutional purposes provides the appropriate standard. *See, e.g., United States v. Manzo–Jurado*, 457 F.3d 928, 936 (9th Cir. 2006) (finding Fourth Amendment violation in immigration context because detention lacked “particularized suspicion of the person to be stopped”).

The Fourth Amendment, which safeguards against unreasonable searches and seizures, “applies to all seizures of the person, including seizures that involve only a brief detention short of traditional arrest.” *United States v. Brignoni–Ponce*, 422 U.S. 873, 878 (1975); *see also Terry v. Ohio*, 392 U.S. 1, 88 S. Ct. 1868, 20 L. Ed. 2d 889 (1968). A law enforcement officer may only make an investigatory stop if he has “a reasonable suspicion supported by articulable facts” that the person detained has engaged in unlawful conduct. *United States v. Montero–Camargo*,

208 F.3d 1122, 1129 (9th Cir. 2000) (en banc) (quoting *United States v. Sokolow*, 490 U.S. 1, 7, 109 S. Ct. 1581, 104 L. Ed. 2d 1 (1989)). The reasonable suspicion analysis is “not readily, or even usefully, reduced to a neat set of legal rules.” *Id.* (quotation marks omitted). Rather, courts consider the totality of the circumstances to determine whether the officer was “aware of specific, articulable facts which, when considered with objective and reasonable inferences, form[ed] a basis for *particularized* suspicion.” *Id.* (emphasis in original).

Race and ethnicity are not factors that provide reasonable suspicion to stop and detain a person. “Hispanic-looking appearance and presence in an area where [noncitizens without status] frequently travel are not enough to justify a stop to interrogate the occupants of a vehicle. More is required.” *Nicacio v. U.S. I.N.S.*, 797 F.2d 700, 703 (9th Cir. 1985), *overruled in part on other grounds by Hodggers–Durgin v. de la Vina*, 199 F.3d 1037, 1045 (9th Cir.1999) (en banc); *see also Sanchez*, 870 F.3d at 910 (it is “clearly established” that “seizing a person solely based on ethnic appearance” is unlawful); *Manzo–Jurado*, 457 F.3d at 935 (individuals’ appearance as a Hispanic work crew, inability to speak English, proximity to the border, and unsuspecting behavior, taken together, did not provide a federal immigration officer reasonable suspicion to conduct a stop); *Orhorhaghe v. I.N.S.*, 38 F.3d 488, 494 (9th Cir. 1994) (“[A]llowing INS agents to seize and interrogate an individual simply because of his foreign-sounding name *or* his foreign-looking appearance risks allowing race or national-origin to determine who will and who will not be investigated.”).

CBP detained Mr. Mondragon while he was driving a Nissan Altima along a well-trafficked stretch of highway near several metropolitan areas in the middle of the afternoon. Exh. 1 at ¶¶ 2–11. He did not feel free to leave, nor was he. *Delaware v. Prouse*, 440 U.S. 648, 653, 99 S. Ct. 1391, 59 L. Ed. 2d 660 (1979) (“[S]topping an automobile and detaining its occupants

constitute[s] a ‘seizure’ within the meaning of [the Fourth Amendment].”); Exh. 1 at ¶ 7. The CBP officer who pulled over Mr. Mondragon knew nothing about him other than the car he was driving and that he appeared to be of Latino ethnicity. *See* Exh. 1 at ¶¶ 2–7. This was insufficient to provide reasonable suspicion that Mr. Mondragon was a noncitizen subject to removal, 8 C.F.R. § 287.8(b)(1). CBP’s conduct was contrary to governing regulations, statute, and the Fourth Amendment.

Because these regulations serve to protect individuals like Mr. Mondragon and are part of a regulatory scheme designed to implement constitutional requirements, *see Sanchez*, 870 F.3d at 912–13, the CBP agent’s violation is presumptively prejudicial. *Garcia–Flores*, 17 I. & N. at 329. Even if Mr. Mondragon were required to show prejudice, he could do so easily: he would not have pulled over and spoken with the CBP officer had he not been seized. *See* Exh. 1 at ¶¶ 2–7. This Court should terminate Mr. Mondragon’s removal proceedings on the basis of these violations.

***C. CBP Arrested Mr. Mondragon Without Probable Cause to Believe He Was a Noncitizen Subject to Removal***

This Court should also terminate Mr. Mondragon’s proceedings for the additional reason that CBP arrested him without probable cause to believe he was a noncitizen subject to removal. 8 C.F.R. § 287.8(c)(2) mandates that “[a]n arrest shall be made only when the designated immigration officer has reason to believe that the person to be arrested has committed an offense against the United States or is an alien illegally in the United States.” *Id.* As explained above, the substantive standard articulated in this provision is equivalent to the constitutional requirement of probable cause. *Tejeda–Mata*, 626 F.2d at 725. Probable cause exists when “the facts and circumstances within [an officer’s] knowledge and of which [he has] reasonably trustworthy information [a]re sufficient to warrant a prudent man in believing that [the arrestee] has

committed or was committing an offense.” *Beck v. State of Ohio*, 379 U.S. 89, 91, 85 S. Ct. 223, 13 L. Ed. 2d 142 (1964). Although “[c]onclusive evidence of guilt is not necessary to establish probable cause,” “[m]ere suspicion, common rumor, or even strong reason to suspect are not enough.” *McKenzie v. Lamb*, 738 F.2d 1005, 1008 (9th Cir. 1984) (citing *Henry v. United States*, 361 U.S. 98, 101 (1959)). Critically, the facts an officer relies on to justify arrest must be “particularized with respect to that person.” *Ybarra v. Illinois*, 444 U.S. 85, 91, 100 S. Ct. 338, 62 L. Ed. 2d 238 (1979).

The CBP officer who arrested Mr. Mondragon learned no facts about him that would give rise to probable cause that Mr. Mondragon was a noncitizen subject to removal in the time between when he stopped Mr. Mondragon and when he made the arrest. *See* Exh. 1 at ¶¶ 8–13. In response to the officer’s questioning, Mr. Mondragon provided his name and date of birth, told the officer he was licensed to drive, granted access to his vehicle, consented to a pat-down, and informed the officer that he had no weapons. *Id.* None of this suggests criminality or lack of immigration status. Further, Mr. Mondragon had no prior contact with immigration authorities or law enforcement, and therefore (as a different CBP officer later confirmed) an electronic search for records would have yielded no results, to the extent the officer performed an electronic search in the field.

After all this, and although the officer’s inquiries revealed no new information other than Mr. Mondragon’s name, the CBP agent placed Mr. Mondragon under arrest for being present in the country without authorization. *Id.* As noted above, Mr. Mondragon’s name and apparent Latino ethnicity do not give rise to probable cause. *Orhorhaghe*, 38 F.3d at 494. Although it is unclear whether the CBP agent performed any electronic search of Mr. Mondragon’s name in any DHS databases during the traffic stop, if he had, the fact that a search for Mr. Mondragon’s

name yielded no records in the CBP agent’s databases does not support a finding of probable cause. *Id.* (finding that lack of records in the INS database did not “provide a rational basis for believing that [the individual] was an illegal alien rather than a legal alien or a United States citizen”). The Department of Homeland Security itself admits, as federal courts have concluded, that a lack of records in a DHS database, even when combined with evidence of foreign place of birth, is not probable cause of removability. *Roy v. Cty. of Los Angeles*, 114 F. Supp. 3d 1030 (C.D. Cal. 2015), CV 12-09012-AB (FFMx), Dkt. 346 at 34, Order on Summary Judgment (Feb. 7, 2018 C.D. Cal.) (holding ICE violated the Fourth Amendment when it issued detainers requesting arrest based on nothing more than evidence of foreign place of birth and no records in a DHS database). The information the CBP officer knew about Mr. Mondragon was insufficient “to warrant a prudent man in believing that [Mr. Mondragon] has committed or was committing an offense,” *Beck*, 379 U.S. at 91. Indeed, all the officer knew was his name and his ethnicity. *See* Exh. 1 at ¶¶ 2–17. The officer patently lacked probable cause to make an arrest.

The CBP officer who arrested Mr. Mondragon did so in violation of a regulation designed to safeguard his constitutional rights. *See Sanchez*, 870 F.3d at 912–13; *Garcia–Flores*, 17 I. & N. at 329. This Court may presume, then, that CBP’s violation was prejudicial. *Garcia–Flores*, 17 I. & N. at 329. Even if Mr. Mondragon were required to demonstrate prejudice, he could do so easily: he would not have been detained by CBP and ICE, nor placed in these proceedings, had he not been under arrest. *See* Exh. 1 at ¶¶ 3–17. The proper remedy is termination.

**II. Relief Requested**

Mr. Mondragon respectfully requests that the Court terminate these proceedings because CBP violated governing regulations in the course of his detention and arrest.

Dated: April 5, 2018

Respectfully submitted,

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