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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

<p>ENRIQUE UROZA,</p> <p>Plaintiff,</p> <p>v.</p> <p>SALT LAKE COUNTY; SHERIFF JAMES WINDER; THE UNITED STATES OF AMERICA; JANET NAPOLITANO, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY (“DHS”); JOHN MORTON, DIRECTOR OF U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”); STEVEN M. BRANCH, DIRECTOR OF THE ICE SALT LAKE CITY FIELD OFFICE; MARSHALL MATHIS, ICE ENFORCEMENT AGENT IN THE SALT LAKE CITY FIELD OFFICE; and JOHN DOES 1-100,</p> <p>Defendants.</p>	<p><b>FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND MONETARY DAMAGES</b></p> <p><b>(Jury trial demanded)</b></p> <p>Case No. 2:11cv713 DAK</p>
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## **PRELIMINARY STATEMENT**

1. This case involves the unlawful and prolonged imprisonment by local law enforcement of a 22-year-old college student. Defendants Salt Lake County and Sheriff James Winder (collectively, “County Defendants”) imprisoned Plaintiff Enrique Uroza for well over a month after he posted the court-ordered bail that should have secured his release. County Defendants illegally detained Mr. Uroza under a policy and practice of refusing to release certain individuals—even if they have posted bail—until the federal government takes custody of them to investigate those individuals’ immigration status. County Defendants indefinitely detain these individuals even if ICE has not requested that County Defendants detain them and even when ICE makes a request that has expired by its own terms.

2. By detaining Mr. Uroza and others like him under this policy and practice, County Defendants not only violated the United States and Utah State Constitutions, but they also expended significant, scarce law enforcement resources in a misguided attempt to enforce federal immigration law. County Defendants’ illegal and wasteful conduct has caused, and if not addressed will continue to cause, substantial harm to Utah residents.

3. Defendants Secretary Napolitano, Director Morton, Director Branch, and Agent Mathis, among others, make and enforce ICE policies and practices (“ICE Defendants”). Through their policies and practices, ICE Defendants are liable for the unlawful detention of Mr. Uroza. Moreover, ICE Defendants agreed and acted in concert with County Defendants to imprison Mr. Uroza and other individuals in violation of their constitutional rights.

4. Mr. Uroza thus brings *Bivens*, conspiracy and declaratory judgment claims against the ICE Defendants. These federal officials left Mr. Uroza to languish in a county jail for over a month after Mr. Uroza had posted bond on his state charges and should have been free to go.

5. Mr. Uroza also brings a claim of false imprisonment against the United States, because agents of the United States intentionally caused the unlawful confinement of Mr. Uroza against his will.

6. In June 2011, Mr. Uroza, a rising sophomore at Weber State University, appeared in Utah State Court to face criminal allegations. The State Court set bail and remanded Mr. Uroza to the Salt Lake County Metro Jail (“SLC Metro”) for processing. Mr. Uroza’s attorney immediately contacted Mr. Uroza’s family and advised them to post bail as soon as possible. Mr. Uroza’s mother immediately set out to put together the money necessary to obtain a bail bond.

7. Mr. Uroza was booked into custody at SLC Metro at 2:34 p.m. on June 13. His bail bond was posted approximately 10 minutes later, at 2:44 p.m. on June 13. Despite the State Court’s bail order, and despite the timely posting of Mr. Uroza’s bail, County Defendants refused to release and unlawfully imprisoned Mr. Uroza for an additional 39 days, until approximately 3:30 p.m. on July 22, 2011.

8. County Defendants unlawfully imprisoned Mr. Uroza based on its policies, practices, or customs under which they indefinitely detain certain individuals (the “Indefinite Detention Policy”). ICE Defendants agreed to and acted in concert with County Defendants in the adoption and execution of the Indefinite Detention Policy.

9. Mr. Uroza herein challenges the policies, practices, or customs pursuant to which he and other Utah residents have been or are being unlawfully imprisoned by Defendants in violation of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections 7, 8, and 14 of the Utah State Constitution.

10. To vindicate his and others' fundamental constitutional rights, Mr. Uroza seeks a declaratory judgment that Defendants' policies, practices, and customs described herein are unconstitutional.

11. Mr. Uroza further seeks monetary compensation for Defendants' unconstitutional and tortious violations of his right to liberty.

#### **JURISDICTION AND VENUE**

12. This action arises under the Constitution and laws of the United States, including 42 U.S.C. § 1983, and the Constitution of the State of Utah. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343, and 1367.

13. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. §§ 2201 and 2202, and Rule 57 of the Federal Rules of Civil Procedure.

14. Mr. Uroza has complied with the jurisdictional prerequisites for his claim against the United States under the Federal Tort Claim Act. Pursuant to 28 U.S.C. § 2675, Mr. Uroza presented his administrative claim to the DHS on September 13, 2011. DHS denied Mr. Uroza's claim on March 20, 2012.

15. Venue is proper in the District of Utah pursuant to 28 U.S.C. § 1391(b). Mr. Uroza and several Defendants reside within the District of Utah, and a substantial part of the events described in this First Amended Complaint occurred in the District of Utah.

## **PARTIES**

16. Plaintiff Enrique Uroza is an adult resident of the State of Utah.

17. Defendant Salt Lake County is a political subdivision of the State of Utah that can sue and be sued in its own name. On information and belief, Defendant Salt Lake County includes, operates, governs, and is responsible for the Salt Lake County Sheriff's Department pursuant to the laws of the State of Utah and Salt Lake County.

18. Defendant James Winder is an adult resident of the State of Utah. He is the elected sheriff of Salt Lake County. Defendant Winder is responsible for formulating, setting, implementing, and enforcing the rules, regulations, policies, practices, and customs at SLC Metro, including those pertaining to the processing of bail payments and timely release of inmates. He has supervisory control and authority over Defendants John Doe 1-50. At all relevant times, Defendant Winder was acting or failing to act under color of law. He is sued in his official capacity.

19. Defendants John Doe 1-50 are adult residents of the State of Utah. Defendants John Doe 1-50 are agents, employees, or otherwise representatives of Defendants Salt Lake County, Winder, or SLC Metro. They are responsible for formulating, setting, implementing, and enforcing the rules, regulations, policies, practices, and customs at SLC Metro, including those pertaining to the processing of bail payments and timely release of inmates. On information and belief, Mr. Uroza alleges that Defendants John Doe 1-50 were and are legally responsible for the wrongs committed against Mr. Uroza, as alleged herein.

20. The true, full and correct names of Defendants John Doe 1-50 are currently unknown to Mr. Uroza. Once the true, full and correct names of Defendants John Doe 1-50 are made known to Mr. Uroza, he will seek leave of court to amend this Complaint.

21. Defendant Janet Napolitano is the Secretary of the DHS, which houses the office of ICE and ICE's division of Enforcement and Removal Operations, the entities which issue Form I-247 immigration detainers to federal, state and local law enforcement. Defendant Napolitano is ultimately responsible for how immigration regulations are applied and the approval of the use of the standard Form I-247 detainer form, under which authority Mr. Uroza was detained.

22. Defendant John Morton is the Director of ICE. As part of Defendant Morton's responsibilities, he establishes immigration detainer policy for ICE and its subdivisions, including the application of the detainer regulations and approval of the use of the standard Form I-247 under which authority Mr. Uroza was detained.

23. Defendant Steven M. Branch is the Field Office Director of the Salt Lake City Field Office for the ICE Office of Detention and Removal Operations. On information and belief, he is responsible for formulating and implementing policies applicable to the ICE Salt Lake City Field Office's issuance of "hold requests" to County Defendants. On information and belief, Defendant Branch is also responsible for training and supervising his staff regarding ICE "hold requests." On information and belief, Defendant Branch is responsible for formulating and implementing policies applicable to the ICE Salt Lake City Field Office's payment to County Defendants for imprisoning individuals subject to ICE "hold requests." At all times relevant to

this Complaint, Defendant Branch acted or failed to act under color of federal law. Defendant Branch is sued in his individual capacity.

24. Defendant John Doe 51 is the ICE Enforcement Agent who issued the I-247 “hold request” to County Defendants to detain Mr. Uroza. At all times relevant to this Complaint, Defendant John Doe 51 acted or failed to act under color of federal law. This Defendant is sued in his individual capacity.

25. Defendants Mathis and John Doe 52 are the ICE Enforcement Agents who acquired custody of Mr. Uroza from SLC Metro. At all times relevant to this Complaint, Defendants Mathis and John Doe 52 acted or failed to act under color of federal law. Defendants Mathis and John Doe 52 are sued in their individual capacity.

26. Defendants John Does 53-100 are agents, employees, or otherwise representatives of ICE. They are responsible for formulating, setting, implementing, and enforcing the rules, regulations, policies, practices, and customs with respect to “hold requests” issued to SLC Metro. On information and belief, Mr. Uroza alleges that Defendants John Doe 53-100 were and are legally responsible for the wrongs committed against Mr. Uroza, as alleged herein.

27. The true, full and correct names of Defendants John Doe 53-100 are currently unknown to Mr. Uroza. Once the true, full and correct names of Defendants John Doe 53-100 are made known to Mr. Uroza, he will seek leave of court to amend this Complaint.

## **FACTUAL ALLEGATIONS**

### **ICE “Hold Requests” Generally**

28. ICE enforces the immigration laws of the United States. When ICE investigates whether to initiate removal proceedings against a noncitizen or suspected noncitizen who is held

in the custody of a state or local law enforcement agency, ICE commonly issues Immigration Detainers, or “hold requests,” citing as authority 8 C.F.R. § 287.7.

29. ICE issues “hold requests” on ICE Form I-247. The form requests that local law enforcement “[m]aintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject.” ICE acknowledges that Form I-247 “hold requests” are, indeed, “requests” rather than “orders.”

30. A “hold request” is generally issued at the beginning of ICE’s investigation into the immigration status of the individual against whom the “hold request” is lodged. “Hold requests” are not based on a probable cause determination and are not arrest warrants. Indeed, far from proclaiming probable cause, Form I-247 “hold requests” may be issued merely because ICE has “[i]nitiating an investigation to determine whether this person is subject to removal from the United States.”

31. “Hold requests” are not subject to review by a neutral judge or magistrate prior to issuance, nor are they subject to the same procedural and substantive requirements and safeguards to which ordinary criminal detainees are subject.

32. “Hold requests” are commonly issued even where the potential violations of federal immigration laws are civil, not criminal, in nature.

### **County Defendants’ Indefinite Detention Policy**

33. County Defendants have voluntarily developed and adopted a policy, practice, or custom of indefinitely detaining certain inmates who are otherwise entitled to be released, even those who, like Mr. Uroza, posted or attempted to post court-ordered bail. County Defendants



carry out this policy, practice or custom against detainees whether or not ICE has issued a “hold request” for the detainee, and even if the “hold request” on the detainee has expired.

34. At all times relevant to Mr. Uroza’s case, County Defendants maintained a written policy regarding booking into SLC Metro that read substantially as follows:

### **SB 81 PROCEDURE**

. . .

**Booking** –If is [sic] being booked for a DUI, F1, F2, or F3 and they state they were born outside of this country during the booking process ask if they are here in the United States legally. If they do not reply or state no, they will be held without bail until legal or illegal status can be verified or ICE has an opportunity to interview them and place a detainer. If they state they are here legally verify their status with some type of documentation, i.e., Social Security Number, passport, green card, work visa or state issued ID. If some type of identification cannot be verified they will be treated the same as an illegal and be held as a no bail. (Emphasis added.)

35. County Defendants’ written policy also contains the following statements purporting to allow SLC Metro officers or employees to override State Court bail determinations or otherwise to determine bail ineligibility: “At the time of bail set on a Felony charge bail will not be set until the reasonable amount of time (48 hours) has passed. If ICE has placed a detainer before the bail set has been done, then bail can be set”; “They will be held without bail for a reasonable amount of time for ICE/Homeland Security to place a detainer. On the charge description line \*bail set after 48 hours\*”; and “The on-duty supervisor will be responsible to fax all immigration no bails to ICE and turn them over to an ICE agent when they are inside the jail.” (Emphases added.)

36. This written policy is not, and could not constitutionally be, authorized by federal law or by ICE regulations.

37. This written policy is also not, and could not constitutionally be, authorized by

state law.

38. On information and belief, County Defendants purport to rely on Utah's Senate Bill 81, "Illegal Immigration" (2008) ("SB 81"), codified at Utah Code Annotated section 17-22-9.5 as the basis for their policy. Specifically, County Defendants appear to rely on the following provisions: First, that "the sheriff shall make a reasonable effort to determine the citizenship status of a person charged with a felony or driving under the influence under Section 41-6a-502 when the person is confined to the county jail for a period of time." Utah Code Ann. § 17-22-9.5(1) (emphasis added). Second, that, "[i]f the sheriff cannot verify the confined person's lawful status from documents in the person's possession, the sheriff shall attempt to verify that status within 48 hours of the person's confinement at the jail through contacting: (i) the Law Enforcement Support Center of the United States Department of Homeland Security; or (ii) an office or agency designated for citizenship status verification by the United States Department of Homeland Security." Utah Code Ann. § 17-22-9.5(3) (emphasis added).

39. These provision of SB 81 are likely unconstitutional, but even assuming they are valid, County Defendants' written policy goes beyond what SB 81 purports to authorize. Nowhere in the language of SB 81 are County Defendants authorized, nor could they constitutionally be authorized, to imprison inmates for longer than the "period of time" that the inmates are lawfully "confined to the county jail" for County Defendants to engage in the stated "reasonable effort[s] to determine the citizenship status." Similarly, nowhere in the language of SB 81 are Defendants authorized, nor could they constitutionally be authorized, to imprison inmates for longer than the "period of time" that the inmates are lawfully "confined to the county jail" in order for Defendants to "verify . . . status" by contacting DHS or any other federal

agency.

40. In a telephone conversation with SLC Metro Jail Commander Rollin Cook, and by e-mail message to Mr. Cook subsequent to that conversation, both on February 17, 2011, the American Civil Liberties Union of Utah Foundation, Inc. (“ACLU of Utah”) advised Defendants that the ACLU of Utah had received several complaints about County Defendant’s unlawful imprisonment of individuals who were otherwise entitled to be released. The ACLU of Utah explained why the practice, policy or custom is unconstitutional and advised Defendants that they could be subject to legal liability if the policy continued.

41. County Defendants nonetheless continued to enforce their policy. In particular, even after these warnings, County Defendants imprisoned Mr. Uroza for over 24 hours after he posted bail before ICE issued its “hold request” against him.

42. By letter dated July 7, 2011, the ACLU of Utah again advised County Defendants that their policy was unconstitutional and requested, pursuant to the Utah Government Records Access and Management Act, Utah Code Ann. 63G-2-101 *et seq.* (“GRAMA”), County Defendants’ written policies, procedures, rules, guidelines and other records pertaining to those holds.<sup>1</sup>

43. In addition to their written policy allowing detention after bail is posted prior to an ICE “hold request,” County Defendants have also developed and adopted a policy, practice,

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<sup>1</sup> Apparently, a deputy of Sheriff Winder issued a vaguely worded order to SLC Metro personnel that could be interpreted as an order to temporarily refrain from holding individuals while ICE decided whether to issue a detainer against them. This order has an effective date of July 13, 2011. This order, however, did not rescind the written policy described herein and it is unclear what, if any effect, it has had on County Defendants’ practices. For example, Mr. Uroza, despite posting bail, was held for 9 days after this order purportedly went into effect.

or custom of holding individuals who are named on Form I-247 “hold requests” received from ICE.

44. On information and belief, County Defendants regularly detain inmates in jail on ICE “hold requests” after their authority to do so under state or local law has expired. This includes situations where, for example, the prosecutor has withdrawn all pending criminal charges, the inmate has posted or attempted to post court-ordered bail (as in Mr. Uroza’s case), or the criminal court has ordered the inmate released (also as in Mr. Uroza’s case).

45. On information and belief, County Defendants have also developed and adopted a policy, practice, or custom of holding indefinitely those inmates on whom ICE had placed a “hold request,” but whom ICE did not pick up within the 48-hour “hold” period, such that ICE’s “hold requests” had expired by their own terms.

46. County Defendants publicly relied on this policy, practice, or custom when they failed or refused to release Mr. Uroza for 36 days after ICE’s “hold request” on Mr. Uroza expired by its own terms.

47. On information and belief, County Defendants also routinely detain other individuals subject to ICE “hold requests” long after those requests expired.

48. These policies, practices and customs make up an overall policy, practice, and custom of County Defendants indefinitely detaining individuals in a manner that is patently unreasonable and wholly lacking in due process.

49. County Defendants’ policies, practices and customs unconstitutional under the Fourth, Fifth, and Fourteen Amendments to the United States Constitution and article I, sections 7 and 14 of the Utah State Constitution.

50. Where the inmates have posted or attempted to post court-ordered bail, County Defendants' Indefinite Detention Policy also results in unconstitutional denials of bail under article I, section 8 of the Utah State Constitution. In this case, Mr. Uroza posted bail.

51. On information and belief, with approval from Defendant Branch, ICE agents from ICE's Salt Lake City Regional Field Office routinely issued "hold requests" against individuals who were entitled to be released while those individuals were nonetheless imprisoned at SLC Metro and regularly took custody of individuals detained by County Defendants long after ICE's "hold request" had expired, as Defendants John Doe 51, Mathis and John Doe 52 did with Mr. Uroza in this case.

**County Defendants' Unconstitutional Detention of Mr. Uroza**

52. On Monday, June 13, 2011, Mr. Uroza appeared in Utah State Court to face criminal allegations. The court set bail and remanded Mr. Uroza to SLC Metro for processing.

53. Mr. Uroza was booked into custody at SLC Metro at 2:34 p.m. on June 13. He posted bail 10 minutes later, at 2:44 p.m. on June 13.

54. When Mr. Uroza posted his bail, no lawful process (such as an arrest warrant) had been issued against Mr. Uroza that would have justified his continued detention. It was thus County Defendants' duty to release Mr. Uroza immediately after bail was posted.

55. Pursuant to County Defendants' written policy, County Defendants nevertheless failed or refused to release Mr. Uroza from custody. Defendants thus deprived Mr. Uroza of his liberty, without lawful authority, beginning at 2:44 p.m. on June 13.

56. On information and belief, the following day, Tuesday, June 14, 2011, over 24 hours after County Defendants should have released Mr. Uroza, Defendant John Doe 51 made

contact with Mr. Uroza in SLC Metro and then issued a “hold request” against Mr. Uroza at about 6:08 p.m.

57. On information and belief, this “hold request” came on Form I-247, which requested that SLC Metro, “Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject.”

58. On information and belief, the Form I-247 submitted by Defendant John Doe 51 stated as its grounds for requesting that SLC Metro continue to detain Mr. Uroza despite him posting bail that ICE had “[i]nitiating an investigation to determine whether this person is subject to removal from the United States.”

59. After receiving ICE’s “hold request,” County Defendants continued to imprison Mr. Uroza.

60. On information and belief, ICE’s “hold request” against Mr. Uroza expired, on its own terms, by no later than 6:08 p.m. on Thursday, June 16, 2011, 48 hours after it was lodged. At that time, it remained County Defendants’ duty to release Mr. Uroza immediately.

61. Nonetheless, however, County Defendants again failed or refused to release Mr. Uroza from custody, depriving him of his liberty without lawful authority, for 36 additional days.

62. Because his continued detention was illegal, Mr. Uroza moved the State Court presiding over his criminal case to order County Defendants to release him.

63. On July 21, 2011, five weeks after Mr. Uroza posted bail, the State Court heard Mr. Uroza’s motion. At that time, the State Court ordered County Defendants to release Mr. Uroza from custody immediately. The order stated: “IT IS HEREBY ORDERED that Mr.

Enrique Uroza, the defendant in the above entitled action, is to be immediately released from the Salt Lake County Jail.” See July 21, 2011, Order, *State v. Uroza*, No. 101401992.

64. At that point—now pursuant to a clear court order, as well as the United States and Utah State Constitutions—it was again County Defendants’ duty to release Mr. Uroza immediately.

65. Nonetheless, County Defendants continued to imprison Mr. Uroza in SLC Metro.

66. In attempting to justify County Defendants’ continued refusal to release Mr. Uroza after the July 21 State Court Order, Defendant Winder advised the press that he would “continue to hold the inmate . . . until a federal judge orders his release or [ICE] removes the detainer it has placed on him.”

67. Defendant Winder also advised the press that he believed that he was complying with ICE policy and practice by continuing to hold Mr. Uroza after the “hold request” expired.

68. Mr. Uroza was finally released from County Defendants’ custody at approximately 3:30 p.m. on July 22, 2011, 39 days after he posted bail.

69. County Defendants released Mr. Uroza to the custody of Defendants Mathis and John Doe 52, who transported him to an ICE facility.

70. Throughout his unlawful detention by County Defendants, Mr. Uroza, by and through his court-appointed attorney in the State criminal case and through the ACLU of Utah, repeatedly protested to County Defendants and others that he was entitled to be released.

71. County Defendants failed or refused to respond substantively to any of those complaints. Indeed, even after a State Court ordered Mr. Uroza’s immediate release based on Mr. Uroza’s claim that he was being unconstitutionally detained, County Defendants still failed

or refused to release him, stating instead that they would hold him indefinitely until ICE picked him up.

### **ICE Defendants' Role In Mr. Uroza's Unconstitutional Detention**

72. On Tuesday, June 14, Defendant John Doe 51 issued a Form I-247 "hold request" to SLC Metro, requesting that SLC Metro detain Mr. Uroza for 48 hours. This "hold request" came over 24 hours after Mr. Uroza had posted bail and should have been released.

73. On information and belief, the stated justification for this "hold request" on Mr. Uroza was that ICE had initiated an investigation into whether Mr. Uroza was removable from the United States.

74. The policy and practice of requesting local law enforcement agencies like County Defendants to imprison individuals so that ICE can simply investigate an individual's immigration status violates the Fourth and Fifth Amendments of the United States Constitution.

75. By approving the use of Form I-247, Defendants Napolitano, Morton and Branch had a direct role in the violations of Mr. Uroza's rights alleged herein. Specifically, on its face, Form I-247 allows ICE agents to request that local law enforcement agents imprison people without stating probable cause for such a detention. In fact, one stated ground for a "hold request" on Form I-247 is that ICE is investigating whether an individual may be removed from the United States. On information and belief, it was on this ground that the "hold request" on Mr. Uroza was issued.

76. It was easily foreseeable that approving "hold requests" that do not require probable cause will lead to constitutional deprivations like those alleged herein. With knowledge



of or in deliberate indifference to such likely deprivations, Defendants Napolitano, Morton and Branch approved the use of Form I-247.

77. On Thursday, June 16, Defendant John Doe 51 failed to go to the SLC Metro to acquire custody of Mr. Uroza.

78. On information and belief, Defendants Branch and John Doe 51 knew or should have known that County Defendants routinely kept individuals in jail even if the ICE “hold request” for that individual had expired.

79. On information and belief, Defendants Branch and John Doe 51 knew or should have known that County Defendants would continue to imprison Mr. Uroza at SLC Metro even after ICE’s “hold request” against him expired on June 16.

80. On July 22, Defendants Mathis and John Doe 52 went to SLC Metro to pick up Mr. Uroza and take him into ICE custody.

81. At the time Defendants Mathis and John Doe 52 obtained custody of Mr. Uroza, they were aware or should have been aware that ICE’s “hold request” against Mr. Uroza of June 14 had long expired.

82. On information and belief, at the time they obtained custody of Mr. Uroza, Defendants Mathis and John Doe 52 knew or should have known that Mr. Uroza had posted bail and that the State Court had ordered that he be set free.

83. After obtaining custody of Mr. Uroza from SLC Metro, Defendants Mathis and John Doe 52 transported Mr. Uroza to an ICE detention facility in Spanish Fork, Utah.

84. Mr. Uroza was held at the detention facility on July 22, 23 and 24. During the period of that detention, Mr. Uroza was not given a hearing or the opportunity to post bail.

85. On July 25, ICE agents transported Mr. Uroza to Salt Lake City for a hearing before ICE Agent Jesus Padilla.

86. On the form he created in connection with that hearing, Agent Padilla noted that the State Court had not only ordered that Mr. Uroza be released, but had also ordered from the bench that ICE was not to hold Mr. Uroza on his release.

87. At the hearing, Agent Padilla deemed Mr. Uroza eligible for bail, which was set and later lowered to only \$2,500. Mr. Uroza and his family were able to raise and post the bail with ICE on July 28, 2011.

88. Mr. Uroza is no longer in custody.

### **Conspiracy**

89. Defendants Branch, Mathis, John Doe 51 and John Doe 52 agreed and acted in concert with County Defendants to deprive Mr. Uroza of his constitutional rights. This agreement and concerted action is reflected in several facts. The following is a non-exhaustive list of those facts.

90. First, Defendant John Doe 51 issued a Form I-247 requesting that County Defendants imprison Mr. Uroza at SLC Metro, even after Mr. Uroza had posted bail and should have been set free.

91. Under its own policies, practices and customs, and in agreement with Defendant John Doe 51's request, County Defendants continued to imprison Mr. Uroza despite his posting bail.

92. Further, on information and belief, with Defendant Branch's approval, ICE agents from the ICE Salt Lake City Field Office routinely issue ICE "hold requests" on individuals who

should be free to go (like Mr. Uroza) and also routinely take into ICE custody individuals who were being held on expired ICE “hold requests” (like Mr. Uroza). By approving and conducting these activities, Defendant Branch has agreed to help County Defendants carry out their Indefinite Detention Policy against individuals like Mr. Uroza.

93. By agreeing to take custody of Mr. Uroza from SLC Metro on July 22, Defendants Mathis and John Doe 52 agreed to assist County Defendants in carrying out their unconstitutional Indefinite Detention Policy.

94. Finally, in defending his refusal to follow the State Court order to release Mr. Uroza, Defendant Winder has publicly asserted that he understood that ICE wanted him to continue holding Mr. Uroza, indicating an agreement between County Defendants and Defendants Branch, Mathis and John Doe 52 on the practice of detaining individuals with expired ICE “hold requests.”

#### **United States’ Tort Liability**

95. At all times relevant to this complaint, ICE Defendants were acting as agents for the United States of America.

96. By taking the actions described herein, ICE Defendants caused Mr. Uroza to be unlawfully confined against his will, causing him damage.

#### **FIRST CLAIM FOR RELIEF (For Damages Against Salt Lake County) (42 U.S.C. § 1983; County Defendants’ Detention Mr. Uroza Violated His Rights Under the Fourth, Fifth, and Fourteenth Amendments)**

97. The foregoing allegations are incorporated by reference.

98. On June 13, Mr. Uroza posted bond on his State Court charges and should have been released from SLC Metro. Instead of releasing him, County Defendants continued to

imprison Mr. Uroza for the next 39 days in reliance on and execution of the policies, practices and customs described herein.

99. County Defendants' continued and prolonged imprisonment of Mr. Uroza deprived him of his liberty in violation of his Fourth Amendment right to be free of unreasonable seizure.

100. County Defendants' continued and prolonged imprisonment of Mr. Uroza also deprived him of his liberty in violation of his Fifth and Fourteenth Amendment rights to due process.

101. County Defendants' policies, practices and procedures as described herein were the direct and proximate cause of Mr. Uroza's injuries and the violations of his constitutional rights.

102. As a direct and proximate cause of Defendant Salt Lake County's violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. § 1988, and any other relief the Court deems just and proper.

**SECOND CLAIM FOR RELIEF  
(For Damages Against Salt Lake County)  
(County Defendants' Detention of Mr. Uroza Violated His Rights Under Article I, Section 8  
of the Utah State Constitution)**

103. The foregoing allegations are incorporated by reference.

104. On June 13, Mr. Uroza posted bond on his State Court charges and should have been released from SLC Metro. Instead of releasing him, County Defendants continued to imprison Mr. Uroza for the next 39 days in reliance on and execution of the policies, practices and customs described herein.

105. County Defendants' continued and prolonged imprisonment of Mr. Uroza violated his right to bail under Article I, Section 8 of the Utah State Constitution.

106. County Defendants' policies, practices and customs as described herein were the direct and proximate cause of Mr. Uroza's injuries and the violation of his constitutional right.

107. As a direct and proximate cause of Defendant Salt Lake County's violation of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorneys fees, and any other relief the Court deems just and proper.

**THIRD CLAIM FOR RELIEF**  
**(For Declaratory Judgment Against County Defendants)**  
**(County Defendants' Policies, Practices and Customs Violate the United States and Utah**  
**Constitutions)**

108. The foregoing allegations are incorporated by reference.

109. Mr. Uroza is entitled to a declaratory judgment against County Defendants that the policies, practices, and customs described herein violate the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections seven and fourteen of the Utah State Constitution;

110. Mr. Uroza is further entitled to a judicial declaration that these policies, practices and customs, as applied against Mr. Uroza as described herein, also violated article I, section eight of the Utah State Constitution.

**FOURTH CLAIM FOR RELIEF**  
**(For Damages Against ICE Defendants)**  
**(42 U.S.C. § 1983; ICE Defendants Caused Mr. Uroza to be Detained in Violation of His**  
**Rights Under the Fourth and Fifth Amendments)**

111. The foregoing allegations are incorporated by reference.

112. The policies, practices, customs and actions described herein of each of the ICE Defendants caused Mr. Uroza to be unreasonably deprived of his liberty without due process, in violation of the Fourth and Fifth Amendments.

113. As a direct and proximate cause of ICE Defendants' violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. § 1988, and any other relief the Court deems just and proper.

**FIFTH CLAIM FOR RELIEF  
(For Declaratory Judgment Against ICE Defendants)  
(ICE's "Hold Requests" Violate the Fourth and Fifth Amendments)**

114. The foregoing allegations are incorporated by reference.

115. Mr. Uroza is entitled to a declaratory judgment that ICE's use of the Form I-247, requesting law enforcement agencies to hold people for at least 48 hours merely to investigate a person's immigration status as described herein violates the Fourth and Fifth Amendments of the Constitution.

**SIXTH CLAIM FOR RELIEF  
(For Damages Against Certain Defendants)  
(Certain Defendants Conspired to Deprive Mr. Uroza of His Constitutional Rights)**

116. The foregoing allegations are incorporated by reference.

117. By taking the actions described herein, County Defendants and Defendants Branch, Mathis, John Doe 51 and John Doe 52 conspired to deprive Mr. Uroza of his Fourth, Fifth, and Fourteenth Amendment rights in violation of 42 U.S.C. § 1985(2).

118. This conspiracy was the direct and proximate cause of Mr. Uroza's injuries and the violation of his constitutional rights.

119. As a direct and proximate cause of the conspiracy to violate Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. § 1988, and any other relief the Court deems just and proper.

**SEVENTH CLAIM FOR RELIEF  
(For Damages Against the United States)  
(False Imprisonment)**

120. The foregoing allegations are incorporated by reference.

121. By taking the actions described herein, ICE Defendants, as agents of the United States, intentionally caused Mr. Uroza to be unlawfully confined against his will, and thereby falsely imprisoned him.

122. As a direct and proximate cause of this false imprisonment, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs, and any other relief the Court deems just and proper.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff seeks the following relief:

- A. A judicial declaration that County Defendants' policies, practices, and custom as described herein are unconstitutional and violate the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections seven and fourteen of the Utah State Constitution;
- B. A judicial declaration that these policies, practices and customs as applied against Mr. Uroza by County Defendants as described herein, also violated article I, section eight of the Utah State Constitution;

- C. A judicial declaration the ICE's policy of issuing "hold requests" merely to investigate a person's immigration status as described herein violates the Fourth and Fifth Amendments;
- D. An award of compensatory damages against Salt Lake County and ICE Defendants under 42 U.S.C. § 1983;
- E. An award of compensatory damages against the relevant Defendants under 42 U.S.C. § 1985(2);
- F. An award of compensatory damages pursuant to article I, section 8 of the Utah Constitution against County Defendants;
- G. An award of compensatory damages in tort against the United States;
- H. An award of reasonable attorney's fees and costs against all Defendants, pursuant to 42 U.S.C. § 1988 and any other applicable law;
- I. An award of pre-judgment interest and post-judgment interest against all Defendants to the extent permitted by law; and
- J. An award against all Defendants of any additional relief that the Court deems just and proper.



**JURY DEMAND**

Plaintiff requests a trial by jury.

Dated: March 26, 2012

Respectfully submitted,

/s/ Leah Farrell

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