

predominantly Latino community in southern New Mexico. Plaintiffs allege that during an operation executed by the Otero County Sheriff's Department, their constitutional rights were violated when their homes were raided without warrants or consent and/or when they were seized and interrogated without probable cause or reasonable suspicion that they were or had been committing a violation of state law. Plaintiffs further allege that they were targeted by the Otero County Sheriff's deputies based on their race and national origin. Plaintiffs seek damages and equitable and injunctive relief to the extent allowed by law.

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action and over the parties. Jurisdiction is proper pursuant to 28 U.S.C. §§ 1331 and 1343, 42 U.S.C. § 1983, 42 U.S.C. § 1985 and common law. Supplemental jurisdiction over the pendant state law claims is proper pursuant to 28 U.S.C. § 1367. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because the acts complained of occurred in Otero County, New Mexico.

PARTIES

Plaintiffs

2. Plaintiff DANIEL T. is sixteen years old. He is Latino and is a citizen of the United States. On September 10, 2007, Daniel resided with his family in their home in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Daniel T. brings this action by and through his uncle and next friend, DAVID ROBINSON. David Robinson is willing and able to act as Daniel T.'s next friend and will conduct this litigation at all times in the best interest of Daniel T. Daniel T. is a

minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears retaliation.

3. Plaintiff JOHN T. is sixteen years old. He is Latino and is a citizen of the United States. On September 10, 2007, John resided with his family in their home in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff John T. brings this action by and through his uncle and next friend, DAVID ROBINSON. David Robinson is willing and able to act as John T.'s next friend and will conduct this litigation at all times in the best interest of John T. John T. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears retaliation.

4. Plaintiff LUCY T. is a Latina and is 14 years old. On September 10, 2007, Lucy resided with her family in their home in Chaparral, New Mexico. Lucy now resides in Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Lucy T. brings this action by and through her next friend, DAVID ROBINSON. David Robinson is willing and able to act as Lucy T.'s next friend and will conduct this litigation at all times in the best interest of Lucy T. Lucy T. is a minor and brings this action under a pseudonym because she fears that using her real name will divulge the names of her brothers, Daniel T. and John T., and that they will be subjected to retaliation.

5. Plaintiff MARY T. is a Latina and is 18 years old. On September 10, 2007, Mary resided with her family in their home in Chaparral, New Mexico. Mary now resides in Mexico. Mary T. brings this action under a pseudonym because she fears that using her real name will divulge the names of her brothers, Daniel T. and John T., and that they will be subjected to retaliation.

6. Plaintiff HILDA T. is a Latina. On September 10, 2007, Hilda resided with her family in their home in Chaparral, New Mexico. Hilda now resides in Mexico. Hilda T. brings this action under a pseudonym because she fears that using her real name will divulge the names of her sons, Daniel T. and John T., and that they will be subjected to retaliation.

7. Plaintiff NORMA ESTRADA is a citizen of the United States and a Latina. She is married and has three children. Ms. Estrada resides with her family in Chaparral, New Mexico.

8. Plaintiff VERONICA MORENO is a Latina. On September 10, 2007, Ms. Moreno resided in Chaparral, New Mexico with her husband and four children.

9. Plaintiff FRANCISCO RODRIGUEZ is a Latino. On September 10, 2007, Mr. Rodriguez resided in Chaparral, New Mexico with his wife and five children.

10. Plaintiff JUAN C. is nine years old. He is Latino and is a citizen of the United States. Juan C. resides in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Juan C. brings this action by and through his father and next friend, FRANCISCO RODRIGUEZ. Francisco Rodriguez is willing and able to act as Juan C.'s next friend and will conduct this litigation at all times in the best interest of Juan C. Juan C. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears being the subject of retaliation.

11. Plaintiff ALMA C. is six years old. She is Latino and is a citizen of the United States. Alma C. resides in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Alma C. brings this action by and through her father and next

friend, FRANCISCO RODRIGUEZ. Francisco Rodriguez is willing and able to act as Alma C.'s next friend and will conduct this litigation at all times in the best interest of Alma C. Alma C. is a minor and resides in Chaparral, New Mexico, and brings this action under a pseudonym because she fears being the subject of retaliation.

12. Plaintiff JESSE C. is thirteen years old. He is Latino and is a citizen of the United States. Jesse C. resides in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Jesse C. brings this action by and through his father and next friend, FRANCISCO RODRIGUEZ. Francisco Rodriguez is willing and able to act as Jesse C.'s next friend and will conduct this litigation at all times in the best interest of Jesse C. Jesse C. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears being the subject of retaliation.

13. Plaintiff GEORGE C. is fourteen years old. He is Latino and is a citizen of the United States. George C. resides in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff George C. brings this action by and through his father and next friend, FRANCISCO RODRIGUEZ. Francisco Rodriguez is willing and able to act as George C.'s next friend and will conduct this litigation at all times in the best interest of George C. George C. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears being the subject of retaliation.

14. Plaintiff ROBERTO C. is fifteen years old. He is Latino and is a citizen of the United States. Roberto C. resides in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Roberto C. brings this action by and through his father

and next friend, FRANCISCO RODRIGUEZ. Francisco Rodriguez is willing and able to act as Roberto C.'s next friend and will conduct this litigation at all times in the best interest of Roberto C. Roberto C. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears being the subject of retaliation.

15. Plaintiff CHRIS V. is sixteen years old. He is Latino and is a citizen of the United States. Chris resides with his family in Chaparral, New Mexico. Pursuant to Federal Rule of Civil Procedure 17(c), Plaintiff Chris V. brings this action by and through his mother and next friend, IDA V. Ida V. is willing and able to act as Chris V.'s next friend and will conduct this litigation at all times in the best interest of Chris V. Chris V. is a minor still attending public school and residing in Chaparral, New Mexico, and brings this action under a pseudonym because he fears being the subject of retaliation.

Otero County Defendants

16. Defendant BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF OTERO (the "Board") is a three-person board created and authorized under the laws of the State of New Mexico. By state statute, the powers of Otero County (the "County") as a body politic and corporate are exercised by the Board. The Board is responsible for the policies, customs, and practices of the agencies of the County, including the Otero County Sheriff's Department (the "Sheriff's Department") and its employees. The Board and the County assume the risks incidental to the maintenance of a law enforcement agency and the employment of its law enforcement officers.

17. Defendant OTERO COUNTY SHERIFF JOHN BLANSETT is the Sheriff of Otero County, New Mexico, and is responsible for the policies, practices and customs of

the Sheriff's Department. Sheriff Blansett is also responsible for the hiring, screening, training, retention, supervision, discipline, counseling and control of Otero County Sheriff's deputies under his command, including the Otero County Sheriff's deputies named as defendants herein. Defendant Blansett is sued in his individual and official capacities.

18. Defendant OTERO COUNTY SHERIFF'S DEPUTY LEON LEDBETTER is and/or at all relevant times herein was an officer, employee and agent of Otero County and the Otero County Sheriff's Department. Defendant Ledbetter is being sued in his individual and official capacity.

19. Defendant OTERO COUNTY SHERIFF'S DEPUTY ROB HANSEN is and/or at all relevant times herein was an officer, employee and agent of Otero County and the Otero County Sheriff's Department. Defendant Hansen is being sued in his individual and official capacity.

20. Defendant OTERO COUNTY SHERIFF'S DEPUTY LEWIS REEVES is and/or at all relevant times herein was an officer, employee and agent of Otero County and the Otero County Sheriff's Department. Defendant Reeves is being sued in his individual and official capacity.

21. Defendant OTERO COUNTY SHERIFF'S DEPUTY CLARK KINZLER is and/or at all relevant times herein was an officer, employee and agent of Otero County and the Otero County Sheriff's Department. Defendant Kinzler is being sued in his individual and official capacity.

22. Defendant OTERO COUNTY SHERIFF'S DEPUTY GERALDINE MARTINEZ is and/or at all relevant times herein was an officer, employee and agent of Otero County

and the Otero County Sheriff's Department. Defendant Martinez is being sued in her individual and official capacity.

23. Upon information and belief, Defendants DEPUTY JOHN DOES #1-7 are and/or were at all relevant times herein, employees and agents of Otero County and the Otero County Sheriff's Department. Plaintiffs are presently unaware of the true identifies of the Deputy John Does #1-7 and therefore sue these defendants by fictitious names. Plaintiffs will amend their complaint to add the true identities of these defendants once they are discovered. Deputy John Does #1-7 are sued in their individual and official capacities.

24. At all relevant times herein, Otero County Defendants acted under color of state law and within the course and scope of their duties and functioned as agents, employees and officers of Otero County and the Otero County Sheriff's Department in engaging in the conduct described herein. At all relevant times herein, the Otero County Defendants sued in their individual capacities acted for and on behalf of Otero County and the Otero County Sheriff's Department and acted in the pursuit of their duties as officers, employees and agents of Otero County and the Otero County Sheriff's Department.

25. At all relevant times herein, Otero County Defendants sued in their individual capacities violated clearly established constitutional standards under the Fourth and Fourteenth Amendments to the United States Constitution of which a reasonable person would have known.

26. At all relevant times herein, Defendants acted with deliberate, reckless and callous indifference to the federally protected rights of Plaintiffs.

27. At all relevant times herein, Defendant Board of County Commissioners of Otero County and Defendant Otero County Sheriff John Blansett acted with deliberate, reckless

and callous indifference to the constitutional rights of Plaintiffs in their policies, practices and customs, including in their failure to properly train and supervise the Defendants sued in their individual capacity. At all relevant times herein, Defendant officers acted pursuant to the customs and policies of Otero County and the Otero County Sheriff's Department.

ALLEGATIONS OF FACT

28. Otero County is situated in south central New Mexico and encompasses a part of the unincorporated community of Chaparral, New Mexico, a predominantly Latino and Spanish-speaking community.

29. Unlike the counties in the far southwest portion of New Mexico, Otero County does not abut the international border between the United States and Mexico and instead is bordered only by other New Mexico counties and the State of Texas to its south.

30. In recent years, Otero County and the Otero County Sheriff's Department have been the recipients of substantial funds provided by the United States Department of Homeland Security under a program called "Operation Stonegarden."

31. The federal program does not provide Otero County or the Otero County Sheriff's Department the authority to investigate or enforce civil violations of federal immigration law. Nevertheless, Defendant Board of County Commissioners of Otero County and Defendant Otero County Sheriff John Blansett have authorized, initiated, supported and directed a policy, program and/or custom under which they have engaged in a number of operations meant to identify and detain or arrest Latinos for questioning by federal immigration officials.

32. Pursuant to the policy and custom authorized by Defendant Board of County Commissioners of Otero County, Defendant Otero County Sheriff John Blansett authorized and directed an operation to be conducted in and around Chaparral, New Mexico beginning in May 2007 in an effort to locate, identify and detain and/or arrest Latinos to determine their immigration status. Between May 2007 and September 2007, the Otero County Defendants engaged in a number of operations that included warrantless raids of homes, unjustified seizures and searches of Latino residents of Chaparral, and a number of unjustified and unlawful detentions of Latino residents of Chaparral.

33. On September 10, 2007, Defendant Otero County Sheriff's Deputy Leon Ledbetter led one such Chaparral operation which, upon information and belief, included the participation of Defendants Hansen, Reeves, Kinzler and Martinez, and at least seven other Otero County sheriff's deputies and Otero County reserve deputies.

34. Defendant Otero County Sheriff's Deputies Ledbetter, Hansen, Reeves, Kinzler, Martinez and Defendants Deputy John Does #1-7 executed the Chaparral operation by, among other unlawful actions: conducting warrantless raids on the homes of Latinos in search of undocumented immigrants; stopping Latinos in their vehicles and on the streets of the town, without reasonable suspicion or probable cause and detaining and interrogating them about their immigration status; engaging in the assault and battery of Latinos who questioned the actions taken by defendants; and fabricating violations or suspected violations of state law in order to justify their illegal actions.

The "T" Family

35. Plaintiffs Daniel T., John T., Mary T. and Lucy T. are siblings who, until September 10, 2007, lived with their mother, Plaintiff Hilda T., their uncle, George T., and their elderly grandmother in a modest home in Chaparral, New Mexico.

36. Upon information and belief, the T family was targeted by Otero County Sheriff's deputies because of the family members' race or national origin.

37. On September 10, 2007, sometime between the hours of 4:30 and 6:00 a.m., the T family members were awakened from their sleep by multiple loud knocks and banging on all four sides of their home.

38. Members of the T family looked outside and saw at least three uniformed and armed Otero County sheriff's deputies walking around the house and banging on the walls.

39. Upon information and belief, the uniformed and armed Otero County sheriff's deputies included Defendant Sheriff's Deputies Rob Hansen, Lewis Reeves and Geraldine Martinez.

40. Plaintiff Hilda T. was laying on her bed when she looked towards the window of her bedroom and noticed a man, dressed in a police uniform, trying to enter the house through her open bedroom window. A sheriff's deputy was halfway through the window when he abandoned his effort and crawled back outside.

41. At that time, another sheriff's deputy began banging on the front door of the family home, calling out, "Delivery! Mia's pizza!" Not understanding what was occurring, the T family did not answer the door.

42. The sheriff's deputies again began knocking loudly on the front door and one of them said, "Animal control. Come outside." Again, the terrified members of the T family remained inside the house and did not answer the door.

43. Another few minutes passed when the sheriff's deputies began to bang loudly on the side of the house, and one of them finally said, "Otero County Sheriff! Come outside!"

44. Plaintiffs sixteen year-old Daniel T. and his brother, John T., then went to the door and opened it only a couple of inches to speak to the sheriff's deputies.

45. The sheriff's deputies, armed and in uniform, first told Daniel and John that they had received a complaint that one of the family's dogs had bitten someone. Daniel and John denied that their dogs had bitten anybody.

46. One of the sheriff's deputies then told Daniel and John that the family had a dangerous refrigerator outside.

47. One of the sheriff's deputies demanded from Daniel and John that they summon their mother so that they could speak with her. At that time a sheriff's deputy put his foot in the doorway so that the door could not be closed.

48. Plaintiff Hilda T. then came to door to speak to the deputies. One of the sheriff's deputies told Hilda that the dogs were dangerous and that someone had made a complaint about the dogs. The deputy then asked for the licenses for the dogs and immunization records. Hilda went back inside, retrieved the dog licenses and showed them to the deputy.

49. Another sheriff's deputy, armed and in uniform, demanded identification from Daniel and John. Both boys showed the officers their New Mexico identification cards.

50. One of the sheriff's deputies then asked Hilda for her identification and her social security number.

51. The sheriff's deputies then ordered the entire family to come outside into the yard.

52. The sheriff's deputies did not let anyone take their coats or shoes, but instead ordered everyone to exit the house immediately. Plaintiff Mary T., who was eight months pregnant, was not allowed to get any shoes and she was forced to walk around outside barefoot.

53. Despite the objections of the members of the T family, the sheriff's deputies ordered Hilda's elderly mother, who was suffering from terminal cancer, to go outside.

54. At that time, Plaintiff Mary T. began to have abdominal pains. She asked one of the sheriff's deputies to call an ambulance. Despite her requests and her condition, the deputies waited approximately an hour before calling for an ambulance.

55. Approximately five sheriff's deputies entered the T family home without consent.

56. Plaintiff fourteen year-old Lucy T. asked whether the deputies had a warrant. One of the sheriff's deputies replied that they did not need a warrant because of the refrigerator.

57. Once inside the T family home, the sheriff's deputies began pulling drawers out of dressers and emptying the kitchen cabinets and closets. They also dumped the contents of Hilda's purse onto the bed.

58. At all times, the deputies acted in an aggressive and authoritative manner, making it clear to all members of the T family that they were not free to leave the scene. At all times, the deputies were armed and in uniform.

59. At no time during the seizure, search and detention of Plaintiffs Hilda T., Daniel T., John T., Lucy T., or Mary T., did the sheriff's deputies, including Defendants Hansen, Reeves or Martinez, have reasonable suspicion or probable cause to believe these plaintiffs were committing or had committed a violation of the law.

60. Defendant Deputy John Does and Defendants Hansen, Reeves and Martinez unlawfully detained all members of the T family for at least three hours, without cause and/or authority, until federal immigration officials could arrive on the scene and take the entire family, except for Daniel and John, into custody.

Chris V.

61. Plaintiff Chris V. is Plaintiff Mary T.'s boyfriend, and the father of her unborn child.

62. On September 10, 2007, at approximately 6:00 a.m., Mary T. called Chris and told him about the deputies' actions at her house. Mary further told Chris that she was having abdominal pains.

63. Chris then drove over to Mary's home to check on her. When he arrived at the T family home, the house was surrounded by Otero County sheriff's deputies.

64. One of the Defendant Deputy John Does approached Chris, pulled him aside and demanded to see his identification.

65. Chris showed the deputy his New Mexico driver's license. The deputy then told Chris to step back and Chris complied.

66. As Chris was stepping back, Deputy John Doe #1 grabbed his arm and violently swung Chris up against the home, forcing him to hit his head against a wooden board.

Norma Estrada

67. On the morning of Monday, September 10, 2007, Plaintiff Norma Estrada was at her home in Chaparral, New Mexico.

68. At approximately 9:30 a.m., two Otero County sheriff's vehicles drove slowly past Ms. Estrada's home. A short time later, one of the sheriff's vehicles and an unmarked truck drove up and stopped in front of Ms. Estrada's house.

69. Ms. Estrada's home is completely enclosed by a fence.

70. Upon seeing the vehicles stop in front of her house, Ms. Estrada went to the front of her yard and opened her gate. When Ms. Estrada opened here gate, her dog ran a few feet out of the yard; Ms. Estrada picked up the dog immediately.

71. At that time, Defendant Otero County Sheriff Deputy Leon Ledbetter got out of his vehicle. Defendant Ledbetter was armed and in uniform. Two additional uniformed men got out of the Otero County Sheriff's vehicle and stood nearby with their arms crossed watching Ms. Estrada.

72. Defendant Ledbetter asked Ms. Estrada, "Is that your dog?" Ms. Estrada replied that it was.

73. Defendant Ledbetter then approached Ms. Estrada and demanded to see Ms. Estrada's identification.

74. Ms. Estrada gave Defendant Ledbetter her driver's license.

75. Defendant Ledbetter had Ms. Estrada stand there and wait while he took her license and went back to his vehicle.

76. Ms. Estrada overheard Ledbetter checking her license on a radio, and heard a voice give her Social Security Number.

77. Defendant Ledbetter then got out of the truck and handed Ms. Estrada her driver's license and a citation. He told Ms. Estrada that he was citing her because her dog had been reported as loose down the street.

78. Ms. Estrada's dog had been home inside the gated area all morning.

79. At no time during her encounter with Defendant Ledbetter was Ms. Estrada free to leave or end the encounter.

80. At no time did Defendant Ledbetter have reasonable suspicion to question Ms. Estrada or probable cause to believe Ms. Estrada had been or was committing a crime.

81. No basis existed to charge Ms. Estrada with any violation of the law.

Veronica Moreno.

82. On Monday, September 10, 2007, Plaintiff Veronica Moreno was in her house in Chaparral, New Mexico, when she saw Otero County sheriff's deputies knocking at her next-door neighbor's house.

83. As the deputies were knocking on her neighbor's door, a friend of Ms. Moreno's husband approached the front of Ms. Moreno's house.

84. One of the deputies followed the friend into Ms. Moreno's yard and stopped him.

85. While deputies were interrogating the friend in the yard, Defendant Otero County Sheriff's Deputy Leon Ledbetter began to knock loudly on Ms. Moreno's front door.

86. Ms. Moreno answered her door and Defendant Ledbetter asked Ms. Moreno if she spoke English. Ms. Moreno replied that she did not.

87. Defendant Ledbetter then motioned for Ms. Moreno to step outside. Defendant Ledbetter was armed and Ms. Moreno noticed the other deputies in front of her house. Ms. Moreno thus followed Defendant Ledbetter into the front yard.

88. Defendant Ledbetter then demanded to see Ms. Moreno's identification.

89. Defendant Ledbetter then asked Ms. Moreno if she had documents proving that she had legal immigration status. Ms. Moreno replied that she did not have any documents.

90. Deputy Ledbetter then informed Ms. Moreno that she was going to be deported and placed her in a patrol car. Defendant Ledbetter then drove her to another residential location in Chaparral, New Mexico.

91. At this residential location, Defendant Ledbetter handed Ms. Moreno over to the custody of an unknown Immigration and Customs Enforcement (ICE) agent who was already present.

92. At no time during the encounter with the Defendant Ledbetter was Ms. Moreno free to leave and at no time did Defendant Ledbetter have reasonable suspicion or probable cause to detain, arrest or interrogate Ms. Moreno.

93. Defendant Ledbetter seized and interrogated Ms. Moreno solely because she was Latina and for the purpose of investigating her immigration status.

The Rodriguez Family

94. At approximately 10:30 a.m. on the morning of September 10, 2007, Plaintiff Francisco Rodriguez left his place of work and returned home to pick up his wife so they could go together to pick up their young daughter from elementary school.

95. When Mr. Rodriguez arrived at his home, he saw two Otero County sheriff's cars parked at the house next door. A sheriff's deputy was at the front door of Mr. Rodriguez's house and another deputy was behind the house. Upon information and belief, these deputies were Defendant Rob Hansen and Defendant Clark Kinzler.

96. Defendant Deputy Rob Hansen, without reasonable suspicion or probable cause to believe Mr. Rodriguez was committing or had committed any crime, ordered Mr. Rodriguez to get out of his car. Mr. Rodriguez complied and got out of his car.

97. Defendant Hansen then demanded Mr. Rodriguez produce identification and documentation of his immigration status. Mr. Rodriguez replied that he had none.

98. At that time, Mr. Rodriguez's wife came out of their house to see what was happening with the Sheriff's deputies. Defendant Hansen then approached Mr. Rodriguez's wife, seized her and ordered her to produce identification and proof of her immigration status.

99. Defendant Hansen and Defendant Kinzler then entered the Rodriguez's home without consent. Mr. Rodriguez saw through the windows of the home that the deputies checked under the bed in the children's room and also searched the kitchen.

100. One of the deputies then asked the couple if they had any children, and the couple replied that they had five children who were at school. These children ranged in age from six to fifteen years old.

101. One of the deputies then ordered Mr. Rodriguez into the back of his police car. The deputy then drove Mr. Rodriguez to each of the schools that their children were attending, which included an elementary school, a middle school, and a high school.

102. At each school, the deputy accompanied Mr. Rodriguez into the administration office. While inside the school office, Mr. Rodriguez remained silent and handcuffed and the deputy asked for the children to be released.

103. Without probable cause or any lawful justification, the deputy then seized, took custody over and removed Plaintiffs six-year old Alma C., nine-year old Juan C.,

thirteen-year old Jesse C., fourteen-year old George C., and fifteen-year old Roberto C., from the public schools they were attending.

104. The deputy then took Mr. Rodriguez and the children home, where agents of the U.S. Border Patrol were waiting, along with more Otero County sheriff deputies and their vehicles.

105. Mr. Rodriguez and his wife were then taken into custody by the Border Patrol, but it was determined that the children were all United States citizens.

106. Mr. Rodriguez and his wife were forced to leave their five children behind at home with a neighbor.

107. At no time during the seizure, search and detention of Plaintiffs Francisco Rodriguez, Alma C., Juan C., Jesse C., George C. or Roberto C. did the sheriff's deputies, including Defendants Hansen, Kinzler or Martinez, have reasonable suspicion or probable cause to believe these plaintiffs were committing or had committed a violation of the law.

108. Defendants' actions against Plaintiffs were intentional, and performed with callous, deliberate and reckless disregard for Plaintiffs' rights under both the laws and Constitution of the United States and the laws and Constitution of the state of New Mexico.

109. Defendants' acts proximately caused Plaintiffs' damages and injuries, including but not limited to pain and suffering and severe emotional distress.

COUNT I

FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION (AGAINST ALL DEFENDANTS)

110. Plaintiffs incorporate by reference all preceding allegations as if fully set forth

herein.

111. Defendants violated the Fourth Amendment rights of Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., Norma Estrada, Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., and Roberto C. by seizing, detaining and interrogating them without reasonable suspicion or probable cause to believe that they had been or were engaged in criminal activity.

112. Defendants violated the Fourth Amendment rights of Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., and Francisco Rodriguez by searching their homes without consent, reasonable suspicion or probable cause to believe that they had committed any crime, and in the absence of exigent circumstances.

COUNT II

EQUAL PROTECTION CLAUSE OF THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION (AGAINST ALL DEFENDANTS)

113. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

114. By targeting Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., Norma Estrada, Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., and Roberto C. because of their race and/or national origin, Defendants deprived Plaintiffs of their right to equal protection of the laws as guaranteed by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

115. Defendants' actions against Plaintiffs were taken with racially discriminatory intent and effect. Defendants' actions constitute race and national origin discrimination in violation of the Equal Protection Clause of the Constitution of the United States.

COUNT III

DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION: FALSE IMPRISONMENT
(AGAINST ALL DEFENDANTS)

116. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

117. Defendants acted with deliberate, callous and reckless intent to falsely imprison Plaintiffs Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., Roberto C., Mary T., Lucy T., Hilda T. David T. and John T. without due process of law.

COUNT IV

DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT TO THE
UNITED STATES CONSTITUTION: SUBSTANTIVE DUE PROCESS
(AGAINST ALL DEFENDANTS)

118. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

119. Defendants acted arbitrarily and without rational basis, in a manner intended to injure plaintiffs in an unjustifiable manner and deprive plaintiffs of their right to liberty as secured by the Constitution. The conduct of Defendants shocked the conscience.

COUNT V

CONSPIRACY TO VIOLATE CIVIL RIGHTS - 42 U.S.C. § 1985
(AGAINST ALL DEFENDANTS)

120. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

121. Defendants conspired to violate Plaintiffs' Daniel T., John T., Lucy T., Mary T., Hilda T., Norma Estrada, Veronica Moreno, Francisco Rodriguez, Alma C., Juan C.,

Jesse C., George C., and Roberto C.'s rights secured by the U.S. Constitution, including, but not limited to, their rights to due process and equal protection.

122. Defendants acted intentionally and/or with reckless, deliberate and callous indifference to Plaintiffs' rights.

123. Defendants' acts and omissions were the direct and proximate cause of harm to Plaintiffs.

COUNT VI

ARTICLE II, SECTION 10 OF THE CONSTITUTION OF THE STATE OF NEW MEXICO (AGAINST ALL DEFENDANTS)

124. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

125. Defendants violated Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., Norma Estrada, Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., and Roberto C.'s rights secured under Article II, Section 10 of the Constitution of the State of New Mexico by seizing, detaining and interrogating them without reasonable suspicion or probable cause to believe that they had been or were engaged in committing a crime.

126. Defendants violated Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., and Francisco Rodriguez rights secured under Article II, Section 10 of the Constitution of the State of New Mexico by searching their home without consent, reasonable suspicion or probable cause to believe that they had committed any crime, and in the absence of exigent circumstances.

COUNT VII

ARTICLE II, SECTION 18 OF THE
CONSTITUTION OF THE STATE OF NEW MEXICO
EQUAL PROTECTION
(AGAINST ALL DEFENDANTS)

127. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

128. By targeting Plaintiffs Daniel T., John T., Lucy T., Mary T., Hilda T., Norma Estrada, Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., and Roberto C. because of their race and/or national origin, Defendants deprived Plaintiffs of their rights protected by the Equal Protection Clause of Article II, § 18 of the New Mexico Constitution.

129. Defendants' actions against Plaintiffs were taken with racially discriminatory intent and effect. Defendants' actions constitute race and national origin discrimination in violation of the Equal Protection Clause of Article II, § 18 of the New Mexico Constitution.

COUNT VIII

ARTICLE II, SECTION 18 OF THE CONSTITUTION
OF THE STATE OF NEW MEXICO: DUE PROCESS
(AGAINST ALL DEFENDANTS)

130. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

131. Defendants' actions toward Plaintiffs were outrageous, offend notions of fundamental fairness, and violate principles of fair and honorable administration of justice.

132. Defendants' actions violated Plaintiffs' rights and liberty interests in violation of the substantive components of the Due Process Clause of the New Mexico Constitution.

133. Defendants deprived Plaintiffs of their right to substantive due process when they acted arbitrarily and without rational basis, in a manner intended to injure plaintiffs in an unjustifiable manner and deprive plaintiffs of their rights secured by the New Mexico Constitution. The conduct of Defendants shocked the conscience.

COUNT IX

N.M. TORT CLAIMS ACT
FALSE ARREST AND FALSE IMPRISONMENT
(AGAINST ALL DEFENDANTS)

134. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

135. Defendants unlawfully and falsely arrested Plaintiffs Veronica Moreno, Francisco Rodriguez, Alma C., Juan C., Jesse C., George C., Roberto C., Mary T., Lucy T., Hilda T. David T. and John T., and falsely imprisoned them by interfering with their personal liberty and freedom of locomotion in violation of the New Mexico Tort Claims Act, N.M.S.A. 1978 § 41-4-1, *et seq.*

136. The actions of Defendants were not justified or privileged under state law.

COUNT X

N.M. TORT CLAIMS ACT
BATTERY
(AGAINST DEFENDANT DEPUTY JOHN DOE #1)

137. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

138. Defendant Deputy John Doe #1 intentionally assaulted and battered Plaintiff Chris V.

139. Defendant Deputy John Does' wrongful acts proximately caused Plaintiff Chris V.'s damages and injuries, including pain and suffering, and emotional distress.

COUNT XI

N.M. TORT CLAIMS ACT
MALICIOUS PROSECUTION AND
ABUSE OF PROCESS
(AGAINST DEFENDANT LEDBETTER)

140. Plaintiffs incorporate by reference all preceding allegations as if fully set forth herein.

141. Defendant Ledbetter intentionally initiated a criminal charge against Plaintiff Norma Estrada, and abused the judicial process, with an improper purpose and without any reasonable belief whatsoever in the validity of the allegations of fact or law supporting that prosecution.

142. Defendant Ledbetter knew or should have known that he had no grounds to issue and prosecute the citation; he knew or should have known that no crime had been committed; and knew or should have known that no probable cause existed to believe that Ms. Estrada had committed a crime.

143. Plaintiff suffered damages as a direct and proximate result of the malicious prosecution and abuse of process.

PRAYER FOR RELIEF

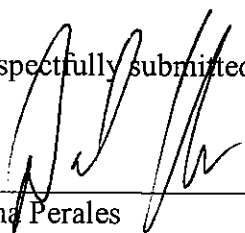
WHEREFORE, Plaintiffs pray this Court provide the following relief:

A. Declare that Defendants violated Plaintiffs' rights secured by the Fourth and Fourteenth Amendments to the United States Constitution as alleged herein;

- B. Declare that Defendants' violated Plaintiffs' rights secured by Article II, Sections 10 and 18 of the Constitution of the State of New Mexico as alleged herein;
- C. Issue an order requiring Defendants to institute appropriate policies, practices, training and other measures to remedy their policies, practices and/or customs and ensure that the constitutional violations described herein do not continue to occur;
- D. Issue an order enjoining Defendants from detaining or arresting Latinos for the purpose of determining their immigration status or facilitating questioning by federal immigration officials; conducting warrantless raids on the homes of Latinos in search of undocumented immigrants; and stopping Latinos in their vehicles and on the streets of the town, without reasonable suspicion or probable cause and detaining and interrogating them about their immigration status.
- E. Award Plaintiffs actual, compensatory and punitive damages, in an amount to be determined at trial, against Defendants;
- F. Award Plaintiffs reasonable costs and attorneys fees incurred in bringing this action;
- G. Award Plaintiffs pre-judgment and post-judgment interest as allowed by law; and
- H. Award such other and further relief as the Court may deem appropriate, including injunctive and declaratory relief as may be required in the interests of justice.

DATED: April 1, 2008

Respectfully submitted,



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