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8
9 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

10
11 MARIA DEL RAYO MENDOZA
GARCIA,

12 Plaintiff,

Case No. 2:19-cv-340

13 v.

COMPLAINT

14 OKANOGAN COUNTY, OFFICE OF
15 THE OKANOGAN COUNTY SHERIFF,
and TAMMI DENNEY, Chief Corrections
16 Deputy of the Office of the Okanogan
County Sheriff, in her individual capacity;

17 Defendants.
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19
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1 **PRELIMINARY STATEMENT**

2 1. Defendants Okanogan County, Office of the Okanogan County
3 Sheriff, and Tammi Denney (collectively, “Defendants”) unlawfully detained
4 Plaintiff Maria del Rayo Mendoza Garcia (Ms. Mendoza) after the Douglas County
5 District Court ordered her released from custody on her personal recognizance.
6 Despite that order, Defendants held Ms. Mendoza nearly two days based on an
7 immigration detainer on Form I-247A, a request by the Department of Homeland
8 Security (DHS). However, as several courts have recognized, detainer requests
9 from DHS do not provide state or local law enforcement officers with any
10 authority to arrest or detain individuals for immigration violations.

11 2. This suit challenges Defendants’ unlawful policy and practice of
12 refusing to release individuals in their custody based solely on a request by
13 immigration officials. Defendants’ reliance on immigration detainers to detain
14 individuals violates the Fourth Amendment rights of those who are detained, and
15 Defendants are therefore liable under 42 U.S.C. § 1983 for Ms. Mendoza’s
16 unlawful detention.

17 **JURISDICTION AND VENUE**

18 3. This action arises under the Constitution and laws of the United
19 States, including 42 U.S.C. § 1983. This Court has jurisdiction over this action
20 pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).

1 4. Venue is proper in the Eastern District of Washington pursuant to
2 28 U.S.C. § 1391(b)(2), as a substantial part of the events or omissions giving rise
3 to this claim occurred in this judicial district.

4 5. Declaratory relief is authorized under 28 U.S.C. §§ 2201, 2202, and
5 Federal Rule of Civil Procedure 57.

6 **PARTIES**

7 6. Plaintiff Maria Del Rayo Mendoza Garcia is a resident of
8 Washington.

9 7. Defendant Okanogan County is the local governmental entity
10 responsible for the Office of the Okanogan County Sheriff which operates the
11 Okanogan County Corrections Center (a.k.a. Okanogan County Jail).

12 8. Defendant Office of the Okanogan County Sheriff (a.k.a. Okanogan
13 County Sheriff's Office) is the department of Okanogan County which operates the
14 Okanogan County Corrections Center, and establishes and implements all jail
15 policies.

16 9. Defendant Tammi Denney was the Chief Corrections Deputy of the
17 Okanogan County Sheriff's Office and a legal custodian of Plaintiff at all times
18 relevant to this action. Defendant Denney is sued in her individual capacity.

STATEMENT OF FACTS

Plaintiff's Detention in Okanogan County Corrections Center

10. On or around March 18, 2019, the Douglas County Sheriff's Office arrested Ms. Mendoza and transported her to Chelan County Regional Jail, where she was booked in for a fourth-degree assault violation.

11. On or around March 18, 2019, Ms. Mendoza was transferred and booked into custody at the Okanogan County Jail. Okanogan County detained her pending arraignment before the Douglas County District Court.

12. On March 20, 2019, a United States Border Patrol (USBP) agent interviewed Ms. Mendoza while she was in custody at the Okanogan County Jail.

13. USBP is a department of Customs and Border Protection (CBP), a sub-agency of the Department of Homeland Security (DHS).

14. Following that interview, the USBP agent issued a detainer request on Form I-247A for Ms. Mendoza and sent it to the Okanogan County Jail via fax at approximately 9:02 a.m. on March 20, 2019.

15. The Form I-247A was accompanied by a "Statement of Probable Cause," written and signed by the same USBP agent, alleging that Ms. Mendoza violated a civil immigration provision by being unlawfully present in the United States.

1 16. The “Statement of Probable Cause” was not reviewed or signed by a
2 judge.

3 17. Later that same morning, the Douglas County District Court ordered
4 Ms. Mendoza released on personal recognizance.

5 18. The Okanogan County Jail then faxed a “Border Patrol Hold /
6 Notification of Release” to USBP and United States Immigration and Customs
7 Enforcement (ICE), informing that Ms. Mendoza was scheduled to be released on
8 March 20, 2019, at 11:45 a.m. and that “[t]he subject can be picked up as early as
9 today” and “within 48 hours.”

10 19. Defendant Denney authorized the “Border Patrol Hold / Notification
11 of Release” for Ms. Mendoza, preventing her immediate release from Okanogan
12 County Jail on March 20, 2019.

13 20. Pursuant to policy, the Okanogan County Jail continued to detain Ms.
14 Mendoza until the morning of March 22, 2019, when a DHS officer picked her up
15 from the Okanogan County Jail.

16 21. Ms. Mendoza was entitled to release from Defendants’ custody
17 immediately after the Douglas County District Court ordered her release on
18 personal recognizance.

19 22. Despite the Douglas County District Court’s order, Defendants did not
20 release Ms. Mendoza from Okanogan County Jail on March 20, 2019.

1 23. From March 20, 2019, to March 22, 2019, Defendants maintained
2 custody of Ms. Mendoza pursuant only to an immigration hold they placed on her,
3 which was based on the detainer issued by USBP.

4 24. On March 22, 2019, DHS officers assumed custody over Ms.
5 Mendoza. Ms. Mendoza was picked up from Okanogan County Jail and
6 transported to an ICE office. Later that day, ICE transported Ms. Mendoza to the
7 Northwest Detention Center in Tacoma, Washington.

8 **Okanogan County's Immigration Hold Policy**

9 25. At the time Defendants detained Ms. Mendoza, Okanogan County had
10 a policy and practice of detaining individuals based solely on an immigration
11 detainer from DHS (including any of its sub-agencies or departments, such as
12 USBP and ICE), even when those individuals would otherwise be entitled to
13 release from Okanogan County Jail.

14 26. Under its policy, Okanogan County accepted detainer requests from
15 DHS, including form I-247A, placed immigration holds pursuant to those requests,
16 and detained individuals 48 hours after they were entitled to release.

17 27. Defendants relied on USBP's detainer request on Form I-247A, issued
18 on March 20, 2019, to justify their detention of Ms. Mendoza after she was entitled
19 to be released on her own recognizance.

20

1 28. A detainer request on Form I-247A is not supported by a finding of
2 probable cause by a neutral magistrate. *See* Department of Homeland Security,
3 *Immigration Detainer - Notice of Action*, [https://ice.gov/sites/default/files/](https://ice.gov/sites/default/files/documents/Document/2017/I-247A.pdf)
4 [documents/Document/2017/I-247A.pdf](https://ice.gov/sites/default/files/documents/Document/2017/I-247A.pdf) (Mar. 2017).

5 29. Form I-247A does not authorize state or local officials to take any
6 action. *Id.*

7 30. The Form I-247A that USBP issued with respect to Ms. Mendoza on
8 March 20, 2019, did not furnish probable cause to detain her.

9 31. The Form I-247A that USBP issued with respect to Ms. Mendoza on
10 March 20, 2019, did not authorize Defendants to detain her after the Douglas
11 County District Court ordered that she be released on personal recognizance.

12 32. During the time Defendants detained Ms. Mendoza, Okanogan
13 County Jail was authorized to detain certain federal detainees under a
14 Memorandum of Agreement (MOA) with USBP.

15 33. The MOA authorized Okanogan County Jail “to accept Federal
16 detainees only upon presentation” by a federal officer.

17 34. Ms. Mendoza was never presented to Okanogan County Jail by a
18 federal officer.

19 35. The MOA did not authorize Defendants to detain Ms. Mendoza after
20 the Douglas County District Court ordered her release on personal recognizance.

1 36. Washington State has no law that purports to authorize state and local
2 law enforcement officials to enforce federal civil immigration laws.

3 **CAUSE OF ACTION**

4 **COUNT I**

5 **Detention in Violation of Civil Rights – 42 U.S.C. § 1983**
6 **(Against Defendants Okanogan County and**
7 **Office of the Okanogan County Sheriff)**

8 37. All of the foregoing allegations are repeated and re-alleged as though
9 fully set forth herein.

10 38. The Fourth Amendment protects Ms. Mendoza’s right to be secure in
11 her person against unreasonable seizures. A seizure unsupported by probable cause
12 and a neutral magistrate’s probable cause finding is unreasonable.

13 39. Okanogan County is a “person” for purposes of liability under 42
14 U.S.C. § 1983.

15 40. Office of the Okanogan County Sheriff is a “person” for purposes of
16 liability under 42 U.S.C. § 1983.

17 41. Defendant Denney, as Chief Corrections Deputy of the Okanogan
18 County Corrections Center, acted under color of state law.

19 42. Defendant Denney authorized a “Border Patrol Hold / Notification of
20 Release” on Ms. Mendoza based on USBP’S detainer request on Form I-247A.

1 43. The immigration hold prevented Ms. Mendoza's release from
2 Okanogan County Jail after she was entitled to be released on personal
3 recognizance and thus effected a new seizure.

4 44. The detainer request from USBP was not supported by a probable
5 cause determination by a neutral magistrate.

6 45. The detainer request was not based on an allegation of a criminal
7 violation.

8 46. In detaining Ms. Mendoza pursuant to the Form I-247A from USBP,
9 Defendant Denney acted pursuant to the policy and practice of Okanogan County
10 and the Okanogan County Sheriff's Office.

11 47. Defendants Okanogan County and Okanogan County Sheriff's Office
12 had a policy and practice of detaining individuals based only on immigration
13 detainers from DHS.

14 48. The official policy and practice of Defendants Okanogan County and
15 Okanogan County Sheriff's Office caused Ms. Mendoza's detention without
16 probable cause and without a judicial warrant.

17 49. The policy and practice of Defendants Okanogan County and the
18 Okanogan County Sheriff's Office violated the Fourth Amendment right to be free
19 from unreasonable seizures.
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1 50. As a result of this deprivation of rights, Ms. Mendoza has suffered
2 damages, including loss of liberty and emotional distress.

3 **COUNT II**

4 **Detention in Violation of Civil Rights – 42 U.S.C. § 1983**
5 **(Against Defendant Tammi Denney)**

6 51. All of the foregoing allegations are repeated and re-alleged as though
7 fully set forth herein.

8 52. Defendant Denney authorized a “Border Patrol Hold / Notification of
9 Release” on Ms. Mendoza, preventing her release from Okanogan County Jail on
10 March 20, 2019.

11 53. The immigration hold that Defendant Denney placed resulted in Ms.
12 Mendoza’s seizure without probable cause, violating Ms. Mendoza’s right under
13 the Fourth Amendment to be free from unreasonable seizures.

14 54. As a result of this deprivation of rights, Ms. Mendoza has suffered
15 damages, including a loss of liberty and emotional distress.

16 **PRAYER FOR RELIEF**

17 Plaintiff asks this Court to grant her the following relief:

18 1. Declare that Okanogan County’s practice of placing immigration
19 holds and detaining individuals pursuant to administrative requests from DHS is
20 unlawful and violates the rights guaranteed by the Fourth Amendment;

1 2. Award Plaintiff damages arising from Defendants’ unlawful detention
2 in an amount to be proven at trial;

3 3. Award attorney fees and costs under 42 U.S.C. § 1988, and under any
4 other basis justified under law; and

5 4. Grant other further relief as just and appropriate.

6 DATED this 9th day of October, 2019.

7 NORTHWEST IMMIGRANT
8 RIGHTS PROJECT

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