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Attorney for Derrek Skinner, Pedro Hernandez and Jeanne Walker

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

MIGUEL ANGEL)	
REYNAGA HERNANDEZ,)	Cause No. CV 18-40-BLG-SPW-TJC
)	
Plaintiff,)	ANSWER TO COMPLAINT
)	
vs.)	
)	
DERREK SKINNER, <i>et al</i> ,)	
)	
Defendants.)	
_____)	

Pursuant to 12(a)(1)(A)(i) / 12(a)(4)(A) of the Federal Rules of Civil Procedure, Derrek Skinner, Pedro Hernandez and Jeanne Walker answer Miguel Hernandez’s complaint as follows:

Introduction

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 1. They admit Miguel Hernandez attended a hearing before

Pedro Hernandez, Pedro Hernandez requested a deputy sheriff come to his courtroom and Skinner, a deputy sheriff, went to the courtroom. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 2. They admit there was not an arrest warrant for Miguel Hernandez. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 3. They admit Skinner placed Miguel Hernandez in his vehicle, Skinner contacted an employee of the United States Immigration and Customs Enforcement and transported him to the Yellowstone County Detention Facility. They deny the other allegations in the complaint.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 4. They admit an employee of the United States Immigration and Customs Enforcement interviewed Miguel Hernandez in the Yellowstone County Detention Facility. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 5.

Skinner, Pedro Hernandez and Walker do not have to answer the statement in paragraph 6.

Jurisdiction and Venue

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 7.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 8.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 9.

Parties

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 10.

They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 11.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 12.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 13.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 14.

Skinner, Pedro Hernandez and Walker do not have to answer the statement in paragraph 15.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 16.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 17.

Skinner, Pedro Hernandez and Walker do not have to answer the statement in paragraph 18.

Factual Allegations

Order of Arrest by Pedro Hernandez

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 19.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 20.

They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 21.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 22.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 23.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 24. They admit Pedro requested a deputy sheriff come to the courtroom. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 25. They admit Pedro requested a deputy sheriff come to the courtroom. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 26.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 27. They admit Pedro talked to Skinner. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 28. They admit Pedro Hernandez talked to Skinner. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 29. They admit Pedro Hernandez did not issue a warrant for the arrest of Miguel Hernandez. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 30.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 31.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 32. They admit that Pedro Hernandez presided over a court of limited jurisdiction. They deny the other allegations in the paragraph.

Warrantless Arrest by Skinner

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 33.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 34.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 35. They admit Skinner asked Miguel Hernandez for identification. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 36. They admit Skinner asked Miguel Hernandez his immigration status. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 37.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 38.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 39.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 40. They admit Skinner searched Miguel Hernandez. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 41.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 42.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 43.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 44.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 45.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 46. They admit that Pedro Hernandez approached Skinner's vehicle. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 47. They admit that Skinner talked to an employee of the United States Immigration and Customs Enforcement. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 48. They admit that Skinner talked to an employee of the United States Immigration and Customs Enforcement and transported Miguel Hernandez to the Yellowstone County Detention Facility. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 49.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 50.

They do not have sufficient information to admit or deny the allegations.

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Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 51. They admit that Miguel Hernandez did not have an arrest warrant. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 52. They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 53. They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 54.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 55.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 56. They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 57. They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 58. They do not have sufficient information to admit or deny the allegations.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 59.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 60.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 61.

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Causes of Action – Count One – Hernandez and Walker

Skinner, Pedro Hernandez and Walker do not need to answer paragraph 1. To the extent they need to answer the paragraph, they re-plead their previous answers.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 2.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 3.

Skinner, Pedro Hernandez and Walker admit in part and deny in part the allegations in paragraph 4. They admit that Pedro Hernandez presided over a court of limited jurisdiction. They deny the other allegations in the paragraph.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 5.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 6.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 7.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 8.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 9.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 10.

Causes of Action – Count Two - Skinner

Skinner, Pedro Hernandez and Walker do not need to answer paragraph 11. To the extent they need to answer the paragraph, they re-plead their previous answers.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 12.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 13.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 14.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 15.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 16.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 17.

Skinner, Pedro Hernandez and Walker admit the allegations in paragraph 18.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 19.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 20.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 21.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 22.

Skinner, Pedro Hernandez and Walker deny the allegations in paragraph 23.

Skinner, Pedro Hernandez and Walker deny any allegation they have not explicitly admitted.

Affirmative Defenses

Pedro Hernandez has absolute judicial immunity.

Skinner has qualified immunity.

Skinner, Pedro Hernandez and Walker reserve the opportunity to present new affirmative defenses as new information warrants.

Prayer for Relief

Derrek Skinner, Pedro Hernandez and Jeanne Walker request the Court find that they did not violate any of Miguel Hernandez's United States Constitutional

rights, enter judgment in favor of them, award them their costs and attorney fees and grant whatever relief the Court deems appropriate under the circumstances.

Request for a Jury Trial

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, Derrek Skinner, Pedro Hernandez and Jeanne Walker request a trial by jury.

Dated this 2nd day of April, 2018.

/s/Kevin Gillen
Kevin Gillen
Deputy Yellowstone County Attorney

Certificate of Service

I certify that on the date below I served a copy of the Answer to Complaint to:

- 1,2 CM/ECF
- Hand Delivery
- Mail
- Overnight Delivery Service
- Fax
- E-mail

1. Clerk, U.S. District Court
2. Shahid Haque
Border Crossing Law Firm
7 West 6th Avenue, Ste. 2A
Helena, MT 59624

Matt Adams, Leila Kang and Anne Recinos
Northwest Immigration Rights Project
615 Second Avenue, Ste. 400
Seattle, WA 98104
Attorneys for Miguel Angel Reynaga Hernandez

Dated this 2nd day of April, 2018.

/s/Kevin Gillen
Kevin Gillen
Deputy Yellowstone County Attorney