

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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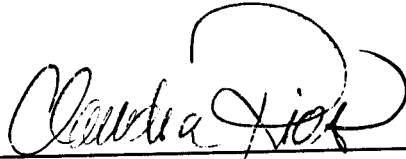
UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
Gonzalo SOLIS-Salazar)
)
Defendant.)
_____)

Magistrate Case No. _____
COMPLAINT FOR VIOLATION OF
Title 8, U.S.C., Section 1326
Attempted Entry After
Deportation

The undersigned complainant being duly sworn states:

On or about **January 22, 2008**, within the Southern District of California, defendant **Gonzalo SOLIS-Salazar**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
Claudia Rios, U.S. Customs and Border
Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **22nd** DAY OF **JANUARY 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On 01/22/2008 at about 0035 hours Gonzalo SOLIS-Salazar (Defendant) attempted to enter the United States from Mexico through the San Ysidro Port of Entry's pedestrian facility. Defendant orally claimed to be a United States citizen by birth in California and presented a State of California driver license bearing his name and photograph to a Customs and Border Protection (CBP) Officer. Defendant stated he was going to Los Angeles, California. The CBP Officer performed a routine name query on Defendant and was alerted to a computer generated secondary referral.

In secondary, it was determined that Defendant is a citizen of Mexico with no entitlements to enter or reside in the United States. Defendant was queried by fingerprint and photograph comparison through the Automated Biometric Identification System (IDENT). IDENT returned a match to the query, identifying Defendant as a deported alien and citizen of Mexico. Defendant's identity was verified by 10-digit fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS linked Defendant to FBI and Immigration Service records.

Immigration Service records to include Deportable Alien Control System (DACS) identify Defendant as a deported alien. DACS information indicates that on or about June 06, 1997 an Immigration Judge ordered Defendant deported to Mexico and Defendant was physically removed from the United States through the San Ysidro Port of Entry on or about November 17, 1998. DACS information further reveals that Defendant was reinstated and removed to Mexico on or about January 16, 2007. Immigration Service records contain no evidence that Defendant has applied for or received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security to legally re-enter the United States.

On 01/22/2008 at about 0320 hours during a videotaped proceeding, Defendant was advised of his Miranda rights. Defendant acknowledged his rights and agreed to answer questions without the benefit of counsel. During a subsequent interview, Defendant admitted he is a citizen of Mexico by birth in Guadalajara, Jalisco. Defendant admitted he does not possess documents to lawfully enter the United States. Defendant admitted he had been previously deported by an Immigration Judge. Defendant admitted he was going to Hemet, CA to see his children. Defendant admitted he has not applied for or received permission from the Attorney General of the United States or the Secretary of the Department of Homeland Security to legally re-enter the United States. Defendant admitted to presenting a State of California driver license previously issued to him. Defendant denied making an oral claim to United States citizenship.