

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Rogelio RODRIGUEZ-Salsada,

Defendant

Magistrate Docket No.

08 MJ 0890

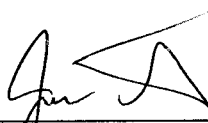
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

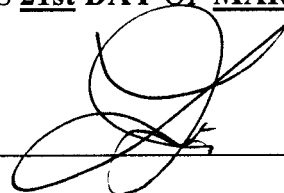
On or about **March 20, 2008** within the Southern District of California, defendant, **Rogelio RODRIGUEZ-Salsada**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, 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 further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 21st DAY OF MARCH 2008



Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

AUSA KD

PROBABLE CAUSE STATEMENT

On March 20, 2008, Border Patrol Agent P. Shepard, was performing patrol duties in the Imperial Beach Border Patrol Station area of operations. At approximately 6:30 a.m., Agent Shepard responded to a report from the east scope infrared operator, of a group of three individuals that crossed the secondary fence near the "South Levee." This area is approximately one-half mile west of the San Ysidro, California Port of Entry and approximately 75 yards north of the United States/Mexico International Boundary.

Agent Shepard arrived in the area and found three individuals including one later identified as the defendant **Rogelio RODRIGUEZ-Salsada**, trying to hide. Agent Shepard identified himself as a Border Patrol Agent and conducted an immigration inspection. All three admitted to being citizens and nationals of Mexico without any immigration documents allowing them to be in or remain in the United States legally. Agent Shepard placed all three under arrest, and arranged for transport to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 29, 1997** through **Otay Mesa, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.