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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan Jose FLORES-Hernandez
(AKA): Juan F. GARCIA
(AKA): Juan HERNANDEZ-Flores

Defendant.

) Magistrate Case No.

) '08 MJ 1800

) COMPLAINT FOR VIOLATION OF:

) Title 8, U.S.C., Section 1326;

) Deported Alien Found in the
) United States


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YNH

The undersigned complainant, being duly sworn, states:

On or about, **January 3, 2008**, within the Southern District of California, defendant, **Juan Jose FLORES-Hernandez, (AKA): Juan F. GARCIA, (AKA): Juan HERNANDEZ-Flores**, 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 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 further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Immigration Enforcement Agent
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **10th** DAY OF **June 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On January 3, 2008, the defendant identified as **Juan Jose FLORES-Hernandez, (AKA): Juan F. GARCIA, (AKA): Juan HERNANDEZ-Flores**, was arrested in Chula Vista, California by the Chula Vista Police Department for violation of Health and Safety Code 11350(A) "POSSESS NARCOTIC CONTROL SUBSTANCE" and booked into Chula Vista Jail. On January 3, 2008, an Immigration Enforcement Agent with Immigration and Customs Enforcement (ICE) determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from local custody. On June 9, 2008, the defendant was referred to the custody of ICE. A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about January 23, 1997 and physically removed to Mexico on or about November 21, 1997 via the El Paso Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Juan Jose FLORES-Hernandez, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.