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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

v.

Eliseo OLIVAN-Ortiz

Defendant.

) Magistrate Case No.

) **'08 MJ 2009**

) COMPLAINT FOR VIOLATION OF:

MAB

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

The undersigned complainant, being duly sworn, states:

On or about **February 10, 2008**, within the Southern District of California, defendant, **Eliseo OLIVAN-Ortiz**, 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
Deportation Officer, Lisette Guzman
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **1st** DAY OF **JULY, 2008**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On February 10, 2008, a San Diego Sheriff's deputy arrested the defendant, identified as Eliseo OLIVAN-Ortiz, for violation of Penal Code 245(a)(1), "Assault with a Deadly Weapon Other than Firearm or GBI Force". An Immigration Enforcement Agent interviewed the defendant in County jail and placed a Form I-247 (Immigration Detainer) after determining the defendant was a citizen and national of Mexico.

On June 30, 2008, the defendant was referred to the custody of United States Immigration and Customs Enforcement (ICE) at San Diego, California. A Deportation Officer conducted computer database record checks and reviewed various sources of information confirming the defendant to be a citizen of Mexico having been deported or removed from the United States.

A review of official immigration computer database record checks and information contained in the Alien Registration file revealed the defendant was most recently ordered deported from the United States by an Immigration Judge on or about February 6, 2006, and removed to Mexico on February 6, 2006, via the San Ysidro, CA 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) was utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed his identity as Eliseo OLIVAN-Ortiz, 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.