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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Christian CABAN-Alers,

Defendant

Magistrate Docket No

08 JUL 30 AM 10:51

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

COMPLAINT FOR VIOLATION OF

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

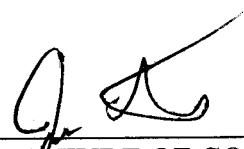
DEPUTY

'08 MJ 2332

The undersigned complainant, being duly sworn, states:

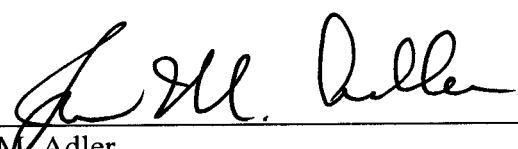
On or about **July 29, 2008** within the Southern District of California, defendant, **Christian CABAN-Alers**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, 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 **30th DAY OF JULY, 2008.**



Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:
Christian CABAN-Alers**

PROBABLE CAUSE STATEMENT

On July 29, 2008, at approximately 11:30 a.m., Supervisory Border Patrol Agent J. Acosta responded to a radio call from Senior Patrol Agent J. Harris. Agent Harris had three individuals detained and observed seven more individuals running south towards Mexico. This area is approximately nine miles east of the Tecate, California Port of Entry and approximately a quarter of a mile north of the United States / Mexico International Border.

Upon Agent Acosta arriving in the area, Agent Harris was able to direct Agent Acosta to the location of the seven individuals, who were attempting to hide. Agent Acosta identified himself as a United States Border Patrol Agent and questioned each of the seven individuals as to their citizenship. All seven individuals, including one later identified as the defendant, **Christian CABAN-Alers**, admitted to being citizens and nationals of Mexico illegally in the United States. All ten individuals were placed under arrest and transported to the Tecate Processing Center in Tecate, California.

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 December 29, 2007 through San Ysidro, 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.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. He also stated he was going to Los Angeles, California to work.