

Terrence Bressi

March 21, 2018

U.S. Customs and Border Protection
Attn: CPA Rodolfo Karisch
2430 S. Swan Rd.
Tucson, AZ 85711

RE: Federal Tort Claim

To whom it may concern:

Pursuant to 28 U.S.C. 2675(a) and 28 C.F.R. 14.2(a), I, Terrence Bressi (“Claimant”), hereby provide notification of incidents that create liability under the Federal Tort Claims Act (“FTCA”) for U.S. Customs and Border Protection (“CBP”) and present claims for monetary damages for personal injury. The incidents creating liability under the FTCA go back to at least 2003 and are ongoing to this day.

Where the statute of limitations may bar recovery under the FTCA for some of the incidents enumerated below, they nonetheless provide evidence of a history of unprofessional, malicious, harassing and unlawful behavior by employees of CBP acting in their official capacities that show a fundamental disregard for the rule of law and Claimant’s clearly established rights.

Additional information regarding these incidents are available upon request.

Date and Time of Injuries:

Roving Patrol Incidents:

- **On or about June 13, 2003**, while driving past the Three Points, AZ gas station on SR-86 on his way to the Kitt Peak National Observatory, Claimant observed a Border Patrol (“BP”) vehicle stationed along the side of the road profiling drivers as they drove past. Claimant took a photograph of the operation as he passed by resulting in the BP vehicle pulling out behind him and following. After a mile or so, the vehicle stopped and turned around.

Shortly thereafter, another BP vehicle sped up behind Claimant and passed on the left. It continued down the road at speeds greater than the posted speed limit until Claimant lost sight of it. Near the entrance to the Tohono O’odham Nation, Claimant observed the vehicle pulled off to the side of the road. After passing, the vehicle pulled out behind Claimant and followed.

Claimant pulled into the parking lot of the Wiwpul-Duag Native American convenience store a few miles down the road concerned about the BP vehicle that appeared to be following him. Sure enough, the BP vehicle followed him into the parking lot and pulled in next to him such that the driver’s side of each vehicle was facing each other. The Border Patrol agent (“BPA”) driving the vehicle motioned for Claimant to roll down his window which he did. The agent

then demanded to know why Claimant was taking pictures of BP vehicles, who Claimant was, who Claimant worked for, etc. A short conversation followed in which the agent identified himself as Agent Joe Asodo. When Claimant asked agent Asodo if it was illegal to take photographs of BP vehicles along public highways, Asodo indicated it wasn't. When Claimant asked Asodo why he was following him if it wasn't illegal, Asodo just indicated that we were in public. After some more conversation, agent Asodo rolled up his window indicating he was done with the conversation and began writing something down. Claimant called his supervisor to apprise him of the situation and continued with his work commute to Kitt Peak while trying to make note of the vehicle's license plate number and agency number before leaving the scene. After arriving at his work site, a helicopter with BP markings began canvassing the mountain top. It remained in the area for thirty minutes or so before departing.

Three days later on or about June 16, 2003, BPA Edward Tuffly, President of the Local 2544 National Border Patrol Council (NBPC), sent a letter of complaint to President Likins of the University of Arizona ("UA") using official NBPC letterhead regarding the events of June 13, 2003. In the letter, BPA Tuffly referred to Claimant by name making it clear he knew who Claimant was and where he worked. BPA Tuffly didn't explain however why the NBPC was involving itself in a matter having nothing to do with the NBPC or why Tuffly was writing the letter and not the agent who was involved in the incident. Tuffly's letter grossly misrepresented the encounter and made several false claims including a claim that Claimant drove around the BP vehicle several times while the agent was trying to depart. Shortly after sending the letter to the UA, the Local 2544 also posted an entry regarding the encounter on its website identifying Claimant by name along with a link to a copy of the letter that BPA Tuffly had sent to the UA.

During this time frame, Acting Assistant Patrol Agent in Charge of the Tucson Station John Fitzpatrick contacted Claimant's department at the UA and requested a meeting with Director Michael Drake. A few weeks later, a meeting was held in Director Drake's office that included Claimant, Claimant's supervisor, Director Drake and Agent Fitzpatrick. During the meeting, Claimant specifically asked agent Fitzpatrick if taking photographs of BP operations along the side of a public highway was unlawful. Agent Fitzpatrick indicated it was not. Claimant further asked if BP agents should be reacting negatively to the public paying attention to BP operations along the side of a public highway and taking photographs. Agent Fitzpatrick indicated they should not.

The incident made it clear that the Border Patrol knew who Claimant was and where he worked as early as 2003. It also made it clear that roving patrols operating along SR-86 were overly aggressive and more than willing to use harassing and intimidating tactics against the traveling public with impunity.

- **On or about May 14, 2008**, as Claimant was driving west along SR-86 late at night, Claimant was followed and stopped by a BP roving patrol along an isolated section of SR-86 with poorly developed shoulders to safely pull onto. As the stopping agent approached him, Claimant demanded to know why the agent had stopped him. When the agent saw Claimant's cameras he backed away, refused to answer Claimant's questions and eventually got back into his patrol vehicle without explanation. Shortly thereafter, the agent drove away making it clear he initiated the traffic stop absent reasonable suspicion or probable cause in violation of **U.S. v. Brignoni-Ponce**, 422 U.S. 873 (1975). Claimant feared for his safety during the traffic stop

given its obvious illegitimacy along an isolated section of a desert highway at night and ongoing harassment and retaliation Claimant had been experiencing from BP roadblock operations along SR-86 during this same time frame.

Claimant was unable to record any identifying information from the USBP vehicle due to poor lighting conditions and the stopping agent refused to identify himself when asked before leaving. Nonetheless video of the traffic stop was taken.

BPA and Local 2544 NBPC President Edward Tuffly:

In addition to the three letters of complaint and records request BPA Edward Tuffly filed in 2008 with Claimant's employer (see below), he was also the agent who filed a complaint against Claimant in June of 2003 regarding a roving patrol encounter highlighted above. In all instances, BPA Tuffly misused Local 2544 NBPC resources and privileged Border Patrol information to pursue a vendetta against Claimant regarding matters having nothing to do with the Local 2544. On union time, BPA Tuffly made false claims against Claimant, attempted to interfere with Claimant's employment, attempted to interfere with Claimant's First Amendment protected rights, made legal threats against Claimant and Claimant's employer and attempted to use his position as Local 2544 President to influence AZ Governor Napolitano and State Representative Russell Pearce to take action against Claimant and/or Claimant's employer:

- **On or about January 28, 2008**, BPA Edward Tuffly, President of the Local 2544 National Border Patrol Council, once again sent a letter to the President of the UA specifically naming Claimant and complaining about his roadblock encounters on January 8, 2008, January 9, 2008 and January 20, 2008. BPA Tuffly falsely claimed that A.R.S. § 13-2401 was being violated by posting videos and photos depicting Border Patrol agents seizing Claimant at a roadblock along a public highway inside the country. He also falsely claimed that Claimant's driving was erratic and that Claimant pointed something at agents outside the passenger window of his vehicle as he drove off during one encounter. BPA Tuffly copied his letter to then Governor Napolitano and State Representative Russell Pearce.

At no time did BPA Tuffly explain why he was using official NBPC letterhead to send his letters of complaint regarding a matter that had nothing to do with the NBPC. Nor did BPA Tuffly explain why he was sending letters of complaint to Claimant's employer instead of the agents responsible for stopping and detaining Claimant at the roadblocks to begin with. More tellingly, BPA Tuffly failed to explain why agents were demanding that Claimant roll down his window and state his citizenship during roadblock encounters if they already knew who he was and where he worked.

BPA Tuffly's letter once again affirmed the fact that the Border Patrol already knew who Claimant was and where he worked when the BP started regular roadblock operations along SR-86 in Southern, AZ in January of 2008. Consequently, the agents who were stopping, seizing and detaining Claimant at this roadblock had no reasonable basis to extend the initial detentions given the limited nature of lawful interior immigration roadblocks as determined by SCOTUS in **United States v. Martinez-Fuerte**, 428 U.S. 543 (1976) and **City of Indianapolis v. Edmond**, 531 U.S. 32 (2000).

- **On or about January 29, 2008**, BPA Tuffly, President of the Local 2544 NBPC, sent another letter to the President of the UA specifically naming Claimant and complaining about his roadblock encounters on January 8, 2008 and January 9, 2008 again. This time BPA Tuffly claimed that Claimant was posting information online about the roadblocks on taxpayer time and equipment. BPA Tuffly copied his letter to then Governor Napolitano and State Representative Russell Pearce.

At no time did BPA Tuffly explain why he was using official NBPC letterhead for his letters of complaint regarding matters that had nothing to do with the NBPC. Nor did he explain why he was sending letters of complaint instead of the agents allegedly aggrieved by Claimant's exercise of his rights while being seized absent reasonable suspicion along a public highway inside the country.

- **On or about February 12, 2008**, BPA Tuffly, President of the Local 2544 NBPC, sent yet another letter to the President of the UA specifically naming Claimant and complaining about his roadblock encounter from February 1, 2008. BPA Tuffly falsely claimed that Claimant was driving a UA vehicle during the encounter. BPA Tuffly falsely claims that there wasn't a show of force directed against Claimant when approximately six BP agents gathered around Claimant's vehicle during the encounter rapping on his window, calling him out by name, recording him and unlawfully detaining him. In his letter, BPA Tuffly then threatened legal action against the UA and Claimant if the UA didn't force Claimant to stop videotaping his compelled interactions at this roadblock. BPA Tuffly also copied his letter to Governor Napolitano and State Representative Russell Pearce for a third time.

At no time did BPA Tuffly explain why he was using official NBPC letterhead to send his letters of complaint regarding a matter that had nothing to do with the NBPC. BPA Tuffly also failed to explain why the agent at primary detained Claimant to demand his citizenship when she already knew who Claimant was and where he worked. This was the same agent who had stopped Claimant several times earlier in January and was the same agent who had left an irate phone message with the UA a few days before the February 1, 2008 roadblock encounter where she explicitly identified Claimant by name.

BPA Tuffly's letter made it clear once again that the BP already knew who Claimant was and where he worked. Sending three letters of complaint to the UA in such a short time period that he also copied to Governor Napolitano and State Representative Russell Pearce made it clear that BPA Tuffly wasn't just a concerned agent but someone who was attempting to leverage his influence to interfere with Claimant's employment and violate Claimant's 1st, 4th and 5th amendment rights.

- **On or about February 13, 2008**, BPA Tuffly, in his capacity as President of the Local 2544 NBPC, directed the Law Office of Jim Calle to submit a public records request to Claimant's employer seeking information regarding Claimant's work schedule, vehicle usage, website traffic, etc. In so doing, BPA Tuffly misused Local 2544 legal resources to pursue a personal vendetta against Claimant and attempted to interfere with Claimant's employment.

Interior Roadblock Incidents:

The roadblock incidents highlighted below cover a twelve year period ranging between April 2005 and July 2017 and were selected from approximately 428 roadblock encounters recorded between April 2005 and February 2018. These roadblock encounters took place along SR-86 in southern Arizona at or near mile post 146. Of the 428 recorded roadblock encounters, Claimant was quickly waved through with little to no delay in approximately 68% of the stops with the remainder resulting in anywhere between short delays/detentions of several seconds to extended detentions lasting over an hour. Most of the roadblock encounters took place in the mid to late afternoon on the date in question with a few taking place at night and a few taking place in the late morning. Agent names are approximate in many cases or non-existent due to agents refusing to identify themselves, hiding their name tags, ripping their name tags off or just the difficulty associated with reading name tags from low resolution images or video streams. Nonetheless it should be easy enough to match faces and dates with roadblock duty rosters and/or service photos if needed for those agents not readily identifiable below.

In approximately 30% of the encounters, Claimant was explicitly acknowledged by name or by other means yet still detained for significant periods of time. Additionally, Claimant was only asked his citizenship status in approximately 12% of his recorded encounters. This despite the fact that stops for a few brief immigration-related questions are the only legitimate function of interior Border Patrol roadblocks according to SCOTUS in **United States v. Martinez-Fuerte** (1976). Despite this fact and despite SCOTUS's ruling in **City of Indianapolis v. Edmond** (2000), drug dogs were used to sniff around or on Claimant's vehicle in over 90 roadblock encounters, a wanted felon board was present at the roadblock for several years in a row and local law enforcement was being used at the SR-86 roadblock for general law enforcement purposes via the federal Operation Stonegarden grant program from at least 2012 to the present day. As such, it's clear that CBP has been using limited-scope interior immigration roadblocks for general law enforcement purposes for years in violation of federal court rulings regarding such roadblocks.

In many of Claimant's roadblock encounters highlighted below, agents acted unprofessionally and/or unlawfully with a clear intent to annoy, harass, intimidate and/or violate Claimant's clearly established rights to be free from unreasonable search and seizure and to not answer investigatory questions from federal agents who were seizing and detaining Claimant without consent. The cumulative effect of these encounters has been to leave Claimant in a state of constant uncertainty while traveling along SR-86 regarding just how far any agent or group of agents will go to harass, intimidate or violate Claimants rights:

- **On or about April 14, 2005**, while traveling east along SR-86, Claimant was stopped and seized at a temporary Border Patrol roadblock setup near mile marker 145 by agents C. Alvera, S. Kendrix and B. Twaiford. This was the first time in nearly twelve years of driving along SR-86 that Claimant had experienced a roadblock manned solely by Border Patrol agents. Two vehicles were being loaded onto a tow truck when Claimant arrived and two of the Border Patrol vehicles present had Agency Numbers K4414 and M1143 on them.

After stopping, one of the female agents demanded Claimant's citizenship while failing to identify herself, the purpose of the stop, the scope of the operation, or who she represented. When Claimant requested that she identify herself and the purpose of the stop, she demanded that Claimant pull his vehicle into secondary. Claimant requested to know if he was being detained on several occasions but was assured by multiple agents that he wasn't. When he

requested to leave given that he wasn't being detained, they refused to allow him to go. One agent attempted to open his vehicle door twice without Claimant's consent, without reasonable suspicion, without probable cause and without a warrant.

Claimant was detained for several more minutes before one agent who had been talking on her radio ordered him to leave while indicating that she had recorded his license plate number and would find out who he was. The extended detention took place absent consent, reasonable suspicion or probable cause.

On or about April 19, 2005, Claimant wrote a letter of complaint to the Chief Patrol Officer for the Tucson Sector, Michael Nicley. He also sent letters to Senator John Kyl and Congressman Raul Grijalva. Agent Nicley never responded to Claimant's complaint directly but he did respond to a request from Senator Kyl's office who made an inquiry on Claimant's behalf. Senator Kyl's office forwarded Agent Nicley's response to Claimant who in turn replied to that letter.

Congressman Grijalva's office opened a formal inquiry on Claimant's behalf. In December of 2005, Claimant received a letter from Congressman Grijalva's office that contained correspondence from the Department of Homeland Security ("DHS")/U.S. Immigration and Customs Enforcement indicating that Claimant's complaint had been forwarded to DHS's Joint Intake Center who would investigate it. No further correspondence or information regarding the issue was ever received.

- **On or about January 8, 2008**, while traveling east along SR-86 near mile post 145, Claimant was stopped and detained by a female agent operating a Border Patrol roadblock stopping all Eastbound traffic. The agent is believed to be Agent K. June. This was the first Border Patrol roadblock stop Claimant had experienced since April of 2005. The agent held him at the roadblock for several minutes while claiming she wasn't detaining him but not letting him go unless he answered her questions. Eventually the agent waved Claimant through the roadblock however. The extended detention lacked consent, reasonable suspicion or probable cause and violated Claimant's right to be free from unreasonable search and seizure and to not answer investigatory questions from federal agents investigating him for unknown crimes.
- **On or about January 9, 2008** Claimant was stopped by Agent J. Gonzalez at the roadblock but quickly waved through after stopping. Agent Gonzalez would be involved with the unlawful detention of Claimant at this same roadblock in two separate encounters on or about February 1, 2008 and March 3, 2008.
- **On or about January 20, 2008**, Claimant was detained by Agent Roman ("Roman") at the SR-86 roadblock while Roman demanded that Claimant roll down his window and answer questions regarding his citizenship status. Roman then ordered Claimant to turn off his vehicle before walking over to the south side of the roadblock to talk with a supervisor. Upon returning to primary, Roman released Claimant from the roadblock.
- **On or about February 1, 2008**, while traveling east along SR-86 near mile post 145, Claimant was stopped and detained at the roadblock by the same female agent, believed to be agent K. June, that had detained him on January 8, 2008. The agent rapped her hand along the side of his

vehicle as he came to a stop and moved toward the back to get out of the field of view of Claimant's camera while demanding to know of what country he was a citizen. Other agents began moving toward his vehicle, some of them smiling and waving and at least one saying "Hi, Terry". Agent Gonzalez began filming Claimant while wearing blue gloves. He walked up close and took photos from various angles. Another agent on the passenger side raps on the side back window while this is going on. Claimant asked multiple times if he was being detained and gets no answer. After several minutes of this harassing behavior, Agent June orders Claimant to leave her checkpoint despite Claimant having answered none of her questions. This agent had called Claimant's employer a few days prior to this encounter which means she knew who he was and where he worked when she seized Claimant during this encounter and extended the detention absent consent or probable cause.

- **On or about March 3, 2008**, after stopping at the SR-86 roadblock, agent J. Gonzalez ("Gonzalez") asks Claimant about his immigration status even though he's already had several encounters with Claimant including one from February 1st where the agent had Claimant detained for an extended period of time while he walked around his vehicle taking photos and video of Claimant. During this encounter, he states he hasn't given Claimant permission to film him. Claimant responds by telling Gonzalez he doesn't need his permission.

Gonzalez continues asking Claimant about his citizenship and when Claimant asks him if he's free to go, the agent indicates he's not free to go until he answers his question despite the fact the agent has no lawful authority to detain Claimant until he answers his questions in the absence of consent or probable cause. When Claimant asks Gonzalez if he's detaining him, Gonzalez also says no indicating he has no understanding of what constitutes a detention. After more back and forth on the issue, Gonzalez eventually releases Claimant.

- **On or about March 21, 2008**, after stopping at the SR-86 roadblock, Agent Cruz ("Cruz") asks if Claimant is a U.S. Citizen. Claimant asks the agent if he has any reason to believe he's not. Cruz indicates they just like to ask and then releases Claimant. While this encounter was relatively mild, on or about April 22, 2008, Cruz will illegally detain Claimant with Agent Villa for an extended period of time before their supervisor orders them to release Claimant. The two videos show the arbitrary and inconsistent nature of operations at interior roadblocks such as this.
- **On or about April 1, 2008**, after stopping at the SR-86 roadblock, Agent R. Villa ("Villa") asks if he should pose for Claimant. After a brief conversation, Villa releases him. During Claimant's next encounter at this roadblock on or about April 22, 2008, Villa along with Cruz will detain Claimant for an extended period of time absent consent, reasonable suspicion or probable cause.
- **On or about April 22, 2008** after stopping at the SR-86 roadblock, Cruz at primary detained Claimant for not answering his questions despite consent or probable cause being required to extend a detention at this roadblock. This was the same agent that waved Claimant through the roadblock on or about March 21, 2008 so he already knew who he was. Cruz's supervisor, Villa, walks over after a while and continues the detention. As Villa is talking with Claimant, Cruz walks to the back of Claimant's vehicle and lifts up the tailgate without consent, reasonable suspicion or probable cause. During a previous encounter with Villa on or about April 1, 2008, Villa had waved Claimant through the roadblock with little fuss. Nonetheless, both agents

continue detaining Claimant for an extended period of time before Villa radios his supervisor who tells him to release him.

During the time Villa detained Claimant, he indicated he knew Claimant went through the roadblock often yet he continued the detention while claiming Claimant was responsible for detaining the people behind him by not answering their questions. Villa's dialogue made it clear he had little understanding of what constitutes a seizure or detention. When Villa finally released Claimant, he told him he was always free to go and to get his rocks off.

- **On or about September 4, 2008**, as Claimant entered the SR-86 roadblock, Agent LeBlanc ("LeBlanc") was walking his drug dog across the street. The agent at primary detained Claimant for LeBlanc. LeBlanc walked up behind Claimant's vehicle and directed his drug dog onto the bed of Claimant's truck. In so doing, LeBlanc turned a free air sniff into a K-9 search absent consent, reasonable suspicion or probable cause. LeBlanc continued walking his dog slowly around Claimant's vehicle after finding nothing in the bed of Claimant's truck while the other agents present stood by, including Field Supervisor DeLeon who had his name tag obscured making it impossible to verify his identity. Claimant was only allowed to leave after LeBlanc finished walking his drug dog around Claimant's vehicle absent consent, reasonable suspicion or probable cause.
- **On or about November 5, 2008**, as Claimant entered the SR-86 roadblock, LeBlanc was present once again on the south side of the roadblock with his drug dog. LeBlanc waved as Claimant passed and then directed his dog to Claimant's vehicle where it sniffed the back. As Claimant came to a stop at primary, LeBlanc directed his drug dog to climb into the bed of Claimant's truck and sniff around absent consent, reasonable suspicion or probable cause. By directing his drug dog onto Claimant's vehicle in this manner, LeBlanc turned a free-air dog sniff into a K-9 search.

As Claimant came to a stop at primary, Agent B. Baron ("Baron") was observed holding an FN 303 semi-automatic projectile launcher at the ready. Claimant asked Baron what he was doing with such a weapon at the roadblock and he just said it's less lethal than guns. Claimant then asked Baron what LeBlanc was doing and he said LeBlanc was checking for people and dope. When Claimant asked if the dog was on his truck, Baron just smiled and said, "Yes sir". After finding nothing in the bed of the truck, LeBlanc directed his dog to the front of Claimant's vehicle before he is released.

When LeBlanc came over to tell Claimant he was holding up traffic, Claimant asked him his name. In response, LeBlanc ripped off his name tag and refused to identify himself. Baron then told Claimant he didn't have permission to use his name online. Claimant told him he didn't need his permission before leaving.

At no time did any of the agents ask Claimant any immigration-related questions. This fact coupled with a drug dog being allowed to climb into the bed of Claimant's truck at the direction of its handler and Baron holding a projectile weapon at primary while indicating the dog was being used to look for dope along with people made it clear the scope of the roadblock operation exceeded legal limits. Supervisor Ford stood by on the south side of the road letting all of this take place.

After this video was posted online, YouTube pulled it after several agents lodged false privacy complaints with the company.

- **On or about November 26, 2008**, while traveling to Tucson along SR-86 near mile post 145, Claimant was stopped and illegally detained at the roadblock by Agents R. Soto (“Soto”), T. Gill (“Gill”) and D. Gilmore (“Gilmore”). The agents detained Claimant for close to ten minutes while demanding that he answer their questions and threatening to arrest him even though admitting to knowing who Claimant was. Claimant was told he was not free to leave the roadblock until he answered their questions despite 5th Amendment protections against compelled testimony and multiple federal court cases indicating individuals can’t be detained merely for exercising their right to remain silent. Eventually, USBP Supervisor E. Dean arrived on-scene and released Claimant without any further demand making it clear Soto, Gill and Gilmore had no reasonable basis to extend the detention to begin with.
- **On or about December 20, 2008**, while traveling to Tucson along SR-86 near mile post 145, Claimant was detained by Field Supervisor Roman (“FS Roman”) at the USBP roadblock. Claimant didn’t discover the agent’s name until several months later during another encounter because he had obstructed his name tag and refused multiple requests for him to identify himself.

FS Roman detained Claimant for several minutes in the lane of traffic while demanding his citizenship status despite acknowledging that he knew who Claimant was and had watched Claimant’s roadblock videos online. While detaining Claimant, another agent approached a TOPD police officer who was a few cars behind Claimant at the roadblock. At one point during the detention, FS Roman walked over to the other agent and they huddled together to discuss something. After returning to Claimant’s vehicle, FS Roman suddenly ordered him to leave the roadblock. Claimant did so within a short time after demanding that FS Roman identify himself several times.

As Claimant was leaving, the BP agents allowed the TOPD officer to cut through the roadblock. The patrol car followed Claimant down the road and conducted a traffic stop a mile or so later. TOPD Officer Carrasco (“Carrasco”) then wrote Claimant a citation for interfering with traffic at A.R.S. § 28-704. During the traffic stop, FS Roman and at least one other agent traveled out to the traffic stop to assist Carrasco.

Claimant challenged the citation in court and it was dismissed after a hearing in which Carrasco testified.

- **On or about February 27, 2009**, as Claimant stopped at the SR-86 roadblock, Agent L. Gunnells (“Gunnells”) at primary told him to roll down his window several times while smiling during subsequent requests. The agent on the south side smiled and waved when Claimant turned to him. When Claimant turned back to Gunnells, he stared at Claimant for several seconds before telling him to roll down his window again. Gunnells continued to stare at Claimant some more before finally releasing him without asking any immigration-related questions.

- **On or about August 6, 2009**, after stopping at the SR-86 roadblock, the agent at primary, R. Guevera, rapped on Claimant's door. After noticing the camera being held by Claimant, he backed off, looked to the agents on the south side and told Claimant to get out of there. When Claimant attempted to verify the agent's name, the agent pulled his name tag off and told him to just go. Several more questions result in the same answer. Claimant left shortly thereafter.
- **On or about August 11, 2009**, as Claimant entered the SR-86 roadblock, Agent Miller ("Miller") at primary motioned for him to keep going. As Claimant followed Miller's direction and drove by, Miller unprofessionally yelled, "Go away." Claimant stopped briefly and told the agent to take his own advice.
- **On or about August 21, 2009**, after stopping at the SR-86 roadblock, the agent at primary addressed Claimant by name while CBP Inspector Dougherty ran his drug dog around Claimant's vehicle. Note – CBP Inspector's normally work ports of entry at the border as opposed to interior roadblocks where the laws of search and seizure are different. Another agent also called out Claimant's name while this was going on. The agent at primary continued detaining Claimant until Inspector Dougherty signaled him that he was done with the drug dog sniff. Since the agents obviously knew who Claimant was, they had no lawful basis to continue detaining him at the roadblock in order to allow a drug dog to sniff his vehicle.
- **On or about September 11, 2009**, as Claimant entered the SR-86 roadblock, several CBP Inspectors were present on the south side of the road. Inspector Unyor grabbed and knocked on a closed container in the back of the truck in front of Claimant – something he didn't have lawful authority to do absent consent or probable cause at roadblocks removed from the border or its functional equivalent. CBP Inspector Ballentine ("Ballentine") was at primary and asked if Claimant was going to roll down his window and talk to him or what. After a short time Ballentine released Claimant from the roadblock. This same inspector will unlawfully detain and harass Claimant with several Border Patrol agents at the roadblock a few days later on or about September 18, 2009.
- **On or about September 18, 2009**, as Claimant entered the roadblock, a dog handler was directing his drug dog to sniff the passenger side of vehicles as they passed by. Several CBP Inspectors were present. The BP agents, along with Ballentine at primary, just stared at Claimant for a while without saying anything. CBP Inspector Dougherty sat to the south side staring at his phone. Ballentine then took out a recording device and pointed it at Claimant while still saying nothing.

Ballentine eventually asked Claimant if he was going to leave. A strange and unprofessional question coming from an unprofessional inspector who knew that Claimant had not yet been released from the roadblock. The Border Patrol agent at primary, Agent Valdez, pulled out a recording device as well with none of the agents indicating that Claimant was actually free to leave.

Ballentine then said, "We've already had this conversation on your blog by the way" making it clear he knew who Claimant was. He eventually released Claimant. In detaining Claimant at the roadblock while admitting he knew who he was, Ballentine violated Claimant's rights.

- **On or about November 20, 2009**, as Claimant entered the SR-86 roadblock at night, a dog handler was directing his drug dog around and on a truck in front of Claimant. A CBP Inspector was present on the south side of the road. When the dog handler noticed Claimant's cameras, he took special interest in Claimant's vehicle. He walked around the back of Claimant's vehicle with his drug dog and stopped and stared at Claimant by the driver's side window. He then followed Claimant's vehicle to primary where he took over the inspection from an agent who was already there. He demanded to know if Claimant was a U.S. citizen. Claimant asked the agent's name since he was not wearing a visible name tag. The agent moved closer and kept asking the citizenship question. Claimant once again asked his name and he pretended like he couldn't hear the question. Another CBP Inspector walked over from the south. At one point, she took out a recording device and began recording. She also bent down to look at Claimant's license plate.

The agent detaining Claimant then claimed Claimant's hand was shaking and repeatedly demanded to know if Claimant was all right. One of the CBP Inspectors peered closely into the vehicle from the other side. Claimant once again asked him what his name was and he responded by saying he was a U.S. Border Patrol agent. Claimant asked again and the agent went back to pretending he couldn't hear him.

Eventually, he released Claimant. Claimant attempted to get the agent to identify himself several more times which prompted him to quickly open and close his vest where his name tag was located. When Claimant asked him to state his name since he was unable to read the name tag due to poor lighting, the agent refused.

- **On or about December 21, 2009**, after stopping at the SR-86 roadblock, Claimant was detained while several agents walked around his vehicle. The agent at primary said nothing and just walked away. When first arriving, the agent at primary had a name tag on. When he walked back over and released Claimant, the agent had removed his name tag.

Claimant asked the agent where his name tag was and whether he was violating Border Patrol policy by not having it on. He responded by threatening to call the sheriff. After the agent answered Claimant's question regarding the name of his supervisor, Claimant left the roadblock.

- **On or about January 19, 2010**, after stopping at the SR-86 roadblock, the field supervisor at primary leaned in close and asked if he could help Claimant in some way while smiling. It was a strange and unprofessional question coming from an agent who was seizing people absent suspicion along a public highway over forty miles north of an international border. After several seconds, he leaned back and released Claimant without asking any questions, immigration-related or otherwise.

When Claimant doesn't leave fast enough for the agent, he raps his knuckles on the window and tells Claimant he needs to leave now. When Claimant asks him the name of his supervisor, he refused to provide it.

- **On or about February 12, 2010**, as Claimant entered the SR-86 roadblock, he observed Gill open the trunk of the vehicle in front of him to conduct a search. Gill rifled through the items in

the trunk before closing it and releasing the vehicle. As Claimant stopped at primary, Gill walked over, addressed Claimant by name and told him he was cleared to leave the roadblock. Gill obviously had no probable cause to search the trunk of the vehicle in front of Claimant or else he would have directed it over to secondary.

- **On or about February 18, 2010**, as Claimant entered the SR-86 roadblock, he observed an agent pop the trunk of the vehicle in front of him to conduct a search. The vehicle was released after the search was complete. As was the case with the roadblock encounter on or about February 12, 2010, the agent obviously had no probable cause to conduct a trunk search or else the vehicle would have been directed to secondary. As claimant stopped at primary, the agent released him.
- **On or about March 6, 2010**, as Claimant stopped at the SR-86 roadblock, Agent Grayson (“Grayson”) was present along with Agent Best on the south side of primary and Field Supervisor Taylor (“FS Taylor”) was in the middle of the road at primary. One of the agents on the south side initially told claimant he could go but FS Taylor began demanding that Claimant roll down his window. FS Taylor then demanded that Claimant go to secondary without making any immigration-related queries.

When Claimant stayed where he was, FS Taylor looked to the other agents and asked them what was going on. One agent told him that Claimant was a U.S. citizen followed by Grayson stating Claimant’s name and calling him a trouble maker. FS Taylor recognized Claimant’s name and said he had never met Claimant before. One of the agents repeated Grayson’s claim that Claimant was a trouble maker. FS Taylor then motioned for Claimant to leave. Before leaving, Claimant asked FS Taylor who his supervisor was but he refused to answer.

Three years later on or about March 29, 2013, Grayson would be one of the agents that would illegally detain Claimant in the lane of traffic to harass him while calling out his name and recording him with personal recording gear.

- **On or about March 19, 2010**, after stopping at the SR-86 roadblock, Agent Langdon at primary unprofessionally pulled his name tag off and walked away without saying a word. After several seconds, he walked back over facing away from Claimant and told him to go.
- **On or about August 14, 2010**, while traveling east along SR-86 near mile post 146, Claimant was illegally detained by Agent Candelario (“Candelario”) at primary. Upon stopping, Candelario said nothing to Claimant. Instead he asked another agent where the spike strip was. He then asked an agent to get the supervisor to find out what to do with “this joker”. Candelario then grabbed a spike strip and placed it in front of Claimant’s vehicle – all without saying a word to Claimant. After some time, Gill walked over, removed the spike strip and waved Claimant through while refusing to answer Claimant’s questions regarding his subordinate’s behavior.
- **On or about November 4, 2010**, as Claimant entered the SR-86 roadblock, Gill was on the south side of the roadblock walking his drug dog along the line of traffic. He began paying extra attention to the truck in front of Claimant that had three females sitting in the bed. During the free-air drug dog sniff, Gill directed his drug dog to stand up on the back and side of the vehicle

in several places in order to smell inside the bed of the truck. In so doing, he turned the free-air dog sniff into a K-9 search. After Gill finished his K-9 search of the vehicle in front of Claimant, the vehicle was released. When Claimant moved up to primary, he was released in short order.

- **On or about January 20, 2011**, while entering the Border Patrol roadblock along SR-86 near mile post 146, one of the agents yelled out, “It’s that guy, guys.” As Claimant stopped at primary, the agent asked another agent whether or not to “fuck” with him. The agent then ordered Claimant to “Get out – go ahead.” As Claimant was leaving, the agent who had asked whether or not to “fuck” with him, slapped the side of Claimant’s vehicle.
- **On or about February 25, 2011**, while traveling east along SR-86 near mile post 146, Claimant was stopped and detained at the roadblock by Field Supervisor Trevino (“FS Trevino”). FS Trevino illegally detained Claimant at primary while waiting for a drug dog to come over and sniff Claimant’s vehicle. During the detention, FS Trevino never asked Claimant any immigration-related questions making it clear he had no immigration-related concerns. By continuing to detain Claimant in the lane of traffic absent consent, reasonable suspicion or probable cause in order to allow a drug dog to sniff his vehicle, FS Trevino violated Claimant’s right to be free from unreasonable search and seizure.
- **On or about April 20, 2011**, while traveling east on SR-86, Claimant noted the presence of LeBlanc running his drug dog up and down the driver side of vehicles entering the roadblock. LeBlanc recognized Claimant as he entered the roadblock and walked over to primary to say something to the agent there. After stopping at primary, Agent Galvin (“Galvin”) addressed Claimant by name but still demanded his citizenship status while asking about his job at the UA. Galvin then released Claimant.

Since Galvin had no legitimate immigration-related concerns regarding Claimant, the additional time he took to detain Claimant in order to inquire about his job at the UA was unprofessional and unlawful.

- **On or about June 16, 2011**, after stopping at the SR-86 roadblock, Agent Garcia (“Garcia”) quickly released Claimant. The following day however, Garcia would detain Claimant while he walked around his vehicle and allow Agent Ponce to come out and ask Claimant questions he already knew the answer to.
- **On or about June 17, 2011**, after stopping at the SR-86 roadblock, Garcia detained Claimant and walked around his vehicle while two other agents stood up from underneath the canopy on the south side and walked closer. When Claimant asked Garcia if he was free to go, Agent Ponce asked Claimant if he still worked at the UA. Claimant responded by asking Ponce his first name and who his supervisor was until one of the agents released Claimant. Gill, who was standing on the south side of primary, waved and stated Claimant’s name as he drove away.

By continuing to detain Claimant at the roadblock when the agents knew who he was, the agent’s violated his right to be free from unreasonable search and seizure.

- **On or about August 12, 2011**, after stopping at the SR-86 roadblock, the agent at primary motioned for Claimant to roll down his window twice. The Field Supervisor on the south side of primary asked if this was the guy while walking behind Claimant's vehicle and lifting up the tailgate without consent or probable cause. He then walked over to primary. When Claimant asked him his name, he covered his name tag. A short time later during which the field supervisor refused to identify himself, he released Claimant.
- **On or about August 16, 2011**, as Claimant stopped at the SR-86 roadblock, Agent Fernandez ("Fernandez") motioned for him to roll down his window. When Claimant didn't, he motioned for Claimant to leave which he did. This is the same agent that will illegally detain Claimant at the roadblock on or about September 2, 2011 when no other agents are in the immediate vicinity of the primary stop location.
- **On or about September 2, 2011**, as Claimant entered the roadblock and waited in the line of traffic, he observed Fernandez at primary rifling through the trunk of a vehicle in front of him. Fernandez was the only agent in sight which meant he had been left at primary unsupervised by any higher ranking agents. If Fernandez had probable cause to conduct a trunk search, he would have directed the vehicle over to secondary instead of holding up traffic in the lane. He then spent more time looking over several documents handed to him. After releasing the vehicle, he waved the next vehicle through the roadblock with no scrutiny.

After Claimant stopped at primary, Fernandez motioned for him to roll his window down. He then rapped loudly on the window with his knuckles. Claimant told Fernandez to get his hands off his vehicle. Fernandez asked if Claimant was a U.S. citizen multiple times despite having waved Claimant through the roadblock a few days earlier. In response, Claimant asked him how many trunk searches he conducted every day absent reasonable suspicion. IN response, Fernandez unprofessionally stated, "You haven't told me if you're a U.S. citizen. You can stay there all day if you want." After walking away and leaving Claimant at primary, Fernandez sauntered over to several vehicles behind Claimant in the lane of traffic before returning.

An agent walking over from secondary motioned to Fernandez. Fernandez then walked past Claimant and just said, "Bye" without looking at Claimant. Claimant asked him what's the matter and that he could sit there all day like Fernandez had originally invited him to. Claimant then asked if he was free to go but the other agent rapped on his vehicle and told him to leave his checkpoint. Both agents clearly knew who Claimant was. As such, Fernandez's unprofessional demeanor and extended detention of Claimant violated his right to be free from unreasonable search and seizure.

- **On or about September 19, 2011**, as Claimant stopped at the SR-86 roadblock, the agent at primary rapped loudly on his window and asked Claimant how he was doing followed by a question regarding his citizenship. He already knew who Claimant was however because an agent on the south side of primary asked him if this was the guy and he said yes. Additionally, another agent on the south side stated that they had already confirmed Claimant's nationality. Claimant was released shortly thereafter.
- **On or about September 25, 2011**, as Claimant pulled up to the primary stop at the SR-86 roadblock, one of the two agents checking vehicles on the passenger side walked over to the

drivers side and held an article of clothing over Claimant's window to obscure his camera. Claimant asked if he was free to leave and the agent obscuring his camera said yes but Field Supervisor T. Kumle ("FS Kumle"), who was standing at primary, told Claimant to roll down his window. He then told Claimant to pull into secondary.

Claimant asked if he was being detained but FS Kumle refused to answer. All the while, the other agent was still holding the obstruction up in front of Claimant's window. FS Kumle threatened to call the sheriff while continuing to detain Claimant in the lane of traffic despite having no lawful authority to do so and despite other agents at the roadblock indicating they knew who Claimant was. FS Kumle then began talking on his phone and radio. Claimant was referenced by name on several occasions during FS Kumle's conversations. At one point, someone FS Kumle was talking to regarding the sheriff's ETA indicated the sheriff would respond. Nonetheless, FS Kumle continued detaining Claimant for a lengthy period of time until Area Supervisor USBP Agent J. Dominguez, arrived on-scene and immediately released Claimant without explanation.

FS Kumle's lengthy detention of Claimant violated his right to be free from unreasonable search and seizure.

- **On or about October 2, 2011**, after stopping at the SR-86 roadblock, two CBP Inspectors are noted working the primary stop location. Claimant asked Inspector Garee ("Garee") at primary if he was free to go. Garee said he couldn't hear Claimant. While unprofessionally chanting Claimant's full name, Field Supervisor Wilcox walked over and told him to move along.
- **On or about October 17, 2011** as Claimant entered the SR-86 roadblock, LeBlanc was present on the south side of the roadblock walking his drug dog up and down the lane of traffic sniffing vehicles waiting to be processed at the roadblock. Field Supervisor Defreitas ("FS Defreitas") at primary tells Claimant to roll down his window and then looked to another agent and asked if this was going to continue. The agent answered yes and agent FS Defreitas released Claimant. On or about December 19, 2011, FS Defreitas will detain Claimant for a longer period of time.
- **On or about December 19, 2011**, as Claimant entered the SR-86 roadblock, LeBlanc was on the south side of the roadblock directing his drug dog to sniff traffic as it passed by. A CBP Inspector standing next to LeBlanc waved as Claimant passed.

After stopping at primary, FS Defreitas asked about Claimant's citizenship status several times. This despite having previously waved Claimant through the roadblock on or about October 17, 2011. Claimant asked for his supervisors name and phone number which FS Defreitas provided. FS Defreitas asked about Claimant's citizenship status again but when Claimant stated he had nothing to say, FS Defreitas asked one of the agents if this was Terry Bressi and whether or not he had proven his U.S. citizenship. FS Defreitas then released Claimant.

- **On or about January 12, 2012**, as Claimant entered the SR-86 roadblock, a dog handler is on the south side of the roadblock with his drug dog walking it up the line of traffic. He stopped at the bus in front of Claimant and directed the dog to extend itself up along the side of the vehicle turning a free air sniff into a K-9 search. As Claimant continued to primary, an agent on the south side began waving, smiling and laughing.

As Claimant stopped at primary, Agent Giedeman (“Giedeman”) asked him for his citizenship. Claimant began spelling the agent’s name while they have a conversation about Claimant. They ask if that’s him and the agent at primary says yes making it clear he already knew who Claimant was. Nonetheless the agent continued detaining Claimant and asking about his citizenship status until Claimant energized his horn for several seconds. The agent then released Claimant while the agents on the south side laugh and call out his name.

The unprofessional behavior of the agents coupled with the detention when they already knew who Claimant was violated his right to be free from unreasonable search and seizure.

- **On or about February 9, 2012**, after Claimant came to a stop at the SR-86 roadblock, the Field Supervisor at primary ordered him to roll down his window. The supervisor then looked up at the agents on the south side while asking, “I don’t know, is it Bressi?”. An agent on the south side yelled, “Continue on Bressi”. As Claimant began to leave, the same agent yelled, “Get out of the checkpoint, You’re trespassing.” Claimant stopped and reminded the agent that it was a public highway before continuing.
- **On or about March 15, 2012**, after coming to a stop at the SR-86 roadblock, a dog handler directed his drug sniffing dog over to Claimant’s vehicle for a sniff. The agent at primary continued to detain Claimant while waiting for the dog handler to finish walking his dog around Claimant’s vehicle. The agent also asked Claimant his citizenship status and to roll down his window. The dog and handler lifted up the corner of Claimant’s tailgate guard during the sniff. Claimant beeped his horn and told the agent to get his dog off his vehicle. Claimant was released shortly thereafter despite not answering any questions.

The extended detention and use of a drug sniffing dog in this capacity violated Claimant’s right to be free from unreasonable search and seizure.

- **On or about May 2, 2012**, after coming to a stop at the SR-86 roadblock, Gill directed his drug dog over to Claimant’s vehicle for a sniff while greeting him by name. The agent at primary continued to detain Claimant until Gill told him he was free to go. Since Gill already knew who Claimant was from multiple previous encounters and had no reasonable immigration concerns, the extended detention of Claimant at primary in order to allow Gill to run his drug dog around Claimant’s vehicle violated his right to be free from unreasonable search and seizure.
- **On or about May 10, 2012**, as Claimant stopped at the SR-86 roadblock, Gill once again directed his drug dog over to Claimant’s vehicle for a sniff while stating Claimant’s name. The agent at primary continued to detain Claimant until Gill indicated he was done with the sniff. Given that the agents already knew Claimant’s immigration status, the extended detention and drug dog sniff violated Claimant’s right to be free from unreasonable search and seizure.
- **On or about June 4, 2012**, as Claimant stopped at the SR-86 roadblock, the agent at primary told Claimant to go ahead. As Claimant began driving away, FS Roman yelled for Claimant to, “Go away.” Since Claimant was already going away, FS Roman’s outburst was quite unprofessional. This is the same field supervisor who illegally detained Claimant back in

December of 2008 to allow a TOPD officer to pull Claimant over and write him a citation for interfering with traffic.

- **On or about June 13, 2012**, as Claimant entered the SR-86 roadblock, LeBlanc was in the middle of the road directing his drug dog to sniff the driver's side of vehicles entering the roadblock. As Claimant stopped at primary, Agent Gonzalez ("Gonzalez") stated Claimant's last name while telling him to go ahead. As Claimant was driving away, the agent unprofessionally said, "Don't crash and burn". This is the same agent that will falsely claim that Claimant has a flat tire on three separate occasions at the roadblock over the next few months.
- **On or about June 26, 2012**, as Claimant entered the SR-86 roadblock, LeBlanc was on the south side of the roadblock with his drug dog sniffing vehicles as they passed by. When Claimant stopped at primary, Agent R. Elmore unprofessionally begins recording Claimant with a personal recording device while stating Claimant's name. When Claimant asked him who his supervisor was, the agent refused to tell him but did tell him to leave the roadblock.
- **On or about July 5, 2012**, as Claimant came to a stop at the SR-86 roadblock, Gonzalez at primary indicated that they had already established his citizenship status and to go on his way. The agent then stated something to the effect that, "I think you have a flat," as Claimant is driving away. He will make this claim three times between this date and August 10, 2012 as Claimant is driving away even though he's on different sides of the vehicle on different dates and despite the fact all Claimant's vehicle tires were fine. He also told Claimant not to crash and burn during an earlier encounter on June 13, 2012.
- **On or about July 12, 2012**, as Claimant entered the SR-86 roadblock, a dog handler was in the middle of the road directing her drug dog to sniff the driver's side of vehicles entering the roadblock. When she saw Claimant, she walked back towards primary and communicated with the agents there. Claimant was quickly released but as he was driving away, Gonzalez on the south side of the road said, "Bye Mr. Terry" twice and then something about a flat tire.
- **On or about August 10, 2012**, as Claimant came to a stop at the SR-86 roadblock, the agent at primary released him. Gonzalez, standing on the south side of the road, pointed to his front right passenger tire as he was driving away and falsely stated it's going flat. Claimant stopped and told the agent to come over and explain his statement – the third time he had made it for tires on different sides of Claimant's vehicle over several weeks despite no sign of any tires going flat. The agent refused to come over – yelling instead for Claimant to go.

If Gonzalez had really believed one of Claimant's tires was going flat and therefor Claimant's vehicle was a potential safety risk to the traveling public, he would have had a professional responsibility to verify and explain his statements. Instead, it was obvious at this point that Gonzalez's statements were designed purely to harass Claimant.

- **On or about September 26, 2012**, as Claimant entered the roadblock, he noted the presence of PCSD Vehicle #710 stationed at the entrance to the roadblock on the south side of the road conducting a Stonegarden deployment. At the same time, a dog handler was walking her drug dog up and down the lane of traffic on the south side of the roadblock where a wanted felon board was visible. When she saw Claimant, she turned around and walked part way back to

primary to warn the agents that he was in the lane of traffic. She then turned back around, walked past Claimant's vehicle with her drug dog and said something unintelligible accompanied by Claimant's last name.

When Claimant stopped at primary, agent Gonzalez addressed him by name, indicated that they had already established that he's a United States citizen and to go ahead. As Claimant drove away, Gonzalez unprofessionally told him to watch out for something unintelligible.

- **On or about October 2, 2012**, after coming to a stop at the SR-86 roadblock, FS Roman walked over to the south side of primary with a personal recording device to record Claimant. Agent Soroa unlawfully detained Claimant at primary and told him to roll down his window twice. After a while, FS Roman walked over to primary and told Claimant to leave his checkpoint while hiding his name tag and refusing to verify his identity.
- **On or about December 17, 2012**, as Claimant was driving Westbound on SR-86 past the roadblock (only Eastbound traffic is stopped and seized), he noted the presence of a PCSD deputy standing at primary in the middle of the road working with the Border Patrol – undoubtedly on a Stonegarden deployment.
- **On or about January 5, 2013**, as Claimant came to a stop at the SR-86 roadblock, Grayson just stared at him at primary until Claimant picked up a camera and pointed it at him. Grayson then said, “Hi Mr. Bressi” and waved before Claimant left. This is the same agent that will illegally detain Claimant at the roadblock in March of 2013.
- **On or about January 22, 2013**, several agents unprofessionally chant Claimant's full name as he came to a stop at the SR-86 roadblock. Claimant energizes his vehicle's horn for several seconds followed by one of the agents on the south side of primary telling him he can leave the roadblock.
- **On or about March 29, 2013**, as Claimant pulled into the primary stop at the SR-86 roadblock, Grayson and McKnight illegally detain Claimant at primary while recording him with personal recording devices. Grayson then stated, “It never gets old does it Mr. Bressi,” making it clear he knew who Claimant was and was merely using his authority to illegally detain and harass Claimant at the roadblock. Claimant beeped his horn to get the attention of Field Supervisor Brandon (“FS Brandon”) on the south side of the roadblock but FS Brandon just looked up and waved. Claimant looked back to Grayson who just said the same thing he did earlier and doesn't ask Claimant any immigration-related questions or otherwise indicate that he wants Claimant to do anything. When Claimant started to leave after the agents provided Claimant with no instructions or demands, Grayson ordered Claimant to stop. Claimant did so and Grayson yelled a series of conflicting orders before calling the sheriff.

Two deputies conducting Stonegarden deployments arrive a short time later and cite Claimant for stopping unnecessarily in the lane of traffic. After the deputies leave the site, Claimant interviewed Grayson and FS Brandon. Grayson admitted that he knew who Claimant was before detaining him but just wanted to record Claimant like Claimant records agents at the roadblock. FS Brandon also admitted to recognizing Claimant and his vehicle as he entered the roadblock. Further, FS Brandon admitted that it was not Border Patrol policy to stand at primary

and record individuals seized with personal recording devices while not asking any immigration-related questions.

Given that Grayson knew who claimant was, his extended detention to give himself and McKnight an opportunity to harass Claimant at primary violated Claimants right to be free from unreasonable search and seizure. Claimant challenged the citation in court and it was dismissed several months later.

- **On or about April 1, 2013**, McKnight, a K-9 handler, illegally singled Claimant's vehicle out of a long line of vehicles at the roadblock to walk his drug dog around it while Claimant was waiting to be processed at primary. McKnight first called Claimant out by name while waving before walking over with his drug dog. McKnight then directed his drug dog to sniff Claimant's vehicle while slowly walking his dog around it.

McKnight was involved with illegally detaining Claimant with Grayson a few days earlier on or about March 30, 2013. By not treating all vehicle the same way in the line of traffic and singling out Claimant's vehicle for extra attention despite already knowing who Claimant was, agent McKnight violated Claimant's right to be free from unreasonable search and seizure.

- **On or about April 21, 2013**, as Claimant entered the SR-86 roadblock, a dog handler was noted on the south side of the roadblock directing his drug dog to sniff vehicles as they passed by. Instead of waving Claimant through at primary, Grayson detained him in order to say, "Hey Mr. Bressi how you doing today? Come on I thought we were past this. Come on man we're friends now."

When Claimant asked Grayson if he was detaining him, Grayson said, "All right then, have a nice day". Claimant asked him who his supervisor was and he pretended ignorance before releasing Claimant. Grayson is the same agent who illegally detained Claimant in late March.

- **On or about April 30, 2013**, after stopping at the SR-86 roadblock, the agent at primary asked Claimant to roll his window down followed by asking him to go to secondary. When Claimant stayed at primary, the agent called over to his supervisor, Agent Ryden, who directed him to release Claimant. As he left the roadblock, Claimant passed a PCSD vehicle and deputy conducting a traffic stop on the outskirts of the roadblock.
- **On or about May 16, 2013**, as Claimant entered the SR-86 roadblock, he noted the presence of a PCSD deputy standing on the north side of the roadblock with a USBP agent. The primary agent asked Claimant to state his citizenship before turning to the deputy and agent to the north. He asked them, "What do you think?". The agent to the north asked if it was Claimant and the primary agent says, "Yes it is and he's filming right now". He then falsely claimed that Claimant was asking for a supervisor. The agent to the north asked if there was anyone else in the vehicle and the primary agent says no. The agent to the north then tells him to let Claimant through.

After passing through the roadblock, Claimant pulled off to the south side of the road along the outskirts of the roadblock, got out and crossed the street to talk to the deputy after asking for her consent. She identified herself as Deputy Wren and they had a lengthy conversation regarding

Operation Stonegarden and what she was doing there. She admitted that deputies have been stationing themselves at the roadblock for up to eight hour shifts where they conduct general law enforcement operations to assist the Border Patrol.

- **On or about May 31, 2013**, after stopping at the SR-86 roadblock, Agent Martinez at primary detained Claimant while unprofessionally asking two other agents if they wanted to take a picture. An act that Grayson and McKnight had done a few months earlier. Shortly thereafter, the agent released Claimant. As claimant was driving away, he recognized agent McKnight on the south side of the roadblock as one of the agents that Martinez had asked the question to.
- **On or about August 28, 2013**, as Claimant entered the roadblock, he noted that the stop signs had been removed and there were no agents at primary so he drove through. A PCSD SUV was present at the roadblock probably working a Stonegarden deployment. Bad weather was undoubtedly the reason for the roadblock closure.
- **On or about September 7, 2013**, while traveling east along SR-86 near mile post 146, Claimant was stopped and detained at the roadblock by Agent Oxborro. The agent detained him at primary until his supervisor walked over and released him.
- **On or about September 10, 2013**, as Claimant stopped at the SR-86 roadblock, McKnight unprofessionally called out his name several times and waved vigorously next to his vehicle as he stopped at primary before being allowed to pass.
- **On or about September 17, 2013**, while traveling east along SR-86 near mile post 146, Claimant was stopped and detained at the roadblock by Agent Kerr who attempted to direct him to secondary before his supervisor released Claimant. A PCSD deputy was also present at the roadblock conducting general law enforcement operations under operation Stonegarden.
- **On or about September 23, 2013**, while traveling east along SR-86 near mile post 146, Claimant was stopped and illegally detained by Gilmore and his supervisor in the lane of traffic. They conducted a license plate check on Claimant's vehicle before allowing him to leave. Since license plate checks don't tell agents anything about who is driving or provide any information regarding the driver's immigration status, any legal basis for the detention would be strictly general law enforcement in nature which is outside the scope of lawful internal immigration checkpoint stops. This is the second time Gilmore was involved with illegally detaining Claimant at this roadblock. The first time was on or about November 26, 2008.
- **On or about October 26, 2013**, Agent Rodriguez illegally detained Claimant at the primary stop location of the SR-86 roadblock for the sole purpose of allowing a drug dog to be run around his vehicle. At no point was Claimant asked an immigration-related questions. A spike strip was placed in front of Claimant's vehicle during the time frame the drug dog was being utilized.
- **On or about February 22, 2014**, Agent Brady ("Brady") at the SR-86 roadblock illegally extended the detention and held Claimant at primary until the field supervisor released him. Brady addressed Claimant by name during the detention so he already knew who he was and had no legitimate reason for the detention.

- **On or about March 22, 2014**, Agent Campos illegally detained Claimant at the SR-86 roadblock until Field Supervisor Vandmacher walked over and released him.
- **On or about April 12, 2014**, Agent Rivera illegally detained Claimant at the SR-86 roadblock and called for a K-9 absent reasonable suspicion. After Claimant energized his horn, Agents Patterson (“Patterson”) and Huey walked over. Instead of immediately releasing Claimant, Patterson unprofessionally addressed Claimant by name while inquiring as to whether or not Claimant still worked at the UA/Kitt Peak.
- **On or about April 30, 2014**, Agents J. Tackett (“Tackett”) and Field Supervisor G. Serrano (“FS Serrano”) illegally detained Claimant at the SR-86 roadblock while PCSD Deputy Avila was present working general law enforcement via a Stonegarden deployment. After coming to a stop at primary, Tackett asked Claimant his citizenship before addressing Claimant by name. Claimant asked Tackett what his first name was and Tackett responded by saying that he was the one asking questions. When Claimant told Tackett that he was asking questions too, Tackett grabbed a spike strip and threw it down in front of Claimant’s vehicle. Claimant beeped his horn to get the attention of FS Serrano on the south side who walked over followed by both Tackett and FS Serrano telling Claimant he was being detained for not answering their questions. FS Serrano then walked away and Claimant beeped his horn to warn other drivers of the unsafe conditions created by Tackett and the spike strip in the roadway.

FS Serrano walked back over and when Claimant asked him if he was ready to release him, FS Serrano said yes after the deputy comes over to speak with Claimant about interfering with traffic. This despite the presence of the spike strip that Tackett had placed in the road preventing Claimant from moving. Deputy Avila (“Avila”) walked over shortly thereafter, asked Claimant to roll his window down, asked Claimant if he was a “Constitutionalist” and requested Claimant’s driver’s license multiple times despite assuring Claimant he wasn’t detaining him. Avila then ordered Claimant to cooperate with the Border Patrol despite having no authority to enforce immigration law or interfere in a federal immigration inspection. Eventually, Avila released Claimant from the roadblock after FS Serrano repeatedly told Avila he knew who Claimant was making the whole detention a farce to begin with.

After leaving the roadblock, Avila returned to his patrol car and followed Claimant for a few miles before pulling him over and citing him for honking his horn at the roadblock. An agent from the roadblock drove out to the traffic stop site and remained for the duration. Several other agents also stopped and briefly conversed with the first agent before leaving. During his time there, the agent refused to identify himself and drove off afterwards when Claimant attempted to get his information. Avila also refused to identify the agent.

After leaving the traffic stop site, Claimant continued his easterly travels along SR-86 only to see Avila and the unnamed USBP agent parked side by side in front of the USBP RAIC substation in Three Points, AZ. Claimant pulled into the parking lot to ascertain the identity of the agent and Avila claimed once again he didn’t know who the agent he was talking with was while accusing Claimant of harassment before driving off. The agent also drove away when Claimant tried to approach to ask his name.

Claimant challenged the citation in court during an hour long hearing several months later in which Avila testified. The charge was dismissed a few days later.

- **On or about July 27, 2014**, as Claimant entered the roadblock, LeBlanc was seen walking his drug dog along the passenger side of vehicles. Agent Roessner (“Roessner”) stopped Claimant at primary and asked him several questions. Roessner then started walking around Claimant’s vehicle despite LeBlanc telling him that it was Bressi. Roessner walked back over and released Claimant while telling him to, “Have a nice day.”
- **On or about September 19, 2014**, the agent at the SR-86 roadblock’s primary stop location illegally detained Claimant in the lane of traffic while asking if this was ‘Terry’ multiple times. Eventually Claimant was released after other agents verified who Claimant was.
- **On or about October 22, 2014**, Claimant was illegally detained at the SR-86 roadblock by McKnight who knew who Claimant was. During the time Claimant was detained, nobody asked Claimant any questions making it clear they had no lawful basis for the detention.
- **On or about November 19, 2014**, LeBlanc detained Claimant at the SR-86 roadblock to run a drug dog around his vehicle before Claimant was allowed to leave. During his time there, no one asked Claimant any questions. Additionally, LeBlanc had been present at the roadblock during dozens of Claimant’s trips through the roadblock since 2008 and knew exactly who he was. As such, he had no lawful basis to detain Claimant in order to run a drug dog around his vehicle.
- **On or about February 9, 2015**, after stopping at the SR-86 roadblock, the stopping agent leaned against one of the support beams of his enclosure in an unprofessional manner and told Claimant to, “Roll down your window buddy.” He continued detaining Claimant in the lane while smiling and leaning against the support beam even though an agent on the south side called out Claimant’s name and told him to let Claimant go. The agents on the south side stayed where they were however as the primary agent continued detaining Claimant. Eventually, the agent told Claimant to, “Have a good day buddy.”
- **On or about April 21, 2015**, Claimant was waved through the SR-86 roadblock shortly after stopping at primary. PCSD Deputy Roher (“Roher”) was present and working at the roadblock while conducting a Stonegarden deployment. On or about April 10, 2017, Roher will arrest Claimant at this same roadblock for allegedly obstructing the highway while conducting another Stonegarden deployment.
- **On or about June 7, 2015**, Claimant was waved through the SR-86 roadblock shortly after stopping at primary. PCSD deputies were present at the SR-86 roadblock conducting a traffic stop while on a general law enforcement Stonegarden deployment.
- **On or about June 30, 2015**, Claimant was waved through the SR-86 roadblock shortly after stopping at primary. A PCSD SUV was present at the SR-86 roadblock during the time he was there conducting a general law enforcement Stonegarden deployment.

- **On or about July 10, 2015**, Claimant was briefly detained by Agent E. Lopez (“Lopez”) at the SR-86 roadblock when he first came to a stop. Lopez didn’t say a word while staring before waving Claimant through. Lopez will be involved with Claimant’s arrest at the hands of Deputy Roher at this same roadblock on or about April 10, 2017.
- **On or about August 13, 2015**, after stopping at the roadblock, the agent at primary said nothing to Claimant as he walked to the back of Claimant’s vehicle. He then made an unprofessional and arbitrary hand gesture while turned away from Claimant after walking back. Claimant stayed where he was until the agent made another hand gesture that clearly indicated he was free to go.
- **On or about November 24, 2015**, the agent at primary asked Claimant if he was Mr. Bressi several times before releasing him. The agent and another laugh as Claimant departs the SR-86 roadblock.
- **On or about November 27, 2015**, Claimant was briefly detained at the SR-86 roadblock by Grayson and another agent. When Claimant first stopped, the agents ignored Claimant and talked and smiled between themselves. After a brief exchange with Grayson, he waved Claimant through. Claimant has had several encounters with Grayson at this roadblock with one involving an unlawful extended detention in 2013 and State charges that were defeated in court.
- **On or about January 10, 2016**, after coming to a stop at the SR-86 roadblock, the female agent unprofessionally put her hand in front of Claimant’s camera while detaining him to ask him questions. During the encounter, she refused to identify herself. Claimant beeped his horn and an agent on the south side stood up, walked over and told the other agents Claimant was a U.S. citizen and to send him through. The agent at primary continued to refuse to identify herself as Claimant left the roadblock.
- **On or about January 22, 2016**, Claimant was illegally detained at the SR-86 roadblock by an agent at primary while another agent walked over and unprofessionally hid his name tag. A third agent eventually released Claimant. Plain clothes agents were also present and working at the roadblock.
- **On or about March 26, 2016**, Claimant was illegally detained at the SR-86 roadblock by Agent Martinez and Field Supervisor Potter (“FS Potter”) who extended the detention at primary despite being told who Claimant was by Agent Rivera (“Rivera”) and having no lawful basis to extend the detention. FS Potter also used his radio to call the PCSD to the scene. While detained in the lane of traffic, Rivera can be heard saying something to the effect that now Claimant was holding everybody else up with Potter responding that Claimant was going to get a ticket for it. This exchange made clear that both agents knew who Claimant was since Potter was more interested in Claimant getting a ticket from the PCSD than investigating Claimant’s immigration status.

At one point during the detention, FS Potter indicated that Claimant was not free to go until he answered his questions and satisfied his curiosity despite indefinite detentions for not answering investigatory questions being unlawful. Claimant took this as an invitation to present FS Potter with the summary pages from a recent ACLU investigative report titled “Record of Abuse”

regarding interior Border Patrol roadblock operations. Instead of accepting the pamphlet, FS Potter allowed it to drop to the ground and accused Claimant of polluting before picking it up, looking it over and asking questions about it.

After PCSD Deputy McMillan (“McMillan”) and another deputy arrived 20-30 minutes later, FS Potter released Claimant with no further demands only to be detained by McMillan along the side of the road to investigate him for criminal littering based upon false claims of polluting made by FS Potter. McMillan read Claimant his Miranda rights and then walked back to his patrol car to talk to his agency’s legal department for about twenty minutes after Claimant refused to answer any questions. When McMillan returned, he released Claimant without charge after telling him he didn’t have probable cause to arrest him for obstructing the highway since the Border Patrol agents had detained Claimant there against his will.

The ACLU included this incident in a complaint it filed with the CBP Office of Professional Responsibility. Investigators came out to Tucson to interview Claimant and several other individuals associated with other ACLU complaints in November of 2016 but Claimant is unaware of any further action resulting from the interviews.

- **On or about May 22, 2016**, Agent Manning (“Manning”) at primary told Claimant to have a good day after briefly looking over Claimant’s vehicle. During a subsequent stop in 2017, Manning would detain Claimant long enough to address him by name and ask him about his citizenship status before releasing him.
- **On or about May 27, 2016**, while entering the SR-86 roadblock, an agent unprofessionally yelled, “Here’s your buddy,” twice. Claimant was then waved through the roadblock as he came to a stop at primary.
- **On or about July 12, 2016**, Claimant was briefly detained at the SR-86 roadblock as the agent at primary unprofessionally addressed him by name and asked him if he still worked at the UA.
- **On or about August 8, 2016**, as Claimant stopped at the roadblock, Lopez stared at him for several seconds while saying nothing. He then made a hand gesture and Claimant asked him to clarify. Agent Lopez said, “That means go sir, I know your name.” This is the same agent who will assault Claimant at the roadblock on or about April 10, 2017 after Claimant was unlawfully detained and arrested by Roher.
- **On or about September 21, 2016**, as Claimant stopped at the SR-86 roadblock, Giedeman stared at him for several seconds without saying anything. He eventually waved which prompted Claimant to ask him if he was free to go. The agent said, “Bye, Good Bye,” while stepping towards Claimant in a menacing fashion. Claimant left the roadblock shortly thereafter.
- **On or about October 2, 2016**, Grayson stopped Claimant at the SR-86 roadblock and instead of just waving Claimant through since he knew who Claimant was, he said:

“Hi how you doing today? All right Mr. Bressi have fun, go back to work at the University of Arizona. I don’t feel like dealing with your silliness today.”

Grayson is the same agent who illegally detained Claimant at the roadblock on or about March 30, 2013 despite knowing who he was and calling the PCSD on Claimant who wrote Claimant a ticket for stopping unnecessarily in the lane of traffic.

- **On or about January 9, 2017**, Claimant was illegally detained at the SR-86 roadblock by an agent at primary whose name tag was obscured. The agent repeatedly demanded that Claimant roll down his window but never asked Claimant any immigration-related questions. The agent then told a dog handler to walk his drug dog around Claimant's vehicle. Claimant was detained until the dog handler finished. Given that the agents had no consent or probable cause to extend Claimant's detention, Claimant's right to be free from unreasonable search and seizure was violated.
- **On or about April 10, 2017**, Claimant was illegally detained by Roher at the SR-86 roadblock while also being detained by Agent Frye ("Frye") for an immigration inspection. Roher was present on the south side of primary conducting general law enforcement operations under Operation Stonegarden when Claimant first arrived. After stopping at primary, Frye asked Claimant his citizenship status and to go to secondary. When Frye requested the presence of a BP supervisor, Roher took that as an invitation to walk over to primary and intercede.

After walking over, Roher told Claimant he was detaining him and took control of the immigration investigation away from Frye despite having no authority to do so. While telling Claimant to cooperate with the Border Patrol, Roher refused to explain on what grounds he was detaining Claimant or what law he thought Claimant was violating. After Claimant asked Roher what law he was violating, Roher ordered Claimant to leave the roadblock. As Claimant was leaving, he noted Roher running to his patrol car to follow Claimant down the road. Roher then pulled in behind Claimant who had already pulled over to the south side of the road on the outskirts of the roadblock. Roher ordered Claimant out of his vehicle without explanation and arrested Claimant after taking his driver's license and demanding to know if Claimant would sign a non-existent citation for a charge that Roher had refused to identify.

While leading Claimant over to his patrol car, Roher identified several places where Claimant could sit including the back bumper of Claimant's truck and the hood of Roher's patrol car. Claimant initially opted to sit on the ground in front of Roher's patrol car. As Roher walked over to his patrol car's radio and started talking, Claimant noticed the presence of Lopez standing over him from behind. When Claimant tried to re-position himself to one of the areas that Roher had told him he could sit, Lopez assaulted Claimant by grabbing and shoving him up against Claimant's vehicle while telling him to sit down. After Claimant told Lopez he was re-positioning himself to a place where Roher had already told him he could sit, Lopez eventually took his hands off Claimant and Claimant moved over towards the hood of Roher's patrol car.

Field Supervisor Fuentes ("FS Fuentes") was also present by this time and assisting deputy Roher with the traffic stop and arrest even though he was nowhere to be seen when Claimant was initially seized and detained at the roadblock by Frye and Roher. During the time frame Claimant was detained along the side of the road, Roher approached him and informed him that he knew Claimant came through the roadblock all the time and had watched Claimant's videos online. Roher also indicated that the arrest was all Claimant's fault for not being cooperative and nice to the Border Patrol agents.

Roher's supervisor, Sgt. Kunze, eventually arrived on-scene and indicated he had no problem with the arrest or Roher's actions. It was later determined through an interview with Roher and Claimant's attorney conducted on January 25, 2018 that Roher was conducting general law enforcement operations at the roadblock under Operation Stonegarden in which Roher was specifically deployed to the roadblock by the USBP watch commander for that day. Roher also admitted to routinely conducting general law enforcement operations at the roadblock. This included when he was conducting Stonegarden deployments where he was being paid overtime by CBP and when he was on regular patrol not associated with any Stonegarden deployments. He also admitted that the Border Patrol had never attempted to limit his activities while operating at the roadblock, essentially giving him free reign to do whatever he wanted. This despite SCOTUS limitations placed on interior immigration roadblock operations in **U.S. v. Martinez-Fuerte**, (1976) and **City of Indianapolis v. Edmond**, (2000).

During the interview, it was discovered that Roher took control of the roadblock stop initiated by Frye despite having no authority to do so because he didn't think Frye was doing a very good job. Roher had decided on his own that there was no immigration issue because Claimant was a caucasian male who spoke English. When Roher approached and took control of the roadblock, Frye stood back and readily acquiesced his authority to Roher. Additionally, FS Fuentes was no where to be seen at this stage to provide supervision to Frye or Roher one way or another. Roher testified later however that FS Fuentes was pleased and laughing with regards to the fact that Claimant had been arrested and cited due to previous interactions at the roadblock with Claimant.

- **On or about May 23, 2017**, after stopping at the SR-86 roadblock, Agent Manning ("Manning") at primary asked Claimant, "Mr. Bressi are you a U.S. citizen?" making it clear he already knew who Claimant was. Perhaps realizing how ridiculous he sounded, Manning quickly waved Claimant through afterwards. This was the same agent that just waved Claimant through the roadblock on or about May 22, 2016.
- **On or about July 14, 2017**, after stopping at the SR-86 roadblock, Claimant noted two agents at primary. One agent told Fernandez that Claimant always does this and that he's a U.S. Citizen. Despite being told by the other agent that Claimant was a U.S. Citizen, Fernandez falsely stated that he had to establish Claimant's citizenship before Claimant could go.

Given that he had already been told Claimant's citizenship and SCOTUS has ruled agents need consent or probable cause to continue a detention at an internal roadblock such as this one in **U.S. v. Martinez-Fuerte**, (1976), Fernandez's continued detention of Claimant violated his 4th and 5th Amendment rights.

Fernandez threw a spike strip down in front of Claimant's vehicle and illegally detained him in the lane of traffic. The agent that informed Fernandez that Claimant was a U.S. citizen stood up and walked over to the Field Supervisor on the south side of the road. The supervisor walked over and ordered Fernandez to release Claimant.

Basis of Claim:

Nature of Injuries:

By the actions described above, CBP violated Claimant's right to freedom from unreasonable search and seizure as protected by the Fourth Amendment of the United States Constitution, his right to remain silent and right to due process as protected by the Fifth Amendment of the United States Constitution and his right to freedom from cruel and unusual punishment as protected by the Eighth Amendment of the United States Constitution on multiple occasions spanning a twelve-year time frame.

By authorizing, acquiescing in, employing, failing to adequately train or supervise those directly involved in, and/or participating in or being deliberately indifferent to the restraint of Claimant's liberty without lawful justification and without Claimant's consent, U.S. Customs and Border Protection subjected Claimant to unlawful detention/arrest/imprisonment on multiple occasions spanning a twelve year time frame.

Based on the principles of vicarious liability and respondeat superior, U.S. Customs and Border Protection is liable for the conduct of its employees and agents. Additional liability is created due to U.S. CBP's failure to adequately train and supervise its officers and agents.

U.S. Customs and Border Protection officers, inspectors and agents are investigative or law enforcement officers under the Federal Tort Claim Act. As such, U.S. Customs and Border Protection is not immune from monetary damages based on the negligent or wrongful acts or omissions of its federal employees.

Amount of Claim:

U.S. Customs and Border Protection officers, inspectors and agents conducted and continue to conduct, themselves in a manner in their official capacities that violate clearly established rights. Claimant asserts that these actions have caused substantial harm that entitles Claimant to monetary damages for the claims listed above and payment of these claims is justly due. Claimant also asserts a clear pattern of harassment and unlawful behavior by U.S. Customs and Border Protection officers, inspectors and agents that Claimant has every reason to believe will continue into the future in the absence of a significant deterrence to such behavior.

- **Personal injury:** \$250,000
- **Property damage:** None
- **Wrongful death:** None
- **Total:** \$250,000

Sincerely,

Terrence Bressi
Claimant