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7

8 **UNITED STATES DISTRICT COURT**  
9 **DISTRICT OF ARIZONA**

10  
11 Terrence Bressi,  
12 Plaintiffs,  
13 vs.  
14 Pima County Sheriff Mark Napier, et al.,  
15 Defendants.  
16

No. CV-18-186-TUC-DCB

**STATEMENT OF FACTS RE:  
FEDERAL DEFENDANTS'  
MOTION FOR SUMMARY  
JUDGMENT**

17 The Federal Defendants, following LRCiv 56.1(a), set forth the following material  
18 facts in support of his motion for summary judgment.

19 **FEDERAL DEFENDANTS' STATEMENT OF FACTS**

20 1. Near Robles Junction, Arizona, about 1,100 feet west of milepost 146 on State  
21 Route 86, the United States Border Patrol operates an immigration checkpoint. *See Exhibit*  
22 *A: ADOT Highway Encroachment Permit Application* at 1<sup>1</sup>.

23 2. When eastbound drivers approach the checkpoint, speed limit signs and rumble  
24 strips alert them to bring their speed down to 15 miles per hour before eventually coming  
25 to a complete stop. *Exhibit A* at 3.

26  
27 <sup>1</sup> For all exhibits other than deposition transcripts, page numbers refer to the page number  
28 printed by the CM/ECF System at the top of each page. For deposition transcript, page  
numbers refer to the page of the transcript prepared by the court reporter.

1       3. Other signs advise drivers that federal officers are present and that drivers are  
2 approaching a Border Patrol immigration checkpoint. *Exhibit A* at 3. Brightly colored  
3 cones, barricades, and sand barrels also mark the approaching checkpoint. *Id.*

4       4. According to official Border Patrol policy, the primary purpose of checkpoints  
5 like the one on State Route 86 is “to apprehend illegal aliens and smugglers who have  
6 managed to evade apprehension at the border and are attempting to travel to interior  
7 locations.” *See Exhibit H: Border Patrol Handbook, Chapter 13* at 2; *see also Exhibit B:*  
8 *Roberto Teran Deposition* at 22:5-10.

9       5. At these checkpoints, located on routes that lead traffic away from the border,  
10 Border Patrol agents examine occupants of vehicles as to their right to be or remain in the  
11 United States. *Exhibit H* at 1; *Exhibit B* at 22:5-10; *see also Exhibit I: Border Patrol*  
12 *Traffic Checkpoint Policy* at 3.

13       6. The effect of examining drivers and other occupants of vehicles driving on routes  
14 leading away from the border is to “deter[] . . . the initial illegal entry.” *Exhibit H* at 1;  
15 *Exhibit I* at 3.

16       7. Checkpoints “greatly enhance the Border Patrol’s ability to carry out the mission  
17 of securing the Nation’s borders against terrorism, smugglers of weapons of terrorism,  
18 other contraband and illegal aliens.” *Exhibit H* at 2.

19       8. Border Patrol has been operating the checkpoint on State Route 86 since roughly  
20 2008. *Exhibit B* at 8:16-25.

21       9. Before the checkpoint opened, in the early 2000s, Border Patrol’s Tucson Station  
22 was seeing an increase in vehicle smuggling activity. *See Exhibit J: TUS Checkpoint*  
23 *Operations Issue Paper* at 1. (The issue paper was drafted by Special Operations  
24 Supervisor Steve Mahoney to give Sector or National level command staff a broad  
25 overview of Tucson Station’s checkpoint operations. *See Exhibit C: Federal Defendants’*  
26 *Interrogatory Responses for Tucson Sector Chief, Interrogatory 11* at 2.)

27       10. Specifically, vehicle smugglers would drive south from Tucson to pick up illegal  
28 aliens and narcotics and transport them further north. *Exhibit J* at 1.

1 11. As a result of this increased traffic, Border Patrol saw more failure to yields,  
2 rollover accidents, vehicle spikings, and bailouts, creating a safety concern for agents and  
3 the general public. *Exhibit J* at 1.

4 12. Border Patrol's Tucson Station command staff decided to target routes of egress  
5 from the border to the Tucson metro area. *Exhibit J* at 1. They did so by first opening the  
6 State Route 86 checkpoint, then by opening two additional checkpoints on State Route  
7 286 and Arivaca East. *Id.*

8 13. These locations were selected so Border Patrol could target traffic that was  
9 traveling from border areas and where it would be difficult for vehicle to avoid the  
10 checkpoints. *Exhibit J* at 1.

11 14. Traffic enters illegally into the United States through the Tohono O'odham  
12 Nation. *Exhibit B* at 31:20-25.

13 15. Two roads connect the border area of the reservation to State Route 86—Federal  
14 Routes 19 and 21. *Exhibit B* at 31:7-19.

15 16. State Route 86 can connect traffic from the reservation to the rest of the United  
16 States, specifically east toward Tucson. *Exhibit B* at 31:7-19.

17 17. The checkpoint's location on State Route 86 detects and deters smuggling coming  
18 through areas of the Tohono O'odham Nation. *Exhibit B* at 32:1-10.

19 18. Originally, the checkpoint was located at milepost 145, right at the border of the  
20 Tohono O'odham Nation. *Exhibit B* at 9:1-9. But when Tucson Sector saw an increase in  
21 foot traffic coming across the border, Border Patrol noticed that a road just east of the  
22 checkpoint was allowing people to get in vehicles and circumvent the checkpoint. *Id.* at  
23 9:10-20.

24 19. By 2016, the frequency of smuggling, bailouts, and failure to yields had  
25 diminished in the Tucson area. *Exhibit J* at 5. Community safety had improved. *Id.*

26 20. The checkpoints force smugglers to walk further north, giving Border Patrol a  
27 better chance to detect them before they get into vehicles. *Exhibit J* at 5.

28

1 21. If any of the three checkpoints within Tucson Station were removed, smugglers  
2 would have an unobstructed route to the Tucson metro area. *Exhibit J* at 8.

3 22. When a driver stops at the checkpoint, an agent should be positioned on the  
4 driver's side window of the vehicle. *Exhibit I* at 8.

5 23. An agent should watch the occupants of a vehicle closely as the vehicle  
6 approaches. *Exhibit I* at 9.

7 24. Agents should identify themselves as Border Patrol agents and announce that they  
8 are performing an immigration inspection. *Exhibit I* at 9.

9 25. Border Patrol agents should ask each occupant of the vehicle a question about  
10 their citizenship or immigration status and look inside the "open view" areas of the  
11 vehicle. See *Exhibit K: U.S. Border Patrol Academy Instructor Guide, Traffic Check,*  
12 *"Checkpoint Procedures"* at 3-4.

13 26. For example, an agent might say, "Good [morning,] U.S. Border Patrol  
14 Checkpoint. Please state your citizenship/place of birth." *Exhibit K* at 4.

15 27. The agent's inspection of the vehicle—the quick look into the plain view areas  
16 and brief questioning about citizenship—should be "a thorough but rapid inspection."  
17 *Exhibit H* at 8.

18 28. In other words, agents should decide quickly whether to send the vehicle to the  
19 secondary inspection area for further investigation or whether to allow it to proceed.  
20 *Exhibit K* at 4.

21 29. They may refer a vehicle to secondary on "some or mere suspicion" of an  
22 immigration offense or "reasonable suspicion" of a non-immigration federal crime.  
23 *Exhibit K* at 6; see also *Exhibit B* at 34:10-25.

24 30. Generally, an "oral declaration such as, 'I am a United States citizen,' can  
25 suffice." *Exhibit B* at 77:13-20.

26 31. But if the agent at primary "is not satisfied with the motorist's answer," the agent  
27 observes something in plain view, or if "something else . . . leads the agent to believe that  
28

1 this person is not being forthcoming,” the agent will send the vehicle to the secondary  
2 inspection area. *Exhibit B* at 77:21-78:5.

3 32. Although an agent could ask for proof of citizenship in the primary inspection  
4 area, it is usually better to refer the vehicle to secondary so traffic can continue to move  
5 through the checkpoint. *Exhibit B* at 78:6-12.

6 33. On rare occasions, motorists refuse to answer a Border Patrol agent’s questions  
7 at the checkpoint. *See Exhibit L: Guidance on Non-compliant Motorist Encounters* at 2.

8 34. If the motorist “is sitting at the checkpoint with a horn in full blast and creating  
9 an additional cause, that’s one of the situations where [Border Patrol] would request for  
10 the assistance from the local department because, at that point, they’re holding up the  
11 traffic.” *Exhibit B* at 80:14-24; *see also Exhibit L* at 3.

12 35. An agent could also access law-enforcement databases to check if the driver is a  
13 U.S. citizen. *Exhibit B* at 80:24-81:2.

14 36. If it is someone known to agents or supervisors at the checkpoint, an agent should  
15 still conduct the routine inspection—looking in plain view areas, running the K9 if a K9  
16 is present—then allow the motorist to continue. *Exhibit B* at 81:3-83:6; *see also Exhibit L*  
17 at 3.

18 37. Border Patrol agents should stop everyone driving through the checkpoint, even  
19 if they are familiar with a driver who frequently comes through. *Exhibit B* at 79:1-15.

20 38. A known U.S. citizen could still be transporting an immigrant or hiding someone  
21 or something. *Exhibit B* at 79:1-15. There have been “numerous instances” in Agent  
22 Teran’s career where a person who travels through the checkpoint has been later  
23 apprehended or charged with smuggling. *Id.* at 16:2-18.

24 39. Terrence Bressi works at the University of Arizona. *See Exhibit D: Terrence*  
25 *Bressi Deposition* at 6:14-16. His job duties require him to drive to Kitt Peak about 50 to  
26 60 times per year. *Id.* at 7:15-23.

27 40. He has been driving through the State Route 86 checkpoint about 50 to 60 times  
28 per year since January 2008, when the checkpoint was first set up. *Exhibit D* at 5:24-6:7.

1 41. Due to COVID-19 restrictions, he has not driven through the checkpoint since  
2 March of 2020. *Exhibit D* at 8:2-5. But he will resume his frequent trips to Kitt Peak as  
3 soon as COVID-19 restrictions are lifted. *Id.* at 8:6-9.)

4 42. Since the 1990s, Bressi has been carrying cameras with him when he drives to  
5 Kitt Peak. *Exhibit D* at 9:14-17. He has attempted to record every encounter he has had  
6 with Border Patrol at the State Route 86 checkpoint since its inception in January 2008.  
7 *Id.* at 9:18-10:1.

8 43. Although he has lost some videos from 2008 and 2009, he has kept videos of  
9 every time he has driven through the checkpoint from 2010 forward, except for instances  
10 when the checkpoint was not active. *Exhibit D* at 15:10-25.

11 44. Bressi initially produced every video he had from between 2008 until he filed the  
12 complaint, and only produced what he deemed to be relevant videos of encounters after  
13 the complaint was filed. *Exhibit D* at 15:22-16:10. He produced an additional 111 videos  
14 from between when the complaint was filed and March 2020 in response to a request for  
15 production. *See Exhibit E: Plaintiff's Response to the Federal Defendants' Request for*  
16 *Production* at 2 (Response to RFP #1 identifying new videos Bates# BRE 5475 through  
17 BRE 5585 for a total of 111 new videos)

18 45. Bressi records his encounters, in his words, to “preserve evidence of the  
19 encounters so there’s independent evidence of what transpired and to protect [himself]  
20 legally.” *Exhibit D* at 16:12-15.

21 46. He also shares them publicly on websites like YouTube and Vimeo. *Exhibit D* at  
22 16:16-22. He calls his YouTube and Vimeo channels “Checkpoint U.S.A.,” and his  
23 website is RoadblockRevelations.org. *Id.* at 17:8-24.

24 47. He writes commentary to post along with the videos and publishes Border Patrol  
25 agents’ names. *Exhibit D* at 18:6-15. According to Bressi, the agents “don’t have a privacy  
26 interest.” *Exhibit D* at 18:16-20.

27 48. Bressi acknowledged that he often announces the names of the agents he interacts  
28 with so their names are identified in his videos, *see Exhibit D* at 32:18-20; that he demands

1 names of supervisors, *see id.* at 33:1-4; that he honks his horn while he is at the checkpoint,  
2 *see id.* at 33:14-18; he yells at agents to “piss off,” *see id.* at 34:10-16.

3 49. He also acknowledged that he never moves his car into the secondary inspection  
4 area when agents direct him over there. *Exhibit D* at 35:1-5.

5 50. Bressi testified that he does not drive into the secondary inspection area because  
6 he is “concerned about his safety.” *Exhibit D* at 35:6-10.

7 51. When asked to explain why he is concerned about his safety, Bressi testified that  
8 he has only seen a Border Patrol agent with a weapon other than a normal sidearm one  
9 time in all of the years he has been driving through the checkpoint. *Exhibit D* at 36:21-  
10 38:4.

11 52. Bressi has never been injured by Border Patrol agents at the checkpoint. *Exhibit*  
12 *D* at 38:5-8.

13 53. During many of the encounter captured on video, Border Patrol agents recognize  
14 Bressi and, likely knowing that he is an activist who often escalates the checkpoint stop  
15 into prolonged encounters, simply wave him through the checkpoint after briefly looking  
16 into the plain view areas of his vehicle. *See Exhibit M: Videos of Bressi’s Most Recent 10*  
17 *Checkpoint Encounters*. In fact, that is exactly what happened during the last 10 times  
18 Bressi drove through the checkpoint before COVID-19. *Id.*

19 54. During discovery, the Federal Defendants asked Bressi to identify which of the  
20 555 video he produced show what he has characterized as a First Amendment violation—  
21 in his words, when agents displayed an intent to continue detaining him until he answered  
22 their questions. *See Exhibit F: Plaintiff’s Interrogatory Responses* at 4-5 (Interrogatory  
23 No. 4). Bressi identified 18 videos. *Id.* at 4-5 (Answer to Interrogatory No. 4).

24 **April 14, 2005 (Bates #0001)**

25 55. On April 14, 2005, Bressi drove through another checkpoint (not the State Route  
26 86 checkpoint). *See Exhibit N: Videos Identified in Answer to Interrogatory No. 4*  
27 *[BRE0001\_14APR2005.mp4]*. The agent asked Bressi his citizenship. Forty seconds into  
28 the video, the agent asked Bressi to pull into the secondary inspection area. Bressi refused.

1 After four minutes, agents asked him to leave the checkpoint altogether. Bressi stayed for  
2 about 40 more seconds to argue with agents before leaving.

3 **March 3, 2008 (Bates #0007)**

4 56. On March 3, 2008, an agent asked Bressi to state his citizenship and identified  
5 the purpose of the checkpoint. *Exhibit N* [BRE0007\_03MAR2008.mp4]. Bressi refused to  
6 answer. After a one minute and 40 seconds, the agent waved Bressi through the  
7 checkpoint.

8 **April 22, 2008 (Bates #0010)**

9 57. An agent greeted Bressi and asked for him to state his citizenship. *See Exhibit N*  
10 [BRE0010\_22APR2008.mp4]. Bressi refused. The agent identified the purpose of the  
11 checkpoint as immigration. After 52 seconds, an agent asked Bressi to move to the  
12 secondary inspection area. Bressi refused, and at one minute and 15 seconds into the video,  
13 Bressi turned off his vehicle and put it in park, still in the primary lane. Seven minutes and  
14 40 seconds into the video, the agent asked Bressi to leave the checkpoint. Bressi remained  
15 and argued with the agent for another minute and 20 seconds before leaving nine minutes  
16 into the video.

17 **November 26, 2008 (Bates #0016)**

18 58. Two minutes and twenty seconds into the video, Bressi reaches the checkpoint.  
19 *Exhibit N* [BRE001626NOV2008.mp4]. The agent asks Bressi to state his citizenship and  
20 identifies the purpose of the checkpoint. Bressi refuses to answer. Three minutes and 24  
21 seconds into the video, the agent instructs Bressi to drive into the secondary inspection  
22 area. Bressi refuses. Nine minutes into the video, a supervisor tells Bressi he can leave.

23 **December 20, 2008 (Bates #0020)**

24 59. The agent asks Bressi to state his citizenship and identifies the purpose of the  
25 checkpoint. *Exhibit N* [BRE0020\_20DEC2008.mp4]. Bressi refuses to answer. Two  
26 minutes and 25 seconds into the video, the agents tell Bressi to leave. Bressi refuses to  
27 leave, remaining to yell at the agent before leaving 40 seconds later.

28



1                   **August 14, 2010 (Bates #0097)**

2           60. Bressi arrives at the stop sign in primary 34 seconds into the video. *Exhibit N*  
3 [BRE0097\_14AUG2010 The agent at primary apparently recognizes Bressi, places a  
4 spike strip down, and gets his supervisor. The supervisor tells Bressi to drive through the  
5 checkpoint two minutes and 20 seconds into the video.

6                   **September 2, 2011 (Bates #0159)**

7           61. Bressi arrives at the stop sign one minute and 40 seconds into the video. *Exhibit*  
8 *N* [BRE0159\_02SEP2011.mp4]. The agent asks Bressi whether he is a U.S. citizen. Bressi  
9 refuses to answer. The agent calls for his supervisor. After the supervisor walks over, at  
10 two minutes and 50 seconds into the video, the supervisor and agent tell Bressi to leave  
11 the checkpoint. Bressi yells at the agents while driving away.

12                   **September 25, 2011 (Bates #0164)**

13           62. Bressi arrives at the stop sign 38 seconds into the video. *Exhibit N*  
14 [BRE0164\_25SEP2011.mp4]. An agent puts his hat up to block Bressi's camera. The  
15 agents ask Bressi to roll down his window, then when he refuses, they ask him to move to  
16 the secondary inspection area, one minute and 6 seconds into the video. Bressi refuses to  
17 move to secondary. The agent apparently calls the Sheriff's Department, then a higher-  
18 ranking supervisor. The supervisor's vehicle arrives 24 minutes and 20 second into the  
19 video, and the supervisor reaches Bressi's vehicle 25 minutes and 14 seconds into the  
20 video. The supervisor asks Bressi to pull into secondary again, and when Bressi declines,  
21 the supervisor tells Bressi he can leave the checkpoint. Bressi remains at the checkpoint  
22 for over two minutes to argue with the supervisor before leaving the checkpoint 27  
23 minutes and 35 seconds into the video.

24                   **March 29, 2013 (Bates #0222)**

25           63. When Bressi arrives at the stop signs, agents point their phones at Bressi while  
26 Bressi presses his horn. *Exhibit N* [BRE0222\_29MAR2013.mp4]. Bressi starts to drive  
27 away before being waved through. Agents instruct him to stop and drive into the secondary  
28 inspection area. Bressi refuses to go into secondary. At three minutes and 33 seconds, a

1 Sheriff's Deputy arrives and speaks to Border Patrol agents before addressing Bressi. At  
2 five minutes and 55 seconds, the deputy tells Bressi that he is violating state law by  
3 blocking a public roadway. Bressi finally moves to the secondary area at six minutes and  
4 52 seconds into the video. Fifteen minutes into the video, a deputy asked Bressi for his  
5 driver's license. Twenty-one minutes into the video, a deputy issued Bressi a citation for  
6 blocking a public roadway. Bressi remained pulled over for several more minutes to argue  
7 with the deputy about the citation, ask for names, badge numbers, and supervisors, and  
8 arguing with the original Border Patrol agents.

9 **September 17, 2013 (Bates #0240)**

10 64. Bressi arrives 40 seconds into the video. *Exhibit N* [BRE0240\_17SEP2013.mp4].  
11 An agent instructs Bressi to roll down his window. When Bressi refuses, the agent  
12 instructs Bressi to pull into the secondary inspection area. Bressi refuses. The agents talks  
13 to his supervisor, then tells Bressi to leave the checkpoint one minute and 23 seconds into  
14 the video.

15 **April 30, 2014 (Bates #0263)**

16 65. The agent asks Bressi to state his citizenship. *Exhibit N*  
17 [BRE0263\_30APR2014.mp4]. Bressi refuses to answer and asks the agent to state his first  
18 name. The agent apparently places a spike strip in front of Bressi's truck while Bressi  
19 honks and yells at the agent. Border Patrol agents brought over a deputy, who attempted  
20 to have Bressi state his name. Bressi left the checkpoint four minutes and 52 seconds into  
21 the video. Later, Bressi turns his cameras on again during a traffic stop initiated by the  
22 deputy outside the boundaries of the checkpoint.

23 **February 9, 2015 (Bates #0288)**

24 66. [The video produced by Bressi ends after five seconds.] *Exhibit N*  
25 [BRE0288\_09FEB2015.mp4].

26 **March 26, 2016 (Bates #0330)**

27 67. An agent asks Bressi whether he is a U.S. citizen. *Exhibit N*  
28 [BRE0330\_26MAR2016.mp4]. Bressi refuses to answer. One minute and two seconds

1 into the video, another agent instructs Bressi to move his vehicle to the secondary  
2 inspection area. Bressi refuses to go over. An agent places a spike strip in front of Bressi's  
3 vehicle, then Bressi honks his horn. Bressi continues to honk his horn and argue with  
4 agents for several minutes. Nine minutes and ten seconds into the video, a deputy arrives  
5 and tries to speak to Bressi. Twelve minutes and 45 seconds into the video, Bressi is told  
6 he can leave the checkpoint, but the deputy instructed him to pull over past the checkpoint.  
7 At sixteen minutes and 30 seconds into the video, the deputy initially cited Bressi for  
8 littering but ultimately allowed him to leave with a warning.

9 **April 10, 2017 (Bates #0383) – \*Encounter at Issue in FTCA Claim\***

10 68. Two minutes into the video, Bressi reaches the stop sign. *Exhibit N*  
11 [BRE0383\_10APR2017.mp4]. Agent Taylor Frye identified the purpose of the checkpoint  
12 and greeted Bressi. [Video at 2:02]; *see also Exhibit G: Report of Apprehension or Seizure*  
13 at 2.

14 69. When Bressi declined to roll down his window and respond, Agent Frye  
15 instructed Bressi to drive into the secondary inspection area. [Video at 2:11]; *Exhibit G* at  
16 2.

17 70. When Agent Frye called for assistance, Deputy Pima County Sheriff Ryan Roher,  
18 who was already at the checkpoint to impound a vehicle, came over. [Video at 3:17];  
19 *Exhibit G* at 2.

20 71. Deputy Roher told Bressi to follow Agent Frye's instruction to pull into the  
21 secondary inspection area because he was holding up traffic. [Video at 3:44]; *Exhibit G* at  
22 2.

23 72. Deputy Roher allowed Bressi to leave the checkpoint. [Video at 4:27.]

24 73. But shortly after Bressi left the checkpoint, Deputy Roher initiated a traffic stop.  
25 [Video at 5:08.]

26 74. As Deputy Roher interacted with Bressi, eventually placing him in handcuffs,  
27 two Border Patrol agents—Agents Lopez and Fuente stood by. [Video at 7:45.]  
28

1 75. At one point, after Deputy Roher instructed Bressi to sit down behind his truck,  
2 Bressi tried to stand up while arguing with the agents. [Video at 8:15.]

3 76. Agent Lopez approached Bressi and directed Bressi to remain sitting, appearing  
4 to place his hands briefly on Bressi's shoulders. [Video at 8:20.]

5 77. Ultimately, Deputy Roher controlled the encounter. [Video at 9:15.]

6 78. Deputy Roher called his supervisor to the scene, at Bressi's request, and issued  
7 Bressi a citation for blocking a public roadway. [Video at 27:14.]

8 **July 14, 2017 (Bates #0399)**

9 79. The agent greets Bressi and asks him to state his citizenship. *Exhibit N*  
10 [BRE0399\_14JUL2017.mp4]. Bressi refuses to answer. The agent speaks to his  
11 supervisor, and at one minute and 55 seconds, directs Bressi to leave the checkpoint.  
12 Bressi remains at the checkpoint for 30 more seconds to yell at the agents before leaving.

13 **August 1, 2018 (Bates #3995)**

14 80. Bressi arrives 29 seconds into the video. *Exhibit N*  
15 [BRE3995\_01AUG2018.mp4]. The agent greets Bressi before Bressi asks the agent  
16 whether he has assaulted anyone. The agent asks Bressi whether he is a U.S. citizen. Bressi  
17 refuses to answer but presses his horn. Forty-six seconds into the video, the agent tells  
18 Bressi he can leave the checkpoint. Bressi remains there for 20 seconds to yell at the agent.

19 **December 23, 2018 (Bates #3998)**

20 81. The agent asks Bressi to lower his window. *Exhibit N*  
21 [BRE3998\_23DEC2018.mp4]. Bressi refuses. The agent asks Bressi to state his  
22 citizenship. Bressi refuses to answer. The agent continues to ask Bressi whether he is a  
23 U.S. citizen until other agents working the checkpoint walk over to the vehicle and look  
24 inside. One minute and 37 seconds into the video, agents tell Bressi to leave the  
25 checkpoint.

26 **May 15, 2019 (Bates #4001)**

27 82. The agent identifies the purpose of the checkpoint and asks Bressi to state his  
28 citizenship. *Exhibit N* [BRE4001\_15MAY2019.mp4]. Bressi refuses to answer, argues

1 with the agent, and presses his horn. One minute and 22 seconds into the video, supervisors  
2 told the agent that the driver was Bressi and that he should be waved through. At one  
3 minute and 32 seconds, the agent tells Bressi he can leave the checkpoint. Bressi remains  
4 for a few seconds to yell at the agent.

5  
6 June 17, 2021.

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14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on June 17, 2021, I electronically transmitted the attached  
16 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a  
17 Notice of Electronic Filing to the following CM/ECF registrants:

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