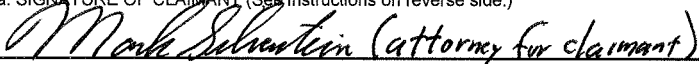


CLAIM FOR DAMAGE, INJURY, OR DEATH		INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.		FORM APPROVED OMB NO. 1105-0008	
1. Submit To Appropriate Federal Agency: United States Immigration and Customs Enforcement Headquarters 500 12th St SW, Washington, DC 20536			2. Name, Address of claimant and claimant's personal representative, if any. (See instructions on reverse.) (Number, Street, City, State and Zip Code) Arquimides Bautista (contact through counsel identified below) Mark Silverstein American Civil Liberties Union Foundation of Colorado 400 Corona Street, Denver, CO 80218		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN	4. DATE OF BIRTH 8/15/1990	5. MARITAL STATUS Single	6. DATE AND DAY OF ACCIDENT April 2, 2010	7. TIME (A.M. OR P.M.) 6am to 10am	
8. Basis of Claim (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary.) Please see attached					
9. PROPERTY DAMAGE					
NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code). not applicable					
BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF DAMAGE AND THE LOCATION WHERE PROPERTY MAY BE INSPECTED. (See Instructions on reverse side.)					
10. PERSONAL INJURY/WRONGFUL DEATH					
STATE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE NAME OF INJURED PERSON OR DECEDENT. Mr. Bautista was subjected to an unjustified loss of liberty for several hours, and he was also subjected to an unjustified, invasive and degrading search of his body.					
11. WITNESSES					
NAME		ADDRESS (Number, Street, City, State, and Zip Code)			
Please see attached		Please see attached			
12. (See instructions on reverse.) AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE not applicable	12b. PERSONAL INJURY \$200,000	12c. WRONGFUL DEATH not applicable	12d. TOTAL (Failure to specify may cause forfeiture of your rights.) \$200,000		
I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM					
13a. SIGNATURE OF CLAIMANT (See instructions on reverse side.) 		13b. Phone number of person signing form 303-777-5482, ext. 114	14. DATE OF SIGNATURE 11/12/10		
CIVIL PENALTY FOR PRESENTING FRAUDULENT CLAIM The claimant is liable to the United States Government for the civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729.)			CRIMINAL PENALTY FOR PRESENTING FRAUDULENT CLAIM OR MAKING FALSE STATEMENTS Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)		

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of his vehicle or property.

15. Do you carry accident insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No
not applicable

16. Have you filed a claim on your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No 17. If deductible, state amount.
not applicable

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts.)
not applicable

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filed by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item #12 of this form.

DAMAGES IN A SUM CERTAIN FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN TWO YEARS AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

(a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.

(b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.

(c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.

(d) Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. Authority: The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

B. Principal Purpose: The information requested is to be used in evaluating claims.

C. Routine Use: See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.

D. Effect of Failure to Respond: Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid".

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, D.C. 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

8. Basis of claim

Mr. Arquimides Bautista (“Claimant”) is a United States citizen. On April 2, 2010, he was subjected to violations of his constitutional right to be free of unreasonable search and seizure, as well as false arrest, false imprisonment, and battery, in violation of Nebraska tort law, by agents and employees of United States Immigrations and Customs Enforcement, an agency of the United States Department of Homeland Security.

On the day in question, Mr. Bautista was traveling with a group of 35-40 persons from the Denver, Colorado, area to attend an Amway convention in Omaha, Nebraska. The group traveled on a chartered bus owned by Global Transportation. Mr. Lawrence G. Newton drove the bus. The group was planning to stay at a Hilton Hotel in the Omaha area.

The bus arrived in the Omaha area early on the morning of April 2. The bus stopped at a McDonald’s restaurant at 2410 Cuming Street in Omaha so that the passengers could get breakfast.

Deportation Officer Linda Minze was at the restaurant when the passengers entered the restaurant. Linda Minze then set in motion a series of events that led to the tortious acts against Mr. Bautista and other passengers. The following facts appear in a report signed by Deportation Officer Ricardo Galindo:

DO Minze observed approximately thirty people enter the restaurant and walk to the counter. All were speaking in the Spanish language. DO Minze is fluent in the Spanish language and overheard the group talking and heard statements that made DO Minze think that the group was passing through the area and had been traveling for a while. Based upon her 19 years of experience as an Immigration Officer, the conversations in Spanish that she was hearing, and the dress of the individuals she suspected the group to a possible smuggling load.

The report provides no details to explain what Minze meant by “the dress of the individuals.”

Based on Minze’s report, additional officers of ICE arrived at the McDonald’s restaurant. ICE officers stationed vehicles at the front of the bus and at the back of the bus, thus requiring the movement of the ICE vehicles before the bus would be able to leave the restaurant parking lot.

After the passengers returned from the restaurant and got back on the bus, Officer Galindo approached the bus and spoke with driver, Mr. Lawrence Newton. Mr. Newton explained that Amway had hired his company, Global Transportation, Inc., to drive the passengers from Denver to the downtown Hilton Hotel in Omaha for a convention. He said that he makes the trip approximately every three months to either Omaha or Kansas City.

The conversation with Mr. Newton was obviously sufficient to dispel any remotely arguable basis for crediting Minze’s suspicion of a “smuggling load.”

Nevertheless, despite the absence of any reasonable suspicion, ICE officers boarded the bus. They identified themselves as ICE officers and began demanding that various passengers produce identification or other papers. The ICE officers barked commands and demanded compliance. They ordered passengers to turn off their cell phones and threatened to confiscate them if passengers used the phones. The passengers were not free to leave.

Mr. Bautista was asked for his papers. He stated, accurately, that he is a citizen. He produced his wallet that contained his valid State of Colorado photo ID card.

After demanding papers from a handful of passengers, the ICE agents decided to arrest all of the passengers, including Mr. Bautista. Without providing any explanation to the passengers, the ICE agents directed the bus driver to transport all the passengers to a Department of Homeland Security facility. On information and belief, this facility is located on Avenue H in Omaha.

Upon arriving at the facility, Mr. Bautista was ordered to step down from the bus. He was ordered to empty his pockets. He was ordered to put his hands against a wall. An ICE officer puts his hands on Mr. Bautista and subjected him to a thorough pat-down body search. He was then confined in a cell. When he was removed from the cell, he was interrogated, fingerprinted, and photographed before being released.

11. Witnesses

<u>Name</u>	<u>Address</u>
Linda Minze, Deportation Officer	ICE, Omaha, Nebraska
Ricardo Galindo, Deportation Officer	ICE, Omaha, Nebraska
Pat Burns, Deportation Officer	ICE, Omaha, Nebraska
SSA Dave Sullivan	ICE, Omaha, Nebraska
SSA Brent Morral	ICE, Omaha, Nebraska
Jason Francke, Deportation Officer	ICE, Omaha, Nebraska
Adam Minze, Deportation Officer	ICE, Omaha, Nebraska
Rob Green, Deportation Officer	ICE, Omaha, Nebraska
Greg Hammer, Deportation Officer	ICE, Omaha, Nebraska
Lawrence G. Newton [bus driver] Rosalba Artimas	720 Bunting Drive, Lafayette, CO 80026 (represented by undersigned counsel)
Additional passengers on bus	ICE has contact information for additional passenger/witnesses



C. Ray Drew, Executive Director • Mark Silverstein, Legal Director

Authorization for representation in administrative claim

I authorize attorneys working with the American Civil Liberties Union Foundation of Colorado, including Mark Silverstein, Rebecca Wallace, and Hans Meyer, to represent me in pursuing an administrative claim to seek compensation for me from the United States for unlawful actions, in April, 2010, of employees of United States Immigrations and Customs Enforcement.

Arquimides Bautista
Arquimides Bautista

10/19/2010
Date

State of Colorado)
) ss.
County of Denver)

The foregoing instrument was executed before me this 19th day of October, 2010 by Arquimides Bautista.

Debra L. Woods
Notary

My Commission expires:

8-26-2014

