

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

DANIEL RENTERIA-VILLEGAS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:11-cv-218
)	Judge Sharp
METROPOLITAN GOVERNMENT OF)	Magistrate Judge Brown
NASHVILLE AND DAVIDSON COUNTY,)	
)	
Defendant.)	

FOURTH AMENDED COMPLAINT

1. This is an action for declaratory relief and damages to remedy Plaintiff's unlawful detention by Defendant Metropolitan Government of Nashville and Davidson County.

JURISDICTION AND VENUE

2. This action was originally filed in the Chancery Court for Davidson County, Tennessee on January 7, 2011. The Chancery Court had jurisdiction pursuant to Tenn. Code Ann. §§ 16-11-102 and 29-14-101 *et seq.*

3. On March 9, 2011, former Defendant U.S. Immigration and Customs Enforcement ("ICE"), a component agency of the U.S Department of Homeland Security, filed a Notice of Removal in this Court. (Doc. Entry No. 1). ICE asserted the jurisdiction of this Court under 28 U.S.C. § 1442(a)(1). Doc. Entry No. 1, ¶ 8.

4. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 (federal question), § 1343 (civil rights), and § 1367 (supplemental jurisdiction). Declaratory judgment is sought pursuant to 28 U.S.C. §§ 2201-02.

5. Venue is proper in this District under 28 U.S.C. § 1391(b)(1) & (2) because Defendant resides within this District and because the acts at issue in this lawsuit occurred within this District.

PARTIES

6. Plaintiff Daniel Renteria-Villegas (“Renteria”) is a citizen of the United States. At all times relevant to this action, he resided in Davidson County, Tennessee. Plaintiff Renteria is of Latino race, ethnicity and appearance. He is a native Spanish-speaker of limited English proficiency.

7. Defendant Metropolitan Government of Nashville and Davidson County (“Metro Government”) is an incorporated, legal subdivision of the State of Tennessee. The Davidson County Sheriff’s Office (“DCSO”) is the agency of Metro Government vested by the Charter with the duty to keep and maintain the jails of Nashville and Davidson County.

FACTUAL ALLEGATIONS

8. The Metro Government entered into a Memorandum of Agreement (“MOA”) with ICE in 2009 which empowered certain trained DCSO personnel to perform the functions of a federal immigration official pursuant to § 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g).

9. One of the functions that the trained, deputized DCSO personnel perform under the MOA is the preparation and issuance of a federal immigration detainer, “Form I-247, Immigration Detainer – Notice of Action.”

10. The detainer – also commonly referred to as an “ICE Hold” – requests that the DCSO keep the inmate in custody for up to forty-eight additional hours (not including weekends

and federal holidays) beyond the time when the inmate would be otherwise released while ICE investigates his or her immigration status.

11. Even if no Form I-247 has been lodged against an inmate and without any legal authority to do so, DCSO personnel who have not been trained and deputized pursuant to the MOA place “ICE Holds” on inmates in DCSO custody simply by adding a notation in DCSO’s Jail Management System (“JMS”) file.

12. Metro Police Department Officer Rickey Bearden arrested Daniel Renteria at his home in Davidson County on Sunday, August 22, 2010, at or around 4:46 p.m.

13. This arrest occurred pursuant to a criminal warrant that was subsequently dismissed for lack of probable cause.

14. The Metro Police Officer who arrested Renteria completed an Arrest Report indicating Renteria’s place of birth was “Mexico.”

15. DCSO personnel booked Renteria into the DCSO’s Criminal Justice Center facility between 5:00 p.m. and 8:00 p.m. on August 22.

16. When DCSO personnel booked Renteria into the Criminal Justice Center, they asked him where he was born.

17. Renteria truthfully responded that he was born in Portland, Oregon. The demographic information in Renteria’s DCSO Jail Management System file states his P[lace] O[f] B[irth] as “OR[EGON].”

18. During the booking process a DCSO employee named “K. Cash” added an ICE Hold notation in Renteria’s JMS file at approximately 5:57 p.m. on August 22, 2010. Upon information and belief, DCSO employee “K. Cash” is not a trained and deputized Jail Enforcement Officer pursuant to the MOA.

19. At approximately 9:47 a.m. on August 24, 2010, DCSO deputy and designated 287(g) Jail Enforcement Officer Marty Patterson scheduled Renteria for an “ICE Interview”, to occur between 10:30 a.m. and 11:00 a.m. the same day.

20. The purpose of the DCSO Jail Enforcement Officer’s interrogation of Renteria was to elicit specific information related to possible violations of federal immigration and criminal law. *See* 8 C.F.R. § 287.5(a)(1).

21. This 287(g) interrogation by a designated 287(g) Jail Enforcement Officer occurred in a small office within the DCSO’s administrative area at the Criminal Justice Center between 12:26 p.m. and 1:09 p.m. on August 24, 2010.

22. The DCSO Jail Enforcement Officer who conducted the 287(g) interrogation did not lift the ICE Investigative Hold notation in the jail management system when the interrogation ended.

23. The DCSO Jail Enforcement Officer did not tell Renteria what, if anything, he could do to prove his U.S. citizenship to the DCSO and get the ICE Hold Notation in the jail management system removed and nothing was immediately done to confirm Renteria’s claim of citizenship.

24. At or around 12:52 p.m. on September 3, 2010 the DCSO became aware via the jail management system that a Davidson County General Sessions Judge dismissed the charge for which Renteria was arrested on August 22, 2010. Despite the dismissal of the charges, the “ICE Hold” remained in place, preventing Renteria’s release.

25. “W. Ford” lifted the ICE Hold notation in the jail management system after two of Renteria’s relatives brought his original birth certificate and original passport to the Criminal Justice Center late in the evening on September 3, 2010, on their own accord.

26. A DCSO employee made copies of these documents, returned the originals, and kept the copies.

27. At 9:56 p.m. on September 3, 2010, DCSO deputy or employee “W. Ford” deactivated Renteria’s ICE Hold notation in the jail management system imposed by DCSO several days earlier.

28. Even after DCSO employees had original documents proving Renteria’s U.S. citizenship and made photocopies of those documents at around 10:00 p.m. on September 3, it took almost three hours for Defendants to release him.

29. The DCSO released Renteria at 12:48 a.m. on September 4, 2010.

30. The twelve hours Renteria spent in Defendant DCSO’s custody after his charge was dismissed were a direct result of the ICE Hold notation added to the jail management system by DCSO personnel who were not trained and deputized Jail Enforcement officers pursuant to the MOA.

31. No DCSO employee deputized under the MOA or any other ICE agent ever lodged an I-247, Immigrant Detainer – Notice of Action against Renteria.

CAUSES OF ACTION

COUNT I

Violation of the Fourth, Fifth, and Fourteenth Amendments

(42 U.S.C. § 1983)

32. The following practices of Defendant Metro Government violated Renteria’s right to due process of law guaranteed by the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution:

- a. Imprisoning without probable cause after the release of Renteria’s state charges;

- b. Imprisoning without the issuance of a Form I-247 detainer after the release of Renteria's state charges; and
- c. Failing to give Renteria notice and an opportunity to be heard regarding the grounds for the DCSO detainer before imprisoning him pursuant to it.

33. This imprisonment was the result of the Metro Government's policy, custom, and practice pursuant to which DCSO booking personnel who are not trained or deputized under the MOA placed "ICE Hold" notations on all DCSO inmates who may be investigated by ICE, regardless of whether ICE or the deputized DCSO personnel ever issued an actual immigration detainer.

34. Defendant's policy, custom, and practice of entering "ICE Hold" notations for individuals who were not subject to ICE detainers was the moving force that caused Renteria's illegal detention.

35. Renteria has suffered substantial damages as a result of Defendant's illegal policy, practice or custom.

36. As a result, Renteria seeks compensatory damages against the Metro Government and a declaratory judgment that his right to due process was violated.

COUNT II
False Imprisonment in Violation of Tennessee Tort Law

37. Renteria hereby adopts and incorporates by reference the allegations contained in all paragraphs above.

38. Metro Government imprisoned Renteria against his will for approximately twelve hours without any legal authority to detain him.

39. Renteria suffered severe emotional distress, humiliation, and psychological trauma as a result of his unlawful imprisonment by the DCSO.

40. Renteria therefore seeks compensatory and punitive damages against Metro Government and a declaratory judgment declaring that he was falsely imprisoned.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the Court grant the following relief:

- (a) Issue a Declaratory Judgment declaring Defendant violated Plaintiff Renteria's right under the Fourteenth Amendment to due process;
- (b) Award Plaintiff compensatory and punitive damages;
- (c) Award Plaintiff reasonable costs and attorneys fees pursuant to 28 U.S.C. §§ 1988, 2412(d).
- (d) Grant Plaintiff any further relief this Court deems equitable and just.

DATED this 9th day of November, 2012

Respectfully submitted,

/s/ Elliott Ozment
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing has been served by electronic means via the U.S. District Court's electronic filing system on November 9, 2012 on:

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