

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

**ADIJAT
EDWARDS,**

Plaintiff,

vs.

UNITED STATES OF AMERICA.

Defendant.

) **Civil Action**
)
) **Case No. _____**
)
)
) **DEMAND FOR JURY TRIAL**
) **YES ___ NO X__**
)
)
)
)

COMPLAINT

I. PRELIMINARY STATEMENT

1. This is an action brought under the Federal Tort Claims Act related to the unlawful conversion of plaintiff’s money and jewelry by officers of the United States Immigration and Customs Enforcement agency (“ICE”) and negligence on the part of ICE in providing supervision and policy to its officers regarding the property of detainees. On February 8, 2011 at the offices of ICE in Bloomington, Minnesota, and at the Minneapolis-St. Paul International Airport, the plaintiff, Ms. Edwards, was denied her property interest in money and jewelry. The conversion of her property by ICE officers and negligence on the part of ICE in failing to supervise its agents or institute policy are the cause of injury to plaintiff.

II. JURISDICTION AND VENUE

2. This court has jurisdiction over the subject matter to this Complaint under 28 U.S.C. §§ 1346(b) of the Federal Tort Claim Act (FTCA).

3. On February 6, 2013 an Administrative Tort Claim was filed with the United States Immigration and Customs Enforcement Agency. By a letter dated February 26, 2013, and mailed February 27, 2013, the claim was denied. This suit is timely.

4. Venue is properly with this district under 28 U.S.C. § 1402(b) as plaintiff resides in Savage, Minnesota, and the acts complained of occurred in Bloomington, Minnesota.

III. PARTIES

5. Plaintiff Adijat Edwards, who is forty two (42) years old, is a resident of Savage, Minnesota.

6. Defendant United States of America is the appropriate defendant under the Federal Tort Claims Act.

IV. FACTS

7. Plaintiff Adijat Edwards landed in the United States from Nigeria on January 31, 2011 at the Minneapolis St. Paul International Airport.

8. United States Customs and Border Patrol (CBP) and ICE officers detained Ms. Edwards and held her in custody upon her arrival to the United States.

9. CBP and ICE officers separated Ms. Edwards from her possessions at the time of her detention.

10. The possessions taken from Ms. Edwards by CBP and ICE officers included jewelry valued at approximately \$4,000.00.

11. On the morning of February 8, 2011, an ICE officer, Ken (whose last name is believed to be Olson), whose cell phone number was (612) 290-0691 as of 12/18/2012, took Ms. Edwards to the US Bank at Minneapolis St. Paul International Airport.

12. Officer Adam (Last Name Unknown) accompanied ICE Officer Ken and Ms. Edwards to the bank.

13. At the bank, ICE Officer Ken requested that Ms. Edwards withdraw \$1,200.00 in cash using her bank card.

14. ICE Officer Ken stated to Ms. Edwards that the \$1,200.00 cash was necessary to purchase an airline ticket for her expedited removal from the United States.

15. ICE Officer Ken and Ms. Edwards then went to the Delta Airline ticket counter at the airport, and ICE Officer Ken asked to purchase a ticket for the expedited removal of Ms. Edwards.

16. The agent at the Delta Airline ticket counter advised ICE Officer Ken that no ticket was necessary for a person being removed from the United States by expedited removal.

17. ICE Officer Ken retained the \$1,200.00 cash that he had stated would be used for Ms. Edwards' airline ticket.

18. Ms. Edwards requested that her money be returned to her.

19. ICE Officer Ken told Ms. Edwards that her money would be returned to her at the time of her removal from the United States, or immediately before her removal.

20. Ms. Edwards was returned to the ICE offices in the Metro Office Park in Bloomington, Minnesota.

21. In the early afternoon of February 8, 2011, another Officer (possibly named Zanter of Vanter) accompanied Ms. Edwards to the airport.

22. Ms. Edwards asked the Officer accompanying her to the airport when the jewelry and \$1,200.00 cash would be returned to her.

23. The officer accompanying Ms. Edwards to the airport stated that he did not know anything about her cash or jewelry.

24. Neither the \$1,200.00 nor the jewelry were or ever have been returned to Ms. Edwards.

V. CAUSES OF ACTION

Count I

Plaintiff v. Defendant United States of America Federal Tort Claims Act – Conversion

25. Plaintiff realleges paragraphs 1 through 24 as though fully set forth.

26. Plaintiff Adijat Edwards had a property interest in her cash and jewelry, and ICE Officers deprived her of that property interest.

26. ICE officers have the power to interrogate people and to make arrests under 8 U.S.C. § 1357(a).

27. The actions of ICE Officers that deprived Ms. Edwards of her cash and jewelry and the officers' subsequent refusal and failure to return the cash and jewelry constitute the tort of conversion under the laws of the State of Minnesota.

28. Under the Federal Tort Claims Act, defendant United States of America is liable for these actions.

Count II

Plaintiff v. Defendant United States of America Federal Tort Claims Act – Negligence

29. Plaintiff realleges paragraphs 1 through 28 as though fully set forth.

30. The Immigration and Customs Enforcement agency owed a duty to Plaintiff to protect, safeguard, and return property taken from Plaintiff; ICE breached its duty to Plaintiff, and as such, was a direct and proximate cause in bringing about Plaintiff's damages outlined above.

31. The actions of ICE as an agency and its individual officers named above constitute the tort of negligence under the laws of the State of Minnesota.

32. Under the Federal Tort Claims Act, defendant United States of America is liable for these actions.

Wherefore, Plaintiff respectfully requests:

- A. Compensatory damages from Defendant;
- B. Reasonable attorneys' fees and costs from Defendant;
- C. Such other and further relief as may be deemed appropriate.

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Pro Bono Publicam