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7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10

11 A.F.P. and J.F.C.,

12 Plaintiffs,

13 v.

14 United States of America,

15 Defendant.
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CASE NO. 1:21-cv-00780-DAD-EPG

ANSWER

ANSWER

1 The United States answers the Complaint (ECF No. 1) as follows:

2 **GENERAL ANSWER**

3 1. Insofar as allegations relate to or reference the identities, ages, relationships, and
4 nationalities of plaintiffs, those allegations are denied on grounds that defendant lacks information
5 sufficient to form a belief as to their truth because plaintiffs are proceeding pseudonymously. Therefore,
6 any specific admission or denials, in full or in part, of such allegations are qualified by the provision that
7 defendant is answering based on its belief, but lack of certainty, as to the identities of plaintiffs.

8 2. Insofar as specific allegations in the Complaint call for an admission or denial by
9 defendant in circumstances where the United States is not permitted by law to disclose any information
10 it may have regarding those allegations (*see, e.g.*, 8 C.F.R. §§ 208.6(a), 1208.6), defendant denies those
11 allegations in the Specific Answer. Defendant will supplement its Answer upon the execution of
12 privacy waivers from plaintiffs. Defendant initiated the process of procuring such waivers through
13 communications to plaintiffs' counsel on July 18, 2022.

14 **SPECIFIC ANSWERS BY PARAGRAPH**

15 1. Defendant admits that, for part of 2018—beginning more than two months after plaintiffs
16 here were separated—the United States implemented a Zero-Tolerance Policy that resulted in the
17 separation of some families that illegally entered the United States at the Mexico border. Defendant
18 denies that it had a policy to separate asylum-seeking parents and children, denies that the purpose of the
19 Zero-Tolerance Policy was to cause families trauma, denies that the government sought to inflict
20 emotional distress and other harms in order to deter parents and children from seeking asylum, and
21 denies that the Zero-Tolerance Policy had or could have had any of those effects on the persons believed
22 to be the plaintiffs in this case, since the policy was not in place at the time of plaintiffs' separation.

23 2. Defendant admits that the tweet by former President Trump exists as quoted. The
24 remaining allegations are denied.

25 3. Defendant admits that the persons believed to be plaintiffs were separated after they
26 entered the United States in January 2018; and that plaintiff AFP was prosecuted in Texas and detained
27 in Texas, Ohio, and Louisiana; and that plaintiff JFC was transferred to New York, where he was
28 provided shelter and care. Defendant denies that it systematically separated asylum-seeking parents and

1 children and denies that plaintiff JFC was transferred to a detention center in New York. The remaining
2 allegations are also denied. With respect to plaintiffs' subjective reasons for illegally entering the
3 United States, the denial is on grounds that defendant lacks sufficient knowledge or information to form
4 a belief as the allegation's truth.

5 4. Defendant admits that it charged plaintiff AFP with an illegal-entry offense, that he
6 appeared in a court hearing during which he pleaded guilty, that defendant flew plaintiff JFC to New
7 York, and that plaintiffs were separated for more than a year. The remaining allegations are denied.

8 5. Defendant admits that it separated plaintiffs and that plaintiff AFP was subsequently
9 removed from the United States. Defendant denies that AFP was imprisoned in maximum-security
10 prisons and denies that he had or could have had any credible asylum claim, since he had previously
11 been removed. The allegations concerning AFP's subjective beliefs and state of mind are denied on
12 grounds that defendant lacks sufficient knowledge or information to form a belief as their truth. In the
13 absence of privacy waivers, which defendant has requested, defendant is not permitted by law to
14 disclose any information it may have regarding the remaining allegations and on that basis denies them.

15 6. Defendant denies that plaintiff JFC's hearing loss was caused by a fall at a swimming
16 pool or other events in New York. The remaining allegations are denied on grounds that defendant lacks
17 sufficient knowledge or information to form a belief as to their truth.

18 7. Defendant admits that it reunited plaintiffs in March 2019. The remaining allegations are
19 denied. With respect to the alleged involvement of a human rights organization, the denial is on grounds
20 that Defendant lacks sufficient knowledge or information to form a belief as to the allegation's truth.

21 8. Defendant denies these allegations.

22 9. This assertion is not a statement of fact but a conclusion of law to which no response is
23 required. To the extent that a response is required, the assertion is denied.

24 10. Defendant denies that plaintiffs suffered extraordinary harms at the hands of the United
25 States government. The remainder of this paragraph is plaintiffs' characterization of this action, to
26 which no response is required.

27 11. This assertion is not a statement of fact but a conclusion of law to which no response is
28 required. To the extent that a response is required, the assertion is denied.

1 12. Defendant admits these allegations.

2 13. Defendant admits these allegations.

3 14. These assertions are not statements of fact but conclusions of law to which no response is
4 required.

5 15. Defendant lacks sufficient knowledge or information to form a belief about plaintiffs'
6 current residence and on that basis denies this allegation.

7 16. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
8 these allegations and on that basis denies them.

9 17. Defendant admits that the person believed to be plaintiff JFC was fifteen years old at the
10 time of his apprehension and while he was detained by U.S. Customs and Border Protection (CBP), and
11 that he continued to be a minor until he was reunited with his family. Defendant denies that JFC was
12 detained at any time after being transferred to the Department of Health and Human Services Office of
13 Refugee Resettlement (ORR). The remaining allegations are denied on grounds that defendant lacks
14 sufficient knowledge or information to form a belief as to their truth.

15 18. In the absence of privacy waivers, which defendant has requested, defendant is not
16 permitted by law to disclose any information it may have regarding the first sentence and on that basis
17 denies those allegations. Defendant lacks knowledge or information sufficient to form a belief about
18 plaintiffs' current residence and on that basis denies that allegation.

19 19. These assertions are not statements of fact but conclusions of law to which no response is
20 required. To the extent that a response is required, the assertions are denied.

21 20. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
22 these allegations and on that basis denies them.

23 21. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
24 these allegations and on that basis denies them.

25 22. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
26 these allegations and on that basis denies them.

27 23. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
28 these allegations and on that basis denies them

1 24. Defendant admits that plaintiffs were arrested on January 29, 2018, near Hidalgo, Texas,
2 and that plaintiff AFP told one of the arresting officers that he had entered the United States by crossing
3 the Rio Grande River. The remaining allegations are denied on grounds that defendant lacks sufficient
4 knowledge or information to form a belief as to their truth.

5 25. Defendant admits that plaintiffs were transported to the Rio Grande Valley Combined
6 Processing Center (RGV Processing Center), which is a CBP facility, and that plaintiffs were separated
7 there. Defendant denies that they were separated forcibly and denies that RGV Processing Center was a
8 “*hielera*” or ice box. The remaining allegations are denied on grounds that defendant lacks sufficient
9 knowledge or information to form a belief as to their truth.

10 26. Defendant admits that on January 31, 2018, the second day following his apprehension,
11 plaintiff AFP was taken to federal district court, where he was charged with illegal entry in violation of
12 8 U.S.C. § 1325(a), entered a guilty plea, and was convicted. Defendant further admits that the
13 proceedings were conducted primarily in English, in that the presiding judge spoke in English, while
14 everything said in English was translated into Spanish for plaintiff and his statements in Spanish were
15 translated into English for the court, for AFP’s counsel, and for the record. Defendant denies that AFP
16 lacked assistance of a court-appointed attorney, that he was not provided legal information about his
17 case, that he was not given a chance to explain his claim, and that he was not fully informed of the
18 nature of the proceeding, the charges against him, and his rights.

19 27. Defendant denies that plaintiff AFP’s plea and sentencing hearing was a “charade” and
20 admits that by the time AFP returned to RGV Processing Center, plaintiff JFC had been transferred to
21 ORR’s care and legal custody as an unaccompanied minor and transported to New York. The remaining
22 allegations are denied on grounds that defendant lacks sufficient knowledge or information to form a
23 belief as to their truth.

24 28. Defendant admits that plaintiffs did not see each other for 13 months, 19 days following
25 January 31, 2018. The remaining allegations are denied.

26 29. Defendant denies that plaintiff AFP’s prosecution was part of, pursuant to, or caused by
27 Zero-Tolerance Policy. Defendant admits that on April 6, 2018—months after AFP was prosecuted—
28 then-Attorney General Sessions publicly directed federal prosecutors along the United States–Mexico

1 border “to the extent practicable, and in consultation with DHS, to adopt immediately a zero-tolerance
2 policy for all offenses referred for prosecution under section 1325(a),” which includes illegal-entry
3 misdemeanors. Defendant further admits that before Zero Tolerance Policy—including when AFP was
4 prosecuted—noncitizens, including those traveling with children, were not uniformly referred for
5 prosecution of illegal-entry misdemeanors, but many such cases were prosecuted when there were
6 aggravating circumstances, such as multiple prior apprehensions for illegal entry. Defendant lacks
7 sufficient knowledge or information to form a belief as to the truth of the remaining allegations and on
8 that basis denies them.

9 30. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
10 this allegation and on that basis denies it.

11 31. Defendant denies that Zero Tolerance Policy served as a pretext or cover for widespread
12 separation of Central American parents and children. The remaining allegations are denied on grounds
13 that defendant lacks sufficient knowledge or information to form a belief as to their truth.

14 32. Defendant admits that, while Zero Tolerance Policy was in effect, government officials
15 prosecuted some but not all parents who crossed the border illegally; that some convicted parents
16 received a sentence of time served amounting to a few days in jail or immigration custody, while others
17 received longer sentences; that some minors who were apprehended with adults who were prosecuted or
18 referred for prosecution were determined to be unaccompanied and were transferred to the care and legal
19 custody of ORR; and that some of them were flown to other locations and not immediately returned to
20 parents who were convicted and sentenced to time served. Defendant denies as unintelligible the
21 allegation that these facts are consistent with Zero Tolerance Policy and denies that Zero Tolerance
22 Policy had or could have had any effect on plaintiffs, since the policy was not in place at the time of
23 plaintiffs’ separation.

24 33. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
25 these allegations and on that basis denies them.

26 34. Defendant admits that plaintiff AFP was sentenced to time served after pleading guilty to
27 illegal entry; that he never entered the custody of the Bureau of Prisons (BOP); and that, other than the
28 multiple hours during which he was transported to and from the courthouse and waited for and attended

1 his plea and sentencing hearing, he was in Department of Homeland Security custody on the day that
2 plaintiff JFC was transported to New York. Defendant denies that AFP was prosecuted under, pursuant
3 to, or as a result of Zero Tolerance Policy; denies that he had or could have had any credible asylum
4 claim, since he had previously been removed; and denies that government employees tricked him into
5 withdrawing any claim. The remaining allegations are also denied.

6 35. Defendant admits that plaintiff AFP's guilty-plea and sentencing hearing on the illegal-
7 entry charge took a few hours, that he never entered BOP custody, and that plaintiff JFC was designated
8 an unaccompanied minor as a result of AFP's referral for prosecution and resulting prosecution.
9 Defendant denies that CBP and U.S. Immigration and Customs Enforcement (ICE) "used" AFP's
10 federal court proceedings and prison sentence to designate JFC an unaccompanied minor and denies that
11 ICE had any role in the designation.

12 36. Defendant denies as unintelligible the allegations that ICE and CBP "treated J.F.C. as if
13 he were legally in the custody of [ORR]" and that ICE and CBP "made that determination." Defendant
14 admits that plaintiffs entered the country together and that both were in immigration custody at the RGV
15 Processing Center from January 29 to January 31, 2018. The remaining allegations are denied.

16 37. Defendant denies that there was no reason to send plaintiff JFC to a charitable
17 organization in New York that provided him housing and care under a cooperative agreement with ORR.
18 The remaining allegations are denied on grounds that defendant lacks sufficient knowledge or
19 information to form a belief as to their truth.

20 38. Defendant admits that CBP detained plaintiff AFP at RGV Processing Center for parts of
21 three days. The remaining allegations are denied. With respect to what words were used by detainees to
22 refer to the RGV Processing Center, the denial is on grounds that defendant lacks sufficient knowledge
23 or information to form a belief as the allegations' truth.

24 39. Defendant denies these allegations.

25 40. Defendant denies the allegations of this paragraph concerning conditions of confinement
26 and plaintiff AFP's treatment by Border Patrol agents. The remaining allegations are denied on grounds
27 that defendant lacks sufficient knowledge or information to form a belief as to their truth.

28 41. Defendant admits that after plaintiffs were separated, plaintiff AFP was transferred to

1 ICE custody and detained in Port Isabel, Texas before being transferred to the Rio Grande Detention
2 Facility in Laredo, Texas.

3 42. Defendant admits that plaintiff AFP was able to contact JFC on multiple occasions while
4 AFP was detained at the Rio Grande Detention Facility and denies that AFP's legal process with respect
5 to removal from the United States never came. The remaining allegations are also denied.

6 43. Defendant denies these allegations. With respect to the allegation that men tried to drink
7 from sinks, the denial is on grounds that defendant lacks sufficient knowledge or information to form a
8 belief as to its truth.

9 44. Defendant lacks sufficient knowledge or information about activities at the Rio Grande
10 Detention Facility, which is operated by a contractor, to form a belief as to the truth of these allegations
11 and on that basis denies them.

12 45. Defendant denies that plaintiff AFP had to wait thirty days before getting any information
13 about his case or being interviewed. Defendant lacks sufficient knowledge or information about the
14 conduct of contractor employees to form a belief as to the truth of the remaining allegations and on that
15 basis denies them.

16 46. Defendant admits that plaintiff AFP was permitted to speak to his son on the phone and
17 denies that immigration officers refused to permit him to do so following their initial phone call.
18 Defendant admits that AFP declared that he was on a hunger strike. The remaining allegations are
19 denied on grounds that defendant lacks sufficient knowledge or information to form a belief as to their
20 truth.

21 47. Defendant denies that CBP officers subjected plaintiff AFP to emotional abuse or
22 taunting. Defendant lacks sufficient knowledge or information to form a belief as to the truth of the
23 remaining allegations and on that basis denies them.

24 48. In the absence of privacy waivers, which defendant has requested, defendant is not
25 permitted by law to disclose any information it may have regarding these allegations and on that basis
26 denies them.

27 49. In the absence of privacy waivers, which defendant has requested, defendant is not
28 permitted by law to disclose any information it may have regarding the first clause of the first sentence

1 and on that basis denies those allegations. Defendant lacks sufficient knowledge or information about
2 the conduct of contractor employees to form a belief as to the truth of the remaining allegations and on
3 that basis denies them.

4 50. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
5 these allegations and on that basis denies them.

6 51. Defendant denies that CBP officers confused or misinformed AFP or acted as
7 accomplices to a “fake lawyer.” In the absence of privacy waivers, which defendant has requested,
8 defendant is not permitted by law to disclose any information it may have regarding the remaining
9 allegations and on that basis denies them.

10 52. In the absence of privacy waivers, which defendant has requested, defendant is not
11 permitted by law to disclose any information it may have regarding these allegations and on that basis
12 denies them.

13 53. Defendant admits that plaintiff AFP was placed in a detention facility in Ohio for
14 approximately 15 days. The remaining allegations are denied on grounds that defendant lacks sufficient
15 knowledge or information to form a belief as to their truth.

16 54. Defendant admits that plaintiff AFP was transferred to a detention facility in Louisiana.
17 The remaining allegations are denied on grounds that defendant lacks sufficient knowledge or
18 information to form a belief as to their truth.

19 55. Defendant denies that plaintiff AFP remained in detention centers until May 13, 2018,
20 but admits that he was removed to Honduras on May 11, 2018. The remaining assertions are not
21 statements of fact but conclusions of law to which no response is required. To the extent that a response
22 is required, the assertions are denied.

23 56. Defendant admits that plaintiff AFP reentered the United States via the port of entry at
24 Calexico, California. The remaining allegations are denied on grounds that defendant lacks knowledge
25 or information sufficient to form a belief as to their truth.

26 57. Defendant admits that plaintiff AFP was placed on a GPS monitor for approximately
27 seven months. The remaining allegations are denied on grounds that defendant lacks sufficient
28 knowledge or information to form a belief as to their truth.

1 58. Defendant admits that plaintiffs were reunited approximately one week after AFP
2 reentered the United States. The remaining allegations are denied.

3 59. Defendant denies that plaintiff JFC was subjected to inhumane treatment at RGV
4 Processing Center, admits that he was provided a hot meal within five hours after arriving there, and
5 denies all other allegations concerning the conditions there. The remaining allegations are denied on
6 grounds that defendant lacks sufficient knowledge or information to form a belief as to their truth.

7 60. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
8 these allegations and on that basis denies them.

9 61. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
10 these allegations and on that basis denies them.

11 62. Defendant admits that on January 31, 2018, plaintiff JFC was transferred to ORR's legal
12 custody and placed the same day with Children's Village Center, a charitable organization which
13 provided him housing and care on its open residential campus in New York, pursuant to a cooperative
14 agreement with ORR. Defendant denies that JFC was ever detained by ORR or taken to any detention
15 center in New York. The remaining assertions are not statements of fact but conclusions of law that
16 require no response. To the extent that a response is required, the assertions are denied.

17 63. These assertions are not statements of fact but conclusions of law to which no response is
18 required. To the extent that a response is required, the assertions are denied.

19 64. Defendant denies these allegations.

20 65. Defendant denies these allegations.

21 66. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
22 these allegations and on that basis denies them.

23 67. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
24 these allegations and on that basis denies them.

25 68. Defendant denies these allegations.

26 69. Defendant denies that a lack of contact with plaintiff AFP traumatized plaintiff JFC. The
27 remaining allegations are denied on grounds that defendant lacks sufficient knowledge or information to
28 form a belief as to their truth.

1 70. Defendant lacks sufficient knowledge or information to form a belief as to the truth of
2 this allegation and that basis denies it.

3 71. Defendant denies these allegations.

4 72. Defendant denies that Children’s Village staff never took plaintiff JFC to the doctor. The
5 remaining allegations are denied on grounds that defendant lacks sufficient knowledge or information to
6 form a belief as to their truth.

7 73. Defendant denies these allegations.

8 74. Defendant denies these allegations.

9 75. Defendant denies these allegations.

10 76. Defendant denies that officers abused plaintiff AFP or that he suffers emotionally from
11 such abuse. The remaining allegations are denied on grounds that defendant lacks sufficient knowledge
12 or information to form a belief as to their truth.

13 77. Defendant denies these allegations.

14 78. Defendant denies these allegations. With respect to the allegations that plaintiff JFC has
15 various conditions, the denial is on grounds that defendant lacks sufficient knowledge or information to
16 form a belief as to their truth.

17 79. The first sentence is not a statement of fact but a conclusion of law to which no response
18 is required. To the extent that a response is required, the sentence is denied. The remaining allegations
19 are also denied.

20 80. Defendant denies these allegations.

21 81. These assertions are not statements of facts but conclusions of law to which no response
22 is required. To the extent that a response is required, the assertions are denied.

23 82. This paragraph merely incorporates allegations answered above. No further response is
24 required.

25 83. Defendant denies this allegation.

26 84. Defendant denies this allegation.

27 85. Defendant denies this allegation.

28 86. This assertion is not a statement of fact but a conclusion of law to which no response is

1 required. To the extent that a response is required, the assertion is denied.

2 87. This paragraph merely incorporates allegations answered above. No further response is
3 required.

4 88. Defendant denies this allegation.

5 89. Defendant denies this allegation.

6 90. Defendant denies this allegation.

7 91. This assertion is not a statement of fact but a conclusion of law to which no response is
8 required. To the extent that a response is required, the assertion is denied.

9 92. This paragraph merely incorporates allegations answered above. No further response is
10 required.

11 93. This assertion is not a statement of fact but a conclusion of law to which no response is
12 required. To the extent that a response is required, the assertion is denied.

13 94. Defendant denies this allegation.

14 95. Defendant denies this allegation.

15 96. This assertion is not a statement of fact but a conclusion of law to which no response is
16 required. To the extent that a response is required, the assertion is denied.

17 97. This paragraph merely incorporates allegations answered above. No further response is
18 required.

19 98. This assertion is not a statement of fact but a conclusion of law to which no response is
20 required. To the extent that a response is required, the assertion is denied.

21 99. Defendant denies this allegation.

22 100. Defendant denies this allegation.

23 101. This assertion is not a statement of fact but a conclusion of law to which no response is
24 required. To the extent that a response is required, the assertion is denied.

AFFIRMATIVE AND OTHER DEFENSES

1
2 1. The Court lacks subject matter jurisdiction over plaintiffs’ claims.

3 2. Plaintiffs’ claims are barred to the extent that they are based on the exercise or
4 performance or failure to exercise or perform a discretionary function or duty. 28 U.S.C. § 2680(a).

5 3. Plaintiffs’ claims are barred to the extent that they are based on the execution of federal
6 statutes or regulations. 28 U.S.C. § 2680(a).

7 4. Plaintiffs have failed to state a claim on which relief may be granted in whole or in part.

8 5. The United States, through employees, did not owe a legal duty to plaintiffs.

9 6. The United States, through employees, did not breach a legal duty owed to plaintiffs.

10 7. The United States has waived its sovereign immunity only for the actions of “employees
11 of the government” as defined in 28 U.S.C. § 2671.

12 8. Acts or omission of the United States, through employees, were not the proximate cause
13 of injury to plaintiffs.

14 9. In the event that the United States is found to have been negligent or otherwise wrongful,
15 which negligence or wrongful conduct is denied, the superseding and intervening negligence or
16 wrongful conduct of third parties, for which the United States cannot be held liable, broke any causal
17 connection between the United States’ negligence or wrongful conduct and plaintiffs’ alleged injuries,
18 cutting off the legal effect of the United States’ negligence or wrongful conduct.

19 10. Plaintiffs’ recovery of damages, if any, is limited by federal and applicable state law.

20 11. Plaintiffs’ recovery against the United States, if any, is limited to the amount stated in
21 timely and properly presented administrative claims. 28 U.S.C. § 2675(b). To the extent that plaintiffs
22 have not timely or properly presented administrative tort claims, or seek relief different from, or in
23 excess of, that set forth in a timely and properly filed administrative tort claim, plaintiffs have not
24 exhausted their administrative remedies.

25 12. Plaintiffs may not recover punitive damages, non-monetary damages, or pre-judgment
26 interest under the Federal Tort Claims Act. 28 U.S.C. § 2674.

27 13. In the event that the Court enters a money judgment against the United States, plaintiffs
28 are entitled to post-judgment interest only in accordance with the provisions of 28 U.S.C. § 1961(b) and

1 31 U.S.C. § 1304(b).

2 14. Plaintiffs' claims are barred by an exception to or limitation of the United States' waiver
3 of sovereign immunity.

4 15. Under the FTCA, the United States only may be held liable in the same manner and to the
5 same extent as a private individual under like circumstances. 28 U.S.C. § 2674.

6 16. To the extent that there are persons who were comparatively at fault, whether or not they
7 are currently parties to this lawsuit, principles of comparative fault apply, and liability must be
8 apportioned or any judgment reduced as set forth under applicable state law.

9 17. Plaintiffs' claims are barred or diminished by their failure to mitigate damages.

10 18. Plaintiffs' claims are barred to the extent that they are based on misrepresentations. 28
11 U.S.C. § 2680(h).

12 19. The United States specifically reserves the right to raise additional affirmative defenses
13 which become evident through discovery, and to amend its Answer to raise any affirmative defense—
14 including, but not limited to, those identified by Fed. R. Civ. P. 8(c)—not currently known and/or which
15 it may through discovery learn may be applicable.

16 **PRAYER FOR RELIEF**

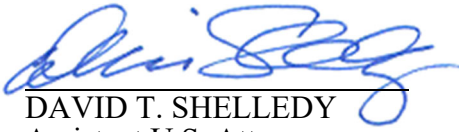
17 WHEREFORE, defendant prays that:

- 18 1. Plaintiffs take nothing by their Complaint;
 - 19 2. The Complaint be dismissed with prejudice;
 - 20 3. Judgment be entered in favor of defendant;
 - 21 4. Defendant be awarded its costs of suit; and
 - 22 5. The Court award such other and further relief as it may deem proper.
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1 Dated: July 26, 2022

Respectfully submitted,

2 PHILLIP A. TALBERT
United States Attorney

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4 By: 
5 DAVID T. SHELEDY
Assistant U.S. Attorney
6 Civil Division Chief

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