

## **Deported U.S. Citizen Sues U.S.**

**By Sandra Hernandez**

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**LOS ANGELES - A U.S. citizen who was wrongly deported to Mexico is suing federal and local authorities, alleging his civil rights were violated simply because of his appearance.**

**Lawyers for Pedro Guzman, known to his family as Peter, allege he was singled out for deportation "solely on the basis of his perceived race and national origin," according to a complaint.**

**The lawsuit, which is expected to be filed today in federal court in Los Angeles, alleges officials violated Guzman's right to liberty without due process.**

**"This is a one-of-a-kind case," said Virginia Kice, a spokeswoman for Immigration and Customs Enforcement. "Since ICE was created, the agency's efforts have ensured that more than 1 million immigration violators have been removed or returned to their home countries.**

**"A crucial fact about this case has been buried in the copy of many media reports. Mr. Guzman repeatedly told ICE officers and [Customs and Border Patrol] officials and others that he was born in Mexico and signed a document agreeing to voluntarily return."**

**The Los Angeles County sheriff's department, also named in the lawsuit, declined comment.**

**"We have not seen the lawsuit and therefore cannot comment," said Steve Whitmore, a spokesman for the sheriff's department.**

**"We look forward to telling the whole story if there is an action taken," he added.**

**Guzman's case highlights a special program that allows Los Angeles County officials to identify undocumented immigrants in local and state jails and alert federal authorities.**

**Guzman, 30, was born in Los Angeles but deported in May 2007, despite being a U.S. citizen.**

**He was arrested for misdemeanor trespassing.**

**Guzman was being held at the Men's Central Jail in downtown Los Angeles when deputies contacted immigration officials.**

**Rosenbaum said Guzman had previously told sheriff's deputies he was born in the United States.**

**Nonetheless, Guzman was interviewed by a sheriff's department custody assistant, who then contacted Immigration and Customs Enforcement.**

**Rosenbaum said an immigration agent "coerced" Guzman into signing a voluntary deportation order written in Spanish, even though Guzman can barely read and was taking antipsychotic drugs after he reported hearing voices while in custody, according to the lawsuit.**

**"ICE rubber stamped the decision without the most rudimentary examination," Rosenbaum said. "If ICE had checked its own records it would have found Peter was a U.S. citizen."**

**Guzman spent three months penniless in Mexico, eating out of garbage cans and sleeping on the streets before he resurfaced while trying to cross back into the United States.**

**"When my son was returned to me he was physically there but not mentally there," said Guzman's mother, Maria Carbajal. "He couldn't speak. He was shaking. He was so skinny. He looked like a crazy man."**

**Carbajal said she hopes the lawsuit will force federal officials to admit they were wrong to deport her son.**

**"For me, the most important thing about this lawsuit is that the government understand they made a huge mistake," she said. "I don't want them to commit that mistake again. I don't want another mother to go through this."**

**The lawsuit seeks monetary damages along with a "change in the policies and the practices that resulted in a U.S. citizen being deported," said Mark Rosenbaum, legal director with the American Civil Liberties Union of Southern California.**

**The ACLU and James Brosnahan, a prominent San Francisco attorney and senior partner at Morrison & Foerster are Guzman's attorneys.**

**Brosnahan appeared before Congress this month and told lawmakers the case raises serious questions about a program that allows local authorities to identify illegal immigrants held in local or state jails.**

**"We believe this lawsuit will change the current practices because it will hold superiors responsible," Brosnahan said.**

**Guzman is among a handful of U.S. citizens who were recently detained by immigration officials.**

**Earlier this year, Thomas Warziniack was held in an Arizona detention facility for weeks. Warziniack was born in Minnesota and grew up in Georgia.**

**He was released after his family provided federal officials with a copy of his birth certificate, according to published reports.**

**And just this month, the Miami Herald reported the case of Jose Garcia, a naturalized U.S. citizen, who spent two months in a Texas jail and also faced a deportation order.**

**Garcia was released after his attorney provided immigration officials with proof he was not the same man they sought, and he was in the United States legally.**

**Legal observers said more lawsuits may follow as the number of citizens mistakenly detained grows.**

**"This is a new trend," said Stephen Yale-Loehr, a professor of immigration at Cornell Law School. "As the number of deportations increase, so, too, do the number of U.S. citizens who are erroneously deported."**

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