

DOA 10/31/07

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Juan Francisco OCHOA-Delgado
A75203977


NUMBER: 07-0296M

I the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about September 17, 2007, in the District of Arizona, defendant Juan Francisco OCHOA-Delgado, an alien, knowingly entered and was found in the United States of America after having been denied admission, excluded, deported and removed from the United States through Nogales, Arizona, on or about March 8, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8 U.S.C. Section 1326(a). I further state that I am a Special Agent for the United States Immigration and Customs Enforcement and that this complaint is based on the following facts:

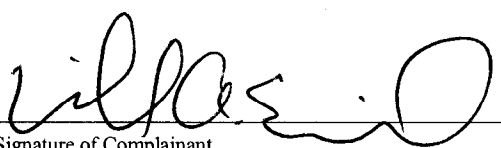
SEE ATTACHED STATEMENT OF PROBABLE CAUSE INCORPORATED BY REFERENCE HEREIN

MDY Industries, LLC v. Blizzard Entertainment, Inc. et al

Doc. 273

AUTHORIZED BY: AUSA Lisa Settler 

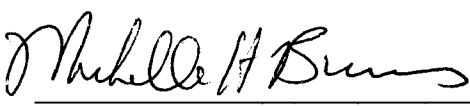
Michael A. Einspahr
Name of Complainant


Signature of Complainant

Sworn to before me and subscribed in my presence,
10/31/07
Date

at Phoenix, Arizona
City and State

Michelle H. Burns
United States Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

SCANNED

STATEMENT OF PROBABLE CAUSE

I, Michael A. Einspahr, being duly sworn, hereby depose and state as follows:

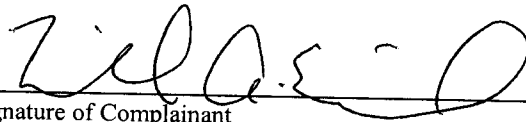
1. I am a Special Agent of the United States Immigration and Customs Enforcement (ICE) and have been employed as a Special Agent for over five years. I am currently assigned to work with the Phoenix Police Department, Violent Crimes Bureau. Based upon my personal observation, consultation with other Agents, and review of the records, I have learned the following facts:
2. On or about September 17, 2007, ICE Agents, along with Phoenix Police Department Detectives encountered Juan Francisco OCHOA-Delgado in Phoenix. OCHOA-Delgado was interviewed in relation to an ongoing investigation. Special Agent Michael Einspahr interviewed OCHOA-Delgado as to his identity and citizenship. He provided his name as Juan Francisco OCHOA-Delgado born in 1971 in Mexico. Based on information received from Phoenix Police Department, record checks were conducted. These record checks revealed that Juan Francisco OCHOA-Delgado has been apprehended previously for immigration violations. Additionally, he has been formally removed from the United States to Mexico on at least two occasions.
3. Immigration records checks revealed that Juan Francisco OCHOA-Delgado was removed from the United States to Mexico via Nogales, Arizona on March 8, 2006. ICE records reflect that defendant's full name is Juan Francisco OCHOA-Delgado, born in 1971, in Mexico. OCHOA-Delgado is assigned Alien Registration Number A75203977. Contained in defendant's alien file (A-file) are

forms ordering him removed from the United States and verifying his removal on March 8, 2006 through Nogales, Arizona.

4. Further review of Immigration records revealed that Juan Francisco OCHOA-Delgado was also removed from the United States to Mexico via Nogales, Arizona on December 6, 1996.
5. No evidence was found to suggest that he applied to the Secretary of Homeland Security for permission to apply for readmission into the United States, or that he had permission to return to the United States after his removal. Juan Francisco OCHOA-Delgado's immigration history was matched to him by fingerprint comparisons.
6. For these reasons, the affiant submits that there is probable cause to believe that on or about September 17, 2007, Juan Francisco OCHOA-Delgado, an alien, entered and was found in the United States in the District of Arizona after having been previously been denied admission, excluded, deported or removed from the United States at or near Nogales, Arizona, on or about March 8, 2006, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto in violation of 8 U.S.C. Section 1326(a)

Michael A. Einspahr

Name of Complainant

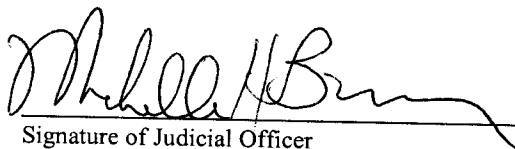


Signature of Complainant

Sworn to before me and subscribed to in my presence, this 31st day of October, 2007.

Michelle H. Burns
United States Magistrate Judge

Name and title of Judicial Officer



Signature of Judicial Officer