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<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p><b>AUG 20 2007</b></p> </div>	
CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

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6 UNITED STATES DISTRICT COURT  
 7 DISTRICT OF ARIZONA

8 United States of America,  
 9  
 10 Plaintiff,  
 11 vs.  
 12 Jose CASTRO-Esparza,  
 13 Defendant.

Magistrate Judge's Case No.  
**07-08311M**  
 AFFIDAVIT FOR DETENTION OF  
 MATERIAL WITNESSES

14 JAVIER LABARDA on oath, deposes and states:  
 15 (Name of Affiant)

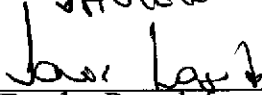
- 16 1. I am a Border Patrol Agent of the United States Border Patrol, Department of  
 17 Homeland Security, Tucson, Arizona, and make this affidavit as such officer.
- 18 2. A criminal complaint in this matter has been filed charging that the defendant  
 19 did knowingly transport certain aliens, David PACHECO-Santamaria and Gustavo ITZA-  
 20 Chan, hereinafter called "witnesses," in the United States, knowing or in reckless disregard  
 21 of the fact that the witnesses had come to, entered, or remained in the United States in  
 22 violation of law.
- 23 3. The said witnesses have testimony to give in said matter of a material nature  
 24 in that the witnesses illegally entered the United States and the defendant did bring to the  
 25 United States in any manner whatsoever, said witnesses, regardless of any official action  
 26 which may later be taken with respect to such witnesses which is a violation of law.

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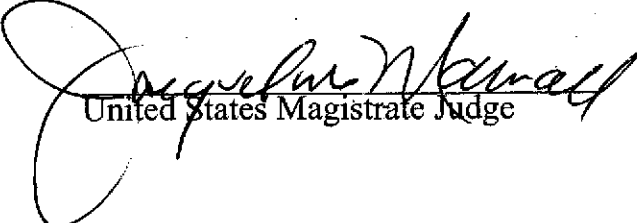
4. The above witnesses are citizens and residents of Mexico who entered the United States illegally and who would return to Mexico to reside if released in the proceeding.

5. Because of the above, the presence of the witnesses in further proceedings in the within matter could not be required by subpoena of the court system of the United States, and securing such presence by subpoena would become impracticable.

6. I therefore request that the above-named aliens be detained as witnesses for further proceedings in this case and that reasonable bail be set pursuant to Title 18, United States Code, Sections 3144 and 3142.

JAVIER LABARAN  
  
\_\_\_\_\_  
Border Patrol Agent  
U.S. Border Patrol  
Tucson, Arizona

Sworn and subscribed to before me this August 20, 2007.

  
\_\_\_\_\_  
United States Magistrate Judge