

UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA - TUCSON

MAGISTRATE JUDGE'S MINUTE ORDER--GENERAL

CASE NUMBER: 09-20425M-P

DATE: 1/13/2009

Title USA vs. ELMER ORTIZ-BAUTISTA

HONORABLE MAGISTRATE JUDGE CHARLES R. PYLE

The United States has orally moved to dismiss the Complaint against this defendant, ELMER ORTIZ-BAUTISTA. IT IS ORDERED that this motion is GRANTED and the Complaint is DISMISSED WITHOUT PREJUDICE.



CHARLES R. PYLE
UNITED STATES MAGISTRATE JUDGE

Christopher J. Lewis, Vincent L. Lacsamana, PSA,

CRIMINAL COMPLAINT

<p align="center">UNITED STATES DISTRICT COURT</p> <p align="center">UNITED STATES OF AMERICA V. Elmer ORTIZ-Bautista</p> <p align="center">Year of Birth: 1990</p> <p align="center">Country of Citizenship: Mexico</p> <p align="center">A087 454 657</p> <p align="center">Case Control # TCA-0901-0505</p>	<p>District ARIZONA</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">FILED</td> <td style="text-align: center;">LODGED</td> </tr> <tr> <td style="text-align: center;">RECEIVED</td> <td style="text-align: center;">COPY</td> </tr> </table> <p>DOCKET NO.</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td align="center" style="padding: 10px;">JAN 13 2009</td> </tr> </table> <p align="center">CLERK U.S. DISTRICT COURT DISTRICT OF ARIZONA</p> <p>MAGISTRATE CASE NO. 09-20425MP DEPUTY</p>	FILED	LODGED	RECEIVED	COPY	JAN 13 2009
FILED	LODGED					
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JAN 13 2009						

Complaint for violation of Title 8 United States Code § 1325

NAME OF JUDGE OR MAGISTRATE	OFFICIAL TITLE	LOCATION
	United States Magistrate	Tucson, Arizona

DATE OF OFFENSE	PLACE OF OFFENSE	ADDRESS OF ACCUSED (if known)
On or about January 11, 2009	At or near Nogales, Arizona	Oaxaca, Mexico

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

That on or about January 11, 2009, at or near Nogales, Arizona, in the District of Arizona, Elmer ORTIZ-Bautista, an alien, did unlawfully enter the United States of America from the United States of Mexico, at a time and place other than as designated by Immigration Officers of the United States of America, in violation of Title 8, United States Code, Section 1325.

BASIS OF COMPLAINANTS CHARGE AGAINST THE ACCUSED:

This complaint is based upon agents finding Elmer ORTIZ-Bautista, an alien, in the United States of America without proper immigration documents. Furthermore, Elmer ORTIZ-Bautista admitted to entering the United States of America from the United States of Mexico illegally, without then being inspected by immigration officers, on January 11, 2009, at or near Nogales, Arizona.

MATERIAL WITNESSES IN RELATION TO THIS CHARGE
Border Patrol Agent(s) Ivan Leyva

<p>AUTHORIZED BY AUSA DETENTION REQUESTED Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.</p>	<p>SIGNATURE OF COMPLAINANT (official title) </p> <p>OFFICIAL TITLE Senior Patrol Agent</p>
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Sworn to before me and subscribed in my presence,

SIGNATURE OF MAGISTRATE (1) 	DATE January 13, 2009
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1) See Federal Rules of Criminal Procedure rules 3 and 54.

DATE: 1/13/2009 CASE NUMBER: 09-20425M-P

USA vs. ELMER ORTIZ-BAUTISTA

U.S. MAGISTRATE JUDGE: MAGISTRATE CHARLES R. PYLE Judge #: 70BM

ASSIGNED U.S. Attorney Christopher J. Lewis INTERPRETER REQ'D Yvette Citizen

Attorney for Defendant Vincent L. Lacsamana (Appointed)

PROCEEDINGS: STATUS HEARING

DEFENDANT: PRESENT CUSTODY

Defendant states true name to be SAME.

Petty Offense Date of Arrest 1/12/09

OTHER: Vincent L. Lacsamana is appointed as attorney of record for defendant.

Upon Oral Motion of the Government to Dismiss the Complaint, IT IS ORDERED, Government's Motion to Dismiss is GRANTED and the Complaint is DISMISSED without prejudice.

Recorded by Courtsmart
BY: Sherry Gammon
Deputy Clerk

Status Hrg: 0