

FILED

FEB 26 2014

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY CLERK

TUYET MAI THI NGUYEN
FULL NAME

MAI THI VU #WE-7328
COMMITTED NAME (if different)

CENTRAL CALIFORNIA WOMEN FACILITY
FULL ADDRESS INCLUDING NAME OF INSTITUTION

P. O. BOX 1508

CHOWCHILLA CA 93610
PRISON NUMBER (if applicable)

RECEIVED

FEB 26 2014

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
Eastern ~~CENTRAL~~ DISTRICT OF CALIFORNIA

MAI THI VU
AKA TUYET MAI THI NGUYEN

PLAINTIFF,

JACQUES MONIQUE IEA OF
U.S. IMMIGRATION & CUSTOM ENFORCEMENT
DEFENDANT(S).

CASE NUMBER 1:14 CV - 00249 MJS PC

To be supplied by the Clerk

CIVIL RIGHTS COMPLAINT
PURSUANT TO (Check one)

- 42 U.S.C. § 1983
- Bivens v. Six Unknown Agents 403 U.S. 388 (1971)

A. PREVIOUS LAWSUITS

- 1. Have you brought any other lawsuits in a federal court while a prisoner: Yes No
- 2. If your answer to "1." is yes, how many? _____

Describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on an attached piece of paper using the same outline.)

(PC)Vu v. Monique

Doc. 11 Att. 1

On October 11, 2013, Ms. JACQUES MONIQUE, the IEA of U.S. IMMIGRATION and CUSTOM ENFORCEMENT of the FRESNO CA OFFICE had filed a DETAINER on me at Central California Women Facility for ILLEGAL ENTRY under the warrant or file number A023-750-979. On the same day of filing the detainer. An agent from the U.S. Immigration had initiated an interview with me in person at Central California Women Facility and had full knowledge that I did not come to United States as illegal entry.

On July of 1978, I came to United States of America under status of a Vietnamese Refugee and U.S. Immigration had provided me an I94.

Some time on 1982. I became a PERMANENT RESIDENT with the GREENCARD number A023-750-979.

After the interview with the agent of U.S. Immigration on October 11, 2013.

She informed me that I will not be deported and she would not put a detainer on me.

On October 24, 2013. I discovered that the agent, Ms. Jacques Monique had in fact filed a detainer. I requested her to lift the detainer in writing but had not received any response.

Unless the detainer is lifted. I can't qualify for programs while serving my sentence.

CIVIL RIGHTS COMPLAINT

- a. Parties to this previous lawsuit:
Plaintiff _____

- Defendants _____

- b. Court _____

- c. Docket or case number _____
- d. Name of judge to whom case was assigned _____
- e. Disposition (For example: Was the case dismissed? If so, what was the basis for dismissal? Was it appealed? Is it still pending?) _____
- f. Issues raised: _____

- g. Approximate date of filing lawsuit: _____
- h. Approximate date of disposition _____

B. EXHAUSTION OF ADMINISTRATIVE REMEDIES

- 1. Is there a grievance procedure available at the institution where the events relating to your current complaint occurred? Yes No
- 2. Have you filed a grievance concerning the facts relating to your current complaint? Yes No
If your answer is no, explain why not _____

- 3. Is the grievance procedure completed? Yes No
If your answer is no, explain why not _____

- 4. Please attach copies of papers related to the grievance procedure.

C. JURISDICTION

This complaint alleges that the civil rights of plaintiff MAI THI VU AKA TUYET MAI THI
(print plaintiff's name) NGUYEN
 who presently resides at P.O. BOX 1508
(mailing address or place of confinement)
 were violated by the actions of the defendant(s) named below, which actions were directed against plaintiff at
CENTRAL CALIFORNIA WOMEN FACILITY
(institution/city where violation occurred)

on (date or dates) 10/11/2013, _____, _____
(Claim I) (Claim II) (Claim III)

NOTE: You need not name more than one defendant or allege more than one claim. If you are naming more than five (5) defendants, make a copy of this page to provide the information for additional defendants.

1. Defendant JACQUES MONIQUE IEA OF U.S. IMMIGRATION resides or works at
(full name of first defendant)
855 M STREET, STE 910 FRESNO CA 93721
(full address of first defendant)
AGENT
(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

MS. JACQUES MONIQUE HAD WRONGFULLY PUT A DETAINER INTO MY C-FILE AS ILLEGAL ENTRY INTO UNITED STATES

2. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

3. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

4. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

5. Defendant _____ resides or works at
(full name of first defendant)

(full address of first defendant)

(defendant's position and title, if any)

The defendant is sued in his/her (Check one or both): individual official capacity.

Explain how this defendant was acting under color of law:

D. CLAIMS*

CLAIM I

The following civil right has been violated:

Imposing an illegal curtailment of my rights as a Permanent Resident w/a valid Green Card as a Vietnamese Refugee in violation of the Due Process Clause & Equal Protection clause of the U.S. Constitution.

Supporting Facts: Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be certain you describe, in separately numbered paragraphs, exactly what each DEFENDANT (by name) did to violate your right.

By placing a ICE Detainer on me on 10/11/2013 by the ERO - Fresno, CA Office this violated my rights under the Equal Protection Clause of the U.S. Constitution and I was not afforded the opportunity to challenge this illegal action other than filing this action. CDCR would not remove the Detainer because they are only a State Agency of California and not of the U.S. Government.

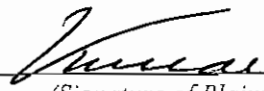
*If there is more than one claim, describe the additional claim(s) on another attached piece of paper using the same outline.

E. REQUEST FOR RELIEF

I believe that I am entitled to the following specific relief:

The detainer filed by IEA Jacques Monique of U.S. Immigration & Customs Enforcement of Fresno Office with the warrant # A023-750-979 on October 11, 2013 should be lift from Central California Women Facility. A proper hearing should be provide to me with the court immediately to have the detainer remove.

February 15, 2014
(Date)


(Signature of Plaintiff)

Subject ID:
 Event #:

File No: A 023 750 979
 Date: 10/11/2013

TO: (Name and Title of Institution - OR Any Subsequent Law Enforcement Agency)
 Central California Women's Facility
 Record, Holds, Warrants and detainers

FROM: (Department of Homeland Security Office Address)
 ERO-Fresno, CA Office
 U.S. Immigration & Customs Enforcement
 Fresno, CA 93721

MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS

Name of Alien: VU, MAI CDC#WE7328

Date of Birth: 07/29/1959 Nationality: VIETNAM Sex: F

THE U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) HAS TAKEN THE FOLLOWING ACTION RELATED TO THE PERSON IDENTIFIED ABOVE, CURRENTLY IN YOUR CUSTODY:

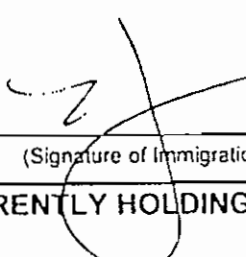
- Initiated an investigation to determine whether this person is subject to removal from the United States.
- Initiated removal proceedings and served a Notice to Appear or other charging document. A copy of the charging document is attached and was served on _____
 (Date)
- Served a warrant of arrest for removal proceedings. A copy of the warrant is attached and was served on _____
 (Date)
- Obtained an order of deportation or removal from the United States for this person.

This action does not limit your discretion to make decisions related to this person's custody classification, work, quarter assignments, or other matters. DHS discourages dismissing criminal charges based on the existence of a detainer.

IT IS REQUESTED THAT YOU:

- Maintain custody of the subject for a period **NOT TO EXCEED 48 HOURS**, excluding Saturdays, Sundays, and holidays, beyond the time when the subject would have otherwise been released from your custody to allow DHS to take custody of the subject. This request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency "shall maintain custody of an alien" once a detainer has been issued by DHS. You are not authorized to hold the subject beyond these 48 hours. As early as possible prior to the time you otherwise would release the subject, please notify the Department by calling 559-266-2083 during business hours or 1-800-XSECTOR after hours or in an emergency. If you cannot reach a Department Official at these numbers, please contact the Immigration and Customs Enforcement (ICE) Law Enforcement Support Center in Burlington, Vermont at: (802) 872-6020.
- Provide a copy to the subject of this detainer.
- Notify this office of the time of release at least 30 days prior to release or as far in advance as possible.
- Notify this office in the event of the inmate's death, hospitalization or transfer to another institution.
- Consider this request for a detainer operative only upon the subject's conviction.
- Cancel the detainer previously placed by this Office on _____
 (Date)

IEA Jacques, Monique
 (Name and title of Immigration Officer)


 (Signature of Immigration Officer)

TO BE COMPLETED BY THE LAW ENFORCEMENT AGENCY CURRENTLY HOLDING THE SUBJECT OF THIS NOTICE:

Please provide the information below, sign, and return to the Department using the envelope enclosed for your convenience or by faxing a copy to _____. You should maintain a copy for your own records so you may track the case and not hold the subject beyond the 48-hour period.

Local Booking or Inmate # _____ Date of latest criminal charge/conviction: _____

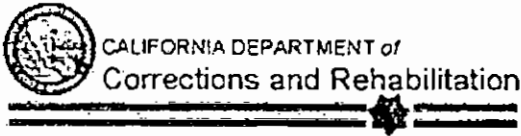
Last criminal charge/conviction: _____

Estimated release date: _____

Notice: Once in our custody, the subject of this detainer may be removed from the United States. If the individual may be the victim of a crime, or if you want this individual to remain in the United States for prosecution or other law enforcement purposes, including acting as a witness, please notify the ICE Law Enforcement Support Center at (802) 872-6020.

 (Name and title of Officer)

 (Signature of Officer)



INMATE NOTIFICATION OF DETAINER RECEIPT

INMATE'S NAME VU, MAI	AKA MAI TUYET NGUYEN MAI THI NGUYEN MAI NGUYEN MAITHI NGUYEN MAITHI TUYET NGUYEN TUYET NGUYEN TUYET MAI-THI NGUYEN TUYET MAITHI NGUYEN TUYET MAITHI NGUYEN MAI T VU MAI VU MAIET VU MAIET THI VU THI VU MAI THI YU	COC NUMBER WE7328	TODAY'S DATE 10/24/2013
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FACILITY NAME AND ADDRESS
 CCWF-Facility A -- 23370 Road 22 / / Chowchilla, California 93610

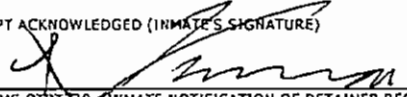

HOUSING
 A 502 1 - 029002L

On 10/24/2013 a detainer was filed against you. This detainer indicates that you are wanted by ICE - Fresno Field Office - 855 M Street Suite 910 Fresno, California 93721 on a charge of ILLEGAL ENTRY based on Warrant Number A021750979

YOU ARE HEREBY NOTIFIED (refer only to item(s) marked):

- You may request disposition of untried charges in accordance with Penal Code (PC) Section 1381.
- You may request disposition of probation in accordance with PC Section 1203.2a (for California Counties only.)
- You may request disposition of untried charges in accordance with PC Section 1389. (See Agreement on Detainer Form I attached.)
- You may request to be returned to this jurisdiction for concurrent service of terms in re Stoliker.
If you are wanted by those authorities to complete service of an unexpired commitment in that jurisdiction and if your present California commitment has been ordered to run concurrently with that previous commitment, you may be eligible for transfer to that jurisdiction under In re Stoliker, 49 Cal. 2d 75. If you believe that you meet the above criteria, you may make a request to the Director, in writing and through the institution records office, asking that you be made available to those authorities so that your terms may run concurrent. If the Director grants your request, a letter will be sent to those authorities notifying them of your present status and of the fact that you are available to them. Those authorities may then either: (1) request that you be transferred to them in which case you will be transferred, your sentence will run concurrently, and a detainer will be placed against you by California for your return should you complete their sentence first; (2) designate this institution as the place for service of your commitment to them in which case you will acquire the benefit of concurrent terms; or (3) deny your request in which case your only recourse will be in the courts of that jurisdiction.
- Pursuant to PC Section 11177.1, Uniform Act of Out-To-State Probationer or Parolee Supervision, you may waive a court appearance. See the attached, Waiver of Court Appearance - Return to Sending State.
- None of the above are applicable in this case.

If the subject inmate wishes to exercise any of the above marked alternatives, he/she should direct a written request to his/her institution records office.

RECEIPT ACKNOWLEDGED (INMATE'S SIGNATURE) 	CDC NUMBER WE7328	DATE 10/24/13	AUTHORIZED STAFF'S SIGNATURE 
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CDCR SOMS OTRT230 INMATE NOTIFICATION OF DETAINER RECEIPT