

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Jesus Hernandez Guereca, Individually and as the surviving father of Sergio Adrian Hernandez Guereca, and as successor in interest to the estate of Sergio Adrian Hernandez Guereca, Maria Guadalupe Guereca Berta Court individually and as the surviving mother of Sergio Adrian Hernandez Guereca and as a successor in interest to the estate of Sergio Adrian Hernandez Guereca (EXCEPT IN U.S. PLAINTIFF CASES)

DEFENDANTS UNITED STATES OF AMERICA UNKNOWN Named Agents of United States Border Patrol; United States Department of Homeland Security; United States Bureau of Customs + Border Protection; United States Border Patrol; United States Immigration and Customs Enforcement Agency; The United States Department of Justice

(b) County of Residence of First Listed Plaintiff: Corpus Christi, TX 78401 361.882.1612
(c) Attorney's (Firm Name, Address, and Telephone Number): ROBERT C. HILLIARD, HILLIARD MONOZ GONZALES, LLP 719 SHORELINE BLD. SUITE 500 CORPUS CHRISTI, TX 78401 361.882.1612

(IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) unknown

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
Citizen of This State
Citizen of Another State
Citizen or Subject of a Foreign Country
PTF DEF
1 1
2 2
3 3
Incorporated or Principal Place of Business In This State
Incorporated and Principal Place of Business In Another State
Foreign Nation
PTF DEF
4 4
5 5
6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Table with 5 columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes various legal categories like Insurance, Personal Injury, Labor Standards, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from another district (specify)
6 Multidistrict Litigation
7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. 1346, 2671-2680, 28 U.S.C. 1350, Bivens Action; 42 + 55 Amend to U.S. Constitution
Brief description of cause: FTCA; Attk;

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

DATE 01-17-11 SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE