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 12 ANGEL JOSUE LOPEZ PAZ

13 **UNITED STATES DISTRICT COURT**  
 14 **SOUTHERN DISTRICT OF CALIFORNIA**

15	ANGEL JOSUE LOPEZ PAZ, an	)	CASE NO.: <u>'23CV1597 RBM AHG</u>
16	individual,	)	
17	Plaintiff,	)	
18	vs.	)	<b>COMPLAINT FOR DAMAGES</b>
19	UNITED STATES OF AMERICA;	)	<b>FOR NEGLIGENCE</b>
20	U.S. DEPARTMENT OF	)	
21	HOMELAND SECURITY;	)	<b>DEMAND FOR JURY TRIAL</b>
22	IMMIGRATION AND CUSTOMS	)	
23	ENFORCEMENT; AND, DOES 1-20,	)	
24	INCLUSIVE;	)	
25	Defendants.	)	

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27 ///

28 **COMPLAINT FOR DAMAGES**

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1 For a Complaint against Defendants, UNITED STATES OF AMERICA, U.S.  
2 DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND  
3 CUSTOMS ENFORCEMENT and DOES 1-20, Inclusive (collectively,  
4 “Defendants”) Plaintiff ANGEL JOSUE LOPEZ PAZ, alleges as follows:  
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6 **JURISDICTION AND VENUE**  
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8 1. This action for compensatory damages is brought pursuant to the  
9 Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 2671, *et seq.*, and law for relief  
10 from the commission of tortious acts. This also action arises under the Federal Torts  
11 Claims Act, 28 U.S.C. §§ 1346(b)(1).  
12

13 2. Venue is proper in the Southern District of California because the  
14 negligent acts giving rise to the Federal Tort Claim alleged herein occurred within  
15 the Southern District of California.  
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17 3. All governmental entities were notified of this claim in a timely fashion  
18 and all administrative exhaustion and notice requirement have been satisfied.  
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20 **GENERAL ALLEGATIONS**  
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22 **A. THE PARTIES**

23 4. Plaintiff Angel Josue Lopez Paz (“LOPEZ PAZ”) was an adult male  
24 and was a citizen of the Republic of Honduras at the time of the SUBJECT  
25 INCIDENT. Plaintiff currently is a resident of San Fernando, California.  
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1 5. Defendant United States of America (“UNITED STATES”) is sued  
2 under the Federal Tort Claims Act for the acts of its employees and agencies.  
3 UNITED STATES is implicated by and through the actions, policies, patterns,  
4 practices, and customs of the U.S. Department of Homeland Security (“DHS”)  
5 and/or Immigration and Customs Enforcement (“ICE”) and its policy makers,  
6 agents, and officers. UNITED STATES is a governmental entity with jurisdiction  
7 and control over “DHS” and “ICE”.  
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11 6. Defendant, U.S. Department of Homeland Security, is a governmental  
12 entity, a U.S. federal executive department responsible for public security with  
13 jurisdiction of ICE.  
14

15 7. Defendant, Immigration and Customs Enforcement, is a governmental  
16 entity tasked to enforce the immigration laws of the United States.  
17

18 8. Defendants DOES 1-3, was and all times mentioned herein, are herein  
19 sued under fictitious names, and were the ICE agents, who apprehended and detained  
20 LOPEZ PAZ at the California/Mexico border.  
21

22 9. Based on information and belief, LOPEZ PAZ alleges that Defendant  
23 DOES 4-20 were the employees, officers, directors, managing agents, and/or  
24 supervisors of the UNITED STATES, U.S. DEPARTMENT OF HOMELAND  
25 SECURITY and IMMIGRATION AND CUSTOMS ENFORCEMENT who were  
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1 acting within the scope and course of their employment and authority at all times  
2 relevant to this Complaint.  
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4 **B. FACTUAL BACKGROUND**

5 4. On or about November 22, 2021, LOPEZ PAZ was attempting to cross  
6 the California/Mexico border when he was apprehended and taken into custody by  
7 unidentified border patrol agents from ICE ("SUBJECT INCIDENT"). Plaintiff was  
8 placed in an All-Terrain Vehicle ("ATV") and was seated in the front passenger seat.  
9 ICE agents failed to properly secure LOPEZ PAZ within the confines of the ATV  
10 before attempting to transport LOPEZ PAZ to an undisclosed location.  
11

12 5. ICE agents drove the ATV recklessly through the desert and into an  
13 unknown destination. Shortly thereafter, the ICE agents lost control of the ATV,  
14 causing it to roll over and land on LOPEZ PAZ's chest after LOPEZ PAZ became  
15 ejected from the ATV. Plaintiff LOPEZ PAZ became pinned underneath the ATV  
16 and suffered serious injuries including a loss of consciousness. ICE agents' actions  
17 and/or inactions proximately caused LOPEZ PAZ to sustain catastrophic injuries  
18 and damages.  
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23 **FIRST CAUSE OF ACTION**

24 **Federal Tort Claims Act Claim against UNITED STATES OF AMERICA,**  
25 **THE U.S. DEPARTMENT OF HOMELAND SECURITY AND**  
26 **IMMIGRATION AND CUSTOMS ENFORCEMENT for Negligence**  
27

28 **COMPLAINT FOR DAMAGES**

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2 6. Plaintiff incorporates by reference all allegations contained in the  
3 preceding paragraphs of this Complaint, as if fully set forth here.

4  
5 7. Defendants UNITED STATES, THE U.S. DEPARTMENT OF  
6 HOMELAND SECURITY, and IMMIGRATION AND CUSTOMS  
7 ENFORCEMENT's treatment of LOPEZ PAZ while he was apprehended and  
8 detained by ICE agents at the California/Mexico border violated the Federal Tort  
9 Claims Act ("FTCA"), 28 U.S.C. § 2674.

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11 8. All conditions precedent to this lawsuit have been performed or have  
12 occurred, including providing pre-suit notice to the US Immigration and Customs  
13 Enforcement pursuant to the FTCA. Six months have elapsed from the date a pre-  
14 suit claim was filed. Therefore, all administrative exhaustion requirements have been  
15 met and this claim is ripe.

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18 9. At all material times, the Defendants UNITED STATES, U.S.  
19 DEPARTMENT OF HOMELAND SECURITY, and IMMIGRATION AND  
20 CUSTOMS ENFORCEMENT carelessly and negligently failed to provide adequate  
21 safety and security to LOPEZ PAZ while he was in their control and being  
22 transported by ICE agents. ICE agents negligently operated, managed and/or  
23 controlled its ATV in such a careless manner and acted with deliberate indifference  
24 to LOPEZ PAZ's safety and security. ICE agents failed to adequately secure LOPEZ  
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1 PAZ with a seatbelt and thus, made him an unrestrained passenger inside the ATV.  
2 ICE AGENTS lost control of the ATV and caused it to roll over. ICE agents  
3 breached their duty of providing unreasonable care, safety and security by failing to  
4 secure LOPEZ PAZ within the ATV, and negligently operating its ATV in such a  
5 way that resulted in the ATV rolling over and crashing. These Defendants knew or  
6 should have known the ICE agents' inactions posed a substantial risk of grave harm  
7 to LOPEZ PAZ. The UNITED STATES, U.S. DEPARTMENT OF HOMELAND  
8 SECURITY, and IMMIGRATION AND CUSTOMS ENFORCEMENT through its  
9 ICE agents, carelessly and negligently failed to properly secure LOPEZ PAZ within  
10 the confines of the ATV or otherwise during the process transporting and detaining  
11 LOPEZ PAZ on November 22, 2021. The Defendants' negligent failure to  
12 administer appropriate safety and security to LOPEZ PAZ during his transport as an  
13 immigration detainee directly and proximately resulted in catastrophic injuries and  
14 disabilities to LOPEZ PAZ, all to his general damage.

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20 10. As a direct and proximate result of the Defendants' negligence, Plaintiff  
21 suffered catastrophic injuries, including but not limited to loss of consciousness after  
22 getting pinned underneath the ATV; multiple rib fractures; a punctured lung;  
23 multiple fractures to his clavicle and neck; great physical, mental, and emotional  
24 pain; disfigurement and disability.  
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1 Enforcement pursuant to the FTCA. Six months have elapsed from the date a pre-  
2 suit claim was filed. Therefore, all administrative exhaustion requirements have been  
3 met and this claim is ripe.

4  
5 15. At all material times, the Defendants' treatment of LOPEZ PAZ during  
6 his apprehension and detention, including but not limited to the failure of ICE agents  
7 to properly secure LOPEZ PAZ while a passenger of an ATV and being transported  
8 by ICE agents, was conducted in an extreme and outrageous manner with the  
9 knowledge that LOPEZ PAZ would be harmed during his transportation and  
10 detention.

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13 16. The Defendants acted intentionally or with the reckless disregard of  
14 causing emotional distress.

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16 17. As a direct and proximate result of the unlawful conduct of the  
17 Defendants and its ICE agents, Plaintiff has suffered special damages, including but  
18 not limited to past and future loss of income, benefits, medical expenses, and other  
19 damages to be proven at the time of trial.

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22 18. As a direct and proximate result of the unlawful conduct of the  
23 Defendants and its ICE agents, Plaintiff has suffered general damages, including but  
24 not limited to shock, embarrassment, physical distress and injury, humiliation,  
25 severe emotional distress, stress and other damages to be proven at the time of trial.  
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1 19. Plaintiff is informed and believes, and thereon alleges, that the  
2 Defendants and its ICE agents committed the acts herein alleged maliciously,  
3 fraudulently and oppressively in conscious disregard for Plaintiff's rights and that  
4 the conduct of Defendants and its ICE agents was a substantial factor in causing  
5 Plaintiff's emotional distress.  
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8 **PRAYER FOR RELIEF**

9 WHEREFORE, each Plaintiff prays for judgment against all Defendants, and  
10 each of them, as follows:

11 1. For general damages against the UNITED STATES OF AMERICA,  
12 U.S. DEPARTMENT OF HOMELAND SECURITY, IMMIGRATION AND  
13 CUSTOMS ENFORCEMENT, Doe ICE Agents 1-3, and Doe Defendants 4-20,  
14 jointly and severally, in an amount to be proven at trial;  
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16 2. For special damages against the UNITED STATES OF AMERICA,  
17 U.S. DEPARTMENT OF HOMELAND SECURITY, and IMMIGRATION AND  
18 CUSTOMS ENFORCEMENT, Doe ICE Agents 1-3, and Doe Defendants 4-40,  
19 jointly and severally, in an amount to be proven at trial;  
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21 3. For reasonable costs, expenses, and attorneys' fees pursuant to 42  
22 U.S.C. § 1988 and any other applicable law;  
23

24 4. For such other relief as the Court deems just and proper.  
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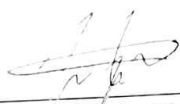
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28 **COMPLAINT FOR DAMAGES**

**REQUEST FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on any and all claims for relief alleged in, and on all issues raised by, this Complaint.

DATED: August 24, 2023

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