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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION**

<p>ENRIQUE UROZA, Plaintiff, v. SALT LAKE COUNTY, JAMES WINDER, and JOHN DOES 1-50, Defendants.</p>	<p>COMPLAINT FOR DECLARATORY JUDGMENT AND MONETARY DAMAGES (Jury trial demanded)</p> <p>Case No. _____</p> <p>The Honorable _____</p>
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PRELIMINARY STATEMENT

1. This case involves the unlawful and prolonged imprisonment by local law enforcement of a 22-year-old college student. Defendants Salt Lake County, Sheriff James Winder, and John Does 1-50 (collectively, "Defendants") imprisoned Plaintiff Enrique Uroza for well over a month after he posted the court-ordered bail that should have secured his release, pursuant to a policy and practice under which Defendants routinely refuse to release certain individuals based entirely on Defendants' supposition that the federal government might be interested in investigating those individuals' immigration status. In so doing, Defendants not only violated the United States and Utah State Constitutions, but they also expended significant,

scarce law enforcement resources in a misguided attempt to enforce federal immigration law. Defendants' illegal and wasteful conduct has caused, and if not addressed will continue to cause, substantial harm to Utah residents.

2. In June 2011, Mr. Uroza, a rising sophomore at Weber State University with no prior criminal history other than one minor traffic ticket, appeared in Utah State Court to face allegations of forgery and theft. The State Court set bail at \$5,000 and remanded Mr. Uroza to the Salt Lake County Metro Jail ("SLC Metro") for processing. Mr. Uroza's attorney immediately contacted Mr. Uroza's family and advised them to post bail as soon as possible. Mr. Uroza's mother, a shift worker at McDonald's, left work to pull together the money necessary to obtain a bail bond and to make the necessary arrangements. Mr. Uroza was booked into custody at SLC Metro at 2:34 p.m. on June 13, 2011. His bail bond was posted approximately 10 minutes later, at 2:44 p.m. on June 13. *See* Memorandum from SLC Metro dated July 5, 2011, attached hereto as Exhibit A (setting forth partial chronology of Mr. Uroza's unlawful detention). Despite the State Court's bail order, and despite the timely posting of Mr. Uroza's bail, Defendants refused to release and unlawfully imprisoned Mr. Uroza for an additional 39 days, i.e., until approximately 3:30 p.m. on July 22, 2011.

3. Defendants unlawfully imprisoned Mr. Uroza based on a policy, practice, or custom of: (i) routinely refusing to release inmates who are otherwise entitled to be released—e.g., those who have posted or attempted to post court-ordered bail—for periods of 48 hours (or longer) if the inmates cannot demonstrate to the satisfaction of SLC Metro agents or employees that they are lawfully present in the United States ("Defendants' 'Courtesy Hold' Policy"); (ii) holding individuals who are named on Form I-247 "hold requests" received from Immigrations

and Customs Enforcement (“ICE”)—also called “immigration holds” or “immigration detainers”—for the 48-hour period (excluding weekends and holidays) that is listed on the Form I-247 (“Defendants’ ‘Hold Request’ Policy”)¹; and (iii) holding indefinitely those inmates on whom ICE had placed a “hold request,” but whom ICE did not pick up within the 48-hour “hold” period, such that ICE’s “hold requests” had expired by their own terms (“Defendants’ Expired ‘Hold Request’ Policy”).

4. Mr. Uroza herein challenges Defendants’ policies, practices, or customs—specifically, Defendants’ “Courtesy Hold” and Expired “Hold Request” Policies—pursuant to which he and other Utah residents have been or are being unlawfully imprisoned by Defendants in violation of the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections seven, eight, and fourteen of the Utah State Constitution.

5. To vindicate his and others’ fundamental constitutional rights, Mr. Uroza seeks a declaratory judgment that Defendants’ policies, practices, and customs described herein are unconstitutional. Mr. Uroza also seeks monetary compensation for Defendants’ unconstitutional deprivation of his liberty.

JURISDICTION AND VENUE

6. This action arises under the Constitution and laws of the United States, including 42 U.S.C. section 1983, and the laws of the State of Utah. This Court has jurisdiction pursuant to 28 U.S.C. sections 1331, 1343, and 1367.

¹ Although Mr. Uroza contends that the ICE “hold request” and Form I-247 issued in this case were themselves invalid and issued ultra vires, deciding that issue is not necessary to determine whether Defendants violated Mr. Uroza’s constitutional rights.

7. This Court has jurisdiction to grant declaratory relief pursuant to 28 U.S.C. sections 2201 and 2202, and Federal Rules of Civil Procedure Rule 57.

8. Venue is proper in the District of Utah pursuant to 28 U.S.C. section 1391(b). All parties reside within the District of Utah, and the events described in this Complaint all occurred in the District of Utah.

PARTIES

9. Plaintiff Enrique Uroza is an adult resident of the State of Utah who was unlawfully imprisoned by Defendants for 39 days subsequent to his posting court-ordered bail.

10. Defendant Salt Lake County is a political subdivision of the State of Utah that can sue and be sued in its own name. On information and belief, Defendant Salt Lake County includes, operates, governs, and is responsible for the Salt Lake County Sheriff's Office and SLC Metro pursuant to the laws of the State of Utah.

11. Defendant James Winder is an adult resident of the State of Utah. He is the elected sheriff of Salt Lake County. Defendant Winder is responsible for formulating, setting, implementing, and enforcing the rules, regulations, policies, practices, and customs at the Salt Lake County Sheriff's Office and SLC Metro, including those pertaining to the processing of bail payments and timely release of inmates. He has supervisory control and authority over Defendants John Doe 1-50. At all relevant times, Defendant Winder was acting (or failing to act) under color of law. He is sued in his official capacity.

12. Defendants John Doe 1-50 are adult residents of the State of Utah. Defendants John Doe 1-50 are agents, employees, or otherwise representatives of Defendant Salt Lake County, Defendant Winder, or SLC Metro. They are responsible for formulating, setting,

implementing, and enforcing the rules, regulations, policies, practices, and customs at the Salt Lake County Sheriff's Office and SLC Metro, including those pertaining to the processing of bail payments and timely release of inmates. On information and belief, Mr. Uroza alleges that Defendants John Doe 1-50 were and are legally responsible for the wrongs committed against Mr. Uroza, as alleged herein.

13. The true, full and correct names of Defendants John Doe 1-50 are currently unknown to Mr. Uroza. Once the true, full and correct names of Defendants John Doe 1-50 are made known to Mr. Uroza, he will seek leave of court to amend this Complaint.

FACTUAL ALLEGATIONS

ICE "Hold Requests" Generally

14. The immigration laws of the United States are enforced by ICE, which is a division of the Department of Homeland Security ("DHS"). When ICE investigates whether to initiate removal proceedings against a noncitizen or suspected noncitizen who is held in the custody of a state or local law enforcement agency, ICE commonly issues Immigration Detainers, or "hold requests," citing as authority 8 C.F.R. section 287.7.

15. ICE issues "hold requests" on Form I-247. The form requests that local law enforcement "[m]aintain 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." *See* ICE Form I-247 (6/11), "Immigration Detainer," attached hereto as Exhibit B (emphasis in original); *see also id.* ("**MAINTAIN CUSTODY OF ALIEN FOR A PERIOD NOT TO EXCEED 48 HOURS**" and "**You are not authorized to hold the subject beyond these 48**

hours” (emphases in original)); ICE Form I-247 (4-1-97)N, attached hereto as Exhibit C. ICE acknowledges that Form I-247 “hold requests” are, indeed, “requests” rather than “orders.” *See, e.g.,* Nate Carlisle, “Undocumented immigrant ordered free still in jail,” S.L. Trib. July 22, 2011, attached hereto as Exhibit D (“ICE spokeswoman Virginia Kice pointed to policy language saying the agency considers such detainees to be ‘requests.’”).

16. A “hold request” is generally issued at the beginning of ICE’s investigation into the immigration status of the individual against whom the “hold request” is lodged. “Hold requests” are not based on a probable cause determination and are not arrest warrants. In fact, far from proclaiming probable cause, Form I-247 “hold requests” may be issued merely because ICE has “[i]nitiating an investigation to determine whether this person is subject to removal from the United States.” *See* Ex. B hereto.

17. “Hold requests” are not subject to review by a neutral judge or magistrate prior to issuance, nor are they subject to the same procedural and substantive requirements and safeguards to which ordinary criminal detainees are subject.

18. “Hold requests” are commonly issued even where the potential violations of federal immigration laws are civil, not criminal, in nature.

Defendants’ “Courtesy Hold” Policy

19. Defendants, purportedly in reliance on language from Senate Bill 81, “Illegal Immigration” (2008) (“SB 81”), codified at Utah Code Annotated section 17-22-9.5, have voluntarily developed and adopted a policy, practice, or custom of detaining certain inmates who are otherwise entitled to be released—such as those who, like Mr. Uroza, have posted or attempted to post court-ordered bail. The sole purpose of this additional detention is so that ICE

will have more time to decide whether it wishes to lodge a “hold request” (“Defendants’ ‘Courtesy Hold’ Policy”). A true and correct copy of Defendants’ “Courtesy Hold” Policy is attached hereto as Exhibit E.

20. On information and belief, Defendants’ failures or refusals to release certain inmates pursuant to this policy, practice, or custom are referred to, alternatively, as “courtesy holds,” “immigration holds,” or “48-hour holds” (collectively, “courtesy holds”).

21. Defendants’ “Courtesy Hold” Policy was at all times relevant to Mr. Uroza’s case substantially as follows (*see* Ex. E hereto (underline emphasis added))²:

SB 81 PROCEDURE

...

Booking –If is being booked for a DUI, F1, F2, or F3 and they state they were born outside of this country during the booking process ask if they are here in the United States legally. If they do not reply or state no, they will be held without bail until legal or illegal status can be verified or ICE has an opportunity to interview them and place a detainer. If they state they are here legally verify their status with some type of documentation, i.e., Social Security Number, passport, green card, work visa or state issued ID. If some type of identification cannot be verified they will be treated the same as an illegal and be held as a no bail.

22. Defendants’ “Courtesy Hold” Policy also contains the following statements purporting to allow SLC Metro officers or employees to override State Court bail determinations or otherwise to determine bail ineligibility (*see* Ex. E hereto (emphases added)): “At the time of bail set on a Felony charge bail will not be set until the reasonable amount of time (48 hours) has passed”; “If ICE has placed a detainer before the bail set has been done, then bail can be set”; “They will be held without bail for a reasonable amount of time for ICE/Homeland Security to

² After receiving notice of the ACLU of Utah’s intended challenge to Defendants’ “Courtesy Hold” Policy, Defendant Winder issued an internal memorandum temporarily suspending the policy. *See* Memorandum from SLC Metro dated July 13, 2011, attached hereto as Exhibit F.

place a detainee”; “On the charge description line *bail set after 48 hours*”; and “The on-duty supervisor will be responsible to fax all immigration no bails to ICE and turn them over to an ICE agent when they are inside the jail.”

23. Defendants’ “Courtesy Hold” Policy is not, and could not constitutionally be, authorized by federal law or by ICE regulations.

24. Defendants’ “Courtesy Hold” Policy is also not, and could not constitutionally be, authorized by state law.

25. On information and belief, the language of SB 81 on which Defendants rely as the purported basis for the Defendants’ “Courtesy Hold” Policy is as follows: First, that “the sheriff shall make a reasonable effort to determine the citizenship status of a person charged with a felony or driving under the influence under Section 41-6a-502 when the person is confined to the county jail for a period of time.” Utah Code Ann. § 17-22-9.5(1) (emphasis added). Second, that, “[i]f the sheriff cannot verify the confined person’s lawful status from documents in the person’s possession, the sheriff shall attempt to verify that status within 48 hours of the person’s confinement at the jail through contacting: (i) the Law Enforcement Support Center of the United States Department of Homeland Security; or (ii) an office or agency designated for citizenship status verification by the United States Department of Homeland Security.” Utah Code Ann. § 17-22-9.5(3) (emphasis added).

26. Nowhere in the language of SB 81 are Defendants authorized, nor could they constitutionally be authorized, to imprison inmates for longer than the “period of time” that the inmates are lawfully “confined to the county jail” in order for Defendants to engage in the stated “reasonable effort[s] to determine the citizenship status.” Similarly, nowhere in the language of

SB 81 are Defendants authorized, nor could they constitutionally be authorized, to imprison inmates for longer than the “period of time” that the inmates are lawfully “confined to the county jail” in order for Defendants to “verify . . . status” by contacting DHS or any other federal agency.

27. Defendants’ “Courtesy Hold” Policy is unconstitutional under the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution and article I, sections seven and fourteen of the Utah State Constitution. Where the inmates in question have posted or attempted to post court-ordered bail, Defendants’ “Courtesy Hold” Policy also results in unconstitutional denials of bail under article I, section eight of the Utah State Constitution.

28. In a telephone conversation with SLC Metro Commander Rollin Cook, and by e-mail message to Chief Cook subsequent to that conversation, both on February 17, 2011, the ACLU of Utah advised Defendants that the ACLU of Utah had received several complaints about Defendants’ “Courtesy Hold” Policy and their unlawful imprisonment of individuals who were entitled to be released. The ACLU of Utah explained why the “Courtesy Hold” Policy is unconstitutional and advised Defendants that they could be subject to legal liability if the policy continued.

29. Defendants nonetheless continued to enforce the “Courtesy Hold” Policy.

30. By letter dated July 7, 2011, the ACLU of Utah again advised Defendants that the “Courtesy Hold” Policy is unconstitutional and requested, pursuant to the Utah Government Records Access and Management Act, Utah Code Ann. 63G-2-101 *et seq.* (“GRAMA”), Defendants’ written policies, procedures, rules, guidelines and other records pertaining to those

holds. *See* July 7, 2011, ACLU of Utah GRAMA Request to SLC Metro, attached hereto as Exhibit G.

Defendants’ “Hold Request” Policy

31. Defendants have a voluntarily developed and adopted a policy, practice, or custom of holding individuals who are named on Form I-247 “hold requests” received from ICE for the 48-hour period (excluding weekends and holidays) that is listed on the Form I-247 (“Defendants’ ‘Hold Request’ Policy”).

32. On information and belief, pursuant to Defendants’ “Hold Request” Policy, Defendants regularly hold inmates in their custody after their authority to do so under state or local law has expired. This includes situations where, for example, the prosecutor has withdrawn all pending criminal charges, the inmate has posted or attempted to post court-ordered bail, or the criminal court has ordered the inmate released.

Defendants’ Expired “Hold Request” Policy

33. On information and belief, Defendants also have developed and adopted a policy, practice, or custom of holding indefinitely those inmates on whom ICE had placed a “hold request,” but whom ICE did not pick up within the 48-hour “hold” period, such that ICE’s “hold request” had expired by its own terms (“Defendants’ Expired ‘Hold Request’ Policy”).

34. As more fully described below, *see infra* at paras. 40-50, on information and belief, Defendants relied on their Expired “Hold Request” Policy when they failed or refused to release Mr. Uroza after ICE lodged a “hold request” on June 14, 2011, but it expired, 48 hours later, without ICE ever arriving to take custody of Mr. Uroza. Rather than release Mr. Uroza when the “hold request” expired, i.e., at approximately 6:08 p.m. on June 16, 2011, Defendants

held Mr. Uroza in custody for another 36 days (for a total of 39 days after he had posted court-ordered bail).

35. As more fully described below, *see infra* at paras. 40-50, Defendants publicly claimed to rely on their Expired “Hold Request” Policy when they still failed or refused to release Mr. Uroza after a second court hearing in Mr. Uroza’s criminal case on July 21, 2011, during which the presiding State Court Judge signed an order mandating that Mr. Uroza “is to be immediately released from the Salt Lake County Jail.” *See* July 21, 2011, Order, *State v. Uroza*, No. 101401992 (“July 21 State Court Order”), attached hereto as Exhibit H (unsigned copy).

36. In publicly attempting to justify Defendants’ continued refusal to release Mr. Uroza after the July 21 State Court Order, Defendant Winder advised the press that he would “continue to hold the inmate . . . until a federal judge orders his release or [ICE] removes the detainer it has placed on him.” *See* Exhibit D hereto; *see also id.* (“From our standpoint we’ve complied with SB81—we’ve complied with what the feds say we should do,” Winder said.”).

37. On information and belief, Defendants have relied on their Expired “Hold Request” Policy in failing or refusing to release other inmates, in addition to Mr. Uroza, whose ICE “hold requests” had expired and who were entitled to be released.

38. Defendants’ Expired “Hold Request” Policy is unconstitutional under the Fourth, Fifth, and Fourteen Amendments to the United States Constitution and article I, sections seven and fourteen of the Utah State Constitution. Where the inmates in question have posted or attempted to post court-ordered bail, the Expired “Hold Request” Policy also results in unconstitutional denials of bail under article I, section eight of the Utah State Constitution.

39. By letter dated July 7, the ACLU of Utah requested Defendants' written policies, procedures, rules, guidelines and other records pertaining to Defendants' Expired "Hold Request" Policy and refusal to release otherwise-eligible inmates. *See* Ex. G hereto.

Defendants' Unconstitutional Detention of Mr. Uroza

40. On June 13, 2011, Mr. Uroza appeared in Utah State Court to face allegations of forgery and theft. The court set bail at \$5,000 and remanded Mr. Uroza to SLC Metro for processing.

41. Mr. Uroza was booked into custody at SLC Metro at 2:34 p.m. on June 13. He posted a bail bond approximately 10 minutes later, at 2:44 p.m. on June 13. *See* Ex. A hereto. No "hold request" had been received from ICE requesting that Mr. Uroza be held in custody, and no other lawful process (such as an arrest warrant) had been issued. It was thus Defendants' duty to release Mr. Uroza immediately after bail was posted.

42. Pursuant to Defendants' "Courtesy Hold" Policy, Defendants nevertheless failed or refused to release Mr. Uroza from custody. Defendants thus deprived Mr. Uroza of his liberty, without lawful authority, beginning at 2:44 p.m. on June 13. *See id.*

43. On information and belief, at approximately 6:08 p.m. the following day, June 14, 2011, i.e., over 27 hours after Mr. Uroza posted his court-ordered bail and his unlawful imprisonment by Defendants began, ICE issued a "hold request" in connection with Mr. Uroza. *See id.* On information and belief, this "hold request" came on Form I-247, which would have contained the standard language, "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.” *See* Ex. B hereto (emphasis in original).

44. Defendants, pursuant to their “Hold Request” Policy and in purported reliance on the “hold request” from ICE, continued to imprison Mr. Uroza for the 48 hours between 6:08 p.m. on June 14 and 6:08 p.m. on June 16, 2011.

45. On information and belief, the “hold request” issued by ICE in connection with Mr. Uroza expired, by its own terms, by no later than 6:08 p.m. on June 16, i.e., 48 hours after it was lodged. At that time, it was again Defendants’ duty to release Mr. Uroza immediately.

46. Pursuant to Defendants’ Expired “Hold Request” Policy, however, Defendants again failed or refused to release Mr. Uroza from custody, depriving him of his liberty without lawful authority, for approximately 36 additional days.

47. On July 21, 2011, the presiding Utah State Court Judge in Mr. Uroza’s criminal case considered Defendants’ failure or refusal to release Mr. Uroza from custody, despite the fact that Mr. Uroza had posted his court-ordered bail over five weeks earlier. The court ordered Mr. Uroza released from custody immediately. The order stated: “IT IS HEREBY ORDERED that Mr. Enrique Uroza, the defendant in the above entitled action, is to be immediately released from the Salt Lake County Jail.” *See* Ex. H hereto. At that point—now pursuant to explicit court order, as well as the United States and Utah State Constitutions—it was again Defendants’ duty to release Mr. Uroza immediately.

48. Again, however, pursuant to Defendants’ Expired “Hold Request” Policy, Defendants failed or refused to release Mr. Uroza from custody.

49. Mr. Uroza was finally released from Defendants' custody at approximately 3:30 p.m. on July 22, 2011, i.e., 39 days after he posted court-ordered bail. He was released to ICE agents and transported to an ICE facility. He was quickly deemed eligible for bail of only \$2,500, which he and his family were able to raise and post six days later, i.e., on July 28, 2011. Mr. Uroza is no longer in custody.

50. Throughout his unlawful detention, Mr. Uroza, by and through his court-appointed attorney in the state criminal case and through the ACLU of Utah, repeatedly protested to Defendants and others that he was entitled to be released. Defendants failed or refused to respond substantively to any of those complaints. Indeed, even after a State Court Judge was finally able to hear Mr. Uroza's claim of constitutional deprivation, and then ordered his immediate release, Defendants still failed or refused to release him, stating instead that they would hold him indefinitely until ICE agents were able to pick him up. *See* Exs. D & H hereto.

DEFENDANTS' LIABILITY

51. Defendants Salt Lake County and Winder are responsible for formulating, setting, implementing, and enforcing the rules, regulations, policies, practices, and customs at the Salt Lake County Sheriff's Office and SLC Metro, including those pertaining to the processing of bail payments and timely release of inmates. This includes but is not limited to Defendants' "Courtesy Hold" Policy and Defendants' Expired "Hold Request" Policy. Defendant Winder has supervisory control and authority over Defendants John Doe 1-50.

52. Defendants John Doe 1-50 are responsible for implementing and enforcing the rules, regulations, policies, practices, and customs at the Salt Lake County Sheriff's Office and SLC Metro, including those pertaining to the processing of bail payments and timely release of

inmates. This includes but is not limited to Defendants' "Courtesy Hold" Policy and Defendants' Expired "Hold Request" Policy.

53. Defendants' policies, practices, or customs described herein unconstitutionally deprive inmates of their Fourth, Fifth, and Fourteenth Amendment rights against unreasonable searches and seizures, and to due process of law. Defendants' policies, practices, or customs also violate article I, sections seven and fourteen of the Utah State Constitution. For those inmates who have posted or attempted to post court-ordered bail, these policies also result in unconstitutional denials of bail under article I, section eight of the Utah State Constitution.

**FIRST CLAIM FOR RELIEF
(Defendants' "Courtesy Hold" Policy Violates the Fourth, Fifth, and Fourteenth
Amendments; 42 U.S.C. § 1983)**

54. The foregoing allegations are incorporated by reference.

55. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his Fourth Amendment right to be free of unreasonable searches and seizures.

56. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his Fifth and Fourteenth Amendment rights to due process.

57. Defendants' "Courtesy Hold" Policy was the direct and proximate cause of Mr. Uroza's injuries and the violations of his constitutional rights.

58. As a direct and proximate cause of Defendants' violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. section 1988, and any other relief the Court deems just and proper.

**SECOND CLAIM FOR RELIEF
(Defendants' "Courtesy Hold" Policy is Unconstitutional Under
Article I, Section Eight of the Utah State Constitution)**

59. The foregoing allegations are incorporated by reference.

60. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his right to bail as guaranteed by article I, section eight of the Utah State Constitution.

61. Defendants' "Courtesy Hold" Policy was the direct and proximate cause of Mr. Uroza's injuries and the violations of his constitutional rights.

62. As a direct and proximate cause of Defendants' violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. section 1988, and any other relief the Court deems just and proper.

**THIRD CLAIM FOR RELIEF
(Defendants' Expired "Hold Request" Policy Violates the Fourth, Fifth, and Fourteenth
Amendments; 42 U.S.C. § 1983)**

63. The foregoing allegations are incorporated by reference.

64. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his Fourth Amendment right to be free of unreasonable searches and seizures.

65. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his Fifth and Fourteenth Amendment rights to due process.

66. Defendants' Expired "Hold Request" Policy was the direct and proximate cause of Mr. Uroza's injuries and the violations of his constitutional rights.

67. As a direct and proximate cause of Defendants' violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to

compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. section 1988, and any other relief the Court deems just and proper.

FOURTH CLAIM FOR RELIEF
(Defendants' Expired "Hold Request" Policy is Unconstitutional Under
Article I, Section Eight of the Utah State Constitution)

68. The foregoing allegations are incorporated by reference.

69. Mr. Uroza was deprived of his liberty, without legal authority, in violation of his right to bail as guaranteed by article I, section eight of the Utah State Constitution.

70. Defendants' Expired "Hold Request" Policy was the direct and proximate cause of Mr. Uroza's injuries and the violations of his constitutional rights.

71. As a direct and proximate cause of Defendants' violations of Mr. Uroza's constitutional rights, Mr. Uroza suffered damages as alleged in this Complaint and is entitled to compensatory damages, attorney's fees and costs pursuant to 42 U.S.C. section 1988, and any other relief the Court deems just and proper.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks the following relief:

- A. A judicial declaration that Defendants' "Courtesy Hold" Policy is unconstitutional and violates the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections seven and fourteen of the Utah State Constitution;
- B. A judicial declaration that Defendants' "Courtesy Hold" Policy, as applied against inmates who have posted or attempted to post court-ordered bail, also violates article I, section eight of the Utah State Constitution;
- C. A judicial declaration that Defendants' Expired "Hold Request" Policy is unconstitutional and violates the Fourth, Fifth, and Fourteenth Amendments to the United States Constitution, and article I, sections seven and fourteen of the Utah State Constitution;
- D. A judicial declaration that Defendants' Expired "Hold Request" Policy, as applied against inmates who have posted or attempted to post court-ordered bail, also violates section eight of the Utah State Constitution;
- E. An award of compensatory damages under 42 U.S.C. section 1983;
- F. An award of reasonable attorney's fees and costs, pursuant to 42 U.S.C. section 1988 and any other applicable law;
- G. An award of pre-judgment interest and post-judgment interest to the extent permitted by law; and
- H. An award of any additional relief that the Court deems just and proper.

JURY DEMAND

Plaintiff requests a trial by jury.

Dated: August 5, 2011

Respectfully submitted,

/s/ Darcy M. Goddard

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LIST OF EXHIBITS

- Ex. A: Memorandum from SLC Metro dated July 5, 2011
- Ex. B: ICE Form I-247 (6/11), "Immigration Detainer"
- Ex. C: ICE Form I-247 (Rev. 4-1-97), "Immigration Detainer"
- Ex. D: Nate Carlisle, "Undocumented immigrant ordered free still in jail," S.L. Trib. July 22, 2011
- Ex. E: Defendants' "Courtesy Hold" Policy
- Ex. F: Memorandum from SLC Metro dated July 13, 2011
- Ex. G: July 7, 2011, ACLU of Utah GRAMA Request to SLC Metro
- Ex. H: July 21, 2011, Order, *State v. Uroza*, No. 101401992 (unsigned copy)