

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 14-274
v.	*	SECTION: "H"
MIGUEL ANGEL LOPEZ-HERNANDEZ	*	
a/k/a "Miguel Lopez"	*	
a/k/a "Miguel Love"	*	

* * *

FACTUAL BASIS

If this case were to proceed to trial, the Government would prove the defendant guilty beyond a reasonable doubt. In count one of this one-count indictment, defendant, MIGUEL ANGEL LOPEZ-HERNANDEZ (LOPEZ-HERNANDEZ), is charged with illegally re-entering the United States of America after having been removed from the United States. The Government would establish the following through reliable and competent evidence:

On October 26, 2014, Immigration and Customs Enforcement and Removal Operations Field Operations Team (ICE) agents were contacted by officials from the St. John Parish jail regarding an inmate, MIGUEL ANGEL LOPEZ-HERNANDEZ, who had been arrested and admitted on October 24, 2014 for traffic offenses. ICE-ERO Special Agent (S/A) Heather Imbraguglio interviewed LOPEZ-HERNANDEZ about his status in the United States. LOPEZ-HERNANDEZ admitted to S/A Imbraguglio that he was a citizen of Mexico. LOPEZ-HERNANDEZ also admitted that he had previously been deported in 2011 and that he was again illegally present in the United States. LOPEZ-HERNANDEZ also informed S/A Imbraguglio that he had been working as a laborer. As such, an ICE detainer was placed on LOPEZ-HERNANDEZ. On October 31, 2014, ICE agents took custody of LOPEZ-HERNANDEZ and transported him to the ICE offices in New Orleans for processing.

ICE agents conducted a records check which confirmed that LOPEZ-HERNANDEZ is not a United States citizen but is, in fact, a citizen of Mexico. Agents also discovered that LOPEZ-HERNANDEZ had been previously deported from the United States by foot, out of Hidalgo, Texas, to Mexico on May 9, 2011 through an order of Expedited Removal. When LOPEZ-HERNANDEZ reentered the United States after he had been deported, he did not enter at a port of entry designated by the Attorney General or his successor, the Secretary of Homeland Security, and he was not inspected, admitted, or paroled by a United States Immigration Officer. Also, LOPEZ-HERNANDEZ received no waiver from the Attorney General or his successor, the Secretary of Homeland Security, to reenter the United States. LOPEZ-HERNANDEZ has made no applications or petitions to remain lawfully in the United States, and none have been made on his behalf. As such, LOPEZ-HERNANDEZ has no legal status in the United States. Agents also advised LOPEZ-HERNANDEZ of his rights to consular notification, communication and access.

Finally, LOPEZ-HERNANDEZ admits that he illegally re-entered the United States of America after having previously been removed from the United States, and he acknowledges that said conduct constitutes a knowing violation of Title 8, United States Code, Section 1326(a).

FREDERICK W. VETERS, JR.
Assistant United States Attorney

DATE

SAMUEL SCILLITANI
Attorney for Defendant

DATE

MIGUEL ANGEL LOPEZ-HERNANDEZ
Defendant

DATE