

U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
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WILLIAM J. LEVINE
CLERK

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

UNITED STATES OF AMERICA * **CRIMINAL NO. 14-204 "B"**
v. *
JOSE LUIS MAYORGA-LEMUS *
a/k/a Jose Mayorga *
* * *

FACTUAL BASIS

The defendant, **JOSE LUIS MAYORGA-LEMUS** (hereinafter "**MAYORGA-LEMUS**"), has agreed to plead guilty as charged to the one-count indictment charging him with illegal reentry of a previously removed alien in violation of Title 8, United States Code, Section 1326(a).

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and other admissible evidence, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

On August 28, 2014, agents with the ICE fugitive team went to an apartment building located in Harvey, Louisiana to locate a fugitive believed to be living in the building. While approaching the target address the agents observed a male subject sitting outside the location. The agents, speaking in Spanish, asked the subject for his identification. As the agents were speaking to the subject, **MAYORGA-LEMUS** exited the residence. The agents identified

themselves to **MAYORGA-LEMUS** and asked him for his identification. **MAYORGA-LEMUS** acknowledged that he was an illegal alien and handed them a Honduran identification card. The agents then conducted a computer check and confirmed that **MAYORGA-LEMUS** was a prior deport from the United States. **MAYORGA-LEMUS'** A-file contains a Form I-205 that shows that he was deported from the United States on August 3, 2011.

The agent would testify that he administratively processed **MAYORGA-LEMUS** after he was taken into custody and conducted record checks through various U.S. Department of Homeland Security databases. These record checks confirmed that **MAYORGA-LEMUS** was a citizen of Honduras and illegally present in the United States.

Documentation from Border Patrol records contained in the defendant's Alien File, including a Warrant of Removal/Deportation, complete with the defendant's fingerprints, photographs and signature, would demonstrate that the defendant, **MAYORGA-LEMUS**, was removed from the United States to Honduras on August 3, 2011. A qualified Fingerprint Specialist would testify that the fingerprints of the individual documented in the Alien File containing the Warrant of Removal/Deportation and the fingerprints of the defendant are a match. Documentation from the Alien File would further show that the defendant is an alien and not a citizen or national of the United States.

Testimony of an official from U.S. Citizenship and Immigration Services regarding record checks conducted through the Computer Linked Application Information Management System would show that the defendant, **MAYORGA-LEMUS**, did not receive consent from the U.S. Attorney General or his designated successor, the Secretary of the Department of Homeland

