

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

WILBUR P.G., et al.,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Hon. Kandis A. Westmore

Civil Action No. 4:21-cv-04457-KAW

DECLARATION OF SHAWN J. JORDAN

In accordance with the provisions of 28 U.S.C. § 1746, I, Shawn J. Jordan, hereby make the following declaration under penalty of perjury:

1. U.S. Customs and Border Protection is a federal law enforcement agency within the U.S. Department of Homeland Security. It is comprised of several components, including the U.S. Border Patrol, Office of Field Operations, and Air and Marine Operations.
2. The U.S. Border Patrol is comprised of 20 Border Patrol sectors, to include the Yuma Sector in Arizona. The mission of the U.S. Border Patrol is to detect and prevent undocumented immigrants, terrorists, and terrorist weapons from entering the United States, and prevent illegal trafficking of people and contraband.
3. I am employed by CBP as an Executive Officer at the Yuma Sector in Yuma, Arizona, and have been employed by CBP or a predecessor agency for almost 24 years. I am responsible for the supervision and management of numerous Yuma Sector programs. I have knowledge of the day-to-day law enforcement operations of Border Patrol in the Yuma Sector, including the apprehension and processing of aliens.
4. Yuma Sector is comprised of three Border Patrol stations: Yuma Station, Wellton Station and Blythe Station. Combined, these stations are responsible for securing 126 linear miles of land and riverine border and operates in two states.
5. I am familiar with the complaint and the allegations in the civil action captioned *Wilbur P.G., et al. v. United States of America*, No. 4:21-cv-04457-KAW, which was filed in the United States District Court for the Northern District of California.
6. As part of the duties described above, I am familiar with the Form I-213, which, among

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other things, is a Record of Deportable/Inadmissible alien. In swearing this declaration, I have reviewed the Plaintiffs' I-213s and CBP's e3 system. The e3 system is the USBP's system of records in which USBP maintains information about apprehensions, processing, and prosecutions, including when someone is booked in or out of USBP custody.

7. To avoid disclosure of any Personally Identifiable Information for Plaintiffs, I have recounted the information contained in these records below as related to their pseudonyms.

Facts Relating to Wilbur P.G. and Wilfredo Baltazar P.E.

8. According to my review of records, on May 27, 2018, Plaintiffs Wilbur P.G. and Wilfredo Baltazar P.E., a minor child, were encountered near San Luis, Arizona by Border Patrol Agents assigned to the Yuma Border Patrol Station. Border Patrol Agents determined that P.G. and P.E. had entered the United States illegally.
9. P.G. was taken into custody and transported to the Yuma Border Patrol Station for processing. Criminal proceedings were initiated for PG due to his violation of 8 USC 1325(a)(1); records show that the criminal prosecution was later declined.
10. E3 records show that P.G. and P.E. were separated at the Yuma Station on May 27, 2018, at approximately 09:55 a.m. PE was processed as an Unaccompanied Child (UC) and referred to the Health and Human Services (HHS) Office of Refugee Resettlement (ORR) for placement.
11. P.G. was held in CBP custody from May 27, 2018, to June 02, 2018, at the Yuma Border Patrol Station. P.G. was turned over to Immigration and Customs Enforcement custody on June 02, 2018, when he was transferred to the Florence Service Processing Center located in Florence, Arizona.
12. P.E. was held in CBP custody from May 27, 2018, to May 28, 2018, at Yuma Border Patrol Station. P.E. was transported by G4S contract transportation officers and turned over to HHS/ORR custody at the Southwest Keys Casa Estrella in Tucson, Arizona on May 28, 2018.
13. The Yuma Border Patrol Station, Florence SPC and the SWK Casa Estrella are DHS and HHS facilities located in the area of operations of the Yuma and Tucson Border Patrol Sectors in Arizona, near the United States-Mexico Border. All three of these facilities are within the District of Arizona and are materially unchanged from May 2018.

Facts Relating to Erendira C.M. and Yasmin Alicia M.C.

14. According to my review of records, on May 11, 2018, Plaintiffs Erendira C.M. and Yasmin Alicia M.C., a minor child, were encountered near San Luis, Arizona by Border Patrol Agents assigned to the Yuma Border Patrol Station. U.S. Border Patrol Agents determined that C.M. and M.C. had entered the United States illegally.

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15. C.M. was taken into custody and transported to the Yuma Border Patrol Station for processing. Criminal proceedings were initiated for C.M. due to her violation of 8 USC 1325(a)(1).
16. C.M. was held in CBP custody from May 11, 2018, to May 13, 2018, at the Yuma Border Patrol Station. C.M. was transferred to U.S. Marshall's Service (USMS) custody from May 13, 2018, to May 16, 2018, at the San Luis Detention Center (SLDC) in San Luis, Arizona. C.M. was returned to CBP custody and held from May 16, 2018, to May 22, 2018, at the Yuma Border Patrol Station. C.M. was turned over to Immigration and Customs Enforcement custody on May 22, 2018, when she was transferred to the Florence SPC located in Florence, Arizona.
17. M.C. was processed as a UC and referred to the HHS' ORR for placement. E3 records do not explicitly document the actual time that C.M. and M.C. were physically separated in Arizona. E3 records do show that M.C. was transferred to MVM, an ICE ERO transportation contractor on May 13, 2018, at approximately 09:14 a.m. in order to facilitate her transportation to the HHS shelter in New York via ground and air transportation.
18. M.C. was held in CBP custody from May 11, 2018, to May 13, 2018, at Yuma Border Patrol Station. M.C. was transported by MVM contract transportation officers, who subsequently turned her over to HHS/ORR custody at the Cayuga Centers in Bronx, New York on May 15, 2018.
19. On May 16, 2018, C.M. was convicted of Illegal Entry, in violation of 8 U.S.C. § 1325(a)(1) and was sentenced to time served.
20. The Yuma Border Patrol Station, San Luis Detention Center and Florence SPC are DHS owned or contracted facilities located in the area of operations of Yuma Border Patrol Sector in Arizona, near the United States-Mexico Border. All three of these facilities are within the District of Arizona and are materially unchanged from May 2018.

Facts Relating to Joshua G.G. and Karl Luis G.G.

21. According to my review of records, on May 18, 2018, Plaintiffs Joshua G.G. and Karl Luis G.G., a minor child, were encountered near San Luis, Arizona by Border Patrol Agents assigned to the Yuma Border Patrol Station. U.S. Border Patrol Agents determined that Joshua G.G. and Karl Luis G.G. had entered the United States illegally.
22. Joshua G.G. was taken into custody and transported to the Yuma Border Patrol Station for processing. Joshua G.G. was issued an Expedited Removal (ER); there is no indication that criminal proceedings were initiated against Joshua G.G. An e3Detention Module (DM) comment entered on May 19, 2018, at 11:42 p.m., showed that Joshua G.G. was being separated from Karl Luis G.G. due to his amenability to prosecution.

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23. Karl Luis G.G. was processed as a UC and referred to ORR for placement. An e3DM comment shows that Joshua G.G. and Karl Luis G.G. were separated on May 19, 2018, at 11:42 p.m. in Arizona.
24. Joshua G.G. was held in CBP custody from May 18, 2018, to May 21, 2018, at the Yuma Border Patrol Station. He was transferred to the Wellton Border Patrol Station, from May 21, 2018, to May 29, 2018. On May 29, 2018, Joshua G.G. was transported back to the Yuma Border Patrol Station, where G4S contract transportation officers transported him to the Florence SPC and turned him over to Immigration and Customs Enforcement custody, a few hours later.
25. Karl Luis G.G. was held in CBP custody from May 18, 2018, to May 20, 2018, at the Yuma Border Patrol Station. Karl Luis G.G. was transported by G4S contract transportation officers, who turned him over to ORR custody at the Southwest Keys Casa Fortaleza Shelter in Phoenix, Arizona on May 20, 2018.
26. The Yuma and Wellton Border Patrol Stations, Florence SPC and the SWK Casa Fortaleza are DHS or HHS contract facilities located in the area of operations of the Yuma and Tucson Border Patrol Sectors in Arizona, near the United States-Mexico Border. All four of these facilities are within the District of Arizona and are materially unchanged from May 2018.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on the 5th day of January 2022 at Yuma, Arizona.

Signature: _____

Shawn J. Jordan

