

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
SOUTHERN DIVISION**

JOSÉ RICARDO VILLALTA CANALES
Frederick County Adult Detention
7300 Marcies Choice Lane,
Frederick, MD 21704

Plaintiff,

v.

OFFICER JOSEPH CAW
in his individual capacity
Maryland Department of Natural Resources
Police
580 Taylor Avenue
Annapolis, MD 21401

and

OFFICER LAKERAM CHHATURAM
in his individual capacity
Maryland Department of Natural Resources
Police
580 Taylor Avenue
Annapolis, MD 21401

and

OFFICER MICHAEL SULLIVAN
in his individual capacity
Maryland Department of Natural Resources
Police
580 Taylor Avenue
Annapolis, MD 21401

and

THE STATE OF MARYLAND
200 Saint Paul Place, 20th Floor
Baltimore, MD 21202

and

Civil Action No.

JURY TRIAL DEMANDED

MARYLAND DEPARTMENT OF
NATURAL RESOURCES
580 Taylor Avenue
Annapolis, MD 21401

and

MARYLAND DEPARTMENT OF
NATURAL RESOURCES POLICE
580 Taylor Avenue
Annapolis, MD 21401

Defendants.

COMPLAINT

José Ricardo Villalta Canales (“Mr. Villalta” or “Plaintiff”) was illegally detained by three Maryland Department of Natural Resources Police (“DNR Police”) officers under the employ of the Maryland Department of Natural Resources and the State of Maryland (collectively, “Defendants”). Mr. Villalta was assisting a relative with cutting down a dead tree. He lacked a tree expert license, which is a civil violation under Maryland Natural Resources Law that carries a penalty of a small monetary fine. DNR Police officers entered the property where Mr. Villalta was working, questioned him and determined he lacked the necessary tree expert permit. Rather than give him a citation, the DNR Police officers unlawfully detained Mr. Villalta while they undertook to investigate whether he had committed a civil violation of immigration laws. Upon learning from Immigration and Customs Enforcement (“ICE”) that Mr. Villalta committed a civil violation, the DNR Police officers arrested Mr. Villalta—without any suspicion that he had committed a crime—for the sole purpose of holding him until ICE could arrive to take him into custody. This unconstitutional abuse of power upended Mr. Villalta’s life, separating him from his family

and community; caused a fear of law enforcement throughout his community; and violated the United States Constitution.

Plaintiff brings this action pursuant to 42 U.S.C. § 1983 and Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, seeking relief for injuries caused by the acts and/or omissions of Defendants in violation of the Fourth and Fourteenth Amendments to the United States Constitution and federal statutory law.

INTRODUCTION

1. On August 7, 2019, Officers Michael Sullivan, Joseph Caw, and Lakeram Chhaturam from the DNR Police first detained Mr. Villalta on suspicion that he was cutting down a tree without a tree expert business license.

2. Mr. Villalta cooperated with the officers, told them he did not have a tree expert business license, and provided them with his Maryland driver's license.

3. Officers Sullivan, Caw, and Chhaturam (collectively, the "DNR Police Officers") ran Mr. Villalta's name through dispatch and discovered that Mr. Villalta did not have a tree expert business license, and that he had no outstanding criminal warrants.

4. Instead of issuing him a citation for this Natural Resources law violation and letting him go, the DNR Police Officers continued to detain Mr. Villalta because they suspected he was subject to an ICE warrant issued for a civil immigration violation.

5. Civil immigration violations are not criminal offenses. Unlike criminal warrants, civil immigration warrants do not provide state or local law enforcement agencies with authority to even briefly detain—or arrest—noncitizens, such as Mr. Villalta. As an administrative agency, ICE creates, signs, and executes its own warrants based on suspected

civil immigration violations. ICE warrants are not issued by a neutral and impartial judge or magistrate and do not require a showing of probable cause that a crime was committed.

7. The DNR Police Officers detained Mr. Villalta while they investigated with federal immigration agents at ICE whether he was the subject of this civil warrant. When they determined that he was, the DNR Police Officers arrested and searched Mr. Villalta, and kept him in their custody until ICE agents arrived to take Mr. Villalta into their custody.

8. The DNR Police Officers detained Mr. Villalta without any reasonable suspicion he had committed a crime, for the sole purpose of assisting ICE in its efforts to enforce civil immigration laws.

9. Despite clear and ample notice that Mr. Villalta does not speak English, the DNR Police Officers also denied Mr. Villalta access to a trained interpreter the entire duration of his detention and arrest in violation of Title VI. This denial left Mr. Villalta confused, anxious, and uncertain about his rights and the scope of the DNR Police's authority.

10. The DNR Police Officers had no lawful basis to detain, search, and arrest Mr. Villalta without a criminal warrant and without any reasonable suspicion that he had committed a crime. Their decision to detain Mr. Villalta for the sole purpose of enforcing federal civil immigration law was outside the bounds of their authority and violated the Fourth and Fourteenth Amendment to the Constitution.

PARTIES

11. Mr. Villalta is a long-time resident of Montgomery County, Maryland. Prior to his detention by ICE, he lived and worked in Rockville, Maryland. He has been in ICE custody for 110 days as of the date of this filing.

12. At all times relevant to this Complaint, the DNR Police Officers were employed by the DNR Police and acting under color of state law. Mr. Villalta sues DNR Police Officers in their individual capacities.

13. Defendant Department of Natural Resources is a state agency in charge of preserving, protecting, and restoring the State of Maryland's natural resources.

14. Defendant DNR Police is a state-wide law enforcement agency established and operating under the Maryland Code. It is the enforcement arm of the Department of Natural Resources.

15. Defendant State of Maryland is a public entity that receives federal funds and, accordingly, is subject to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*

JURISDICTION AND VENUE

16. The Court has jurisdiction over Plaintiff's claims arising under the Constitution and federal statutes pursuant to 28 U.S.C. §§ 1331, 1343, and 1361.

17. Venue is proper in this district under 28 U.S.C. § 1391(b) in that a substantial part of the acts and omissions giving rise to Mr. Villalta's claims arose in this district.

FACTUAL ALLEGATIONS

18. The Maryland Department of Natural Resources Police is a state law enforcement agency. It primarily responds to boating, fishing, and hunting violations, as well as to emergencies related to Maryland's natural resources.

19. Upon information and belief, the DNR Police do not have an agreement with ICE pursuant to 8 U.S.C. § 1357(g) to assist ICE in civil immigration enforcement efforts.

20. Mr. Villalta is thirty-one years old. Until August 7, 2019, Mr. Villalta lived in Rockville, Maryland, close to many of his family members and loved ones. He had lived in Rockville for over thirteen years.

21. Mr. Villalta came to the United States from El Salvador more than thirteen years ago as an unaccompanied minor, after his father passed away. He was briefly detained by Customs and Border Protection before his transfer to the custody of the Office of Refugee Resettlement, where he remained for less than a month.

22. Mr. Villalta then lived with his aunt in Montgomery County, Maryland, who is among several close relatives of Mr. Villalta who have established roots in Maryland. At some point thereafter, Mr. Villalta missed a hearing related to his immigration status.

23. On July 10, 2019, the Montgomery County Department of Housing and Community Affairs sent Mr. Villalta's uncle a notice of two violations of the Montgomery County Code related to a tree on his property in Rockville, Maryland. Mr. Villalta's uncle was required to remove all dead tree limbs (or the entire tree) within thirty days of July 10, 2019, or risk the imposition of a civil fine of up to \$1,000.

24. Mr. Villalta and Mauricio Villalta ("Mauricio"), his cousin, agreed to help Mr. Villalta's uncle remove the dead tree limbs and began the work on August 6, 2019.

25. On August 6, Mr. Villalta and Mauricio went to Mr. Villalta's uncle's property in Rockville, Maryland, and spent about nine hours working on the tree and disposing of the waste at a local trash facility in Gaithersburg, Maryland. They estimated that they would need to work throughout the following days to finish their task.

A. The Unlawful Prolonged Detention and Arrest of Mr. Villalta

26. On August 7, 2019, Mr. Villalta and Mauricio went to Mr. Villalta's uncle's property to resume their work, arriving around 9:15 a.m.

27. At around 9:56 a.m., the DNR Police dispatch received a complaint that someone "was operating an unlicensed tree expert business" on the property located in Rockville, Maryland.

28. The DNR Police Officers responded to the property in two marked DNR Police trucks at approximately 10:40 a.m. and parked across the street.

29. All three DNR Police Officers were in uniform. They carried firearms, handcuffs, and tasers, and wore bulletproof vests.

30. The DNR Police Officers entered the property and approached Mauricio. At that time, Mauricio was cleaning branches underneath the tree, while Mr. Villalta was up in the tree working.

31. A DNR Police Officer identified as Officer Sullivan asked Mauricio whether he was in charge of cutting down the tree. Mauricio responded that Mr. Villalta was in charge, and that Mr. Villalta did not speak English. Mr. Villalta confirmed (through Mauricio) that he did not speak English.

32. The DNR Police Officers ordered Mr. Villalta, in English, to descend from the tree. Mauricio told Mr. Villalta, in Spanish, to come down from the tree.

33. Mr. Villalta promptly obeyed the command to come down from the tree.

34. The DNR Police Officers then elicited information from Mr. Villalta about whether he and Mauricio owned the house, whether they had a license to cut trees, and whether they had insurance.

35. Through Mauricio, Mr. Villalta replied that he did not have a license or insurance to cut trees, and that he was assisting his uncle with disposing of a dead tree as required by the Montgomery County government.

36. This exchange took a few minutes. Mr. Villalta's answers further confirmed that Mr. Villalta violated Maryland Natural Resources Law 5-417(a)(1) by failing to procure a tree expert business license before assisting his relative cut down a tree.

37. Given that this was Mr. Villalta's first (and only) violation of Maryland's Natural Resources Law, the DNR Police Officers' statutory authority was limited to issuing a citation for a monetary fine.

38. When Mauricio asked the DNR Police Officers what was going on, the lead officer – upon information and belief, Officer Sullivan – told him that a neighbor had called the DNR Police because Mr. Villalta and Mauricio were cutting down a tree.

39. The DNR Police Officers did not request a trained interpreter during their questioning of Mr. Villalta, despite clear notice that he did not speak English. Mr. Villalta only speaks Spanish, while the DNR Police Officers only spoke English. Because Mr. Villalta did not understand their instructions, Mauricio relayed to Mr. Villalta in Spanish what the officers were saying in English, to the best of his abilities.

40. Mauricio speaks English as a second language and is not a trained interpreter or translator. He is most comfortable communicating in Spanish. Mauricio felt nervous communicating with the DNR Police Officers. Although he tried to assist Mr. Villalta, Mauricio struggled with the *ad hoc* interpretation and translation he provided. He was uncertain of whether his translations were accurate.

41. Without Mauricio's unsolicited, impromptu, and imprecise assistance, Mr. Villalta would have been incapable of responding to the DNR Police Officers' questions or understanding their commands.

42. The DNR Police Officers informed Mr. Villalta that he violated state law by failing to procure a tree expert business license and said that they would be issuing Mr. Villalta a citation.

43. Officer Sullivan asked Mr. Villalta for identification, and Mr. Villalta provided him a Maryland driver's license.

44. Though valid, Mr. Villalta's driver's license was marked with the notation "NOT FOR FEDERAL IDENTIFICATION" at the top right. The State of Maryland includes this notation for drivers who are not able to provide proof of lawful immigration status to the Maryland Motor Vehicle Administration.

45. The DNR Police Officers then ordered Mr. Villalta not to climb up the tree again and instructed Mr. Villalta and Mauricio to continue working around the bottom of the tree and stay around there while they prepared the citation.

46. Officers Sullivan and Caw then crossed the street to the police vehicles with Mr. Villalta's driver's license.

47. Officer Chhaturam lingered briefly before reiterating the same instruction that Mr. Villalta and Mauricio remain near the tree.

48. Mr. Villalta followed the DNR Police's orders and awaited the return of his driver's license and the citation that the DNR Police Officers said he would receive for not having a tree expert license.

49. The DNR Police Officers then contacted DNR Police dispatch to confirm Mr. Villalta's lack of a tree expert license and search for any outstanding warrants regarding Mr. Villalta.

50. The DNR Police dispatch confirmed that Mr. Villalta did not have a tree expert business license and that Mr. Villalta did not have any outstanding criminal warrants, but there was an active civil administrative warrant related to the immigration status of a person with his name.

51. This administrative immigration warrant listed an ICE telephone number to call should a law enforcement officer have contact with Mr. Villalta.

52. Around 11:30 a.m., Officer Sullivan called this number and told the ICE agent who answered the telephone that he had someone in custody who had an ICE warrant. He requested that ICE respond to the scene.

53. The ICE agent requested, and Officer Sullivan provided, Mr. Villalta's Maryland driver's license information.

54. Officer Sullivan and the ICE agent ended their call so that the ICE agent could investigate whether Mr. Villalta was the subject of the ICE warrant.

55. Although he was becoming concerned with how long the DNR Police Officers were taking, Mr. Villalta believed his only option was to continue waiting. Mr. Villalta had to stay on the ground awaiting the return of his driver's license and the issuance of the citation. He could not move freely without violating instructions from law enforcement. Having driven to his uncle's property, he also was unable to leave without his driver's license.

56. At some point after 11:30 a.m., an ICE agent then emailed Officer Sullivan a photograph from 2006 and asked if the individual in the photograph was Mr. Villalta.

57. Officer Sullivan reviewed this photograph with Officer Caw and Officer Chhaturam, and the officers agreed that Mr. Villalta resembled the person in the photograph.

58. A few minutes later, an ICE agent called Officer Sullivan back.

59. That ICE agent again requested Mr. Villalta's driver's license information and the DNR Police Officers' current location.

60. Officer Sullivan provided the requested information to ICE. The DNR Police Officers still had not returned to Mr. Villalta his driver's license, handed him the citation for the violation of Maryland Natural Resources Law 5-417(a)(1), or told him he was free to move freely around his uncle's property, much less leave the property.

61. Around 11:40 a.m., roughly an hour after the DNR Police Officers first encountered Mr. Villalta and confirmed he was cutting down a tree without a license, the ICE agent telephoned Officer Sullivan to inform him that Mr. Villalta had an open civil immigration warrant and that the ICE agent was en route to their location.

62. Around the same time, the DNR Police Officers told Mr. Villalta to cross the street to the police trucks to sign the citation for the tree cutting violation. Mauricio relayed this request to Mr. Villalta, who promptly crossed the street.

63. Mauricio—the only person who could translate (albeit inconsistently) for Mr. Villalta—attempted to accompany Mr. Villalta to the police car but one of the DNR Police Officers instructed him to remain across the street, by the property of Mr. Villalta's uncle.

64. The DNR Police Officers spoke with Mr. Villalta alone about his citation and attempted to obtain his signature. They did not provide a translation of the citation or seek

interpretation before seeking his signature. Mr. Villalta did not understand the DNR Police Officers.

65. After a few minutes, Officer Chhaturam asked Mauricio to cross the street to stand by Mr. Villalta and translate from English to Spanish.

66. Mauricio crossed the street and glanced at the citation the DNR Police Officers asked Mr. Villalta to sign. Based on this quick glance, Mauricio explained that the DNR Police Officers were asking for his signature on the citation. The DNR Police Officers did not provide Mauricio with the opportunity to review the document and attempt to translate its content to Mr. Villalta. They also did not inform Mr. Villalta that failure to sign the citation could result in his arrest—a warning that appears in English above the signature line. After Mauricio's rushed explanation, Mr. Villalta signed the citation.

67. For a brief moment, Mr. Villalta reviewed his copy of the citation he just signed. Unable to understand its contents, he placed it in his pocket.

68. The DNR Police Officers then abruptly handcuffed Mr. Villalta and told him that they were arresting him because he was the subject of an ICE warrant. The officers conducted a search of Mr. Villalta's person and transferred his personal items, including his citation and cellphone, to Mauricio.

69. Several additional family members arrived on the scene after Mr. Villalta's arrest.

70. The DNR Police Officers instructed Mr. Villalta's family members—including his cousins, sisters, and partner—to remain across the street, near Mr. Villalta's uncle's house, while Mr. Villalta and Mauricio remained with the officers.

71. For approximately an hour, between 11:40 a.m. and 12:45 p.m. the DNR Police Officers kept Mr. Villalta handcuffed near their police vehicles.

72. At approximately 12:45 p.m., the DNR Police Officers put Mr. Villalta inside one of their trucks and closed the door to obstruct the view of his family members across the street, who were getting increasingly alarmed at the length of his detention. Shortly thereafter, ICE agents arrived on scene.

73. The ICE agents asked Mr. Villalta to get out of the police car. The ICE agents physically grabbed him and threatened to tase him if he did not comply.

74. Mr. Villalta complied. After the DNR Police Officers removed his handcuffs, the ICE agents shackled Mr. Villalta and led him from the DNR Police truck to their vehicles.

75. The DNR Police Officers gave Mr. Villalta's relatives his driver's license once Mr. Villalta was in ICE custody.

76. Mr. Villalta, who has no arrest or criminal record, was humiliated by the way he was handcuffed in public, in front of his family and neighbors. He grew more and more distressed as he understood that this arrest would indefinitely separate him from his work, and his family members, nieces and nephews, partner, and his partner's children.

77. Mr. Villalta has been in ICE detention ever since August 7, 2019. ICE first kept him in the Frederick County Detention Center in Frederick, Maryland, then transferred him to a detention center in Louisiana.

78. In Louisiana, ICE officials told Mr. Villalta that he was facing imminent removal, until Mr. Villalta's immigration counsel intervened on his behalf to seek a stay of such removal order.

79. Mr. Villalta was later returned to the Frederick County Detention Center, where he remains to date.

80. Mr. Villalta has experienced significant emotional distress since his detention. He is deeply troubled that he can no longer work, or see his relatives regularly and that his relatives continuously suffer due to Mr. Villalta's detention, arrest, and transfer into ICE custody.

81. Mr. Villalta also played an important role in the lives of his partner and her children. He would see her two children around three days a week. Now that he is detained, he and his partner talk twice every day, and her children write letters to him that she takes to him on her weekly visits. Her family is hurting without his presence, and he is hurting without theirs.

82. Mr. Villalta also worked in a roofing business before being detained, earning around \$200 a day for a day of work. He earned up to \$1,200 a week.

83. Mr. Villalta continues to live with fear of imminent removal as a result of his detention at the hands of DNR Police Officers and transfer into ICE custody.

84. As of the date of this filing, Mr. Villalta has spent 110 days in ICE custody. He continues to experience mental anguish and helplessness at the prospect of his complete separation from his relatives, should ICE deport him.

B. Defendant State of Maryland and DNR Police Intentionally Failed to Provide Mr. Villalta with Interpretation or Translation Services.

85. The Maryland Department of Natural Resources is subject to Maryland's "Equal Access to Public Services for Individuals with Limited English Proficiency," which was passed in 2002. Md. Code. Ann., State Gov't § 10-1101–1105. This law requires state officers to take reasonable steps to provide interpretation and translation services, via specially trained expert interpreters and translators, to individuals whose language is spoken by three percent or more of the population served. This includes Spanish speakers.

86. As the enforcement arm of the Maryland Department of Natural Resources, the DNR Police is subject to Maryland's "Equal Access to Public Services for Individuals with Limited English Proficiency."

87. Title VI's prohibition on discrimination on the basis of perceived race, color, ethnicity, or national origin was the foundation for Maryland's language access reform enacted in the early 2000s.

88. The DNR Police is required to provide or reasonably attempt to provide equal access to public services—including oral language interpretation services and translation of vital documents—for those with limited English proficiency like Mr. Villalta.

89. The DNR Police serves the entire State of Maryland, which it separates in different areas of coverage. Montgomery County is included within DNR Police's "Area 5," which serves Montgomery County, Baltimore City, Baltimore County, Carrol County, and Howard County.

90. Spanish speakers are the highest number of foreign-language speakers in the State of Maryland, comprising nearly eight percent of Maryland's residents.

91. Approximately one third of Montgomery County residents were born outside of the United States—the largest rate among neighboring counties. Montgomery County has a higher ratio of Spanish-speaking residents with nearly eighteen percent of the overall population that includes native Spanish speakers. Hispanics form the largest minority in Montgomery County, nearing twenty-five percent of the residents.

92. The DNR Police Officers learned that Mr. Villalta did not speak English at the inception of their encounter on August 7, 2019.

93. At no point did Defendants provide Mr. Villalta with interpretation or translation services as they spoke English with him or issued him a citation in English. Mauricio's translating was not sufficient either. They requested that Mr. Villalta sign a citation written in a language that he did not understand, without making any attempt to help him understand the contents of the citation or confirming that he could understand.

FIRST CAUSE OF ACTION

UNLAWFUL DETENTION

Fourth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C §1983 (Against Defendants Sullivan, Caw, and Chhaturam in their Individual Capacities)

94. Mr. Villalta repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

95. At all times relevant hereto, Mr. Villalta had a clearly established right under the Fourth Amendment to the Constitution, as incorporated against the states through the Fourteenth Amendment to the Constitution, to be free from unreasonable seizures.

96. Defendant DNR Police Officers, acting under color of law, detained Mr. Villalta without reasonable suspicion to believe he had committed a crime, in violation of the Fourth Amendment guarantee against unreasonable searches and seizures.

97. Specifically, Defendants Sullivan, Caw, and Chhaturam seized and detained Mr. Villalta on suspicion that he violated a civil federal immigration law. By issuing an order constraining Mr. Villalta's movement, taking away his driver's license, and delaying the issuance of the citation they told Mr. Villalta he would receive, the officers' actions would communicate to a reasonable person that the person was not free to leave. The DNR Police Officers subsequently handcuffed Mr. Villalta.

98. Defendants never suspected that Mr. Villalta violated any state or federal criminal statute. Their sole stated basis for seizing and detaining Mr. Villalta was his known or suspected civil violation of federal immigration law based on the civil ICE warrant, which is not constitutionally sufficient to justify seizure or detention. *Santos v. Frederick County Bd. of Comm'rs*, 725 F.3d 451, 465 (4th Cir. 2013).

99. Defendant DNR Police Officers improperly detained Mr. Villalta well beyond the time necessary to effectuate the purpose of the detention, related to a violation of Natural Resources law in Maryland.

100. As a proximate and foreseeable result of the Defendant DNR Police Officers' actions, Mr. Villalta has suffered, is suffering, and will continue to suffer damages, including but not limited to violation of his constitutional rights, loss of liberty, financial loss, emotional distress, anxiety, stigma, and embarrassment.

SECOND CAUSE OF ACTION

UNLAWFUL ARREST

Fourth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C §1983 (Against Defendants Sullivan, Caw, and Chhaturam in their Individual Capacities)

101. Mr. Villalta repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

102. At all times relevant hereto, Mr. Villalta had a clearly established right under the Fourth Amendment to the Constitution, as incorporated against the states through the Fourteenth Amendment to the Constitution, to be free from unlawful arrests.

103. Defendant DNR Police Officers, acting under color of law, arrested Mr. Villalta without probable cause to believe he had committed a crime, in violation of the Fourth Amendment guarantee against unreasonable seizures.

104. Specifically, Defendants Sullivan, Caw, and Chhaturam arrested Mr. Villalta on the basis of an administrative, civil immigration warrant—not a criminal warrant. They handcuffed Mr. Villalta, separated him from his relatives, and placed him in their police car.

105. Given the totality of the circumstances and the information known by the Defendant DNR Police Officers, no one would reasonably believe that Mr. Villalta had committed any crime at the time the Defendant DNR Police Officers arrested him.

106. As a proximate and foreseeable result of the Defendant DNR Police Officers' actions, Mr. Villalta has suffered, is suffering, and will continue to suffer damages, including but not limited to violation of his constitutional rights, loss of liberty, financial loss, emotional distress, anxiety, stigma, and embarrassment.

THIRD CAUSE OF ACTION

UNLAWFUL SEARCH

Fourth and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C §1983 (Against Defendants Sullivan, Caw, and Chhaturam in their Individual Capacities)

107. Mr. Villalta repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

108. At all times relevant hereto, Mr. Villalta had a clearly established right under the Fourth Amendment to the United States Constitution, as incorporated against the states through the Fourteenth Amendment, to be free from unreasonable searches.

109. Defendant DNR Police Officers, acting under color of Maryland law, effectuated an unlawful search of Mr. Villalta's person.

110. Defendants never reasonably suspected that Mr. Villalta violated any state or federal criminal statute.

111. As a proximate and foreseeable result of the Defendant DNR Police Officers' actions, Mr. Villalta has suffered, is suffering, and will continue to suffer damages, including but not limited to violation of his constitutional rights, loss of liberty, financial loss, emotional distress, anxiety, stigma, and embarrassment.

FOURTH CAUSE OF ACTION

**TITLE VI
RACE, COLOR, ETHNICITY OR NATIONAL ORIGIN DISCRIMINATION – 42 U.S.C.
§ 2000d
(Against State of Maryland, Maryland Department of Natural Resources, and Maryland
Department of Natural Resources Police)**

112. Mr. Villalta repeats and incorporates by reference each allegation contained in the preceding paragraphs as if fully set forth herein.

113. Defendant State of Maryland's "Equal Access to Public Services for Individuals with Limited English Proficiency" law requires the state to "provide equal access to public services" to individuals with limited English proficiency. Md. Code. Ann., State Gov't § 10-1101.

114. Defendant Maryland Department of Natural Resources serves the entire State of Maryland and has a separate police force to enforce Natural Resources law.

115. Defendant DNR Police serves Montgomery County, which has the highest rate of foreign-born residents in the region. Montgomery County also has a very high rate of Spanish-speakers.

116. Defendants State of Maryland and Maryland Department of Natural Resources were aware of the risk that state police, including DNR Police Officers, would discriminate on the basis of perceived race, color, ethnicity, or national origin when they deprive foreign-born individuals of interpretation and translation services.

117. Defendant DNR Police was called to the scene of Mr. Villalta's tree-cutting activities to undertake routine questioning and issuance of a citation, which are key elements of the DNR Police's interactions with Maryland residents under the state's natural resources laws.

118. Both Mr. Villalta and Mauricio informed Defendant DNR Police Officers that Mr. Villalta did not understand English at the inception of their encounter.

119. Defendants were also on notice that Mr. Villalta is a noncitizen upon reviewing his Maryland driver's license, which included a notation that he did not present proof of immigration status upon issuance.

120. Nevertheless, Defendants intentionally failed to provide him with interpretation and translation services and demanded his signature on a document he did not understand. Defendants' conduct constitutes discrimination on the basis of his race, color, ethnicity or national origin under Title VI of the Civil Rights Act of 1964.

121. Defendants continued this violation throughout Mr. Villalta's prolonged, unlawful detention they subjected Mr. Villalta to, for two hours. The DNR Police Officers refused even to allow Mr. Villalta the benefit of Mauricio's aid in translation, despite Mauricio's offer to help, before they ultimately relented.

122. The DNR Police Officers cited and detained Mr. Villalta, who does not speak English, but did not cite or detain Mauricio, who does. Discrimination against non-English speakers can constitute evidence of discrimination based on national origin.

123. Defendants State of Maryland and Maryland Department of Natural Resources employed the DNR Police Officers during the incidents described in the preceding

paragraphs, and the DNR Police Officers' actions were within the scope of their employment.

124. Defendant State of Maryland and Maryland Department of Natural Resources were on notice as to Title VI's requirements relating to language access, as the state explicitly referenced Title VI's prohibition on perceived race, color, ethnicity, or national origin discrimination in enacting its language access law. Despite being on notice of Title VI's requirements, Defendant State of Maryland and Maryland Department of Natural Resources deprived foreign-born individuals of interpretation and translation services by failing to enforce its language access law.

125. Mr. Villalta is entitled to damages for Defendants' intentional discrimination he suffered on the basis of his perceived race, color, ethnicity, or national origin.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- A. Award plaintiff Mr. Villalta compensatory damages against Defendants in an amount to be determined by the jury.
- B. Award Mr. Villalta costs and reasonable attorneys' fees in this action.
- C. Grant such other relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

- D. Plaintiff hereby demands a trial by jury.

DATED: November 25, 2019

**Washington Lawyers' Committee for
Civil Rights and Urban Affairs**

Emily A. Gunston, *pro hac vice pending*
Azadeh Erfani, *pro hac vice pending*
700 14th Street, NW, Suite 400
Washington, DC 20005
(202) 319-1000
emily_gunston@washlaw.org
azadeh_erfani@washlaw.org

Counsel for Plaintiff

Respectfully submitted,

LATHAM & WATKINS LLP

By: /s/ J. Christian Word
J. Christian Word, Bar No. 12-18-1997
Sarah A. Tomkowiak, *pro hac vice pending*
Clayton D. LaForge, *pro hac vice pending*
555 Eleventh Street NW, Suite 1000
Washington DC 20004
202-637-2200 telephone
202-637-2201 fax
christian.word@lw.com
sarah.tomkowiak@lw.com
clayton.laforge@lw.com

Counsel for Plaintiff