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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED  
APR 30 2018  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Elvin Leonel GUTIERREZ-Flores,

Defendant.

) Magistrate Docket No.

18MJ2074

) COMPLAINT FOR VIOLATION OF:

) Title 8, USC 1325 Illegal Entry  
) (misdemeanor)

The undersigned complainant being, duly sworn, states:

That on or about April 29, 2018, within the Southern District of California, defendant, Elvin Leonel GUTIERREZ-Flores, an alien, did knowingly and willfully enter the United States at a time and place other than as designated by Immigration Officers, and elude examination and inspection by Immigration Officers, a misdemeanor; in violation of Title 8, United States Code, Section 1325.

And the complainant further states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT

Joseph E. Wolchko  
Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE,

THIS 30th DAY OF April, 2018 .



RUBEN B. BROOKS  
United States Magistrate Judge

**CONTINUATION OF COMPLAINT:**

**Elvin Leonel GUTIERREZ-Flores**

**PROBABLE CAUSE STATEMENT**

On April 29, 2018, Border Patrol Agent J. Lara was performing assigned duties in the Imperial Beach Border Patrol Station's area of responsibility. Agent Lara was wearing an agency issues rough duty uniform. At approximately 10:40 PM, infrared scope operator, Border Patrol Agent L. Massinburge, informed Agent Lara that he had observed one individual walking north down a draw towards a place known to Border Patrol agents as the "35 Draw." Guided by Agent Massinburge, Agent Lara responded and after a brief search, Agent Lara found one individual laying in the brush. This location is approximately four miles west of the San Ysidro, California, Port of Entry and approximately 300 yards north of the United States/Mexico International Boundary. Agent Lara conducted an immigration inspection. The subject, later identified as the defendant, Elvin Leonel GUTIERREZ-Flores, stated he is a citizen of Honduras, and was not in possession of any immigration documents that would allow him to enter or remain in the United States legally. At approximately 10:45 PM, Agent Lara placed GUTIERREZ under arrest.

# USAO INTAKE INFORMATION RAP SHEET

First: Elvin Mid. Leonel Last: GUTIERREZ Flores

Case No. \_\_\_\_\_

## RAP SHEET SUMMARY CHART

Conviction Date	Conviction Court	Charge	Prison Term	Points
		ON PAROLE/PROBATION		
		TOTAL POINTS		
		CRIMINAL HISTORY CATEGORY		
		DEPORTATIONS		0
		DATE OF MOST RECENT DEPORTATION		
		DATE OF FIRST DEPORTATION		