

PARTIES

1. Plaintiff Hans Joachim Keil is a United States Citizen, and Vietnam Veteran, whose residence is in Buena Vista, California.

2. Defendant United States of America is a sovereign nation responsible for the enforcement operations, investigations, arrests and detentions executed by officers, agents and employees of the United States Immigration and Customs Enforcement, Department of Homeland Security and Department of State.

FACTS

3. On September 9, 2008, Defendants seized Keil a United States Citizen, and took him into their custody, without lawful cause and without a warrant for his arrest at the Dutton Family Theater in Branson, Mo.
4. ICE had no authority over Plaintiff as he was in possession of a facially valid U.S. Passport. See also *Matter of Villanueva* 13 I&N Dec. 2968 (BIA 1984)
5. To ignore extant precedent which dictates that their actions are illegal is negligence at a bare minimum.
6. Since ICE had no authority to detain Plaintiff, this detention amounted to false imprisonment.
7. At the time of his Defendants repeated referred to Plaintiff, a United States Citizen, and Vietnam Veteran as an “illegal alien.”
8. Defendants’ booked Respondent into the Greene County, Mo jail on an ICE detainer.
9. Defendants improperly issued a Notice to Appear (NTA) in Immigration Court to Respondent alleging he was an “arriving alien” as defined at 8 CFR 1.1(q) in order to deny him bond.
10. The NTA was signed by ICE agents Laura FOSTER, Todd HAMILTON and Michael SPINELLA.
11. The Notice of Custody Determination, form I-286, remanding Plaintiff without bond was signed by RAC SPINELLA
12. The Agents took (converted) Respondent’ facially valid US Passport and Samoan Diplomatic Passport

13. Plaintiff told the agents he was a United States Citizen, a Veteran of the U.S. military and that he was a Diplomat for the Government of Samoa
14. Plaintiff was interviewed by DOS Agent Jack Barnhart without the benefit of counsel.
15. Agents unlawfully seized and retained (converted) Plaintiff's valid U.S. Passport and Samoan diplomatic passport. Plaintiff's U.S. passport had been issued since the early 1960's and had been renewed multiple times.
16. Agents unlawfully seized and retained (converted) Plaintiff's briefcase and confidential Samoan government documents.
17. ICE Agents deliberately denied Plaintiff the ability to obtain bond. This was accomplished by initially booking Plaintiff as an "arriving alien" on an improperly issued Notice to Appear with an improperly issued immigration detainer. ICE maintained the improperly issued ICE detainer on Plaintiff. The District Court relied on this improper detainer to deny Plaintiff bond. This detainer was maintained through the authority of Glenn Triveline ICE ASAC in Chicago, Il. This continued unlawful detention, in violation of *Matter of Villanueva* constitutes false imprisonment.
18. Defendant was charged in the Western District of Missouri, for falsely claiming to be a United States Citizen. Those charges were dismissed by the US Attorney's office as improvidently filed. Defendant's U.S. passport was returned when the Department of State acknowledged he had always been U.S. Citizen.
19. Plaintiff continues to fear returning to the United States. Plaintiff's fear is that he will again be unlawfully arrested and detained. Plaintiff continues to be emotionally distraught that his service to the United States as Vietnam Era veteran was callously dismissed as irrelevant by agents. Plaintiff continues to be emotionally distraught that he was continually referred to as an "illegal alien."
20. As a direct and proximate result of Defendants' conduct, Plaintiff Keil has been harmed. His harm includes but is not limited to:
 - a. Being detained arrested or seized and held for a period of 9 days without lawful authority;
 - b. Having his passports and personal effects unlawfully seized;
 - c. pain and suffering; and
 - d. being subject to intimidation and inflicted with emotional and continued mental distress.
 - e. being denied the ability to leave Missouri for nearly four months to attend to diplomatic duties or personal business interests.

21. Plaintiff is informed and believes and thereon alleges that the above described acts of Defendants were done with, reckless or callous indifference to Plaintiff's security, freedom and civil and constitutional rights and resulted in Plaintiff's injury, oppression and continued mental distress. Accordingly, Plaintiff is entitled to an award of punitive damages against Defendants.

CAUSES OF ACTION

1. NEGLIGENCE

22. Plaintiff incorporates all other paragraphs of this petition as if fully set forth herein.

23. The reckless and negligent investigation carried out by Defendant ICE and DOS agents has caused Plaintiff to suffer damages, and he brings this action to recover those damages from Defendant United States of America pursuant to the Federal Tort Claims Act.

2. FALSE IMPRISONMENT

24. Plaintiff incorporates all other paragraphs of this petition as if fully set forth herein.

25. The intentional actions of Defendant United State's BICE Agents in wrongly arresting, imprisoning and maintaining a detainer over Plaintiff, have caused Plaintiff to suffer damages, and he brings this action to recover those damages from Defendant United States of America pursuant to the Federal Tort Claims Act.

3. CONVERSION

26. Plaintiff incorporates all other paragraphs of this petition as if fully set forth herein.

27. The intentional actions of Defendant United State's BICE Agents in wrongly retaining Plaintiff's passports, and official documents, have caused Plaintiff to suffer damages, and he brings this action to recover those damages from Defendant United States of America pursuant to the Federal Tort Claims Act.

WHEREFORE, for the reasons set forth above, Plaintiff prays this Court to award Plaintiff actual and compensatory damages, in an amount to be determined at trial, against Defendant United States of America for claims arising under the Federal Tort Claims Act; and award Plaintiff any other relief this Court may deem just and proper at law or in equity.

Respectfully submitted,

s/Rekha Sharma-Crawford
REKHA SHARMA-CRAWFORD

s/W. Michael Sharma-Crawford
W. MICHAEL SHARMA-CRAWFORD

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