

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

_____	)	
Juan Manuel MONTES BOJORQUEZ,	)	
	)	
Plaintiff,	)	
	)	CIVIL ACTION
v.	)	
	)	NO.17-CV-780 GPC NLS
UNITED STATES CUSTOMS AND	)	
BORDER PROTECTION et al.,	)	
	)	
Defendants.	)	
_____	)	

**Declaration of Jose Manuel Zarate**

I, Jose Manuel Zarate, make this declaration based on my personal knowledge and, if called to testify, I could and would do so competently as follows:

1. My name Jose Manuel Zarate and I am a resident of California. I was born and raised in El Centro, California and have lived most of my life in and around the area. I am a United States citizen.
2. I often work in the fields in the Imperial Valley, California area. That is where I met Juan Manuel Montes Bojorquez because we worked together. We have known each other for three or four years and I consider him one of my best friends. He is like a little brother to me.

3. Before Juan Manuel was deported, we used to ride to Calexico together nearly every day to look for field work. Around 3 or 4 a.m., we would gather with the other workers in hopes of being picked for field work that day. That is the time of the early morning when work is available for the day in the fields in Calexico. Juan Manuel and I have done all kinds of agricultural work together like picking broccoli, cauliflower, lettuce, and celery. We are both hard workers and we both liked the work.

4. I knew Juan Manuel could not go to Mexico without permission from the U.S. government. Juan Manuel and I had talked previously about it because I had invited him to family functions and parties in Mexico and he told me he could not go because he knew that if he went to Mexicali he could not come back to the United States. I even invited him to my child's baptism party in Mexicali over a year ago, but Juan Manuel couldn't go.

5. The night of February 18, 2017 or early morning of February 19, 2017, I had multiple missed phone calls from Juan Manuel on my cell phone. My wife asked me not to answer the phone because it was late. At around 1:00 or 2:00 a.m. on the morning of February 19th, I got a Facebook message from Juan Manuel saying that he was in Mexicali and that he needed help. I was very worried about him because Juan Manuel never mentioned to me that he was going to Mexicali and I knew he

would never leave the country on his own and that something must have gone wrong. Juan Manuel and I exchanged Facebook messages and decided that I would go see him in Mexicali, Mexico when I woke up that morning.

6. A true and correct copy of the Facebook messages dated February 17 to February 20, 2017, that Juan Manuel and I exchanged in Spanish, with an English translation, are attached as Exhibit 1. The dates and times that I made and received Facebook communications with Juan Manuel are accurate.

7. I called Juan Manuel when I woke up on February 19th around 9 a.m. to find out more about what happened and why he was in Mexico and to ask what I could do to help. Juan Manuel told me that he had been deported to Mexico. He was crying and really upset. He didn't know how he was going to tell his Mom.

8. During that call, Juan Manuel said he had some things in my car that he needed. He asked me to bring them to him. I often give Juan Manuel rides to and from work and other places in the area where we live and, for that reason, my car had a lot of his stuff in it. Juan Manuel kept a backpack in my car with a toothbrush, deodorant, a razor and other things. It was sort of like it was his car too.

9. Juan Manuel told me he was at La Cachanilla, a shopping center, just across the border in Mexicali. We decided he would wait for me outside the La Cachanilla.

10. After I hung up the phone with Juan Manuel, I was in shock. I could not believe he had been deported and I began crying. I told my wife what happened and together we drove to Mexicali to meet Juan Manuel later that day. This was sometime between 9 and 11 a.m. on Sunday, February 19.

11. We met up with Juan Manuel at the shopping center. He was in shock and crying, he didn't know what to do. He got some of his things out of my car. I didn't physically hand him anything, but I believe he took some of his clothes and his work boots. One of his wallets might have been in the trunk of my car.

12. Juan Manuel told me and my wife what happened the night before. He said, "they deported me. They grabbed me and deported me." I knew he was talking about federal immigration officials.

13. I asked him why he had been deported. He said that he did not know. He told me that he'd been in Calexico the night before and was trying to get a ride back home when a Border Patrol officer on a bike came up and asked him for his papers. He told me that the officer then took him to the Customs and Border Patrol station. Juan Manuel said he told the officer that he had papers but that they told him the papers were no good anymore and then, they kicked him out of the country.

14. I understood this to mean that Juan Manuel tried to tell the officer that he had papers showing he had the permission to work in the United States. I had seen Juan

Manuel's papers. He showed me his papers several times over the years when we drove through checkpoints in places like Yuma and Cochella. Jose Manuel had a paper card that he would present at those checkpoints. He showed it to me.

15. After we met Juan Manuel at the shopping center in Mexicali, my wife and I took him to get some tacos. He was starving and after we ate we went to have some coconuts. I told him to call his mom. Juan Manuel didn't know how to tell her what happened the night before so he had not called her yet. I lent him my iPhone and he finally called her. I watched him as he made the call. I remember seeing him leaning up against a tree as he was talking to her and crying as he told her what happened. I was so heartbroken and angry for him.

16. After Juan Manuel called his mom we drove to my wife's aunt's house in Mexicali. We stayed there for a few hours and then drove back to the border to pick up some clothes that a relative had brought Juan Manuel. It was getting dark when we got to the line to cross the border back into the United States.

17. After February 20, 2017, I didn't hear from Juan Manuel for a while. I called and called but he would never pick up. I was so worried about him. I told my mom what had happened to Juan Manuel and she called a local radio station to ask people to pray for him. My mom is very religious and also told the people at her church what happened to Juan Manuel.

18. Finally, after three or four days, Juan Manuel called me. He said that after my wife and I left, he had been beaten up by some guys in Mexicali. He said it all happened so fast and that he was so nervous he didn't know what exactly happened to him next, but in that moment, he ran and jumped the border fence out of desperation and was sent back to Mexico again. He said that he was headed to stay with some relatives in Mexico.

19. Since then, we have talked less frequently. His cell reception isn't great in Mexico where he is staying and so it has been hard to stay in touch.

20. Juan Manuel is like a brother to me. I care about him and what happened to him is unfair and wrong. I hope he gets to come home soon. His family is so important to him and I know they miss him. We all do.

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

Signed this 27 of June 2017, in Brawley CA, \_\_\_\_\_.

Jose Manuel Zarate  
Jose Manuel Zarate