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Federal Court Rules Montana Sheriff's Deputy and Judge Violated Rights of Immigrant by Unlawfully Arresting Him

Seattle, WA – Earlier today, a federal court in Montana ruled that a sheriff's deputy and a justice of the peace in Billings, Montana, violated the Fourth Amendment when they arrested Miguel Reynaga at a state courthouse in Billings, Montana based on allegations that he did not have lawful immigration status. Mr. Reynaga, who is represented by the Northwest Immigrant Rights Project (NWIRP) and the Border Crossing Law Firm, P.C., brought the civil rights action against Defendants Deputy Derrek Skinner and Justice Pedro Hernandez.

U.S. District Judge Susan P. Watters held that Deputy Skinner and Justice Hernandez did not have any lawful reason to arrest Mr. Reynaga. Mr. Reynaga was present at the courthouse to serve as a witness in support of his wife, who was seeking a protection order against a third party. During his wife's hearing, the opposing party alleged that Mr. Reynaga was unlawfully present in the United States, prompting Justice Hernandez to call the Yellowstone County Sheriff's office to request that Mr. Reynaga be "picked up." Deputy Skinner arrived and arrested Mr. Reynaga after Justice Hernandez informed Deputy Skinner that there were "illegals" outside his courtroom that he wanted the deputy to investigate.

Judge Watters ruled that the arrest that followed was clearly prohibited by the Constitution, remarking that "[i]n a country as diverse as the United States, it is common to encounter someone who struggles with English. The Fourth Amendment would be of little value if the police were able to arrest anyone with a foreign ID and difficulty with English." Judge Watters' ruling finds that Defendants failed to abide by the law which makes clear that the fact someone does not have legal immigration status does not mean they have committed a crime.

Judge Watters found that Justice Hernandez, despite being a judge, was liable for the arrest because he was an “integral participant” in violating Mr. Reynaga’s rights. The opinion notes that not only did he call the Sheriff’s Office because he “wanted them picked up” but that “to ensure Miguel would be caught by surprise, Justice Hernandez ordered Miguel’s wife to remain in the courtroom so she couldn’t tell Miguel a deputy was coming for him.”

“Today’s decision reaffirms that state and local law enforcement officials are not authorized to enforce civil federal immigration law,” said Matt Adams, legal director for NWIRP. “It would be no more appropriate for local officials to arrest someone in order to investigate their federal tax returns.”

Shahid Haque of the Border Crossing Law Firm similarly remarked, “We hope that this decision clarifies to local Montana authorities that immigration status violations are not a criminal offense, and that they have no authority to arrest someone based on a suspected immigration violation.”

Links to key documents in the case can be found below:

Today’s decision can be found [here](#)

Plaintiff’s motion for summary judgment can be found [here](#)