

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 21 2012

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

James T. Hayes, Jr.
6102 Avalon Court
West Long Branch, NJ 07764

Plaintiff,

v.

Janet Napolitano,
Secretary,
Department of Homeland Security,

Defendant.

Case: 1:12-cv-00825
Assigned To : Jackson, Amy Berman
Assign. Date : 5/21/2012
Description: Employ. Discrim.

Jury Trial Demanded

COMPLAINT

Plaintiff, James T. Hayes, Jr., by and through undersigned counsel, herein states his complaint of discrimination and retaliation against Janet Napolitano, secretary of the Department of Homeland Security. Plaintiff states the following in support of his complaint to the best of his knowledge, information and belief, formed after an inquiry reasonable under the circumstances. On information and belief, Plaintiff states the following:

PRELIMINARY STATEMENT

This is an action by Plaintiff, James T. Hayes, Jr. ("Hayes" or "Plaintiff"), to seek redress for discriminatory and retaliatory actions, taken against him by the Defendant, Secretary of Homeland Security Janet Napolitano ("Defendant") in violation of Title VII, 42 U.S.C. § 2000e, *et seq.*

PARTIES

RECEIVED
Mail Room
MAY 21 2012
Angela D. Caesar, Clerk of Court
U.S. District Court, District of Columbia

1. Plaintiff, James T. Hayes, Jr. is a current employee of the Department of Homeland Security, in the Immigration and Customs Enforcement agency.
2. Defendant is the Secretary of the Department of Homeland Security.
3. Defendant does business and is located in Washington, DC.
4. Defendant is properly named as the head of the agency pursuant to 42 U.S.C. § 2000e-16(c).

JURISDICTION & VENUE

5. Plaintiff is a resident of West Long Branch, New Jersey.
6. Defendant does business at the United States Department of Homeland Security, 3801 Nebraska Ave., NW, Washington, DC 20016.
7. This action arises under the Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, which prohibits discrimination based on race, national origin, et al., and retaliation.
8. All of the necessary administrative prerequisites have been met prior to filing the instant action, as Plaintiff has filed timely complaints of discrimination and retaliation with his federal employer, the Department of Homeland Security, and brings this claim more than 180 days after he filed his complaints.
9. The District of Columbia is where the actions complained of in the present case took place, where the employment records relevant to the unlawful practices are kept, and where the Plaintiff would have worked but for the unlawful actions of the Defendant.
10. Therefore, this court has jurisdiction over these claims under 42 U.S.C. § 2000E-5 (2012).
11. Defendant resides in this judicial district, and a substantial part of the events giving rise to this action took place within this judicial jurisdiction.
12. Therefore, this court has proper venue pursuant to 29 U.S.C. § 1391 (2012).

FACTS & BACKGROUND

13. Plaintiff began his career with the Federal government in 1995 as a U.S. Border Patrol Agent in Del Rio, Texas.

14. In 1997, Plaintiff transferred to Los Angeles, California, and was assigned as a Special Agent for the U.S. Immigration and Naturalization Service (“INS”) in Orange County, California.

15. In October 2001, shortly after the September 11, 2001 terrorist attacks, Plaintiff was detailed to INS Headquarters to assist with the investigation into the attacks.

16. In 2002, Plaintiff was promoted to a Program Manager position in INS Headquarters, National Security Unit.

17. In 2004, Plaintiff was promoted to Section Chief of the U.S. Immigration and Customs Enforcement’s (“ICE”) Counterterrorism Operations Section within the Department of Homeland Security (“DHS”).

18. In 2005, Plaintiff was promoted to a Unit Chief position in ICE Headquarters, a GS-15 position.

19. In 2006, Plaintiff was reassigned as the ICE Field Office Director, Detention and Removal Operations (“DRO”), in Los Angeles, California and managed approximately 500 personnel and an approximately \$100,000,000 budget.

20. In 2008, Plaintiff was promoted to ICE Headquarters as the DRO Assistant Director for Field Operations and became a member of the Senior Executive Service, managing approximately 7,000 personnel and a \$1,000,000,000 budget.

21. In September 2008, Plaintiff was promoted to the position of Director, ICE Detention and Removal Operations, managing approximately 8,500 personnel and a \$2,500,000,000 budget.

22. Plaintiff, rather than seeking promotions himself, was recruited for these positions on the basis of his performance.

23. Plaintiff's performance has always been outstanding.

24. Plaintiff has received numerous awards for his performance, work ethic, professionalism, creativity, and commitment to public service.

25. Notably, Plaintiff received the Department of Homeland Security Secretary's Award for Excellence in 2008.

A. Schriro and Barr join DHS / ICE

26. In around February 2009, Dora Schriro and Suzanne Barr began working at ICE Headquarters in Washington, D.C.

27. Plaintiff's position at the time was the Director of ICE Detention and Removal Operations in Washington, DC.

28. Barr was named DHS Secretary Napolitano's Chief of Staff for ICE.

29. Schriro was named as a Special Advisor to Secretary Napolitano on Detention and Removal Operations.

30. Upon Schriro's arrival at ICE, she began to replace Plaintiff in meetings conducted within ICE and at DHS.

31. However, Schriro had no experience in managing a Federal law enforcement department, she had never exercised management control over a department charged with the enforcement of Federal laws, and she had no experience managing Federal budgets, *inter alia*.

32. Schriro was not as qualified for the position Plaintiff had because of her lack of Federal law enforcement experience.

33. Schriro did have experience, however, working with Secretary Napolitano.

34. Schriro enjoyed a long standing relationship with the Secretary.

35. Plaintiff believed that he was being replaced in his duties because of this relationship and because he was not female.

36. In around February 2009, Schriro and Barr advised the Congressional House Homeland Security Committee that Schriro will replace Plaintiff as a ICE witness during a planned March 3, 2009 hearing.

37. However, the Committee refused the replacement and Schriro was added as a witness to the hearing instead.

38. In around March 2009, Schriro ordered Plaintiff not to hold meetings without her knowledge.

39. In around March 2009, Schriro instructed Plaintiff's staff to copy her on all correspondence to Plaintiff.

40. In around March 2009, Schriro instructed Plaintiff's Chief of Staff, Timothy Tubbs, to inform her of Plaintiff's activity as Director of Detention and Removal Operations.

41. In around March and April 2009, Barr led conference calls with numerous staff, including staff at the ICE Personnel Staffing Center in Dallas, TX, to discuss possible excuses for "firing" Plaintiff or otherwise removing Plaintiff from his position.

42. Soon after it became clear that Plaintiff was going to be removed from his position, Plaintiff felt that he was being targeted because of his gender.

43. In around April and May 2009, Barr moved the entire contents of the offices of three male employees, including name plates, computers, and telephones, to the men's bathroom at ICE headquarters.

44. Barr also created a frat-house type atmosphere that is targeted to humiliate and intimidate male employees.

45. Plaintiff will introduce numerous examples of Barr's sexually offensive behavior including the following examples.

46. Barr humiliated another male employee by calling that male employee in his hotel room and screaming at him that she wanted "his cock in the back of [her] throat."

47. Barr covertly took an ICE blackberry device assigned to a male Special Agent in Charge and sent a Blackberry Messenger message to his female supervisor indicating that the male employee had a crush on the female supervisor and fantasized about her.

48. These actions and others that will be introduced were all taken to humiliate and intimidate male employees.

49. Further, Barr promoted and otherwise rewarded those male employees who would play along with her sexually charged games including the three male employees whose offices she relocated to the men's bathroom at ICE headquarters.

B. Plaintiff's managers met to discuss relocation

50. On around May 15, 2009, Plaintiff had a meeting with Assistant Secretary for ICE, John Morton.

51. At the meeting, Morton advised Plaintiff that he wanted to work together to integrate Schriro into the agency to have a role on policy issues, but not operational issues, and asked for Plaintiff's ideas on this.

52. Meetings were then scheduled for June 1, 2009, and June 15, 2009, for Morton and Plaintiff to discuss creating a position for Schriro.

53. However, Morton cancelled both meetings.

54. Plaintiff believes that these meetings were red herrings intended to divert his attention from his eventual replacement.

55. On around June 17, 2009, Morton held a meeting with Plaintiff, in which creating a position for Schriro was not discussed; it was clear at that point to Plaintiff that there would be no need for a new position because Schriro would replace Plaintiff.

56. Instead of creating a new position for Schriro, as had earlier been planned, Morton informed Plaintiff that he will “bring in his own team,” meaning that Plaintiff will not be a part of it.

57. Morton also informed Plaintiff that he wanted to help Plaintiff get a new position within the agency.

58. Morton also offered to assist Plaintiff to find private sector employment if Plaintiff desired to leave the agency.

59. Plaintiff later met with Morton and asked him for a position in Los Angeles, a relocation bonus equal to 25% of Plaintiff’s salary to offset financial losses Plaintiff would incur due to relocating so soon (less than one year) after his prior relocation from Los Angeles to Washington, D.C., and a no-mobility clause for five years.

60. Morton stated that the request seemed reasonable and he would get back to Plaintiff.

61. Morton never followed through with this promise.

i. June 25 & July 2, 2009 Meetings

62. During a meeting on or around June 25, 2009, between Plaintiff and Assistant Secretary Morton, Morton advised Plaintiff that the Los Angeles position was not available.

63. Instead, Morton offered Plaintiff positions in the agency at lower salary and grade levels than the position Plaintiff held, essentially offering to demote the Plaintiff.

64. On around July 2, 2009, in a meeting with Plaintiff, Morton insisted the Los Angeles position would not become vacant despite Plaintiff having learned otherwise.

65. Morton suggested during this same meeting that Plaintiff should not attend the ICE Leadership Conference scheduled for July 8–10, 2009, with all other ICE leaders, because “it would be a little awkward for all of us.”

66. Plaintiff told Morton that he believed he was being discriminated against, and that he wanted to file an EEO complaint.

67. Plaintiff believed that he was being strung along by Morton and others at the Agency.

C. July 14, 2009 Meeting

68. On or around July 14, 2009, Alonzo Pena, Deputy Assistant Secretary for Operations, discussed with Plaintiff his options for continuing to work with the Agency.

69. Pena advised Plaintiff that Denver and Baltimore were the only relocation options available because Morton intended to select a lower graded employee (GS-15) than Plaintiff for the New York position.

70. Plaintiff advised Pena that he believed he was being discriminated against on the basis of his gender, and felt he had no choice but to file a complaint.

71. Plaintiff believed that he was being discriminated against based on his gender because Schriro was set to replace him, despite her lack of relevant experience, as well as Barr’s harassment, intimidation, and humiliation of male employees.

72. Pena cautioned Plaintiff regarding filing any complaints, stating that Barr had indicated that if Plaintiff continued to challenge the reassignment or filed a complaint, she would send Plaintiff to San Juan and have Plaintiff fight the transfer from there.

73. Furthermore, Plaintiff was aware that Schriro enjoyed a long standing relationship with Plaintiff’s ultimate supervisor, Secretary Napolitano, and that Napolitano was promoting Schriro because of this relationship, and not because of any relevant skills, over Plaintiff, who had far more relevant experience in the field.

74. On around July 15, 2009, Plaintiff was threatened with reassignment to San Juan during a telephonic meeting with Morton and Principal Legal Advisor Peter Vincent.

75. Pena had previously cautioned Plaintiff regarding filing any complaints, stating that Barr had indicated that if Plaintiff continued to challenge the reassignment or filed a complaint, she would send Plaintiff to San Juan and have Plaintiff fight the transfer from there.

76. On around July 27, 2009, Pena informed Plaintiff that the New York position is not available.

77. Pena had arranged a temporary assignment for Plaintiff as acting Special Agent in Charge (“SAC”) in San Antonio.

78. On around July 28, 2009, Pena advised Plaintiff that he will be sent to New York on detail until the current SAC retires, at which time the move to New York will become permanent.

79. Pena further advised Plaintiff that there is no guaranteed home sale program and the agency will not provide Plaintiff with relocation incentives or assistance.

80. Morton repeatedly refused to make any effort to reassign Plaintiff in a less disruptive manner, when Plaintiff merely requested reassignment to an existing, vacant position within the agency, however Morton has since created Senior Executive Service positions that require no supervisory responsibility for a close, personal friend in Brussels, Belgium and for a female subordinate in Denver, Colorado. Neither of these Senior Executive Service positions existed prior to Morton’s close, personal friends expressing their desire to be relocated to these geographic locations at extraordinary government expense.

81. The female subordinate above asked Morton to create the position in Denver so she could relocate with a close friend, who was recently hired as a lower graded employee within the ICE Office of Enforcement and Removal Operations Denver office.

82. The female subordinate also arranged for her close friend to be temporarily reassigned to ICE Headquarters, at government expense, so they could be together until the Senior Executive Service position in Denver could be created.

83. Morton repeatedly refused to offer Plaintiff temporary assignments pending a less financially disruptive permanent reassignment yet he and Barr have accommodated numerous members of their staff with temporary assignments to allow for them to cohabitate with their significant others.

84. Within thirty days of the meeting during which Plaintiff threatened to go to the EEO Office and to report what he believed to be discriminatory actions taken against him, Plaintiff was subjected to at least six investigations conducted by the ICE Office of Professional Responsibility (“OPR”) against Plaintiff.

85. On information and belief, these investigations were either initiated, reopened, or ordered to be pushed forward by Plaintiff’s supervisors in retaliation for threatening to file an EEO complaint of gender discrimination.

D. Investigations against Plaintiff

86. On or around August 11, 2009, Defendant either launched or caused to be reopened and investigated at least six different misconduct investigations against Plaintiff.

87. Some of these investigations had been closed prior to this date.

88. On information and belief, these investigations were initiated by the Agency in order to intimidate the Plaintiff and to prevent him from filing any EEO complaints.

89. Each of the investigations were concluded with a finding that they were without merit.

i. Kovacs Investigation

90. One of these investigations, the “Kovacs Investigation,” accused Plaintiff of using government funds to aid in a sexual affair with a subordinate, whom Plaintiff allegedly hired into a position in Washington, D.C. in order to maintain the affair.

91. The allegations underlying the “Kovacs Investigation” were made on May 12, 2008.

92. These allegations were based on a rumor and one out-of-context, unsubstantiated sentence that an ICE employee allegedly overheard in a bathroom that suggested that Kovacs could obtain favors from Plaintiff.

93. The investigation was forwarded to the Office of Professional Responsibility in October of 2008.

94. However, OPR did nothing with the investigation until just after Plaintiff threatened to file a complaint against his supervisors for their discriminatory conduct.

95. On August 11, 2009, OPR investigators began interviewing witnesses concerning the allegations in the Complaint.

96. On information and belief, the investigators deliberately told witnesses that the facts alleged against Hayes were true, and that they were just seeking to confirm these facts.

97. On information and belief, this investigation was intended to smear Plaintiff’s name within the agency in response to his threat to go to the EEO Office by giving official sanction to what had previously been rumors.

98. Plaintiff was contacted by investigators who interviewed him about the allegations in the Complaint.

99. The investigators also contacted other witnesses and potential witnesses who worked with Plaintiff and stated numerous falsehoods that damaged the Plaintiff's reputation.

100. The "Kovacs Investigation" concluded that the allegations made were either "unsubstantiated" or "unfounded."

ii. Wallace Investigation

101. Plaintiff was also investigated during the course of the "Wallace Investigation," in which Plaintiff was alleged to have abused his authority by reassigning another supervisory employee to another position.

102. The allegations underlying the investigation were first reported to the Agency in November of 2007.

103. Between May and October 2008, OPR investigators interviewed witnesses, including Plaintiff, and determined that there had been no misconduct.

104. Despite this, on May 27, 2010, Hayes was interviewed again concerning this allegation in order to "fill in some gaps."

105. On information and belief, this investigation was reopened against Plaintiff in order to harass him and threaten him in retaliation for his prior EEO activity of threatening to file a complaint.

106. This investigation was terminated without a finding of any wrongdoing.

iii. Edwards Investigation

107. Another of these investigations was the "Edwards Investigation" conducted by OPR against Plaintiff.

108. The allegations contained in this complaint related to an alleged act that took place in 2008.

109. The allegations contained in the “Edwards Investigation” was that Plaintiff improperly held up an employee’s transfer in retaliation for that employee’s initiation of an EEO complaint against Plaintiff.

110. In 2008, the Agency’s “fact finder” determined that the allegation was unsubstantiated and referred the file for review and closure; however, the file remained open.

111. On August 11, 2009, just weeks after Plaintiff threatened to file an EEO complaint against the Agency, OPR interviewed ICE Deportation Officer Lloyd Rocha about the complaint.

112. Rocha has been found to be not credible by a federal court.

113. At least one United States Attorney’s Office has barred Rocha from giving any testimony in its cases.

114. The “Edwards Investigation” was continued until May of 2010.

115. The “Edwards Investigation” was conducted by OPR, and was concluded with a finding that the allegations were “unsubstantiated.”

116. On information and belief, this investigation was reopened in order to harass Plaintiff and to spread incorrect information about him in order to damage his credibility.

117. On information and belief, this investigation was reopened by Plaintiff’s supervisors at ICE in retaliation for his prior EEO threat.

iv. San Diego Investigation

118. Another investigation, the “San Diego Investigation,” alleged that Plaintiff defrauded the government and violated federal ethics rules and regulations.

119. The “San Diego Investigation” was initiated on February 18, 2009, and was approved on February 20, 2009.

120. These allegations were made by an anonymous complainant, who stated that Plaintiff had used government funds to travel to San Diego to attend a Padres baseball game.

121. On information and belief, the Office of Professional Responsibility does not investigate claims made by anonymous sources.

122. The anonymous complainant alleged that this incident occurred on September 10, 2008, months before the complaint was lodged with OPR on February 18, 2009.

123. The anonymous complainant also stated that Hayes had accepted tickets as a gift without paying for them.

124. In May 2010, OPR investigated and closed the investigation.

125. The "San Diego Investigation" determined that although Plaintiff was in San Diego around the time alleged in the Complaint, that he was there on official government business.

126. The investigation determined that there were no violations.

127. On information and belief, Plaintiff's supervisors took action to push forward this investigation in retaliation for Plaintiff's prior EEO activity.

v. Acri Investigation

128. The "Acri Investigation" was initiated on August 7, 2008.

129. At the same time, the complainant in that investigation filed other complaints against Plaintiff.

130. The other complaints were investigated and concluded in December of 2009, and dismissed in March of 2010.

131. Nevertheless, OPR initiated a new investigation of the complaints in March of 2010 against Plaintiff, including interviews of witnesses.

132. The investigation revealed that the allegations were unfounded, and the investigation was closed in June of 2010.

133. On information and belief, the OPR investigation was conducted in retaliation for Plaintiff's prior EEO activity.

vi. Rozos investigation

134. Plaintiff was also investigated during the course of the "Rozos Investigation."

135. The complainant in this investigation alleged that Plaintiff had discriminated against him based on age and had committed other acts of official misconduct.

136. The allegations were initially made in October of 2008.

137. However, it was not until March of 2010 that OPR investigated the allegations.

138. This investigation was found to be unfounded as well.

139. On information and belief, this investigation was conducted at the request of Plaintiff's managers in order to smear his name in retaliation for his prior EEO activity.

140. Ultimately, the OPR office completed 911 pages of investigative reports into these allegations which, on their face, had no merit.

141. Each of these investigations revealed no misconduct whatsoever, but they did irreparably damage Plaintiff's reputation within and outside the agency.

E. Notice of Directed Reassignment

142. After these investigations were initiated against the Plaintiff, on or around September 25, 2009, Plaintiff received a Notice of Directed Reassignment to New York.

143. Because of this directed reassignment, Plaintiff was forced to sell his home in Virginia and relocate at a substantial financial loss.

F. Plaintiff discovered the retaliatory acts against him

144. On or about April 20, 2011, Plaintiff learned of the retaliatory acts taken against him.

145. At this time, Plaintiff learned of the extent of the Kovacs investigation through Kovacs.

146. Kovacs discovered the extent and nature of the investigation against Hayes when she was planning her return to the Los Angeles office.

147. Edward Beatty, an ICE employee in Los Angeles, told Kovacs that one of the OPR investigators who interviewed him during the “Kovacs investigation” described the investigation as a “witch hunt” driven by ICE managers targeting Hayes.

148. It became apparent to Plaintiff at this time that the Kovacs investigation, as well as the other investigations against him, were punitive in nature.

149. Based on this information, Plaintiff filed with the EEO office alleging retaliation.

150. On information and belief, these investigations were initiated against Plaintiff based on baseless allegations and with the sole intent to smear Plaintiff.

G. Failure to promote & discovery of relocation bonuses

151. On May 6, 2011, Plaintiff learned he was not going to be offered the Special Agent in Charge position in Los Angeles.

152. This position was instead offered to a lesser qualified, lower graded GS-15 employee whom the agency had pre-selected by offering him the opportunity to perform in the position temporarily for more than 10 months.

153. Furthermore, Plaintiff learned that the Agency offered to this other employee a relocation bonus to defray the costs of moving.

154. Through investigation, Plaintiff learned that the agency offered and gave relocation bonuses to many other SES employees who were given directed reassignments or who sought voluntary reassignment.

155. Even after being selected, some of these employees informed the agency that they could not accept said reassignment without relocation bonuses and were granted such bonuses.

156. At this point, Plaintiff formed a belief that he had been denied relocation bonuses in retaliation for his prior EEO threats and activity.

157. Plaintiff had assumed that the lack of relocation bonus offered to him was due to the change in the administration in 2008 along with recent budget constraints.

158. Plaintiff had no prior knowledge that relocation bonuses were offered and given to other similarly-situated employees prior to this incident.

159. Plaintiff had not been offered such relocation bonuses when he was given his directed reassignment by the agency.

160. Plaintiff requested such relocation bonuses as far back as mid-2009.

161. On information and belief, this failure to provide requested bonuses was in retaliation for Plaintiff's prior threat to file an EEO complaint.

H. Plaintiff filed within the proper timeframes with Agency EEO

162. Plaintiff filed his initial complaint with the ICE Equal Employment Opportunity ("EEO") Office on May 30, 2011.

163. After receiving notice from the EEO Office, Plaintiff filed his formal complaint with the Agency on September 29, 2011.

164. 180 days from that time passed on March 27, 2011.

165. Plaintiff received a notice of acceptance, in part, of his claims for discrimination and retaliation on April 16, 2012.

I. Continued Acts of retaliation

166. On October 28, 2011, Plaintiff's performance evaluation was lowered by Assistant Secretary Morton.

167. On information and belief, Morton lowered Plaintiff's performance evaluation in retaliation for his prior EEO activity.

168. On November 16, 2011, Plaintiff was not selected for a training opportunity at Harvard University, while an employee with lesser relevant experience and lesser responsibilities was selected.

169. This employee did not volunteer for the training; rather, Headquarters directed him to attend because they "did not have any other suitable volunteers" for the training.

170. On information and belief, Defendant selected another employee over Plaintiff for this training in retaliation for his prior EEO complaints.

171. On December 7, 2011, Plaintiff learned that an ICE Headquarters attorney, the same attorney who was assigned to deal with Plaintiff's EEO complaint, instructed an agency attorney based in Newark, New Jersey to decline Plaintiff's request for legal review of a work-related document.

172. On or about February 21, 2012, during a visit to New York, New York, Barr asked Plaintiff if he "liked living in New York", which Plaintiff believed to be, based on prior history, a threat of another directed reassignment.

173. Plaintiff has also discovered that Morton and Barr have further violated his rights by informing a number of other ICE employees about his EEO activity; these employees have shared this information with a great many other ICE employees.

174. Barr has stated that to numerous ICE employees that the agency is "keeping a close eye" on Plaintiff because of his EEO activity.

COUNT I
Retaliation in Violation of Title VII

175. Plaintiff incorporates paragraphs 1 through 174 by reference as if fully reproduced herein.

176. The actions taken against Plaintiff were motivated by the intent to retaliate against him for his prior EEO activity.

177. The actions taken against Plaintiff were motivated, in whole or in part, by the intent to retaliate against him for his prior EEO activity, as related to him by Assistant Secretary for ICE John Morton.

178. Plaintiff was subjected to retaliation for his threats to report his supervisors' conduct to the ICE Equal Employment Opportunity Office.

179. He was further retaliated against for having actually gone to the ICE EEO Office.

180. Plaintiff was retaliated against in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, when he was subjected to a directed transfer from Washington, DC, to New York, NY.

181. Plaintiff was retaliated against in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, when he was denied the position of Special Agent in Charge of ICE in Los Angeles, CA.

182. Plaintiff was retaliated against in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, when Plaintiff was subjected to the numerous investigations intended to tarnish his reputation.

183. Plaintiff was retaliated against in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*, when his performance rating was lowered.

184. Each of the above actions taken against Plaintiff are adverse actions.

185. Plaintiff has exhausted his administrative remedies by filing with the EEO Office of ICE; ICE has yet to complete an investigation of his complaints despite that Plaintiff formally filed in September of 2011. (See Exhibit A attached hereto).

186. These acts of retaliation were in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*

187. Plaintiff has exhausted his administrative remedies.

188. These acts of retaliation were in violation of Title VII of the Civil Rights Act, 42 U.S.C. § 2000e, *et seq.*

RELIEF

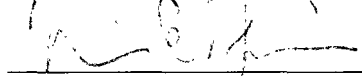
189. WHEREFORE, Plaintiff seeks the following relief:

- a. \$200,000 in compensatory damages for the losses that he suffered due to the discriminatory directed reassignment without the compensation given to other similarly situated employees.
- b. Compensatory damages in the amount of \$135,000 as a result of lost wages due to the discriminatory behavior.
- c. Equitable relief in the form of a directed retirement with front pay to compensate him for the loss of reputation he suffered.
- d. An order directing Defendant to pay reasonable attorney's fees and costs of this litigation
- e. Such other and further relief as the Court may deem just.

REQUEST FOR JURY TRIAL

Plaintiff requests a trial by jury on all matters properly tried to a jury.

Respectfully Submitted,



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Date: 5/19/12