FILED 08 APR 09 10:03 USDC-LAE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	**CRIMINAL DOCKET NO. 08-054**
v.	*	**SECTION: "R" (1)**
ROBERTO HUERTA-BACA **a/k/a Samuel Melendez M.** **a/k/a Samuel Melendez Morales**	* * *	**VIOLATION: 42 U.S.C. § 408(a)(7)(B)**

* * *

FACTUAL BASIS

Should this matter have gone to trial, the government would have proven, through the introduction of competent testimony and admissible tangible exhibits, the following facts, beyond a reasonable doubt, to support the allegations in the indictment now pending against the defendant:

ROBERTO HUERTA-BACA has agreed to plead guilty to the one-count Indictment that charges him with misuse of a Social Security Number in violation of Title 42, United States Code, Section 408(a)(7)(B).

A Special Agent with Immigration and Customs Enforcement (ICE) would testify that on or about February 8, 2008 in the Eastern District of Louisiana, the defendant **HUERTA-BACA,** did for the purpose of obtaining anything of value and for other purposes, knowingly and willfully and with the intent to deceive, did falsely represent that Social Security Account Number XXX-XX-6169 was assigned to him by the Commissioner of Social Security on an application to attend a training with the Greater New Orleans Educational Council, when in fact, as the defendant well knew, said Social Security Account Number XXX-XX-6169, was not assigned by the Commissioner of Social Security to the defendant.

In addition, the agent would testify that the Social Security Number is actually assigned to a real individual and that the Social Security Card that the Defendant possessed was in fact counterfeit. The defendant admits that he purchased the card for the purpose of obtaining employment within the United States absent proper authority. On February 8, 2008, the defendant was arrested by Immigration and Customs Enforcement. He was transferred to ICE Field Office in New Orleans for immigration processing within the Eastern District of Louisiana. Upon questioning the defendant, the ICE special agent determined that the defendant was a citizen of Mexico and present without the permission of the Secretary of Homeland Security or his designee.

An agent with Immigration and Customs Enforcement would testify that the defendant was not lawfully admitted into the United States at any time and that the defendant is actually a resident and a Mexican national. The defendant was transferred into Federal deportation custody on February 8, 2008.

W. SCOTT LARAGY Assistant United States Attorney LA Bar Roll No. 25755	WSL 4/9/08 Date
ROBERTO HUERTA-BACA	4/09/08 Date
SAMUEL SCILLITANI, Assistant Federal Public Defender Attorney for Defendant	4/9/08 Date