

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

PASCAL ABIDOR, <i>et al.</i>)	DECLARATION
)	OF CHARLES
)	ALLEN
v.)	
)	
JANET NAPOLITANO, <i>et al.</i>)	
)	
Defendants.)	Case No. 1:2010cv04059

DECLARATION OF CHARLES ALLEN

1. My name is Charles Allen, and I am a Supervisory Officer with the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP) and am presently assigned to the Port of Champlain, New York. I have been with CBP (and the former U.S. Customs Service) for ten years, first as a Customs Inspector, then as a CBP Officer, and currently as a Supervisory CBP Officer. My primary duties and responsibilities as a Supervisory CBP Officer are supervising CBP officers in all areas of CBP operations, including cargo processing and passenger processing, in addition to handling a variety of administrative matters. The statements made herein are based on my personal knowledge and information obtained in the course of my official duties.

2. This declaration is provided in support of Defendants' motion to dismiss.

3. On December 22, 2010, I was one of the Supervisory CBP Officers on duty at the Port of Champlain for the shift starting at 8:00 a.m. and ending at 4:00 p.m.

4. At approximately 1:26 p.m. on December 26, 2010, Pascal Abidor ("Pascal") and Mitchell Abidor ("Mitchell") presented themselves for admission into the

United States. Mitchell identified himself as Pascal's father. Pascal and Mitchell arrived at the Port of Champlain from Canada in a vehicle driven by Mitchell.

5. During primary inspection, Mitchell stated that he had travelled into Canada to pick up Pascal at McGill University located in Montreal, Quebec, and that they were returning to the United States for the holidays.

6. During primary inspection, the CBP Officer conducting the inspection, CBP Officer David Deans, referred Pascal and Mitchell to secondary inspection.

7. Although CBP Officer Todd Blatchley conducted the various aspects of the secondary inspection, I was the Supervisory CBP Officer that oversaw the inspection of Pascal and Mitchell.

8. As is generally CBP practice with respect to secondary inspections, the inspection of Pascal and Mitchell consisted of routine questioning, examination of identification and travel documents, and a search of the travelers' vehicle.

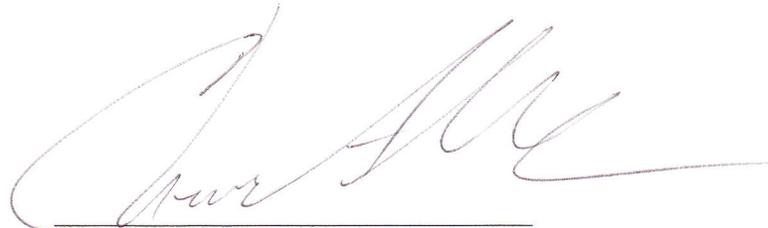
9. It is also generally CBP practice that all electronic devices, including cell phones, are requested of the individuals being inspected at the start of the inspection so that the devices cannot be used during the inspection process. Accordingly, Pascal and Mitchell were asked to produce all electronic devices in their possession at the start of the secondary inspection, and Pascal produced two cell phones.

10. Once Pascal's and Mitchell's identities and lawful admission into the United States were ascertained, their personal property, including the cell phones, were returned to them, and they were released from CBP custody. This release occurred at approximately 2:00 p.m., or roughly 30 minutes from the time that the individuals presented themselves for entry into the United States.

11. At no time during the inspection on December 22, 2010, were the cell phones searched, nor was the information contained in them examined or copied in any manner. Rather, once provided by Pascal to CBP Officer Blatchley, the cell phones were simply placed on the secondary work station out of Pascal's and Mitchell's reach but within their plain view. Once the inspection was completed, the phones were returned to the individuals.

I declare under penalty of perjury that the foregoing is true and correct to the best of my information, knowledge, and belief.

Executed this 25th day of March, 2011.

A handwritten signature in dark ink, appearing to read "Charles Allen", written over a horizontal line.

CHARLES ALLEN

Office of Field Operations
U.S. Customs and Border Protection