

CRIMINAL COMPLAINT
(Submitted electronically)

United States District Court	DISTRICT of ARIZONA
United States of America v. Amber Ortega DOB: 1986; United States Citizen	DOCKET NO.
	MAGISTRATE'S CASE NO. 20-08904MJ

Complaint for violation of 36 CFR 2.32(a)(2) and 36 CFR 1.5(f)

COMPLAINANT'S STATEMENT OF FACTS CONSTITUTING THE OFFENSE OR VIOLATION:

Count 1: On or about September 9, 2020, within the boundaries of Organ Pipe Cactus National Monument, within the District of Arizona, **Amber Ortega** did knowingly violate a lawful order of a government employee or agent authorized to maintain order and control public access and movement during activities where the control of public movement and activities is necessary to maintain order and public safety, that is refusing to leave a closed construction area and construction equipment after orders from Park Rangers, in violation of 36 C.F.R. § 2.32(a)(2).

Count 2: On or about September 9, 2020, within the boundaries of Organ Pipe Cactus National Monument, within the District of Arizona, **Amber Ortega** did knowingly violate a closure, designation, use or activity restriction or condition, or public use limit by entering, in violation of 36 C.F.R. § 1.5

BASIS OF COMPLAINANT'S CHARGE AGAINST THE ACCUSED:

On September 9, 2020, National Park Service (NPS) officers working within the boundaries of Organ Pipe Cactus National Monument near Lukeville, Arizona were advised that construction crew members had reported two individuals sitting on or in construction heavy equipment near Quitobaquito springs. It was reported that these individuals were refusing to leave and preventing construction work from continuing. Rangers and US Border Patrol agents responded to the area where they observed one adult female, later identified as Nellie DAVID, with a bandana covering her face sitting on the bucket of a front-end loader that was parked on the West Border Road. Agents observed another individual with a bandana covering her face, later identified as Amber ORTEGA, standing approximately 30 yards away near the United States/Mexico international boundary. Additionally there were two individuals filming with cameras nearby.

Construction personnel and U.S. Border patrol agents advised that ORTEGA had attempted to lunge in front of a passing water tender truck and that all traffic in the area had to be shut down as a result. Park Rangers approached ORTEGA and made several attempts to talk with her. ORTEGA was asked to leave the area multiple times and was advised that she was in a closed area. Multiple attempts to communicate with ORTEGA were made and she was advised that if she refused to leave the area that she would be placed under arrest.

ORTEGA was placed under arrest, searched and placed into a law enforcement vehicle. ORTEGA would not provide her name and was not in possession of identification so she was transported to the Lukeville Port of Entry where her identity was positively confirmed.

MATERIAL WITNESS(ES) IN RELATION TO THE CHARGE:

DETENTION REQUESTED
COMPLAINT REVIEWED by AUSA Julie Sottosanti *JS*

SIGNATURE OF COMPLAINANT

Being duly sworn, I declare that the foregoing is true and correct to the best of my knowledge.

OFFICIAL TITLE & NAME:
Chief Elizabeth Kaye O'Brien

Sworn to before me and subscribed in my presence.

SIGNATURE OF MAGISTRATE JUDGE

DATE
September 10, 2020

11 See Federal Rules of Criminal Procedure Rules 3, 4.1 and 5.4