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UNARMED MAN SHOT BY ICE OFFICER SEEKS ACCOUNTABILITY AMIDST INCREASED RAIDS IN SANCTUARY CITIES

*With Bullet Still Lodged in his Neck, Erick Diaz Cruz Files Federal
Lawsuit Alleging Violation of His Civil Rights*

NEW YORK – The unarmed man shot in the face by an U.S. Immigration and Customs Enforcement (ICE) officer filed a federal civil rights action today against the officer. The legal filing comes as the Trump administration reportedly is dispatching dozens of immigration officers to aggressively conduct raids in major cities around the country.

Filed in the Eastern District of New York, the lawsuit details the horrifying ordeal of Erick Diaz Cruz, a 26-year-old man from Mexico who was visiting his mother, Carmen, in Brooklyn earlier this month. On the morning of February 6th, Diaz Cruz awoke, heard sounds from the street and left his house to observe two men in plain clothes engaged in a confrontation with his mother’s long-time partner, Gaspar Avendaño-Hernandez.

During the encounter, an ICE agent pulled out his gun and aimed it at Diaz Cruz. Diaz Cruz covered his face with one hand just as the ICE officer fired a gun directly at Diaz Cruz’s face. The bullet pierced Mr. Diaz Cruz’s hand and entered the left side of his face, fracturing multiple bones in his face and hand and lodging in his neck. At the time of the shooting, neither Mr. Diaz Cruz nor anyone at the scene was armed.

“This is not just an attack against me, but also an attack against the entire Latino community in the United States,” said **Erick Diaz Cruz**. “This is the right time for our community to come together to protest against and protect ourselves from ICE’s violence.”

“Along with millions of New Yorkers, we are heartbroken and sickened by ICE’s senseless and unjustified shooting of Erick,” said **Katie Rosenfeld, an attorney at Emery Celli Brinckerhoff & Abady, which represents Erick Diaz Cruz**. “A young, hard-working and law-abiding man was gunned down on the streets of Brooklyn in broad daylight in front of his family, shot in the face at point blank range, by an agent of the United States government. Erick posed no threat to anyone, at any time. Erick’s face is shattered, and he and his family are traumatized. We are a nation of laws, equality and justice; Erick’s case demands that we live up to those values.”

Erick Diaz Cruz lives with his girlfriend in Martinez de la Torre, Veracruz in Mexico, where he has worked for several years as the presiding assistant for his town's mayor. He earned his bachelor's degree in International Commerce and is responsible for keeping records of municipal contracts. Diaz Cruz was in New York to visit his mother and younger brother, both of whom live Gravesend, Brooklyn. After obtaining the proper tourist visas, Diaz Cruz was excited to be visiting his family and introducing them to his girlfriend, who joined him on the trip.

When the ICE officer shot this young and unarmed man, Diaz Cruz collapsed to the sidewalk, bleeding profusely from his face and hand. He has since undergone two surgeries, having suffered acute fractures to many bones in his face and hand. He will require significant and ongoing medical care, and will likely live with a bullet in his neck for the rest of his life. He is currently unable to move his left hand and arm and has vision loss in his left eye that doctors believe may be permanent.

The week after the shooting, the Trump administration announced that it was deploying tactical law enforcement officers in sanctuary cities around the country, including New York. The SWAT-like team of officers will be tasked with arresting immigrants targeted for deportation by an administration that has been openly hostile to local immigrant communities. A former commissioner of the U.S. Customs and Border Patrol [told The New York Times](#) that the deployment is a "significant mistake."

Immigration advocates in New York expressed both support for Diaz Cruz's legal effort and concern about the Administration's actions.

"The life-threatening attack on Erick at the hands of ICE officers is outrageous and a stain on our nation," said **Luis Mancheno, Supervising Attorney in the Immigration Law Unit at The Legal Aid Society, which is representing Erick Diaz Cruz in his immigration matters.** "Under the guise of enforcing our immigration laws, ICE has been given free rein by this Administration to employ any use of force, heedless of the consequences. Our office will continue to zealously represent Erick in his immigration matters as he courageously defends in federal court the rights of all Americans and holds accountable those responsible for this attack."

"What happened to Erick and this family is horrific. We stand with the Diaz Cruz family in demanding justice following the shooting," said **Jackie Pearce, a Raids Response attorney with Make the Road New York, which is representing Gaspar Avendaño-Hernandez.** "We also call for the immediate release of Mr. Avendaño from ICE custody and a full and impartial investigation by New York authorities so that this family and others terrorized by unlawful actions can get the truth. We hope that this lawsuit helps to shed much-needed light on this tragedy."

"Today we as a community demand a clear and immediate response from local leaders and the occupant of the White House to the violence by ICE that happened in our neighborhood and near a school," said **Fabiola Mendieta-Cuapio, Community Organizer and Neighbor of Carmen Cruz.** "Federal agents put our children at risk with the brutality they used against Erick Diaz-Cruz, Gaspar Avendaño and Carmen

Cruz's family. These incidents of terror against our families and immigrant communities must stop.”

Erick Diaz Cruz is represented by Katie Rosenfeld and Scout Katovich of Emery Celli Brinckerhoff & Abady LLP.