

Subject: Formal Grievance and Demand for Independent Oversight Regarding the Killing of Alex Pretti by CBP Officers

To Whom It May Concern,

This letter constitutes a formal grievance regarding the killing of Alex Pretti by officers of U.S. Customs and Border Protection, as documented through investigative reporting by ProPublica.

The officers identified – Jesus Ochoa and Raymundo Gutierrez – possessed extensive tactical and high-risk enforcement training.

These were not inexperienced agents. Their professional backgrounds centered on weapons discipline, escalation control, and lethal-force prevention.

Given that reality, the killing of Alex Pretti cannot reasonably be characterized as an accident or unavoidable split-second misjudgment. Advanced tactical training exists precisely to prevent wrongful lethal force — particularly where no imminent deadly threat exists.

When officers with elite preparation kill civilians, it reflects institutional failure, not individual error.

Constitutional & Legal Violations

Fourth Amendment — Unreasonable Seizure & Excessive Force

Federal officers are constitutionally prohibited from using deadly force unless objectively reasonable under the circumstances.

Key precedent:

Tennessee v. Garner, 471 U.S. 1 (1985) —

Deadly force may not be used unless the suspect poses an immediate threat of serious physical harm.

Graham v. Connor, 490 U.S. 386 (1989) – Use of force must be objectively reasonable under totality of circumstances.

Scott v. Harris, 550 U.S. 372 (2007) – Deadly force must be proportional to imminent danger.

Killing an individual absent imminent lethal threat constitutes unconstitutional seizure.

Fifth Amendment – Deprivation of Life Without Due Process

**Federal actors who employ unjustified lethal force deprive individuals of life without due process of law in violation of:
U.S. Const. amend. V
Federal Civil Rights Statutes**

18 U.S.C. § 242 – Criminal deprivation of rights under color of law

42 U.S.C. § 1983 (Bivens liability principles for federal officers) – Civil liability for constitutional violations

Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971) – Federal officers liable for Fourth Amendment violations

Failure to investigate or prosecute known civil rights violations constitutes institutional abdication of statutory duty.

Oversight Collapse

The absence of meaningful accountability by:

U.S. Department of Justice

Federal Bureau of Investigation

U.S. Department of Homeland Security

demonstrates systemic self-policing failure.

When law-enforcement agencies

investigate themselves after civilian deaths, accountability becomes structurally impossible.

Formal Demands

Immediate independent investigation outside DOJ conflicts of interest

Public release of all body-camera footage, dispatch audio, and use-of-force reports

Referral to independent prosecutors

Congressional hearings on CBP lethal-force practices

Creation of permanent external DHS oversight authority

Where to Send This Grievance (Send Separately)

U.S. Department of Justice – Civil Rights Division

Civil Rights Complaint Portal:

<https://civilrights.justice.gov>

Mail:

U.S. Department of Justice

Civil Rights Division

950 Pennsylvania Avenue, NW

Washington, DC 20530

DHS Office of Inspector General

Online Complaint:

<https://www.oig.dhs.gov/hotline>

Mail:

Department of Homeland Security

Office of Inspector General

245 Murray Lane SW

Washington, DC 20528

Federal Bureau of Investigation – Public

Corruption & Civil Rights

Tips:

<https://tips.fbi.gov>

Mail:

FBI Headquarters

935 Pennsylvania Avenue NW

Washington, DC 20535

House Committee on Homeland Security

<https://homeland.house.gov>

**Senate Committee on Homeland Security
& Governmental Affairs**

<https://www.hsgac.senate.gov>

House Judiciary Committee

<https://judiciary.house.gov>

Senate Judiciary Committee

<https://www.judiciary.senate.gov>

**Department of Homeland Security
Leadership**

<https://www.dhs.gov>

Closing

When officers trained specifically to prevent wrongful lethal force still kill civilians, the issue is institutional design. When oversight bodies repeatedly decline accountability, misconduct becomes policy by practice.

Alex Pretti's death demands independent

**prosecution, transparent investigation,
and structural reform.**

**Anything less signals that federal officers
operate above the law.**

Respectfully,

[Your Name]

[City, State]

[Contact information optional]