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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

BEKER RENGIFO DEL CASTILLO, *Plaintiff*, v. MICHAEL HINGISS, in his individual and official capacity, BRIDGER KELCH, in his individual and official capacity, and CITY OF WHITEFISH, *Defendants*.	Cause No. _____ **COMPLAINT AND REQUEST FOR JURY TRIAL**

INTRODUCTION

1. Beker Rengifo Del Castillo's ("Beker") story shows why untrained municipal police should not masquerade as federal immigration cops. Whitefish Police Officer Michael Hingiss pulled Beker over purportedly for a broken taillight but deferred pursuing any traffic violation in favor of calling Customs and Border Patrol ("CBP"). In Hingiss's own words, he did so because Beker "only speaks Spanish" and thus he thought CBP might want to "check him." Hingiss did so even though Beker had just handed him proof of lawful presence in the form of a REAL ID compliant driver's license.

2. This sort of racial profiling violates the United States Constitution. As a result of Hingiss's illegal conduct, Beker spent almost a week at the Northwest ICE Processing Center ("ICE Center") in Tacoma, Washington—a horrific and traumatic experience. When Hingiss unlawfully detained Beker to conduct an immigration investigation without any objective evidence that Beker was in the United States unlawfully—and despite affirmative evidence of his lawful presence—Hingiss violated Beker's constitutional rights and breached public trust in law enforcement.

PARTIES

3. Beker Enrique Rengifo Del Castillo, is a thirty-three-year-old Venezuelan citizen and a resident of Flathead County, Montana. Beker is lawfully present in the United States and was lawfully present at the time of the April 24, 2025, traffic stop.

4. Michael Hingiss is, and was at all times relevant to this Complaint, a police officer, employed by the City of Whitefish, Montana. On April 24, 2025, Hingiss had been employed by the Whitefish Police Department for less than three years.

5. At all times relevant to this complaint, Hingiss acted under color of state law and in the course and scope of his employment.

6. Bridger Kelch ("Kelch") is, and was at all times relevant to this Complaint, the Chief of Police of the City of Whitefish. Kelch has held that position for less than four years.

7. At all times relevant to this Complaint, Kelch acted under color of state law and in the course and scope of his employment.

8. The City of Whitefish is a municipal corporation and subdivision of the State of Montana, located in Flathead County, Montana.

JURISDICTION AND VENUE

9. Plaintiff brings this action under 42 U.S.C. § 1983 to redress the deprivation, under color of state law, of Beker's rights secured by the United States Constitution. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States.

10. This Court has supplemental jurisdiction over Beker's state law claims pursuant to 28 U.S.C. § 1367.

11. This Court has personal jurisdiction over Defendant Hingiss. Upon information and belief, Defendant Hingiss resides and works in Flathead County, Montana. He is sued in his individual and official capacity.

12. This Court has personal jurisdiction over Defendant Kelch. Upon information and belief, Defendant Kelch resides in and maintains his office in Flathead County, Montana. He is sued in his individual and official capacity.

13. This Court has personal jurisdiction over the City of Whitefish because it is located in Montana and conducts substantial operations

within its geographical boundaries. The City of Whitefish is sued based on its status as a person under 42 U.S.C. § 1983, state law attribution of liability for acts of its employees and agents, and common law theories of respondent superior and vicarious liability.

14. Venue is proper in the Missoula Division of the District of Montana because Flathead County is located in the Missoula Division, and Beker, Hingiss, Kelch, and the City of Whitefish all reside or are located in this Division. 28 U.S.C. § 1391 (b); D. Mont. L.R. 3.2(b).

15. Venue is also proper in the Missoula Division because a substantial part of the events giving rise to these claims occurred in Flathead County, Montana.

FACTS

16. Beker lawfully entered the United States on July 15, 2024, under the Cuba, Haiti, Nicaragua, Venezuela ("CHNV") Parole Program.

17. On July 23, 2024, U.S. Citizenship and Immigration Services approved Beker's application for work authorization, and on August 14, 2024, he was issued a social security number. At the time of the 2025 traffic stop, Beker worked multiple jobs to support himself and to send money back to his family in Venezuela, including his four-year-old child.

18. On April 24, 2025, Beker was working at a job site in the vicinity of Whitefish City Beach.

19. At about 4 P.M., Beker and a coworker left work and walked to their vehicles parked near Edgewood Place.

20. Whitefish Police Officer Michael Hingiss drove by in a Whitefish Police Department vehicle.

21. Beker and his coworker left in separate vehicles, with Beker in front and his coworker following behind.

22. Hingiss pulled his vehicle behind Beker's coworker.

23. Hingiss followed Beker and his coworker for approximately a mile, down Edgewood Place, across the viaduct, down Baker Avenue, and onto East Second Street. Beker and his coworker turned right onto Spokane Avenue, travelling south.

24. Hingiss also turned right and activated his lightbar. Hingiss swung his vehicle into the oncoming northbound traffic lane, accelerated past Beker's coworker and positioned himself directly behind Beker's vehicle.

25. At approximately 4:17 P.M., Hingiss stopped Beker's vehicle purportedly because of a non-functioning passenger side break lamp.

26. Hingiss approached Beker's vehicle and requested Beker's license, registration, and insurance.

27. Beker provided valid registration and proof of insurance for the vehicle. He also provided proof of his lawful presence in the United States in the form of his valid REAL ID compliant driver's license.

28. During this interaction, Hingiss observed that Beker is not white and speaks Spanish.

29. Immediately upon returning to his vehicle with Beker's license, registration, and proof of insurance, Hingiss contacted CBP. He stated "...this is Hingiss with the Whitefish Police Department. Just out with a male that only speaks Spanish, wondering if you want to check him."

30. When he deferred pursuing the traffic stop to initiate an immigration investigation, Hingiss had no objective facts or information indicating Beker had committed a criminal act that subjected him to custodial arrest under Montana or federal law.

31. When he deferred pursuing the traffic stop to initiate an immigration investigation, Hingiss had no objective facts or information indicating that Beker was not present lawfully in the United States.

Because Beker had provided his valid REAL ID compliant driver's license, Hingiss had affirmative evidence that Beker was lawfully present in the United States.

32. When he deferred pursuing the traffic stop to initiate an immigration investigation, Hingiss had no information or facts indicating that Beker had committed a civil violation of federal immigration law.

33. When he deferred pursuing the traffic stop to initiate an immigration investigation, Hingiss had no information or facts indicating that Beker had committed a criminal violation of federal immigration law.

34. The only objective facts available to Hingiss when he deferred pursuing the traffic stop to initiate an immigration investigation were that Beker is not white, speaks Spanish, and had a valid REAL ID compliant driver's license establishing his lawful presence in the United States.

35. Being non-white, speaking Spanish, and providing proof of lawful presence does not justify transforming a traffic stop into an immigration investigation.

36. Hingiss did not contact his supervisor or commanding officer prior to contacting CBP.

37. Over the next three to four minutes, Hingiss sat in his car intermittently talking to CBP.

38. This was enough time for Hingiss to complete a written warning for a broken break lamp.

39. At approximately 4:22 P.M., Hingiss radioed Whitefish Dispatch and asserted he called CBP due to a language barrier.

40. About nine minutes after initiating the stop, Hingiss remained in his vehicle. This was more than enough time for Hingiss to complete a written warning for a broken break lamp.

41. About one minute later—ten minutes after Hingiss had initiated the stop—a CBP agent arrived. Hingiss remained in his vehicle.

42. The CBP agent approached Hingiss, and they discussed Beker being Venezuelan. The CBP agent acknowledged that Beker might have legal status.

43. Hingiss told the CBP agent he was going to give Beker a warning and offered for the CBP agent to "continue" the immigration investigation.

44. Hingiss gave the CBP agent Beker's driver's license.

45. Hingiss exited his vehicle, and he and the CBP agent approached Beker's vehicle.

46. The CBP agent attempted to open Beker's passenger side door.

47. Hingiss informed Beker that he was giving him a warning for a broken taillight, but Beker was unable to leave because Hingiss had given Beker's license to the CBP agent.

48. Hingiss left Beker with CBP.

49. Hingiss did not contact a supervisor or commanding officer to determine whether it was appropriate to arrest Beker.

50. Beker was subsequently transferred to the ICE Center in Tacoma.

51. There was no legal basis for Beker's arrest.

52. And there was no legal basis to transfer Beker to the ICE Center.

53. Beker was detained in the ICE Center, until Wednesday, May 30, 2025.

54. Upon release, Beker had no place to stay and no way to get home. Fortunately, community volunteers provided him with a place to stay and transportation.

55. Beker experienced trauma, stress, anxiety, fear, and confusion from being detained without basis.

56. Because of this incident, Beker is reluctant to leave his home and attempts to avoid all contact with law enforcement, fearing he will again be detained and incarcerated based on discrimination and without cause.

57. Beker quit his jobs to avoid the risk of being racially profiled and incarcerated without basis while driving to and from work.

58. At all times relevant to this complaint, the Whitefish Police Department had a policy regarding "Immigration Violations."

59. Whitefish recognizes that baseless immigration checks undermine law enforcement confidence and violate city policy:

> It is the policy of the Whitefish Police Department that all members make personal and professional commitments to equal enforcement of the law and equal service to the public. Confidence in this commitment will increase the effectiveness of this department in protecting and serving the entire community and recognizing the dignity of all persons, regardless of their national origin or immigration status.

60. The Whitefish Police Department Immigration Violations Policy ("Whitefish Policy") prohibits Whitefish police officers from detaining "any individual, for any length of time, for a civil violation of federal immigration laws or a related civil warrant."

61. The Whitefish Policy further states, "No individual who is otherwise ready to be released should continue to be detained only because questions about the individual's status are unresolved."

62. In the limited circumstances where an officer has probable cause to believe the detained person has "committed a criminal immigration offense," the Whitefish Policy permits a detention for immigration purposes.

63. The Whitefish Policy requires police officers to notify a supervisor when they detain an individual for an immigration violation, and to seek supervisor approval before arresting someone for an alleged immigration offense and before transferring an individual to federal immigration authorities.

64. Whitefish is required to train its officers on "Identifying civil versus criminal immigration violations."

65. Whitefish is required to train its officers on "[f]actors that may be considered in determining whether a criminal immigration offense has been committed."

66. Upon information and belief, Whitefish has no training materials regarding what factors "may be considered in determining whether a criminal immigration offense has been committed."

67. Upon information and belief, the City of Whitefish did not train Hingiss regarding what factors "may be considered in determining whether a criminal immigration offense has been committed."

CLAIMS FOR RELIEF

COUNT I

Unconstitutional Seizure—Fourth Amendment, U.S. Constitution
42 U.S.C. § 1983 (Hingiss in his Individual and Official Capacity)

68. Beker realleges all preceding paragraphs by reference as if fully set forth herein.

69. The Fourth Amendment protects "against unreasonable searches and seizures" by the State. U.S. Const. amend. IV.

70. Hingiss, acting under color of state law and in the course and scope of employment, seized Beker for an apparently routine traffic stop.

71. Hingiss, acting under color of state law and in the course and scope of employment, initiated an additional immigration investigation without reasonable suspicion or probable cause that Beker had committed any immigration violations, civil or criminal.

72. Hingiss's immigration investigation exceeded "the time needed to handle the matter for which the stop was made," in violation of the Fourth Amendment. *Rodriguez v. United States*, 575 U.S. 348, 350–51 (2015).

73. Beker is entitled to damages based on Hingiss's violation of Beker's Fourth Amendment rights.

COUNT II

False Arrest—Fourth Amendment, U.S. Constitution
42 U.S.C. § 1983 (Hingiss in his Individual and Official Capacity)

74. Beker realleges all preceding paragraphs by reference as if fully set forth herein.

75. There was no probable cause to arrest Beker.

76. Beker was arrested and detained without charges or process for almost a week.

77. Hingiss, acting under color of state law, personally participated in Beker's arrest by extending his vehicle stop, calling CBP,

detaining Beker, preventing him from leaving, and transferring him to CBP custody.

78. Beker is entitled to damages based on Hingiss's unconstitutional false arrest.

COUNT III

Equal Protection—Fourteenth Amendment, U.S. Constitution
42 U.S.C. § 1983 (Hingiss in his Individual and Official Capacity)

79. Beker realleges all preceding paragraphs by reference as if fully set forth herein.

80. The Fourteenth Amendment bars states from "deny[ing] to any person within its jurisdiction the equal protection of the laws." U.S. Const. amend. XIV.

81. The Fourteenth Amendment protects against discrimination based on race, ethnicity, and national origin.

82. Hingiss violated Beker's right to Equal Protection by extending his vehicle stop and calling CBP based on Beker's race, ethnicity, spoken language, or national origin.

83. Beker is entitled to damages based on Hingiss's violation of Beker's 14th Amendment rights.

COUNT IV

Failure to Train

42 U.S.C. § 1983 (Kelch in his Individual capacity and City of Whitefish)

84. Beker realleges all preceding paragraphs as if fully set forth herein.

85. Kelch and the City of Whitefish's actions and inaction deprived Beker of his Fourth and Fourteenth Amendment Rights under the United States Constitution.

86. The City of Whitefish and Kelch's training policies were not adequate to prevent violations of law or train its police officers to handle immigration investigations.

87. The City of Whitefish and Kelch were deliberately indifferent to the substantial risk that their policies were inadequate to prevent violations of law, or the known or obvious consequences of their failure to train.

88. The City of Whitefish and Kelch's failure to prevent violations or to provide adequate training caused Hingiss's deprivations of Beker's Fourth and Fourteenth Amendment rights.

89. Beker is entitled to monetary damages for the City of Whitefish's and Kelch's deliberate indifference.

COUNT V

Unconstitutional Seizure—Mont. Const. art. II, § 11
(City of Whitefish)

90. Beker realleges all preceding paragraphs as if fully set forth herein.

91. Article II, § 11 of the Constitution of the State of Montana is self-executing and protects against "unreasonable searches and seizures" by the State. Mont. Const. art. II, § 11; *Dorwart v. Caraway*, 58 P.3d 128, 136 (Mont 2002).

92. Beker has the right to a speedy remedy, including money damages, for violations of his state constitutional rights. *See Dorwart,* 58 P.3d at 140, ¶ 48.

93. Hingiss, acting in the course and scope of employment, unlawfully extended Beker's stop to conduct an immigration investigation without particularized suspicion or probable that Beker had committed any immigration violations, civil or criminal.

94. Beker is entitled to monetary damages for the City of Whitefish's constitutional violations.

COUNT VI

Negligence
(City of Whitefish)

95. Beker realleges all preceding paragraphs as if fully set forth herein.

96. The City of Whitefish owed Beker a duty of reasonable care in its policing activities.

97. The City of Whitefish also owed Beker duties based on standards of care established in City policy.

98. The City of Whitefish breached its duties to Beker.

99. The City of Whitefish breached its duties based on Hingiss's policy violations.

100. The City of Whitefish's breaches injured Beker.

101. Beker is entitled to monetary damages for the City of Whitefish's negligence.

COUNT VII

False Arrest
(City of Whitefish)

102. Beker realleges all preceding paragraphs as if fully set forth herein.

103. Hingiss acted with the purpose to take Beker into the custody of the law.

104. Hingiss acted in his authority as a police officer.

105. Hingiss both actually and constructively detained Beker.

106. Beker was aware that his liberty was constrained.

107. Hingiss did not have probable cause to arrest Beker.

108. Beker is entitled to monetary damages for Hingiss's false arrest.

COUNT VIII

Failure to Train
(City of Whitefish)

109. Beker realleges all preceding paragraphs as if fully set forth herein.

110. The City of Whitefish had a duty to train Hingiss on searches and seizures in the context of immigration investigations.

111. The City of Whitefish did not provide any or adequate training for Hingiss.

112. The City of Whitefish's actions or inactions caused injuries to Beker.

113. Beker was damaged by Whitefish's failure to train.

JURY DEMAND

Plaintiff demands a trial by jury on all issues triable to a jury.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court:

a. Enter judgment for Plaintiff and against Defendants;

b. Enter a declaratory judgment that the City of Whitefish, Chief of Police Kelch, and Hingiss, in their official capacities, violated Beker's rights under both the federal and Montana constitutions;

c. Award actual and general damages in favor of Beker and against Defendants City of Whitefish, in an amount to be determined at trial;

d. Award actual and general damages in favor of Plaintiff and against Hingiss and Kelch, in their individual capacities, in an amount to be determined at trial;

e. Award punitive damages in favor of Plaintiff and against Defendants Hingiss and Kelch; and

f. Award Plaintiff his costs, disbursements, and reasonable attorneys' fees incurred in bringing this action, pursuant to 42 U.S.C. § 1988; and

g. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted this 11th day of August, 2025.

/s/ *Andres Haladay*
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