

DV-100

Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

ELECTRONICALLY FILED
8/14/2024 10:55 AM
Superior Court of California
County of Mendocino

By: Shanae Thibeau
Shanae Thibeau
Deputy Clerk

Instructions

To ask for a domestic violence restraining order, you will need to complete this form and other forms (see page 12 for list of forms). If this case includes sensitive information about a minor child (under 18 years old), see form DV-160-INFO, Privacy Protection For a Minor (Person Under 18 Years Old) Domestic Violence Prevention for more information on how to protect the child's information.

Fill in court name and street address:

Superior Court of California, County of Mendocino
100 North State Street
Ukiah, CA 95482
Ukiah Branch

Court fills in case number when form is filed.

Case Number:
23FL00613

1 Person Asking for Protection

a. Your name: Mylea Evelyn Login

b. Your age: 28

c. Address where you can receive court papers

(This address will be used by the court and by the person in 2 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: 111 West Saint John Street, Ste 700

City: San Jose State: CA Zip: 95113

d. Your contact information (optional)

(The court could use this information to contact you. If you don't want the person in 2 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

Telephone: (408) 280-1220 Fax:

Email Address: bjfadem@fademlaw.com /erika@fademlaw.com

e. Your lawyer's information (if you have one)

Name: B J Fadem, Esq./Erika Lee State Bar No.: 118819/332907

Firm Name: Law Offices of B J Fadem & Associates, APC

2 Person You Want Protection From

a. Full Name: Carlos Alberto Esparza De La Torre

b. Age (give estimate if you do not know exact age): 27

c. Date of birth (if known): 8/8/1997

d. Gender: [X] M [] F [] Nonbinary

e. Race: Hispanic

This is not a Court Order.



3 Your Relationship to the Person in 2

(If you do not have one of these relationships with the person in 2, do not complete the rest of this form. You may be eligible for another type of restraining order. Learn more at <https://selfhelp.courts.ca.gov/restraining-orders>.)

(Check all that apply)

- a. We have a child or children together (names of children): Ileana Sophia Esparza Login
- b. We are married or registered domestic partners.
- c. We used to be married or registered domestic partners.
- d. We are dating or used to date.
- e. We are or used to be engaged to be married.
- f. We are related. The person in 2 is my (check all that apply):
 - Parent, stepparent, or parent-in-law
 - Brother, sister, sibling, step-sibling, or sibling in-law
 - Child, stepchild, or legally adopted child
 - Grandparent, step-grandparent, or grandparent-in-law
 - Child's spouse
 - Grandchild, step-grandchild, or grandchild-in-law
- g. We live together or used to live together. (If checked, answer question below):

Have you lived together with the person in 2 as a family or household (more than just roommates)?

 Yes No (If no, you do not qualify for this kind of restraining order unless you checked one of the other relationships listed above.)

4 Other Restraining Orders and Court Cases

- a. Are there any restraining orders currently in place or that have expired in the last six months (examples: Did the police give you a restraining order that lasts a few days? Do you have one from the criminal court?)
 - No
 - Yes (If yes, give information below and attach a copy if you have one.)
 - (1) (date of order): _____ (date it expires): _____
 - (2) (date of order): _____ (date it expires): _____
- b. Are you involved in any other court case with the person in 2?
 - No
 - Yes (If you know, list where the case was filed (city, state, or tribe), the year it was filed, and case number.)
 - Custody Mexico order (disputed)
 - Divorce _____
 - Juvenile (child welfare or juvenile justice): _____
 - Criminal _____
 - Guardianship _____
 - Other (what kind of case?): Northern District of California; 2024; 3:24-cv-03797-WHO

This is not a Court Order.

Describe Abuse

In this section, explain how the person in (2) has been abusive. The judge will use this information to decide your request. Listed below are some examples of what "abuse" means under the law. **It is not a complete list** of all examples of abuse. Give information on any incident that you believe was abusive.

- made repeated unwanted contact with you
- tracked, controlled, or blocked your movements
- kept you from getting food or basic needs
- isolated you from friends, family, or other support
- made threats based on actual or suspected immigration status
- made you do something by force, threat, or intimidation
- stopped you from accessing or earning money
- tried to control/interfere with your contraception, birth control, pregnancy, or access to health information
- harassed you
- hit, kicked, pushed, or bit you
- injured you or tried to
- threatened to hurt or kill you
- sexually abused you
- abused a pet or animal
- destroyed your property
- choked or strangled you
- abused your children

5 Most recent abuse

- a. Date of abuse (give an estimate if you don't know the exact date): December 2019 - August 2023
- b. Did anyone else hear or see what happened on this day?
 I don't know No Yes (If yes, give names): _____
- c. Did the person in (2) use or threaten to use a gun or other weapon?
 No Yes (If yes, describe gun or weapon): _____
- d. Did the person in (2) cause you any emotional or physical harm?
 No Yes (If yes, describe harm):
Please see the Declaration of Mylea Login attached hereto
- e. Did the police come? I don't know No Yes (If the police gave you a restraining order, list it in (4).)
- f. Give more details about how the person in (2) was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.
Please see the Declaration of Mylea Login attached hereto

- g. How often has the person in (2) abused you like this?
 Just this once 2-5 times Weekly Other: _____
 Give dates or estimates of when it happened, if known:
Please see the Declaration of Mylea Login attached hereto

This is not a Court Order.



6 Has the person in 2 abused you in a different way from the abuse you described in 5?

If yes, describe below.

a. Date of abuse (give an estimate if you don't know the exact date): December 2019 - August 2023

b. Did anyone else hear or see what happened on this day?

I don't know No Yes (If yes, give names):

c. Did the person in 2 use or threaten to use a gun or other weapon?

No Yes (If yes, describe gun or weapon): hand guns & assault guns

d. Did the person in 2 cause you any emotional or physical harm?

No Yes (If yes, describe harm): Please see the Declaration of Mylea Login attached hereto

e. Did the police come? I don't know No Yes (If the police gave you a restraining order, list it in 4.)

f. Give more details about how the person in 2 was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc. Please see the Declaration of Mylea Login attached hereto

Blank lines for providing details about the abuse.

g. How often has the person in 2 abused you like this?

Just this once 2-5 times Weekly Other:

Give dates or estimates of when it happened, if known:

Please see the Declaration of Mylea Login attached hereto

Blank line for providing dates or estimates of when it happened.

This is not a Court Order.



7 Is there other abuse by the person in **2** that you want the judge to know about?
If yes, describe below.

a. Date of abuse (give an estimate if you don't know the exact date): December 2019 - August 2023

b. Did anyone else hear or see what happened on this day?

I don't know No Yes (If yes, give names): _____

c. Did the person in **2** use or threaten to use a gun or other weapon?

No Yes (If yes, describe gun or weapon): _____

d. Did the person in **2** cause you any emotional or physical harm?

No Yes (If yes, describe harm):
Please see the Declaration of Mylea Login attached hereto

e. Did the police come? I don't know No Yes (If the police gave you a restraining order, list it in **4**.)

f. Give more details about how the person in **2** was abusive on this day. Details can include what was said, done, or sent to you (examples: text messages, emails, or pictures), how often something happened, etc.
Please see the Declaration of Mylea Login attached hereto

g. How often has the person in **2** abused you like this?

Just this once 2-5 times Weekly Other: _____

Give dates or estimates of when it happened, if known:

Please see the Declaration of Mylea Login attached hereto

Check this box if you need more space to describe the abuse. You can use form DV-101, *Description of Abuse*, and turn it in with this form. You can also use a separate sheet of paper, write "Describe Abuse" abuse at the top, and turn it in with this form.

This is not a Court Order.



8 Other Protected People

Do you want the restraining order to protect your children, family, or someone you live with?

- a. No
- b. Yes (If yes, complete the section below):

(1) Full name	Age	Relationship to you	Lives with you?
Ileana Sophia Esparza Login	5	Child	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No

Check this box if you need to list more people. Use a separate piece of paper and write "DV-100, Other Protected People" at the top. Turn it in with this form.

(2) Why do these people need protection?

Please see the Declaration of Mylea Login attached hereto

9 Does Person in 2 Have Firearms (Guns), Firearm Parts, or Ammunition?

(A firearm includes a handgun, rifle, shotgun, and assault weapon. A firearm part means a receiver or frame or any item that may be used as or easily turned into a receiver or frame. Ammunition includes bullets, shells, cartridges, and clips.)

- a. I don't know
- b. No
- c. Yes (If you have information, complete the section below.)

Describe Firearms (Guns), Firearm Parts, or Ammunition	Number or Amount	Location, if known
(1) Multiple firearms and ammunition	unknown	Nayarit, Mexico
(2) _____	_____	_____
(3) _____	_____	_____
(4) _____	_____	_____
(5) _____	_____	_____
(6) _____	_____	_____

This is not a Court Order.



Choose the Orders That You Want a Judge to Make

In this section, you will choose the orders you want a judge to make now. Every situation is different.
Choose the orders that fit your situation.

Check all the orders that you want a judge to make (order).

10 **Order to Not Abuse**

I ask the judge to order the person in (2) to not do the following things to me or anyone listed in (8):

Harass, attack, strike, threaten, assault (sexually or otherwise), hit, follow, stalk, molest, destroy personal property, keep under surveillance, impersonate (on the internet, electronically, or otherwise), block movements, annoy by phone or other electronic means (including repeatedly contact), or disturb the peace. (For more information on what "disturbing the peace" means, read form DV-500-INFO, Can A Domestic Violence Restraining Order Help Me?)

11 **No-Contact Order**

I ask the judge to order the person in (2) to not contact me or anyone listed in (8).

12 **Stay-Away Order**

a. I ask the judge to order the person in (2) to stay away from:

(Check all that apply)

Me.

My vehicle.

My children's school or childcare.

My home.

My school.

Other (please explain): _____

My job or workplace.

Each person in (8). _____

b. How far do you want the person to stay away from all the places you checked above?

100 yards (300 feet) Other (give distance in yards): _____

c. Do you and the person in (2) live together or live close to each other?

No

Yes (If yes, check one):

Live together (If you live together, you can ask that the person in (2) move out in (13).)

Live in the same building, but not in the same home

Live in the same neighborhood

Other (please explain): _____

d. Do you and the person in (2) have the same workplace or go to the same school?

No

Yes (If yes, check all that apply):

Work together at (name of company): _____

Go to the same school (name of school): _____

Other (please explain): _____

This is not a Court Order.

13 **Order to Move Out**

a. I ask the judge to order the person in (2) to move out of the home, located at:

(Give address): _____

b. I have a right to live at this address because:

(Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> I own the home. | <input type="checkbox"/> I have lived at this address for _____ years, _____ months. |
| <input type="checkbox"/> My name is on the lease. | <input type="checkbox"/> I pay for some or all the rent or mortgage. |
| <input type="checkbox"/> I live at this address with my child(ren). | <input type="checkbox"/> Other (please explain): _____ |

14 **Other Orders**

(Describe any additional orders you want the judge to make to keep you, your children, or the people in (8) safe.):

15 **Child Custody and Visitation**

Check this box if you have a child with the person in (2) and want the judge to make or change a child custody or visitation order. **You must fill out form DV-105, Request for Child Custody and Visitation Orders, and attach it to this form.**

Orders that you can request on form DV-105 include:

- Child custody
- Stop person in (2) from accessing your child's school or medical information
- No visits with your children
- Supervised (monitored) visits with your children
- Unsupervised (unmonitored) visits with your children

This is not a Court Order.

16 **Protect Animals**

a. (You may ask the court to protect your animals, your children’s animals, or the person in ②’s animals.)

Name (or other way to ID animal)	Type of animal	Breed (if known)	Color
(1) _____	_____	_____	_____
(2) _____	_____	_____	_____
(3) _____	_____	_____	_____
(4) _____	_____	_____	_____

b. I ask the judge to protect the animals listed above by ordering the person in ② to:

(Check all that apply)

- (1) Stay away from the animals by at least: 100 yards (300 feet) Other (number of yards): _____
- (2) Not take, sell, hide, molest, attack, strike, threaten, harm, get rid of, transfer, or borrow against the animals.
- (3) Give me sole possession, care, and control of the animals because (check all that apply):
 - Person in ② abuses the animals. I take care of these animals.
 - I purchased these animals. Other (please explain): _____

17 **Control of Property**

a. I ask the judge to give **only me** temporary use, possession, and control of the property listed here (describe):

b. Explain why you want control of the property you listed:

18 **Health and Other Insurance**

I ask the judge to order the person in ② to **not** make any changes to any insurance or other coverage for me, the person in ②, or our children, including not being allowed to cancel, cash, borrow against, transfer, dispose of, or change the beneficiaries for the insurance.

19 **Record Communications**

I ask the judge to allow me to record calls or communications the person in ② makes to me, when those calls or communications violate this restraining order.

This is not a Court Order.



20 **Property Restraint** (only if you are married or a registered domestic partner with the person in ②.)

I ask the judge to order the person in ② **not to** borrow against, sell, hide, or get rid of or destroy any possessions or property, except in the usual course of business or for necessities of life. I also ask the judge to order the person in ② to notify me of any new or big expenses and to explain them to the court.

21 **Extend My Deadline to Give Notice to Person in ②**

(Usually, the judge will give you about two weeks to give notice, or to "serve" the person in ② of your request. If you need more time to serve, the judge may be able to give you a few extra days.)

I ask the judge to give me more time to serve the person in ② because (explain why you need more time):

22 **Pay Debts (Bills) Owed for Property**

(If you want the person in ② to pay any debts owed for property, list them and explain why. The amount can be for the entire bill or only a portion. Some examples include rent, mortgage, car payment, etc.)

a. I ask the judge to order the person in ② to make these payments while the restraining order is in effect:

(1) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

(2) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

(3) Pay to: _____ For: _____ Amount: \$ _____ Due date: _____

Explain why you want the person in ② to pay the debts listed above:

b. **Special decision (finding) by the judge if you did not agree to the debt** (optional)

(If you did not agree to the debt or debts listed above, you can ask the judge to decide (find) that one or more debts was made without your permission and resulted from the person in ②'s abuse. This may help you defend against the debt if you are sued in another case.)

Do you want the judge to make this special decision (finding)?

No Yes (If yes, answer the questions below.)

(1) Which of the debts listed above resulted from the abuse? (check all that apply):

a(1) a(2) a(3)

(2) Do you know how the person in ② made the debt or debts?

No Yes

(If yes, explain how the person in ② made the debt or debts):

This is not a Court Order.

Orders That You Want a Judge to Make at Your Court Date

Below is a list of orders that a judge cannot make right away but can make at your court date in a few weeks. The person in (2) must be notified of your court date before the judge can consider making any of the orders listed below. Check all the orders that you want the judge to make at your court date.

23 **Pay Expenses Caused by the Abuse**

I ask the judge to order the person in (2) to pay for things **caused directly** by the person in (2) (damaged property, medical care, counseling, temporary housing, etc.). Bring proof of these amounts to your court date.

Pay to: _____ For: _____ Amount: \$ _____

Pay to: _____ For: _____ Amount: \$ _____

24 **Child Support** (this only applies if you have a minor child with the person in (2))

(Check all that apply)

- a. I do not have a child support order and I want one.
- b. I have a child support order and I want it changed (attach a copy if you have one).
- c. I now receive or have applied for TANF, Welfare, or CalWORKS.

25 **Spousal Support** (this only applies if you are married or a registered domestic partner with person in (2))

I ask the judge to order the person in (2) to give me financial assistance.

26 **Lawyer's Fees and Costs**

I ask that the person in (2) pay for some or all of my lawyer's fees and costs. (If you ask for fees and costs and the court grants your restraining order, the court must award you fees and costs if the respondent can afford to pay.)

27 **Batterer Intervention Program**

I ask the judge to order the person listed in (2) to go to a 52-week batterer intervention program. (The goal of this program is to stop abuse. There are weekly classes on accountability, abuse effects, and gender roles. If ordered, the person in (2) has to show the judge that they enrolled and completed the program.)

28 **Transfer of Wireless Phone Account**

(If the person in (2) holds the rights to your cell phone account, you can ask the judge to transfer your number or your child's number to you. This means you will be financially responsible for these accounts. If you want to have control over a mobile device, like a cell phone, make this request at (17).)

I ask the judge to order the wireless service provider to transfer the billing responsibility and rights to the wireless phone numbers listed below to me because the account currently belongs to the person in (2):

- a. My number Number of child in my care (including area code): _____
- b. My number Number of child in my care (including area code): _____

This is not a Court Order.

Automatic Orders if the Judge Grants Restraining Order

29 No Firearms (Guns), Firearm Parts, or Ammunition

If the judge grants you a restraining order, the person in (2) must turn in, sell, or store any firearms (guns), firearm parts, or ammunition that they have or control. The person in (2) would also be prohibited from buying firearms (guns), firearm parts, and ammunition.

30 Cannot Look for Protected People

If the judge grants you a restraining order, the person in (2) will not be allowed to look for the address or location of any person protected by the restraining order, unless the court finds good cause not to make this order.

31 Additional pages

If you used additional paper or forms, enter the number of extra pages attached to this form: 15

32 Your signature

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: Aug 14, 2024

Mylea Evelyn Login
Type or print your name


boxSIGN 1R79V7JZ-4VZ5QYK

Sign your name

33 Your lawyer's signature (if you have one)

Date: Aug 14, 2024

Erika Lee, Esq.
Lawyer's name


boxSIGN 42K7QQKX-19V1P2R6

Lawyer's signature

Your Next Steps

1 You must complete at least three additional forms:

- Form DV-110, *Temporary Restraining Order (only items 1, 2 and 3)*
- Form DV-109, *Notice of Court Hearing (only items 1 and 2)*
- Form CLETS-001, *Confidential CLETS Information*
- **If you are asking for child custody and visitation orders, you must complete form DV-105, *Request for Child Custody and Visitation Orders*, and form DV-140, *Child Custody and Visitation Order*.**

2 Turn in your completed forms to the court. Find out when your forms will be ready for you.

3 Once you get your forms back from the court, have someone "serve" a copy of all forms on the person in (2). The sheriff or marshal can do this for free. See form SER-001, *Request for Sheriff to Serve Court Papers*. Learn more about service at <https://selfhelp.courts.ca.gov/sheriff-serves-your-request-restraining-order>.

4 If you are asking for child support or spousal support you must also complete form FL-150, *Income and Expense Declaration*. If you are only asking for child support, you may be eligible to fill out a simpler form, FL-155. Read form DV-570 to see if you are eligible. Turn in your completed form to the court before your court date. You must also have someone mail or personally deliver a copy to the person in (2).

This is not a Court Order.

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7 **Attorneys for Petitioner,**
8 **MYLEA LOGIN**

9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF MENDOCINO

11 MYLEA LOGIN,
12 Petitioner,
13 vs.
14 CARLOS ALBERTO ESPARZA DE
15 LA TORRE,
Respondent.

Case No.: 23FL00613

**RESPONDENT'S DECLARATION IN SUPPORT
OF HER AMENDED REQUEST FOR
DOMESTIC VIOLENCE RESTRAINING
ORDER**

16
17 I, MYLEA LOGIN, hereby declare and state as follows:

- 18 1. Except as otherwise indicated, the facts stated herein are within my personal knowledge
19 and I further affirmatively declare that, if sworn as a witness, I could and would
20 competently testify thereto. As to other facts, I am informed and believe them to be true.
21 2. I make this declaration in support of my Amended Request for Domestic Violence
22 Restraining Order, filed concurrently herewith.
23
24

1 3. Respondent, CARLOS ALBERTO ESPARZA DE LA TORRE (hereinafter “Carlos”),
2 and I are the parents to one minor child, ILEANA SOPHIA ESPARZA LOGIN
3 (hereinafter “Ileana”)(DOB: 8/16/2018; age: 5). Carlos and I were romantic partners for
4 several years leading up to and following the birth of Ileana, however we never married.
5 Our relationship ended in December 2021.

6 4. Throughout the duration of our relationship, Carlos was mentally, emotionally, and
7 physically abusive towards me. After ending our relationship, Carlos continued to abuse
8 me and Ileana by exploiting our co-parenting relationship and controlling the custody and
9 care of Ileana through threats of violence, unfounded degradation of my abilities as a
10 mother, and the unilateral withholding Ileana resulting in her severe separation anxiety
11 from me.

12 5. Because of the continued abuse and coercive control, I fled Mexico with Ileana to seek
13 refuge with family in the United States on August 10, 2023.

14 6. Immediately upon my arrival into the United States, on August 15, 2023, I filed a
15 Request for Domestic Violence Restraining Order. On August 16, 2024, the Court took
16 emergency jurisdiction and issued a Temporary Restraining Order protecting Ileana and
17 me from Carlos.

18 **Violations of Temporary Restraining Order**

19 7. Since the issuance of the Temporary Restraining Order, Carlos has utilized multiple
20 avenues, whether through third parties or himself, to further harass and attempt to control
21 me and Ileana in direct violation of the temporary orders.

22 8. As a protected party to the Temporary Restraining Order, I was granted sole legal and
23 sole physical custody of Ileana and Carlos was denied visitation pending hearing.

1 Nevertheless, Carlos admittedly continued to make attempts to contact me despite his cell
2 phone number being blocked and being aware that the Temporary Restraining Order was
3 in place.

4 9. Further, on June 25, 2024, Carlos and his counsel filed a Hague Petition in the Northern
5 District of California and a Request for a *No Notice* TRO, requesting that Ileana be
6 immediately placed in Carlos's care with the assistance of the U.S. Marshall. The federal
7 court denied Carlos's request, ultimately, but prior to this request being denied, the
8 federal court ordered Carlos to Show Cause as to why jurisdiction was proper in the
9 Northern District of California.

10 10. In response to the Order to Show Cause, Carlos' counsel filed a declaration to provide the
11 federal court with additional information as to why jurisdiction lied in the Northern
12 District of California. In support, Carlos' counsel included my declaration, filed on
13 August 16, 2023, where I clarify that I live in Mendocino County but use a different
14 mailing address in Chico for my safety as my address my protected under the DVTRO.

15 11. **Carlos engaged the assistance of a third party to physically locate me in violation of**
16 **the temporary restraining order:** Carlos used his counsel to ascertain my confidential,
17 protected address. Carlos's counsel stated that she used LexisNexis, an attorney-only
18 tool, to proactively search for my protected residential address to confirm my
19 whereabouts. Going one step further, Carlos' counsel verified this address using a
20 "process server." Carlos' counsel attached the LexisNexis report with my protected
21 residential address to her declaration which now sits in the public record.

22 12. Terrified that my protected address had been discovered and disclosed, I spent the
23 weekend at a friend's apartment to ensure the safety of Ileana and myself and called the
24

1 police to let them know of the violation and my fear. Throughout the weekend, I received
2 several notifications through my Ring doorbell that an unknown person was outside the
3 door of my apartment multiple times, both during the day and at night.

4 13. To add to my fear, I have also noticed a black Acura SUV parked outside my workplace
5 on several occasions during the summer, which is a school. The driver was a man with
6 sunglasses and a baseball cap and was sitting in the vehicle with his visor down. On one
7 of the occasions, I noticed him staring at me when I was leaving a classroom.

8 14. Carlos and his counsel have violated the Temporary Restraining Order. Carlos has used a
9 third party, his attorney, to search for, obtain, and verify my protected residential address
10 under the Temporary Restraining Order. Carlos's conduct, by way of his counsel, has
11 caused me severe emotional distress and leads me to question the security of my housing
12 as Carlos continues to make in-person appearances for the ongoing litigation in
13 California.

14 15. Carlos' complete disregard for the order in California, paired with his abuse, violence,
15 ownership, and access to firearms leaves me in constant fear for my life.

16 **Physical and Sexual Violence**

17 15. On August 15, 2023, I submitted a declaration to this Court in support of my Request for
18 Domestic Violence Restraining Order which outlined various acts of abuse committed by
19 Carlos against Ileana and me. As outlined below, the scope and methods of Carlos' abuse
20 spanned years, both during our relationship and post-breakup as we attempted to co-
21 parent with one another:

22 16. During our relationship, Carlos physically and sexually assaulted me. The sexual assault
23 worsened after the birth of Ileana. Carlos would often force himself on me and physically
24

1 restrain me, despite my clear lack of consent and express objections. This sexual and
2 physical violence, coupled with his coercive control and his family’s influence and
3 control, continues to instill a deep sense of fear for my safety.

4 17. *December 2019* – In December 2019, after a wedding for one of Carlos’ friends in San
5 Juan, I asked Carlos to pick-up Ileana from his mother’s residence on the way home.
6 Instead, he ignored my requests and sped home. Upon arriving home, Carlos pushed me
7 onto the bed, forced himself on top of me and proceeded to rape me. I felt numb and
8 determined it was best not to fight him off.

9 18. *August 2020* – In August 2020, Carlos and I traveled to Mazatlán with friends and his
10 sister to celebrate his birthday. One night, after returning to the Airbnb, Carlos grabbed
11 my arm and began kissing my neck. I told him to stop because I was not feeling well
12 from the long day of excursions and drinking. Ignoring my pleas, Carlos threw me onto
13 the bed, undressed himself, and proceeded to rape me. I felt no control over myself, my
14 life, and my body.

15 19. *November 1, 2020* – On November 1, 2020, I spent the day at a resort with my aunt.
16 Unfortunately, during our outing, Ileana fell and scraped her forehead. Upon seeing
17 Ileana’s injury, Carlos immediately began questioning me aggressively and degrading my
18 ability as a parent saying, “are you that stupid that you can’t take care of our daughter?
19 You must have been talking to someone else and weren’t paying attention.” Despite
20 explaining the accidental nature of the injury countless times, Carlos would not accept it.
21 As the tension continued to escalate, I attempted to remove Ileana from the situation by
22 walking toward the bedroom, but Carlos blocked my path, firmly grabbing my arm and
23 refusing to let me leave. Ileana, frightened by the situation, began crying. Desperate to
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1 calm Ileana down and protect her, I begged Carlos to release me and allow me to take
2 Ileana to the bedroom. Reluctantly, Carlos let go of my arm, but as he did so, he pushed
3 me away forcefully which caused me to trip and collide with the television.

4 20. *February 12, 2021* – On February 12, 2021, I suggested to Carlos that I return to
5 California. In response, Carlos erupted in violence, grabbing my shoulders and forcefully
6 pinning me against the wall. In doing so, he said, “if you think you’re ever leaving with
7 my child, you’re insane. She will stay here and if you make it out alive you can go
8 alone.” Fearing for my life, I confided in my aunt, Shay Haverty, the following morning.

9 21. *May 2021* – In May 2021, upon returning from the gym, Carlos confronted me saying,
10 “who are you seeing when you go to the ‘gym’?” I dismissed his accusations and
11 proceeded towards the back bedroom in an attempt to avoid additional conflict, however
12 Carlos blocked my path by forcefully grabbing my wrists, preventing me from moving
13 past him. Carlos said, “if I find out you’re seeing someone else, I’ll make sure you never
14 see your daughter again.”

15 22. *August 2021* – In August 2021, Carlos proposed to me during a dinner at a public
16 restaurant. Fearful of retribution, I accepted his proposal. After leaving the restaurant and
17 arriving back to the hotel room, Carlos confronted me about my lack of enthusiasm for
18 the proposal. I explained that marriage would not solve the underlying issues in our
19 relationship. Carlos reacted violently, throwing me onto the bed and forcefully pinning
20 me down. Despite my protests and tears, Carlos proceeded to rape me.

21 23. *November 2021* – In November 2021, I received a call from a male friend from
22 California. I immediately became frightened of Carlos’ reaction. When Carlos demanded
23 to know who was calling, I hesitated, fearing his anger and abuse. Despite my attempts to
24

1 avoid confrontation, Carlos persisted, demanding I call the friend back while attempting
2 to forcibly take my phone away from me. Refusing to comply, I tried to retreat to the
3 bedroom to avoid further escalation, however Carlos grabbed my wrist. Carlos' grip was
4 tight, painful and prevented my escape despite my cries for him to stop. The following
5 morning, while Carlos was at work, I fled to Puerto Vallarta with my uncle's ex-wife,
6 Marisela. Still, Carlos called me, demanding I return home under threat of violence
7 saying, "if you don't come home, I will find you and it will not be pretty."

8 **Threats & Control during our relationship**

9 24. During our relationship, Carlos often threatened me and instilled deep fear within me by
10 brandishing firearms and reminding me that he had firearms. These threats and his
11 control came to light after Ileana was born.

12 25. When I became pregnant with Ileana, I worked in sales for an international company
13 called Vidanta. I was put on bed rest during my pregnancy and had to quit my job.
14 Originally when I left my job, I told Carlos that I wanted to go back to work after giving
15 birth to Ileana and when I was cleared to do so. Carlos had agreed at that time, but once
16 Ileana was born, his behavior and opinion on the matter drastically changed. He told me I
17 was not permitted to go back to work and had to stay home to care for Ileana. He told me
18 that, when the time came, I would help him and his family work at the restaurant. I had
19 no financial freedom and became entirely dependent on him financially. This made things
20 even more difficult for me when Carlos and I broke up since I had not worked for some
21 time and was not allowed to do so.

22 26. *December 29, 2019* – On December 29, 2019, Carlos came home while Ileana and I were
23 in bed watching television. As he walked into the room, Carlos pulled out a handgun and
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1 proceeded to put the gun near Ileana and take pictures. Despite my pleas for him to stop,
2 he disregarded my concerns and the danger of the situation.

3 27. *March 24, 2020* – On March 24, 2020, I was in the bedroom with Ileana while chatting
4 with my friend Gaby on the phone. Upon entering the bedroom, Carlos questioned me
5 about who I was speaking with and refused to believe me when I explained I was
6 speaking with Gaby. Carlos went into the closet and retrieved a gun, which he stuck in
7 Ileana’s diaper. Paired with Carlos’ aggression towards me, this action served as a
8 reminder of the presence of firearms in the home which instilled a baseline sense of fear
9 in me for both me and Ileana.

10 28. *June 2020* – In June 2020, Carlos had video cameras installed throughout our home.
11 Once, while chatting in the living room with my friend Gaby, I received a call from
12 Carlos who warned, “be careful what you talk about with your friend.” Confused by his
13 warning, it dawned on me that one of the cameras he installed in the house was capable
14 of recording audio as well. It became clear that Carlos was monitoring me. Knowing that
15 my conversations were being monitored, I felt restricted and insecure in my own home,
16 unable to speak freely with friends without fear of surveillance. Carlos’ increasing
17 control made me apprehensive about being in the house and afraid for my own security
18 and safety.

19 29. *October 5, 2020* – On October 5, 2020, Carlos arrived home from work, finding Ileana
20 and me in her bedroom. Ileana was in her diaper because she had just taken a bath and I
21 was getting her ready for bed. Carlos pulled out his gun and tucked it into Ileana’s diaper.
22 He thought this was funny, but it instilled a deep sense of fear in me for mine and
23 Ileana’s safety. Carlos completely disregarded Ileana’s safety and this reckless use of
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1 firearms was a pattern of Carlos'. It was also Carlos' message to me that he was
2 extremely powerful and had firearms at his disposal.

3 30. *January 14, 2021* – On January 14, 2021, after returning from a birthday party in San
4 Juan, Carlos was visibly intoxicated and in a bad mood. When walking into the house,
5 Carlos brought his gun inside and purposefully set it on the kitchen counter which
6 immediately made me nervous. Soon after, Carlos started accusing me of cheating on
7 him. I tried to ignore his accusations by proceeding to bed with Ileana, but he blocked my
8 way to the bedroom saying, “you’re not going anywhere.”

9 31. *June 2021* – In June 2021, I planned to travel to California to attend my brother’s high
10 school graduation. However, as had become typical in our relationship, Carlos insisted
11 that I not travel alone and sent his sister along to accompany me during the trip. While in
12 California, I expressed to Carlos that I wished to stay in California because it was in the
13 best interests of Ileana. Carlos responded saying, “if you don’t come back to Mexico, I
14 promise I will find you and you’ll regret the day you were born.” Terrified by his threat
15 and feeling isolated and vulnerable, I confided in my Aunt Shay, with whom we were
16 staying during the trip. Together, we concluded that it was safest for me to return to
17 Mexico at this time because of Carlos’ threats.

18 32. *October 2021* – In October 2021, I told Carlos that we should call off our wedding.
19 Carlos responded with a chilling threat, reminding me that if I attempted to leave with
20 Ileana, I would be leaving alone.

21 33. Our relationship officially ended in December 2021, and I knew that there was no way
22 that I could leave Mexico. I feared for my own life and Ileana’s life if I attempted to
23 leave, and I felt I had no other choice but to stay for Ileana and for my own safety.

1 **Continued Coercive Control**

2 34. Despite no longer being in a relationship with Carlos, his coercive control over me was
3 rampant. Carlos and his family had and still have serious power and influence over the
4 local law enforcement and government, and his past physical and sexual abuse, along
5 with his threats, left me feeling powerless. Below are several instances which reflect his
6 continued control and threats:

7 35. *March 2022* – In mid-March 2022, Carlos’s mother extended an invitation for Ileana and
8 me to attend her 25th anniversary celebration. After accepting, I communicated with
9 Carlos about the anniversary celebration. I was at a soccer game with my friend, Selma.
10 He texted me and told me not to show up. The text messages escalated to the point where
11 he called me while Selma was present and told me if I showed up, he would make sure to
12 have me disappeared. Fearing for my safety, I chose not to attend the event. Nevertheless,
13 on the morning of the celebration, Carlos arrived unannounced at my home and forcibly
14 took Ileana

15 36. *May 2022* – In May 2022, I ran into Carlos unexpectedly during a local town festival.
16 Carlos threatened me after seeing him, telling me that he would make sure I wouldn’t be
17 able to leave my home if he saw me in the same public place again.

18 37. *May 2022* – In May 2022, I reached out to Carlos to arrange a routine pickup of Ileana
19 consistent with our informal timeshare agreement. Carlos responded texted me and told
20 me that he would not be giving her back to me, and I would be receiving a notice
21 regarding this matter at my house. He told me later, that depending on whether we
22 reached an agreement or not, he may never let me see her again. Upon arriving home, I
23 discovered a notice under my door, instructing me to appear at the local courthouse to
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1 pick up legal paperwork. When I collected the paperwork, I learned that Carlos had filed
2 for full custody of Ileana. Carlos withheld Ileana from me throughout the week and
3 would not allow any form of contact between the two of us. Overwhelmed and
4 frightened, I sought help from the local authorities and the Centro de Justicia para la
5 Mujer, a local agency focused on the rights of women and children; unfortunately
6 unsuccessful. Desperate, a sympathetic clerk accompanied me to Carlos's residence to
7 check on Ileana and see if he would allow her to come with me. Carlos and his mother
8 refused to open the gate of the residence, despite Ileana crying and begging to hug me.
9 Carlos informed the clerk that I could have access to Ileana if I were to execute a custody
10 agreement the following day at the clerk's office. Following this traumatic event, Ileana
11 developed severe separation anxiety where she exhibits distress and crying whenever I
12 am out of her sight, even for brief moments.

13 i. Because Carlos continued to withhold Ileana and would not let me speak
14 to her, I was coerced into signing this agreement that Carlos presented to
15 me. He made it clear that I would not see Ileana again until I signed the
16 agreement as he had presented to me. I was forced into signing this
17 paperwork just to see her again. During the time he withheld her, he
18 continued to have me followed.

19 ii. After I signed the paperwork he had presented, I was forced to vacate the
20 house I was living in with Ileana immediately, along with the car that I was
21 using, leaving both me and Ileana homeless, with no transportation, and no
22 family to go to for help since I had no family in Mexico. I considered
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1 going back to the United States at this time, but I was too afraid he would
2 hurt me, or would do something to Ileana.

3 38. *July 26, 2022* – On July 26, 2022, Carlos called me demanding to speak to Ileana. While
4 attempting to facilitate the call, it was dropped due to a poor signal. Upon regaining
5 service, Carlos threatened me saying, “Why did you hang up on me? Why did you tell
6 Ileana to lie to me? You fucking whore – I swear I’ll take her from you and you will
7 never see her again.”

8 39. *September 16, 2022* – On September 16, 2022, Carlos texted me a video of my car
9 through another vehicle’s mirror. Carlos told me that he was watching me and threatened
10 me. That evening, as I was driving home from Ileana’s birthday dinner, a car was
11 following closely behind me, honking its horn persistently and flashing its lights. This
12 harrowing experience left me fearful for the safety of Ileana and myself as Carlos’s
13 threats of intimidation developed into physical acts of violence that threatened my life.

14 40. *September 2022* – In September 2022, I received a text message from Carlos informing
15 me that he would be picking up Ileana from school and that she would be spending the
16 night with him. I immediately reminded Carlos that it was my custodial time and Ileana
17 was to remain with me throughout the week to ensure she received adequate rest for
18 school. Carlos refused to bring her home despite my pleading to do so.

19 41. *December 7, 2022* – On December 7, 2022, Ileana’s school hosted a Christmas festival
20 where the children performed for family and friends. At the conclusion of Ileana’s
21 performance, Carlos intercepted Ileana and refused to allow her to leave with me, despite
22 it being my custodial time and Ileana becoming visibly distressed. I was afraid of Carlos
23 and his family and was unable to stop them from taking her.

1 42. *March 12, 2023* – On March 12, 2023, Carlos took Ileana to his father’s birthday
2 celebration despite it being my scheduled weekend with her. At the party, a group of
3 armed men arrived, causing an atmosphere of tension and fear, and drugs were openly
4 displayed on a table at the rear of the house. Carlos and his family would often take
5 Ileana during my scheduled time with her, with no regard to the agreement that they
6 made me sign under duress. It was always with an inherent indication that any opposition
7 to what they wanted would be met with violence that would not be protected by law
8 enforcement.

9 43. *March 16, 2023* – On March 16, 2023, around 1:00am, I was startled awake by loud
10 banging on my front door. Outside were several men identifying themselves as law
11 enforcement officers stating, “we come on behalf of El Gordo! Open the door!” El Gordo
12 is Carlos’ father. He owns a restaurant named “Mariscos El Gordo” and has a
13 cockfighting team named “Mariscos El Gordo.” Everyone in the area knows Carlos’
14 father by “El Gordo” and knows his influence over law enforcement. Fearing for my
15 safety, I chose to remain confined to my room, praying Ileana would not wake up.

16 44. *July 2023* – In July 2023, Carlos took an extended, eight (8) day trip with Ileana to
17 Disneyland. Carlos refused to let me speak with Ileana for the entirety of the trip,
18 repeatedly ignoring my calls and denying any and all of my requests to communicate
19 with her. Upon Ileana’s return home, she was sad and curious as to why I had not
20 attempted to contact her during the trip.

21 45. On August 10, 2023, I fled Mexico with Ileana to seek refuge with a family member in
22 the United States. After Carlos’ recent trip to California, I saw this as an opportunity to
23 finally flee the abuse Ileana and I were suffering because he would be more inclined to
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1 allow me to travel with her after just having traveled himself. In the past, any and all
2 travel was limited and monitored by Carlos through one of his family members.

3 46. The scope of Carlos' control defies court orders, custody agreements, and local law
4 enforcement. While we were in a romantic relationship, it was wrought with physical and
5 sexual violence against me. These horrifying experiences still instill fear in me today.
6 While I remained in Mexico for a significant period of time following my breakup with
7 Carlos and the execution of the custody agreement, I felt as if I was walking on eggshells
8 and constantly controlled. He continued to threaten my life, monitor my whereabouts,
9 and Carlos and his family members would arrive to pick up Ileana anytime and
10 anywhere, which showed me they were in full control of both Ileana and me. I felt I had
11 no choice but to stay for my daughter and could not find a way out.

12 47. Ileana has been deeply impacted by Carlos's conduct, as she was repeatedly used as a
13 conduit for him to continually assert control over me after our relationship had ended.
14 Carlos has routinely disregarded Ileana's best interests and abused her by withholding her
15 from me to achieve his own interests and placing her in danger through his reckless use
16 of firearms. As a result, Ileana has developed severe separation anxiety from me and is
17 actively making strides in therapy while we've been in the United States.

18 48. Therefore, I request the Court GRANT my Request for a Domestic Violence Restraining
19 Order for a term of five (5) years.

20 49. I agree that an electronic or facsimile of my signature affixed hereto shall be deemed to
21 have the same force and effect as the original.

1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct.

3
4 Executed this 14th day of August 2024, in Mendocino County, California.

5  Mylea Login
6 boxSIGN 1R79V7JZ-4Y25QVLE

7 MYLEA LOGIN,
8 Petitioner
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