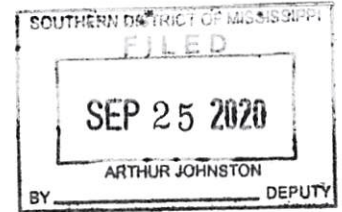


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

LOUIS GONZALEZ, a/k/a
CARLOS RAMOS SANCHEZ,
A209 413 252

Individually and on behalf of all
others similarly situated, Plaintiffs,



v.

Case No. *5:20cv186 KS-MTP*

WARDEN SHAWN R. GILLIS,
ASSISTANT WARDEN John Doe,
PRISON OFFICIAL John Doe,
ICE Deportation Officers John Does 1-7
Defendants.

COMPLAIN UNDER THE CIVIL RIGHTS ACT
TITLE 42 SECTION 1983 U.S. CODE, AND 42 U.S.C. § 1331

I. PRELIMINARY STATEMENT

1. This is an action brought by Plaintiff individually and on behalf of all others similarly situated persons, seeking declaratory and injunctive relief, compensatory damages, and punitive damages against now unknown ICE Deportation Officers and the named Defendants that work for the Adams County Detention Center, for violations of rights guaranteed under the Amendments to the United States Constitution and laws of the United States, and for any personal injuries in violation of laws of the State of Mississippi.
2. Plaintiff contends that defendants' actions attempt to the safety of the detainees that were housed at "pod A of the housing unit S" which was done with wanton and disregard to any contagious of coronavirus the detainees may suffer which is violative of their constitutional and civil rights.

3. Therefore, Plaintiff and his class now seek injunctive relief, enjoining any action of defendants, which would result in terminating the intentional and/or reckless practices at the Adams County Detention Center. Plaintiff and his class also seek declaratory relief finding that defendant's actions constitute a deprivation of rights, privileges and immunities secured and protected by the First, and Eighth amendment to the United States Constitution, and 42 U.S.C. §§ 1983, and 1331.
4. It is not Plaintiff intention to keep filing complain with this Court, but violation of their constitutional rights occur in daily basis that he is being forced to complain.

II. JURISDICTION AND VENUE

5. This action is brought pursuant to 42 U.S.C. § 1983, 42 U.S.C. § 1331, to redress the deprivation of past and present violations of the First and Eighth Amendments to the Constitution of the United States.
6. The jurisdiction of the Court is founded upon 28 U.S.C. § 1343(3) and (4).
7. This Court is authorized to render declaratory relief pursuant to 28 U.S.C. § 2201 and § 2202, and Rule 57 of the Federal Rules of Civil Procedure.
8. This Court is authorized to render and provide injunctive relief pursuant to 28 U.S.C. § 2283.
9. This Court has jurisdiction over the plaintiffs' state law claims under the doctrine of pendent jurisdiction.
10. All the claims arose within the jurisdiction of this judicial district and involve Defendants who reside or operate within the jurisdiction boundaries. Venue is proper under 28 U.S.C. § 1391(b) and (c).
11. The amount in controversy exclusive of interest and costs exceeds the sum of \$10,000.00.

III. PLAINTIFF

12. Plaintiff, Louis Gonzalez, a/k/a Carlos Ramos Sanchez is an adult male detained at Adams County Detention Center under the direction of DHS/ICE. At all times relevant to this lawsuit, Plaintiff was acting in a lawful manner.
13. Also, Plaintiff is acting on behalf of the proposed class: "All persons from pod A of housing unit S that were recklessly or intentionally exposed to COVID-19 virus".

IV. CLASS ACTION ALLEGATIONS

14. The named Plaintiff brings this action in his own behalf and on behalf of all others similarly situated pursuant to Rules 23(a) and 23(b)(2) of the Federal Rules of Civil Procedure. This action is a proper class action in that:
 - (a) The members of the class are numerous as to include all persons that were housed at "pod A of the housing unit S" of this Adams County Detention Center at the time they were transferred to a unit housing people on quarantine. The size of the class is over sixty persons. The joinder of all plaintiffs is impracticable.
 - (b) There are questions of law and fact common to the class, and the claims of the representative party is typical of the claims of the class. While there may be minor factual differences as to the actions against different class members, the actions to each class member is due to specific courses of action on the part of defendants. The legal issues common to the members of the class may be stated as follows: Is the defendants' course of action in recklessly or intentionally exposing these detainees to the COVID-19 virus.
 - (c) The representative party will fairly and adequately represent and protect the interests of all members of the class in that they are adversely affected by defendants' actions. Plaintiff will seek from the court, and it will be up to the court, to provide

adequate counsel representation by an experienced lawyer in litigating discrimination and civil rights violation issues.

(d) In addition, the defendants and their agents have acted on grounds generally applicable to the class, thereby making appropriate final injunctive and declaratory relief with respect to the class as a whole.

(e) Also, a class action is superior to other available methods for the fair and efficient adjudication of this controversy.

V. DEFENDANTS

15. Defendant Warden of the Adams County Detention Center, Shawn R. Gillis, is the Adams County Detention Center's chief policy maker. The warden, Shawn R. Gillis, is being sued in his individual and official capacities. At all time relevant to this action, the warden was acting under the color of state law as the warden of the Adams County Detention Center. Respondent Shawn R. Gillis' office is located at Adams County Detention Center, 20 Hobo Fork Road, Natchez, MS 39120.
16. Defendant Assistant Warden of the Adams County Detention Center, John Doe, is the Adams County Detention Center's second chief policy maker. The assistant warden, John Doe, is being sued in his individual and official capacities. At all time relevant to this action, the assistant warden was acting under the color of state law as the assistant warden of the Adams County Detention Center. Respondent assistant warden John Doe's office is located at Adams County Detention Center, 20 Hobo Fork Road, Natchez, MS 39120.
17. Defendant, presently unknown to Plaintiffs, John Doe, is the prison official responsible for the transfer and assignment of detainees to the different pods of the housing units of the Adams County Detention Center. The prison official John Doe, is

being sued in his individual and official capacities. At all time relevant to this action, the prison official was acting under the color of state law as an employee of the Adams County Detention Center. Respondent prison official John Doe's office is located at Adams County Detention Center, 20 Hobo Fork Road, Natchez, MS 39120.

18. Defendants now unknown ICE Deportation Officers 1-7 assigned to the Adams County Detention Center at the time the complained incident happen, are responsible for the deportation of detainees, and decision-makers about operational and safety of detainees. The deportation officers are being sued in their individual and official capacities. At all time relevant to this action, the Deportation Officers were acting under the color of federal law as deportation officers of the Adams County Detention Center at "pod A of the housing unit B". Respondents deportation officers' work address is Adams County Detention Center, 20 Hobo Fork Road, Natchez, MS 39120.

VI. STATEMENT OF FACTS

19. Plaintiff is part of a Group of People that was housed at "pod A of the housing unit S" of the Adams County Detention Center located at 20 Hobo Fork Road, Natchez Mississippi 39120, under DHS/ICE directions.

20. The Adams County Detention Center has a contract with DHS/ICE to house aliens as Plaintiff in deportation proceedings.

21. Plaintiff and members of his class are being recklessly or intentionally exposed to the COVID-19 virus.

22. Plaintiff and his class were being held at pod A of housing unit S that up to some point was a unit protected from contagious of coronavirus, or at least the risk to contagious was minimum, since detainees from that unit are not allowed to go eat into the cafeteria, and are held without any contact with detainees from other units.

23. "Unit S", consist of two pods, pod A, and pod C. In those two pods all together were being held like seventy detainees. All those detainees from both pods are the ones that are not allowed to go eat into the cafeteria, and are being keep without any contact with detainees from other units due to their classification.
24. Around July 24, 2020, the detention officials transferred all the detainees from pod C to pod A and brought new detainees to pod C. The new detainees brought to pod C were people in quarantine due to possible contagious of COVID-19.
25. The same custody officers were working both sides of the unit, going into pod C where people with possible contagious was being held, and then going into pod A where people—that due to the time that they had been in the same unit—were 100% free of contagious.
26. Some days after, there were rumors—which plaintiff has reason to believe—that some detainees from "pod C" tested positive for the coronavirus.
27. Not being enough the exposure suffered already, few days latter on or about August 19, 2020, all the people from housing unit S —that is "pod A" and "pod C"— were transferred to other unit, "Housing Unit B". This "Housing Unit B" is bigger than the " Housing Unit S" since this unit B has three pods.
28. Plaintiff and his class were assigned to "pod A" of the housing unit B. The other two pods were filled with detainees with possible contagious. The same custody officers are working the three pods, and now Plaintiff and his class are exposed to a double danger of contagious. The custody officers have to walk around inside of the pods and be in contact with detainees from the three pods.
29. The point is, these people from pod A of the housing unit S were free of contagious, they were not supposed to be placed under this possibility of contagious by joining them with those detainees with possible contagious.

30. The detention officials were obligated to open one unit to house only people under quarantine, also, have personnel trained and assigned only to such unit.

31. This COVID- 19 virus is being said, it causes serious and permanent damages to the lungs, so even if the person survives the contagious, there will be permanent damages. *See* insert from a report from Dr. Allen and Dr. Rich, where they point out the risk in immigration detention and congregate sittings:

“One of the risks of detention of immigrants in congregant sittings is the rapid spread of infectious diseases. Although much is still unknown, the case-fatality rate (number of infected patients who will die from the disease) and rate of spread for COVID-19 appears to be as high or higher than that for influenza or varicella (chicken pox).”

“In addition to spread within facilities, the **extensive transfer of individuals** (who are often without symptoms) throughout the detention system, which occur with great frequency in immigration context, could rapidly disseminate the virus throughout the entire system with devastating consequences to the public health.” (Emphasis in original).

32. Thus, due to the careless actions of these detention authorities, I am being exposed to death, or at least, to be infected with one of the most devastating sickness that may cripple me for the rest of my life. And being honest, ICE detainees are a high risk to die in the due case that the deportable person contract the virus, since, if this deportable person needs a ventilator and a U.S. Citizen needs the same ventilator, the preference to save which life will be evident.

33. But after all this not being enough, the detention authorities, just yesterday September 08, 2020, assigned like ten new detainees to “pod A of the housing unit B”, (where the people that was 100% free of contagious is being housed).

34. Several detainees opposed to the ingress of those new detainees with possible contagious into the pod. Several personnel from the detention came to talk to the detainees that were demanding their rights to a safe prison condition.

35. After some warm arguing, the new people with possible contagious was taken into other unit or pod. At some point in the arguing, one detainee asked the assistant warden if he can guarantee that those detainees were free from contagious, and the assistant warden said no.
36. Around 3:30 PM, personnel from the detention center and seven ICE officials came and told Plaintiff and his class to lock down into their cells, because they needed to address the concerns of some detainees that were opposing to the ingress of the new detainees. Then, the custody officers going cell by cell were opening the doors, one by one, of those that have demanded their rights to be respected and have opposed to the ingress of the new detainees with possible contagious.
37. The first person they elected refused to be taken to segregation, but he was then immediately jumped by several officers that thrown him to the floor and subdued him with some plastic-handcuffs that I have seen ICE use in their arrests.
38. The other detainees acceded to be taken into segregation without resistance. All the detainees housed at the pod were looking through the window of their doors. The incident was really traumatic to see. The detention personnel was filming the whole incident, and ICE officials were witnessing and approving the whole process.
39. After the removal to segregation of seven persons that have tried to validated their rights, and the rights of others by opposing to the ingress of those new detainees with possible contagious of COVID-19, the assistant warden spoke, telling in some part, that that behavior will not be tolerated and that in that day, no new people was going to come into the pod, but it will in the future and he expected no opposition.
40. I do not want to be exposed to the virus and wanted to complain too, but the whole incident was so traumatic, that I did not have the boldness to say a word addressing my concerns.

41. The whole process was about intimidation and suppression. Even people that Plaintiff has asked to sign this complain have refused, scared to do it.
42. Plaintiffs knows that the detention center need space to accommodate more detainees, because that is their business, and that detainees cannot oppose to their decisions, but with the novelty and aggressiveness of this coronavirus, no one wants to get infected and every one expect safety procedures to be follow in order to avoid the contagious of persons that have no reason to be exposed to the virus.
43. Detainees here are being treated just like cattle, or assets, that the more they can hold the more money they can make, and it is not important for the prison officials if the detainees get infected or if someone died due to the virus.
44. Plaintiff and his class, being virus free, have been added to this new quarantine unit where constantly are transferring new detainees that—as the assistant warden told—they cannot guarantee that those new detainees are free of COVID-19.
45. There are procedures that can guarantee that detainees transferred to—what we may call holding units—are free of coronavirus, and the procedure is to keep those new detainees, for certain time, into—what we may call quarantine units—until they can be sure that this new detainees are coronavirus free.
46. Even for their worker—custody officers—that have to work with this new people, which they do not know if they have the virus, is dangerous. This prison institutions must have personnel trained and assigned only to those quarantine units, with some special insurance that can guarantee that if they get serious damage they are protected. Detention prisons are a lucrative business for the owners, the profits are enormous, so it is fair that such owners contract more personnel and provide a better pay for their workers, that are being exposed to contagious, and open one unit destined exclusively for quarantining people.

47. These prison officials did not have any right to drag plaintiff and his class into this unit where new detainees are coming without any guarantee that they are free of contagious. Plaintiff's pod consisted of several aliens that ICE is unable to deport.

VII. CLAIMS FOR RELIEF

*COUNT 1. VIOLATION OF 42 U.S.C. § 1983;
EIGHTH AMENDMENT CONDITION OF INCARCERATION*

48. Plaintiff incorporates by reference Paragraphs 1 through 47 of this complain, as fully set forth here.

49. The aforesaid actions and failures to act of prison defendant members constitute an intentional, deliberate and callous indifference to the risk of contagious of coronavirus that Plaintiff and his class are being exposed. Defendants knowing the deadly and/or dangerous such infection is, have subjected plaintiff and his class to such cruel and unusual punishment with disregard to his safety and the safety of the whole class which is intolerable in fundamental fairness, unnecessary and wantonly inflicted, which is totally without penological justification and in violation of the eighth amendment. There is no balancing of the prison's interest in profiting against the prisoner's interest on safety.

*COUNT 2. VIOLATION OF 42 U.S.C. § 1983, and 42 U.S.C. § 1331;
VIOLATION OF FIRST AMENDMENT FREEDOM OF SPEECH*

50. Plaintiff incorporates by reference Paragraphs 1 through 49 of this complain, as fully set forth here.

51. The aforesaid actions and failures to act of all defendant members constitute intentional, unlawful and an unconstitutional restriction by the defendants in violation of Plaintiff and his class constitutional rights to freedom of association and

speech secured by the first amendment; and there is no justification for the prison's intimidation and suppression of the prisoner's rights under ICE consent.

VIII. DAMAGES AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff and his class respectfully pray that this Court:

52. Accept jurisdiction over this action.
53. Determine this action to be proper Rule 23(a), 23(b)2 class action.
54. Order that Plaintiff may maintain this action as a class action pursuant to Rule 23 of the Federal Rules of Civil Procedure.
55. Declare that the practices, acts, procedures, and policies of defendants challenged are unconstitutional, unlawful, and invalid.
56. And that as a result of all acts, conduct and omissions committed under the color of Federal and State law in the form of custom, policies, and practices, failure to train, audit, supervise, and discipline, and intentional acts maliciously, intentionally, and willfully committed against Plaintiff's person and the class he represent, Plaintiff has suffered harms, including but not limited to intimidation, suppression, humiliation, pain, emotional distress, anger and frustration, and violations of his, and the class he represent, constitutional rights.
57. On all Counts and Claims for relief, Plaintiff and his class demand judgment in their favor and declaratory relief in the form of a declaration that the actions and conduct of all the defendants constitute a deprivation of rights, privileges and immunities secured and protected by the first, and eighth amendment to the United States Constitution, as amended, and in violation of 42 U.S.C. § 1981, and § 1331 as well as the First and Eighth Amendment to the United States Constitution.
58. On all Counts and Claims for relief, Plaintiff demand judgment in his favor and

the issue of preliminary and permanent injunctive and mandatory relief which would result in terminating the recklessly or intentionally practices at the Adams County Detention Center in deterring the defendants and their agents, employees, and successors in office to refrain from every and all practices that expose detainees to danger of contagious of coronavirus.

59. Order this detention center to immediately separate people free of contagious into one unit, where people transferred into that unit, prison officials may guarantee that such persons are free of coronavirus contagious, by holding them before transfer in quarantine units. In those quarantine units, groups of detainees must quarantine separately without the ingress of new detainees into such group of detainees placed in quarantine until their quarantine time is over and they may be transferred into holding units where people are keep free of contagious.
60. On all Counts and Claim for Relief, Plaintiff demand judgment in his favor and to award damages, jointly and severally, in an amount that the jury and this Court deems proper.
61. On all Counts and Claims for Relief, plaintiffs demand judgment in his favor, and to award punitive damages, against each defendant according to the findings of the jury, due to the malicious, willful, oppressive, outrageous, and unjustifiable actions and conduct of all Defendants.
62. On all Counts and Claims for Relief, Plaintiffs demand judgment in his favor and reasonable attorney's fees and interest pursuant to 28 U.S.C. § 1920, 28 U.S.C. § 1961, 28 U.S.C. § 1988 et seq.
63. On all Counts and Claims for Relief, Plaintiffs demand judgment in his favor and any other relief the Court may deem appropriate and just, and otherwise in the interest of justice.

64. Plaintiff and his class seek assignment of counsel.

IX. EQUITY

65. The participation of defendants to expose detainees to COVID-19 will, if not enjoined, perpetuate such reckless or intentional practice of disregard safety toward detained people at this Adams County Detention Center.

66. Plaintiff and his class have no plain, speedy or adequate remedy at law for redress of the aforesaid violations by defendants, and suffer and will continue to suffer irreparable harm and injury by reason of defendant's actions and failures to act, if such actions and failures to act are not enjoined.


X. DEMAND FOR JURY TRIAL

67. On all facts and claims asserted, plaintiff demand a trial by jury.

CERTIFICATION

By signing this Complain, I certify that the facts stated in this Complain are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Dated: 09/15/2020



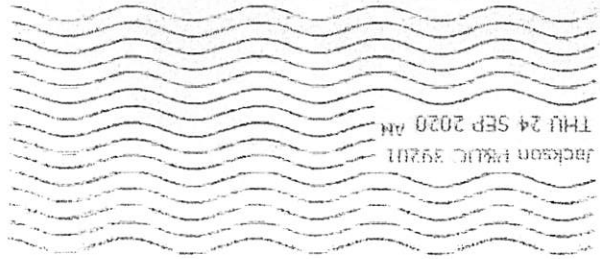
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WASHINGTON, MS 39190



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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF MISS.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
501 E. COURT STREET, SUITE 2.500
JACKSON, MS 39201



DELIVERED SEP 24 2020

Adams County Correctional Center (CCA) Date _____
P.O. Box 850
Washington, MS 39190

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has neither been opened nor inspected. If the writer raises a question or problem over which this facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee please return enclosure to the above address.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI

NOTICE OF ASSIGNMENT

Date case was filed: September 25, 2020

Your case against Warden Shawn R. Gillis, et al has been assigned Civil Action No.:

5:20-cv-186-KS-MTP and has been referred to the following Judges:

District Judge

- Henry T. Wingate
- Louis Guirola, Jr.
- Keith Starrett
- Daniel P. Jordan III
- Sul Ozerden
- Carlton W. Reeves
- Walter Gex, III (Senior Judge)
- William H. Barbour, Jr. (Senior Judge)
- David Bramlette, III (Senior Judge)
- Tom S. Lee (Senior Judge)

Magistrate Judge

- Michael T. Parker
- Linda R. Anderson
- F. Keith Ball
- John C. Gargiulo
- Robert P. Myers, Jr.

Division

Clerk's Office, Western Division
United States District Court
501 E. Court Street, Suite 2.500
Jackson, MS 39201

It is your responsibility to see that all pleadings and correspondence filed with this Court regarding this case contain the civil action number and judge designations.

If you wish to have a stamped filed copy of any pleading or document filed in this case returned to you, you will need to send an extra copy of the document along with a stamped self-addressed envelope. If you do not send an extra copy of the documents and a stamped self-addressed envelope, this Court will be unable to return a copy to you.

NOTICE FOR CHANGE OF ADDRESS: When there is a change of address for the plaintiff, the plaintiff must notify this Court in writing in a separate document with the following specific information: (1) state the civil action number of the case; (2) state that the plaintiff is requesting this Court to change his address of record; (3) state the new address of the plaintiff; and (4) if applicable, state the prisoner number of the plaintiff.

The failure to advise this Court of a change of address or failure to comply with any order of this Court will be deemed as a purposeful delay and contumacious act by the plaintiff and may result in the dismissal of your case.

PSP

ClassAction.org

This complaint is part of ClassAction.org's searchable class action lawsuit database and can be found in this post: [Class Action Claims Mississippi ICE Detention Center 'Recklessly' Exposed Detainees to COVID-19 Virus](#)
