

1 JOSEPH H. HUNT  
Assistant Attorney General  
2 U.S. Department of Justice  
Civil Division  
3 WILLIAM C. PEACHEY  
Director  
4 Office of Immigration Litigation  
District Court Section  
5 JEFFREY S. ROBINS  
Deputy Director  
6 LINDSAY M. VICK (MA 685569)  
ANNA L. DICHTER (NJ 304442019)  
7 HANS H. CHEN (NY 4278123)  
Trial Attorneys  
8 450 5<sup>th</sup> Street, N.W.  
Washington, D.C. 20530  
9 Telephone: (202) 305-0190  
Facsimile: (202) 305-7000  
10 lindsay.vick@usdoj.gov  
anna.l.dichter@usdoj.gov  
11 hans.h.chen@usdoj.gov

12 UNITED STATES DISTRICT COURT

13 CENTRAL DISTRICT OF CALIFORNIA

14  
15 FAOUR ABDALLAH FRAIHAT, ) Case No. 5:19-CV-01546 JGB (SHKx)  
*et al.*, )  
16 ) **ANSWER**  
*Plaintiffs,* )  
17 ) Hon. Jesus G. Bernal  
18 v. )  
19 )  
20 U.S. IMMIGRATION AND )  
CUSTOMS ENFORCEMENT, *et al.*, )  
21 )  
*Defendants,* )  
22 \_\_\_\_\_ )

23 Defendants U.S. Immigration and Customs Enforcement, *et al.*  
24 (“Defendants”), by and through undersigned counsel, hereby answer the Complaint  
25 for Declaratory and Injunctive Relief for Violations of the Due Process Clause of  
26 the Fifth (“Complaint”), ECF No. 1, filed by Plaintiffs Faour Abdallah Fraihat, *et*  
27 *al.* (“Plaintiffs”) as follows:.

**INTRODUCTION**

1  
2 1. Defendants deny the allegations in paragraph 1.

3 2. Defendants lack knowledge or information sufficient to form a belief  
4 as to the truth of the allegations in the first sentence of this paragraph and therefore  
5 deny those allegations. Defendants admit that plaintiff Alex Hernandez has a torn  
6 rotator cuff, but deny the remaining allegations in the second sentence of paragraph

7 2. Defendants admit that Plaintiffs Martin Muñoz and Aristoteles Sanchez  
8 Martinez have been diagnosed with diabetes, but deny the remaining allegations  
9 regarding Mr. Muñoz and Mr. Martinez in paragraph 2. Defendants admit that  
10 Plaintiff Marco Montoya Amaya has been medically assessed with cysticercosis of  
11 the central nervous system, but deny the remaining allegations regarding him in  
12 paragraph 2.

13 3. Defendants deny the allegations in the first sentence of paragraph 3.  
14 Defendants admit the allegations in the second sentence of paragraph 3.  
15 Defendants lack knowledge or information sufficient to form a belief as to the truth  
16 of the allegations in the third and fourth sentences of paragraph 3 relating to effect  
17 of isolation upon depression, suicidality, and post-traumatic stress disorder  
18 (“PTSD”) and therefore deny those allegations. Defendants lack knowledge or  
19 information sufficient to form a belief as to the truth of the allegations in the third  
20 and fourth sentences of this paragraph relating to effect of isolation upon  
21 depression, suicidality, and post-traumatic stress disorder (“PTSD”) and therefore  
22 deny those allegations.

23 4. Defendants deny the allegations in the first sentence of paragraph 4.  
24 Defendants admit that plaintiff Raul Alocer Chavez is Deaf but deny the  
25 remaining allegations in the second sentence of paragraph 4. Defendants admit  
26 that plaintiff Sergio Salazar Artaga has cerebral palsy but deny the remaining  
27 allegations in the third sentence of paragraph 4. Defendants admit that plaintiff  
28 Faour Abdallah Fraihat has knee and back pain and been assessed with lumbago,

1 but Defendants lack knowledge or information sufficient to form a belief as to the  
2 truth of the remaining allegations in the third sentence of paragraph 4 and therefore  
3 deny those allegations. Defendants deny the allegations in the fifth sentence of  
4 paragraph 4.

5 5. Defendants deny the first and second sentences of paragraph 5  
6 because they consist of statements or conclusions of law. Defendants deny the  
7 remaining allegations in paragraph 5.

8 6. Defendants deny the first sentence of paragraph 6 because it consist of  
9 statements or conclusions of law. Defendants deny the allegations in the second  
10 sentence of paragraph 6 to the extent that “ICE may release most detained  
11 noncitizens on bond or parole” is a statement or conclusion of law. Defendants  
12 deny the remaining allegations in paragraph 6.

13 7. This paragraph merely characterizes Plaintiffs’ claims and allegations  
14 in the Complaint, and so no response is required for those allegations. To the  
15 extent the statements in this paragraph require an answer, Defendants deny them.

16 8. Defendants deny the allegations in the first sentence of paragraph 8.  
17 Defendants admit the allegations in the second sentence of paragraph 8 that ICE’s  
18 contractors include local sheriffs’ offices and private prison corporations, such as  
19 GEO Group (“GEO”) and CoreCivic (formerly known as Corrections Corporation  
20 of America). Defendants deny that contractors who operate facilities for ICE have  
21 long histories of failing to provide constitutional conditions of confinement, and  
22 deny that they imprison individuals for ICE. Defendants deny the allegations in  
23 the third and fourth sentences of paragraph 8.

24 9. Defendants deny the allegations in paragraph 9.

25 10. Defendants admit the allegations in paragraph 10.

26 11. Defendants admit the allegations in paragraph 11.

27 12. Defendants deny the allegations in the first sentence of paragraph 12.

28 Defendants admit that Plaintiffs Jose Baca Hernández, Luis Manuel Rodriguez

1 Delgadillo, and Ruben Darío Mencías Soto are detained at Adelanto. Defendants  
2 deny the remaining allegations regarding detention status and locations for  
3 Plaintiffs. Defendants lack knowledge or information sufficient to form a belief as  
4 to the truth of the allegations in this paragraph regarding travel time from detention  
5 centers, and therefore deny those allegations.

6 13. Defendants deny the allegations in paragraph 13.

7 14. The allegations in this paragraph merely characterize or quote Lisa  
8 Riordan et al., *22 immigrants died in ICE detention centers during the past 2 years*,  
9 NBC News, (Jan. 6, 2019), [https://www.nbcnews.com/politics/immigration/22](https://www.nbcnews.com/politics/immigration/22-immigrants-died-ice-detentioncenters-during-past-2-years-n954781)  
10 [immigrants-died-ice-detentioncenters-during-past-2-years-n954781](https://www.nbcnews.com/politics/immigration/22-immigrants-died-ice-detentioncenters-during-past-2-years-n954781), ICE News  
11 Release, *ICE detainee passes away in Houston-area hospital* (July 1, 2019),  
12 [https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-](https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-hospital)  
13 [hospital](https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-hospital), Ariana Sawyer, *Another Needless Death in US Immigration Detention*,  
14 Human Rights Watch (July 26, 2019); ICE News Release, *ICE detainee passes*  
15 [away in Houston-area hospital](https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-hospital) (July 1, 2019),  
16 [https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-areahospital](https://www.ice.gov/news/releases/ice-detainee-passes-away-houston-area-hospital);  
17 and Ariana Sawyer, *Another Needless Death in US Immigration Detention*, Human  
18 Rights Watch (July 26, 2019), which speak for themselves. To the extent a  
19 response is required, Defendants deny any allegations that are inconsistent with the  
20 referenced documents and Plaintiff's characterizations of those documents.

21 15. Defendants deny the allegations in paragraph 15.

22 16. Defendants deny the allegations in the first, second, and fourth  
23 sentences of paragraph 16. Defendants admit that Plaintiff Ruben Dario Mencias  
24 Soto has been assessed with low back pain, lumbosacral radiculopathy, and spinal  
25 stenosis. Defendants admit that Plaintiff Hamida Ali has been diagnosed with  
26 schizophrenia. Defendants admit that Plaintiff Jose Baca Hernández is blind.  
27 Defendants deny the remaining allegations in paragraph 16.

28

1 17. Defendants deny the first sentence of paragraph 17 because it consists  
2 of statements or conclusions of law. Defendants deny the allegations in the second  
3 sentence of paragraph 17.

4 18. Defendants deny the allegations in the first sentence of paragraph 18.  
5 The second and third sentences consist of Plaintiff's citation to and  
6 characterization of Blair Miller, *Colorado's Congressional Democrats Tour*  
7 *Aurora ICE Facility, Call for Changes*, The Denver Channel (Jul. 22, 2019 6:52  
8 PM), [https://www.thedenverchannel.com/news/politics/colorados-](https://www.thedenverchannel.com/news/politics/colorados-congressionaldemocrats-tour-aurora-ice-facility-call-for-changes-and-its-closure)  
9 [congressionaldemocrats-tour-aurora-ice-facility-call-for-changes-and-its-closure,](https://www.thedenverchannel.com/news/politics/colorados-congressionaldemocrats-tour-aurora-ice-facility-call-for-changes-and-its-closure)  
10 *Denver 7, Colorado Dems Speak After Tour of ICE Facility*, Facebook (Jul. 22,  
11 2019, 12:16 PM),  
12 [https://www.facebook.com/DenverChannel/videos/2358219197839326/UzpfSTU4](https://www.facebook.com/DenverChannel/videos/2358219197839326/UzpfSTU4MDAwODE6MTAxMDYwNDQ1OTk4MzAzMzk/)  
13 [MDAwODE6MTAxMDYwNDQ1OTk4MzAzMzk/](https://www.facebook.com/DenverChannel/videos/2358219197839326/UzpfSTU4MDAwODE6MTAxMDYwNDQ1OTk4MzAzMzk/) and U.S. Immigration &  
14 Customs Enforcement, Letter Response to February 28, 2019 Letter re: Public  
15 Health Risks & Treatment of Detainees at Detention Facilities (on file with  
16 Plaintiffs' counsel), which speak for themselves. To the extent a response is  
17 required, Defendants deny any allegations that are inconsistent with the referenced  
18 documents and Plaintiff's characterizations of those documents.

19 19. The allegations of this paragraph merely characterize or quote  
20 National Immigrant Justice Center & Detention Watch Network, *ICE Lies: Public*  
21 *Deception, Private Profit* (Jan. 2018),  
22 [https://www.immigrantjustice.org/sites/default/files/content-](https://www.immigrantjustice.org/sites/default/files/content-type/researchitem/documents/2018-02/IceLies_DWN_NIJC_Feb2018.pdf)  
23 [type/researchitem/documents/2018-02/IceLies\\_DWN\\_NIJC\\_Feb2018.pdf](https://www.immigrantjustice.org/sites/default/files/content-type/researchitem/documents/2018-02/IceLies_DWN_NIJC_Feb2018.pdf), which  
24 speaks for itself, and so no response is required for those allegations. To the extent  
25 a response is required, Defendants deny any allegations that are inconsistent with  
26 the referenced documents and Plaintiff's characterizations of those documents.

27 20. Defendants deny the allegations in paragraph 20.  
28

**PARTIES**

**I. Plaintiffs**

21. Defendants deny the allegations in paragraph 21.

**A. Plaintiff Faour Abdallah Fraihat**

22. Defendants admit that Faour Abdallah Fraihat was 57 years old as of the date the Complaint was filed with the United States District Court, Central District of California and was detained at the Adelanto ICE Processing Center. Defendants aver that Faour Abdallah Fraihat is no longer detained. Defendants admit the allegations in the second sentence of paragraph 22. Defendants deny the third sentence of paragraph 22 because it consists of statements or conclusions of law. Defendants admit that Mr. Fraihat was transferred twice while at Adelanto. Defendants deny that admit that Mr. Fraihat has required emergency care twice while detained at Adelanto. Defendants also admit that Plaintiff Faour Abdallah Fraihat was placed in segregation for medical purposes, but deny he was denied out-of-cell activities when such activities were medically permissible.

23. Defendants admit that Mr. Fraihat has been detained at the Adelanto ICE Processing Center since December 19, 2016, apart from two brief stays at two different medical centers, and was detained by ICE on several occasions prior to his current detention. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny those allegations.

24. Defendants deny the allegations in the first, second, and third sentences of paragraph 24. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore deny those allegations.

25. Defendants admit the allegations in the first sentence of paragraph 25. Defendants deny the remaining allegations in this paragraph.

1           26. This paragraph merely characterizes Plaintiffs' claims and allegations  
2 in the Complaint, and so no response is required for those allegations. To the  
3 extent the statements in this paragraph require an answer, Defendants deny them.

4           **B. Plaintiff Marco Montoya Amaya**

5           27. Defendants admit that Plaintiff Marco Montoya Amaya was 41 years  
6 old as of the date the Complaint was filed with the United States District Court,  
7 Central District of California and is currently detained at Mesa Verde ICE  
8 Processing Center. Defendants admit that Mr. Amaya has been diagnosed with  
9 end-stage neurocysticercosis. Defendants deny the remaining allegations in  
10 paragraph 27.

11           28. Defendants deny the allegations in paragraph 28.

12           29. Defendants deny paragraph 29 because it consists of statements or  
13 conclusions of law.

14           30. Defendants lack knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in the first sentence of this paragraph and therefore  
16 deny those allegations. Defendants admit the allegations in the second sentence of  
17 paragraph 30.

18           31. This paragraph merely characterizes Plaintiffs' claims and allegations  
19 in the Complaint, and so no response is required for those allegations. To the  
20 extent the statements in this paragraph require an answer, Defendants deny them.

21           **C. Plaintiff Raul Alcocer Chavez**

22           32. Defendants admit the allegations in the first sentence of paragraph 32.  
23 Defendants admit that Raul Alcocer Chavez is Deaf and communicates in ASL.  
24 Defendants deny the remainder of the second sentence of paragraph 32 because it  
25 consists of statements or conclusions of law.

26           33. Defendants deny the allegations in paragraph 33.

27           34. Defendants lack knowledge or information sufficient to form a belief  
28 as to the truth of the allegations in the first and second sentences of paragraph 34

1 and therefore deny those allegations. Defendants admit the allegations in the third  
2 and fourth sentences of paragraph 34.

3 35. This paragraph merely characterizes Plaintiffs' claims and allegations  
4 in the Complaint, and so no response is required for those allegations. To the  
5 extent the statements in this paragraph require an answer, Defendants deny them.

6 **D. Plaintiff Jose Segovia Benitez**

7 36. Defendants admit the allegations in the first sentence of paragraph 36.  
8 Defendants lack knowledge or information sufficient to form a belief as to the truth  
9 of the allegations in the second, third, and fourth sentences of paragraph 36 to form  
10 a belief as to their veracity and therefore deny those allegations.

11 37. Defendants lack knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in the first sentence of this paragraph and therefore  
13 deny those allegations. Defendants lack knowledge or information sufficient to  
14 form a belief as to the truth of the allegations in the second sentence of this  
15 paragraph that Mr. Segovia Benitez suffers from hearing loss and came home from  
16 service with depression, anxiety, hearing loss, traumatic brain injury, and combat  
17 PTSD and therefore deny those allegations. Defendants admit that Benitez was  
18 diagnosed with PTSD, anxiety, depression, and traumatic brain injury. Defendants  
19 deny the third sentence of paragraph 37 because it consists of statements or  
20 conclusions of law.

21 38. Defendants deny that medical treatment for Plaintiff Segovia Benitez  
22 has been delayed or denied. Defendants admit the remaining allegations in this  
23 paragraph.

24 39. Defendants lack knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in this paragraph and therefore deny those  
26 allegations.

27  
28



1 40. This paragraph merely characterizes Plaintiffs' claims and allegations  
2 in the Complaint, and so no response is required for those allegations. To the  
3 extent the statements in this paragraph require an answer, Defendants deny them.

4 **E. Plaintiff Hamida Ali**

5 41. Defendants admit the allegations in the first, second, and third  
6 sentences of paragraph 41. Defendants admit that plaintiff Hamida Ali was  
7 diagnosed with schizophrenia but deny remainder of the fourth sentence because it  
8 consists of statements or conclusions of law. Defendants admit the allegations in  
9 the fifth sentence of paragraph 41.

10 42. Defendants admit that Ms. Ali is a refugee from Sudan but lack  
11 knowledge or information sufficient to form a belief as to the truth of the  
12 remaining allegations in the first sentence and in the second sentence of paragraph  
13 42 and therefore deny those allegations. Defendants admit that Ms. Ali was placed  
14 on suicide watch per instruction from medical professionals, but deny the  
15 remaining allegations in the third sentence of paragraph 42. Defendants deny the  
16 allegations in the fourth sentence of paragraph 42. Defendants admit that Ms. Ali  
17 has been in ICE custody at Teller County from July 9, 2019 through November  
18 10, 2019.

19 43. Defendants admit that Ms. Ali was held overnight at a Denver, CO  
20 facility for purposes of attending court proceedings, but deny she was placed in  
21 isolation. Defendants deny the allegations in the second sentence of paragraph 43.

22 44. This paragraph merely characterizes Plaintiffs' claims and allegations  
23 in the Complaint, and so no response is required for those allegations. To the  
24 extent the statements in this paragraph require an answer, Defendants deny them.

25 **F. Plaintiff Melvin Murillo Hernandez**

26 45. Admit that Plaintiff Melvin Murillo Hernandez was detained at  
27 LaSalle in Jena, Louisiana at the time the Complaint was filed with the United  
28 States District Court, Central District of California. Defendants deny that Mr.

1 Murillo Hernandez was 18 years old at the time the Complaint was filed with the  
2 United States District Court, Central District of California.

3 46. Defendants admit that Mr. Murillo Hernandez suffers from multiple  
4 food allergies with a history of anaphylaxis reactions. Defendants deny the  
5 remaining allegations in paragraph 46.

6 47. Defendants deny the allegations in paragraph 47.

7 48. Defendants deny paragraph 48 because it consists of statements or  
8 conclusions of law.

9 49. Defendants admit the allegations in paragraph 49.

10 50. This paragraph merely characterizes Plaintiffs' claims and allegations  
11 in the Complaint, and so no response is required for those allegations. To the  
12 extent the statements in this paragraph require an answer, Defendants deny them.

13 **G. Plaintiff Jimmy Sudney**

14 51. Defendants admit that Plaintiff Jimmy Sudney was 28 years old as of  
15 the date the Complaint was filed with the United States District Court, Central  
16 District of California. Defendants deny that Mr. Sudney is currently detained at  
17 Adelanto. Defendants admit that Mr. Sudney has vision loss, mental health  
18 disabilities including PTSD, and high blood pressure but deny the remainder of the  
19 second sentence of paragraph 51 because it consists of statements or conclusions of  
20 law.

21 52. Defendants admit that Mr. Sudney came to the United States as a  
22 Lawful Permanent Resident in 2012. Defendants lack knowledge or information  
23 sufficient to form a belief as to the truth of the remaining allegations in this  
24 paragraph and therefore deny those allegations.

25 53. Defendants admit the allegations in paragraph 53.

26 54. Defendants deny the allegations in the first sentence of paragraph 54.  
27 Defendants admit that Mr. Sudney had two surgeries to address his vision loss but  
28 deny the remaining allegations in the second sentence of paragraph 54. Defendants

1 deny the allegations in the third and fourth sentences of paragraph 54. Defendants  
2 lack knowledge or information sufficient to form a belief as to the truth of the  
3 allegations in the fifth sentence of this paragraph and therefore deny those  
4 allegations.

5 55. Defendants deny the allegations in the first sentence of paragraph 55.  
6 Defendants lack knowledge or information sufficient to form a belief as to the truth  
7 of the allegations in the second sentence of this paragraph and therefore deny those  
8 allegations.

9 56. This paragraph merely characterizes Mr. Sudney's claims and  
10 allegations in the Complaint, and so no response is required for those allegations.  
11 To the extent the statements in this paragraph require an answer, Defendants deny  
12 them.

13 **H. Plaintiff José Baca Hernández**

14 57. Defendants admit that Plaintiff José Baca Hernández was 23 years old  
15 as of the date the Complaint was filed with the United States District Court,  
16 Central District of California. Defendants admit that Mr. Baca Hernández is  
17 currently detained at Adelanto. Defendants admit that Mr. Baca Hernández is blind  
18 but deny the remainder of the second sentence paragraph 57 because it consists of  
19 statements or conclusions of law.

20 58. Defendants lack knowledge or information sufficient to form a belief  
21 as to the truth of the allegations in the first and second sentences of this paragraph  
22 and therefore deny those allegations. Defendants admit the allegations in the third  
23 sentence of paragraph 58.

24 59. Defendants admit the allegations in the first sentence of paragraph 59.  
25 Defendants deny the remaining allegations in paragraph 59.

26 60. This paragraph merely characterizes Plaintiffs' claims and allegations  
27 in the Complaint, and so no response is required for those allegations. To the  
28 extent the statements in this paragraph require an answer, Defendants deny them.

1       **I. Plaintiff Edilberto García Guerrero**

2           61. Defendants admit that at the time the Complaint was filed with the  
3 United States District Court, Central District of California, plaintiff Edilberto  
4 García Guerrero was 47 years old. Defendants admit that Mr. García Guerrero  
5 speaks Spanish. Defendants lack knowledge or information sufficient to form a  
6 belief as to the truth of the remaining allegations in this paragraph and therefore  
7 deny those allegations.

8           62. Defendants deny that Plaintiff García Guerrero is currently detained at  
9 Aurora. Defendants admit that Plaintiff was involved in a physical altercation with  
10 another detainee and that he has reduced vision in his left eye. Defendants deny the  
11 remaining allegations in paragraph 62.

12           63. Defendants admit that Mr. García Guerrero has pain in his right ankle.  
13 Defendants lack knowledge or information sufficient to form a belief as to the truth  
14 of the remaining allegations in the first sentence of this paragraph and therefore  
15 deny those allegations. Defendants lack knowledge or information sufficient to  
16 form a belief as to the truth of the allegations in the second sentence of this  
17 paragraph and therefore deny those allegations. Defendants admit that Mr.  
18 Guerrero was treated by a specialist for ankle pain that resulted in surgery.  
19 Defendants deny the remaining allegations in paragraph 63.

20           64. This paragraph merely characterizes Plaintiffs' claims and allegations  
21 in the Complaint, and so no response is required for those allegations. To the  
22 extent the statements in this paragraph require an answer, Defendants deny them.

23       **J. Plaintiff Martín Muñoz**

24           65. Defendants admit that Mr. Muñoz had been detained at Adelanto  
25 Detention Center for more than two years at the time the Complaint was filed with  
26 the United States District Court, Central District of California. Defendants aver the  
27 Muñoz has since been released. Defendants admit the allegations in the second  
28 sentence of paragraph 65.

1 66. Defendants lack knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in this paragraph and therefore deny those  
3 allegations.

4 67. Defendants admit that plaintiff received the wrong insulin dosage in  
5 September 2017 and was then admitted for observation. Defendants lack  
6 knowledge or information sufficient to form a belief as to the truth of the  
7 allegations that a staff member wrote him a letter and therefore deny those  
8 allegations. Defendants deny the remaining allegations in paragraph 67.

9 68. Defendants deny the allegations in paragraph 68.

10 69. This paragraph merely characterizes Plaintiffs' claims and allegations  
11 in the Complaint, and so no response is required for those allegations. To the  
12 extent the statements in this paragraph require an answer, Defendants deny them.

13 **K. Plaintiff Luis Manuel Rodriguez Delgadillo**

14 70. Defendants admit that Luis Manuel Rodriguez Delgadillo was 29  
15 years old at the time the complaint was filed with the United States District Court,  
16 Central District of California. Defendants admit that Mr. Rodriguez Delgadillo has  
17 been detained at Adelanto since March 2019.

18 71. Defendants lack knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in this paragraph and therefore deny those  
20 allegations.

21 72. Defendants admit that Mr. Delgadillo, during his initial medical  
22 screening, reported a prior diagnosis of schizophrenia but deny the allegations  
23 pertaining to bipolar disorder. Defendants deny that Mr. Rodriguez Delgadillo is a  
24 qualified person with a disability as defined in the Rehabilitation Act because it  
25 consist of statements or conclusions of law. Defendants lack knowledge or  
26 information sufficient to form a belief as to the truth of the allegations in the  
27 second and third sentences and therefore deny those allegations.

28 73. Defendants deny the allegations in paragraph 73.

1 74. This paragraph merely characterizes Plaintiffs' claims and allegations  
2 in the Complaint, and so no response is required for those allegations. To the  
3 extent the statements in this paragraph require an answer, Defendants deny them.

4 **L. Plaintiff Ruben Darío Mencías Soto**

5 75. Defendants admit that Plaintiff Ruben Mencías Soto was 36 years old  
6 at the time the complaint was filed. Defendants admit that Mr. Mencías Soto has  
7 been detained at Adelanto since December 2018. Defendants lack knowledge or  
8 information sufficient to form a belief as to the truth of the allegations relating to  
9 the reasons Mr. Mencías Soto came to the United States and therefore deny those  
10 allegations.

11 76. Defendants deny the first sentence of this paragraph because it  
12 consists of statements or conclusions of law. Defendants admit that Plaintiff suffers  
13 from back and leg pain but lack knowledge or information sufficient to form a  
14 belief as to the truth of the remaining allegations in the second sentence of  
15 paragraph 76. Defendants deny the allegations in the third sentence of paragraph  
16 76.

17 77. Defendants lack knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in the fourth sentence this paragraph and therefore  
19 deny those allegations. Defendants deny the remaining allegations in paragraph 77.

20 78. This paragraph merely characterizes Plaintiffs' claims and allegations  
21 in the Complaint, and so no response is required for those allegations. To the  
22 extent the statements in this paragraph require an answer, Defendants deny them.

23 **M. Plaintiff Alex Hernandez**

24 79. Defendants admit that Alex Hernandez was 48 years old at the time  
25 the complaint was filed with the United States District Court, Central District of  
26 California and that Mr. Hernandez is detained at Etowah County Detention Center.  
27 Defendants admit that Mr. Hernandez has a torn rotator cuff in his right shoulder,  
28 has reported a history of Barrett's esophagus, hypertension, PTSD, vision loss, and

1 pain in his legs, feet, and hips. Defendants lack knowledge or information  
2 sufficient to form a belief as to the truth of the remaining allegations in the second  
3 sentence of this paragraph and therefore deny those allegations. Defendants deny  
4 the fourth sentence of this paragraph because they consist of statements or  
5 conclusions of law.

6 80. Defendants lack knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in this paragraph and therefore deny those  
8 allegations.

9 81. Defendants deny that Mr. Hernandez was detained at the Alexandria  
10 Staging Facility but admit the remaining allegations in paragraph 81.

11 82. Defendants deny the allegations in the first sentence of paragraph 82.  
12 Defendants lack knowledge or information sufficient to form a belief as to the truth  
13 of the allegations in the second sentence of paragraph 82 and therefore deny those  
14 allegations.

15 83. Defendants lack knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in this paragraph and therefore deny those  
17 allegations.

18 84. Defendants deny the allegations in paragraph 84.

19 85. This paragraph merely characterizes Plaintiffs' claims and allegations  
20 in the Complaint, and so no response is required for those allegations. To the  
21 extent the statements in this paragraph require an answer, Defendants deny them.

22 **N. Plaintiff Aristoteles Sanchez Martinez**

23 86. Defendants admit that Plaintiff Aristoteles Sanchez Martinez was 46  
24 years at the time the complaint was filed with the U.S. District Court, Central  
25 District of California. Defendants admit that Mr. Sanchez Martinez is detained at  
26 Stewart. Defendants admit that Mr. Sanchez Martinez has been diagnosed with, or  
27 presented complaints of, diabetes, neuropathy, hypertension, bone spur on left foot,  
28 Charcot foot, avascular necrosis, non-palpable pulses in lower extremities, and

1 venous insufficiency. Defendants deny the remainder of the second sentence of  
2 paragraph 86 because it consists of a statement or conclusion of law. Defendants  
3 lack knowledge or information sufficient to form as belief as to the truth of the  
4 allegations relating to the degree of pain that Mr. Sanchez Martinez feels due to a  
5 right flank hernia on his abdomen.

6 87. Defendants lack knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in the first sentence of this paragraph and therefore  
8 deny those allegations. Defendants deny the allegations in the second sentence of  
9 paragraph 87.

10 88. Defendants admit the allegations in paragraph 88.

11 89. Defendants lack knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in this paragraph and therefore deny those  
13 allegations.

14 90. This paragraph merely characterizes Plaintiffs' claims and allegations  
15 in the Complaint, and so no response is required for those allegations. To the  
16 extent the statements in this paragraph require an answer, Defendants deny them.

17 **O. Plaintiff Sergio Salazar Artaga**

18 91. Defendants admit that Mr. Salazar Artaga was 25 years old as of the  
19 date the Complaint was filed with the United States District Court, Central District  
20 of California. Defendants deny that Mr. Salazar Artaga is currently detained.  
21 Defendants aver that Mr. Salazar Artaga was released on an order of recognizance  
22 on September 12, 2019. Defendants lack knowledge or information sufficient to  
23 form a belief as to the truth of the remaining allegations in this paragraph and  
24 therefore deny those allegations.

25 92. Defendants admit that Mr. Salazar Artaga has cerebral palsy.  
26 Defendants deny the remainder of the first sentence of paragraph 92 because it  
27 consists of statements or conclusions of law. Defendants lack knowledge or  
28



1 information sufficient to form a belief as to the truth of the remaining allegations in  
2 paragraph 92 and therefore deny those allegations.

3 93. Defendants admit the allegations in the first sentence of paragraph 93.  
4 Defendants lack knowledge or information sufficient to form a belief as to the truth  
5 of the remaining allegations in paragraph 93 and therefore deny those allegations.

6 94. Defendants admit that Mr. Salazar Artaga was noted to have anxiety.  
7 Defendants admit the allegations in the second sentence of paragraph 94.  
8 Defendants lack knowledge or information sufficient to form a belief as to the  
9 remaining allegations in paragraph 94 and therefore deny those allegations.

10 95. Defendants admit that Mr. Salazar Artaga was detained at Florence as  
11 of March 2019, but Defendants deny that he is currently detained. Defendants aver  
12 that Mr. Salazar Artaga was released on an order of recognizance on September 12,  
13 2019.

14 96. This paragraph merely characterizes Plaintiffs' claims and allegations  
15 in the Complaint, and so no response is required for those allegations. To the  
16 extent the statements in this paragraph require an answer, Defendants deny them.

17 **P. Plaintiff Inland Coalition for Immigrant Justice**

18 97. Defendants lack knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in paragraph 97 and therefore deny those  
20 allegations.

21 98. Defendants lack knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in paragraph 98 and therefore deny those  
23 allegations.

24 99. Defendants deny that conditions at Adelanto are substandard.  
25 Defendants lack knowledge or information sufficient to form a belief as to the truth  
26 of the remaining allegations in paragraph 99 and therefore deny those allegations.

27 100. Defendants deny the first sentence of paragraph 100 because it  
28 consists of statements or conclusions of law to which no response is required.

1 Defendants lack knowledge or information sufficient to form a belief as to the truth  
2 of the remaining allegations in this paragraph and therefore deny those allegations.

3 101. Defendants deny the allegations in the first sentence of paragraph 100.  
4 Defendants lack knowledge or information sufficient to form a belief as to the truth  
5 of the remaining allegations in this paragraph and therefore deny those allegations.

6 102. Defendants lack knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in paragraph 102 and therefore deny those  
8 allegations.

9 103. Defendants lack knowledge or information sufficient to form a belief  
10 as to the truth of the allegations in paragraph 103 and therefore deny those  
11 allegations.

12 104. Defendants lack knowledge or information sufficient to form a belief  
13 as to the truth of the allegations in paragraph 104 and therefore deny those  
14 allegations.

15 105. Defendants lack knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in paragraph 105 and therefore deny those  
17 allegations.

18 106. Defendants lack knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in paragraph 106 and therefore deny those  
20 allegations.

21 107. Defendants lack knowledge or information sufficient to form a belief  
22 as to the truth of the allegations in paragraph 107 and therefore deny those  
23 allegations.

24 108. Defendants lack knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in paragraph 108 and therefore deny those  
26 allegations.

27

28

1 109. This paragraph merely characterizes Plaintiffs' claims and allegations  
2 in the Complaint, and so no response is required for those allegations. To the  
3 extent the statements in this paragraph require an answer, Defendants deny them.

4 **Q. Plaintiff Al Otro Lado**

5 110. Defendants lack knowledge or information sufficient to form a belief  
6 as to the truth of the allegations in paragraph 110 and therefore deny those  
7 allegations.

8 111. Defendants lack knowledge or information sufficient to form a belief  
9 as to the truth of the allegations in paragraph 111 and therefore deny those  
10 allegations.

11 112. Defendants deny the allegations in the first sentence of paragraph 112.  
12 Defendants lack knowledge or information sufficient to form a belief as to the truth  
13 of the remaining allegations in this paragraph and therefore deny those allegations.

14 113. Defendants deny the allegations in the first sentence of paragraph 113.  
15 Defendants lack knowledge or information sufficient to form a belief as to the truth  
16 of the remaining allegations in this paragraph and therefore deny those allegations.

17 114. Defendants lack knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in paragraph 114 and therefore deny those  
19 allegations.

20 115. Defendants lack knowledge or information sufficient to form a belief  
21 as to the truth of the allegations in paragraph 115 and therefore deny those  
22 allegations.

23 116. Defendants lack knowledge or information sufficient to form a belief  
24 as to the truth of the allegations in paragraph 116 and therefore deny those  
25 allegations.

26 117. Defendants deny the allegations in the first sentence of paragraph 117.  
27 Defendants deny that Defendants do not properly treat Al Otro Lado's clients'  
28 mental health conditions, or improperly place such clients in segregation and thus

1 worsen their mental health conditions. Defendants lack knowledge or information  
2 sufficient to form a belief as to the truth of the remaining allegations in paragraph  
3 117 and therefore deny those allegations.

4 118. Defendants deny the allegations in the second sentence of paragraph  
5 118. Defendants lack knowledge or information sufficient to form a belief as to the  
6 truth of the remaining allegations in this paragraph and therefore deny those  
7 allegations.

8 119. Defendants deny the allegations in the first sentence of paragraph 119.  
9 Defendants lack knowledge or information sufficient to form a belief as to the truth  
10 of the remaining allegations in paragraph 119 and therefore deny those allegations.

11 120. Defendants deny that they fail to provide constitutionally adequate  
12 conditions and disability accommodations. Defendants lack knowledge or  
13 information sufficient to form a belief as to the truth of the remaining allegations in  
14 paragraph 120 and therefore deny those allegations.

15 121. Defendants lack knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in paragraph 121 and therefore deny those  
17 allegations.

18 122. Defendants deny the allegations in the first sentence of paragraph 122.  
19 Defendants lack knowledge or information sufficient to form a belief as to the truth  
20 of the remaining allegations in this paragraph and therefore deny those allegations.

21 123. Defendants deny that there are known failures by Defendants to  
22 provide adequate medical and mental health care and appropriate health  
23 screenings. Defendants deny that asylum-seekers and migrants do not receive  
24 appropriate health screenings upon entry into Defendants' custody and do not  
25 receive appropriate treatment upon entry into their custody. Defendants lack  
26 knowledge or information sufficient to form a belief as to the truth of the  
27 remaining allegations in this paragraph and therefore deny those allegations.

28

1 124. Defendants deny that they fail to provide adequate medical care and  
2 appropriate health screenings. Defendants lack knowledge or information  
3 sufficient to form a belief as to the truth of the remaining allegations in paragraph  
4 124 and therefore deny those allegations.

5 125. Defendants deny that they have failed to provide constitutionally  
6 adequate care and disability accommodations to people in its custody. Defendants  
7 lack knowledge or information sufficient to form a belief as to the truth of the  
8 remaining allegations in this paragraph and therefore deny those allegations.

9 126. This paragraph merely characterizes Plaintiffs' claims and allegations  
10 in the Complaint, and so no response is required for those allegations. To the  
11 extent the statements in this paragraph require an answer, Defendants deny them.

## 12 **II. Defendants**

### 13 **A. Defendant U.S. Immigration Customs and Enforcement**

14 127. Defendants admit the allegations in paragraph 127.

### 15 **B. Defendant U.S. Department of Homeland Security**

16 128. Defendants admit the allegations in paragraph 128.

### 17 **C. Defendant Kevin McAleenan, Acting Secretary of DHS**

18 129. Defendants deny the allegations in paragraph 129 with respect to  
19 Kevin McAleenan and aver that Chad Wolf is now Acting Secretary of DHS.

### 20 **D. Defendant Matthew T. Albence, Acting Director of ICE**

21 130. Defendants admit the allegations in paragraph 130, with the exception  
22 that Matthew Albence's title is Deputy Director and Senior Official Performing the  
23 Duties of the Director of ICE.

### 24 **E. Defendant Derek N. Brenner, Deputy Director of ICE**

25 131. Defendants admit the allegations in paragraph 131, except that Derek  
26 Benner's title is Executive Associate Director for Homeland Security  
27 Investigations and Senior Official Performing the Duties of the Deputy Director of  
28 ICE.

1 **F. Defendant Timothy S. Robbins, Acting Executive Associate Director of**  
2 **ERO**

3 132. Defendants deny the allegations in paragraph 132 with respect to  
4 Timothy Robbins and aver that Henry Lucero is now Acting Executive Associate  
5 Director of Enforcement and Removal Operations.

6 **G. Defendant Tae Johnson, Assistant Director of Custody Management of**  
7 **ERO**

8 133. Defendants admit the allegations in paragraph 133.

9 **H. Defendant Dr. Stewart D. Smith, Assistant Director of ICE Health**  
10 **Service Corps**

11 134. Defendants admit the allegations in paragraph 134.

12 **I. Defendant Jacki Becker Klopp, Assistant Director of Operations**  
13 **Support of ERO**

14 135. Defendants admit the allegations in paragraph 135.

15 **J. Defendant David P. Pecoske, Senior Official Performing Duties of the**  
16 **Deputy Secretary of DHS**

17 136. Defendants deny the allegations in paragraph 136 as to David P.  
18 Pecoske and aver that Ken Cuccinelli is now Senior Official Performing the Duties  
19 of the Deputy Secretary of DHS.

20 **JURISDICTION**

21 137. Defendants deny paragraph 137 because it consist of statements or  
22 conclusions of law.

23 **VENUE**

24 138. Defendants deny paragraph 138 because it consist of statements or  
25 conclusions of law.

26  
27  
28

**FACTUAL ALLEGATIONS**

**III. Defendants Subject Thousands of Civil Detainees to Punitive Conditions Despite the Availability of Alternatives.**

139. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny those allegations.

140. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny those allegations.

141. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first and second sentences of paragraph 141 and therefore deny those allegations. The remaining allegations in this paragraph merely characterize or quote TRAC Immigration, *Profiling Who ICE Detains—Few Committed Any Crime*, (Oct. 9, 2018), <https://trac.syr.edu/immigration/reports/530/>, which speaks for itself, and so no response is required for those allegations. To the extent a response is required, Defendants deny any allegations that are inconsistent with the referenced document and Plaintiff’s characterization of that document.

142. Defendants admit that many detainees require, and are provided, interpretation or translation services. Defendants lack knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the first sentence of paragraph 142 and therefore deny those allegations. Defendants deny the allegations in the second sentence of paragraph 142.

143. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph and therefore deny those allegations.

144. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations in the first sentence of this paragraph and therefore

1 deny those allegations. The allegations in the second sentence of this paragraph  
2 merely characterize or quote *U.S. Gov't Accountability Office, GAO-19-416,*  
3 *Actions Needed to Better Handle, Identify, and Track Cases Involving Veterans*  
4 (June 2019), <https://www.gao.gov/assets/700/699549.pdf>, which speaks for itself,  
5 and so no response is required for those allegations. To the extent a response is  
6 required, Defendants deny any allegations that are inconsistent with the referenced  
7 documents and Plaintiff's characterizations of those documents.

8 145. Defendants deny this paragraph because it consists of statements or  
9 conclusions of law.

10 146. Defendants deny the allegations in paragraph 146.

11 147. This allegations in this paragraph merely characterize or quote  
12 documents that speak for themselves, and so no response is required for those  
13 allegations. To the extent a response is required, Defendants deny any allegations  
14 that are inconsistent with the referenced documents and Plaintiff's  
15 characterizations of those documents.

16 148. The allegations of this paragraph merely characterize or quote  
17 documents that speak for themselves, and so no response is required for those  
18 allegations. To the extent a response is required, Defendants deny any allegations  
19 that are inconsistent with the referenced documents and Plaintiff's  
20 characterizations of those documents.

21 149. Defendants deny the allegations in paragraph 149.

22 150. Defendants deny the allegations in paragraph 150.

23 151. Defendants deny the allegations of paragraph 151.

24 152. Defendants lack knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in the first sentence of paragraph 152 and therefore  
26 deny those allegations. The remaining allegations in this paragraph merely  
27 characterize or quote U.S. Comm'n on Civil Rights, *With Liberty and Justice for*  
28 *All* (Sep. 2015),



1 [https://www.usccr.gov/pubs/docs/Statutory\\_Enforcement\\_Report2015.pdf](https://www.usccr.gov/pubs/docs/Statutory_Enforcement_Report2015.pdf), which  
2 speaks for itself, and so no response is required for those allegations. To the extent  
3 a response is required, Defendants deny any allegations that are inconsistent with  
4 the referenced document and Plaintiff's characterizations of that document.

5 153. The allegations of this paragraph merely characterize or quote Xavier  
6 Becerra, Cal. Att'y Gen., *Immigration Detention in California*, Cal. Dep't of  
7 Justice (Feb. 2019),  
8 [https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf)  
9 [2019.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf), which speaks for itself, and so no response is required for those  
10 allegations. To the extent a response is required, Defendants deny any allegations  
11 that are inconsistent with the referenced document and Plaintiff's characterizations  
12 of that document.

13 154. The allegations of this paragraph merely characterize or quote  
14 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
15 [https://www.disabilityrightsca.org/system/files/fileattachments/DRC\\_REPORT\\_A](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A)  
16 [DELANTOIMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A), which speaks for itself, and  
17 so no response is required for those allegations. To the extent a response is  
18 required, Defendants deny any allegations that are inconsistent with the referenced  
19 document and Plaintiff's characterizations of that document.

20 155. Defendants deny the allegations in paragraph 155.

21 156. Defendants deny the allegations in the first and final sentences of  
22 paragraph 156. Defendants deny the remainder of paragraph 156 because it  
23 consists of statements or conclusions of law.

24 157. Defendants deny the first sentence of paragraph 157 because it  
25 consists of statements or conclusions of law. Defendants deny the remaining  
26 allegations in the second sentence of paragraph 157.

27 158. Defendants admit that ICE contends that detention is often necessary  
28 and in some cases mandated by the Immigration and Nationality Act to ensure

1 court appearance. The remaining allegations in the first sentence of this paragraph  
2 and in the second sentence of this paragraph merely characterize or quote U.S.  
3 Gov't Accountability Office, GAO-15-26, *Alternatives to Detention: Improved*  
4 *Data Collection and Analyses Needed to Better Assess Program Effectiveness*  
5 (Nov. 2014), <https://www.gao.gov/assets/670/666911.pdf>, and National Immigrant  
6 Justice Center, *A Better Way: Community-Based Programming as an Alternative*  
7 *To Immigrant Incarceration* (Apr. 2019),  
8 [https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-](https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-contenttype/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf)  
9 [contenttype/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf](https://www.immigrantjustice.org/sites/default/files/uploaded-files/no-contenttype/2019-04/A-Better-Way-report-April2019-FINAL-full.pdf), which  
10 speak for themselves, and so no response is required for those allegations. To the  
11 extent a response is required, Defendants deny any allegations that are inconsistent  
12 with the referenced documents and Plaintiff's characterizations of those  
13 documents. Defendants deny the allegations in the third sentence of paragraph 158.

14 **IV. Defendants are Responsible for Selecting, Contracting, and Monitoring**  
15 **Conditions of Detention Facilities.**

16 159. Defendants admit the allegations in paragraph 159.

17 160. Defendants admit the allegations in the first and second sentences of  
18 paragraph 160. Defendants deny the allegations in the third sentence of paragraph  
19 160 that submitting a contract discrepancy report for non-compliance is  
20 discretionary.

21 161. Defendants deny the allegations in the first sentence of paragraph 161.  
22 Defendants deny the allegations in the second sentence of paragraph 161 to the  
23 extent it alleges that Intergovernmental Service Agreements ("IGSAs") are  
24 unlawful or that all local governments entering into IGSAs subcontract with a  
25 private firm. The allegations in the third sentence of this paragraph merely  
26 characterize or quote Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-*  
27 *18-55:Immigration and Customs Enforcement Did Not Follow Federal*  
28 *Procurement Guidelines When Contracting for Detention Services* (Feb. 21, 2018)

1 <https://www.oig.dhs.gov/sites/default/files/assets/2018-02/OIG-18-53-Feb18.pdf>,  
2 which speaks for itself, and so no response is required for those allegations. To the  
3 extent a response is required, Defendants deny any allegations that are inconsistent  
4 with the referenced documents and Plaintiff's characterizations of those  
5 documents.

6 162. The allegations in first sentence in this paragraph merely characterize  
7 or quote Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE*  
8 *Does Not Fully Use Contracting Tools to Hold Detention Facility Contractors*  
9 *Accountable for Failing to Meet Performance Standards* (Jan. 29, 2019),  
10 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>,  
11 which speaks for itself, and so no response is required for those allegations. To the  
12 extent a response is required, Defendants deny any allegations that are inconsistent  
13 with the referenced document and Plaintiff's characterization of that document.  
14 Defendants deny the allegations in the second sentence of paragraph 162.

15 163. The allegations in this paragraph merely characterize or quote  
16 Memorandum from Sally Yates, Deputy Att'y Gen, to the Acting Dir. of the Fed.  
17 Bureau of Prisons (Aug. 18, 2016),  
18 <https://www.justice.gov/archives/opa/file/886311/download>., which speaks for  
19 itself, and so no response is required for those allegations. To the extent a response  
20 is required, Defendants deny any allegations that are inconsistent with the  
21 referenced document and Plaintiff's characterization of that document.

22 164. Defendants lack knowledge or information sufficient to form a belief  
23 as to the truth of the allegations in the first sentence of this paragraph and therefore  
24 deny those allegations. The remaining allegations in this paragraph merely  
25 characterize or quote Homeland Security Advisory Council, U.S. Dep't of  
26 Homeland Sec., *Report of the Subcommittee on Privatized Immigration Detention*  
27 *Facilities* (Dec. 1, 2016),  
28 <https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20>

1 Final%20Report.pdf, which speaks for itself, and so no response is required for  
2 those allegations. To the extent a response is required, Defendants deny any  
3 allegations that are inconsistent with the referenced document and Plaintiff's  
4 characterization of that document.

5 165. Defendants deny the allegations in the first sentence of paragraph 165.  
6 Defendants admit the allegations in the second sentence of paragraph 165.

7 166. Defendants deny the allegations in paragraph 166.

8 167. Defendants deny the allegations in the first sentence of paragraph 167.  
9 Defendants lack knowledge or information sufficient to form a belief as to the truth  
10 of the remaining allegations in this paragraph and therefore deny those allegations.

11 168. Defendants deny the allegations in paragraph 168.

12 169. Defendants deny the allegations in the first sentence of paragraph 169.  
13 Defendants admit that ICE contracts with private medical provider Correct Care  
14 Solutions ("CCS"), now rebranded as Wellpath, and Corizon. Defendants lack  
15 knowledge or information sufficient to form a belief as to the truth of the  
16 remaining allegations in this paragraph and therefore deny those allegations.

17 **V. Multiple Government Entities, Including DHS Itself, Have Concluded**  
18 **That Defendants Are Not Adequately Monitoring and Overseeing**  
19 **Detention Facilities.**

20 170. Defendants deny the allegations in paragraph 170.

21 171. Defendants admit the allegations in the first sentence of paragraph  
22 171. Defendants admit that nearly a quarter of detention facilities are jails where  
23 ICE maintains an average population of less than 10 detainees. Defendants deny  
24 the remaining allegations in paragraph 171.

25 172. Defendants admit the allegations in paragraph 172.

26 173. Defendants admit the allegations in the first sentence of paragraph  
27 173. Defendants admit that ICE's External Reviews and Analysis Unit is  
28

1 responsible for conducting a Detainee Death Review (“DDR”) after a detained  
2 individual dies. Defendants deny the remaining allegations in paragraph 173.

3 174. Defendants admit the allegations in paragraph 174.

4 175. Defendants admit the allegations in paragraph 175.

5 176. Defendants admit the allegations in paragraph 176.

6 177. The allegations of this paragraph merely characterize or quote Office  
7 of Inspector Gen., U.S. Dep’t of Homeland Sec., *OIG-18-47: ICE’s Inspections*  
8 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
9 *Systemic Improvements* (Jun. 26, 2018),  
10 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
11 which speaks for itself, and so no response is required for those allegations. To the  
12 extent a response is required, Defendants deny any allegations that are inconsistent  
13 with the referenced document and Plaintiff’s characterization of that document.

14 178. The allegations of this paragraph merely characterize or quote Office  
15 of Inspector Gen., U.S. Dep’t of Homeland Sec., *OIG-18-47: ICE’s Inspections*  
16 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
17 *Systemic Improvements* (Jun. 26, 2018),  
18 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
19 which speaks for itself, and so no response is required for those allegations. To the  
20 extent a response is required, Defendants deny any allegations that are inconsistent  
21 with the referenced document and Plaintiff’s characterization of that document.

22 179. The allegations of this paragraph merely characterize or quote Office  
23 of Inspector Gen., U.S. Dep’t of Homeland Sec., *OIG-18-47: ICE’s Inspections*  
24 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
25 *Systemic Improvements* (Jun. 26, 2018),  
26 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
27 which speaks for itself, and so no response is required for those allegations. To the  
28

1 extent a response is required, Defendants deny any allegations that are inconsistent  
2 with the referenced document and Plaintiff's characterization of that document.

3 180. The allegations of this paragraph merely characterize or quote Office  
4 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-47: ICE's Inspections*  
5 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
6 *Systemic Improvements* (Jun. 26, 2018),  
7 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
8 which speaks for itself, and so no response is required for those allegations. To the  
9 extent a response is required, Defendants deny any allegations that are inconsistent  
10 with the referenced document and Plaintiff's characterization of that document.

11 181. The allegations of this paragraph merely characterize or quote Office  
12 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-47: ICE's Inspections*  
13 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
14 *Systemic Improvements* (Jun. 26, 2018),  
15 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
16 which speaks for itself, and so no response is required for those allegations. To the  
17 extent a response is required, Defendants deny any allegations that are inconsistent  
18 with the referenced document and Plaintiff's characterization of that document.

19 182. The allegations of this paragraph merely characterize or quote  
20 Homeland Security Advisory Council, U.S. Dep't of Homeland Sec., *Report of the*  
21 *Subcommittee on Privatized Immigration Detention Facilities* (Dec. 1, 2016),  
22 [https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20](https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%2020Final%20Report.pdf)  
23 [20Final%20Report.pdf](https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%2020Final%20Report.pdf), and Letter from Lead Compliance Inspector, The  
24 Nakamoto Grp., to Assistant Dir. for Detention Mgmt. (May 3, 2018),  
25 [https://www.ice.gov/doclib/facilityInspections/stewartDetCtrGA\\_CL\\_05\\_03\\_2018.](https://www.ice.gov/doclib/facilityInspections/stewartDetCtrGA_CL_05_03_2018.pdf)  
26 pdf, which speak for themselves. To the extent a response is required, Defendants  
27 deny any allegations that are inconsistent with the referenced documents and  
28 Plaintiff's characterizations of those documents.

1 183. The allegations of this paragraph merely characterize or quote Office  
2 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-47: ICE's Inspections*  
3 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
4 *Systemic Improvements* (Jun. 26, 2018),  
5 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
6 which speaks for itself, and so no response is required for those allegations. To the  
7 extent a response is required, Defendants deny any allegations that are inconsistent  
8 with the referenced documents and Plaintiff's characterizations of those  
9 documents,

10 184. The allegations of this paragraph merely characterize or quote Office  
11 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-47: ICE's Inspections*  
12 *and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or*  
13 *Systemic Improvements* (Jun. 26, 2018),  
14 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>,  
15 which speaks for itself, and so no response is required for those allegations. To the  
16 extent a response is required, Defendants deny any allegations that are inconsistent  
17 with the referenced documents and Plaintiff's characterizations of those  
18 documents.

19 185. The allegations of this paragraph merely characterize or quote Office  
20 of Inspector General, U.S. Dep't of Homeland Sec., *OIG-19-47: Concerns About*  
21 *ICE Detainee Treatment and Care at Four Detention Facilities* (Jun. 3, 2019),  
22 <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>,  
23 which speaks for itself, and so no response is required for those allegations. To the  
24 extent a response is required, Defendants deny any allegations that are inconsistent  
25 with the referenced documents and Plaintiff's characterizations of those  
26 documents.

27 186. Defendants deny the allegations in the first sentence of paragraph 186.  
28 The allegations in the remainder of this paragraph merely characterize or quote

1 Memorandum to Matthew Albence, Acting Deputy Dir., U.S. Immigration and  
2 Customs Enforcement (Dec. 3, 2018),  
3 <https://tyt.com/stories/4vZLCHuQrYE4uKagy0oyMA/688s1LbTKvQKNCv2E9bu>  
4 [688s1LbTKvQKNCv2E9bu7h](https://tyt.com/stories/4vZLCHuQrYE4uKagy0oyMA/688s1LbTKvQKNCv2E9bu7h)., which speaks for itself, and so no response is  
5 required for those allegations. To the extent a response is required, Defendants  
6 deny any allegations that are inconsistent with the referenced documents and  
7 Plaintiff's characterizations of those documents.

8 187. Defendants deny the allegations in the first sentence. The remaining  
9 allegations in this paragraph merely characterize or quote National Immigrant  
10 Justice Center & Detention Watch Network, *ICE Lies: Public Deception, Private*  
11 *Profit* (Jan. 2018), [https://www.immigrantjustice.org/sites/default/files/content-](https://www.immigrantjustice.org/sites/default/files/content-type/researchitem/documents/2018-02/IceLies_DWN_NIJC_Feb2018.pdf)  
12 [type/researchitem/documents/2018-02/IceLies\\_DWN\\_NIJC\\_Feb2018.pdf](https://www.immigrantjustice.org/sites/default/files/content-type/researchitem/documents/2018-02/IceLies_DWN_NIJC_Feb2018.pdf), which  
13 speaks for itself, and so no response is required for those allegations. To the extent  
14 a response is required, Defendants deny any allegations that are inconsistent with  
15 the referenced documents and Plaintiff's characterizations of those documents.

16 188. Defendants deny the allegations in the first sentence of paragraph 188.  
17 The allegations in the remainder of this paragraph merely characterize or quote the  
18 following, which speak for themselves: Office of Inspector General, U.S. Dep't of  
19 Homeland Sec., *OIG Freedom of Information Act Request No. 2018-IGFO-00059*  
20 *Final Response* (April 25, 2018), [https://www.wabe.org/wp-](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf)  
21 [content/uploads/2018/05/2018-IGFO-00059\\_Final-Response\\_watermark-4.pdf](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf);  
22 Public Radio International, *Investigation finds ICE detention center cut corners*  
23 *and skirted federal detention rules* (March 15, 2018),  
24 [https://www.pri.org/stories/2018-03-15/investigation-finds-icedetention-](https://www.pri.org/stories/2018-03-15/investigation-finds-icedetention-center-cuts-corners-and-skirted-federal)  
25 [center-](https://www.pri.org/stories/2018-03-15/investigation-finds-icedetention-center-cuts-corners-and-skirted-federal)  
26 [cuts-corners-and-skirted-federal](https://www.pri.org/stories/2018-03-15/investigation-finds-icedetention-center-cuts-corners-and-skirted-federal); and Katherine Hawkins, Project on Government  
27 Oversight, *Outsourced Oversight* (March 12, 2019),  
28 <https://www.pogo.org/investigation/2019/03/outsourced-oversight>. No response,  
therefore, is required for those allegations. To the extent a response is required,



1 Defendants deny any allegations that are inconsistent with the referenced  
2 documents and Plaintiff's characterizations of those documents.

3 189. The allegations in this paragraph merely characterize or quote the  
4 following, which speak for themselves: Letter from Lead Compliance Inspector,  
5 The Nakamoto Grp., to Assistant Dir. for Detention Mgmt. (May 3, 2018),  
6 [https://www.ice.gov/doclib/facilityInspections/stewartDetCtrGA\\_CL\\_05\\_03\\_2018.pdf](https://www.ice.gov/doclib/facilityInspections/stewartDetCtrGA_CL_05_03_2018.pdf);  
7 Letter from Lead Compliance Inspector, The Nakamoto Grp., to Assistant  
8 Dir. for Detention Mgmt. (Oct. 11, 2018),  
9 [https://www.ice.gov/doclib/facilityInspections/adelantoWestCa\\_CL\\_10\\_11\\_2018.p](https://www.ice.gov/doclib/facilityInspections/adelantoWestCa_CL_10_11_2018.pdf)  
10 [df](https://www.ice.gov/doclib/facilityInspections/adelantoWestCa_CL_10_11_2018.pdf); Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-86:*  
11 *Management Alert – Issues Requiring Action at the Adelanto ICE Processing*  
12 *Center in Adelanto, California* (Sep.27, 2018),  
13 <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>;  
14 and Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
15 [https://www.disabilityrightsca.org/system/files/fileattachments/DRC\\_REPORT\\_A](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_ADELANTOIMMIG_DETENTION_MARCH2019.pdf)  
16 [DELANTOIMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_ADELANTOIMMIG_DETENTION_MARCH2019.pdf). No response, therefore, is  
17 required for those allegations. To the extent a response is required, Defendants  
18 deny any allegations that are inconsistent with the referenced documents and  
19 Plaintiff's characterizations of those documents.

20 190. Defendants deny the allegations in the first sentence of paragraph 190.  
21 Defendants admit that they continue to contract with Nakamoto for inspection  
22 services but deny the remaining allegations in the fourth sentence of paragraph 190  
23 The allegations in this paragraph merely characterize or quote the following, which  
24 speak for themselves: Katherine Hawkins, *Outsourced Oversight*, Project on  
25 Government Oversight (March 12, 2019),  
26 <https://www.pogo.org/investigation/2019/03/outsourcedoversight>; and Letter from  
27 Senator Elizabeth Warren *et al.* to Jennifer H. Nakamoto, President Nakamoto  
28 Grp., (Apr. 15, 2018), <https://www.warren.senate.gov/imo/media/doc/2018-11->

1 16%20Letter%20to%20Nakamoto%20Group%20re%20ICE%20Detention%20Fac  
2 ility%20Inspections.pdf. No response, therefore, is required for those allegations.  
3 To the extent a response is required, Defendants deny any allegations that are  
4 inconsistent with the referenced documents and Plaintiff's characterizations of  
5 those documents.

6 191. Defendants deny the allegations in the first sentence of paragraph 191.  
7 The remaining allegations in this paragraph merely characterize or quote the  
8 following, which speak for themselves: Office of Detention Oversight, U.S. Dep't  
9 of Homeland Sec., *Enforcement and Removal Operations ERO Denver Field*  
10 *Office Denver Contract Detention Facility Aurora, CO* (April 2016),  
11 [https://www.ice.gov/doclib/foia/odo-complianceinspections/  
12 denverContractDetentionFacilityAuroraCoApr\\_12\\_14\\_2016.pdf](https://www.ice.gov/doclib/foia/odo-complianceinspections/denverContractDetentionFacilityAuroraCoApr_12_14_2016.pdf); Office of  
13 Professional Responsibility, *Detainee Death Review – Kamyar Samimi*  
14 [https://bento.cdn.pbs.org/hostedbentoprod/  
15 filer\\_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf); and  
16 Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-47: ICE's*  
17 *Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained*  
18 *Compliance or Systemic Improvements* (Jun. 26, 2018),  
19 <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

20 No response, therefore, is required for those allegations. To the extent a response is  
21 required, Defendants deny any allegations that are inconsistent with the referenced  
22 documents and Plaintiff's characterizations of those documents.

23 192. Defendants deny the allegations in the first sentence of paragraph 192.  
24 Defendants admit that in trying to comply with approximately 4,000 specific  
25 requirements, some deficiencies may take longer than other to come into  
26 compliance. Defendants deny the remaining allegations in paragraph 192.

27 193. Defendants deny the allegations in the first sentence of paragraph 193.  
28 Defendants deny the fifth sentence of paragraph 193 because it consists of

1 statements or conclusions of law. The remaining allegations in this paragraph  
2 merely characterize or quote Office for Civil Rights & Civil Liberties, U.S. Dep't  
3 of Homeland Sec., *Fiscal Year 2015 Annual Report to Congress* (Jun. 10, 2016),  
4 <https://www.hsdl.org/?view&did=801456>, which speaks for itself, and so no  
5 response is required for those allegations. To the extent a response is required,  
6 Defendants deny any allegations that are inconsistent with the referenced  
7 documents and Plaintiff's characterizations of those documents. To the extent a  
8 response is required, Defendants deny any allegations that are inconsistent with the  
9 referenced documents and Plaintiff's characterizations of those documents.

10 194. Defendants deny the allegations in paragraph 194.

11 195. Defendants admit that Johana Medina was diagnosed with HIV while  
12 in ICE custody and that she died after ICE released to her a hospital and that José  
13 Luis Ibarra Bucio died after ICE released him to a hospital. Defendants deny the  
14 remaining allegations in paragraph 195.

15 196. Defendants deny the allegations in the first sentence of paragraph 196.  
16 The allegations in the second sentence of this paragraph merely characterize or  
17 quote Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE*  
18 *Does Not Fully Use Contracting Tools to Hold Detention Facility*  
19 *Contractors Accountable for Failing to Meet Performance Standards*, (Jan. 29,  
20 2019), [https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-](https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf)  
21 [Jan19.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf), which speaks for itself, and so no response is required for those  
22 allegations. To the extent a response is required, Defendants deny any allegations  
23 that are inconsistent with the referenced documents and Plaintiff's  
24 characterizations of those documents.

25 197. Defendants deny the allegations in the third sentence of paragraph  
26 197. The remaining allegations in paragraph 197 merely characterize or quote  
27 Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE Does Not*  
28 *Fully Use Contracting Tools to Hold Detention Facility Contractors Accountable*

1 *for Failing to Meet Performance Standards*, (Jan. 29, 2019),  
2 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>,  
3 which speaks for itself, and so no response is required for those allegations. To the  
4 extent a response is required, Defendants deny any allegations that are inconsistent  
5 with the referenced documents and Plaintiff's characterizations of those  
6 documents.

7 198. Defendants admit the allegations in the fourth, fifth, and sixth  
8 sentences of paragraph 198. The remaining allegations in this paragraph merely  
9 characterize or quote Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-*  
10 *19-18: ICE Does Not Fully Use Contracting Tools to Hold Detention Facility*  
11 *Contractors Accountable for Failing to Meet Performance Standards*, (Jan. 29,  
12 2019), <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18->  
13 [Jan19.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf), which speaks for itself, and so no response is required for those  
14 allegations. To the extent a response is required, Defendants deny any allegations  
15 that are inconsistent with the referenced documents and Plaintiff's  
16 characterizations of those documents.

17 199. The allegations of this paragraph merely characterize or quote Office  
18 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE Does Not Fully*  
19 *Use Contracting Tools to Hold Detention Facility Contractors Accountable for*  
20 *Failing to Meet Performance Standards* (Jan. 29, 2019),  
21 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>,  
22 which speaks for itself, and so no response is required for those allegations. To the  
23 extent a response is required, Defendants deny any allegations that are inconsistent  
24 with the referenced documents and Plaintiff's characterizations of those  
25 documents.

26 200. The allegations of this paragraph merely characterize or quote Office  
27 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE Does Not Fully*  
28 *Use Contracting Tools to Hold Detention Facility Contractors Accountable for*

1 *Failing to Meet Performance Standards*, (Jan. 29, 2019),  
2 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>,  
3 which speaks for itself, and so no response is required for those allegations. To the  
4 extent a response is required, Defendants deny any allegations that are inconsistent  
5 with the referenced documents and Plaintiff's characterizations of those  
6 documents.

7 201. This allegations of this paragraph merely characterize Office of  
8 Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-19-18: ICE Does Not Fully*  
9 *Use Contracting Tools to Hold Detention Facility Contractors Accountable for*  
10 *Failing to Meet Performance Standards* (Jan. 29, 2019),  
11 <https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf>,  
12 which speaks for itself, and so no response is required for those allegations. To the  
13 extent a response is required, Defendants deny any allegations that are inconsistent  
14 with the referenced documents and Plaintiff's characterizations of those  
15 documents.

16 202. The allegations in the first sentence of paragraph 202 merely  
17 characterize or quote Office of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-*  
18 *19-18: ICE Does Not Fully Use Contracting Tools to Hold Detention Facility*  
19 *Contractors Accountable for Failing to Meet Performance Standards* (Jan. 29,  
20 2019), [https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-](https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf)  
21 [Jan19.pdf](https://www.oig.dhs.gov/sites/default/files/assets/2019-02/OIG-19-18-Jan19.pdf), which speaks for itself, and so no response is required for those  
22 allegations. To the extent that a response is required for those allegations,  
23 Defendants deny the allegations. Defendants deny the allegations in the second  
24 sentence of paragraph 202.

25  
26  
27  
28

1 **VI. As a Result of Defendants' Failure to Monitor and Oversee Medical and**  
2 **Mental Health Care at Detention Facilities, Conditions in Those**  
3 **Facilities Constitute Punishment and Expose Plaintiffs and Class**  
4 **Members to Substantial Risk of Serious Harm.**

5 203. This paragraph merely characterizes Plaintiff's claims and allegations  
6 in the Complaint, and so no response is required for those allegations. To the  
7 extent the statements in this paragraph require an answer, Defendants deny them.

8 204. This paragraph merely characterizes Plaintiff's claims and allegations  
9 in the Complaint, and so no response is required for those allegations. To the  
10 extent the statements in this paragraph require an answer, Defendants deny them.

11 205. Defendants lack knowledge or information sufficient to form a belief  
12 as to the truth of the allegations in this paragraph and therefore deny those  
13 allegations.

14 206. Defendants deny the allegations in paragraph 206.

15 207. Defendants deny paragraph 207 because it consists of statements or  
16 conclusions of law.

17 208. Defendants deny the allegations in paragraph 208.

18 **A. Defendants Systemically Fail to Ensure That Detained Individuals**  
19 **Receive Timely Medical and Mental Health Care.**

20 209. Defendants deny the allegations in paragraph 209.

21 210. Defendants deny the allegations in paragraph 210.

22 211. Defendants deny the allegations in the first sentence of paragraph 211.  
23 Defendants lack knowledge or information sufficient to form a belief as to the truth  
24 of the allegations in the second sentence of this paragraph and therefore deny those  
25 allegations.

26 212. Defendants deny the allegations in paragraph 212.

27 213. Defendants deny the allegations in paragraph 213.

28

1           214. Defendants admit that plaintiff Jimmy Sudney had surgeries in 2015  
2 and 2016 for conditions related to his vision, that he was transferred to Eloy on  
3 December 8, 2016, and that Mr. Sudney required off-site medical care on at least  
4 three occasions. Defendants lack knowledge or information sufficient to form a  
5 belief as to the truth of the allegations in the fourth sentence of this paragraph and  
6 therefore deny those allegations. Defendants deny the remaining allegations in this  
7 paragraph.

8           215. Defendants lack knowledge or information sufficient to form a belief  
9 as to the truth of the allegations in the third and fourth sentences of this paragraph  
10 and therefore deny those allegations. Defendants deny the remaining allegations in  
11 paragraph 215.

12           216. Defendants admit that plaintiff Melvin Murillo required off-site  
13 emergency care but deny he had any hospitalizations to the extent that term means  
14 he was admitted overnight for treatment. Defendants deny the remaining  
15 allegations in paragraph 216.

16           217. Defendants admit the allegations in the first and second sentences of  
17 paragraph 217. Defendants deny the remaining allegations in paragraph 217 and  
18 aver that Mr. Murillo Hernandez was already being monitored in the medical when  
19 the events alleged in paragraph 217 allegedly occurred. Defendants deny any  
20 allegation that Mr. Murillo Hernandez was not being monitored at any time during  
21 the events alleged in this paragraph.

22           218. Defendants admit the allegations in the third sentence of paragraph  
23 218. Defendants admit that a nurse conducted a vision test for plaintiff Alex  
24 Hernandez and told him he did not meet ICE's requirements to see an optometrist.  
25 Defendants admit that Mr. Hernandez had a torn rotator cuff, has reported a history  
26 of Barrett's esophagus, and has reported pain in his legs, feet, and hips.  
27 Defendants lack knowledge or information sufficient to form a belief as to the truth  
28 of the allegations in the second sentence of this paragraph, and therefore deny

1 those allegations. Defendants lack knowledge or information sufficient to form a  
2 belief as to the truth of the allegations in the fourth sentence that the findings of  
3 Mr. Hernandez's vision test are not noted in his records, and therefore deny those  
4 allegations. Defendants lack knowledge or information sufficient to form a belief  
5 as to the truth of the allegations that Mr. Hernandez has experienced blurry vision  
6 and cannot read his legal papers or other documents without borrowing another  
7 detainee's glasses and therefore deny those allegations. Defendants deny the  
8 remaining allegations in this paragraph.

9 219. Defendants deny the allegations of paragraph 219.

10 220. Defendants lack knowledge or information sufficient to form a belief  
11 as to the truth of the allegations in the first sentence of paragraph 220 and therefore  
12 deny those allegations. Defendants deny the allegations in the second sentence of  
13 paragraph 220.

14 221. The allegations of this paragraph merely characterize or quote Office  
15 of Inspector Gen., U.S. Dep't of Homeland Sec., *OIG-18-86: Management Alert –*  
16 *Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto,*  
17 *California* (Sept. 27, 2018),  
18 <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>,  
19 which speaks for itself, and so no response is required for those allegations. To the  
20 extent a response is required, Defendants deny any allegations that are inconsistent  
21 with the referenced documents and Plaintiff's characterizations of those  
22 documents.

23 222. The allegations of this paragraph merely characterize or quote Office  
24 of Inspector Gen., Office of Homeland Sec., *OIG-18-32: Concerns About ICE*  
25 *Detainee Treatment and Care at Detention Facilities* (2017),  
26 <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>,  
27 which speaks for itself, and so no response is required for those allegations. To the  
28 extent a response is required, Defendants deny any allegations that are inconsistent



1 with the referenced documents and Plaintiff's characterizations of those  
2 documents.

3 223. The allegations of this paragraph merely characterize or quote  
4 documents that speak for themselves, and so no response is required for those  
5 allegations. To the extent a response is required, Defendants deny any allegations  
6 that are inconsistent with the referenced documents and Plaintiff's  
7 characterizations of those documents.

8 224. The allegations in this paragraph merely characterize or quote Human  
9 Rights Watch, Am. Civil Liberties Union, National Immigrant Justice Center &  
10 Detention Watch Network, *Code Red: The Fatal Consequences of Dangerously*  
11 *Substandard Medical Care in Immigration Detention* (June 2018),  
12 [https://www.hrw.org/sites/default/files/report\\_pdf/us0618\\_immigration\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf),  
13 which speaks for itself, and so no response is required for those allegations. To the  
14 extent a response is required, Defendants deny any allegations that are inconsistent  
15 with the referenced documents and Plaintiff's characterizations of those  
16 documents.

17 225. Defendants deny the allegations in paragraph 225.

18 226. Defendants admit that on April 13, 2017, Sergio Alonso Lopez died  
19 from an upper gastrointestinal bleed. Defendants aver that Mr. Lopez died at the  
20 Victor Valley Global Medical Center in Victorville, California. The remaining  
21 allegations in paragraph 226 merely characterize or quote Office of Professional  
22 Responsibility, *Detainee Death Review – Sergio Alonso Lopez*,  
23 <https://www.ice.gov/doclib/foia/reports/ddrLopez.pdf> which speaks for itself, and  
24 so no response is required for those allegations. To the extent a response is  
25 required, Defendants deny any allegations that are inconsistent with the referenced  
26 documents and Plaintiff's characterizations of those documents.

27 227. Defendants admit that on April 6, 2015 Raul Ernesto Morales-Ramos  
28 died of organ failure. Defendants aver that Mr. Morales-Ramos died at the

1 Palmdale Regional Medical Center in Palmdale, California. Defendants deny the  
2 remaining allegations in paragraph 227.

3 228. Defendants admit that on October 24, 2016, Olubunmi Toyin Joshua  
4 died of hypertensive cardiovascular disease. Defendants aver that Ms. Joshua died  
5 at the Haskill Memorial Hospital in Haskell, Texas. The remaining allegations in  
6 paragraph 228 merely characterize or quote Office of Professional Responsibility,  
7 *Detainee Death Review – Olubunmi Toyin Joshua* (2016),  
8 <https://www.ice.gov/doclib/foia/reports/ddr-Joshua.pdf>; and Human Rights Watch,  
9 Am. Civil Liberties Union, National Immigrant Justice Center & Detention Watch  
10 Network, *Code Red: The Fatal Consequences of Dangerously Substandard*  
11 *Medical Care in Immigration Detention* (June 2018),  
12 [https://www.hrw.org/sites/default/files/report\\_pdf/us0618\\_immigration\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf),  
13 which speak for themselves, and so no response is required for those allegations.  
14 To the extent a response is required, Defendants deny any allegations that are  
15 inconsistent with the referenced documents and Plaintiff's characterizations of  
16 those documents.

17 229. Defendants lack knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in the first sentence and therefore deny those  
19 allegations. The allegations in the second sentence of this paragraph merely  
20 characterize or quote Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
21 [https://www.disabilityrightsca.org/system/files/fileattachments/DRC\\_REPORT\\_A](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A)  
22 [DELANTOIMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A_DELANTOIMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and  
23 so no response is required for those allegations. To the extent a response is  
24 required, Defendants deny any allegations that are inconsistent with the referenced  
25 documents and Plaintiff's characterizations of those documents.

26 230. Defendants lack knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in this paragraph and therefore deny those  
28 allegations.

1 231. Defendants lack knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in this paragraph and therefore deny those  
3 allegations.

4 232. Defendants lack knowledge or information sufficient to form a belief  
5 as to the truth of the allegations in this paragraph and therefore deny those  
6 allegations.

7 233. Defendants lack knowledge or information sufficient to form a belief  
8 as to the truth of the allegations in this paragraph and therefore deny those  
9 allegations.

10 234. Defendants lack knowledge or information sufficient to form a belief  
11 as to the truth of the allegations in this paragraph and therefore deny those  
12 allegations.

13 235. The allegations in the first sentence of this paragraph merely  
14 characterize or quote Ken Silverstein, *Death Valley: Profit and Despair Inside*  
15 *California's Largest Immigration Detention Camp*, Project on Government  
16 Oversight (Dec. 22, 2018), [https://www.pogo.org/investigation/2018/12/death-](https://www.pogo.org/investigation/2018/12/death-valley-profit-and-despair-insidecalifornias-largest-immigration-detention-camp/)  
17 [valley-profit-and-despair-insidecalifornias-largest-immigration-detention-camp/](https://www.pogo.org/investigation/2018/12/death-valley-profit-and-despair-insidecalifornias-largest-immigration-detention-camp/),  
18 which speaks for itself, and so no response is required for those allegations. To the  
19 extent that a response is required for those allegations, Defendants deny the  
20 allegations. Defendants lack knowledge or information sufficient to form a belief  
21 as to the truth of the remaining allegations in this paragraph and therefore deny  
22 those allegations.

23 236. Defendants deny the allegations in paragraph 236.

24 **B. Defendants Systemically Fail to Ensure Timely Access to Medically**  
25 **Necessary Specialty and Chronic Care.**

26 237. Defendants deny the allegations in paragraph 237.

27 238. Defendants admit the allegations in the first sentence of paragraph  
28 238. Defendants deny the allegations in the second sentence of paragraph 238. The

1 allegations in the third sentence of this paragraph merely characterize or quote U.S.  
2 Gov't Accountability Office, *GAO-16-231: Immigration Detention-Additional*  
3 *Actions Needed to Strengthen Management and Oversight of Detainee Medical*  
4 *Care* (Feb. 2016), <https://www.gao.gov/assets/680/675758.pdf>, which speaks for  
5 itself, and so no response is required for those allegations. To the extent that a  
6 response is required for those allegations, Defendants deny the allegations.

7 239. Defendants lack knowledge or information sufficient to form a belief  
8 as to the truth of the allegation in this paragraph that appointments are particularly  
9 difficult to reschedule in many Detention Facilities in rural areas and therefore  
10 deny those allegations. Defendants deny the remaining allegations in paragraph  
11 239.

12 240. Defendants admit that timelines for approval exist and that IHSC is  
13 involved in medical treatment decisions. The allegations in the second, third and  
14 fourth sentences of this paragraph merely characterize or quote Human Rights  
15 Watch & CIVIC, *Systemic Indifference: Dangerous and Substandard Medical*  
16 *Care in U.S. Immigration Detention* (May 2017),  
17 [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf),  
18 which speaks for itself, and so no response is required for those allegations. To the  
19 extent a response is required, Defendants deny any allegations that are inconsistent  
20 with the referenced documents and Plaintiff's characterizations of those  
21 documents. Defendants deny the allegations in the fifth and sixth sentences of  
22 paragraph 240. Defendants deny the allegations in this paragraph to the extent  
23 they allege anything other than elective treatment is denied.

24 241. The allegations of this paragraph merely characterize or quote Xavier  
25 Becerra, Cal. Att'y Gen., *Immigration Detention in California*, Cal. Dep't of  
26 Justice (Feb. 2019),  
27 [https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf)  
28 [2019.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf), and New York Lawyers for the Public Interest, *Detained and Denied:*

1 *Healthcare Access in Immigration Detention* (February 2017),  
2 [https://www.nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-](https://www.nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report_2017.pdf)  
3 [Detention-Report\\_2017.pdf](https://www.nylpi.org/wp-content/uploads/2017/02/HJ-Health-in-Immigration-Detention-Report_2017.pdf), which speak for themselves, and so no response is  
4 required for those allegations. To the extent a response is required, Defendants  
5 deny any allegations that are inconsistent with the referenced documents and  
6 Plaintiff's characterizations of those documents.

7 242. Defendants deny the allegations of paragraph 242.

8 243. Defendants deny the allegations in the first and third sentences of  
9 paragraph 243. The remaining allegations in this paragraph merely characterize or  
10 quote documents that speak for themselves, and so no response is required for  
11 those allegations. To the extent a response is required, Defendants deny any  
12 allegations that are inconsistent with the referenced documents and Plaintiff's  
13 characterizations of those documents.

14 244. Defendants deny the allegations in paragraph 244.

15 245. Defendants deny the allegations in paragraph 245.

16 246. Defendants deny the allegations in the first sentence of paragraph 246.  
17 Defendants lack knowledge or information sufficient to form a belief as to the truth  
18 of the allegations relating to the risks of untreated neurocysticercosis and therefore  
19 deny those allegations. Defendants deny the remaining allegations in paragraph  
20 246.

21 247. Defendants deny the allegation of paragraph 247.

22 248. Defendants deny the allegations in paragraph 248.

23 249. Defendants admit that plaintiff Salazar Artaga made multiple requests  
24 related to medical needs, including on or about March 21, March 29, and April 7,  
25 and April 16, 2019. Defendants lack knowledge or information sufficient to form a  
26 belief as to the truth of the allegations of this paragraph relating to the usual  
27 regimen of plaintiff's dosing of Gabapentin and therefore deny those allegations.  
28 Defendants deny the remaining allegations in paragraph 249.

1           250. Defendants admit that plaintiff Edilberto García Guerrero filed a  
2 medical request for treatment of a “headache” claiming it caused blurred vision.  
3 Defendants lack knowledge or information sufficient to form a belief as to the truth  
4 of the allegations regarding Mr. García Guerrero’s chronic migraines and therefore  
5 deny those allegations. Defendants deny the remaining allegations in this  
6 paragraph.

7           251. Defendants admit that Mr. García Guerrero suffers from vision  
8 problems, that he received vision examination/treatment, and that he saw an  
9 optometrist in June 2019. Defendants lack knowledge or information sufficient to  
10 form a belief as to the truth of the allegations in this paragraph relating to the  
11 condition of Mr. García Guerrero’s vision and to the value of vision acuity tests  
12 and therefore deny those allegations. Defendants deny the remaining allegations in  
13 this paragraph.

14           252. Defendants lack knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in the first sentence of paragraph 252 and therefore  
16 deny those allegations. Defendants deny the remaining allegations in this  
17 paragraph.

18           253. Defendants admit that Mr. García Guerrero complained of decreased  
19 hearing as a result of being hit by a bat many years ago. Defendants lack  
20 knowledge or information sufficient to form a belief as to the truth of the allegation  
21 relating to the current state of plaintiff’s hearing and persistent pain in his left ear  
22 and therefore deny those allegations. Defendants deny the remaining allegations in  
23 this paragraph.

24           254. Defendants lack knowledge or information sufficient to form a belief  
25 as to the truth of the allegations in the first, second, and fourth sentences in this  
26 paragraph and therefore deny those allegations. Defendants admit that plaintiff  
27 Guerrero was treated by a specialist for ankle pain that resulted in surgery, and that  
28

1 he was provided with an ankle brace. Defendants deny the remaining allegations in  
2 this paragraph.

3 255. Defendants admit that plaintiff Alex Hernandez has a torn rotator cuff.  
4 Defendants lack knowledge or information sufficient to form a belief as to the truth  
5 of the allegations regarding the cause of that injury or the persistence and severity  
6 of pain related to that injury and therefore deny those allegations. Defendants  
7 admit that surgery was recommended for Mr. Hernandez, but deny the remaining  
8 allegations in this paragraph and aver that Mr. Hernandez had surgery on  
9 November 24, 2019.

10 256. Defendants deny the allegations in the second sentence of paragraph  
11 256. Defendants lack knowledge or information sufficient to form a belief as to the  
12 truth of the allegations relating to effect of cortisone shots Mr. Hernandez received,  
13 the degree and relating to the persistence of his pain or limitations in his range of  
14 motion and therefore deny those allegations. Defendants admit the remaining  
15 allegations in paragraph 256.

16 257. Defendants admit that Mr. Hernandez was transferred in December  
17 2018. Defendants lack knowledge or information sufficient to form a belief as to  
18 the truth of the allegations in the seventh and eighth sentences of this paragraph  
19 and therefore deny those allegations. Defendants deny the remaining allegations in  
20 paragraph 257.

21 258. Defendants admit that plaintiff suffers from medical issues related to  
22 his hips, feet, and legs, and that he has received medical evaluation/treatment for  
23 these issues. Defendants lack knowledge or information sufficient to form a belief  
24 as to the truth of the allegations in the first and third sentences of this paragraph  
25 regarding plaintiff's degree of pain or discomfort and therefore deny those  
26 allegations. Defendants deny the remaining allegations in this paragraph.

27 259. Defendants deny that Mr. Hernandez was diagnosed with Barrett's  
28 Esophagus. Defendants lack knowledge or information sufficient to form a belief

1 as to the truth of the allegations regarding plaintiff's medical diagnoses,  
2 examinations, and treatments prior to ICE custody and regarding risk factors for  
3 esophageal cancer and therefore deny these allegations.

4 260. Defendants admit that plaintiff Aristoteles Sanchez Martinez has  
5 diabetes. Defendants lack knowledge or information sufficient to form a belief as  
6 to the truth of the allegations regarding medical care provided to Mr. Sanchez  
7 Martinez prior to his ICE detention and therefore deny such allegations.  
8 Defendants deny the allegations in the second sentence. Defendants deny the  
9 allegations in the third sentence that Mr. Sanchez Martinez's diabetes has  
10 progressively worsened since being in ICE custody. Defendants deny the  
11 remaining allegations in paragraph 260.

12 261. Defendants deny the allegations of paragraph 261.

13 262. Defendants deny the allegations of paragraph 262.

14 263. Defendants lack knowledge or information sufficient to form a belief  
15 as to the truth of the allegations in the first and fourth sentences of paragraph 263  
16 and therefore deny those allegations. Defendants deny the remaining allegations in  
17 paragraph 263.

18 264. Defendants lack knowledge or information sufficient to form a belief  
19 as to the truth of the allegations in the first sentence and the allegations in the third  
20 sentence relating to the need for annual eye examinations and therefore deny those  
21 allegations. Defendants deny the remaining allegations in paragraph 264.

22 265. Defendants admit that plaintiff Ruben Darío Mencías Soto was  
23 diagnosed with herniated disks of the vertebrae. Defendants admit that Mr.  
24 Mencías Soto received x-rays and an MRI scan. Defendants lack knowledge or  
25 information sufficient to form a belief as to the truth of the remaining allegations in  
26 paragraph 265 and therefore deny them.

27 266. Defendants lack knowledge or information sufficient to form a belief  
28 as to the truth of the allegations in the first and second sentences of paragraph 266



1 and therefore deny those allegations. Defendants admit that Mr. Mencías Soto  
2 reported pain but deny the remaining allegations in paragraph 266.

3 267. Defendants deny the allegations in the first four sentences of  
4 paragraph 267. Defendants lack knowledge or information sufficient to form a  
5 belief as to the truth of the allegations in the fifth sentence of paragraph 267 and  
6 therefore deny them.

7 268. Defendants deny the allegations of paragraph 268.

8 269. Defendants deny the allegations in the first sentence of paragraph 269.  
9 The allegations in the second sentence of this paragraph merely characterize or  
10 quote Office of Inspector General, U.S. Dep't of Homeland Sec., *OIG Freedom of*  
11 *Information Act Request No. 2018-IGFO-00059 Final Response* (April 25, 2018),  
12 [https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059\\_Final-](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf)  
13 [Response\\_watermark-4.pdf](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf), which speaks for itself, and so no response is required  
14 for those allegations. To the extent a response is required, Defendants deny any  
15 allegations that are inconsistent with the referenced documents and Plaintiff's  
16 characterizations of those documents. Defendants lack knowledge or information  
17 sufficient to form a belief as to the truth of the allegations in the second sentence of  
18 this paragraph relating to a Health Services Administrator at Stewart making  
19 statements to an OIG inspector and therefore deny those allegations. Defendants  
20 admit that Stewart is approximately two hours and fifteen minutes from Atlanta,  
21 and 45 minutes from Columbus, Georgia. Defendants admit that LaSalle, Rolling  
22 Plains, Pine Prairie ICE Processing Center, and Irwin are outside major population  
23 areas. Defendants deny there is insufficient medical care provided to detainees.

24 270. The allegations of this paragraph merely characterize or quote Office  
25 of Inspector General, U.S. Dep't of Homeland Sec., *OIG Freedom of Information*  
26 *Act Request No. 2018-IGFO-00059 Final Response* (April 25, 2018),  
27 [https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059\\_Final-](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf)  
28 [Response\\_watermark-4.pdf](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf), which speaks for itself, and so no response is required

1 for those allegations. To the extent a response is required, Defendants deny any  
2 allegations that are inconsistent with the referenced documents and Plaintiff's  
3 characterizations of those documents.

4 271. The allegations of this paragraph merely characterize or quote Office  
5 of Inspector General, U.S. Dep't of Homeland Sec., *OIG Freedom of Information*  
6 *Act Request No. 2018-IGFO-00059 Final Response* (April 25, 2018),  
7 [https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059\\_Final-](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf)  
8 [Response\\_watermark-4.pdf](https://www.wabe.org/wp-content/uploads/2018/05/2018-IGFO-00059_Final-Response_watermark-4.pdf), which speaks for itself, and so no response is required  
9 for those allegations. To the extent a response is required, Defendants deny any  
10 allegations that are inconsistent with the referenced documents and Plaintiff's  
11 characterizations of those documents.

12 272. Defendants deny the allegations of paragraph 272.

13 273. The allegations of this paragraph merely characterize or quote DDRs  
14 that speak for themselves, and so no response is required for those allegations. To  
15 the extent a response is required, Defendants deny any allegations that are  
16 inconsistent with the referenced documents and Plaintiff's characterizations of  
17 those documents.

18 274. Defendants admit that Sergio Alonso Lopez died in April 2017.  
19 Defendants lack knowledge or information sufficient to form a belief as to the truth  
20 of the remaining allegations in the first sentence of this paragraph. The remaining  
21 allegations in this paragraph merely characterize or quote Office of Professional  
22 Responsibility, *Detainee Death Review – Sergio Alonso Lopez*,  
23 <https://www.ice.gov/doclib/foia/reports/ddrLopez.pdf>, which speaks for itself, and  
24 so no response is required for those allegations. To the extent a response is  
25 required, Defendants deny any allegations that are inconsistent with the referenced  
26 documents and Plaintiff's characterizations of those documents.

27 275. The allegations of this paragraph merely characterize or quote Office  
28 of Professional Responsibility, *Detainee Death Review – Sergio Alonso Lopez*,

1 <https://www.ice.gov/doclib/foia/reports/ddrLopez.pdf>, which speaks for itself, and  
2 so no response is required for those allegations. To the extent a response is  
3 required, Defendants deny any allegations that are inconsistent with the referenced  
4 documents and Plaintiff's characterizations of those documents.

5 276. Defendants admit that on June 13, 2016, Luis Alonso Fino Martinez  
6 died while in ICE custody at Essex County. Defendants aver that Mr. Fino  
7 Martinez died at Rutgers Hospital in Newark, NJ. The remaining allegations in this  
8 paragraph merely characterize or quote Office of Professional Responsibility,  
9 *Detainee Death Review – Moises Tino-Lopez*,

10 <https://www.ice.gov/doclib/foia/reports/ddr-Tino.pdf>, which speaks for itself, and  
11 so no response is required for those allegations. To the extent a response is  
12 required, Defendants deny any allegations that are inconsistent with the referenced  
13 documents and Plaintiff's characterizations of those documents.

14 277. Defendants admit that on March 17, 2016, Thongchay Saengsiri died  
15 while detained at the LaSalle Detention Center in Jena, Louisiana. Defendants aver  
16 that Mr. Saengsiri died at the LaSalle Hospital in Jena, LA. Defendants lack  
17 knowledge or information sufficient to form a belief as to the truth of the  
18 allegations relating to the independent medical experts in this paragraph and  
19 therefore deny those allegations. The remaining allegations in this paragraph  
20 merely characterize or quote Office of Professional Responsibility, *Detainee Death*  
21 *Review – Thongchay Saengsiri*, [https://www.ice.gov/doclib/foia/reports/ddr-](https://www.ice.gov/doclib/foia/reports/ddr-Saengsiri.pdf)  
22 [Saengsiri.pdf](https://www.ice.gov/doclib/foia/reports/ddr-Saengsiri.pdf), which speaks for itself, and so no response is required for those  
23 allegations. To the extent a response is required, Defendants deny any allegations  
24 that are inconsistent with the referenced documents and Plaintiff's  
25 characterizations of those documents.

26 278. Defendants admit that Raul Ernesto Morales Ramos died in April  
27 2015 while detained at Adelanto but deny the remaining allegations in the first  
28 sentence of paragraph 278. Defendants aver that Mr. Morales Ramos died at the

1 Palmdale Regional Medical Center in Palmdale, California. The remaining  
2 allegations in this paragraph merely characterize or quote Office of Professional  
3 Responsibility, Office of Detention Oversight, *Detainee Death Review – Raul*  
4 *Ernesto Morales-Ramos*, <https://www.ice.gov/doclib/foia/reports/ddr-morales.pdf>,  
5 which speaks for itself, and so no response is required for those allegations. To the  
6 extent a response is required, Defendants deny any allegations that are inconsistent  
7 with the referenced documents and Plaintiff’s characterizations of those  
8 documents.

9 279. The allegations of this paragraph merely characterize or quote Office  
10 of Professional Responsibility, Office of Detention Oversight, *Detainee Death*  
11 *Review – Raul Ernesto Morales-Ramos*,  
12 <https://www.ice.gov/doclib/foia/reports/ddr-morales.pdf>, which speaks for itself,  
13 and so no response is required for those allegations. To the extent a response is  
14 required, Defendants deny any allegations that are inconsistent with the referenced  
15 documents and Plaintiff’s characterizations of those documents.

16 280. Defendants deny the allegations of paragraph 280.

17 **C. Defendants Systemically Fail to Ensure That Care is Provided By**  
18 **Trained or Qualified Personnel.**

19 281. Defendants deny the allegations of paragraph 281.

20 282. Defendants deny the allegations of paragraph 282.

21 283. The allegations of this paragraph merely characterize or quote Email  
22 to Matthew Albence, Acting Deputy Dir., U.S. Immigration and Customs  
23 Enforcement (Dec. 3, 2018),  
24 <https://tyt.com/stories/4vZLCHuQrYE4uKagy0oyMA/688s1LbTKvQKNCv2E9bu>  
25 *7h*, which speaks for itself, and so no response is required for those allegations. To  
26 the extent a response is required, Defendants deny any allegations that are  
27 inconsistent with the referenced documents and Plaintiff’s characterizations of  
28 those documents.

1           284. The allegations of this paragraph merely characterize or quote Office  
2 of Inspector Gen., Office of Homeland Sec., *OIG-11-61: Management of Mental*  
3 *Health Cases in Immigration Detention* (2011),  
4 <https://www.hsdl.org/?view&did=6985>, which speaks for itself, and so no response  
5 is required for those allegations. To the extent a response is required, Defendants  
6 deny any allegations that are inconsistent with the referenced documents and  
7 Plaintiff's characterizations of those documents.

8           285. Defendants deny the allegations of paragraph 285.

9           286. Defendants deny the allegations of paragraph 286.

10           287. The allegations of this paragraph merely characterize or quote Human  
11 Rights Watch & CIVIC, *Systemic Indifference: Dangerous and Substandard*  
12 *Medical Care in U.S. Immigration Detention* (May 2017),  
13 [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf),  
14 which speaks for itself, and so no response is required for those allegations. To the  
15 extent a response is required, Defendants deny any allegations that are inconsistent  
16 with the referenced documents and Plaintiff's characterizations of those  
17 documents.

18           288. Defendants deny the allegations of paragraph 288.

19           289. Defendants admit the allegations in the first sentence of this  
20 paragraph. Defendants admit the allegations in the fourth sentence of paragraph  
21 289, but only to the extent that hospitalization refers to Plaintiff Melvin Murillo  
22 Hernandez's examination or treatment in an emergency room followed by release  
23 the same day. Defendants deny that medical staff was not monitoring Mr. Murillo  
24 Hernandez's condition. Defendants deny the remaining allegations in this  
25 paragraph.

26           290. Defendants lack knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in the fourth sentence of paragraph 290 and  
28

1 therefore deny those allegations. Defendants deny the remaining allegations in this  
2 paragraph.

3 291. Defendants admit that plaintiff Salazar Artaga requested medication  
4 and that he was placed on suicide watch. Defendants lack knowledge or  
5 information sufficient to form a belief as to the truth of the allegations in the first  
6 sentence of this paragraph that Mr. Salazar Artaga had taken Risperidone  
7 previously and needed it for a long-standing condition and therefore deny those  
8 allegations. Defendants lack knowledge or information sufficient to form a belief  
9 as to the truth of the allegations in the fourth and fifth sentences in this paragraph  
10 and therefore deny those allegations. Defendants deny the remaining allegations in  
11 this paragraph.

12 292. Defendants lack knowledge or information sufficient to form a belief  
13 as to the truth of the allegations regarding the risk of coma and death from insulin  
14 overdoses and therefore deny those allegations. Defendants deny the remaining  
15 allegations in this paragraph.

16 293. Defendants deny the allegations of paragraph 293.

17 294. The allegations of this paragraph merely characterize or quote DDRs  
18 that speak for themselves, and so no response is required for those allegations. To  
19 the extent a response is required, Defendants deny any allegations that are  
20 inconsistent with the referenced documents and Plaintiff's characterizations of  
21 those documents.

22 295. The allegations in the first sentence of paragraph 295 merely  
23 characterize or quote DDRs that speak for themselves, and so no response is  
24 required for those allegations. To the extent a response is required, Defendants  
25 deny any allegations that are inconsistent with the referenced documents and  
26 Plaintiff's characterizations of those documents. Defendants deny the remaining  
27 allegations in this paragraph.  
28

1 296. The allegations of this paragraph merely characterize or quote Office  
2 of Professional Responsibility, *Detainee Death Review- Kamyar Samimi* (2017),  
3 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS)  
4 [%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf) and Memorandum from Jennifer M. Fenton,  
5 Assistant Dir., U.S. Immigration And Customs Enforcement, to Matthew Albence,  
6 Exec. Assoc. Dir., Enforcement and Removal Operations (May 22, 2018),  
7 <https://bento.cdn.pbs.org/hostedbentoprod/>  
8 [filer\\_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf), which  
9 speak for themselves, and so no response is required for those allegations. To the  
10 extent a response is required, Defendants deny any allegations that are inconsistent  
11 with the referenced documents and Plaintiff's characterizations of those  
12 documents.

13 297. The allegations of this paragraph merely characterize or quote Office  
14 of Professional Responsibility, *Detainee Death Review- Kamyar Samimi* (2017),  
15 <https://bento.cdn.pbs.org/hostedbentoprod/>.

16 298. The allegations of this paragraph merely characterize or quote Office  
17 of Professional Responsibility, *Detainee Death Review- Kamyar Samimi* (2017),  
18 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS)  
19 [%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf) , which speaks for itself, and so no response is  
20 required for those allegations. To the extent a response is required, Defendants  
21 deny any allegations that are inconsistent with the referenced documents and  
22 Plaintiff's characterizations of those documents.

23 299. Defendants admit that Olubunmi Toyin Joshua died in October 2016  
24 while detained at Rolling Plains. Defendants aver that Ms. Joshua died at the  
25 Haskill Memorial Hospital in Haskill, Texas. The remaining allegations in this  
26 paragraph merely characterize or quote Office of Professional Responsibility,  
27 *Detainee Death Review – Olubunmi Toyin Joshua* (2016),  
28 <https://www.ice.gov/doclib/foia/reports/ddr-Joshua.pdf>, which speaks for itself,

1 and so no response is required for those allegations. To the extent a response is  
2 required, Defendants deny any allegations that are inconsistent with the referenced  
3 documents and Plaintiff's characterizations of those documents.

4 300. Defendants admit that on September 27, 2016, Moises Tino Lopez  
5 died while in ICE custody at Hall County. Defendants aver that Mr. Tino died at  
6 the St. Francis Medical Center in Grand Isle, Nebraska. The allegations in the  
7 second and third sentences of this paragraph merely characterize or quote Office of  
8 Professional Responsibility, *Detainee Death Review – Moises Tino-Lopez*,  
9 [https://d1zbh0am38bx6v.cloudfront.net/wpcontent/uploads/2018/07/17044550/ddr-  
11 -Tino.pdf](https://d1zbh0am38bx6v.cloudfront.net/wpcontent/uploads/2018/07/17044550/ddr-<br/>10 -Tino.pdf), which speaks for itself, and so no response is required for those  
12 allegations. To the extent a response is required, Defendants deny any allegations  
13 that are inconsistent with the referenced documents and Plaintiff's  
14 characterizations of those documents. Defendants lack knowledge or information  
15 sufficient to form a belief as to the truth of the allegations in this paragraph relating  
16 to the independent medical experts and therefore deny those allegations.

17 301. Defendants admit that Raul Ernesto Morales Ramos died on April 6,  
18 2015 while detained at Adelanto. Defendants lack knowledge or information  
19 sufficient to form a belief as to the truth of the remaining allegations in the first  
20 sentence of paragraph 301 and thus deny them. Defendants deny the allegation that  
21 Adelanto medical staff neglected to treat Mr. Morales' gastrointestinal cancer. The  
22 allegations in the second and third sentences of this paragraph merely characterize  
23 or quote Office of Professional Responsibility, Office of Detention Oversight,  
24 *Detainee Death Review – Raul Ernesto Morales-Ramos*,  
25 <https://www.ice.gov/doclib/foia/reports/ddr-morales.pdf>, which speaks for itself,  
26 and so no response is required for those allegations. To the extent a response is  
27 required, Defendants deny any allegations that are inconsistent with the referenced  
28 documents and Plaintiff's characterizations of those documents.



1           302. Defendants admit that on May 1, 2016, Igor Zyazin died while  
2 detained at Otay Mesa. Defendants lack knowledge or information sufficient to  
3 form a belief as to the truth of the remaining allegations in the first sentence of  
4 paragraph 302 and thus deny them. Defendants admit that Mr. Zyazin was  
5 previously detained at the San Luis Regional Detention Center. Defendants lack  
6 knowledge or information sufficient to form a belief as to the truth of the  
7 allegations relating to the independent medical experts in this paragraph and  
8 therefore deny those allegations. The allegations in the third sentence of this  
9 paragraph merely characterize or quote Office of Professional Responsibility,  
10 *Detainee Death Review – Igor Zyazin*, [https://www.ice.gov/doclib/foia/reports/ddr-](https://www.ice.gov/doclib/foia/reports/ddr-Zyazin.pdf)  
11 *Zyazin.pdf*, which speaks for itself, and so no response is required for those  
12 allegations. To the extent a response is required, Defendants deny any allegations  
13 that are inconsistent with the referenced documents and Plaintiff’s  
14 characterizations of those documents.

15           303. Defendants lack knowledge or information sufficient to form a belief  
16 as to the truth of the allegations in the first seven sentences of paragraph 303 and  
17 therefore deny those allegations. The remaining allegations in this paragraph  
18 merely characterize or quote Human Rights Watch & CIVIC, *Systemic*  
19 *Indifference: Dangerous and Substandard Medical Care in U.S. Immigration*  
20 *Detention* (May 2017),  
21 [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf),  
22 which speaks for itself, and so no response is required for those allegations. To the  
23 extent a response is required, Defendants deny any allegations that are inconsistent  
24 with the referenced documents and Plaintiff’s characterizations of those  
25 documents.

26           304. Defendants lack knowledge or information sufficient to form a belief  
27 as to the truth of the allegations in the first sentence of this paragraph and therefore  
28 deny those allegations. The remaining allegations in this paragraph merely

1 characterize or quote Human Rights Watch & CIVIC, *Systemic Indifference:*  
2 *Dangerous and Substandard Medical Care in U.S. Immigration Detention* (May  
3 2017),  
4 [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf),  
5 which speaks for itself, and so no response is required for those allegations. To the  
6 extent a response is required, Defendants deny any allegations that are inconsistent  
7 with the referenced documents and Plaintiff's characterizations of those  
8 documents.

9 305. Defendants admit that Marjorie Annmarie Bell died of a heart attack  
10 in February 2014 and that Ms. Bell complained of heart pain. Defendants lack  
11 knowledge or information sufficient to form a belief as to the truth of the  
12 allegations relating to the independent medical experts in this paragraph and  
13 therefore deny those allegations. The remaining allegations in this paragraph  
14 merely characterize or quote Office of Professional Responsibility, *Detainee Death*  
15 *Review – Marjorie Annmarie Bell*, [https://www.ice.gov/doclib/foia/reports/ddr-](https://www.ice.gov/doclib/foia/reports/ddr-bell.pdf)  
16 [bell.pdf](https://www.ice.gov/doclib/foia/reports/ddr-bell.pdf), which speaks for itself, and so no response is required for those  
17 allegations. To the extent a response is required, Defendants deny any allegations  
18 that are inconsistent with the referenced documents and Plaintiff's  
19 characterizations of those documents.

20 306. Defendants deny the allegations of paragraph 306.

21 **D. Defendants Systemically Fail to Ensure Detained Individuals Receive**  
22 **Timely Emergency Health Care.**

23 307. Defendants deny the allegations in paragraph 307.

24 308. Defendants deny the allegations in paragraph 308.

25 309. Defendants deny the allegations in paragraph 309.

26 310. Defendants deny the allegations in paragraph 310.

27 311. Defendants deny the allegations in the first sentence of paragraph 311.

28 The remaining allegations in this paragraph merely characterize or quote a

1 document that speaks for itself, and so no response is required for those  
2 allegations. To the extent a response is required, Defendants deny any allegations  
3 that are inconsistent with the referenced documents and Plaintiff's  
4 characterizations of those documents.

5 312. Defendants deny the allegations of paragraph 312.

6 313. Defendants admit the allegations in the first sentence of paragraph  
7 313. Defendants lack knowledge or information sufficient to form a belief as to the  
8 truth of the remaining allegations in paragraph 313 and therefore deny those  
9 allegations.

10 314. Defendants admit the allegations in the first sentence of paragraph  
11 314. Defendants lack knowledge sufficient to form a belief as to the truth of the  
12 allegations in the third sentence of paragraph 314 and therefore deny those  
13 allegations. Defendants deny the remaining allegations in paragraph 314.

14 315. Defendants deny the allegations of paragraph 315.

15 316. Defendants deny the allegations of paragraph 316.

16 317. Defendants deny the allegations in the first and third sentences of  
17 paragraph 317. The remaining allegations in this paragraph merely characterize or  
18 quote documents that speak for themselves, and so no response is required for  
19 those allegations. To the extent a response is required, Defendants deny any  
20 allegations that are inconsistent with the referenced documents and Plaintiff's  
21 characterizations of those documents.

22 318. Defendants deny the allegations of paragraph 318.

23 319. Defendants admit that Mr. De la Rosa died while detained at Stewart.  
24 The remaining allegations this paragraph merely characterize or quote documents  
25 that speak for themselves. To the extent a response is required, Defendants deny  
26 any allegations that are inconsistent with the referenced documents and Plaintiffs'  
27 characterizations of those documents.

28

1           320. Defendants admit that Mr. Samimi died while in custody at Aurora.  
2 The remaining allegations in paragraph 320 merely characterize or quote Mr.  
3 Samimi's DDR, Office of Professional Responsibility, *Detainee Death Review-*  
4 *Kamyar Samimi* (2017),  
5 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf)  
6 [%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf), which speaks for itself, and so no response is  
7 required for those allegations. To the extent a response is required, Defendants  
8 deny any allegations that are inconsistent with the referenced document and  
9 Plaintiffs' characterizations of that document.

10           321. The allegations in paragraph 321 merely characterize or quote Mr.  
11 Samimi's DDR, which speaks for itself, and so no response is required for those  
12 allegations. To the extent a response is required, Defendants deny any allegations  
13 that are inconsistent with the referenced document and Plaintiffs' characterizations  
14 of that document.

15           322. The allegations in paragraph 322 merely characterize or quote Mr.  
16 Samimi's DDR, which speaks for itself, and so no response is required for those  
17 allegations. To the extent a response is required, Defendants deny any allegations  
18 that are inconsistent with the referenced document and Plaintiffs' characterizations  
19 of that document.

20           323. The allegations in paragraph 323 merely characterize or quote Mr.  
21 Samimi's DDR, which speaks for itself, and so no response is required for those  
22 allegations. To the extent a response is required, Defendants deny any allegations  
23 that are inconsistent with the referenced document and Plaintiffs' characterizations  
24 of that document.

25           324. The allegations in paragraph 324 merely characterize or quote Mr.  
26 Samimi's DDR, which speaks for itself, and so no response is required for those  
27 allegations. To the extent a response is required, Defendants deny any allegations  
28

1 that are inconsistent with the referenced document and Plaintiffs' characterizations  
2 of that document.

3 325. The allegations in paragraph 325 merely characterize or quote Mr.  
4 Samimi's DDR, which speaks for itself, and so no response is required for those  
5 allegations. To the extent a response is required, Defendants deny any allegations  
6 that are inconsistent with the referenced document and Plaintiffs' characterizations  
7 of that document.

8 326. The allegations in paragraph 326 merely characterize or quote Mr.  
9 Samimi's DDR, which speaks for itself, and so no response is required for those  
10 allegations. To the extent a response is required, Defendants deny any allegations  
11 that are inconsistent with the referenced document and Plaintiffs' characterizations  
12 of that document.

13 327. Defendants admit that Mr. Campos died. Defendants admit that Mr.  
14 Campos was detained at the South Texas Facility. The remaining allegations in  
15 paragraph 327 merely characterize or quote Mr. Campos's DDR, Office of  
16 Professional Responsibility, Office of Detention Oversight, *Detainee Death*  
17 *Review – Wenesclau Esmerio Campos*,  
18 <https://www.ice.gov/doclib/foia/reports/ddr-Campos.pdf>, which speaks for itself,  
19 and so no response is required for those allegations. To the extent a response is  
20 required, Defendants deny any allegations that are inconsistent with the referenced  
21 document and Plaintiffs' characterizations of that document.

22 328. The allegations in paragraph 328 merely characterize or quote Mr.  
23 Campos's DDR, Office of Professional Responsibility, Office of Detention  
24 Oversight, *Detainee Death Review – Wenesclau Esmerio Campos*,  
25 <https://www.ice.gov/doclib/foia/reports/ddr-Campos.pdf>, which speaks for itself,  
26 and so no response is required for those allegations. To the extent a response is  
27 required, Defendants deny any allegations that are inconsistent with the referenced  
28 document and Plaintiffs' characterizations of that document.

1           329. Defendants admit that Mr. Zyazin died while detained at Otay Mesa.  
2 The remaining allegations in paragraph 329 merely characterize or quote Mr.  
3 Zyazin’s DDR, Office of Professional Responsibility, *Detainee Death Review –*  
4 *Igor Zyazin*, <https://www.ice.gov/doclib/foia/reports/ddr-Zyazin.pdf>, which speaks  
5 for itself, and so no response is required for those allegations. To the extent a  
6 response is required, Defendants deny any allegations that are inconsistent with the  
7 referenced document and Plaintiffs’ characterizations of that document.

8           330. The allegations in paragraph 330 merely characterize or quote Mr.  
9 Igor Zyazin’s DDR, Office of Professional Responsibility, *Detainee Death Review*  
10 *– Igor Zyazin*, <https://www.ice.gov/doclib/foia/reports/ddr-Zyazin.pdf>, which  
11 speaks for itself, and so no response is required for those allegations. To the extent  
12 a response is required, Defendants deny any allegations that are inconsistent with  
13 the referenced document and Plaintiffs’ characterizations of that document.

14           331. Defendants admit that Mr. Padilla died while in ICE custody at Otero  
15 County. The remaining allegations in paragraph 331 merely characterize or quote  
16 Mr. Padilla’s DDR, which speaks for itself, and so no response is required for  
17 those allegations. To the extent a response is required, Defendants deny any  
18 allegations that are inconsistent with the referenced document and Plaintiffs’  
19 characterizations of that document.

20           332. The allegations in the first, third, and fourth sentences of paragraph  
21 332 merely characterize or quote Mr. Barcena’s DDR, which speaks for itself, and  
22 so no response is required for those allegations. To the extent a response is  
23 required, Defendants deny any allegations that are inconsistent with the referenced  
24 document and Plaintiffs’ characterizations of that document. The second sentence  
25 of paragraph 332 merely characterize or quote Human Rights Watch, Am. Civil  
26 Liberties Union, National Immigrant Justice Center & Detention Watch Network,  
27 *Code Red: The Fatal Consequences of Dangerously Substandard Medical Care in*  
28 *Immigration Detention*, (June 2018),

1 [https://www.hrw.org/sites/default/files/report\\_pdf/us0618\\_immigration\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf),  
2 which speaks for itself, and so no response is required for those allegations. To the  
3 extent a response is required, Defendants deny any allegations that are inconsistent  
4 with the referenced document and Plaintiffs' characterizations of that document.

5 333. Defendants admit that Mr. Azurdia-Hernandez died while detained at  
6 Adelanto. The remaining allegations in paragraph 333 merely characterize or quote  
7 Mr. Jose Manuel Azurdia-Hernandez's DDR, Professional Responsibility, Office  
8 of Detention Oversight, *Detainee Death Review- Jose Manuel Azurdia-Hernandez*,  
9 (2016), <https://www.ice.gov/doclib/foia/reports/ddr-Azurdia.pdf>, which speaks for  
10 itself, and so no response is required for those allegations. To the extent a response  
11 is required, Defendants deny any allegations that are inconsistent with the  
12 referenced document and Plaintiffs' characterizations of that document.

13 334. The allegations in paragraph 333 merely characterize or quote Human  
14 Rights Watch, Am. Civil Liberties Union, National Immigrant Justice Center &  
15 Detention Watch Network, *Code Red: The Fatal Consequences of Dangerously*  
16 *Substandard Medical Care in Immigration Detention*, (June 2018),  
17 [https://www.hrw.org/sites/default/files/report\\_pdf/us0618\\_immigration\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf),  
18 which speaks for itself, and so no response is required for those allegations. To the  
19 extent a response is required, Defendants deny any allegations that are inconsistent  
20 with the referenced document and Plaintiffs' characterizations of that document.

21 335. Defendants deny the allegations in paragraph 335.

22 **E. Defendants Systemically Fail to Ensure Adequate Physical and Mental**  
23 **Health Intake Screening**

24 336. Defendants deny the allegations in paragraph 336.

25 337. Defendants deny the allegations in paragraph 337.

26 338. Defendants deny the allegations in the first, second, and third  
27 sentences of paragraph 338. Defendants admit that Mr. Rodriguez Delgadillo has  
28

1 had multiple acute psychiatric episodes but deny the remaining allegations in the  
2 fourth sentence of paragraph 338.

3 339. Defendants admit the allegations in the first and second sentences of  
4 paragraph 339. Defendants admit that Mr. Murillo Hernandez went into life-  
5 threatening anaphylactic shock, but deny that he was hospitalized three times.  
6 Defendants admit the allegations in the fourth sentence. Defendants admit that he  
7 was hospitalized on May 5 and 6, 2019, in response to anaphylaxis from his food  
8 allergies but deny the remaining allegations in the fifth sentence of paragraph 339.  
9 Defendants deny the allegations in the sixth sentence of paragraph 339.

10 340. Defendants deny the allegations in the first sentence of paragraph 340.  
11 Defendants admit that Aurora never requested Mr. García Guerrero's previous  
12 medical records regarding his right ankle but aver that he nevertheless received an  
13 x-ray and orthopedic consultation after he was admitted to Aurora. Defendants lack  
14 knowledge or information sufficient to form a belief as to the truth of the  
15 allegations that he received orthopedic surgery about six years ago, and therefore  
16 deny that allegation. Defendants deny the allegation that Mr. García Guerrero  
17 experienced a new injury to this ankle while in ICE custody.

18 341. Defendants deny the allegations in the first, third, and fifth sentences  
19 of paragraph 341. Defendants admit the allegations in the second and fourth  
20 sentences of paragraph 341.

21 342. Defendants deny the allegations in paragraph 342.

22 343. The allegations in paragraph 344 merely characterize or quote that  
23 U.S. Immigration & Customs Enforcement, Dep't of Homeland Sec., *Immigration*  
24 *Detention Overview and Recommendations* (Oct. 6, 2009),  
25 <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>, which  
26 speaks for itself, and so no response is required for those allegations. To the extent  
27 a response is required, Defendants deny any allegations that are inconsistent with  
28 the referenced documents and Plaintiff's characterizations of those documents.



1           344. The allegations in paragraph 344 merely characterize or quote U.S.  
2 Immigration & Customs Enforcement, Dep't of Homeland Sec., *Immigration*  
3 *Detention Overview and Recommendations* (Oct. 6, 2009),  
4 <https://www.ice.gov/doclib/about/offices/odpp/pdf/ice-detention-rpt.pdf>, which  
5 speaks for itself, and so no response is required for those allegations. To the extent  
6 a response is required, Defendants deny any allegations that are inconsistent with  
7 the referenced document and Plaintiffs' characterizations of that document.

8           345. The allegations in paragraph 345 merely characterize or quote Office  
9 of Inspector Gen., Dep't of Homeland Sec., *OIG-11-62: Management of Mental*  
10 *Health Cases in Immigration Detention* (Mar. 2011),  
11 <https://www.hsd.org/?abstract&did=6985>, which speaks for itself, and so no  
12 response is required for those allegations. To the extent a response is required,  
13 Defendants deny any allegations that are inconsistent with the referenced  
14 document and Plaintiffs' characterizations of that document.

15           346. The allegations in paragraph 346 merely characterize or quote U.S.  
16 Gov't Accountability Office, GAO-16-231, *Additional Actions Needed to*  
17 *Strengthen Management and Oversight of Detainee Medical Care* (Feb. 2016),  
18 <https://www.gao.gov/assets/680/675484.pdf>, which speaks for itself, and so no  
19 response is required for those allegations. To the extent a response is required,  
20 Defendants deny any allegations that are inconsistent with the referenced  
21 document and Plaintiffs' characterizations of that document.

22           347. The allegations in paragraph 347 merely characterize or quote Office  
23 of Inspector Gen., Office of Homeland Sec., *OIG-18-32: Concerns About ICE*  
24 *Detainee Treatment and Care at Detention Facilities* (2017),  
25 <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>,  
26 and Office of Inspector, Gen., U.S. Dep't of Homeland Sec., *Adult Detention*  
27 *Oversight 16-047-ISP-ICE*,  
28 [65](https://www.oig.dhs.gov/sites/default/files/assets/FOIA/OIG_FOIA_Stewart-</a></p></div><div data-bbox=)

1 Detention-Center-Work-Papers.pdf, which speak for themselves. To the extent a  
2 response is required, Defendants deny any allegations that are inconsistent with the  
3 referenced documents and Plaintiffs' characterizations of those documents.

4 348. Defendants deny the allegations in paragraph 348.

5 349. Defendants deny the allegations in paragraph 349.

6 350. Defendants admit that Mr. Lopez died. The remaining allegations in  
7 paragraph 350 consists of Plaintiffs' characterization and quotation of Mr. Lopez's  
8 DDR, which speaks for itself, and so no response is required for those allegations.  
9 To the extent a response is required, Defendants deny any allegations that are  
10 inconsistent with the referenced document and Plaintiffs' characterizations of that  
11 document.

12 351. Defendants admit that Mr. Boch-Paniagua died while detained at  
13 LaSalle. The remaining allegations in paragraph 351 merely characterize or quote  
14 Office of Professional Responsibility, Office of Detention Oversight, *Detainee*  
15 *Death Review – Juan Luis Boch-Paniagua* (2016), which speaks for itself, and so  
16 no response is required for those allegations. To the extent a response is required,  
17 Defendants deny any allegations that are inconsistent with the referenced  
18 document and Plaintiffs' characterizations of that document.

19 352. Defendants admit that Mr. Rajo died while detained at Krome. The  
20 remaining allegations in paragraph 352 merely characterize or quote Office of  
21 Professional Responsibility, Office of Detention Oversight, *Detainee Death*  
22 *Review-José Leonardo Lemus Rajo* (2016),  
23 <https://www.ice.gov/doclib/foia/reports/ddr-Lemus.pdf>, which speaks for itself,  
24 and so no response is required for those allegations. To the extent a response is  
25 required, Defendants deny any allegations that are inconsistent with the referenced  
26 document and Plaintiffs' characterizations of that document.

27 353. The allegations in paragraph 353 merely characterize or quote Office  
28 of Professional Responsibility, Office of Detention Oversight, *Detainee Death*

1 *Review-José Leonardo Lemus Rajo* (2016),  
2 <https://www.ice.gov/doclib/foia/reports/ddr-Lemus.pdf>, which speaks for itself,  
3 and so no response is required for those allegations. To the extent a response is  
4 required, Defendants deny any allegations that are inconsistent with the referenced  
5 document and Plaintiffs' characterizations of that document.

6 354. The allegations in paragraph 354 merely characterize or quote Human  
7 Rights Watch, Am. Civil Liberties Union, National Immigrant Justice Center &  
8 Detention Watch Network, *Code Red: The Fatal Consequences of Dangerously*  
9 *Substandard Medical Care in Immigration Detention*, (June 2018),  
10 [https://www.hrw.org/sites/default/files/report\\_pdf/us0618\\_immigration\\_web2.pdf](https://www.hrw.org/sites/default/files/report_pdf/us0618_immigration_web2.pdf),  
11 which speaks for itself, and so no response is required for those allegations. To the  
12 extent a response is required, Defendants deny any allegations that are inconsistent  
13 with the referenced document and Plaintiffs' characterizations of that document.

14 355. Defendants admit that Mr. Deniz-Sahagun died while detained at  
15 Eloy. The remaining allegations in paragraph 355 merely characterize or quote  
16 Office of Professional Responsibility, Office of Detention Oversight, *Detainee*  
17 *Death Review – Jose de Jesus Deniz-Sahagun* (2016), which speaks for itself, and  
18 so no response is required for those allegations. To the extent a response is  
19 required, Defendants deny any allegations that are inconsistent with the referenced  
20 document and Plaintiffs' characterizations of that document.

21 356. Defendants deny the allegations in paragraph 356.

22 **F. Defendants Systemically Fail to Ensure Adequate Staffing of Medical**  
23 **and Mental Health Care.**

24 357. Defendants deny the allegations in paragraph 357.

25 358. Defendants deny the allegations in the first and third sentences of  
26 paragraph 358. The remaining allegations in this paragraph merely characterize or  
27 quote Office of Professional Responsibility, *Detainee Death Review – Lelis*  
28 *Rodriguez*, <https://www.ice.gov/doclib/foia/reports/ddr-rodriguez.pdf>, which

1 speaks for itself, and so no response is required for those allegations. To the extent  
2 a response is required, Defendants deny any allegations that are inconsistent with  
3 the referenced documents and Plaintiff's characterizations of those documents.

4 359. Defendants deny the allegations in the first and second sentences of  
5 paragraph 359. Defendants admit the allegations in the third sentence of paragraph  
6 359. Defendants admit that Mr. Fraihat was admitted to the hospital, but deny that  
7 he was admitted for several weeks.

8 360. Defendants admit the allegations in the first sentence of paragraph  
9 360. Defendants deny the allegations in the second sentence of paragraph 360.

10 361. Defendants deny the allegations in the first sentence of paragraph 361.  
11 Defendants lack knowledge or information sufficient to form a belief as to the  
12 allegations in the second sentence of paragraph 361 and therefore deny those  
13 allegations.

14 362. Defendants admit that a contract made in January increased the  
15 number of beds at Aurora to 1,400 beds but deny the remaining allegations in the  
16 first sentence of paragraph 362. Defendants deny the allegations in the second  
17 sentence of paragraph 362.

18 363. Defendants deny the allegations in paragraph 363.

19 364. The allegations in paragraph 355 merely characterize or quote Blair  
20 Miller & Russell Haythorn, *Colorado's Congressional Democrats Tour Aurora*  
21 *ICE Facility, Call for Changes*, The Denver Channel (July 22, 2019)

22 <https://www.thedenverchannel.com/news/politics/colorados->

23 [congressionaldemocrats-tour-aurora-ice-facility-call-for-changes-and-its-closure,](https://www.thedenverchannel.com/news/politics/colorados-congressionaldemocrats-tour-aurora-ice-facility-call-for-changes-and-its-closure)

24 which speaks for itself, and so no response is required for those allegations. To the  
25 extent a response is required, Defendants deny any allegations that are inconsistent  
26 with the referenced document and Plaintiffs' characterizations of that document.

27 365. Defendants admit that Ms. Calderon de Hildago died while in custody  
28 in Eloy in Arizona. The remaining allegations in paragraph 365 merely

1 characterize or quote several reports, which speak for themselves. To the extent a  
2 response is required, Defendants deny any allegations that are inconsistent with the  
3 referenced documents and Plaintiffs' characterizations of those documents.

4 366. The allegations in paragraph 366 merely characterize or quote  
5 documents that speak for themselves. To the extent a response is required,  
6 Defendants deny any allegations that are inconsistent with the referenced  
7 documents and Plaintiffs' characterizations of those documents.

8 367. The allegations in paragraph 367 merely characterize or quote an  
9 email on file with Plaintiffs' counsel, which speaks for itself, and so no response is  
10 required for those allegations. To the extent a response is required, Defendants  
11 deny any allegations that are inconsistent with the referenced document and  
12 Plaintiffs' characterizations of that document.

13 368. The allegations in paragraph 368 merely characterize or quote a  
14 complaint filed in *Project South v. U.S. Immigration and Customs Enforcement*,  
15 No. 1:19-cv-895-APM (D.C. Mar. 29, 2019) ECF No. 3-1, which speaks for itself,  
16 and so no response is required for those allegations. To the extent a response is  
17 required, Defendants deny any allegations that are inconsistent with the referenced  
18 document and Plaintiffs' characterizations of that document.

19 369. The allegations in paragraph 369 merely characterize or quote an  
20 exhibit to a complaint filed in *Project South v. U.S. Immigration and Customs*  
21 *Enforcement*, No. 1:19-cv-895-APM (D.C. Mar. 29, 2019) ECF No. 3-1, which  
22 speaks for itself, and so no response is required for those allegations. To the extent  
23 a response is required, Defendants deny any allegations that are inconsistent with  
24 the referenced document and Plaintiffs' characterizations of that document.

25 370. The allegations in paragraph 370 merely characterize or quote  
26 Women's Refugee Comm'n, *Prison for Survivors, the Detention of Women*  
27 *Seeking Asylum in the United States* (Oct. 2017), which speaks for itself, and so no  
28 response is required for those allegations. To the extent a response is required,

1 Defendants deny any allegations that are inconsistent with the referenced  
2 document and Plaintiffs' characterizations of that document.

3 371. The allegations in paragraph 371 merely characterize or quote Office  
4 of Inspector Gen., Office of Homeland Sec., *OIG-11-62: Management of Mental*  
5 *Health Cases in Immigration Detention* (2011),  
6 [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_11-62\\_Mar11.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_11-62_Mar11.pdf), which speaks for  
7 itself, and so no response is required for those allegations. To the extent a response  
8 is required, Defendants deny any allegations that are inconsistent with the  
9 referenced document and Plaintiffs' characterizations of that document.

10 372. The allegations in paragraph 372 merely characterize or quote Office  
11 of Inspector Gen., Office of Homeland Sec., *OIG-11-62: Management of Mental*  
12 *Health Cases in Immigration Detention* (2011),  
13 [https://www.oig.dhs.gov/assets/Mgmt/OIG\\_11-62\\_Mar11.pdf](https://www.oig.dhs.gov/assets/Mgmt/OIG_11-62_Mar11.pdf), which speaks for  
14 itself, and so no response is required for those allegations. To the extent a response  
15 is required, Defendants deny any allegations that are inconsistent with the  
16 referenced document and Plaintiffs' characterizations of that document.

17 373. The allegations in paragraph 373 merely characterize or quote Office  
18 of Inspector Gen., Office of Homeland Sec., *OIG-16-113-VR: ICE Still Struggles*  
19 *to Hire and Retain Staff for Mental Health Cases in Immigration Detention* (2016),  
20 <https://www.oig.dhs.gov/assets/VR/FY16/OIG-16-113-VRJul16.pdf>, which speaks  
21 for itself, and so no response is required for those allegations. To the extent a  
22 response is required, Defendants deny any allegations that are inconsistent with the  
23 referenced document and Plaintiffs' characterizations of that document.

24 374. The allegations in paragraph 374 merely characterize or quote Office  
25 of Inspector Gen., Office of Homeland Sec., *FOIA Response No. 2018-IGFO-*  
26 *00059*, which speaks for itself, and so no response is required for those allegations.  
27 To the extent a response is required, Defendants deny any allegations that are  
28

1 inconsistent with the referenced document and Plaintiffs' characterizations of that  
2 document.

3 375. The allegations in paragraph 375 merely characterize or quote Human  
4 Rights Watch & CIVIC, *Systemic Indifference: Dangerous and Substandard*  
5 *Medical Care in U.S. Immigration Detention* (May 2017),  
6 [https://www.hrw.org/sites/default/files/report\\_pdf/usimmigration0517\\_web\\_0.pdf](https://www.hrw.org/sites/default/files/report_pdf/usimmigration0517_web_0.pdf),  
7 which speaks for itself, and so no response is required for those allegations. To the  
8 extent a response is required, Defendants deny any allegations that are inconsistent  
9 with the referenced document and Plaintiffs' characterizations of that document.

10 376. The allegations in paragraph 376 merely characterize or quote several  
11 reports, a news article and a deposition transcript, which speak for themselves, and  
12 so no response is required for those allegations. To the extent a response is  
13 required, Defendants deny any allegations that are inconsistent with the referenced  
14 documents and Plaintiffs' characterizations of those documents.

15 377. Defendants deny the allegations in paragraph 377.

16 378. Defendants admit that Mr. Samimi died while detained at Aurora. The  
17 remaining allegations in paragraph 378 merely characterize or quote Mr. Kamyar  
18 Samimi's DDR, *Office of Professional Responsibility, Detainee Death Review-*  
19 *Kamyar Samimi* (2017),  
20 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf)  
21 [%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf), which speaks for itself, and so no response is  
22 required for those allegations. To the extent a response is required, Defendants  
23 deny any allegations that are inconsistent with the referenced document and  
24 Plaintiffs' characterizations of that document.

25 379. The allegations in paragraph 379 merely characterize or quote Mr.  
26 Kamyar Samimi's DDR, *Office of Professional Responsibility, Detainee Death*  
27 *Review – Kamyar Samimi* (2017),  
28 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS)

1 %20News/2018-ICFO-47347.pdf, which speaks for itself, and so no response is  
2 required for those allegations. To the extent a response is required, Defendants  
3 deny any allegations that are inconsistent with the referenced document and  
4 Plaintiffs' characterizations of that document.

5 380. Defendants admit that Mr. Lopez died while detained at Hall County  
6 Jail in Nebraska. The remaining allegations in paragraph 380 merely characterize  
7 or quote Mr. Lopez's DDR, Office of Professional Responsibility, *Detainee Death*  
8 *Review – Moises Tino-Lopez*,  
9 <https://d1zbh0am38bx6v.cloudfront.net/wpcontent/uploads/2018/07/17044550/ddr>  
10 [-Tino.pdf](#), and a report from Human Rights Watch, Am. Civil Liberties Union,  
11 National Immigrant Justice Center & Detention Watch Network, which speak for  
12 themselves. To the extent a response is required, Defendants deny any allegations  
13 that are inconsistent with the referenced documents and Plaintiffs'  
14 characterizations of those documents.

15 381. Defendants admit that Mr. Zyazin died while detained at Otay Mesa  
16 and that he was previously detained at the San Luis Detention Center. The  
17 remaining allegations in paragraph 381 merely characterize or quote Mr. Igor  
18 Zyazin's DDR, Office of Professional Responsibility, *Detainee Death Review –*  
19 *Igor Zyazin*, <https://www.ice.gov/doclib/foia/reports/ddr-Zyazin.pdf>, which speaks  
20 for itself, and so no response is required for those allegations. To the extent a  
21 response is required, Defendants deny any allegations that are inconsistent with the  
22 referenced document and Plaintiffs' characterizations of that document.

23 382. Defendants admit that Mr. Azurdia-Hernandez died while detained at  
24 Adelanto in California. The remaining allegations in paragraph 382 merely  
25 characterize or quote Mr. Jose Manuel Azurdia-Hernandez's DDR, Professional  
26 Responsibility, Office of Detention Oversight, *Detainee Death Review- Jose*  
27 *Manuel Azurdia-Hernandez* (2016), [https://www.ice.gov/doclib/foia/reports/ddr-](https://www.ice.gov/doclib/foia/reports/ddr-Azurdia.pdf)  
28 [Azurdia.pdf](#), which speaks for itself, and so no response is required for those



1 allegations. To the extent a response is required, Defendants deny any allegations  
2 that are inconsistent with the referenced document and Plaintiffs' characterizations  
3 of that document.

4 383. Defendants admit that Mr. Morales-Ramos died while detained at  
5 Adelanto. The remaining allegations in paragraph 383 merely characterize or quote  
6 Mr. Raul Ernesto Morales-Ramos's DDR, Office of Professional Responsibility,  
7 Office of Detention Oversight, *Detainee Death Review – Raul Ernesto Morales-*  
8 *Ramos*, <https://www.ice.gov/doclib/foia/reports/ddr-morales.pdf>, which speaks for  
9 itself, and so no response is required for those allegations. To the extent a response  
10 is required, Defendants deny any allegations that are inconsistent with the  
11 referenced document and Plaintiffs' characterizations of that document.

12 384. Defendants admit that Mr. Rodriguez died while detained at the Rio  
13 Grande Detention Facility in Texas. Defendants admit that Mr. Rodriguez had  
14 previously been detained at the Brooks County Detention Facility in Texas. The  
15 remaining allegations in paragraph 384 merely characterize or quote Mr.  
16 Rodriguez's DDR, Office of Professional Responsibility, *Detainee Death Review –*  
17 *Lehis Rodriguez*, <https://www.ice.gov/doclib/foia/reports/ddr-rodriguez.pdf>, which  
18 speaks for itself, and so no response is required for those allegations. To the extent  
19 a response is required, Defendants deny any allegations that are inconsistent with  
20 the referenced document and Plaintiffs' characterizations of that document.

21 385. Defendants admit that Mr. Hernandez died while detained at the Rio  
22 Grande Detention Facility. The remaining allegations in paragraph 385 merely  
23 characterize or quote Mr. Hernandez's DDR, Office of Professional Responsibility,  
24 *Detainee Death Review – Federico Mendez-Hernandez*,  
25 <https://www.ice.gov/doclib/foia/reports/ddrmendezhernandez.pdf>, which speaks  
26 for itself, and so no response is required for those allegations. To the extent a  
27 response is required, Defendants deny any allegations that are inconsistent with the  
28 referenced document and Plaintiffs' characterizations of that document.

1 386. Defendants admit that Mr. Gracida-Conte died while detained at Eloy  
2 in Arizona. The remaining allegations in paragraph 386 merely characterize or  
3 quote Mr. Raul Ernesto Morales-Ramos's DDR, Office of Professional  
4 Responsibility, *Detainee Death Review – Pablo Gracida-Conte*,  
5 [https://www.documentcloud.org/documents/2695513-Gracida-Conte-](https://www.documentcloud.org/documents/2695513-Gracida-Conte-Pablo.html#document/p1/a272669)  
6 [Pablo.html#document/p1/a272669](https://www.documentcloud.org/documents/2695513-Gracida-Conte-Pablo.html#document/p1/a272669), which speaks for itself, and so no response is  
7 required for those allegations. To the extent a response is required, Defendants  
8 deny any allegations that are inconsistent with the referenced document and  
9 Plaintiffs' characterizations of that document.

10 387. Defendants deny the allegations in paragraph 387.

11 **G. Defendants Systemically Fail to Ensure Adequate Mental Health Care.**

12 388. Defendants deny the allegations in paragraph 388.

13 389. Defendants deny the allegations in paragraph 389.

14 390. Defendants admit that Mr. Sudney has PTSD, but Defendants lack  
15 knowledge or information sufficient to form a belief as to the truth of the  
16 remaining allegations in the first sentence of paragraph 390 and therefore deny  
17 those allegations. Defendants admit that Mr. Sudney arrived at Eloy with  
18 medication, but Defendants lack knowledge or information sufficient to form a  
19 belief as to the truth of the remaining allegations in the second sentence of  
20 paragraph 390 and therefore deny those allegations. Defendants lack knowledge or  
21 information sufficient to form a belief as to the truth of the allegations in the third  
22 and fourth sentences of paragraph 390 and therefore deny those allegations.  
23 Defendants admit that Mr. Sudney has difficulty sleeping and regularly  
24 experiences flashbacks, but Defendants lack knowledge or information sufficient  
25 to form a belief as to the truth of the remaining allegations in the fourth sentence of  
26 paragraph 390 and therefore deny those allegations.

27 391. Defendants deny that plaintiff Hamida Ali was housed in Aurora  
28 alone in a dormitory designed for dozens of people, leaving her completely isolated

1 for approximately nine months. Defendants lack knowledge or information  
2 sufficient to form a belief as to the truth of the remaining allegations in the first  
3 sentence of paragraph 391 and therefore deny those allegations. Defendants deny  
4 the allegations in the second sentence of paragraph 391. Defendants admit the  
5 allegations in the third and fourth sentences of paragraph 391.

6 392. Defendants lack knowledge or information sufficient to form a belief  
7 as to the truth of the allegations in paragraph 392 and therefore deny those  
8 allegations.

9 393. Defendants admit the allegations in the first and second sentences of  
10 paragraph 393. Defendants deny the allegations in the third sentence of paragraph  
11 393. Defendants admit that Mr. Hernandez complained of irritability, difficulty  
12 sleeping, and aggressive behavior. Defendants lack knowledge or information  
13 sufficient to form a belief as to the truth of the remaining allegations in the fourth  
14 sentence of paragraph 393.

15 394. Defendants admit the allegations in the first sentence of paragraph  
16 394. Defendants admit that Mr. Hernandez was diagnosed with anti-social  
17 personality disorder, but deny the remaining allegations in the second sentence of  
18 paragraph 394. Defendants admit that Mr. Hernandez was not prescribed any  
19 medication to treat his mental health needs until on or around July 9, 2019, but  
20 deny the remaining allegations in the third sentence of paragraph 394. Defendants  
21 deny the allegations in the fourth sentence of paragraph 394.

22 395. Defendants lack knowledge or information sufficient to form a belief  
23 as to the allegations in the first sentence of paragraph 395, and therefore deny those  
24 allegations. Defendants deny the allegations in the second sentence of paragraph  
25 395.

26 396. Defendants deny the allegations in the first and third sentences of  
27 paragraph 396. Defendants admit the allegations in the second sentence of  
28 paragraph 396.

1           397. Defendants lack knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in the first sentence of paragraph 397 and therefore  
3 deny those allegations. Defendants admit the allegations in the second sentence of  
4 paragraph 397. Defendants deny the allegations in the third, fourth, and sixth  
5 sentences of paragraph 397. Defendants admit that the psychologist Mr. Artaga  
6 saw did not refer him to a psychiatric provider until weeks later but deny the  
7 remaining allegations in the fifth sentence of paragraph 397.

8           398. Defendants deny the allegations in paragraph 398.

9           399. The allegations in paragraph 399 merely characterize or quote  
10 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
11 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
12 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
13 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and so no  
14 response is required for those allegations. To the extent a response is required,  
15 Defendants deny any allegations that are inconsistent with the referenced  
16 document and Plaintiffs' characterizations of that document.

17           400. The allegations in paragraph 400 merely characterize or quote  
18 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
19 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
20 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
21 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and so no  
22 response is required for those allegations. To the extent a response is required,  
23 Defendants deny any allegations that are inconsistent with the referenced  
24 document and Plaintiffs' characterizations of that document.

25           401. The allegations in paragraph 401 merely characterize or quote  
26 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
27 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
28 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)

1 IMMIG\_DETENTION\_MARCH2019.pdf, which speaks for itself, and so no  
2 response is required for those allegations. To the extent a response is required,  
3 Defendants deny any allegations that are inconsistent with the referenced  
4 document and Plaintiffs' characterizations of that document.

5 402. The allegations in the first sentence of paragraph 402 merely  
6 characterize or quote Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
7 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-)  
8 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-)  
9 IMMIG\_DETENTION\_MARCH2019.pdf, which speaks for itself, and so no  
10 response is required for those allegations. To the extent a response is required,  
11 Defendants deny any allegations that are inconsistent with the referenced  
12 document and Plaintiffs' characterizations of that document. The allegations in the  
13 second sentence of paragraph 402 merely characterize or quote documents that  
14 speak for themselves, and so no response is required for those allegations. To the  
15 extent a response is required, Defendants deny any allegations that are inconsistent  
16 with the referenced document and Plaintiffs' characterizations of that document.

17 403. The allegations paragraph 403 merely characterize or quote  
18 documents that speak for themselves, and so no response is required for those  
19 allegations. To the extent a response is required, Defendants deny any allegations  
20 that are inconsistent with the referenced document and Plaintiffs' characterizations  
21 of that document.

22 404. Defendants admit that Osmar Epifanio Gonzalez-Gadba died while  
23 detained at Adelanto. The remaining allegations in paragraph 404 merely  
24 characterize or quote Office of Professional Responsibility, *Detainee Death*  
25 *Review – Osmar Epifanio Gonzalez-Gadba*,  
26 <https://www.ice.gov/doclib/foia/reports/ddrGonzalez.pdf>, which speaks for itself,  
27 and so no response is required for those allegations. To the extent a response is  
28

1 required, Defendants deny any allegations that are inconsistent with the referenced  
2 document and Plaintiffs' characterizations of that document.

3 405. Defendants admit that Jean Carlos Jimenez-Joseph died while  
4 detained at Stewart. The remaining allegations in paragraph 405 merely  
5 characterize or quote a report by Human Rights Watch, Am. Civil Liberties Union,  
6 National Immigrant Justice Center & Detention Watch Network, which speaks for  
7 itself, and so no response is required for those allegations. To the extent a response  
8 is required, Defendants deny any allegations that are inconsistent with the  
9 referenced document and Plaintiffs' characterizations of that document.

10 406. Defendants admit that Jose de Jesus Deniz-Sahagun died. The  
11 remaining allegations in paragraph 406 merely characterize or quote Office of  
12 Professional Responsibility, *Detainee Death Review – Jose De Jesus Deniz-*  
13 *Sahagun*, <https://www.ice.gov/doclib/foia/reports/ddr-denizshagun.pdf>, which  
14 speaks for itself, and so no response is required for those allegations. To the extent  
15 a response is required, Defendants deny any allegations that are inconsistent with  
16 the referenced document and Plaintiffs' characterizations of that document.

17 407. The allegations in paragraph 407 merely characterize or quote Office  
18 of Professional Responsibility, *Detainee Death Review – Jose De Jesus Deniz-*  
19 *Sahagun*, <https://www.ice.gov/doclib/foia/reports/ddr-denizshagun.pdf>, which  
20 speaks for itself, and so no response is required for those allegations. To the extent  
21 a response is required, Defendants deny any allegations that are inconsistent with  
22 the referenced document and Plaintiffs' characterizations of that document.

23 408. The allegations in paragraph 408 merely characterize or quote Office  
24 of Professional Responsibility, *Detainee Death Review – Jose De Jesus Deniz-*  
25 *Sahagun*, <https://www.ice.gov/doclib/foia/reports/ddr-denizshagun.pdf>, which  
26 speaks for itself, and so no response is required for those allegations. To the extent  
27 a response is required, Defendants deny any allegations that are inconsistent with  
28 the referenced document and Plaintiffs' characterizations of that document.

1           409. The allegations of paragraph 409 characterize or quote a report by  
2 Human Rights Watch and CIVIC, which speaks for itself, and so no response is  
3 required for those allegations. To the extent a response is required, Defendants  
4 deny any allegations that are inconsistent with the referenced document and  
5 Plaintiffs' characterizations of that document.

6           410. Defendants admit that Mr. Carlos died while detained York County  
7 Prison in Pennsylvania. The remaining allegations in paragraph 410 merely  
8 characterize or quote Office of Professional Responsibility, *Detainee Death*  
9 *Review – Tiombe Kimana Carlos*, [ice.gov/doclib/foia/reports/ddr-carlos.pdf](http://ice.gov/doclib/foia/reports/ddr-carlos.pdf), which  
10 speaks for itself, and so no response is required for those allegations. To the extent  
11 a response is required, Defendants deny any allegations that are inconsistent with  
12 the referenced document and Plaintiffs' characterizations of that document.

13           411. The allegations in paragraph 411 merely characterize or quote Office  
14 of Professional Responsibility, *Detainee Death Review – Tiombe Kimana Carlos*,  
15 [ice.gov/doclib/foia/reports/ddr-carlos.pdf](http://ice.gov/doclib/foia/reports/ddr-carlos.pdf), which speaks for itself, and so no  
16 response is required for those allegations. To the extent a response is required,  
17 Defendants deny any allegations that are inconsistent with the referenced  
18 document and Plaintiffs' characterizations of that document.

19           412. Defendants lack knowledge or information sufficient to form a belief  
20 as to the truth of the allegations in the first sentence of paragraph 412 and so deny  
21 them. The allegations in the second sentence of paragraph 412 merely characterize  
22 or quote a report by Human Rights Watch and CIVIC, which speaks for itself, and  
23 so no response is required for those allegations. To the extent a response is  
24 required, Defendants deny any allegations that are inconsistent with the referenced  
25 document and Plaintiffs' characterizations of that document

26           413. Defendants deny the allegations in paragraph 413.  
27  
28

1       **H. Defendants Systemically Fail to Ensure the Adequacy of Medical**  
2       **Records and Documentation.**

3       414. Defendants deny the allegations in paragraph 414.

4       415. Defendants deny the allegations in paragraph 415.

5       416. Defendants deny the allegations in paragraph 416.

6       417. Defendants deny the allegations in paragraph 417.

7       418. Defendants deny the allegations in paragraph 418.

8       419. Defendants admit the allegations in the first sentence of paragraph

9 419. Defendants deny the remaining allegations in paragraph 419.

10       420. Defendants admit the allegations in the first sentence of paragraph

11 420. Defendants deny the remaining allegations in the paragraph.

12       421. Defendants deny the allegations in paragraph 421.

13       422. Defendants admit the allegations in paragraph 422.

14       423. Defendants deny the allegations in paragraph 423.

15       424. Defendants deny the allegations in paragraph 424.

16       425. Defendants deny the allegations in paragraph 425.

17       426. Defendants admit that Jose de Jesus Deniz-Sahagun died at Eloy. The

18 remaining allegations in paragraph 426 merely characterize or quote Office of

19 Professional Responsibility, *Detainee Death Review – Jose De Jesus Deniz-*

20 *Sahagun*, <https://www.ice.gov/doclib/foia/reports/ddr-denizshagun.pdf>, which

21 speaks for itself, and so no response is required for those allegations. To the extent

22 a response is required, Defendants deny any allegations that are inconsistent with

23 the referenced document and Plaintiffs' characterizations of that document.

24       427. The allegations in paragraph 427 merely characterize or quote CIVIC

25 & Detention Watch Network, *Abuse in Adelanto: An Investigation Into a*

26 *California Town's Immigration Jail* (Oct. 2015), [http://www.endisolation.org/wp-](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf)

27 [content/uploads/2015/11/CIVIC\\_DWN-Adelanto-Report\\_old.pdf](http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf), which speaks

28 for itself, and so no response is required for those allegations. To the extent a



1 response is required, Defendants deny any allegations that are inconsistent with the  
2 referenced document and Plaintiffs' characterizations of that document.

3 428. The allegations in paragraph 428 merely characterize or quote a report  
4 by Human Rights Watch and CIVIC, which speaks for itself, and so no response is  
5 required for those allegations. To the extent a response is required, Defendants  
6 deny any allegations that are inconsistent with the referenced document and  
7 Plaintiffs' characterizations of that document.

8 429. Defendants deny the allegations in paragraph 429.

9 **VII. As a Result of Defendants' Failure to Monitor and Oversee Segregation**  
10 **Practices at Detention Facilities, Conditions in Those Facilities Constitute**  
11 **Punishment and Subject Plaintiffs in Segregation and Members of the**  
12 **Segregation Subclass to Violations of the Fifth Amendment.**

13 430. This paragraph merely characterizes Plaintiffs' claims and allegations  
14 in the Complaint, and so no response is required for those allegations. To the  
15 extent the statements in this paragraph require an answer, Defendants deny them.

16 431. Defendants deny the third sentence of paragraph 431 because it  
17 consists of statements or conclusions of law. Defendants deny the remaining  
18 allegations in paragraph 431.

19 432. Defendants deny the allegations in paragraph 432.

20 433. Defendants deny the allegations in paragraph 433.

21 434. Defendants deny the allegations in paragraph 434.

22 **A. Defendants Violate the Fifth Amendment by Failing to Ensure That**  
23 **Civil Detainees in Segregation Are Not Subjected to Punitive Conditions**  
24 **of Confinement.**

25 435. Defendants deny this paragraph because it consists of statements or  
26 conclusions of law.

27 436. Defendants deny the allegations in paragraph 436.

28 437. Defendants deny the allegations in paragraph 437.

1 438. Defendants deny this paragraph because it consists of statements and  
2 characterizes of law or quotes legal decisions that speak for themselves and so no  
3 response is required for those allegations.

4 439. Defendants deny the allegations in paragraph 439.

5 440. Defendants admit the allegations in paragraph 440.

6 441. Defendants deny the allegations in paragraph 441.

7 442. The allegations in paragraph 442 merely characterize or quote Penn  
8 State Law, *Imprisoned Justice: Inside Two Georgia Immigrant Detention Centers*,  
9 (May 2017)

10 [https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned\\_Justice\\_Report-](https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned_Justice_Report-)  
11 [1.pdf](https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned_Justice_Report-1.pdf), which speaks for itself, and so no response is required for those allegations.  
12 To the extent a response is required, Defendants deny any allegations that are  
13 inconsistent with the referenced document and Plaintiffs' characterizations of that  
14 document.

15 443. The allegations in paragraph 443 merely characterize or quote Human  
16 Rights First, *Ailing Justice: New Jersey Inadequate Healthcare, Indifference, and*  
17 *Indefinite Confinement in Immigration Detention* (Feb. 2018),  
18 <https://www.humanrightsfirst.org/sites/default/files/Ailing-Justice-NJ.pdf>, which  
19 speaks for itself, and so no response is required for those allegations. To the extent  
20 a response is required, Defendants deny any allegations that are inconsistent with  
21 the referenced document and Plaintiffs' characterizations of that document.

22 444. The allegations in paragraph 444 merely characterize or quote  
23 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
24 [https://www.disabilityrightsca.org/system/files/fileattachments/DRC\\_REPORT\\_A](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A)  
25 [DELANTOIMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/fileattachments/DRC_REPORT_A-DELANTOIMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and  
26 so no response is required for those allegations. To the extent a response is  
27 required, Defendants deny any allegations that are inconsistent with the referenced  
28 documents and Plaintiff's characterizations of those documents.

1 445. The allegations of paragraph 445 merely characterize or quote Office  
2 of Inspector Gen., Office of Homeland Sec., *OIG-18-32: Concerns About ICE*  
3 *Detainee Treatment and Care at Detention Facilities* (2017),  
4 <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>,  
5 which speaks for itself, and so no response is required for those allegations. To the  
6 extent a response is required, Defendants deny any allegations that are inconsistent  
7 with the referenced document and Plaintiffs' characterizations of that document.

8 446. Defendants admit that plaintiff Alex Hernandez was placed in a  
9 Restricted Housing Unit for over two weeks for safety reasons while he was  
10 detained at Mesa Verde. Defendants deny the allegations in the second and fourth  
11 sentences of paragraph 446. Defendants deny that Mr. Hernandez did not receive  
12 an opportunity to visit the law library. Defendants lack knowledge or information  
13 sufficient to form a belief as to the truth of the remaining allegations in the third  
14 sentence of paragraph 446 and therefore deny those allegations. Defendants lack  
15 knowledge or information sufficient to form a belief as to the truth of the  
16 allegations in the fifth and sixth sentences of paragraph 446 and therefore deny  
17 those allegations.

18 447. Defendants admit that Ms. Ali has schizophrenia and a documented  
19 history of suicidal ideation and attempts. Defendants deny the remaining  
20 allegations in paragraph 447.

21 448. The allegations of paragraph 448 merely characterize or quote Office  
22 of Inspector General, U.S. Dep't of Homeland Sec., *OIG-19-47: Concerns About*  
23 *ICE Detainee Treatment and Care at Four Detention Facilities* (Jun. 3, 2019),  
24 <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>,  
25 which speaks for itself, and so no response is required for those allegations. To the  
26 extent a response is required, Defendants deny any allegations that are inconsistent  
27 with the referenced document and Plaintiffs' characterizations of that document.

28

1 449. The allegations of paragraph 449 merely characterize or quote Office  
2 of Inspector General, U.S. Dep't of Homeland Sec., *OIG-19-47: Concerns About*  
3 *ICE Detainee Treatment and Care at Four Detention Facilities* (Jun. 3, 2019),  
4 <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>,  
5 which speaks for itself, and so no response is required for those allegations. To the  
6 extent a response is required, Defendants deny any allegations that are inconsistent  
7 with the referenced document and Plaintiffs' characterizations of that document.

8 450. The allegations of paragraph 450 merely characterize or quote  
9 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
10 <https://www.disabilityrightsca.org/system/files/file->  
11 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-)  
12 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and so no  
13 response is required for those allegations. To the extent a response is required,  
14 Defendants deny any allegations that are inconsistent with the referenced  
15 document and Plaintiffs' characterizations of that document.

16 451. Defendants deny the allegations in paragraph 451.

17 452. The allegations of paragraph 452 merely characterize or quote Penn  
18 State Law, *Imprisoned Justice: Inside Two Georgia Immigrant Detention Centers*  
19 (May 2017),  
20 [https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned\\_Justice\\_Report-](https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned_Justice_Report-)  
21 [1.pdf](https://projectsouth.org/wpcontent/uploads/2017/06/Imprisoned_Justice_Report-1.pdf), which speaks for itself, and so no response is required for those allegations.  
22 To the extent a response is required, Defendants deny any allegations that are  
23 inconsistent with the referenced document and Plaintiffs' characterizations of that  
24 document.

25 453. The allegations of this paragraph merely characterize or quote Office  
26 of Inspector Gen., Office of Homeland Sec., *OIG-17-43-MA: Management Alert*  
27 *on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange,*  
28 *California* (2017), <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG->

1 mga-030617.pdf, which speaks for itself, and so no response is required for those  
2 allegations. To the extent a response is required, Defendants deny any allegations  
3 that are inconsistent with the referenced documents and Plaintiff's  
4 characterizations of those documents.

5 454. The allegations of this paragraph merely characterize or quote Xavier  
6 Becerra, Cal. Att'y Gen., *Immigration Detention in California*, Cal. Dep't of  
7 Justice (Feb. 2019),

8 [https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf)  
9 [2019.pdf](https://oag.ca.gov/sites/all/files/agweb/pdfs/publications/immigration-detention-2019.pdf), which speaks for itself, and so no response is required for those  
10 allegations. To the extent a response is required, Defendants deny any allegations  
11 that are inconsistent with the referenced documents and Plaintiff's  
12 characterizations of those documents.

13 455. Defendants deny the allegations in paragraph 455.

14 456. Defendants deny the third sentence of paragraph 456 because it  
15 consists of statements or conclusions of law. Defendants deny the remaining  
16 allegations in paragraph 456.

17 **1. Defendants Subject Plaintiffs to a Substantial Risk of Serious Harm**  
18 **Through Their Failure to Monitor and Prevent Needless and Arbitrary**  
19 **Segregation.**

20 457. Defendants deny the allegations in paragraph 457.

21 458. The allegations in the fifth sentence of this paragraph merely  
22 characterize or quote Homer Venters et al., *Solitary Confinement and Risk of Self-*  
23 *Harm Among Jail Inmates*, 104 Am. J. Pub. Health 442, 444–46 (2014),  
24 <https://ajph.aphapublications.org/doi/10.2105/AJPH.2013.301742>, which speaks  
25 for itself, and so no response is required for those allegations. To the extent a  
26 response is required, Defendants deny any allegations that are inconsistent with the  
27 referenced documents and Plaintiff's characterizations of those documents.  
28 Defendants deny the remaining allegations in paragraph 458.

1 459. Defendants deny the allegations in paragraph 459.

2 460. The allegations of this paragraph merely characterize or quote Office  
3 of Inspector Gen., Dep't of Homeland Sec., *OIG-11-62: Management of Mental*  
4 *Health Cases in Immigration Detention* (March 2011),  
5 <https://www.hsdl.org/?abstract&did=6985>, which speaks for itself, and so no  
6 response is required for those allegations. To the extent a response is required,  
7 Defendants deny any allegations that are inconsistent with the referenced  
8 documents and Plaintiff's characterizations of those documents.

9 461. Defendants deny the allegations in paragraph 461.

10 462. The allegations of this paragraph merely characterize or quote U.S.  
11 Immigration & Customs Enforcement, *Directive No. 11065.1: Review of the Use of*  
12 *Segregation for ICE Detainees* (Sept. 4, 2013),  
13 [https://www.ice.gov/doclib/detention-reform/pdf/segregation\\_directive.pdf](https://www.ice.gov/doclib/detention-reform/pdf/segregation_directive.pdf), which  
14 speaks for itself, and so no response is required for those allegations. To the extent  
15 a response is required, Defendants deny any allegations that are inconsistent with  
16 the referenced documents and Plaintiff's characterizations of those documents.

17 463. The allegations of paragraph 463 merely characterize or quote  
18 Antonio Cucho & Karrie Kehoe, *Solitary Voices: How US Immigration Authorities*  
19 *Use Solitary Confinement* (May 20, 2019),  
20 <https://www.icij.org/investigations/solitary-voices/how-us-immigration->  
21 [authoritiesuse-solitary-confinement/](https://www.icij.org/investigations/solitary-voices/how-us-immigration-authoritiesuse-solitary-confinement/), which speaks for itself, and so no response is  
22 required for those allegations. To the extent a response is required, Defendants  
23 deny any allegations that are inconsistent with the referenced document and  
24 Plaintiffs' characterizations of that document.

25 464. The allegations in paragraph 464 merely characterize or quote  
26 documents that speak for themselves. To the extent a response is required,  
27 Defendants deny any allegations that are inconsistent with the referenced  
28 documents and Plaintiffs' characterizations of those documents.

1 465. Paragraph 465 consists of Plaintiffs' citation to and characterization of  
2 several news articles, which speak for themselves. To the extent a response is  
3 required, Defendants deny any allegations that are inconsistent with the referenced  
4 documents and Plaintiffs' characterizations of those documents.

5 466. The allegations in paragraph 466 merely characterize or quote a letter  
6 from American Immigration Council & American Immigration Lawyers  
7 Association to Thomas Homan, Acting Dir., Immigration & Customs Enforcement,  
8 Dep't of Homeland Sec. et al. (June 4, 2018),  
9 [http://www.americanimmigrationcouncil.org/sites/default/files/general\\_litigation/c](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf)  
10 [omplaint\\_demands\\_investigation\\_into\\_inadequate\\_medical\\_and\\_mental\\_health\\_ca](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf)  
11 [re\\_condition\\_in\\_immigration\\_detention\\_center.pdf](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf), which speaks for itself, and so  
12 no response is required for those allegations. To the extent a response is required,  
13 Defendants deny any allegations that are inconsistent with the referenced  
14 document and Plaintiffs' characterizations of that document

15 467. Defendants deny the allegations in paragraph 467.

16 468. Defendants admit that plaintiff Jimmy Sudney was placed in  
17 segregation for about a week after a verbal altercation with officers but deny the  
18 remaining allegations in the first sentence of paragraph 468. Defendants admit the  
19 allegations in the second sentence of paragraph 468. Defendants deny the  
20 allegations in the third and fourth sentences of paragraph 468. Defendants lack  
21 knowledge or information sufficient to form a belief as to truth of the allegations in  
22 the fifth sentence of paragraph 468 and therefore deny those allegations.

23 469. Defendants admit that Ms. Ali has a history of suicidal ideation and  
24 attempts but deny the remaining allegations in the first sentence of paragraph 469.  
25 Defendants lack knowledge or information sufficient to form a belief as to the truth  
26 of the allegations in the second and third sentences of paragraph 469 and therefore  
27 deny those allegations.

28

1 470. Defendants admit that Ms. Ali experienced several episodes of  
2 psychological distress and suicidal ideation, but deny the remaining allegations in  
3 the first sentence of paragraph 470. Defendants deny the allegations in the second  
4 and third sentences. Defendants admit the allegations in the fourth and fifth  
5 sentences of paragraph 470. Defendants deny the allegations in the sixth sentence  
6 of paragraph 470.

7 471. Defendants deny knowledge or information sufficient to form a belief  
8 as to the truth of the allegations in the first and sixth sentences of paragraph 471  
9 and therefore deny those allegations. Defendants deny the remaining allegations in  
10 paragraph 471.

11 472. Defendants deny the allegations in paragraph 472.

12 473. Defendants admit that Mr. De la Rosa died at Stewart. The remaining  
13 allegations in paragraph 473 merely characterize or quote documents that speak for  
14 themselves. To the extent a response is required, Defendants deny any allegations  
15 that are inconsistent with the referenced documents and Plaintiffs'  
16 characterizations of those documents.

17 474. Defendants admit that Mr. Carlos died while detained at York County  
18 in Pennsylvania. The remaining allegations in paragraph 474 merely characterize  
19 or quote Office of Professional Responsibility, Office of Detention Oversight,  
20 *Detainee Death Review – Tiombe Kimana Carlos*,  
21 <https://www.ice.gov/doclib/foia/reports/ddr-carlos.pdf>, which speaks for itself, and  
22 so no response is required for those allegations. To the extent a response is  
23 required, Defendants deny any allegations that are inconsistent with the referenced  
24 document and Plaintiffs' characterizations of that document.

25 475. The allegations in paragraph 475 merely characterize or quote Office  
26 of Professional Responsibility, Office of Detention Oversight, *Detainee Death*  
27 *Review – Tiombe Kimana Carlos*, [https://www.ice.gov/doclib/foia/reports/ddr-](https://www.ice.gov/doclib/foia/reports/ddr-carlos.pdf)  
28 [carlos.pdf](https://www.ice.gov/doclib/foia/reports/ddr-carlos.pdf), which speaks for itself, and so no response is required for those



1 allegations. To the extent a response is required, Defendants deny any allegations  
2 that are inconsistent with the referenced document and Plaintiffs' characterizations  
3 of that document.

4 476. The allegations in paragraph 476 merely characterize or quote a report  
5 from Human Rights Watch and CIVIC, which speaks for itself, and so no response  
6 is required for those allegations. To the extent a response is required, Defendants  
7 deny any allegations that are inconsistent with the referenced document and  
8 Plaintiffs' characterizations of that document.

9 477. Defendants admit that Mr. Mponda died while at the Houston  
10 Contract Detention Center in Texas. The remaining allegations in paragraph 477  
11 merely characterize or quote Office of Professional Responsibility, Office of  
12 Detention Oversight, *Detainee Death Review – Clemente Ntangola Mponda*,  
13 <https://www.ice.gov/doclib/foia/reports/ddr-mponda.pdf>, which speaks for itself,  
14 and so no response is required for those allegations. To the extent a response is  
15 required, Defendants deny any allegations that are inconsistent with the referenced  
16 document and Plaintiffs' characterizations of that document.

17 478. The allegations in paragraph 478 merely characterize or quote  
18 documents that speak for themselves. To the extent a response is required,  
19 Defendants deny any allegations that are inconsistent with the referenced  
20 documents and Plaintiffs' characterizations of those documents.

21 479. Defendants deny the allegations in paragraph 479.

22 480. Defendants deny the allegations in the first sentence of paragraph 480.  
23 The remaining allegations in paragraph 480 merely characterize or quote hearing  
24 testimony and a report, which speak for themselves. To the extent a response is  
25 required, Defendants deny any allegations that are inconsistent with the referenced  
26 documents and Plaintiffs' characterizations of those documents.

27

28

1 481. Defendants lack knowledge or information sufficient to form a belief  
2 as to the truth of the allegations in paragraph 481 and therefore deny those  
3 allegations.

4 482. Defendants deny the allegations in paragraph 482.

5 483. Defendants deny the allegations in the first and second sentences of  
6 paragraph 483. The remaining allegations in paragraph 483 merely characterize or  
7 quote a report and a news article, which speak for themselves. To the extent a  
8 response is required, Defendants deny any allegations that are inconsistent with the  
9 referenced documents and Plaintiffs' characterizations of those documents.

10 484. Defendants deny the allegations in the third sentence of paragraph  
11 484. The remaining allegations in paragraph 484 merely characterize or quote an  
12 ICE directive and an OIG report, which speak for themselves. To the extent a  
13 response is required, Defendants deny any allegations that are inconsistent with the  
14 referenced documents and Plaintiffs' characterizations of those documents.

15 485. Defendants deny the allegations in paragraph 485.

16 **2. Defendants Fail to Monitor and Oversee Segregation**  
17 **Practices on a Systemic Scale.**

18 486. Defendants admit the allegations in the first sentence of paragraph  
19 486. Defendants deny the allegation in the second and third sentences of paragraph  
20 486.

21 487. The allegations in paragraph 487 merely characterize or quote Office  
22 of Inspector Gen., Office of Homeland Sec., *OIG-17-119: ICE Field Offices Need*  
23 *to Improve Compliance with Oversight Requirements for Segregation of Detainees*  
24 *with Mental Health Conditions* (Sept. 29, 2017),  
25 <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-17-119-Sep17.pdf>,  
26 which speaks for itself, and so no response is required for those allegations. To the  
27 extent a response is required, Defendants deny any allegations that are inconsistent  
28 with the referenced document and Plaintiffs' characterizations of that document.

1 488. Defendants deny the allegations in the first sentence of paragraph 488.  
2 Defendants lack knowledge or information sufficient to form a belief as to the truth  
3 of the remaining allegations in paragraph 488 and therefore deny those allegations.

4 489. Defendants deny the allegations in paragraph 489.

5 490. The allegations in paragraph 490 merely characterize or quote Office  
6 of Inspector General, U.S. Dep't of Homeland Sec., *OIG-19-47: Concerns About*  
7 *ICE Detainee Treatment and Care at Four Detention Facilities* (Jun. 3, 2019),  
8 <https://www.oig.dhs.gov/sites/default/files/assets/2019-06/OIG-19-47-Jun19.pdf>,  
9 which speaks for itself, and so no response is required for those allegations. To the  
10 extent a response is required, Defendants deny any allegations that are inconsistent  
11 with the referenced document and Plaintiffs' characterizations of that document.

12 491. The allegations in paragraph 491 merely characterize or quote Hannah  
13 Rappleye et al., *Thousands of immigrants suffer in solitary confinement in U.S.*  
14 *detention centers*, NBC News (May 20, 2019),  
15 [https://www.nbcnews.com/politics/immigration/thousands-immigrants-](https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffersolitary-confinement-u-s-detention-centers-n1007881)  
16 [suffersolitary-confinement-u-s-detention-centers-n1007881](https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffersolitary-confinement-u-s-detention-centers-n1007881), which speaks for  
17 itself, and so no response is required for those allegations. To the extent a response  
18 is required, Defendants deny any allegations that are inconsistent with the  
19 referenced document and Plaintiffs' characterizations of that document.

20 492. The allegations in paragraph 492 merely characterize or quote Hannah  
21 Rappleye et al., *Thousands of immigrants suffer in solitary confinement in U.S.*  
22 *detention centers*, NBC News (May 20, 2019),  
23 [https://www.nbcnews.com/politics/immigration/thousands-immigrants-](https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffersolitary-confinement-u-s-detention-centers-n1007881)  
24 [suffersolitary-confinement-u-s-detention-centers-n1007881](https://www.nbcnews.com/politics/immigration/thousands-immigrants-suffersolitary-confinement-u-s-detention-centers-n1007881), which speaks for  
25 itself, and so no response is required for those allegations. To the extent a response  
26 is required, Defendants deny any allegations that are inconsistent with the  
27 referenced document and Plaintiffs' characterizations of that document.

28

1 493. The allegations in paragraph 493 merely characterize or quote  
2 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
3 [https://www.disabilityrightsca.org/system/files/file-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
4 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf)  
5 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and so no  
6 response is required for those allegations. To the extent a response is required,  
7 Defendants deny any allegations that are inconsistent with the referenced  
8 document and Plaintiffs' characterizations of that document.

9 494. The allegations in paragraph 494 merely characterize or quote  
10 documents that speak for themselves. To the extent a response is required,  
11 Defendants deny any allegations that are inconsistent with the referenced  
12 documents and Plaintiffs' characterizations of those documents.

13 495. Defendants deny the allegations in paragraph 495.

14 496. Defendants admit that Mr. Samimi died. The remaining allegations in  
15 paragraph 496 merely characterize or quote Mr. Samimi's DDR, Office of  
16 Professional Responsibility, *Detainee Death Review- Kamyar Samimi* (2017),  
17 [https://bento.cdn.pbs.org/hostedbentoprod/filer\\_public/RMPBS%20PDFs/RMPBS](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf)  
18 [%20News/2018-ICFO-47347.pdf](https://bento.cdn.pbs.org/hostedbentoprod/filer_public/RMPBS%20PDFs/RMPBS%20News/2018-ICFO-47347.pdf), which speaks for itself, and so no response is  
19 required for those allegations. To the extent a response is required, Defendants  
20 deny any allegations that are inconsistent with the referenced document and  
21 Plaintiffs' characterizations of that document.

22 497. Defendants admit that Mr. Gonzalez-Gadba died. The remaining  
23 allegations in paragraph 497 merely characterize or quote Mr. Gonzalez-Gadba's  
24 DDR, Office of Professional Responsibility, Office of Detention Oversight,  
25 *Detainee Death Review – Osmar Epifanio Gonzalez-Gadba*,  
26 <https://www.ice.gov/doclib/foia/reports/ddrGonzalez.pdf>, which speaks for itself,  
27 and so no response is required for those allegations. To the extent a response is  
28

1 required, Defendants deny any allegations that are inconsistent with the referenced  
2 document and Plaintiffs' characterizations of that document.

3 498. The allegations in paragraph 498 merely characterize or quote a report  
4 by Human Rights Watch, Am. Civil Liberties Union, National Immigrant Justice  
5 Center & Detention Watch Network, which speaks for itself, and so no response is  
6 required for those allegations. To the extent a response is required, Defendants  
7 deny any allegations that are inconsistent with the referenced document and  
8 Plaintiffs' characterizations of that document.

9 499. Defendants admit that Mr. Jimenez-Joseph died. The remaining  
10 allegations in paragraph 499 merely characterize or quote several reports, which  
11 speak for themselves. To the extent a response is required, Defendants deny any  
12 allegations that are inconsistent with the referenced documents and Plaintiffs'  
13 characterizations of those documents.

14 500. The allegations in paragraph 500 merely characterize or quote a report  
15 by Human Rights Watch, Am. Civil Liberties Union, National Immigrant Justice  
16 Center & Detention Watch Network, which speaks for itself, and so no response is  
17 required for those allegations. To the extent a response is required, Defendants  
18 deny any allegations that are inconsistent with the referenced document and  
19 Plaintiffs' characterizations of that document.

20 501. Defendants deny the allegations in paragraph 501.

21  
22  
23  
24  
25  
26  
27  
28

1 **VIII. As a Result of Defendants' Failure to Monitor and Oversee Disability-**  
2 **Related Practices in Detention Facilities, Plaintiffs with Disabilities and**  
3 **Members of the Disability Subclass Are Subjected to Violations of the**  
4 **Fifth Amendment and Section 504 of the Rehabilitation Act.**

5 **A. Section 504 of the Rehabilitation Act Prohibits Discrimination on the**  
6 **Basis of Disability by Executive Agencies.**

7 502. This paragraph merely characterizes Plaintiffs' claims and allegations  
8 in the Complaint, and so no response is required for those allegations. To the  
9 extent the statements in this paragraph require an answer, Defendants deny them.

10 503. Defendants deny paragraph 503 because it consists of statements or  
11 conclusions of law.

12 504. Defendants deny paragraph 504 because it consists of statements or  
13 conclusions of law.

14 505. Defendants deny the allegations in paragraph 505.

15 506. Defendants deny the allegations in paragraph 506.

16 507. Defendants deny the allegations in paragraph 507.

17 **1. Defendants Exercise Centralized Control Regarding Conditions**  
18 **Impacting Persons with Disabilities at Detention Facilities Nationwide.**

19 508. Defendants admit the allegations in the first and third sentences of  
20 paragraph 508. Defendants deny the allegations in the second sentence of  
21 paragraph 508.

22 509. Defendants admit the allegations in paragraph 509.

23 510. Defendants admit the allegations in paragraph 510.

24 511. Defendants admit the allegations in paragraph 511.

25 512. Defendants deny the allegations in paragraph 512.

26 **2. Defendants Systemically Fail to Ensure Access to ICE Programs and**  
27 **Services for Detained Individuals with Disabilities.**

28 513. Defendants deny the allegations in paragraph 513.

1 514. Defendants deny the allegations in paragraph 514.

2 515. Defendants deny the allegations in paragraph 515.

3 516. Defendants deny the allegations in paragraph 516.

4 517. Defendants deny the allegations in paragraph 517.

5 518. Defendants deny the allegations in the first, third, and fifth sentences  
6 of paragraph 518. Defendants admit the allegations in the second sentence of  
7 paragraph 518. Defendants lack knowledge or information sufficient to form a  
8 belief about the truth of the allegations in the fourth sentence of paragraph 518 and  
9 therefore deny those allegations.

10 519. Defendants deny the allegations in paragraph 519.

11 520. Defendants deny the allegations in paragraph 520.

12 521. Defendants lack knowledge or information sufficient to form a belief  
13 as to the treatment or medication Mr. Rodriguez Delgadillo received prior to his  
14 time in ICE detention, and therefore deny that allegation. Defendants deny the  
15 remaining allegations in paragraph 521.

16 **3. Defendants Systemically Fail to Ensure Adequate Screening to Identify,**  
17 **Track, and Accommodate Detained Individuals with Disabilities.**

18 522. Defendants deny the allegations in paragraph 522.

19 523. Defendants deny the allegations in paragraph 523.

20 524. Defendants admit the allegations in the first sentence of paragraph  
21 524. Defendants deny the allegations in the second sentence of paragraph 524.

22 525. Defendants deny the allegations in paragraph 525.

23 526. Defendants deny the allegations in paragraph 526.

24 527. Defendants admit the allegations that Mr. Baca Hernández is blind  
25 and has been detained at Theo Lacy and Adelanto but deny the remaining  
26 allegations in paragraph 527.

27 528. Defendants admit the allegations in the first sentence of paragraph  
28 528. Defendants deny the allegations in the second sentence of paragraph 528.

1 529. Defendants deny the allegations in paragraph 529.

2 530. Defendants admit the allegations in the first sentence of paragraph  
3 530. Defendants deny the remaining allegations in paragraph 530.

4 531. Defendants deny the allegations in the first, second, and third  
5 sentences of paragraph 531. Defendants lack knowledge or information sufficient  
6 to form a belief as to the allegations in the fourth sentence of paragraph 531 and  
7 therefore deny those allegations.

8 532. Defendants deny the allegations in paragraph 532.

9 533. Defendants deny the allegations in paragraph 533.

10 534. The allegations in paragraph 534 merely characterize or quote  
11 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
12 <https://www.disabilityrightsca.org/system/files/file->  
13 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-)  
14 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-), which speaks for itself, and so no  
15 response is required for those allegations. To the extent a response is required,  
16 Defendants deny any allegations that are inconsistent with the referenced  
17 document and Plaintiffs' characterizations of that document.

18 535. The allegations in paragraph 535 merely characterize or quote  
19 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
20 <https://www.disabilityrightsca.org/system/files/file->  
21 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-)  
22 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-), which speaks for itself, and so no  
23 response is required for those allegations. To the extent a response is required,  
24 Defendants deny any allegations that are inconsistent with the referenced  
25 document and Plaintiffs' characterizations of that document.

26 536. The allegations in paragraph 536 merely characterize or quote  
27 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
28 <https://www.disabilityrightsca.org/system/files/file->



1 attachments/DRC\_REPORT\_ADELANTO-  
2 IMMIG\_DETENTION\_MARCH2019.pdf, which speaks for itself, and so no  
3 response is required for those allegations. To the extent a response is required,  
4 Defendants deny any allegations that are inconsistent with the referenced  
5 document and Plaintiffs' characterizations of that document.

6 537. The allegations in paragraph 537 merely characterize or quote  
7 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
8 <https://www.disabilityrightsca.org/system/files/file->

9 attachments/DRC\_REPORT\_ADELANTO-  
10 IMMIG\_DETENTION\_MARCH2019.pdf, which speaks for itself, and so no  
11 response is required for those allegations. To the extent a response is required,  
12 Defendants deny any allegations that are inconsistent with the referenced  
13 document and Plaintiffs' characterizations of that document.

14 **4. Defendants Systemically Fail to Prevent Improper Use of Segregation**  
15 **for Detained Individuals with Disabilities.**

16 538. Defendants deny the allegations in paragraph 538.

17 539. Defendants admit the allegations in paragraph 539.

18 540. The allegations in paragraph 540 merely characterize or quote several  
19 reports, which speak for themselves. To the extent a response is required,  
20 Defendants deny any allegations that are inconsistent with the referenced  
21 documents and Plaintiffs' characterizations of those documents.

22 541. The allegations in paragraph 541 merely characterize or quote Office  
23 of Inspector Gen., Office of Homeland Sec., *OIG-17-119: ICE Field Offices Need*  
24 *to Improve Compliance with Oversight Requirements for Segregation of Detainees*  
25 *with Mental Health Conditions* (Sept. 29, 2017), available at

26 <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-17-119-Sep17.pdf>,  
27 which speaks for itself, and so no response is required for those allegations. To the

28

1 extent a response is required, Defendants deny any allegations that are inconsistent  
2 with the referenced document and Plaintiffs' characterizations of that document.

3 542. The allegations in paragraph 541 merely characterize or quote  
4 Spencer Woodman, et al., *Solitary Voices: Thousands of Immigrants Suffer in*  
5 *Solitary Confinement in ICE Detention*, The Intercept (May 20, 2019),  
6 <https://theintercept.com/2019/05/21/ice-solitary-confinement->

7 immigrationdetention/, which speaks for itself, and so no response is required for  
8 those allegations. To the extent a response is required, Defendants deny any  
9 allegations that are inconsistent with the referenced document and Plaintiffs'  
10 characterizations of that document.

11 543. Defendants lack knowledge or information sufficient to form a belief  
12 as to the allegations in the first sentence of paragraph 543 and therefore deny those  
13 allegations. Defendants deny the allegations in the second and third sentences of  
14 paragraph 543. Defendants admit that there was no hearing before Adelanto put  
15 Mr. Sudney in segregation, but deny that the mental health clearance was cursory.  
16 Defendants lack knowledge or information sufficient to form a belief as to the truth  
17 of the allegations in the fifth and sixth sentences of paragraph 543 and therefore  
18 deny those allegations.

19 544. Defendants deny the allegations of paragraph 544.

20 545. Defendants admit that Plaintiff Marco Montoya Amaya has PTSD and  
21 major depressive disorder but deny the remaining allegations in the first sentence  
22 of paragraph 545. Defendants lack knowledge or information sufficient to form a  
23 belief as to the truth of the allegations in the second sentence of paragraph 545 and  
24 therefore deny those allegations. Defendants deny the remaining allegations in  
25 paragraph 545.

26 546. Defendants deny the allegations in the first and third sentences of  
27 paragraph 546. Defendants admit the allegations in the second sentence of  
28 paragraph 546.

1 547. Defendants admit the allegations in the first sentence of paragraph  
2 547. Defendants deny the allegations in the second sentence of paragraph 547.  
3 Defendants admit that facility staff now bring all of Plaintiff Melvin Murillo  
4 Hernandez's meals to his cell, but deny that his meals consist mostly of eggs and  
5 rice.

6 548. Defendants admit that Ms. Ali has schizophrenia and was segregated  
7 and placed in a dorm by herself for approximately nine months. Defendants deny  
8 the allegation that this caused her to experience extreme psychological distress and  
9 suicidal ideation.

10 **5. Defendants Systemically Fail to Provide People with Disabilities with**  
11 **Reasonable Accommodations, Auxiliary Aids, and Effective**  
12 **Communication.**

13 549. Defendants deny the allegations in paragraph 549.

14 550. Defendants deny the allegations in paragraph 550.

15 551. Defendants deny the allegations in paragraph 551.

16 552. Defendants deny the allegations in the first sentence of in paragraph  
17 550. Defendants admit the allegations in the second sentence of paragraph 552.

18 553. Defendants deny the allegations in paragraph 553.

19 554. Defendants deny the allegations in paragraph 554.

20 555. Defendants deny the allegations in paragraph 555.

21 556. Defendants deny the allegations in paragraph 556.

22 557. Defendants admit the allegations in the first, third, and fourth  
23 sentences of paragraph 557. Defendants deny the allegations in the second, fifth,  
24 and sixth sentences of paragraph 557.

25 558. Defendants admit that Mr. Alcocer Chavez has requested a  
26 videophone at Adelanto. Defendants lack knowledge or information sufficient to  
27 form a belief as to the truth of the allegations in the third and fourth sentences of  
28

1 paragraph 558 and therefore deny those allegations. Defendants deny the  
2 remaining allegations in paragraph 558.

3 559. Defendants deny the allegations in paragraph 559.

4 560. Defendants admit the allegations in the first sentence of paragraph  
5 560. Defendants deny the remaining allegations in paragraph 560.

6 561. Defendants deny the allegations in paragraph 561.

7 562. Defendants lack knowledge or information sufficient to form a belief  
8 as to the truth of the allegations in paragraph 562 and therefore deny those  
9 allegations.

10 563. Defendants deny the allegations in the first and fourth sentences of  
11 paragraph 563. Defendants lack knowledge or information sufficient to form a  
12 belief about the truth of the allegations in the second and third sentences of  
13 paragraph 563 and therefore deny those allegations.

14 564. Defendants admit the allegations in the first and second sentences of  
15 paragraph 564. Defendants deny the allegations in the third through seventh  
16 sentences of paragraph 564. Defendants deny the allegations that there is one  
17 accessible shower with a shower seat broken and not properly affixed. Defendants  
18 lack knowledge or information sufficient to form a belief as to the remaining  
19 allegations in the ninth sentence and of the tenth sentences of paragraph 564 and  
20 therefore deny those allegations.

21 565. Defendants deny the allegations in the first sentence of paragraph 565.  
22 Defendants lack knowledge or information sufficient to form a belief as to the truth  
23 of the allegations that Mr. Sanchez Martinez's relinquishing of his back brace was  
24 unwilling, but they admit that he relinquished it. Defendants deny the allegations in  
25 the third sentence of paragraph 565.

26 566. Defendants deny the allegations in the first sentence of paragraph 566.  
27 Defendants lack knowledge or information sufficient to form a belief as to the truth  
28 of the allegations in the second and fourth sentences of paragraph 566 and

1 therefore deny those allegations. Defendants admit that at the beginning of June,  
2 Adelanto took his wheelchair away, due to unauthorized modifications. Defendants  
3 lack knowledge or information sufficient to form a belief as to the truth of the  
4 remaining allegations in the third sentence of paragraph 566 and therefore deny  
5 those allegations. Defendants deny the allegations in the fifth sentence of  
6 paragraph 566. Defendants deny the allegations in the sixth sentence of paragraph  
7 566.

8         567. Defendants deny the allegations in the first and second sentences of  
9 paragraph 567. Defendants lack knowledge or information sufficient to form a  
10 belief as to truth of the allegations that plaintiff Jimmy Sudney had special shoes  
11 for his flat feet in prison, and therefore deny those allegations. Defendants deny the  
12 remaining allegations in the third sentence of paragraph 567. Defendants deny the  
13 allegations in the fourth sentence of paragraph 567. Defendants lack knowledge or  
14 information sufficient to form a belief as to truth of the allegations that in prison,  
15 Mr. Sudney had prescription tinted glasses and therefore deny those allegations.  
16 Defendants deny the remaining allegations in the fourth sentence of paragraph 567.  
17 Defendants lack knowledge or information sufficient to form a belief as to truth of  
18 the allegations in the fifth and sixth sentences of paragraph 567 and therefore deny  
19 those allegations.

20         568. Defendants admit the allegations in the first sentence of paragraph of  
21 568. Defendants lack knowledge or information sufficient to form a belief as to  
22 truth of the allegations in the second sentence of paragraph 568 and therefore deny  
23 those allegations.

24         569. Defendants admit the allegations in the first sentence of paragraph  
25 569. Defendants deny the allegations in the second sentence of paragraph 569.  
26 Defendants lack knowledge or information sufficient to form a belief as to the  
27 allegations in the third sentence of paragraph 569 and therefore deny those  
28 allegations. Defendants deny the remaining allegations in paragraph 569.

1           570. Defendants deny the allegations in the first sentence of paragraph 570.  
2 Defendants lack knowledge or information sufficient to form a belief as to the truth  
3 of the allegations in the second sentence of paragraph 570 and therefore deny those  
4 allegations.

5           571. Defendants deny the allegations in paragraph 571.

6           572. Defendants deny the allegations in paragraph 572.

7           573. Defendants admit the allegations in the first and second sentences of  
8 paragraph 573. Defendants lack knowledge or information sufficient to form a  
9 belief as to the truth of the allegations that after receiving his shoes, Salazar Artaga  
10 still had a third fall on his way to immigration court on April 23, 2019 and  
11 therefore deny those allegations. Defendants admit that Mr. Artaga was not  
12 provided with leg or knee braces. Defendants deny the allegations in the fourth  
13 sentence of paragraph 573. Defendants admit the allegations in the fifth sentence.  
14 Defendants admit the allegations that no authorization for braces has happened to  
15 date. Defendants lack knowledge or information sufficient to form a belief as to  
16 truth of the remaining allegations in the sixth sentence of paragraph 573 and  
17 therefore deny those allegations.

18           574. Defendants deny the allegations in paragraph 574.

19           575. Defendants deny the allegations in the first sentence of paragraph 575.  
20 Defendants lack knowledge or information sufficient to form a belief as to the truth  
21 of the allegations in the second sentence of paragraph 575 and therefore deny those  
22 allegations. Defendants deny the allegations in the third sentence of paragraph 575.

23           576. Defendants deny the allegations in paragraph 576.

24           577. Defendants deny the allegations in paragraph 577.

25           578. Defendants admit that Mr. Alcocer Chavez is Deaf and communicates  
26 in ASL, but Defendants deny the remaining allegations in the first sentence of  
27 paragraph 578. Defendants deny the remaining allegations in this paragraph.  
28

1 579. Defendants admit the allegations in the first sentence of paragraph  
2 579. Defendants deny the allegations in the second and third sentences of  
3 paragraph 579. Defendants lack knowledge or information sufficient to form a  
4 belief as to the truth of the allegations in the fourth and fifth sentences of paragraph  
5 579 and therefore deny those allegations.

6 **6. Defendants Systemically Fail to Ensure Contractors do Not Subject**  
7 **Detained Individuals with Disabilities to Discrimination on the Basis of**  
8 **Their Disability.**

9 580. Defendants deny the allegations in paragraph 581.

10 581. Defendants deny the allegations in paragraph 581.

11 582. Defendants deny the allegations in paragraph 582.

12 583. The allegations in paragraph 583 merely characterize or quote  
13 Detainee Allies, *Testimony from Migrants and Refugees in the Otay Mesa*  
14 *Detention Center* (Jan. 2019),  
15 [http://www.detaineeallies.org/wpcontent/uploads/2019/01/FINAL\\_Detainee-](http://www.detaineeallies.org/wpcontent/uploads/2019/01/FINAL_Detainee-)  
16 [Allies-2019-0131b.pdf](http://www.detaineeallies.org/wpcontent/uploads/2019/01/FINAL_Detainee-Allies-2019-0131b.pdf), which speaks for itself, and so no response is required for  
17 those allegations. To the extent a response is required, Defendants deny any  
18 allegations that are inconsistent with the referenced document and Plaintiffs'  
19 characterizations of that document.

20 584. The allegations in paragraph 584 merely characterize or quote  
21 Disability Rights Cal., *There Is No Safety Here* (Mar. 2019),  
22 <https://www.disabilityrightsca.org/system/files/file->  
23 [attachments/DRC\\_REPORT\\_ADELANTO-](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-)  
24 [IMMIG\\_DETENTION\\_MARCH2019.pdf](https://www.disabilityrightsca.org/system/files/file-attachments/DRC_REPORT_ADELANTO-IMMIG_DETENTION_MARCH2019.pdf), which speaks for itself, and so no  
25 response is required for those allegations. To the extent a response is required,  
26 Defendants deny any allegations that are inconsistent with the referenced  
27 document and Plaintiffs' characterizations of that document.

28

1           585. The allegations in paragraph 585 merely characterize or quote Letter  
2 from American Immigration Council & American Immigration Lawyers  
3 Association to Thomas Homan, Acting Dir., Immigration & Customs Enforcement,  
4 Dep't of Homeland Sec. et al. (June 4, 2018),  
5 [http://www.americanimmigrationcouncil.org/sites/default/files/general\\_litigation/c](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf)  
6 [omplaint\\_demands\\_investigation\\_into\\_inadequate\\_medical\\_and\\_mental\\_health\\_ca](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf)  
7 [re\\_condition\\_in\\_immigration\\_detention\\_center.pdf](http://www.americanimmigrationcouncil.org/sites/default/files/general_litigation/complaint_demands_investigation_into_inadequate_medical_and_mental_health_care_condition_in_immigration_detention_center.pdf); and Human Rights First,  
8 *Ailing Justice: Texas* (June 2018),  
9 [https://www.humanrightsfirst.org/sites/default/files/Ailing\\_Justice\\_Texas.pdf](https://www.humanrightsfirst.org/sites/default/files/Ailing_Justice_Texas.pdf),  
10 which speak for themselves. To the extent a response is required, Defendants deny  
11 any allegations that are inconsistent with the referenced documents and Plaintiffs'  
12 characterizations of those documents.

13           586. The allegations in paragraph 586 merely characterize or quote two  
14 news articles, which speak for themselves. To the extent a response is required,  
15 Defendants deny any allegations that are inconsistent with the referenced  
16 documents and Plaintiffs' characterizations of those documents.

17           587. Defendants lack knowledge or information sufficient to form a belief  
18 as to the truth of the allegations in paragraph 587 and therefore deny those  
19 allegations.

20           588. Defendants deny the allegations contained in paragraph 588.

21           589. Defendants admit the allegations in the second sentence of paragraph  
22 589. Defendants deny the remaining allegations in paragraph 589.

23           590. Defendants deny the allegations in paragraph 590.

24           591. Defendants deny the allegations in the first sentence of paragraph 591.  
25 Defendants deny the second sentence of this paragraph because it consists of  
26 statements or conclusions of law.

27           592. Defendants deny the allegations in paragraph 592.

28



1       **B. The Fifth Amendment Prohibits the Federal Government from**  
2       **Subjecting Members of the Disability Subclass to Conditions That Rise**  
3       **to the Level of Punishment.**

4       593. This paragraph merely characterizes Plaintiffs' claims and allegations  
5 in the Complaint, and so no response is required for those allegations. To the  
6 extent the statements in this paragraph require an answer, Defendants deny them.

7       594. Defendants deny the allegations in paragraph 594.

8       595. Defendants deny the allegations in paragraph 595.

9       596. Defendants deny the first sentence of paragraph 596 because it  
10 consists of statements or conclusions of law or quotes legal decisions that speak for  
11 themselves and so no response is required for those allegations. Defendants deny  
12 the allegations in the second sentence of paragraph 596.

13       597. Defendants lack knowledge or information sufficient to form a belief  
14 as to the truth of the allegations that Mr. Sudney had special shoes for his flat feet  
15 in prison, and therefore deny those allegations. Defendants deny the remaining  
16 allegations in paragraph 597.

17       598. Defendants admit that Mr. Chavez is Deaf. Defendants lack  
18 knowledge or information sufficient to form a belief as to the truth of the  
19 allegations that he had access to a videophone while he was in Riverside County  
20 Jail and therefore deny that allegation. Defendants deny the remaining allegations  
21 in the first sentence of paragraph 598. Defendants deny the allegations in the  
22 second and third sentences of paragraph 598. Defendants lack knowledge or  
23 information sufficient to form a belief as to the allegations in the fourth sentence of  
24 paragraph 598 and therefore deny those allegations. Defendants admit the  
25 allegations in the fifth sentence of paragraph 598. Defendants lack knowledge or  
26 information sufficient to form a belief as to the allegations in the sixth sentence of  
27 paragraph 598 and therefore deny those allegations.

28

1 599. Defendants admit that Mr. Baca Hernández is blind. Defendants lack  
2 knowledge or information sufficient to form a belief as to the remaining allegation  
3 in the first sentence of paragraph 599 and therefore deny those allegations.  
4 Defendants lack knowledge or information sufficient to form a belief as to the truth  
5 of the allegations in the second sentence of paragraph 599 and therefore deny those  
6 allegations. Defendants deny the allegations in the third sentence of paragraph 599.

7 **CLASS ALLEGATIONS**

8 **IX. Class**

9 600. Defendants admit the allegations in paragraph 600.

10 601. Defendants deny the allegations in paragraph 601.

11 602. Defendants deny the allegations in paragraph 602.

12 603. Defendants admit the allegations in paragraph 603.

13 604. Defendants deny the allegations in paragraph 604.

14 605. Defendants deny the allegations in paragraph 605.

15 606. Defendants deny the allegations in paragraph 606.

16 607. Defendants deny the allegations in paragraph 607.

17 **X. Segregation Subclass**

18 608. This paragraph merely characterizes Plaintiffs' claims and allegations  
19 in the Complaint, and so no response is required for those allegations. To the  
20 extent the statements in this paragraph require an answer, Defendants deny them.

21 609. Defendants deny the allegations in the first sentence of paragraph 609.  
22 The remaining allegations in paragraph 609 merely characterize or quote Office of  
23 Inspector Gen., Dep't of Homeland Sec., *OIG-17-119: ICE Field Offices Need to*  
24 *Improve Compliance with Oversight Requirements for Segregation of Detainees*  
25 *with Mental Health Conditions* (Sep. 29, 2017),  
26 <https://www.oig.dhs.gov/sites/default/files/assets/2017-11/OIG-17-119-Sep17.pdf>,  
27 which speaks for itself, and so no response is required for those allegations. To the  
28

1 extent a response is required, Defendants deny any allegations that are inconsistent  
2 with the referenced document and Plaintiffs' characterizations of that document.

3 610. Defendants deny the allegations in paragraph 610.

4 611. Defendants deny the allegations in paragraph 611.

5 612. Defendants deny the allegations in paragraph 612.

6 613. Defendants deny the allegations in the first sentence of paragraph 613.

7 Defendants admit the allegations in the second sentence. Defendants lack  
8 knowledge or information sufficient to form a belief as to the truth of the  
9 allegations in the third sentence and therefore deny those allegations.

10 614. Defendants deny the allegations in paragraph 614.

11 615. Defendants deny the allegations in paragraph 615.

12 **XI. Disability Subclass**

13 616. Defendants admit the allegations in paragraph 616.

14 617. Defendants deny the allegations in the first sentence of paragraph 617.

15 The remaining allegations in paragraph 617 merely characterize or quote Dana  
16 Priest et al., *Suicides Point to Gaps in Treatment: Errors in Psychiatric Diagnoses*  
17 *and Drugs Plague Strained Immigration System*, Washington Post (May 13, 2008),  
18 [https://www.washingtonpost.com/wpsrv/nation/specials/immigration/cwc\\_d3p1.ht](https://www.washingtonpost.com/wpsrv/nation/specials/immigration/cwc_d3p1.html?noredirect=on)  
19 [ml?noredirect=on](https://www.washingtonpost.com/wpsrv/nation/specials/immigration/cwc_d3p1.html?noredirect=on), which speaks for itself, and so no response is required for those  
20 allegations. To the extent a response is required, Defendants deny any allegations  
21 that are inconsistent with the referenced document and Plaintiffs' characterizations  
22 of that document.

23 618. Defendants deny the allegations in paragraph 618.

24 619. Defendants deny the allegations in paragraph 619.

25 620. Defendants deny the allegations in paragraph 620.

26 621. Defendants deny the allegations in the first sentence of paragraph 621.

27 Defendants admit the allegations in the second sentence. Defendants lack  
28 knowledge or information sufficient to form a belief as to the truth of the

1 allegations in the third sentence. To the extent a response is required, Defendants  
2 admit the allegations in the third sentence.

3 622. Defendants deny the allegations in paragraph 622.

4 623. Defendants deny the allegations in paragraph 623.

5 **CLAIMS FOR RELIEF**

6 **FIRST CLAIM FOR RELIEF**

7 **XII. Violation of the Due Process Clause of the Fifth Amendment: Failing to**  
8 **Monitor and Prevent the Challenged Practices (All Plaintiffs and the**  
9 **Class Against All Defendants).**

10 624. Defendants incorporate by reference each and every preceding  
11 response to Plaintiff's allegations as if fully set forth herein.

12 625. Defendants deny the allegations in paragraph 625.

13 626. Defendants deny the allegations in paragraph 626.

14 627. Defendants deny the allegations in paragraph 627.

15 628. Defendants deny paragraph 628 because it consists of statements or  
16 conclusions of law.

17 629. Defendants deny the allegations in paragraph 629.

18 630. Defendants deny the allegations in paragraph 630.

19 **SECOND CLAIM FOR RELIEF**

20 **XIII. Violation of the Due Process Clause of the Fifth Amendment: Failing to**  
21 **Monitor and Prevent the Segregation Practices (Organizational**  
22 **Plaintiffs, Segregation Plaintiffs, and the Segregation Subclass Against**  
23 **All Defendants).**

24 631. Defendants incorporate by reference each and every preceding  
25 response to Plaintiff's allegations as if fully set forth herein.

26 632. Defendants deny the allegations in paragraph 632.

27 633. Defendants deny the allegations in paragraph 633.

28 634. Defendants deny the allegations in paragraph 634.

1 635. Defendants deny paragraph 635 because it consists of statements or  
2 conclusions of law.

3 636. Defendants deny the allegations in paragraph 636.

4 **THIRD CLAIM FOR RELIEF**

5 **XIV. Violation of Due Process Clause of the Fifth Amendment: Failing to**  
6 **Monitor and Prevent Disability-Related Practices That Constitute**  
7 **Punishment (Organizational Plaintiffs, Disability Plaintiffs, and**  
8 **Members of the Disability Subclass Against All Defendants).**

9 637. Defendants incorporate by reference each and every preceding  
10 response to Plaintiff's allegations as if fully set forth herein.

11 638. Defendants deny the allegations in paragraph 638.

12 639. Defendants deny the allegations in paragraph 639.

13 640. Defendants deny the allegations in paragraph 640.

14 641. Defendants deny paragraph 641 because it consists of statements or  
15 conclusions of law.

16 642. Defendants deny the allegations in paragraph 642.

17 643. Defendants deny the allegations in paragraph 643.

18 **FOURTH CLAIM FOR RELIEF**

19 **XV. Violation of Section 504 of the Rehabilitation Act, 29 U.S.C. § 794**  
20 **(Organizational Plaintiffs, Disability Plaintiffs, and the Disability**  
21 **Subclass Against Defendants DHS, ICE, and IHSC).**

22 644. Defendants incorporate by reference each and every preceding  
23 response to Plaintiff's allegations as if fully set forth herein.

24 645. Defendants admit the allegations in paragraph 645.

25 646. Defendants deny paragraph 646 because it consists of statements or  
26 conclusions of law.

27 647. Defendants admit the allegations in paragraph 647.

28 648. Defendants admit the allegations in paragraph 648.

1 649. Defendants deny the allegations in paragraph 649.

2 650. Defendants admit the allegations in the first sentence of paragraph  
3 650. Defendants deny the remaining allegations in this paragraph because they  
4 consist of statements or conclusions of law. To the extent a response is required,  
5 Defendants deny any allegations that are inconsistent with the referenced  
6 regulations and Plaintiffs' characterizations and legal conclusions concerning those  
7 regulations.

8 651. Defendants deny the allegations in paragraph 651.

9 652. Defendants deny the allegations in paragraph 652.

10 653. Defendants deny the allegations in paragraph 653.

11 654. Defendants deny the allegations in paragraph 654.

12 655. Defendants deny the allegations in paragraph 655.

13 **PRAYER FOR RELIEF**

14 656. Defendants deny the allegations in paragraph 656 and deny that  
15 Plaintiffs are entitled to the relief sought.

16 657. This paragraph merely characterizes Plaintiffs' claims and allegations  
17 in the Complaint, and so no response is required for those allegations. To the  
18 extent the statements in this paragraph require an answer, Defendants deny them.

19 **GENERAL DENIAL**

20 Unless expressly and unequivocally admitted above, Defendants deny all of  
21 the allegations set forth in the Complaint.

22 **DEFENDANTS' DEFENSES**

23 As for their defenses, Defendants alleges as follows:

24 **FIRST DEFENSE**

25 The Complaint fails in whole or in part to state a claim upon which relief  
26 may be granted.

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**SECOND DEFENSE**

The Court lacks subject matter jurisdiction to consider Plaintiffs' claims or to grant the relief sought in the Complaint.

**THIRD DEFENSE**

Plaintiffs have failed to allege a cognizable cause of action for their claims.

**FOURTH DEFENSE**

To the extent this Court determines that administrative exhaustion is required, Defendants contend that Plaintiffs did not comply with administrative exhaustion requirements.

DATED: May 29, 2020

Respectfully Submitted,

JOSEPH H. HUNT  
Assistant Attorney General  
WILLIAM C. PEACHEY  
Director  
JEFFREY S. ROBINS  
Deputy Director  
ANNA DICHTER  
LINDSAY M. VICK  
Trial Attorneys

/s/ Hans H. Chen  
HANS H. CHEN  
Trial Attorney  
United States Department of Justice  
Civil Division  
Office of Immigration Litigation  
Washington, D.C. 20044  
Tel.: (202) 305-0190  
Fax: (202) 305-7000  
Email: hans.h.chen@usdoj.gov

*Counsel for Defendants*