

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

C.O.,
an individual,

Plaintiff

v.

United States of America,

Defendant.

Case No. _____

1. Plaintiff C.O., a transgender man, brings this Complaint against the United States of America under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b).

2. Plaintiff has exhausted his administrative claims by filing the required forms with the Defendant and having his claims denied.

INTRODUCTION

3. This action seeks damages for the injuries that Plaintiff suffered as a result of being in solitary confinement and denied medically necessary hormone replacement therapy (“HRT”) while an immigrant detainee at the Irwin County Detention Center (“ICDC”) in Ocilla, Georgia. Despite the Department of Homeland Security’s regulations that demand the care of transgender detainees and

prohibit the indefinite and discriminatory use of administrative segregation or solitary confinement, employees and agents of the United States failed to appropriately house Plaintiff and adequately respond to his physical and psychological deterioration that resulted from Defendant's conduct. By first placing C.O. in solitary confinement, then denying him his medically-necessary hormone medications, and then keeping him in solitary confinement indefinitely all the while ignoring obvious signs that C.O. was physically and psychologically deteriorating, Defendant's employees and agents' conduct directly led to C.O.'s pain and suffering. These employees and agents of the United States, who were acting within the scope of their federal employment at the times of the acts complained of herein, were negligent, reckless, intentional, and wrongful and Defendant, if a private person, would be liable to Plaintiff under Georgia law. Plaintiff seeks damages and any other relief available to Plaintiff by law.

JURISDICTION

4. This Court has jurisdiction under 28 U.S.C. § 1331 in that this action arises under the laws of the United States and is premised on the acts and omissions of the Defendant acting under color of federal law. Further, this Court has jurisdiction over this matter under 28 U.S.C. § 1346(b) in that this claim is against the Defendant United States, for money damages for personal injury caused

by the negligent and wrongful acts and omissions of employees of the Government while acting within the course and scope of their office or employment, under the circumstances where the Defendant, if a private person, would be liable to the Plaintiff.

5. Jurisdiction founded upon federal law is proper in that this action is premised upon federal causes of action under the Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671, *et seq.*

EXHAUSTION

6. On or about August 15, 2019, C.O. submitted an administrative tort claim to U.S. Department of Homeland Security (“DHS”), Immigration Customs Enforcement (“ICE”) under 28 U.S.C. § 2675(a), requesting \$1,000,000.

7. By letter dated June 30, 2020, Plaintiff’s claim was finally denied in writing by ICE and such denial was sent to Plaintiff. Therefore, this action is timely under 28 U.S.C. § 2401(b), in that it was presented to the appropriate federal agency within two years of accrual and this action was filed within six months of receipt of the certified letter sent by the federal agency denying the claim. Plaintiff has exhausted all available administrative remedies and is filing this complaint in accordance with the FTCA.

VENUE

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and 1391(e) because the United States is the Defendant and a substantial part of the events or omissions giving rise to the claims occurred in this judicial district. *See* 32 C.F.R. § 750.32(a)

PARTIES

9. Plaintiff C.O. is a 28-year-old transgender man and native of Ecuador who was detained at the Irwin County Detention Center (“ICDC”) under civil immigration laws. C.O. was held continuously in solitary confinement from August 2017 until approximately February 28, 2018, at which point he was transferred to a psychiatric facility and ultimately deported back to Ecuador in or around May 2018. As a direct result of his solitary confinement and Defendant’s failure to provide him adequate and necessary medical care, C.O.’s mental and physical health deteriorated, which culminated in a mental breakdown with the likelihood that he will never fully recover.

7. Defendant United States of America is subject to suit for personal injury caused by the negligent and wrongful acts or omissions of its employees or agents. Those employees or agents were acting within the scope of their office or employment where the United States, if a private person, would be liable to

Plaintiff in accordance with the laws of the State of Georgia. *See* 28 U.S.C. § 1346(b).

8. At all relevant times, Defendant United States of America acted through its agency, the Department of Homeland Security (“DHS”), Immigration and Customs Enforcement (“ICE”).

9. ICE is a law enforcement agency charged with the enforcement of federal immigration law. Under this responsibility, ICE has authority to detain certain individuals. ICE is also responsible for providing adequate and appropriate custody management to support the immigration adjudication process. This includes providing traditional and alternative custody arrangements for those in removal proceedings, providing immigrants access to legal resources and representatives of advocacy groups, and facilitating the appearance of detained immigrants at immigration court hearings.

10. ICE is responsible for providing and maintaining appropriate conditions of confinement, providing required medical and mental healthcare, housing detainees in the least restrictive setting commensurate with a detainee’s behavior, ensuring appropriate conditions for all detainees, employing fiscal accountability, increasing transparency, and strengthening critical oversight,

including efforts to ensure compliance with applicable detention standards through inspection programs.

11. ICE is also responsible for determining and enforcing rules, policies, and standards regarding the housing and care of transgender detainees and the overall operation of detention centers in the United States.

12. On July 25, 2007, ICE, along with the U.S. Marshal Service and the Federal Bureau of Prisons entered into an Intergovernmental Service Agreement (“IGSA”) with Irwin County (“Local Government”) to house federal detainees at ICDC. Under the contract, the Local Government agreed to “accept and provide for the secure custody, safekeeping, housing, subsistence and care of federal detainees in accordance with state and local laws, standards and procedures, or court orders applicable to the operations of the facility, consistent with federal law, policies and regulations.”

13. The Local Government is “required, in units housing federal detainees, to perform in accordance with the most current versions of the mandatory standards...and the Federal Performance-Based Detention Standards []. In addition, where ICE federal detainees are housed, the ICE federal detainees are to be housed in accordance with ICE Standards. In cases where other standards conflict with DOJ/DHS/ICE policy or standards, DOJ/DHS/ICE policy and

standards prevail.” The agreement also states that “[a]t all times, the Federal Government shall have access to the facility and to the federal detainees housed there, and to all records pertaining to this Agreement, including financial records, for a period not less than 3 years.”

14. ICE reserved the power and authority to control ICDC employees on segregated housing determinations, monitoring, and oversight, as well as the administration of hormone replacement therapy for transgender people housed at ICDC.

FACTS

15. Plaintiff C.O. was born in Ecuador. C.O. is a transgender man, which means he was assigned the sex of female at birth, but his gender identity is male and he identifies as a man. C.O. has identified as male since childhood. As an adult, C.O. has made progressive efforts to align his gender expression with his gender identity, including legally changing his name and obtaining hormone replacement therapy. By this point, he made clear to his family and friends that he identified and wished to be viewed as male.

16. On August 17, 2017, C.O. entered the United States through the Hartsfield-Jackson Atlanta International Airport. C.O. sought to leave Ecuador in hopes of escaping social stigma and persecution because he is transgender. At the

airport, C.O. asked United States Customs and Border Protection (“CBP”) agents for asylum because of the trauma, rejection, discrimination and hostility he experienced from others who expressed animus toward his transgender identity. CBP placed C.O. in Expedited Removal and transferred him to ICE custody pending a credible fear interview.

17. ICE processed C.O. at the Atlanta Field Office. During C.O.’s initial processing, he was classified a low-level detainee under ICE’s Performance-Based National Detention Standards (“PBNDS”) guidelines. ICE also identified him as transgender and transferred him to ICDC on August 18, 2017.

ICE’s Initial Decision to Place Plaintiff at ICDC.

18. At all relevant times, Sean Gallagher was employed by ICE as its Atlanta Field Office Director (“FOD”). FOD Gallagher was responsible for the decision to place C.O. at ICDC.

19. In determining a transgender detainee’s initial placement at a facility, ICE should consider:

- a. Facilities within the FOD’s Area of Responsibility (AOR) that have incorporated the “ICE Detention Facility Contract Modification for Transgender Care,” and, therefore, maintain a functioning Transgender Classification and Care Committee (TCCC);

- b. Facilities within the AOR that operate a Protective Custody Unit (PCU) for transgender detainees; or
- c. Facilities within the AOR that demonstrate best practices in the care of Lesbian, Gay, Bi-sexual, Transgender, or Intersex (LGBTI) detainees, to include, but not limited to: (1) the availability of medical personnel who have experience providing care and treatment to transgender detainees (to include the delivery of hormone therapy) and (2) detention facility staff who have received LGBTI Sensitivity and Awareness Training.

20. If placement into a facility described above is not practicable, the FOD shall ensure the facility chosen for placement within his AOR is able to appropriately care for the individuals.

21. Unlike cisgender men and women,¹ ICDC houses transgender people like C.O. indefinitely in segregated, solitary confinement. Solitary confinement is the “housing of a prisoner in conditions characterized by substantial isolation from other prisoners, whether pursuant to disciplinary, administrative, or classification action.” In practice, solitary confinement or segregated housing is the placing of a

¹ The term “cisgender” refers to people whose gender identity and expression matches the biological sex they were assigned at birth.

prisoner or detainee alone in a cell for 22 to 24 hours a day with little human contact or interaction; reduced or no natural light; restriction or denial of reading material, television, radios, or other property; severe limits on visitation; or the inability to participate in group activities.

22. Under ICE guidelines, policies and directives, placement into segregation should occur only when necessary and in compliance with applicable detention standards. In particular, placement into administrative segregation due to a detainee's identification as transgender should be used only as a last resort, when no other temporary housing option exists, and should not exceed 30 days. Discrimination or harassment of any kind based on a detainee's actual or perceived sexual orientation or gender identity is strictly prohibited. Indeed, the FOD shall ensure sensitive information, such as a detainee's gender identity, is not used to the detainee's detriment by ICE personnel or detention facility staff.

23. Once at the facility, a detainee shall not be housed in a location away from general population, including in a medical unit or in protective custody, for longer than 72 hours to assess classification, housing, and other needs.

24. ICDC has no specialized unit or protocols for transgender individuals. ICE employees, including FOD Gallagher, knew or should have known that ICDC places transgender individuals in solitary confinement as a matter of course.

Plaintiff Was Placed in Solitary Confinement Because He Is Transgender.

25. As expected, upon his arrival at ICDC, C.O., an asylum seeker with no criminal history, was immediately placed in solitary confinement in the medical unit because he is transgender.

26. The solitary confinement conditions to which C.O. was subjected were unlike any found in the general population, were devoid of mental stimulation, and were extreme, inhumane, and punitive. C.O. was housed in a small cell with a twin-sized cot and a toilet. The walls were cement and the door was steel and glass, which afforded C.O. absolutely no privacy. These elements diminish sound, which rendered any communication between detainees in the medical unit very difficult. Unlike the rest of the detention center, the medical unit remained extremely cold.

27. As the result of his solitary confinement, C.O. had very limited physical and mental stimulation. He was only taken out for an hour of recreation or showers each day, spending approximately 23 hours locked in his cell by himself. Unlike detainees in the general population who could eat together, socialize, and walk about general population and recreation areas unrestricted, C.O. ate alone in his cell and could only access amenities such as the microwave, telephone, or a book with the assistance of the guards.

28. On days when there were fewer staff – usually on the weekends – C.O. was not taken out for recreation. On those days, C.O. would spend approximately 24 hours a day in his cell completely restricted. Unlike the detainees in the general population, C.O.’s access to the law library was restricted and only made available when there were enough guards on staff and when it was administratively feasible. C.O. was never afforded the opportunities to access trainings or legal services made available by legal service providers who would visit ICDC.

29. C.O. was detained in solitary confinement for more than 30 days with little to no environmental stimulation or human interaction whatsoever. C.O.’s experience is unlike cisgender detainees who were held in the medical unit for a few days or weeks at most, but less than 30 days. Because he was only permitted to access the recreation area one hour per weekday, on weekends C.O. went 48 hours with no human interaction or environmental stimulation.

30. The psychological toll of solitary confinement can tax even healthy individual to the breaking point. Prolonged isolation can greatly exacerbate many symptoms for those with existing mental illnesses. Transgender people who are subjected to this form of cruelty are made to feel punished because of their gender identity and expression.

31. Prolonged solitary confinement is considered torture by a number of authorities. People who are subjected to solitary confinement experience a wide range of negative physical and psychological effects including:

hypersensitivity to stimuli; perceptual distortions and hallucinations; increased anxiety and nervousness; revenge fantasies, rage, and irrational anger; fears of persecution; lack of impulse control; severe and chronic depression; appetite loss and weight loss; heart palpitations; withdrawal; blunting of affect and apathy; talking to oneself; headaches; problems sleeping; confusing thought processes; nightmares; dizziness; self-mutilation; and lower levels of brain function, including a decline in EEG activity after only seven days in solitary confinement.²

32. According to the United Nations Special Rapporteur on Torture, after

² AMERICAN CIVIL LIBERTIES UNION, THE DANGEROUS OVERUSE OF SOLITARY CONFINEMENT IN THE UNITED STATES 4 (2014), *available at* https://www.aclu.org/sites/default/files/assets/stop_solitary_briefing_paper_update_d_august_2014.pdf (internal citations omitted). *See, e.g.,* Hernàn Reyes, *The Worst Scars Are in the Mind: Psychological Torture*, 89 Int'l Rev. Red Cross 591, 607 (2007); Stuart Grassian, *Psychopathological Effects of Solitary Confinement*, 140 AM. J. OF PSYCHIATRY 1450 (1983); R. Korn, *The Effects of Confinement in the High Security Unit at Lexington*, 15 SOC. JUST. 8 (1988); S.L. Brodsky & F.R. Scogin, *Inmates in Protective Custody: First Data on Emotional Effects*, 1 FORENSIC REP. 267 (1988); Craig Haney, *Mental Health Issues in Long Term Solitary and "Supermax" Confinement*, 49 CRIME & DELINQUENCY 124 (2003); Holly A. Miller & G. Young, *Prison Segregation: Administrative Detention Remedy or Mental Health Problem?*, 7 CRIMINAL BEHAV. AND MENTAL HEALTH 85 (1997); HANS TOCH, *MOSAIC OF DESPAIR: HUMAN BREAKDOWN IN PRISON* (1992).

just 15 days, some of these harmful psychological effects can be irreversible.³ The Inter-American System on Human Rights deems prolonged solitary confinement “cruel and inhumane treatment, harmful to the psychological and moral integrity of the person and a violation of the right of any detainee to respect for his inherent dignity as a human being.”⁴

33. Prolonged segregated housing or solitary confinement causes irreparable mental injury. Late United States Senator John McCain wrote of his time in isolation as a prisoner of war in Vietnam. “It crushes your spirit and weakens your resistance more effectively than any other form of mistreatment.”⁵ This experience is consistent with research on the psychological effects of solitary confinement. For instance, in an amicus brief in the Supreme Court case *Wilkinson v. Austin*, a group of mental health experts concluded: “No study of the effects of solitary or supermax-like confinement that lasted longer than 60 days failed to find evidence of negative psychological effects.” People placed in solitary confinement

³ U.N. Comm’n on Human Rights, Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Interim Report of the Special Rapporteur of the Human Rights Council on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, U.N. Doc. A/66/268 (Aug. 5, 2011) (by Juan Mendez), available at <http://solitaryconfinement.org/uploads/SpecRapTortureAug2011.pdf>.

⁴ *Velázquez-Rodríguez v. Honduras*, Inter-American Court of Human Rights, Series C, No. 4, para. 156 (1988).

⁵ Atul Gawande, *Hellhole*, THE NEW YORKER (Mar. 23, 2009), available at: <https://www.newyorker.com/magazine/2009/03/30/hellhole>.

exhibit negative psychological behaviors including chronic depression, self-mutilation, decreased brain function, hallucinations, and revenge fantasies.

34. ICE and its employee, FOD Gallagher, knew or should have known ICDC had no infrastructure to care for transgender detainees and that C.O. would be placed in solitary confinement at ICDC, as a matter of course, because he is transgender.

35. At all times, ICE and FOD Gallagher reserved the power and authority to control ICDC employees on segregated housing determinations, monitoring, and oversight.

36. ICE guidelines, policies and directives prohibit the reliance on sex or gender alone as the basis to hold a detainee in restricted housing. The use of solitary confinement is prohibited except as a last resort after efforts to locate less restrictive housing are exhausted.

37. ICE guidelines, policies and directives require that a transgender detainee's health or wishes be considered before they are placed in solitary confinement. Detainees in solitary confinement must have access to programs, visitation, counsel and other services available to the general population to the maximum extent practicable.

38. ICE and FOD Gallagher knew or should have known that the above ICE guidelines, policies and directives would not be implemented at ICDC, that C.O. would be placed in solitary confinement because he is transgender, and that he would suffer reasonably foreseeable harm as result of his placement at ICDC.

39. ICE's practice of assigning transgender individuals to facilities known to hold them indefinitely in solitary confinement solely on the basis of their transgender identity is unlawful and inconsistent with Defendant's own standards and regulations.

Plaintiff Was Kept in solitary Confinement Indefinitely.

40. C.O. was kept in solitary confinement indefinitely from his arrival at ICDC on August 18, 2017 until his transfer to a psychiatric facility on or about February 28, 2018.

41. ICE guidelines, policies and directives prohibit the indefinite use of solitary confinement. The use of solitary confinement must be a last resort, after efforts to locate less restrictive housing are exhausted, and must not exceed 30 days.

42. ICE guidelines, policies and directives require that the FOD be notified when a transgender detainee is placed and held continuously in solitary confinement and the FOD must determine if the continued placement is warranted,

whether any appropriate alternatives are available, and whether the placement is only a last resort. The FOD is also required to notify and prepare written reports for ICE headquarters when transgender detainees are placed in segregated housing.

43. Upon his arrival, C.O. was immediately placed in solitary confinement, away from general population in the medical unit, and kept there for approximately seven months.

44. C.O. was subjected to solitary confinement that far exceeded the 30-day limit mandated by ICE's own guidelines, policies and directives. C.O. endured over six months of solitary confinement with little to no environmental stimulation or human interaction. As a result, C.O.'s mental and physical health deteriorated significantly.

45. Upon information and belief, FOD Gallagher did not attempt to determine whether C.O.'s continued placement in solitary confinement was warranted, whether any appropriate alternatives were available, and whether the placement was only a last resort.

46. Upon information and belief, FOD Gallagher did not notify or prepare written reports to ICE headquarters regarding C.O.'s placement in solitary confinement.

47. Upon information and belief, FOD Gallagher deliberately interfered with attempts by ICE officials to investigate complaints concerning the treatment of transgender detainees at ICDC.

Plaintiff Was Denied Proper Medical Treatment.

48. During the initial processing, C.O. asked ICE agents for the hormone medication that he carried in his belongings. The ICE agent(s) told C.O. that he could not access medications in his belongings and that he would need to later request the medication at the detention center where he would be placed.

49. When C.O. arrived at ICDC, he again asked a nurse for the hormone medication he carried. The nurse told C.O. that he needed permission to bring outside medication into ICDC and that he would have to make a request to ICE directly. C.O. made requests to ICE and its agent(s) for his hormone medication, but his requests were denied. Over the course of several months, C.O. repeatedly asked ICE and its agent(s) for his hormone medication, but was denied.

50. At all relevant times, ICE reserved the power and authority to control ICDC employees on the administration of hormone replacement therapy for transgender people housed at ICDC.

51. ICE guidelines, policies and directives require that initial medical screenings inquire into a transgender detainee's gender self-identification and

history of transition-related care. Transgender detainees who were already receiving hormone therapy when taken into ICE custody must be provided continued access.

52. All transgender detainees must have access to mental health care and other transgender-related health care and medication (such as hormone therapy) based on medical need. Treatment must follow accepted guidelines regarding medically necessary transition-related care.

53. Prior to his arrival at ICDC, C.O. received regular, monthly injections for his HRT treatment. Upon his arrival at ICDC, ICE denied C.O. access to the hormone medication he carried and repeatedly denied C.O.'s requests for hormone medication. It was not until about November 2017, approximately four months after C.O.'s arrival at ICDC, that ICE and its agent(s) first administered hormone medication.

54. ICE and its agent(s) continued to administer the medication, however, this was done untimely and inconsistently despite medical professional standards that require that the medication be administered timely on a monthly basis.

55. ICE and its agent(s)' failure to provide C.O. his medication in a manner that is consistent with medical standards, and ICE and its agent(s)' decision to house him in solitary confinement for months on end, caused C.O.'s

mental health to deteriorate so acutely that he went into a catatonic state. After C.O. became catatonic, ICE and its agent(s) caused C.O. to be left in his cell nude in his own excrement without bathing him on a daily basis and without providing proper medical attention.

56. On or about February 28, 2018, C.O. was transferred to the Columbia Care Center in Columbia, South Carolina where he was held by ICE and its agent(s) pending the outcome of his immigration case. At Columbia Care Center, C.O. was strapped to his bed and involuntarily drugged with medication that kept him sedated. C.O. was unable to defend against his removal to Ecuador, which occurred on or about May 15, 2018.

57. As a result of Defendant's negligent placement of C.O. in a facility Defendant knew or should have known houses transgender detainees indefinitely in solitary confinement, Defendant's failure to monitor and reduce the restrictions that accompany solitary confinement, Defendant's continued detention of C.O. in solitary confinement beyond 30 days, and negligent medical care, including the denial and wrongful administration of C.O.'s hormone medication, C.O. suffered, and continues to suffer emotional distress, including, but not limited to, sleeplessness, loss of appetite, stress, anxiety, insult, embarrassment, and humiliation, as well as mental injury and physical harm. Defendant's employees'

and agents' conduct subjected C.O. to unlawful discrimination, punishment, and substandard medical care. Defendant's employees and agents also failed to provide C.O. with an opportunity to challenge the solitary confinement.

FIRST CLAIM FOR RELIEF

Federal Tort Claims Act - Negligence

58. Plaintiff C.O. re-alleges and incorporates by reference each and every allegation contained above as though fully set forth herein.

59. Under Georgia law, to establish negligence, the plaintiff must show (1) a legal duty to conform to a standard of conduct; (2) a breach of this duty; (3) a causal connection between the conduct and the resulting injury; and (4) damage to the plaintiff.

60. Defendant and its agent(s) had a duty to maintain safe and sanitary conditions at ICDC, including a duty to ensure the safe and legally-appropriate housing for transgender individuals like C.O. Defendant and its agent(s) had a duty to ensure that those detained at ICDC, including transgender individuals like C.O., receive adequate medical care that adhered to standards of care. Defendant and its agent(s) also had a duty to prohibit the use of unconstitutional, discriminatory, or punitive confinement against transgender individuals such as C.O.

61. The acts and omissions alleged herein constitute breaches of that duty of care with respect to C.O. by federal employees and/or agents while acting in the scope of their office or employment.

62. ICE officials knew or should have known about ICDC's practice of holding transgender detainees in segregated housing, including C.O.'s placement in segregated, solitary confinement.

63. ICE officials knew or should have known about C.O.'s transgender status including his medical need for timely hormone medication. ICE officials knew or should have known that C.O. carried with him his hormone medication at the time he was placed into custody and of his requests for hormone medication once he was and remained in ICE's custody. ICE officials were negligent in the provision of necessary medical care to C.O.

64. As alleged above, C.O. suffered significant emotional, physical, and psychological distress under the conditions caused by the negligence of federal employees acting within the scope of their employment.

65. Defendant's employees' and agents' breach of their duty of care was a direct and proximate cause and a substantial factor in C.O.'s injuries, pain, and suffering.

66. As a further direct and proximate result of the conduct described herein, C.O. incurred expenses for the mental health treatment required to treat the mental injuries he incurred while in ICE's custody and care.

67. The actions or omissions by federal employees and agents described herein constitute the tort of negligence and negligence per se under the laws of the State of Georgia.

68. Under the Federal Torts Claims Act, Defendant United States of America is liable for these actions or omission.

SECOND CAUSE OF ACTION

Federal Tort Claims Act - Intentional Infliction of Emotional Distress

69. Plaintiff re-alleges and incorporates by reference the allegations made above.

70. ICE officials and agents acted within the scope of their office or employment under circumstances where the United States, if it were a private person, would be liable to Plaintiff in accordance with the law of the State of Georgia.

71. Under Georgia law, intentional infliction of emotional distress exists where (1) the conduct was intentional or reckless; (2) the conduct was extreme and

outrageous; (3) the wrongful conduct caused the emotional distress; and (4) the emotional harm was severe.

72. ICE employees and agents knowingly, intentionally, and/or recklessly caused C.O. severe emotional distress by placing him at a facility where ICE employees knew or should have known C.O. would be subjected to discriminatory, cruel, and unusual punishment.

73. ICE's conduct of placing transgender individuals, such as C.O., at a facility known to engage in conduct that is tantamount to torture was extreme and outrageous. ICE employees took these actions in furtherance of a policy or practice enacted by Defendant, and intentionally created to inflict extreme emotional distress on asylum seekers, so that they would serve as examples to other potential asylum seekers who would be deterred from taking similar action after learning or observing such suffering.

74. ICE employees' knowing or reckless conduct caused C.O. to suffer extreme emotional distress that continued for an extended period of time. The harm suffered by Plaintiff due to ICE employees' conduct was severe, and will in all likelihood continue into the future.

PRAYER FOR RELIEF

75. Plaintiff therefore respectfully request a judgment against Defendant
for:

- a. Compensatory damages in an amount to be proven at trial;
- b. Costs and reasonable attorneys' fees;
- c. Such other relief as the Court deems just and equitable.

This 11th Day of December, 2020

ESHMAN BEGNAUD, LLC

/s/ Mark Begnaud

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