

Supplement to SF95 Claim Form by:

[REDACTED]

1. Submit to Appropriate Federal Agency:

Office of the General Counsel
U.S. Department of Homeland Security
Washington, DC 20528

U.S. Customs and Border Protection
Office of the Chief Counsel
1300 Pennsylvania Ave., N.W.
Washington, DC 20229

U.S. Customs and Border Protection
CBP Weslaco Station
1501 E. Expressway 83
Weslaco, TX 78559

Office of the Principal Legal Advisor
Immigration and Customs Enforcement
U.S. Department of Homeland Security
500 12th Street, SW
Washington, DC 20024

2. Claimant's Personal Representatives:

Joseph Anderson, Esq.
Americans for Immigrant Justice
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Losmin Jimenez, Esq.
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6. Date and Day of Accident:

On and about [REDACTED] 2013.

8. Basis of Claim:

On or about [REDACTED], 2013, [REDACTED], was taken into custody by United States Customs and Border Protection (CBP), in McAllen, Texas. [REDACTED] is a twenty-one year old man. He was handcuffed and his possessions, including a sweater and MP3 player confiscated by CBP. Taken into custody at the same time was his cousin, [REDACTED]
[REDACTED]

[REDACTED] was told by a CBP officer that he was being taken to a "hielera," translated in English to mean the "freezer," "icebox" or "refrigerator." He was then transported, upon information and belief, to the CBP Weslaco Station, in the CBP Rio Grande Valley Sector. There, he was placed in what the CBP officer had meant by "hielera": a small, freezing cold cell

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where many detainees were crowded together. He later heard other CBP officers also refer to the cell as the “hielera” and realized this was their nickname for it.

[REDACTED] was in the first hielera to which he taken for a period of one day and night. He was subsequently transported to another hielera where he spent another day. He was ultimately transported to the Broward Transitional Center in Florida.

The conditions in the hieleras were basically identical. The hieleras had no beds, no chairs, a sink and three toilets, sitting in the open. The toilets had a short separator/divider between the toilets. Approximately thirty people were detained in the first hielera with [REDACTED]. A large window in the door of the cell provided CBP officers a view of the entirety of the cell, including the toilets and anyone using them.

It embarrassed [REDACTED] to have to defecate in front of the other detainees in the hielera. Consequently he would try and wait until the other detainees were sleeping to defecate. Frequently the toilet paper would be used up and the detainees would have to wait a prolonged period of time to receive more toilet paper.

The temperature in the hieleras was so cold that [REDACTED] lips split and his face became red and felt sunburned. Because of the cold, he and his cousin would huddle together for warmth. The cold temperature made it very difficult to sleep. The cramped quarters also made it impossible for all of the men to lie down all at one time.

While in the hieleras, [REDACTED] and the other detainees were fed twice a day. Each meal consisted of a single sandwich made of an unidentifiable processed meat and white bread. Sometimes the meat and/or bread was wet—apparently from being rapidly defrosted—making the sandwich unpalatable. [REDACTED] was frequently hungry and had headaches which he believed were caused by the lack of food. The only water available to [REDACTED] was provided in a single thermos shared by all the detainees. There were no cups to drink the water. [REDACTED] and the other detainees poured water into their hands in order to drink it. The water smelled like bleach and burned [REDACTED] throat when he drank it.

[REDACTED] and the other detainees had no access to a bath or shower and were not provided with personal hygiene products such as a toothbrush, toothpaste, comb, brush or soap. Nor was he provided with a change of clothing.

During the two days that [REDACTED] was incarcerated in the hieleras he felt hopeless and frequently felt tears streaming down his face.

While in the hieleras, [REDACTED] was taken out of the cell a seated in a room before a male CBP officer who was sitting behind a computer. After being asked some questions about family, he was told he had to sign some documents which were printed in English. [REDACTED] does not speak or read English. A male CBP officer told [REDACTED] that he was required to sign the document. After repeatedly refusing and repeatedly asking what the

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document was, a CBP officer told him it was for his “deportation.” After hearing this, [REDACTED] refused to sign and said he would not sign because he was afraid to go back to his country. The CBP officer replied that if [REDACTED] would not sign, “I will send you to federal prison.” [REDACTED] became upset and began crying. The CBP officer began laughing and mocked him. [REDACTED] persisted in not signing and the CBP officer had him taken back to the hielera and told him as he would be sent to federal prison.

During the two days that [REDACTED] was incarcerated in the hieleras, the actions of the CBP officers who: (1) detained him; (2) oversaw him in detention; and (3) attempted to coerce him into signing the order for expedited removal, were known to those CBP officers’ supervisors and colleagues. Yet, upon information and belief, these supervisors and colleagues took no action to stop, correct or amend the unlawful and harmful action of their colleagues.

By intentionally, unlawfully, and in bad faith detaining [REDACTED] under these unlawful and harmful conditions, and by unlawfully and intentionally attempting to coerce him to sign a document he did not comprehend that detrimentally and materially affected him, the officers and agents described above committed the following common law torts: negligent hiring, negligent retention, negligent training, intentional infliction of emotional distress, and negligence. The actions of the officers and agents described above also committed the following torts under Texas law: abuse, civil conspiracy, neglect, and extortion.

9. Property damage: No property was damaged.

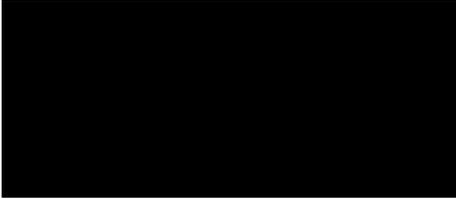
10. Nature and Extent of injury: As a result of the unlawful treatment of [REDACTED] he suffered severe, substantial and continuing emotional distress and, potentially, lasting psychological harm.

11. Witnesses:

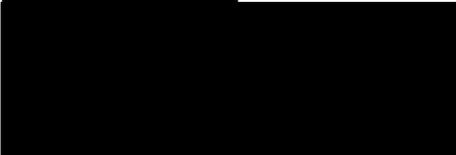
(a) [REDACTED]

(b) [REDACTED]

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Jose Carlos Linares-Vasquez**

(c) 

(d) 

(e) 

(f) Current and/or former employees or agents of CBP or the Department of Homeland Security whose identities are presently unknown, including agents assigned to the CBP Stations in the Rio Grande Valley Sector in Texas.

12. (d) Total: \$500,000.00

15-19.  does not carry any insurance responsive to these requests.