

Supplement to SF95 Claim Form by:

████████████████████

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
McAllen Border Patrol Station
3000 West Military Highway
McAllen, TX 78503

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:

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Losmin Jimenez, Esq.
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6. Date and Day of Accident:

On and about ██████████, 2013.

8. Basis of Claim:

On or about ██████████, 2013, ██████████, was taken into custody by United States Customs and Border Protection (CBP), in McAllen, Texas. ██████████ is a twenty-eight year-old woman. Taken into custody at the same time were her sisters ██████████, ██████████, ██████████, five-year old child and ██████████ brother, ██████████.

She was told by the CBP officers that she and her family members were being taken to the "hielera," translated in English to mean the "freezer," "icebox" or "refrigerator." She was then transported, upon information and belief, to the CBP McAllen Station, in the CBP Rio Grande Valley Sector. There, the extra clothing that she had was confiscated. In addition her hair accessory and her shoelaces were taken from her. She was then placed in what the CBP officer

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had meant by “hielera”: a small, freezing cold cell where many detainees were crowded together. She later heard other CBP officers also refer to the cell as the “hielera” and realized this was their nickname for it.

████████████████████ was in the first hielera to which she taken for a period of three days. Her sister ██████████ was also in the first hielera for three days. Her sister ██████████ and her child were removed from the first hielera after one day. ██████████ and her sister ██████████ were transported to a second hielera where they spent an additional day and night. They were then transported to another hielera where they spent another day before they were transported to the Hidalgo County Jail where she was incarcerated for several days before being transported to the Broward Transitional Center in Florida.

The conditions in the three hieleras were almost identical. The hielera had no beds, no chairs and a single toilet and sink sitting in plain view. A large window in the door of the cell allowed CBP officers to see into the entirety of the cell, including the toilet and anyone using it. The temperature in the hielera was so cold that ██████████ lips split, her face hurt and peeled. Because of the cold, she and her sisters and her sister’s child would huddle together on the floor for warmth. The cold temperature made it very difficult to sleep. There was no mattress or blankets, and ██████████ and the other women had to try and sleep on the concrete floor. The cramped quarters also made it impossible for all of the women to lie down all at one time on the floor. There were three or four large air conditioner vents in the middle of the ceiling from which ██████████ could feel a steady flow of cold air. ██████████ saw some detainees sleeping near the door or near the toilet to avoid the direct flow of cold air from the air conditioner vents.

████████████████████ was extremely embarrassed to use the toilet which sat exposed in the open in the corner of the cells. She was humiliated to have to expose herself to the other detainees while urinating and defecating. She would go without using the bathroom as long as she possible could to avoid the shame of having to take down her pants and go to the bathroom in the room full of other people. She now has a urinary tract infection which she believes is a result of having forced herself not to urinate for such long periods of time.

Through the window in the door of the hielera she could see across into an area where CBP agents were speaking with two children, a boy and a girl who had mud up to their knees, who looked to be younger than ten years of age. The little girl was crying and the boy was speaking to the CBP agents. Another detainee in the hielera with ██████████ had a child who was three years old.

While in the hieleras, ██████████ was fed once or twice a day. Due to transfers from one hielera to another hielera, she also missed meals. She was not fed on those occasions when she missed the meal. Each meal consisted of a single sandwich made of an unidentifiable, processed meat product and white bread. This meager food left her hungry every day and caused her to suffer headaches. The only water available to ██████████ was provided in a single thermos shared by all the detainees. There were no cups to drink the water. ██████████

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██████████ and the other detainees poured water into their hands in order to drink it. The water smelled like bleach and burned ██████████ throat when she drank it.

██████████ had no access to a bath or shower and was not provided with any personal hygiene products like a toothbrush, toothpaste, comb, brush or soap. Nor was she ever provided with a change of clothing. For six days she wore the same pants, shirt and undergarments she had on when apprehended. She felt horrible about her appearance and about being forced to remain so filthy. Her hair was a tangled mess.

During the six days that ██████████ was incarcerated in the hielera she extreme anxiety and fear. Since being held in the hieleras she has experienced nightmares about being returned to the hieleras. She is terrified of being returned to the hieleras and lives in constant fear.

After her first day in the hielera she was taken to another room and shown documents, all in English. She was asked some questions about her family and then told to sign the documents. ██████████ does not speak or read English. She was told that she would be let out of the hieleras if she signed. Not knowing what the document said and believing the CBP officers, she signed. Unbeknownst to her, the document was an order for expedited removal.

During the time the six days that ██████████ was incarcerated in the hieleras, the actions of the CBP officers who: (1) detained her; (2) oversaw her in detention; and (3) coerced her into signing the order for expedited removal were known to the CBP officer's 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 ██████████ under these unlawful and harmful conditions, and by unlawfully and intentionally coercing her to sign a document she did not comprehend that detrimentally and materially affected her, 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 ██████████ she suffered severe, substantial and continuing emotional distress and, potentially, lasting psychological harm.

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[REDACTED]

11. Witnesses:

(a) [REDACTED]

(b) [REDACTED]

(c) [REDACTED]

(d) [REDACTED]

(e) [REDACTED]

(f) [REDACTED]

(g) [REDACTED]

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

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