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12 Attorneys for Plaintiff

13 **UNITED STATES DISTRICT COURT**  
14 **SOUTHERN DISTRICT OF CALIFORNIA**

15 AMANDA GRAE SAMS, an individual,  
16  
17 Plaintiff,  
18  
19 v.

20 Case No. '19CV0612 BAS BGS

21 **COMPLAINT**

22 UNKNOWN AGENTS OF THE  
23 UNITED STATES DEPARTMENT OF  
24 HOMELAND SECURITY, individuals,  
25  
26 Defendants.

27 **DEMAND FOR JURY TRIAL**

28 **INTRODUCTION**

1. Regardless of one's opinion of alcohol and drug addiction, the fact remains that suddenly stopping high doses of alcohol and/or methamphetamine, without medical supervision and treatment, is a life-threatening experience that can result in detox and withdrawal symptoms tantamount to torture.

2. Plaintiff Amanda Grae Sams endured just such an experience from January 11 through 16, 2019, when Ms. Sams was an arrestee and pretrial detainee in the custody, and under the supervision, of currently unknown, individual agents for the U.S.

1 Department of Homeland Security (“DHS”) (“Defendants”).

2 3. Even though Ms. Sams repeatedly informed Defendants, shortly after her  
3 arrest near the San Ysidro Port of Entry, that she had been using high doses of alcohol,  
4 and even though Ms. Sams began experiencing objectively severe symptoms of detox and  
5 withdrawal from alcohol, Defendants never provided Ms. Sams with the medical care  
6 required to treat her serious medical needs while Ms. Sams was in Defendants’ custody.

7 4. This practice of DHS agents forcing arrestees and pretrial detainees to detox  
8 and withdraw from high amounts of alcohol and/or opiates in holding cells near the border,  
9 is now happening *with alarming frequency*. Indeed, Ms. Sams is believed to be one of  
10 dozens of other individuals forced to endure these conditions in recent months.

11 5. Bureaucratic delays and funding deficiencies are, of course, no excuse for  
12 forcing human beings to endure *days* of life-threatening, torturous, and humiliating detox  
13 and withdrawal symptoms. If Defendants are unable to detain individuals they suspect of  
14 committing a crime in a way that does not violate the individual’s constitutional rights,  
15 Defendants should release the individual and find another way to ensure the individual  
16 appears at pretrial proceedings (through, e.g., the use of a GPS monitoring device).

17 6. Ms. Sams now sues for violation of her constitutional rights, pursuant to  
18 *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1999), for recovery of damages.

19 **JURISDICTION & VENUE**

20 7. Plaintiff asserts a single cause of action for violation of her civil rights under  
21 the United States Constitution pursuant to *Bivens v. Six Unknown Agents*, 403 U.S. 388  
22 (1999). The Court thus has subject matter jurisdiction over this action pursuant to 28  
23 U.S.C. § 1331.

24 8. Plaintiff believes each of Defendants was domiciled in the State of California  
25 at the time of the events giving rise to this action. The Court thus has personal jurisdiction  
26 over each of Defendants in this action.

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1 9. The events giving rise to this action occurred in the County of San Diego,  
2 California, which is located within the Southern District of California. Thus, venue is  
3 proper in this judicial district pursuant to 28 U.S.C. § 1391.

4 **PARTIES**

5 10. Plaintiff Amanda Grae Sams is an individual U.S. citizen who is currently an  
6 inmate in federal custody in San Diego, California.

7 11. Defendants are currently unknown agents of DHS [believed to be individuals  
8 working under color of authority of U.S. Customs and Border Protection (“CBP”) and/or  
9 U.S. Customs and Immigration Enforcement (“ICE”)]. Plaintiff will seek leave to amend  
10 her pleadings after Plaintiff is allowed to learn Defendants’ true names through the  
11 discovery process.

12 **ADMINISTRATIVE EXHAUSTION**

13 12. Despite a diligent search for a DHS, CBP, and/or ICE administrative  
14 grievance procedure, Plaintiff believes there are no such procedures available for purposes  
15 of the exhaustion requirement under the Prison Litigation Reform Act (“PLRA”), 42  
16 U.S.C. § 1997e. That is, to the extent DHS, CBP, and/or ICE have an administrative  
17 remedy available to arrestees and pretrial detainees who are ultimately transferred to  
18 another department or agency’s custody, such remedies are unobtainable and, therefore,  
19 “effectively unavailable” for purposes of the PLRA. Plaintiff has nonetheless submitted  
20 a grievance through CBP’s website, which appeared to be the only means of requesting  
21 an administrative remedy for the harms alleged herein. There has been no substantive  
22 response to this submission that addresses the merits of Plaintiff’s claims. As such,  
23 Plaintiff has exhausted all “available” remedies for purposes of satisfying the requirements  
24 of the PLRA.

25 **FACTS**

26 13. In the evening hours of Friday, January 11, 2019, Ms. Sams was arrested at  
27 the San Ysidro Port of Entry. Defendants (individuals believed to be agents working under  
28 color of authority of CBP and/or ICE) placed Ms. Sams in an interrogation room in a DHS

1 holding facility at or near the port of entry, where they questioned her for more than an  
2 hour. Ms. Sams informed these officials that she had been using large amounts of alcohol.

3 14. Defendants then placed Ms. Sams alone in a small holding cell in the same  
4 DHS holding facility, where she would spend the night. Ms. Sams continued to advise  
5 Defendants that she had been using large amounts of alcohol. Specifically, Ms. Sams  
6 informed Defendants that she has had an alcohol addiction for many years, and that she  
7 typically drinks at least a fifth (i.e., 750 ml) of vodka or tequila every day. Ms. Sams also  
8 informed Defendants that she had a methamphetamine addiction.

9 15. That night, Ms. Sams began experiencing the initial effects of detox and  
10 withdrawal, including restlessness, headache, fatigue, muscle aches and pains, increased  
11 tearing, runny nose, and sweating. Ms. Sams requested that Defendants send a medical  
12 provider to evaluate her. No medical provider ever arrived. And there was no bed or  
13 bedding in Ms. Sams' cell; rather, she was given a plastic sheet and a concrete bench.

14 16. The following morning, Saturday, January 12, 2019, Ms. Sams awoke  
15 experiencing more severe (i.e., clinically significant) withdrawal symptoms, including:  
16 severe headaches, dizziness, shaking and tremors, difficulty breathing, chest tightness,  
17 racing heart, palpitations, dehydration, nausea, stomach aches, muscle pain, joint and bone  
18 pain, anxiety, restlessness, fatigue, insomnia, and depression. Along with the withdrawal  
19 symptoms described herein, it is important to note that suddenly stopping alcohol can also  
20 lead to seizures, strokes, heart attacks, hallucinations, delirium tremens, and death.

21 17. Ms. Sams was informed she would be transported to the Metropolitan  
22 Correction Center – San Diego (“MCC”) later that morning. As Defendants prepared Ms.  
23 Sams for transport, Ms. Sams informed Defendants she was detoxing from alcohol and  
24 methamphetamine, that she was ill, and that she needed medical attention. Moments later,  
25 a non-physician medical provider entered the cell. While the individual took Ms. Sams’  
26 blood pressure and pulse, Ms. Sams did not receive any medical evaluation or treatment  
27 for detox and withdrawal.

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1 18. Defendants then transported Ms. Sams to MCC. After arriving, one of the  
2 transporting Defendants informed an MCC official that Ms. Sams was detoxing from  
3 alcohol and methamphetamine. Given Ms. Sams’ obviously unstable medical condition,  
4 MCC officials rejected Ms. Sams and recommended that she be taken to a hospital for  
5 immediate medical attention.

6 19. However, rather than taking Ms. Sams to a hospital, as recommended by  
7 MCC officials and as (presumably) required by DHS policies and procedures, Defendants  
8 returned Ms. Sams to a DHS holding facility at or near the San Ysidro Port of Entry. After  
9 placing Ms. Sams in a small holding cell, one of Defendants slammed the cell door and  
10 told Ms. Sams, “you’re not going to get away with this.” Within an hour, one of  
11 Defendants (with supervisory duties) arrived at the cell and advised Ms. Sams that they  
12 were going to house her “downstairs” until another agency came to get her.

13 20. Defendants then moved Ms. Sams to a small cell in the basement of the DHS  
14 holding facility, where she would spend the next four days. As with her previous cell the  
15 night before, there were no beds or bedding in this cell. Again, Ms. Sams was given only  
16 a plastic sheet and a concrete bench. There was one toilet and one sink in the cell. The  
17 sink’s water pressure, however, was so low that Ms. Sams was unable to effectively drink  
18 from the sink. Ms. Sams repeatedly asked Defendants for a cup to drink water, to no avail.

19 21. By this point, it had been nearly 24 hours since Ms. Sams last used alcohol  
20 or methamphetamine, and she was experiencing the full onset of alcohol and  
21 methamphetamine withdrawal symptoms, including: splitting headaches, severe  
22 dizziness, shaking and tremors, difficulty breathing, chest tightness, racing heart,  
23 palpitations, dehydration, nausea, stomach aches, muscle pain, joint and bone pain,  
24 anxiety, restlessness, fatigue, insomnia, and depression. Additionally, Ms. Sams may  
25 have experienced several seizures. Ms. Sams continued to experience these symptoms for  
26 the remainder of her time at the DHS holding facility.

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1           22. In addition to these symptoms being obvious to anyone who spent any time  
2 with Ms. Sams, over the next four days, Ms. Sams repeatedly stated to Defendants that  
3 she was experiencing these withdrawal symptoms and requested to see a doctor or to be  
4 taken to the hospital for immediate medical evaluation and treatment. Defendants,  
5 however, ignored Ms. Sams’ pleas for help. Ms. Sams was not seen by any doctor, nurse,  
6 or other medical provider, and Ms. Sams was not provided any medical attention or  
7 supervision whatsoever to treat her severe and life-threatening detox and withdrawal  
8 symptoms.

9           23. At several points, Defendants even closed the small window to her cell to  
10 silence Ms. Sams’ continued pleas for medical attention. Defendants told Ms. Sams,  
11 “you’re not our problem, you belong to the people upstairs.”

12           24. In addition to denying Ms. Sams medical attention, Defendants refused to  
13 allow Ms. Sams to leave her cell, refused to provide her with access to basic hygiene  
14 (including a shower, a tooth brush, a water cup, or a change of clothing), refused to allow  
15 her to make a phone call, refused her access to an attorney, and failed to present her to a  
16 judge.

17           25. On Monday, January 14, 2019, Ms. Sams was scheduled for her initial court  
18 appearance before Hon. Linda Lopez, U.S. Magistrate Judge. At that hearing, the  
19 government misrepresented to the court and defense counsel that Ms. Sams was  
20 unavailable to be brought to court, because she was detoxing from *heroin* at Alvarado  
21 Parkway Institute (API). Specifically, the government advised the court that, Ms. Sams  
22 “is currently in heroin detox and they’re saying five to seven days [for her to detox].” In  
23 fact, Ms. Sams remained locked in a cell in the basement of the DHS holding facility at or  
24 near the San Ysidro Port of Entry, where she had been arrested three days earlier, and  
25 where DHS officials continued to deny her medical evaluation and treatment, as well as  
26 basic provisions needed while in custody.

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1           26. The following day, Tuesday, January 15, 2019, the government again  
2 misrepresented to Ms. Sams' defense counsel that Ms. Sams was still unavailable to be  
3 brought to court, because she remained at Alvarado API hospital where she was detoxing  
4 from heroin.

5           27. Later that same day, after being locked in the same cell for four days straight,  
6 Ms. Sams began yelling and banging on her door in an attempt to get medical treatment,  
7 a shower, and a change of clothes. Moments later, one of Defendants entered Ms. Sams'  
8 cell, grabbed her, and carried her to a nearby rubber-lined isolation cell. Later that night,  
9 Ms. Sams was transferred to a larger holding cell, which contained five other prisoners.  
10 Again, Ms. Sams was forced to sleep on a concrete bench with nothing more than a plastic  
11 sheet. During this time, Ms. Sams' severe detox and withdrawal symptoms persisted and  
12 she continued to plead for medical attention.

13           28. The following day, Wednesday, January 16, 2019, Defendants finally  
14 transported Ms. Sams to court for her initial appearance. And later that afternoon,  
15 following her court hearing, Ms. Sams was successfully admitted to MCC.

16           29. Ms. Sams is believed to be one of dozens of individuals over the past several  
17 months whose serious medical needs have been deliberately ignored by DHS agents and  
18 who, in particular, were forced to undergo a life-threatening and torturous detox in  
19 temporary holding cells at the border because they were rejected by custodial officials  
20 (like those at MCC) on grounds of medical instability.

21           30. It is believed this practice is in violation of DHS, CBP, and/or ICE policies  
22 and procedures, which require arrestees experiencing detox and withdrawal symptoms to  
23 be medically evaluated by a medical professional knowledgeable about addiction  
24 medicine; which establish protocols for the treatment of addiction to commonly used  
25 substances like alcohol, opiates, and amphetamines (each of which require a different  
26 medical approach); and which provide for the transfer of arrestees to medical facilities  
27 when their serious medical needs cannot be evaluated and treated in custody.

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1 in an amount to be determined at trial.

2 37. Further, given the intentional and reckless manner in which Defendants were  
3 deliberately indifferent to Plaintiff's serious medical needs, Plaintiff also seeks punitive  
4 damages against each of Defendants according to the degree to which each was  
5 deliberately indifferent to Plaintiff's serious medical needs, in an amount to be determined  
6 at trial.

7 **PRAYER FOR RELIEF**

8 38. Based on the foregoing allegations and cause of action, Plaintiff hereby  
9 demands:

- 10 a. that judgment be rendered in favor of Plaintiff and against Defendants on  
11 the cause of action asserted herein;  
12 b. compensatory damages in an amount to be determined at trial;  
13 c. punitive damages against each of Defendants in an amount sufficient to  
14 punish the conduct giving rise to this suit and to deter such conduct in the  
15 future; and  
16 d. any and all other relief in law or equity to which Plaintiff may be entitled  
17 and which this Court deems just and proper.

18 **DEMAND FOR JURY TRIAL**

19 39. Plaintiff demands, under the Seventh Amendment, a trial by jury as to the  
20 cause of action asserted herein.

21  
22 Dated: April 2, 2019

SINGLETON LAW FIRM, APC

23 By: *s/Brody McBride*

24 Brody A. McBride, Esq.

25 Attorneys for Amanda Grae Sams  
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