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Stewart Detention Center

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Office of the Immigration Detention
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Department of Homeland Security

August 28, 2023

RE: Medical Negligence Suffered by Mr. [REDACTED] [REDACTED] [REDACTED] at Stewart Detention Center in Lumpkin, Georgia

Dear Officer Wadhia, Inspector General Cuffari, Ombudsman Gersten, Field Office Director Ripa, Assistant Field Office Director Smith, and Warden Washburn:

Freedom for Immigrants ("FFI") submits this complaint on behalf of Mr. [REDACTED] [REDACTED] (A#: [REDACTED]-[REDACTED]-[REDACTED]) an individual detained by Immigration and Customs Enforcement ("ICE") at Stewart Detention Center ("SDC") in Lumpkin, Georgia. Mr. [REDACTED] is suffering from loss of vision caused by mold within SDC, along with untreated asthma and sleep apnea. Mr. [REDACTED] has received little medical care to address any of these problems, and thus has experienced prolonged pain. His health status is interfering with his ability to function day to day and, if **left unaddressed, could result in irreparable consequences, including permanent loss of sight.**

Mr. [REDACTED] has provided express consent to FFI to share his information and has authorized your offices to share information with FFI about this complaint. Mr. [REDACTED] date of birth is [REDACTED] [REDACTED] his country of origin is the [REDACTED] and his preferred language is English.

Mr. [REDACTED] has described experiencing extremely dry eyes that are often red and running. When he tries to close them, he feels tears in his retina from the strain. These symptoms are joined by a continuous debilitating pain, which Mr. [REDACTED] has described as "a migraine in his eyes." Mr. [REDACTED] estimates that **he has lost approximately 50% of his vision.**

In his calls to FFI, Mr. [REDACTED] has stated that these symptoms began after exposure to mold in SDC, which he first reported in May 2023. In his reports, Mr. [REDACTED] noted that multiple people have observed, complained and been impacted by the mold as well. While SDC did partially remove some of the mold from the pipes, the harmful mold still remains rampant in the facility. The failure of SDC to adequately address this health violation has resulted in continued health impacts for Mr. [REDACTED] and others, and could lead to irreparable long term consequences.

The U.S Department of Homeland Security Office of Inspector General's Office of Inspections and Evaluations has long reported on the concerning existence of mold in SDC; one 2017 inspection report states that the **"shower facilities observed in some pods have significant mold growth" and that the mold is "caused by water which leaks from the ceiling during rainstorms."**¹

Mr. [REDACTED] has submitted dozens of requests for medical care and has undergone a weeklong hunger strike in an attempt to obtain adequate medical attention regarding his frightening loss of sight. While he was seen by an optometrist back in May, the doctor did not take Mr. [REDACTED] concerns seriously and only prescribed him medical drops which temporarily alleviated some pain, but had no other impact on his symptoms. Despite Mr. [REDACTED] continuous requests for additional medical appointments, he has yet to receive one. Rather, he is told that he will get an appointment soon, but has never been given a date. Occasionally he has been told that an appointment had been set, but subsequently it needs "to be rescheduled". Aside from a visit with an optometrist, Mr. [REDACTED] is still waiting for a visit with a pulmonologist, which was originally scheduled for May 2023.

ICE and CoreCivic have a constitutional obligation to provide adequate medical care to Mr. [REDACTED]. See generally *Estelle v. Gamble*, 429 U.S. 97 (1976). By refusing to provide basic medical care for Mr. [REDACTED] serious medical needs, caused by the conditions within the center, ICE and CoreCivic place Mr. [REDACTED] at a serious risk of harm, show deliberate indifference in violation of the Eighth Amendment, run afoul of the standard of care, and violate his right to due process under the Fifth and Fourteenth Amendments, respectively. See, e.g., *Kingsley v. Hendrickson*, 576 U.S., 135 S. Ct. 2466 (2015).

Mr. [REDACTED] suffers from debilitating pain in his eyes and loss of vision, along with asthma and sleep apnea. According to the Centers of Disease Control and Prevention, a **fungal eye infection "if not treated, can become serious and result in permanent vision**

¹ U.S. Department of Homeland Security Office of Inspector General Office of Inspections and Evaluations. Adult Detention Oversight: 16-047-ISP-ICE. https://www.oig.dhs.gov/sites/default/files/assets/FOIA/OIG_FOIA_Stewart-Detention-Center-Work-Papers.pdf

loss or blindness.² These continued and chronic conditions constitute a serious medical need for the following reasons. First, a reasonable doctor or patient would perceive these issues as important and worthy of comment or treatment. Second, Mr. [REDACTED] health needs significantly affect daily activities, specifically his ability to interact with his surroundings, as he has not even been given glasses to help him with his loss of vision. Third, the existence of significant injury, pain and loss of function in the form of constant, debilitating eye pain, and loss of sight have been reported and documented.

According to Performance-Based National Detention Standards (“PBNDs”) 2011/2016, which SDC is contracted to uphold, the standards for medical care are not being met for Mr. [REDACTED]. Reference 2011 4.3 healthcare and 4.8 disability. PBNDs 2011, Section 4.3, states: “*Detainees shall have access to a continuum of health care services, including screening, prevention, health education, diagnosis and treatment.*”³

ICE and CoreCivic are responsible to Mr. [REDACTED] for treating his health needs because it could result in further significant injury or the unnecessary and wanton infliction of pain if not treated. The law does not require harm to health to have already occurred in order to mandate action by ICE and CoreCivic. The exposure to a risk that may cause harm in the future is a basis for deliberate indifference.

In order to ensure that Mr. [REDACTED] is able to get the care he urgently needs and to avoid further burdening the detention facility with managing his condition, we urge you to immediately release him from so that he may obtain appropriate medical care.

If ICE leadership is unwilling to exercise their prosecutorial discretion on his behalf, despite the fact that Mr. [REDACTED] has significant medical conditions and is not a threat to public safety, we request immediate specialty care be provided to Mr. [REDACTED] including:

- a. Evaluation by a competent specialist of Mr. [REDACTED] eyes.
- b. Medical care to address Mr. [REDACTED] eye pain and loss of vision.
- c. Release of Mr. [REDACTED] prescribed glasses to him.
- d. Evaluation by a competent specialist for Mr. [REDACTED] asthma.
- e. Evaluation by a competent specialist for Mr. [REDACTED] sleep apnea.

In addition, we demand that SDC remove all mold within the facility and that the center be investigated by oversight agencies given that this level of medical negligence is a systemic concern at this facility. Please provide a report in writing to both us and Mr. [REDACTED] regarding the status of this matter by September 11, 2023. Thank you in advance for your prompt attention to this urgent matter.

² Centers for Disease Control and Prevention. (2021, July 12). *Symptoms of fungal eye infections | types of diseases*. <https://www.cdc.gov/fungal/diseases/fungal-eye-infections/symptoms.html>

³ ICE Performance-Based National Detention Standards 2011/2016. 4.3: Medical Care. <https://www.ice.gov/doclib/detention-standards/2011/4-3.pdf>

Sincerely,

A handwritten signature in cursive script that reads "R Merton". The letters are fluid and connected, with a prominent loop on the "M".

Rebecca Merton
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