

February 5, 2021

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Immigration and Customs Enforcement
San Francisco Field Office
San Francisco, California

Warden Nathan Allen
Mesa Verde ICE Detention Facility
Bakersfield, California

via Email: NAllen@geogroup.com, Janese.N.Mull@ice.dhs.gov

Re: **MEDICAL NEEDS AT MESA VERDE DETENTION FACILITY**

Dear AFOD Mull and Warden Allen,

We are advocacy and legal services organizations that assist the people detained at Mesa Verde Detention Facility (“Mesa Verde”), and we write to relay their request to receive responses to their outstanding medical needs. As detailed below, responding immediately to a detained individual’s medical needs is legally necessary and mandated by ICE’s own detention standards. Between January 19 – January 27, the individuals listed below reached out to members of our organizations to describe their current medical needs, and solicit help in advocating for their care. To that end, we present a list of outstanding medical needs for 13 individuals at Mesa Verde, as reported to us:

1. **J [REDACTED], A# [REDACTED] (of San Lorenzo, California)**
Mr. [REDACTED] reported that while at Mesa Verde, he began experiencing low energy and was informed that his kidneys “were not working properly.” As a result, he has been having his blood drawn every 2 weeks and receives 2 medications to take on a daily basis, but, despite his numerous requests, has not been informed what the name of this medication is. He reports that the medication has caused stomach pain. In addition, Mr. [REDACTED] has had a broken right foot since at least December 17; although he was informed that he would be taken to see a physician for evaluation and treatment, he has not, and **he continues to experience pain so severe that at times he cannot sleep**. Although medical staff provided him a foot brace to wear in the interim, he does not use it because it exacerbates his pain.
2. **N [REDACTED], A# [REDACTED] (of Bakersfield, California)**
Mr. [REDACTED] reports that he broke his foot last February, and that although he was previously receiving physical therapy, his **treatment unexpectedly stopped in December and he has not received further treatment or therapy, despite continuing to feel pain while walking**.
3. **M [REDACTED], A# [REDACTED] (of Moreno Valley, California)**
Mr. [REDACTED] requested eyeglasses in November 2020, and is still waiting on his request to be filled. Without eyeglasses, **he can neither see things in the distance nor read**.

4. **E [REDACTED], A# [REDACTED] (of Bakersfield, California)**
Mr. [REDACTED] requested eyeglasses over one year ago, and is still waiting on his request to be filled. He also **requires a dental crown for his removed teeth, but medical staff informed him that he could not receive one because the procedure was “too expensive.”**
5. **R [REDACTED], A# [REDACTED] (of Riverside County, California)**
Mr. [REDACTED] requires taking daily medication, and is wheelchair bound. He reports having difficulty receiving his medication on a daily basis—the current procedure requires him to meet medical staff at a specific area in the dorm as they dispense medication to everyone housed with him, and he at times has difficulty meeting medical staff where they are given his disability. Although he was recently informed that he must meet medical staff where they are or go without his daily medication, **his disability requires that medical staff come to him to provide his daily medication when he is unable to meet them.**
6. **J [REDACTED], A# [REDACTED] (of Los Angeles, California)**
Mr. [REDACTED] has been experiencing pain in his stomach since at least October of last year. **He has made two requests for medical attention for his stomach pain, but has only received ibuprofen.** However, he continues to feel pain. In addition, **he has been experiencing pain related to his wisdom teeth since June 2020, but has not received any treatment** despite making at least two requests for dental attention. In addition, he is experiencing a deterioration of his vision.
7. **W [REDACTED], A# [REDACTED] (of Taft County, California)**
Mr. [REDACTED] currently has a broken finger on his right hand, which appears to require surgery, but **has not been scheduled for surgery.** He also suffers from gout, and has been experiencing severe pain and numbness in his legs and hands. He reports that he requested medical attention 7-8 times, and **the last time he was seen by medical staff was last October despite his ongoing symptoms.**
8. **S [REDACTED], A# [REDACTED] (of Los Angeles, California)**
Mr. [REDACTED] reports that **his eyeglasses are broken**, and that he is unable to properly see without them. He also reports that **he is not receiving sufficient mental health care.**
9. **W [REDACTED], A# [REDACTED] (of Lynwood, California)**
Mr. [REDACTED] has been battling Anxiety and Depression for over a decade, and had been taking Wellbutrin prior to being incarcerated at Mesa Verde for over a decade. **Mesa Verde staff have refused to prescribe him with Wellbutrin or a generic version**, and the medication he is currently prescribed appears to be exacerbating his symptoms.
10. **C [REDACTED], A# [REDACTED] (of Los Angeles, California)**
Mr. [REDACTED] reports that although he was previously receiving some mental health treatment, he **has not seen a therapist in over a month and believes that he requires a change in his medication.** He has requested medical attention, by submitting official requests or by asking the officer in his dorm, nearly every day since, but still has not received a response.

11. **L [REDACTED], A# [REDACTED] (of San Gabriel, California)**

Mr. [REDACTED] broke his hand several weeks ago. Medical staff informed him around January 14 that he would be taken to receive an X-Ray, but **he has not yet received an x-ray**. He continues to be in pain.

12. **E [REDACTED], A# [REDACTED] (of Ceres, California)**

Mr. [REDACTED] has been experiencing breathing problems and believes he may be suffering from asthma, and **has been waiting to see a doctor and receive treatment for his breathing difficulties**. Additionally, **he has requested an eye exam and eyeglasses** from medical staff around three times, but was refused and informed to buy eyeglasses from the detention center's commissary. He reports that he is unable to read without eyeglasses, and thus has been unable to read the immigration paperwork for his case. He has made around seven requests for medical attention which were unanswered.

13. **G [REDACTED], A# [REDACTED] (of Los Angeles, California)**

Mr. [REDACTED] has been suffering a foot injury since last November which prevents him from standing on his foot for extended periods of time; however, **he has not been given crutches**. He is a worker in his dorm and is responsible for cleaning the dorm's bathrooms and communal spaces, and experiences pain in his foot while working. **Mr. [REDACTED] additionally requested Vitamin C**, because Mesa Verde does not appear to serve fruit, vegetables, or other sources of the vitamin, but his request was denied. Finally, **Mr. [REDACTED] has been waiting for a dental appointment since May 2020**.

Please note that this is *not* a comprehensive list of outstanding medical issues at Mesa Verde or for each individual; rather, this list only reflects the needs and conditions as reported by each person who came forward to our members. This list also does not reflect prior issues these people faced in obtaining medical care; instead, this letter is limited only to outstanding needs, and in some cases, also reflects the person's attempts at seeking medical attention. We also note that some of the above individuals are *Franco-Gonzalez* class members who have been found by an Immigration Court to be mentally incompetent.

Responding immediately to the needs outlined above is legally necessary and mandated by ICE's own detention standards. The 2011 ICE Performance-Based National Detention Standards ("PBNDs") provides that detained people "shall" "be able to request health services on a daily basis and receive timely follow-up," and "receive continuity of care from time of admission to time of transfer, release or removal." Moreover, every detention facility is required to provide "medically necessary and appropriate medical, dental and mental health care and pharmaceutical services," "comprehensive, routine and preventative health care," and "timely responses to medical complaints." §§ 4.3(II); 4.3(V)(A). In addition, each facility "must" have "an on-call physician, dentist, and mental health professional, or designee, that are available 24 hours per day." § 4.3(V)(T).

The January 20, 2021, Department of Homeland Security (“Department”) enforcement memorandum requires ICE “to adopt appropriate public health guidelines and protocols.”¹ Responding to outstanding medical needs is particularly important during the current COVID-19 pandemic, which has resulted in an unprecedented number of deaths of medically vulnerable people in ICE custody.²

Earlier this week, many of us joined in [a letter calling on the release of all people in ICE custody in California who fall outside the priorities listed in Acting Secretary Pecoske’s memo](#).³ We reiterate that request now; indeed, each person listed above, and perhaps every person at Mesa Verde, is not an enforcement priority. Until they are released, we urge you to ensure that they receive the medical attention to which they are legally entitled.

Sincerely,

Alianza Sacramento
Becker & Lee LLP
California Collaborative for Immigrant Justice (CCIJ)
California Immigrant Youth Justice Alliance (CIYJA)
Center for Gender & Refugee Studies
Centro Legal de la Raza
Community Legal Services in East Palo Alto (CLESPA)
Dolores Street Community Services
Esperanza Immigrant Rights Project
Estamos Unidos
Immigrant Defense Advocates
Interfaith Movement for Human Integrity
Kern Welcoming and Extending Solidarity to Immigrants (KWESI)
La Raza Centro Legal San Francisco
Law Office of Helen Lawrence
Mujeres Unidas y Activas
NorCal Resist
North Bay Rapid Response Network: Napa, Solano and Sonoma Counties
Oasis Legal Services
San Francisco Immigrant Legal & Education Network
San Francisco Rapid Response Network
UFW Foundation
USC Gould School of Law Immigration Clinic

¹ See U.S. Department of Homeland Security, *Review of and Interim Revision to Civil Immigration Enforcement and Removal Policies and Priorities*, Memorandum of Jan. 20, 2021, https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf. Although a federal judge has issued a Temporary Restraining Order applicable to Section C of the memo, the other portions of the memo, including the priorities, remain in effect. See *Ord. Granting Plaintiff’s Motion for Temp. Ord., Texas v. United States*, No. 6-21-cv-00003 (S.D. Tex. Jan. 26, 2021), ECF No. 16.

² Catherine E. Shoichet, “The death toll in ICE custody is the highest it’s been in 15 years,” CNN (Sept. 30, 2020), <https://www.cnn.com/2020/09/30/us/ice-deaths-detention-2020/index.html>.

³ https://www.aclusocal.org/sites/default/files/letter_to_ca_eros_calling_for_mass_release.pdf.

