

**CLAIM FOR DAMAGE,
INJURY, OR DEATH**

INSTRUCTIONS: Please read carefully the instructions on the reverse side and supply information requested on both sides of this form. Use additional sheet(s) if necessary. See reverse side for additional instructions.

FORM APPROVED
OMB NO. 1105-0008

1. Submit to Appropriate Federal Agency:

U.S. Immigration & Customs Enforcement / Office of the Principal
Legal Advisor / District Court Litigation Division / 500 12th Street,
SW, Mailstop 5900 / Washington, DC 20536
OPLA-DCLD-TortClaims@ice.dhs.gov

2. Name, address of claimant, and claimant's personal representative if any.
(See instructions on reverse). Number, Street, City, State and Zip code.

Claimant: Jose Ruben Hernandez Gomez, [REDACTED]
Counsel: See Attachment A, "Supplement to Claim Form
95"

3. TYPE OF EMPLOYMENT

MILITARY CIVILIAN

4. DATE OF BIRTH

[REDACTED]

5. MARITAL STATUS

[REDACTED]

6. DATE AND DAY OF ACCIDENT

03/07/2023 Tuesday

7. TIME (A.M. OR P.M.)

6:00 am (approx)

8. BASIS OF CLAIM (State in detail the known facts and circumstances attending the damage, injury, or death, identifying persons and property involved, the place of occurrence and the cause thereof. Use additional pages if necessary).

See Attachment A

9. **PROPERTY DAMAGE**

NAME AND ADDRESS OF OWNER, IF OTHER THAN CLAIMANT (Number, Street, City, State, and Zip Code).

BRIEFLY DESCRIBE THE PROPERTY, NATURE AND EXTENT OF THE DAMAGE AND THE LOCATION OF WHERE THE PROPERTY MAY BE INSPECTED.
(See instructions on reverse side).

See Attachment A

10. **PERSONAL INJURY/WRONGFUL DEATH**

STATE THE NATURE AND EXTENT OF EACH INJURY OR CAUSE OF DEATH, WHICH FORMS THE BASIS OF THE CLAIM. IF OTHER THAN CLAIMANT, STATE THE NAME OF THE INJURED PERSON OR DECEDENT.

See Attachment A

11. **WITNESSES**

NAME

ADDRESS (Number, Street, City, State, and Zip Code)

See Attachment A

See Attachment A

12. (See instructions on reverse).

AMOUNT OF CLAIM (in dollars)

12a. PROPERTY DAMAGE

12b. PERSONAL INJURY

12c. WRONGFUL DEATH

12d. TOTAL (Failure to specify may cause
forfeiture of your rights).

1,000.00

1,000,000

0.00

1,001,000

I CERTIFY THAT THE AMOUNT OF CLAIM COVERS ONLY DAMAGES AND INJURIES CAUSED BY THE INCIDENT ABOVE AND AGREE TO ACCEPT SAID AMOUNT IN FULL SATISFACTION AND FINAL SETTLEMENT OF THIS CLAIM.

13a. SIGNATURE OF CLAIMANT (See instructions on reverse side).

13b. PHONE NUMBER OF PERSON SIGNING FORM

14. DATE OF SIGNATURE

**CIVIL PENALTY FOR PRESENTING
FRAUDULENT CLAIM**

The claimant is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, plus 3 times the amount of damages sustained by the Government. (See 31 U.S.C. 3729).

**CRIMINAL PENALTY FOR PRESENTING FRAUDULENT
CLAIM OR MAKING FALSE STATEMENTS**

Fine, imprisonment, or both. (See 18 U.S.C. 287, 1001.)

INSURANCE COVERAGE

In order that subrogation claims may be adjudicated, it is essential that the claimant provide the following information regarding the insurance coverage of the vehicle or property.

15. Do you carry accident Insurance? Yes If yes, give name and address of insurance company (Number, Street, City, State, and Zip Code) and policy number. No

16. Have you filed a claim with your insurance carrier in this instance, and if so, is it full coverage or deductible? Yes No

17. If deductible, state amount.

18. If a claim has been filed with your carrier, what action has your insurer taken or proposed to take with reference to your claim? (It is necessary that you ascertain these facts).

N/A

19. Do you carry public liability and property damage insurance? Yes If yes, give name and address of insurance carrier (Number, Street, City, State, and Zip Code). No

INSTRUCTIONS

Claims presented under the Federal Tort Claims Act should be submitted directly to the "appropriate Federal agency" whose employee(s) was involved in the incident. If the incident involves more than one claimant, each claimant should submit a separate claim form.

Complete all items - Insert the word NONE where applicable.

A CLAIM SHALL BE DEEMED TO HAVE BEEN PRESENTED WHEN A FEDERAL AGENCY RECEIVES FROM A CLAIMANT, HIS DULY AUTHORIZED AGENT, OR LEGAL REPRESENTATIVE, AN EXECUTED STANDARD FORM 95 OR OTHER WRITTEN NOTIFICATION OF AN INCIDENT, ACCOMPANIED BY A CLAIM FOR MONEY

Failure to completely execute this form or to supply the requested material within two years from the date the claim accrued may render your claim invalid. A claim is deemed presented when it is received by the appropriate agency, not when it is mailed.

If instruction is needed in completing this form, the agency listed in item #1 on the reverse side may be contacted. Complete regulations pertaining to claims asserted under the Federal Tort Claims Act can be found in Title 28, Code of Federal Regulations, Part 14. Many agencies have published supplementing regulations. If more than one agency is involved, please state each agency.

The claim may be filled by a duly authorized agent or other legal representative, provided evidence satisfactory to the Government is submitted with the claim establishing express authority to act for the claimant. A claim presented by an agent or legal representative must be presented in the name of the claimant. If the claim is signed by the agent or legal representative, it must show the title or legal capacity of the person signing and be accompanied by evidence of his/her authority to present a claim on behalf of the claimant as agent, executor, administrator, parent, guardian or other representative.

If claimant intends to file for both personal injury and property damage, the amount for each must be shown in item number 12 of this form.

DAMAGES IN A **SUM CERTAIN** FOR INJURY TO OR LOSS OF PROPERTY, PERSONAL INJURY, OR DEATH ALLEGED TO HAVE OCCURRED BY REASON OF THE INCIDENT. THE CLAIM MUST BE PRESENTED TO THE APPROPRIATE FEDERAL AGENCY WITHIN **TWO YEARS** AFTER THE CLAIM ACCRUES.

The amount claimed should be substantiated by competent evidence as follows:

- (a) In support of the claim for personal injury or death, the claimant should submit a written report by the attending physician, showing the nature and extent of the injury, the nature and extent of treatment, the degree of permanent disability, if any, the prognosis, and the period of hospitalization, or incapacitation, attaching itemized bills for medical, hospital, or burial expenses actually incurred.
- (b) In support of claims for damage to property, which has been or can be economically repaired, the claimant should submit at least two itemized signed statements or estimates by reliable, disinterested concerns, or, if payment has been made, the itemized signed receipts evidencing payment.
- (c) In support of claims for damage to property which is not economically repairable, or if the property is lost or destroyed, the claimant should submit statements as to the original cost of the property, the date of purchase, and the value of the property, both before and after the accident. Such statements should be by disinterested competent persons, preferably reputable dealers or officials familiar with the type of property damaged, or by two or more competitive bidders, and should be certified as being just and correct.
- (d) **Failure to specify a sum certain will render your claim invalid and may result in forfeiture of your rights.**

PRIVACY ACT NOTICE

This Notice is provided in accordance with the Privacy Act, 5 U.S.C. 552a(e)(3), and concerns the information requested in the letter to which this Notice is attached.

A. **Authority:** The requested information is solicited pursuant to one or more of the following: 5 U.S.C. 301, 28 U.S.C. 501 et seq., 28 U.S.C. 2671 et seq., 28 C.F.R. Part 14.

- B. **Principal Purpose:** The information requested is to be used in evaluating claims.
- C. **Routine Use:** See the Notices of Systems of Records for the agency to whom you are submitting this form for this information.
- D. **Effect of Failure to Respond:** Disclosure is voluntary. However, failure to supply the requested information or to execute the form may render your claim "invalid."

PAPERWORK REDUCTION ACT NOTICE

This notice is solely for the purpose of the Paperwork Reduction Act, 44 U.S.C. 3501. Public reporting burden for this collection of information is estimated to average 6 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Director, Torts Branch, Attention: Paperwork Reduction Staff, Civil Division, U.S. Department of Justice, Washington, DC 20530 or to the Office of Management and Budget. Do not mail completed form(s) to these addresses.

ATTACHMENT A
Supplement to Claim Form 95

Answer 2: Name and Address of Claimant's Counsel

Aseem Mehta
Asian Americans Advancing Justice – Asian Law Caucus
55 Columbus Avenue
San Francisco, CA 94111

Michelle (Minju) Y. Cho
ACLU Foundation of Northern California
39 Drumm Street
San Francisco, CA 94111

Answer 6: Date, Day, and Time of Incident

The incidents described here commenced on March 7, 2023, at approximately 6:00 a.m. Pacific Time. The harmful incidents continued without cessation until Mr. Hernandez Gomez was released from U.S. Immigration and Customs Enforcement (ICE) custody on April 14, 2023.

Answer 8: Basis of Claim

I. Detention by ICE and Commencement of Hunger Strike

Jose Ruben Hernandez Gomez is a 33-year-old lawful permanent resident who has lived in Lodi, California, since he was a toddler. He attended U.S. public schools, ultimately earning his high school diploma and starting classes at community college. He was civilly detained by ICE from November 2021 through April 2023 before being granted release on bond pursuant to a successful habeas petition and subsequent bond hearing. He currently resides in Lodi, along with his family.

In November 2021, ICE arrested Mr. Hernandez Gomez [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED] He was accordingly taken into ICE custody without the possibility of a neutral evaluation of his custody status and placed into removal proceedings. Mr. Hernandez Gomez was initially detained at Golden State Annex for about two months before being transferred to Mesa Verde ICE Processing Facility (“Mesa Verde”) for over a year until his eventual release.

On February 17, 2023, Mr. Hernandez Gomez and dozens of other detained individuals at Mesa Verde and Golden State Annex began a hunger strike as a form of peaceful protest against prolonged detention, dehumanizing conditions of confinement, and mistreatment by ICE and the GEO Group, Inc. (“GEO”) employees. For approximately 18 days, Mr. Hernandez Gomez

refrained from eating food. He did not request medical care or express serious medical concerns during this time.

II. Violent Transfer to El Paso Service Processing Center

On March 7, 2023, at about 6:00 a.m., multiple GEO officers dressed in riot gear entered Mr. Hernandez Gomez's dorm. They disconnected the dorm's phones so detained individuals could not call their attorneys or family members. They forcibly removed one of Mr. Hernandez Gomez's dormmates from the dorm. A short time later, ICE officers dressed in military gear, holding batons, pepper spray, and what looked like automatic rifles, entered the dorm. They ordered Mr. Hernandez Gomez and other detained individuals to get on the floor. The officers did not state the reason for their orders. Instead, without notice or explanation, officers zeroed in on Mr. Hernandez Gomez and surrounded him. He asked to speak with his immigration attorney, but his plea went unanswered.

Officers they threw Mr. Hernandez Gomez on the ground, causing him to strike his shoulder and chest against the ground. Officers then pressed onto his body, which was lying face-down, and handcuffed his hands behind his back. One of the officers said to him, "Either you are going to walk, or we are going to drag you." Despite not knowing why he was being targeted or where he was being taken, Mr. Hernandez Gomez complied with the officer's command. As he was escorted to a holding cell, one officer physically pushed him to walk faster. Mr. Hernandez Gomez again requested an opportunity to speak to his immigration attorney, but he was not permitted to call anyone.

Mr. Hernandez Gomez and three other detained individuals, all of whom had also been dragged violently from the dorm, were moved into individual holding cells. Officers placed shackles on Mr. Hernandez Gomez's legs and moved the handcuffs to the front of his body. Mr. Hernandez Gomez saw that one of the other detained individuals, who had previously survived a stroke and been diagnosed with diabetes, had lost consciousness. He observed officers holding that individual by his arms like "a rag doll" before putting him in a wheelchair. The officers did not provide him with any medical care, nor did they appear to take any actions to summon medical assistance.

Mr. Hernandez Gomez did not receive any medical treatment for his injured shoulder despite alerting a nurse that he was in pain from being slammed against the ground earlier that morning. He did not receive any other medical treatment or tests, including a COVID-19 test. Mr. Hernandez Gomez asked an ICE transportation officer if he could use the bathroom, but the officer ignored him and he was unable to use the bathroom for several hours.

ICE officers moved Mr. Hernandez Gomez and the three other detained individuals who had been removed from their dorm from the holding cells into two vans. ICE officers drove them for many hours to a private airstrip. Mr. Hernandez Gomez was shackled the entire time, even when he was finally permitted to use a public restroom. During the drive, the ICE officers intentionally alternated the temperature in the van from extremely cold to extremely hot. The heat was so intense that Mr. Hernandez Gomez's eyes were burning and he had trouble breathing.

Before boarding the plane, Mr. Hernandez Gomez was subjected to an invasive and sexually-abusive pat down search, [REDACTED]

[REDACTED]. Thereafter, Mr. Hernandez Gomez informed ICE officers he was feeling faint and dizzy and requested to be sent to a hospital. The officers denied the request without acknowledging the symptoms Mr. Hernandez Gomez reported or conducting further medical checks.

The flight took off, and Mr. Hernandez Gomez's symptoms worsened. After Mr. Hernandez Gomez made several further requests for medical attention, an ICE officer checked his blood pressure. The results of the test revealed that Mr. Hernandez Gomez had abnormally high pressure. Despite this, Mr. Hernandez Gomez was given no further medical attention and his requests for care were ignored. When the plane landed in El Paso, ICE officers loaded him into a van. The ICE officer driving the van drove so fast that when the vehicle went over speed bumps Mr. Hernandez Gomez painfully hit his head against the roof several times.

III. Medical Negligence and Malpractice at El Paso Service Processing Center

When Mr. Hernandez Gomez arrived at El Paso Service Processing Center (EPSPC), he was subjected to another sexually-abusive pat down [REDACTED]

[REDACTED] Mr. Hernandez Gomez was then escorted to a medical unit with his hands behind his back. The officer escorting him twisted his left hand painfully. In the medical unit, a nurse conducted a verbal assessment in the presence of multiple officers. Mr. Hernandez Gomez requested an opportunity to answer questions confidentially, but the nurse declined, saying the officers' presence was required by policy. Because he could not answer the assessment questions confidentially, Mr. Hernandez Gomez declined to answer sensitive medical questions.

At EPSPC, Dr. Iglesias, whom Mr. Hernandez Gomez understood to be ICE's regional medical director, asked Mr. Hernandez Gomez about the hunger strike and why he was refusing to eat. She told Mr. Hernandez Gomez that he had been transferred to Texas because he was not eating and that her role was to "force" him to eat. From this conversation, Mr. Hernandez Gomez believed Dr. Iglesias planned to provide him with medical treatments without his consent. Dr. Iglesias told Mr. Hernandez Gomez she planned to get a court order to draw his blood and that if she decided the facility needed to forcibly hydrate or feed him, she would get a court order for that, too. Dr. Iglesias described in detail the process of force-feeding, including how the staff would force hoses down Mr. Hernandez Gomez's nose and pour liquid in.

Mr. Hernandez Gomez's cell in EPSPC was filthy and had mold. He had no access to adequate cleaning supplies. When he requested supplies, an officer sprayed chemicals on a small piece of toilet paper and handed it to Mr. Hernandez Gomez to clean the entire cell. He had no access to clean drinking water; the water from his sink had a terrible stench and disgusting sour taste.

Mr. Hernandez Gomez repeatedly requested electrolytes and vitamins. The EPSPC medical staff refused his requests, stated he would not be provided with either electrolytes or vitamins, and said that the electrolytes and vitamins that had been transferred with Mr. Hernandez Gomez from Mesa Verde would be thrown away.

ICE personnel informed Mr. Hernandez Gomez that to be medically cleared to leave EPSPC, he would have to eat three meals in a row. ICE personnel further stated that if Mr. Hernandez Gomez continued his hunger strike, he would continue to stay in solitary confinement and ICE would go to court for an order to force-feed him.

Mr. Hernandez Gomez feared being subjected to force-feeding and confined to solitary confinement for an indeterminate amount of time, and he wished to leave EPSPC and return to California. On March 9, 2023, he informed supervising physician Dr. Alvarado that he would break his 21-day hunger strike.

The first meal ICE provided him was two cold burgers, French fries, and juice. ICE did not provide Mr. Hernandez Gomez with electrolytes, vitamins, or other supplements. After Mr. Hernandez Gomez ate this meal, he began feeling dizzy and disoriented. Mr. Hernandez Gomez inquired about treatments to prevent symptoms related to Refeeding Syndrome, Wernicke-Korsakoff Syndrome, and Wernicke's Encephalopathy, but the physician told him it was "unlikely" because they occur "only in [patients with] chronic nutritional deficiency." Further, the doctor dismissed Mr. Hernandez Gomez's concerns by asserting that those diseases only affected people who drank large quantities of alcohol, so Mr. Hernandez Gomez was not at risk. Mr. Hernandez Gomez received no treatment for his symptoms. Further, no adjustments were made to the diet provided to Mr. Hernandez Gomez to mitigate or prevent the risk of Refeeding Syndrome; no accommodations were made at all to account for the fact that Mr. Hernandez Gomez had just ended a three-week long fast.

IV. Return to Mesa Verde and Repeated Hospitalizations

On March 14, 2023, Mr. Hernandez Gomez was transferred back to Mesa Verde. During his transport, he continued experiencing dizziness, vertigo, headache, mental foginess, and related symptoms. He was denied medical attention for the duration of his transfer. When he disembarked from the plane, he was subjected to another sexually-abusive pat down. While being driven to Mesa Verde, officers drove the transport vehicle at excessively high speeds, in rainy conditions, causing Mr. Hernandez Gomez psychological distress and concern for his safety. His feelings of fear were heightened when at one point Mr. Hernandez Gomez witnessed the aftermath of a serious car crash on the side of the road, with human bodies laying still and prone on the ground.

When he arrived at Mesa Verde, he was so ill that Mesa Verde staff issued him a cane and wheelchair, and, shortly thereafter, sent him to the emergency department at Dignity Health Mercy Hospital in Bakersfield, California. The hospital evaluated Mr. Hernandez Gomez for Refeeding Syndrome, a potentially fatal shift in fluids and electrolytes that may occur in malnourished patients who begin eating again. As far as he is aware, this was the first time Mr. Hernandez Gomez was evaluated for Refeeding Syndrome, despite having similar symptoms for days while detained at EPSPC.

On March 15, Mr. Hernandez Gomez was discharged from the emergency department and returned to Mesa Verde, with doctor's orders to return to the emergency room if his symptoms

persisted. Upon his return, Mesa Verde's Dr. Baruiz examined Mr. Hernandez Gomez. Her notes indicate that his symptoms included dizziness, visual disturbances, cognitive difficulty, and slurred speech. During his cerebellar finger-to-nose exam, Dr. Baruiz observed that he demonstrated "dysmetria," a seriously abnormal finding in a physical exam and indicates dysfunction in the cerebellum, the section of the brain that controls balance, coordination, and related sensory functions. Dr. Baruiz noted that Mr. Hernandez Gomez required evaluation for Refeeding Syndrome and Wernicke's Encephalopathy. Based on his ongoing neurological symptoms, Dr. Baruiz requested that Mr. Hernandez Gomez be transferred to the emergency department—the same day he had been discharged from it. Mr. Hernandez Gomez returned to Dignity Health Mercy Hospital.

On March 16, Mr. Hernandez Gomez was discharged once more from Mercy Hospital and returned to Mesa Verde. Just hours later, as he was experiencing confusion and vertigo, Mr. Hernandez Gomez was pushed against a table by officers at Mesa Verde, who then wrenched his hands behind his back, cuffed him and removed him from the facility to be taken back to the hospital. The aggressive cuffing aggravated Mr. Hernandez Gomez's shoulder injury.

Mr. Hernandez Gomez was subsequently admitted to Good Samaritan Hospital in Bakersfield, where medical staff observed he had acute encephalopathy, nutritional deficiency, dehydration, and possible right-lung pneumonia. He had persistent headache, dizziness, swollen and heavy legs, confusion, and visual disturbances. He was transported within the hospital on a wheelchair. He received intravenous thiamine, as well as electrolytes and antibiotics. After receiving these treatments, a computerized tomography (CT) scan noted improvement of lung pneumonia.

Mr. Hernandez Gomez was hospitalized at Good Samaritan for approximately 5 days. Throughout his stay, ICE officers shackled, or ordered GEO officers to shackle, his waist, arms and legs to the hospital bed, by using belly chains, leg chains, and handcuffs. Mr. Hernandez Gomez had difficulty sleeping due to the restrictions on his ability to move his body, the pain he felt in his shoulders, and the limits to his blood circulation caused by the handcuffs and leg chains. As a result of the three layers of shackles, Mr. Hernandez Gomez could barely move while he was in the hospital bed. When Mr. Hernandez Gomez asked to use the restroom and to shower, officers refused to remove his leg chains. Mr. Hernandez Gomez was even forced to shower while shackled and while wearing his undergarments. After the shower, he was forced to remove his wet undergarments in front of officers. Because he his legs were still shackled, Mr. Hernandez Gomez had to wait for the officers to unlock and relock his shackles from each of his legs, one at a time, in order to remove his undergarments.

On March 21, Mr. Hernandez Gomez was discharged and returned to Mesa Verde. He was advised to use a cane or walker for walking, a highly unusual instruction for a previously healthy 33-year-old.

Mr. Hernandez Gomez's neurological symptoms persisted and worsened over the next three weeks. He was held in an isolation unit at Mesa Verde, to quarantine him from other individuals in the detention facility. The unit was not outfitted for individuals with medical conditions nor was it accessible for someone with a mobility impairment, like Mr. Hernandez Gomez. Mr. Hernandez Gomez fell three times in the next three weeks due to neurological symptoms which

affected his balance. He injured the back of his head and upper back and suffered a concussion as a result of these falls. The third fall Mr. Hernandez Gomez suffered was in the shower, which lacked a shower seat.

During this time, Mr. Hernandez Gomez, with the assistance of his attorneys, filed a petition for writ of habeas corpus in the Northern District of California alleging that his prolonged detention without a bond hearing violated his right to due process. The petition was granted and Mr. Hernandez Gomez received a bond hearing before an immigration judge, who ordered his release on bond. Mr. Hernandez Gomez was released from ICE custody on April 14, 2023.

V. Release and Ongoing Medical Challenges

To this day, Mr. Hernandez Gomez continues to experience neurological problems and ongoing symptoms related to the ordeal described above. His symptoms include nausea, dizziness, headache, vision loss, weakness, insomnia, and vertigo. He relies on a cane to walk and occasionally uses a walker; he falls without the assistance of these devices. He has been referred by a primary care physician to a neurologist for “acute metabolic encephalopathy due to refeeding syndrome.” He has also received a referral to an Ear, Nose, and Throat specialist for his continued vertigo and tinnitus. He is further seeking access to physical therapy to help him regain balance and coordination. Mr. Hernandez Gomez is receiving trauma-informed therapy from the Center for Empowering Refugees and Immigrants (CERI) and the San Joaquin Health – Primary Medicine Clinic for anxiety, post-traumatic stress disorder, nightmares, debilitating flashbacks, and severe depression from the trauma he experienced in ICE custody.

In addition, due to the extent of his symptoms, he is unable to work and has difficulty driving. Prior to his detention and injuries, he was accustomed to working full-time, approximately 48 hours per week.

Answer 9: Property Damage

When Mr. Hernandez Gomez was forcibly transferred from Mesa Verde to EPSPC on March 7, 2023, he was not given the opportunity to take any of his personal property with him. When he returned to Mesa Verde on March 14, 2023, he found that a number of items from his personal property were either missing or damaged.

For example, Mr. Hernandez Gomez’s liquid electrolytes, vitamin supplements, toothbrush, and bowls for eating had all been removed from his property and were never returned. Additionally, Mr. Hernandez Gomez’s personal effects had been damaged, including an irreplaceable photograph of his deceased aunt which was torn.

Mr. Hernandez Gomez retains possession of the damaged photograph of his family member.

Answer 10: Nature and Extent of Personal Injury

As a direct and proximate result of the actions and inactions of ICE, its employees, agents, and contractors, Mr. Hernandez Gomez suffered physical injury, physical pain, mental suffering,

deterioration of physical health, deterioration of mental health, loss of enjoyment of life, deprivation of constitutionally protected rights, inconvenience, grief, anxiety, humiliation, fear, and emotional distress.

Mr. Hernandez Gomez was deprived of his liberty and substantive due process right to his health and wellbeing when ICE assaulted him, threw him to the ground, dragged him, shackled him, and forcibly arrested him without explanation on March 7, 2023, while his body was in a weakened state because he had not consumed food in 18 days. Mr. Hernandez Gomez suffered an injury to his shoulder as a result of this encounter. To this day, Mr. Hernandez Gomez participates in ongoing physical therapy in an attempt to recover from his injury.

Mr. Hernandez Gomez experienced severe emotional and mental trauma as a result of his violent and unexplained transfer from Mesa Verde to EPSPC and ICE's ensuing actions. Mr. Hernandez Gomez feared for his life as he was inexplicably abducted and forcibly taken from Mesa Verde. He did not know where he was being taken nor why, and thus felt he was being abducted. He feared he would never be able to speak with his family or loved ones again. He also worried that he would be deported or even killed, given the aggression and force with which he was treated.

Mr. Hernandez Gomez's physical and mental trauma was compounded by the coercion, recklessness and medical negligence to which he was subjected thereafter. ICE officials placed Mr. Hernandez Gomez in solitary confinement and threatened him with force feeding if he did not immediately break his hunger strike. The consensus in the medical community is that force feeding may amount to torture. Mr. Hernandez Gomez experienced fear, anxiety, and psychological distress due to ICE's threats of torture.

When Mr. Hernandez Gomez was so overcome by his fear of torture that he broke his hunger strike, ICE subjected him to wanton misconduct in violation of accepted standards of medical care. ICE coerced Mr. Hernandez Gomez to eat two cold hamburgers, French fries, and juice as his first meal in three weeks, subjecting him to risk of developing refeeding syndrome, Wernicke-Korsakoff Syndrome and Wernicke Encephalopathy. These risks were soon realized as Mr. Hernandez Gomez developed debilitating symptoms of refeeding syndrome, including disorientation, dizziness, and neurological abnormalities. He was admitted to the emergency room three times in the subsequent ten days, including multiple times on the same day and another instance in which he was hospitalized for five days. He was diagnosed with acute encephalopathy due to refeeding syndrome, recurring vertigo, long-term nausea, abdominal pain, low energy, and tinnitus.

Moreover, he has demonstrated symptoms consistent with post-traumatic stress disorder and severe depression, and suffers from insomnia, nightmares, anxiety and flashbacks triggered by ICE's harmful actions. Mr. Hernandez Gomez continues to experience some neurological abnormalities, including brain fog, fatigue, trouble concentrating, blurry vision, and irritability. To this day, the neurological injuries he suffered impede his balance, forcing him to use a cane or walker in order to walk. He is participating in physical therapy, psychological therapy and counseling to address these continuing harms.

The physical and psychological injuries Mr. Hernandez Gomez suffered due to torts ICE committed against him while he was in ICE custody between March 7 and April 14, 2023, constitute violations of Mr. Hernandez Gomez's rights against, among other things, assault, battery, excessive force, false imprisonment, negligence, gross negligence, willful and wanton conduct, medical negligence, medical malpractice, intentional infliction of emotional distress, negligent infliction of emotional distress, and California's Bane Act on the part of ICE, its employees, agents and contractors. ICE's officers or employees are investigative or law enforcement officers under the Federal Tort Claims Act. As such, ICE is not immune from and is liable for money damages based on and/or arising from the negligent or wrongful acts or omissions of its employees, agents, or contractors, committed against Mr. Hernandez Gomez directly or in connection with its supervision and/or oversight.

Answer 11: Names and Addresses of Witnesses

A. Jose Ruben Hernandez Gomez

████████████████████
████████████████████

B. Genna Beier, Esq.

Deputy Public Defender
San Francisco Office of the Public Defender

████████████████████
████████████████████

Kathleen Natividad, Esq.
Deputy Public Defender
San Francisco Office of the Public Defender

████████████████████
████████████████████

C. ICE officers and agents, including those who were involved in the decision to forcibly transfer Mr. Hernandez Gomez to EPSPC; violently arrested Mr. Hernandez Gomez at Mesa Verde; transported Mr. Hernandez Gomez from Mesa Verde to EPSPC; engaged in coercion, intimidation and medical malpractice against Mr. Hernandez Gomez at EPSPC; transported Mr. Hernandez Gomez from EPSPC to Mesa Verde; observed and shackled Mr. Hernandez Gomez to his hospital bed while he received treatment at community hospitals in California.

D. GEO officers and agents, including those who observed and were involved in violently arresting Mr. Hernandez Gomez at Mesa Verde; observed or assisted in transporting Mr. Hernandez Gomez from Mesa Verde to EPSPC; and observed Mr. Hernandez Gomez's deteriorating health condition at Mesa Verde.