

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA**

ARISTOTELES SANCHEZ MARTINEZ, *et al.*,

Petitioners/Plaintiffs,

v.

RUSSELL WASHBURN, *et al.*,

Respondents/Defendants.

Case No.: 7:20-cv-0062-CDL-MSH

PETITIONERS-PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION (RE)-3 0 Tc 0 Tw 1.883

¹ Petitioners are medically vulnerable individuals who are detained at Stewart Immigration Detention Center (“Stewart”) or Irwin County Detention Center (“Irwin”) and at high risk of both contracting COVID-19 and suffering severe negative health impacts, including organ damage and possible death, if they do. Because the severe risk of serious illness or death vastly outweighs any legitimate government interest in continuing to detain Petitioners, their continued detention constitutes impermissible punishment. Because Respondents-Defendants (“Respondents”) know or should know of the

¹ Petitioners Karen Lopez, Michael Robinson, and Peter Owusu have been granted leave to proceed with this action under pseudonyms. Dkt. 15. Petitioner Kimberly Salazar seeks leave to proceed pseudonymously in a concurrently filed, unopposed motion.

substantial risk of serious harm to Petitioners, their continued detention also demonstrates deliberate indifference. For both reasons, Respondents' conduct violates the Petitioners' rights under the Fifth Amendment Due Process Clause. Accordingly, Petitioners move the Court to issue a Writ of Habeas Corpus or a Preliminary Injunction securing their immediate release from detention.

If the Court does not grant Petitioners' release, Petitioners in the alternative request that the Court order the following relief to maximize their safety, to the extent possible, while in detention:

1. Respondents to immediately conduct custody redeterminations for all Petitioners, with specific consideration of the medical conditions that make Petitioners especially vulnerable to severe illness, long-term organ damage, or death from COVID-19. These custody redeterminations cannot consider deterrence of future migration as a factor for justifying detention and must provide Petitioners the opportunity to submit medical records relevant to their risk to complications if they were to contract COVID-19;
2. Respondents to immediately comply with CDC Guidance regarding COVID-19 at Stewart and Irwin, including but not limited to the provisions requiring:
 - a. Implementation and enforcement of social distancing (maintaining at least 6 feet of distance) among all people in the detention centers at all times, with exceptions for emergency situations that require closer contact;
 - b. Intensified cleaning and disinfecting practices, including: (1) evaluating dilution levels of cleaning products; (2) cleaning, several times per day, all frequently touched surfaces with household cleaners and EPA-registered disinfectants that are effective against COVID-19 and appropriate for the surface, (3) taking relevant precautions needed when using these products, particularly around detained people with underlying respiratory conditions, and (4) adapting cleaning and disinfecting practices when suspected or confirmed COVID-19 cases have been identified;
 - c. Testing of all symptomatic individuals, including rapid identification and appropriate triage of those at highest risk of complication of infection;

- d. Immediate response to symptoms of COVID-19, including: (1) placement of the symptomatic individual under safe medical isolation, with their own housing space and bathroom, and regular provision of a clean face mask, and (2) determination of whether the symptomatic individual is at higher risk for several illness from COVID-19 due to an underlying condition, and provision of further evaluation and treatment as appropriate;
 - e. Quarantine for 14 days of all “close contacts,” individually whenever possible, with PPE. A “close contact” is defined as a person who came within 6 feet of a confirmed (defined as confirmed by a laboratory test) or suspected (defined as exhibiting COVID-19 symptoms) case in the last 14 days;
 - f. Halting of transfers of detained people to and from Stewart and Irwin unless “absolutely necessary,” and adhering to infection control measures for the transportation of detained people if any transfers are “absolutely necessary”;
 - g. Implementation of routine quarantining of new intakes for 14 days at both Stewart and Irwin with regular assessment for symptomatic individuals; and
 - h. Clear and regular verbal and written communication about COVID-19 and risk reduction to the detained populations, including: (1) posting signs throughout the facilities that advise detained people of the symptoms of COVID-19, hand hygiene and cough etiquette, and other methods of protection against COVID-19, and that can be understood by non-English speakers and those with low literary or needing other accommodations, and (2) clear and frequent in-person communication with detained people about risk reduction and the presence of COVID-19 cases inside the facilities;
3. Respondents must submit to monitoring to ensure ongoing compliance with CDC Guidance;
 4. Respondents to provide nutritionally appropriate meals three times per day at regular and consistent times to Petitioners at Stewart in a manner that allows for social distancing;
 5. Respondents to provide reporting to this Court and Petitioners’ Counsel twice per week with the following:
 - a. Total detainee population at Stewart and Irwin;
 - b. Total number of COVID-19 tests performed for detainees at Stewart and Irwin, CoreCivic and LaSalle Corrections staff employed at Stewart and Irwin, ICE staff on site at Stewart and Irwin, and any other contractors who visit Stewart and Irwin; and dates of samples taken;
 - c. Number of positive results among those performed and reported under 5.b.;
 - d. Number of suspected COVID-19 cases, or presumed positive cases among detainees at Stewart and Irwin, CoreCivic and LaSalle Corrections staff employed at

Stewart and Irwin, ICE staff on site at Stewart and Irwin, and any other contractors who visit Stewart and Irwin;

e. Number of people quarantined due to COVID-19 at time of report;

f. Number of people cohorted due to COVID-19 at time of report;

g. Number of people in negative pressure rooms due to COVID-19 at time of report;

h. Total number of medical appointment requests received since the last report (with the first report referring back to

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**appearing pro hac vice*

***pro hac vice motions forthcoming*