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9 **UNITED STATES DISTRICT COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 MILTON MENDEZ; GUILLERMO
13 MEDINA REYES; CRUZ LEANDRO
14 MARTINEZ LEIVA; R.H.M.; E.O.A.R.;
15 PEDRO FIGUEROA-PADILLA; JOSE
HERNANDEZ; RAYMUNDO NOE
DOMINGUEZ VIDAL; ROBERTO
CARLOS FRANCO GUARDADO; and all
those similarly situated,

16 Plaintiffs,

17 v.

18 U.S. IMMIGRATION AND CUSTOMS
19 ENFORCEMENT; TAE JOHNSON, Acting
20 Director of U.S. Immigration and Customs
Enforcement; MOISES BECERRA, Director of
the San Francisco Field Office of U.S.
Immigration and Customs Enforcement; THE
21 GEO GROUP, INC.; NORBAL VAZQUEZ,
22 Facility Administrator of Mesa Verde ICE
Processing Center; MINGA WOFFORD,
23 Facility Administrator of Golden State Annex,

24 Defendants.

Case No. 3:23-cv-00829-TLT

**DECLARATION OF R.H.M. IN
SUPPORT OF PLAINTIFFS’
SECOND MOTION FOR A
TEMPORARY RESTRAINING
ORDER**

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16 **Admitted pro hac vice*

DECLARATION OF R.H.M.

I, R.H.M., declare under penalty of perjury that the following is true and correct:

1. I make this declaration based on my personal knowledge and information I believe to be true and, if called as a witness, could testify truthfully to these facts.

2. My initials are R.H.M. I am a named plaintiff in the above-captioned case. I am currently detained at the Mesa Verde ICE Processing Center in Dorm C. I am participating in a peaceful hunger strike at Mesa Verde that started on February 17, 2023. Although I have temporarily broken the strike due the retaliatory actions described in this declaration, I intend to continue expressing my views and resume striking.

3. It has been extremely discouraging how my peers and I have been treated for using our voices to speak out. Even though we have heard from various ICE officers that they are “looking into” what’s going on, nothing has been done to address our ongoing concerns that caused us to go on a hunger strike in the first place. Instead, we’ve been lied to, intimidated, and threatened.

4. For example, on Day 7 of our hunger strike, at around 10:45 a.m. on February 24, 2023, a man named Richard Chang came to Mesa Verde to meet with us in Dorm C. He came in with another person who I know as “medical director Rodriguez,” and they spoke to us all together as a group. Mr. Chang introduced himself to us as Nancy Gonzalez’s boss. He said he was coming from “up north” and that he was the chief or assistant director at ICE. Mr. Chang appeared to be in charge of ICE’s response to our hunger strike.

5. When I first heard this, I was excited because I felt like ICE was showing that they were willing to engage with us by sending someone like Richard Chang to meet with us. But once we started telling him our concerns and asking him questions, I realized quickly that he wasn’t going to do anything for us. When we asked him about our requests for release, he said he couldn’t release us. When we told him that ICE could exercise its prosecutorial discretion to release us, he told us to talk to our attorneys and follow the proper procedures. We told him that we had already done that; we told him we had filed release requests and that they were not given

1 proper review. Mr. Chang acted shocked to hear this and said he would look into it. Over 10 days
2 later, nothing has happened since then.

3 6. We also told Mr. Chang about our concerns regarding food, medical care, and
4 other terrible conditions at Mesa Verde. He didn't have any answers for us. He basically just
5 listened and said something like, "Ok, we'll see what happens."

6 7. I made it to Day 19 of our strike without eating. Approximately 15 of us were on
7 hunger strike in Dorm C, but we broke our fast on the evening of March 7, 2023, because we
8 feared experiencing the same violence that was inflicted on our fellow hunger strikers that
9 morning.

10 8. On March 7, 2023, beginning around 6:30 a.m., I was woken up by a dormmate
11 and fellow hunger striker. He sounded very worried and told me there were GEO staff in our
12 dormitory, Dorm C, that were in full riot gear. He also told me that all the phones and some of
13 the tablets in the dorm were turned off. I tried to make a phone call to test it; the phone didn't
14 work. I heard from other dormmates around me that the officers had already woken up,
15 handcuffed, and removed another hunger striker in our dorm named Raymundo Dominguez. My
16 dormmates heard he was being forcibly taken to medical.

17 9. When I got up and went to the podium in our dormitory, I saw approximately five
18 GEO officers in full protective riot gear (Officers Saso, Garcia, Ruiz, Morales and Ruelas). They
19 were dressed in all black, wearing helmets and hard plastic on their chests and over their faces,
20 and they were carrying batons and pepper spray. There were four other GEO officers (Romero,
21 Salazar, Castro, and Maui) and two lieutenants (Perez and Morua) that were not wearing full riot
22 gear but who were present. I also noticed that Officers Romero and Maui had cameras and
23 seemed to be recording.

24 10. Then, I saw some of the officers in riot gear approach another dormmate of mine
25 on hunger strike named Roberto Franco. The officers were telling him to go with them to
26 medical. Roberto refused and said he did not want to go to medical. When he refused, the
27 officers left him alone and went back toward the front of the dormitory, where the entrance is.
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1 11. All of the GEO officers then lined up at the front of the dormitory, in front of the
2 entrance/exit.

3 12. As other dormmates of mine were waking up and seeing that there were officers
4 in riot gear carrying batons and pepper spray, and noticing that the phones were not working, we
5 began questioning the officers as to what was going on. We asked why they were cutting off our
6 ability to communicate with the outside and why they were armed to attack us. We asked why
7 they were holding us hostage. We requested to speak with police, ICE, Chief Beeman, and our
8 attorneys. The officers denied all of our requests.

9 13. Around 7:45 a.m., the GEO officers stepped outside the dorm. Then, at
10 approximately 7:50 or 7:55 a.m., about 10 new officers entered the dorm. All of the officers were
11 wearing camouflage military uniforms with helmets and bulletproof vests. Some of the officers
12 had the words "San Francisco Special Response" on them and their badges had a red bird; the
13 remaining officers had ICE badges on and "police" across their chests. They entered the dorm
14 screaming at all of us, "Get on the floor! Get on the floor!"

15 14. After these officers entered the dorm, there were three targeted and forcible
16 arrests made of three of my dormmates and hunger strikers: Roberto Franco, Jose Hernandez,
17 and Pedro Figueroa.

18 15. When the officers came in shouting, I went to my bed and sat down there. I
19 started hearing screaming in the dorm. One of my dormmates told me that some officers had
20 grabbed Jose Hernandez. He told me that they grabbed him by his legs, dragged him and then got
21 on top of him. Although I didn't see what they did to Jose, I heard him screaming over and over
22 again, "You're hurting me! You're hurting me!"

23 16. From where I sat, I witnessed officers arrest Pedro Figueroa. As the officers
24 entered, Pedro was already talking to an attorney through a video call on one of the only working
25 tablets in the dorm. He was trying to explain to the attorney what was going on in the dorm that
26 morning, that we had already been intimidated and threatened by GEO officers in full riot gear,
27 and that new officers in military uniforms were entering the dorm.

1 17. Three GEO officers approached Pedro and told him to “cuff up,” which means he
2 needed to submit to handcuffs. Pedro replied that there was no reason for him to leave the dorm
3 and that he did not want to go. Suddenly, the officers yanked Pedro out of his chair and threw
4 him on the floor, face down. Then GEO officers (Saso, Garcia and Morales) got on top of him. I
5 saw them twisting his hands and putting their knees into his back, his neck, and the back of his
6 head. Lieutenant Morua came over to Pedro, grabbed his legs, crossed his ankles, and forced
7 Pedro’s legs behind his back.

8 18. This whole time, Pedro was telling the officers that he wasn’t resisting and that
9 they were hurting him. Some of us in the dorm tried to tell the officers that he wasn’t resisting
10 and that he would comply, but they didn’t listen.

11 19. The whole time, the officers in military uniforms were standing by watching all of
12 this happen. And I noticed that I didn’t see any cameras.

13 20. Since that morning’s events, we have not gotten any explanation whatsoever from
14 GEO or ICE. We have been denied all of our requests to speak to Chief Beeman or an ICE
15 officer in a leadership position. Even though the officers this morning seemed to say that the
16 arrests were for medical reasons, there were no medical staff present.

17 21. Around 12:20 or 12:30 p.m., on March 7, Chief Beeman, Facility Administrator
18 Vazquez, and another woman from GEO Group entered our dorm. They were walking around
19 but speaking with no one. I tried to speak to them and told them that I had witnessed the
20 mistreatment they inflicted on my peers, that I saw the retaliation they were committing against
21 them and us. I told them it wasn’t right. They smirked and kept walking. They were in the dorm
22 for no more than five minutes. They didn’t address anything we had witnessed that morning.

23 22. Around 6:00 p.m. also on March 7, Officer Mo came to talk to us in Dorm C.
24 Officer Mo is the ICE Compliance Officer at Mesa Verde. My dormmates and I approached the
25 conversation wanting to give Officer Mo the benefit of the doubt, hoping he could authorize
26 some changes at Mesa Verde. Instead, he intimidated and threatened us.

1 23. We were talking to Officer Mo about some of our demands around conditions,
2 especially ceasing excessive and traumatizing pat-downs. Officer Mo responded to us that his
3 hands were tied and that he couldn't make any changes. He said if we wanted to see changes, we
4 should tell our attorneys to negotiate with Richard Chang and Mr. Chang's "team." Only then
5 would changes be made. Officer Mo also threatened us and said that if medical saw our bodies
6 deteriorating, we would be transferred and force fed. He gave us the example of what had
7 happened to our four friends just that morning. He told us that the four strikers who were
8 removed from Dorm C that morning were going to be force fed and that it was legal to do so.

9 24. Officer Mo repeated these things to us several times during our conversation with
10 him. He told us to tell our attorneys to "drop the lawsuit" so that ICE could do things to address
11 our demands; that with the lawsuit, ICE couldn't do anything. It didn't make any sense. We even
12 told him that the lawsuit was filed because of retaliation we were experiencing. It wasn't based
13 on conditions at Mesa Verde. Officer Mo just nodded his head silently and ultimately left.

14 25. After what happened that day, and especially after our conversation with Officer
15 Mo, my peers and I made the very difficult decision to pause our hunger strike. Once Officer Mo
16 told us that we would be transferred and force fed like our four dormmates, everyone was in a
17 panic. As soon as he said those words, a lot of us stepped back and talked for a while about what
18 might be coming for us the next day. We were terrified that we were going to get thrown to the
19 floor, with knees in our backs and necks, in our already weakened state, and then get transferred
20 and force fed. After that, several people approached me and said they were scared and very
21 worried. They didn't want to be transferred. They said they weren't sure if their attorneys would
22 keep their cases if they were transferred. Some people who don't speak English were also scared
23 that they wouldn't understand what was going on if they were taken away.

24 26. I also felt very fearful for my safety and the safety of my peers at Mesa Verde. I
25 know if I continue to speak up about the injustices here, I will be targeted and terrorized, just like
26 my four dormmates who were forcibly arrested and taken away today. To see them get their arms
27 twisted, to hear them screaming, to see three officers on top of them, grabbing their legs, sticking
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1 knees into their backs, heads, and necks—it’s scary and really discouraging. I witnessed the
2 consequences of our speaking up today, and that frightens me. It makes me scared to speak.

3 27. Despite the terror that the officers around us are creating in us, we are planning to
4 go on hunger strike again. We need to advocate to bring back our four fellow hunger strikers that
5 they took. We will be advocating against the force and brutality that ICE and GEO officers used
6 against them, to restrain and transfer them. And we will continue the fight that we already began,
7 asking for immediate release, the shutdown of this horrific detention facility, and in the
8 meantime, adequate living conditions while we are forced to be caged here and treated
9 inhumanely.

10 28. What happened on March 7 was shocking and terrifying. I wouldn’t wish it upon
11 anyone. It was disturbing to see my peers get treated like that—see them getting hurt, yelling in
12 pain, calling for help, and instead of help getting knees in their backs and necks. It was
13 heartbreaking. I see it as clear retaliation and punishment for what my peers and I are doing:
14 speaking out about the unjust and abusive treatment and conditions at Mesa Verde and Golden
15 State.

16 29. I have also personally been experiencing retaliation in the form of sexually
17 abusive pat-downs at Mesa Verde.

18 30. I came to Mesa Verde from Golden State Annex in January 2022. I noticed that
19 they were doing many more pat-downs at Mesa Verde than at Golden State Annex and
20 questioned why that was. I was told by GEO staff that it was required. Still, at that time, the pat
21 downs were not as excessive as they are now.

22 31. In early April 2022, things changed. I had started speaking up more, writing
23 grievances, and voicing how the conditions at Mesa Verde were not livable. Suddenly I was
24 receiving pat-downs going to and from medical, coming back from the chow hall, the library,
25 yard, everywhere. I thought it was an accident at first and that maybe the officers didn’t do it on
26 purpose. But it continued to happen. The way staff were touching my body was humiliating to
27 me and felt retaliatory. Because of my past trauma, I also felt very triggered by them.

1 32. I finally had the courage make a Prison Rape Elimination Act (PREA) complaint
2 on August 28, 2022. I thought they were going to take my complaint seriously, but nothing
3 happened. A GEO employee told me that the police would not want to hear my case because
4 they don't care about what happens at Mesa Verde and they don't want to investigate these kinds
5 of things. I felt so discouraged, unsafe, and taken advantage of. And the excessive pat-downs
6 continued.

7 33. Especially after starting our hunger strike this year, I realized that I couldn't go
8 anywhere without being submitted to a pat-down. For instance, I had a confidential video call
9 scheduled with my attorney and was told I could not speak to my attorney without submitting to
10 a pat-down. I told them no, that I had suffered enough, and that I didn't understand why they had
11 to pat me down to see my attorney. I gave them alternatives. I showed them there was nothing
12 around my waistband; I shook my pants and shirt. I even offered to submit to a strip search just
13 to keep their hands off me. They said no and told me I couldn't see my attorney without
14 submitting to a pat-down.

15 34. On March 2, 2022, I had court at 2:00 p.m. I told the GEO staff escorting me, Lt.
16 Linchfield, that I was going to refuse a pat-down to go to court. I said it was unnecessary when I
17 was going to sit with an ICE officer in a room the entire time. I told them the treatment was
18 abusive and retaliatory. Lt. Linchfield told me that Lt. Harrison had ordered that if I did not
19 submit to a pat down, I could not go to court. I refused to be abused further, and the GEO
20 officers refused to let me go to my scheduled court hearing.

21 35. Later that day, around 2:15 p.m., Officer Mo came to visit me in the dorm and
22 told me that if I refused a pat-down, I could be deported. This is the same officer Mo who came
23 to our dorm the evening of the March 7 incident. I told Officer Mo that the excessive and
24 sexually abusive pat-downs me feel very uncomfortable. I asked him for some dignity and
25 consideration. He told me the pat-downs were not "going anywhere," and then he left.

26 36. I believe these sexually abusive pat downs are retaliation for me and others
27 speaking up about conditions and treatment here at Mesa Verde. We used to be able to refuse pat
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1 downs. Maybe we would get a warning or even a write up, but you could still refuse. Now, ever
2 since our strike began and the litigation on our First Amendment rights was filed, officers have
3 started forcing our submission to sexually abusive pat-downs. The consequence is now that we
4 are missing court and unable to speak with our legal representation.

5 37. My fellow hunger strikers and I took a brave action and put our lives on the line
6 to be heard. We were peacefully requesting our freedom, dignity, and just treatment. We have
7 not posed any threat to the facility or the staff. We have not done anything that is dangerous
8 toward them whatsoever. Instead, we have asked for conversations with ICE and other officials
9 in leadership to try and address our concerns. But what we get in return is the terrorization we
10 experienced on March 7, and the continued threats, intimidation, and retaliation from ICE and
11 GEO officers.

12 I declare under penalty of perjury that the foregoing is true and correct to the best of my
13 knowledge. Executed on March 10, 2023 in Bakersfield, California.

14 /s/ SEE ATTESTATION BELOW
15 R.H.M.

16
17 **Attestation**

18 I, Michelle (Minju) Y. Cho, attest that I read the foregoing declaration to R.H.M. and he
19 affirmed that it is true and correct. I further attest that I was not able to obtain his physical
20 signature for this declaration because he is detained in Bakersfield, California, and I am located
21 in Oakland, California today.
22

23 Dated: March 10, 2023

24 /s/ Michelle (Minju) Y. Cho
Michelle (Minju) Y. Cho

25 *Attorneys for Plaintiffs*
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