

CLAIMANT INFORMATION

LAST NAME BUKLE	FIRST NAME BRIAN	MIDDLE INITIAL
INMATE OR PATIENT IDENTIFICATION NUMBER (if applicable) CDCR # [REDACTED]	BUSINESS NAME (if applicable) N/A	
TELEPHONE NUMBER [REDACTED]	EMAIL ADDRESS [REDACTED]	
MAILING ADDRESS [REDACTED]	CITY [REDACTED]	STATE CA
		ZIP [REDACTED]
IS THE CLAIMANT UNDER 18 YEARS OF AGE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	INSURED NAME (Insurance Company Subrogation) N/A	
IS THIS AN AMENDMENT TO A PREVIOUSLY EXISTING CLAIM? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	EXISTING CLAIM NUMBER (if applicable) N/A	EXISTING CLAIMANT NAME (if applicable) N/A

ATTORNEY OR REPRESENTATIVE INFORMATION

LAST NAME Talla	FIRST NAME Vasudha	MIDDLE INITIAL N/A
TELEPHONE NUMBER 415-293-6308	EMAIL ADDRESS vtalla@aclunc.org	
MAILING ADDRESS 39 Drumm Street	CITY San Francisco	STATE CA
		ZIP 94111

CLAIM INFORMATION

STATE AGENCIES OR EMPLOYEES AGAINST WHOM THE CLAIM IS FILED See attachment	DATE OF INCIDENT See attachment
LATE CLAIM EXPLANATION (Required, if incident was more than six months ago)	

N/A

DOLLAR AMOUNT OF CLAIM See attachment	CIVIL CASE TYPE (Required, if amount is more than \$10,000) <input type="checkbox"/> Limited (\$25,000 or less) <input checked="" type="checkbox"/> Non-Limited (over \$25,000)
DOLLAR AMOUNT EXPLANATION See attachment	
INCIDENT LOCATION See attachment	
SPECIFIC DAMAGE OR INJURY DESCRIPTION	

See attachment

CIRCUMSTANCES THAT LED TO DAMAGE OR INJURY

See attachment

EXPLAIN WHY YOU BELIEVE THE STATE IS RESPONSIBLE FOR THE DAMAGE OR INJURY

See attachment

AUTOMOBILE CLAIM INFORMATION

DOES THE CLAIM INVOLVE A STATE VEHICLE? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	VEHICLE LICENSE NUMBER (if known) N/A	STATE DRIVER NAME (if known) N/A
HAS A CLAIM BEEN FILED WITH YOUR INSURANCE CARRIER? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	INSURANCE CARRIER NAME N/A	INSURANCE CLAIM NUMBER N/A
HAVE YOU RECEIVED AN INSURANCE PAYMENT FOR THIS DAMAGE OR INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	AMOUNT RECEIVED (if any) N/A	AMOUNT OF DEDUCTIBLE (if any) N/A

NOTICE AND SIGNATURE

I declare under penalty of perjury under the laws of the State of California that all the information I have provided is true and correct to the best of my information and belief. I further understand that if I have provided information that is false, intentionally incomplete, or misleading I may be charged with a felony punishable by up to four years in state prison and/or a fine of up to \$10,000 (Penal Code section 72).

SIGNATURE <i>Brian Bukle</i>	PRINTED NAME Brian Bukle	DATE 11-21-2020
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INSTRUCTIONS

- Include a check or money order for \$25, payable to the State of California.
 - \$25 filing fee is not required for amendments to existing claims.
- Confirm all sections relating to this claim are complete and the form is signed.
- Attach copies of any documentation that supports your claim. Do not submit originals.

Mail the claim form and all attachments to:
Office of Risk and Insurance Management
Government Claims Program
P.O. Box 989052, MS414
West Sacramento, CA 95798-9052

Claim forms can also be delivered to:
Office of Risk and Insurance Management
Government Claims Program
707 3rd Street, 1st Floor
West Sacramento, CA 95605
1-800-955-0045

Department of General Services Privacy Notice on Information Collection

This notice is provided pursuant to the Information Practices Act of 1977, California Civil Code Sections 1798.17 & 1798.24 and the Federal Privacy Act (Public Law 93-579).

The Department of General Services (DGS), Office of Risk and Insurance Management (ORIM), is requesting the information specified on this form pursuant to Government Code Section 905.2(c).

The principal purpose for requesting this data is to process claims against the state. The information provided will/may be disclosed to a person, or to another agency where the transfer is necessary for the transferee-agency to perform its constitutional or statutory duties, and the use is compatible with a purpose for which the information was collected and the use or transfer is accounted for in accordance with California Civil Code Section 1798.25.

Individuals should not provide personal information that is not requested.

The submission of all information requested is mandatory unless otherwise noted. If you fail to provide the information requested to DGS, or if the information provided is deemed incomplete or unreadable, this may result in a delay in processing.

Department Privacy Policy

The information collected by DGS is subject to the limitations in the Information Practices Act of 1977 and state policy (see State Administrative Manual 5310-5310.7). For more information on how we care for your personal information, please read the DGS Privacy Policy.

Access to Your Information

ORIM is responsible for maintaining collected records and retaining them for 5 years. You have a right to access records containing personal information maintained by the state entity. To request access, contact:

DGSORIM
Public Records Officer
707 3rd St., West Sacramento, CA 95605
(916) 376-5300

Attachment to State of California Government Claim (Form DGS ORIM 006)

Claimant: Brian BUKLE, on behalf of himself as an individual and on behalf of a class of similarly-situated individuals.

Claim Information

State Agencies or Employees Against Whom Claim is Filed:

Brian Bukle, the Claimant, files this claim on his behalf and on behalf of a class of similarly-situated individuals against the California Department of Corrections and Rehabilitation (“CDCR”); Gavin Newsom, Governor of the State of California; Kathleen Allison, Secretary of CDCR (and any predecessor or successor Secretary of CDCR); Brian Cate, Warden of the California Correctional Institution (and any predecessor or successor Warden of the California Correctional Institution); Doe individual employees of CDCR who are responsible for implementing CDCR policies and practices related to the transfer of individuals from CDCR custody to the custody of U.S. Immigration and Customs Enforcement (“ICE”), including Mr. Bukle and the class of individuals who are similarly-situated; Doe individual employees who are employees of CDCR and engaged in actual notification of ICE of Mr. Bukle’s presence in CDCR custody, transmitted any information about Mr. Bukle to ICE, facilitated in any way Mr. Bukle’s transfer to ICE custody; and CDCR employee “R. Michael” who found Mr. Bukle ineligible for placement in the Alternative Custody Program because he was the subject of an ICE detainer request.

Date of Incident:

Mr. Bukle was transferred by CDCR and Doe employees to the custody of ICE on June 17, 2020. Prior to June 17, 2020, and after and up to the date of this claim, CDCR, Governor Newsom, the CDCR Secretary, and CDCR employees transferred similarly-situated individuals from CDCR custody to ICE custody. This claim uses the term “transfer” to include the range of actions, policies, and procedures adopted and implemented by the state and its employees to facilitate ICE’s ability to take custody of an individual from CDCR custody. These actions, policies, and procedures include, but are not limited to, notifying ICE of an individual’s presence in CDCR custody; providing information to ICE about an individual in CDCR custody, including name, date and place of birth, and scheduled release date; granting detainer requests from ICE, including those in which probable cause of removability is founded upon biometrics-based checks of databases; placing “ICE holds” in an individual’s Central File and other CDCR records; permitting ICE to interview individuals in CDCR custody, and facilitating those interviews by transferring individuals among CDCR facilities; coordinating with ICE to release individuals from CDCR custody to ICE custody up to several days in advance of their scheduled release date; transferring individuals among CDCR facilities to permit ICE or its private contractor G4S to take custody of them; processing an individual for release to ICE or G4S; holding an individual in a secure area on CDCR premises until ICE or G4S arrives to take custody of the individual; and physically assisting ICE or G4S to take custody of the individual. These actions facilitate the “transfer” of custody whether or not CDCR or ICE uses the term “transfer.”

In addition, on or about March 28, 2019, CDCR employee R. Michael found Mr. Bukle ineligible for placement in the Alternative Custody Program because he was the subject of an ICE detainer.

Dollar Amount of Claim: Over \$25,000.

Dollar Amount Explanation:

Mr. Bukle seeks damages in an amount over \$25,000 that consists of actual and compensatory damages, nominal damages, punitive and exemplary damages, and treble damages for the specific damages and injuries described in further detail below.

The class of individuals that are similarly situated to Mr. Bukle seek actual and compensatory damages, nominal damages, punitive and exemplary damages, and treble damages for the specific damages and injuries described in further detail below.

Incident Location:

Mr. Bukle was transferred from CDCR to ICE custody at the California Correctional Institution (“CCI”), located at 24900 Highway 202, Tehachapi, CA 93561, and the events forming the basis of his claim occurred at CCI and/or CDCR offices in Sacramento, California.

The class of individuals that are similarly-situated to Mr. Bukle were incarcerated in CDCR custody throughout California, were transferred from CDCR custody throughout California to ICE custody, and suffered injuries as a result of CDCR policies and practices formulated in Sacramento, California and implemented there and across California.

Specific Damage or Injury Description:

As a direct and proximate result of the actions of the state and its employees described below, Mr. Bukle suffered a deprivation of his liberty and detention by ICE and G4S for 36 days; physical pain; mental suffering; loss of enjoyment of life; inconvenience; grief; anxiety; humiliation; and emotional distress.

As a direct and proximately result of the actions of the state and its employees described below, a class of similarly-situated individuals suffered a deprivation of their liberty; detention by ICE and G4S; physical pain; mental suffering; loss of enjoyment of life; inconvenience; grief; anxiety; humiliation; and emotional distress.

Circumstances that Led to Damage or Injury:

During the COVID-19 pandemic, people incarcerated in California’s state prisons count the days to their release from custody. Release means not just the reunion with family and with their lives on the outside. It means safety from the scourge of COVID-19 coursing through California’s prisons, jails, and detention centers. At the time of this filing, over 20,000 people in CDCR custody have tested positive for COVID-19, with dozens of people dying and dozens more being infected each day.

As the COVID-19 pandemic rages on, carceral settings are among the most dangerous places in the country. For that reason, the Centers for Disease Control (“CDC”) and medical and public health experts have admonished that carceral agencies should avoid transfers. CDCR, Governor Newsom, the CDCR Secretary, and CDCR employees are well-aware that transferring individuals among prisons and detention facilities exposes people in custody to a greater risk of contracting COVID-19. Transfers among and into CDCR facilities have led to outbreaks of COVID-19 in many facilities, sickening thousands of people and killing dozens. To address these outbreaks and mitigate against further exposure of individuals in their custody to COVID-19, CDCR itself suspended intake and transfers into CDCR facilities in March and again in June 2020.

Yet CDCR and state employees continued to transfer individuals to ICE custody, including from CDCR facilities with active COVID-19 outbreaks. They have used force or threat of force to put people into ICE custody, where they know many will contract infection and die. They transferred people to ICE even though they were aware that ICE detention centers have proven themselves to be among the most dangerous carceral settings because of ICE’s abject failure take meaningful steps to prevent the virus’s spread and provide medical care to those who need it. As one court recently observed, detention centers are closed environments that amplify the virus and pose a grave threat of harm to individuals residing and working in them. *Fraihat v. ICE*, Case No. 5:19-cv-1546-JGB-SHK, Dkt. No. 240 at 5-6 (C.D. Cal. Oct 7, 2020). In ICE detention facilities in particular, where people cycle through the facilities as they are arrested, detained, transferred, deported, or released, COVID-19 outbreaks are especially acute because of the high turnover and transfers. *Id.* Thousands of individuals have tested positive for COVID-19 across ICE facilities nationwide, while ICE continues to transfer dozens of people weekly. *Id.* at 7.

In April 2020, the virus began spreading rapidly in the Otay Mesa Detention Center in San Diego, California after a staff member tested positive. In April and May 2020, over 150 individuals detained at Otay Mesa contracted COVID-19 and one person tragically died from COVID-19 complications.

In July and August 2020, dozens of individuals detained at the Mesa Verde Detention Facility, an ICE detention center in Bakersfield, California, contracted COVID-19. The first detained person to test positive did so upon arrival at Mesa Verde after being transferred from CDCR custody. Not only did CDCR’s reckless and negligent decisions cause the spread of COVID-19 from one of its facilities to ICE detention centers, CDCR continued to place people in danger by transferring them to ICE after the first positive diagnosis on July 1, 2020. Only in August 2020 did a court order halt the transfer of people into Mesa Verde. In recent weeks, over a dozen staff members have tested positive for COVID-19, including one staff member who previously contracted and recovered from COVID-19. Only a few days ago, a court characterized ICE’s conduct in overseeing conditions at Mesa Verde as “appalling” and “abominable.” *Zepeda Rivas v. Jennings*, Case No. 3:20-cv-02731-VC, Dkt. No. 867 at 2-3 (N.D. Cal. Dec. 3, 2020). Nine months into the pandemic, and despite judicial intervention, no

detailed plan to mitigate the risk of a COVID-19 outbreak or contain one that may yet recur exists for Mesa Verde. *Id.* at 2.

Despite full knowledge of the outbreaks at Mesa Verde and Otay Mesa, CDCR and state employees refused to acknowledge the demonstrable risks of transferring people to ICE custody. Throughout August and September, CDCR and state employees transferred individuals to ICE who were then detained at the Adelanto Detention Center. In September 2020, a COVID-19 outbreak gripped the facility. Dozens of individuals and employees at Adelanto were infected with the virus. Again, emergency intervention by a court forced ICE to stop transfers of people into Adelanto and to release hundreds of people from the facility in order to address the outbreak. In doing so, the court noted serious concerns with the veracity of the agency's representations and its ability to protect individuals from COVID-19. In the first week of December 2020, the beginning of another COVID-19 outbreak appears to be underway: over a dozen detained people have tested positive and one person is hospitalized, while sixteen staff members are infected with COVID-19.

Unfathomably, even after outbreaks at Adelanto, Mesa Verde, and Otay Mesa have sickened and subjected hundreds of people to a painful and life-threatening illness, CDCR and state employees persist in transferring people to the custody of ICE. Those people are detained in a newly-opened ICE detention center in McFarland, California, at Imperial or Otay Mesa, or flown across the country to other ICE facilities. In McFarland, ICE is rapidly filling the Golden State Annex with detained people. Upon arrival at Golden State, people are not consistently given verbal screenings for symptoms of COVID-19. While they are tested upon arrival, it is unclear what kind of tests are being used. Nor is it clear whether test results are immediate, accurate, or taken at a time when an individual's viral load can be detected. People are not placed in a quarantine or isolation and instead are sent directly to a dormitory to be housed alongside people who have arrived previously and those who arrive subsequently. There is no ability to engage in social distancing while eating, in the dayroom, using telephones, or using the toilets, sinks, and showers. Golden State has already housed people with COVID-19, and threatens to be the site of the next COVID-19 outbreak.

No law requires California to comply with ICE's requests for transfer—they are voluntary—and California has otherwise disavowed any interest in the existing civil immigration detention system in California, in which private prison companies warehouse individuals, often without the right to bail, for extended periods of time and are routinely cited for medical neglect. Further, the state and its employees are aware that transfers to ICE are unlawful for other reasons. Transfers to ICE's private contractor G4S violate federal law that prohibits anyone other than specified federal government employees from conducting immigration arrests. In addition, ICE detainers are issued by agents without any judicial review or judicial determination (either before or promptly after the ICE arrest) of whether there is probable cause of the individual's removability from the United States. And some of these detainers are issued solely on the basis of biometrics-based checks of databases that are so unreliable, outdated, and inaccurate they cannot provide probable cause for an immigration arrest. Indeed, the state and its employees

have transferred U.S. citizens to ICE custody because they have chosen to honor and transfer people pursuant to biometrics-based detainers. Their unabated practice of transferring individuals to ICE custody has unreasonably endangered their lives and caused them injury without justification.

Brian Bukle

Mr. Bukle is a 61-year-old U.S. citizen who has lived in the United States since he was an infant. He has several U.S. citizen children, including a six-year-old son. Prior to entering CDCR custody, Mr. Bukle lived in the Moreno Valley area of California.

Mr. Bukle was incarcerated by CDCR at CCI. On or about March 28, 2019, CDCR received a detainer request from ICE. In that detainer request, ICE stated falsely that it possessed probable cause that Mr. Bukle was removable from the United States because of biometrics-checks of federal databases.

Mr. Bukle repeatedly told CDCR employees that he was a U.S. citizen. CDCR employees recorded in Mr. Bukle's Central File that he was a U.S. citizen. CDCR also recorded, however, that Mr. Bukle was the subject of an ICE detainer. On or about March 28, 2019, a CDCR employee, R. Michael, found Mr. Bukle to be ineligible for placement in the Alternative Custody Program because of the ICE detainer. Biometrics-based detainers are issued by ICE agents based on a biometric confirmation of identity and information located in databases that ICE claims indicate someone may be removable. Probable cause of removability requires a determination that an individual is not a U.S. citizen and current immigration status. Yet the databases ICE relies on for these determinations are incomplete and inaccurate sources of information about U.S. citizenship and immigration status. ICE did not possess probable cause that Mr. Bukle was removable at the time it issued the detainer to CDCR.

Mr. Bukle's scheduled release date from CCI was June 21, 2020. Mr. Bukle believed that he would be released to his family on that date, making arrangements with his brother to pick him up from CCI. Mr. Bukle looked forward to seeing his young son on Father's Day.

On or about June 16, 2020, Mr. Bukle was informed by an employee of CDCR that ICE would pick him up from CCI the next day. Mr. Bukle informed the CDCR employee that he was a U.S. citizen and that his release plan involved him being released on parole and an ankle monitor. The CDCR employee acknowledged Mr. Bukle's statement that he was a citizen but insisted that ICE would be taking custody of Mr. Bukle.

On June 17, 2020, Mr. Bukle was taken from his housing area in the morning by CDCR employees. He was processed for release by CDCR employees, who provided him with his own clothes and gave him paperwork to sign. After CDCR employees finished processing Mr. Bukle for release from CDCR custody, they placed him in a secure area with other people who were going to be released from CCI. CDCR employees took photographs of all the individuals, including Mr. Bukle. They then told Mr. Bukle and another individual that they must remain in the secure area to wait for ICE. The CDCR employees told other individuals who were being

released to their families that they could leave the facility. Mr. Bukle asked CDCR employees for his “gate money,” which consisted of approximately two hundred dollars (\$200). The CDCR employees told Mr. Bukle to talk to ICE about the gate money.

After a few hours, two officers in grey uniforms entered the CCI building. Mr. Bukle believed these two individuals to work for ICE’s private contractor G4S. The G4S officers chained and cuffed Mr. Bukle while he was inside the CCI facility. They forced him to remove his shoelaces and jewelry. They placed Mr. Bukle inside a transport vehicle. Mr. Bukle told the G4S officers that he was a U.S. citizen. The male officer pointed his finger at Mr. Bukle while speaking to the woman officer and telling her that Mr. Bukle did not deserve to be in the United States and did not have any money.

Mr. Bukle was taken by G4S to an ICE office in Bakersfield, California. There, Mr. Bukle repeatedly told ICE officers that he was a U.S. citizen. Mr. Bukle’s brother also told the ICE officers by phone that Mr. Bukle was a U.S. citizen. The ICE officers, however, claimed not to have evidence showing that Mr. Bukle was a citizen. ICE sent Mr. Bukle to be detained at the Mesa Verde Detention Facility (“MVDF”) in Bakersfield, California.

ICE detained Mr. Bukle, a U.S. citizen, at MVDF for 36 days. During that time—from June 17, 2020 to July 23, 2020—individuals detained at MVDF suffered through an outbreak of COVID-19 in which dozens of detained people and staff contracted COVID-19 and suffered serious symptoms. Although he narrowly avoided contracting COVID-19, Mr. Bukle felt deeply anxious, depressed, and frustrated each day he was detained. He suffered from food poisoning and diarrhea, forcing him to miss an immigration court date. He was terrified that he would be deported. At one immigration court hearing, an immigration judge told him that he’d be deported if he did not obtain an attorney by his next hearing. Mr. Bukle was told by a therapist and officers at MVDF to agree to deportation and leave his young son behind in the United States. He felt horrible, disgusted, terrified, sick to the stomach, and in terrible pain at the thought of being separated from his family.

Mr. Bukle was eventually released from MVDF by ICE once the federal government finally acknowledged his citizenship. Mr. Bukle asked an ICE officer about his “gate money” from CDCR. The ICE officer told Mr. Bukle that the “gate money” would be given to him by his probation officer upon his release from detention. After he was released from detention, Mr. Bukle asked his probation officer for the “gate money.” The probation officer told him that ICE had retained the money. Mr. Bukle then called ICE for the “gate money,” and ICE told him the money was gone.

Mr. Bukle’s experience during his transfer by CDCR to ICE custody and subsequent detention by ICE caused him to experience severe mental and emotional trauma. Mr. Bukle genuinely and reasonably believed he was going to be deported as a result of being transferred by CDCR to ICE custody, and that he would contract COVID-19 while in ICE custody. He feared for his life. He continues to ruminate about his arrest and near-deportation, experiencing anxiety, nightmares, and difficulty sleeping. He feels like he has lived through a nightmare. Mr. Bukle

feels defeated, helpless, and like there was no way he was able to save himself from deportation. He continues to need ongoing mental health treatment and counseling for his symptoms.

Explain Why You Believe the State is Responsible for the Damage or Injury:

The injuries suffered by Mr. Bukle and a class of similarly-situated individuals during their time in CDCR custody and arising from their transfer from CDCR custody to ICE custody were directly and proximately caused by CDCR, Governor Newsom, the CDCR Secretary, and other CDCR employees. CDCR, Governor Newsom, the CDCR Secretary, and other CDCR employees have adopted, implemented, and continue to engage in policies and practices that facilitate the transfer of individuals from CDCR custody to ICE custody upon their release from criminal custody. Those policies and practices include, but are not limited to, notifying ICE of an individual's presence in CDCR custody; providing information to ICE about an individual in CDCR custody, including name, date and place of birth, and scheduled release date; accepting detainer requests from ICE, including those in which probable cause of removability is founded upon biometrics-based checks of databases; placing "ICE holds" in an individual's Central File and other CDCR records; permitting ICE to interview individuals in CDCR custody, and facilitating those interviews by transferring individuals among CDCR facilities; coordinating with ICE to release individuals from CDCR facilities up to several days in advance of their scheduled release date; transferring individuals among CDCR facilities to permit ICE or its private contractor G4S to take custody of them; processing an individual for release to ICE or G4S; holding an individual in a secure area on CDCR premises until ICE or G4S arrives to take custody of the individual; and physically assisting ICE or G4S to take custody of the individual.

CDCR, Governor Newsom, the CDCR Secretary, and CDCR employees continue the policy and practice of transferring individuals from CDCR custody to ICE custody at the time of release even though doing so exposes these individuals to a greater risk of contracting COVID-19 than if they were released from criminal custody. Continuing to transfer these individuals violates their substantive due process rights under the Fifth and Fourteenth Amendments to the Constitution.

Finally, the injuries suffered by Mr. Bukle were caused by CDCR employees' rejection of his placement in the Alternative Custody Program because of a potential ICE detainer, in violation of California Government Code § 7284.10(b)(1).

The actions of CDCR, Governor Newsom, the CDCR Secretary, and other CDCR employees constitute false imprisonment, a violation of the Bane Act, and a violation of the rights of Mr. Bukle and similarly-situated individuals under the Fourth Amendment of the Constitution and Article I Section 13 of the California State Constitution because they facilitated an arrest by ICE (through its private contractor G4S) made without lawful privilege and probable cause of removability. ICE did not possess probable cause of removability when it arrested Mr. Bukle on June 17, 2020 because Mr. Bukle was a U.S. citizen. Further, the administrative warrant and ICE detainer that was issued for Mr. Bukle and similarly-situated individuals was generated from a biometrics-based check of databases, which lack sufficient indicia of reliability to provide probable cause of removability. Finally, ICE's use of a private contractor G4S to

arrest Mr. Bukle and similarly-situated individuals violates the Immigration and Nationality Act and implementing regulations. 8 U.S.C. § 1357(a); 8 C.F.R. § 287.5(c); 8 C.F.R. § 287.5(e)(3).

Governor Newsom, the CDCR Secretary, and other CDCR employees were aware of ICE's unlawful practices of routinely issuing detainers that are not based upon probable cause that the person for whom the detainer is issued is removable and that contractors hired by ICE do not have lawful authority to take custody of people transferred from CDCR. Other litigation has put them on notice of the routinely issued deficient detainers and legislation the Governor vetoed put them on notice of the unlawfulness of contractors taking custody of people for ICE.

The actions of CDCR, Governor Newsom, the CDCR Secretary, and other CDCR employees violate the rights of Mr. Bukle and similarly-situated individuals under the Equal Protection Clause of the Fourteenth Amendment of the Constitution and Article I Section 7 of the California State Constitution because they constitute national origin-based discrimination.