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16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**
18 **EASTERN DIVISION – RIVERSIDE**

19 FAOUR ABDALLAH FRAIHAT, *et al.*,
20 Plaintiffs,
21 v.
22 U.S. IMMIGRATION AND CUSTOMS
23 ENFORCEMENT, *et al.*,
24 Defendants.

Case No.: 19-cv-01546-JGB(SHKx)

**DECLARATION OF OSCAR
MANUEL PEREZ AGUIRRE**

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27 *Admitted Pro Hac Vice

28 **Pro Hac Vice Application Forthcoming

1 **DECLARATION OF OSCAR MANUEL PEREZ AGUIRRE**

2 I, Oscar Manuel Perez Aguirre, declare the following under penalty of perjury
3 pursuant to 28 U.S.C. § 1746 as follows:

- 4 1. I am at least 18 years of age and am competent to make this declaration.
- 5 2. My full name is Oscar Manuel Perez Aguirre. I am 57 years old. I have been
6 in ICE custody at the Aurora Detention Center in Aurora, Colorado since
7 May 15, 2020. I have hypertension.
- 8 3. I was transferred to Aurora from the Sterling Prison in Sterling, Colorado. I
9 had been given a COVID-19 test two weeks before my transfer from
10 Sterling by prison staff. I was not tested again before I was picked up by
11 ICE.
- 12 4. When I got to Aurora, I was taken to a cell in the medical clinic to
13 quarantine. They took my temperature when I arrived. I was still wearing the
14 mask I was given at Sterling. There were two other detained people in cells
15 in the clinic area. We shared a phone and I did not see staff cleaning it. The
16 staff wore masks. One of the other detained people did not wear his. While I
17 was in the clinic, I was only allowed out of my cell to have a shower. I did
18 not have access to television or books.
- 19 5. On the second day of my stay at Aurora, I began to feel bad – I lost my
20 appetite and developed a bad headache. The next day, I was given a COVID-
21 19 test. It was done by swabbing my nose. After I got my test, a nurse took
22 my temperature, blood pressure, and oxygen level once a day. I did not see
23 the nurse write down my temperature, blood pressure, or oxygen. I spoke
24 once with the doctor while I was at Aurora and indicated that I had
25 hypertension.
- 26 6. There was a confusing paper on the front of my cell while I was in the clinic
27 but I was not given my test results by staff at Aurora.

1 7. On May 19, 2020, I was taken to a local hospital because I began vomiting. I
2 ended up staying in the hospital until May 28, 2020. I remember when I got
3 to the hospital, they asked for my medical records from Aurora, but I did not
4 have any with me.

5 8. I received another mask at the hospital which I had with me when I returned
6 back to Aurora. When I got back on May 28, I was moved to the pod that is
7 known among detained people as the Hole, where people go for disciplinary
8 reasons. I felt so bad when I first returned that I could not really stand up and
9 I had to ask for a shower chair when I used the shower. My cell was filthy
10 and freezing and I had nothing to clean with.

11 9. While I was in disciplinary segregation, I never saw a member of the mental
12 health staff. I felt really down and did not have anything to do. I asked for
13 cards and was told I could not have any. A nurse came to see me three times
14 a day while I was there and checked my temperature, blood pressure, and
15 oxygen. Only sometimes did they write down my results. I have not been
16 seen by the doctor since I got back from the hospital.

17 10. I stayed in the disciplinary segregation unit until approximately June 13,
18 when I was moved back to general population. When I was in disciplinary
19 segregation, I was given another COVID-19 test. The results were positive.
20 A nurse told me the results. I did not get anything in writing.

21 11. I am currently in general population in a dorm with approximately 44 other
22 people. I share a cell with someone else. There is no distance among us,
23 especially when we are out in the dayroom. People try to use the phone
24 when we get out and all of the phones are close together. Many people do
25 not wear masks but I try to keep mine on. I get a new one once a week.

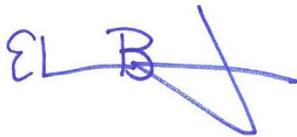
26 12. On June 19, our whole dorm was placed in quarantine because someone in
27 our dorm was sent to the Hole, where he mixed with people from other
28 quarantined dorms. When they brought him back to our dorm, we were all

1 put on quarantine. A nurse came and informed us that we will be on
2 quarantine. A nurse has come once to check our temperature but did not ask
3 any questions. I think there are other people who are at risk from COVID in
4 my dorm.

5 13.As of today I still feel shortness of breath. I have asked to be released to
6 quarantine at my sister's house or just deported. My requests have been
7 denied. This makes me feel very bad.

8 I declare under penalty of perjury that the statements above are true and correct to
9 the best of my knowledge. I have given attorney Elizabeth Jordan permission to
10 sign this declaration on my behalf due to the pandemic.

11
12 Signature:



Elizabeth Jordan on behalf of Oscar

Manuel Perez Aguirre

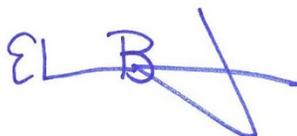
Date: 6/20/2020

Location: Aurora, Colorado

1 I, Elizabeth Jordan, declare the following under penalty of perjury pursuant to 28
2 U.S.C. § 1746 as follows:

- 3 1. I am a licensed attorney in good standing in Louisiana and New York. I am
4 an attorney of record in *Frailhat v. ICE*, Case 5:19-cv-01546 (C.D. Cal.).
- 5 2. Out of necessity in light of the COVID-19 pandemic, I signed the attached
6 declaration on Oscar Manuel Perez Aguirre's behalf with his express
7 consent.
- 8 3. ICE is requiring legal visitors to provide and wear personal protective
9 equipment, including disposable vinyl gloves, surgical masks, and eye
10 protection while visiting any detention facility. It is extremely difficult to
11 arrange an in-person legal visit while this policy is in effect. The policy has
12 not been updated since April 2, 2020
- 13 4. I am at high risk for COVID-19 infection and complications. Given the lack
14 of precautions Mr. Perez Aguirre describes at Aurora Detention Center, to
15 protect both my and public health, I am not able to obtain Mr. Perez
16 Aguirre's signature.
- 17 5. I spoke with Mr. Perez Aguirre over the phone. While we were speaking, I
18 simultaneously translated the declaration into Spanish for Mr. Perez
19 Aguirre's review for accuracy, confirmation of the contents, and approval. I
20 am a non-native fluent Spanish speaker. Mr. Perez Aguirre has confirmed
21 that I can sign on his behalf as reflected in his declaration.

22 I declare under penalty of perjury that the statements above are true and correct to
23 the best of my knowledge and that this declaration was executed on June 20, 2020
24 in Denver, Colorado.

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