

**BARRETT JOHNSTON
MARTIN & GARRISON_{LLC}**

JULY 18, 2015

BY EMAIL & FEDERAL EXPRESS

VIA EMAIL: OGC@DHS.GOV

OFFICE OF THE GENERAL COUNSEL
U.S. DEPARTMENT OF HOMELAND SECURITY
WASHINGTON, D.C. 20258

U.S. CUSTOMS & BORDER PROTECTION
OFFICE OF THE CHIEF COUNSEL
1300 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20229

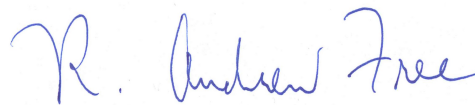
Re: FTCA Administrative Claims for:

[REDACTED]
A [REDACTED] - [REDACTED] - [REDACTED] DOB: [REDACTED]
[REDACTED]
A [REDACTED] - [REDACTED] - [REDACTED] DOB: [REDACTED]


Dear Counsel:

Pursuant to 28 U.S.C. § 2675(a) and 6 C.F.R. §§ 5.41 *et seq.*, please find enclosed notices of administrative claims and supporting materials for my above-referenced clients.

Best regards,



R. Andrew Free, Esq.
Of Counsel
Barrett, Johnston, Martin & Garrison, LLC

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. Department of Homeland Security Customs and Border Protection (see attached Supplement)			2. Name, address of claimant, and claimant's personal representative if any. (See instructions on reverse). Number, Street, City, State and Zip code. c/o R. Andrew Free, Esq. P.O. Box 90568 Nashville, TN 37209		
3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH [REDACTED]	5. MARITAL STATUS Married	6. DATE AND DAY OF ACCIDENT [REDACTED] 2013 Fri-Mon	
7. TIME (A.M. OR P.M.) PM					
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 attached Supplement					
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). 					
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 attached Supplement					
11. WITNESSES					
NAME			ADDRESS (Number, Street, City, State, and Zip Code)		
See attached Supplement					
12. (See instructions on reverse). AMOUNT OF CLAIM (in dollars)					
12a. PROPERTY DAMAGE		12b. PERSONAL INJURY		12c. WRONGFUL DEATH	
0.00		250,000.00		12d. TOTAL (Failure to specify may cause forfeiture of your rights). 250,000.00	
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 (615) 244-2202	
14. DATE OF SIGNATURE 6/29/2015					
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).

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.

AUTHORIZATION TO FILE ADMINISTRATIVE TORT CLAIM

I hereby authorize R. Andrew Free to file an Administrative Tort Claim on my behalf pursuant to the Federal Tort Claims Act to pursue damages arising out of the tortious and unlawful conduct of federal law enforcement officials.

I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Printed Name: _____

Signature: _____

Date of Birth: _____

A-Number: _____

Date: 07/15/2015

Supplement to SF95 Claim Form by:

██████████, A ██████████

1. Submit to Appropriate Federal Agency:

Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528

U.S. Customs & Border Protection
Office of the Chief Counsel
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

8. Basis of Claim:

On the evening of Friday, ██████████ 2013, Claimant entered the United States near Hidalgo, Texas with her husband and their two year-old son. They fled their native Honduras not by choice, but by necessity. In the six bloody months preceding their desperate trek north, a criminal organization murdered Claimant's brother outside the family business by shooting him 14 times and then splitting his skull with a machete for good measure; then broke into the family home in the dead of night to beat Claimant's mother into a coma and brutally rape her 12 year-old cousin; then stalked Claimant and her family across Honduras and made repeated telephone death threats; and finally, chased and fired a hail of bullets into a car Claimant's husband was driving. So Claimant, who was nearly eight months pregnant, fled Honduras with her husband and child to seek asylum in the United States.

After crossing the U.S.-Mexico land border, Claimant and her family sought out the nearest border patrol station to turn themselves in and seek asylum. They eventually located U.S. Customs and Border Protection (CBP) Border Patrol officers at the Weslaco Station in the Rio Grande Valley Sector. CBP took Claimant and her family into custody, and placed them on a series of trucks that would eventually transport them to a detention center referred to by everyone—CBP officers and detainees alike—as a “hielera” (roughly translated as “freezer” or “icebox”).

Upon arrival at the hielera, Claimant and her family were stripped of extra layers of clothing, hair clips, shoelaces, and other items. CBP officers confiscated their diapers and other baby supplies. Then CBP officers ordered Claimant and her son to sit on a cement bench in a small, windowless cell with dozens of other detainees. The cell was frigid—so cold that Claimant's fingers turned color and her teeth chattered. Many of the detainees in the cell had not eaten and appeared to suffer from respiratory illnesses. When one six year-old child who had not eaten all day cried to his mother, a CBP officer ignored him and ordered the mother to “control your child.”

SF-95 Continuation Form

A [REDACTED]

Page 2 of 4

At 4:00 a.m. on Saturday, [REDACTED] CBP officers placed Claimant and her son in a female-only cell with approximately 65 other people, including about 40 children ranging in age from newborn to 18 years old. Sometime after, a CBP official handed out cold burritos and bologna sandwiches. However, the younger children who had not yet graduated to adult food could not eat them. Claimant's son developed diarrhea. Though CBP officials gave her a new diaper several times, they provided no wipes or rash guard to clean Claimant's son's bottom or care for his skin. The diarrhea eventually became so bad that it leaked through his diapers onto his pants. Claimant had to remove them, leaving her son with only a dirty diaper and filthy skin in the frigid hielera cell.

CBP failed to provide Claimant, her son, and the rest of the women and children in their cell with a bed, warm clothes, blankets, or adequate edible food and potable water. There was no private place to use the toilet, but rather, a single toilet in the corner of the cell separated only by a half-wall. The detainees ran out of toilet paper. There was no soap, towels, toothbrush, or toothpaste available. During the entire time Claimant and her family were detained, CBP officials never turned the lights off in the detention cell. The cell was filthy and overrun by the stench of human sweat and excrement. Those who requested even the slightest accommodation from CBP officials were ridiculed, mocked, and even yelled at in full view of Claimant and her son. As a result of these conditions, Claimant and her child were unable to sleep more than a few minutes at a time. Children cried incessantly about the cold and lack of food and water.

Claimant became very ill after holding her son on the concrete bench for hours. She experienced severe stomach pain. She felt she may begin dilating or having contractions, feared that her water might break, and that the lack of potable liquid could cause an infection or cause her to deliver her child in an unsafe environment.

She cried out in pain and begged for medical treatment. CBP officials eventually gave Claimant's son to her husband, who also still detained in another cell in the hielera. Then they rushed Claimant to a nearby hospital, [REDACTED] Medical Center, where it was determined that she was in the process of dilation. Dr. [REDACTED] and his medical staff informed CBP in writing that Claimant was not medically able to travel. Medical personnel also informed Claimant and, upon information and belief, CBP officials at the hospital, that she should be released from detention so as to prevent preterm labor and minimize the risk of medical harm to Claimant and her baby. As soon as the hospital staff wrote down the doctor's release order, a CBP official confiscated it and returned Claimant to detention.

During the day that followed, Claimant and her husband attempted desperately to ascertain any substantive information regarding their release from custody. In response, one CBP official threatened Claimant that if she went into labor, she and her two children would have to remain in detention for three months, and that her husband would be deported to Honduras.

SF-95 Continuation Form

[REDACTED], [REDACTED]

A [REDACTED]

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A CBP officer who interviewed Claimant prior to her release, upon information and belief Border Patrol Agent Daniel Hickey, Border Patrol Agent Oscar Elizondo, or Acting Patrol Agent in Charge Jerry W. Blackwell, told her, approximately, “You think we’re idiots? We know you want the baby to be born in the U.S. We’re not stupid.” Claimant replied by begging that this officer review her discharge orders for the doctor’s note. Once he located it, his attitude changed, and he said he would do what he could do to help her. However, he admonished Claimant, “Try not to have your baby here.” The agent made clear in no uncertain terms that Claimant did not qualify and could not apply for asylum.

As their time in detention continued, Claimant’s son grew more visibly ill and dehydrated from the diarrhea. When Claimant and her husband inquired about medical treatment for him—they had heard the sickest children may be taken to the hospital to receive antibiotics—a CBP official told her, approximately, “all these kids keep getting sick, and every time we take one to the hospital, it slows everything down for everyone. We can take him if you want it to take longer [to be released].”

After nearly 72 hours in the freezing hielera without access to adequate food, water, hygiene necessities, beds, blankets, bedding, warmth, sleep, and medical care, CBP officials drove Claimant, her son, and her husband to a Greyhound bus station and left them there at approximately 12:45 a.m. on Monday, [REDACTED] 2013.

10. Nature and Extent of Injuries Forming Basis for the Claim:

The egregious deprivations Claimant experienced during her time in the hielera constitute negligence, gross negligence, invasion of privacy, false imprisonment, and intentional infliction of emotional distress on the part of CBP law enforcement officers and supervisors. Claimant’s detention violated CBP’s own binding policies, regulations, and statutes, as well as the U.S. Constitution’s clearly established Due Process rights governing immigration detainees. As such, this tortious conduct is not subject to the FTCA’s discretionary function exception, or any other FTCA exception.

CBP officials’ tortious conduct caused Claimant to suffer non-economic damages, including physical pain and suffering, mental or emotional pain or anguish, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

11. Witnesses:

Name

Address

[REDACTED] [REDACTED]

c/o R. Andrew Free, Esq. PO Box 90568
Nashville, TN 37209

Jerry W. Blackwell

c/o U.S. Customs and Border Protection

SF-95 Continuation Form

[REDACTED]

A [REDACTED]

Page 4 of 4

Daniel Hickey

Oscar Elizondo

Dr. [REDACTED]

Rio Grande Valley Sector – Weslaco Station

c/o U.S. Customs and Border Protection
Rio Grande Valley Sector – Weslaco Station

c/o U.S. Customs and Border Protection
Rio Grande Valley Sector – Weslaco Station

[REDACTED] Medical Center

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3. TYPE OF EMPLOYMENT <input type="checkbox"/> MILITARY <input checked="" type="checkbox"/> CIVILIAN		4. DATE OF BIRTH <div style="background-color: black; width: 100px; height: 15px;"></div>		5. MARITAL STATUS Married	
6. DATE AND DAY OF ACCIDENT <div style="background-color: black; width: 100px; height: 15px;"></div> 2013 Fri-Mon		7. TIME (A.M. OR P.M.) PM			
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 attached Supplement					
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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 attached Supplement					
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12a. PROPERTY DAMAGE		12b. PERSONAL INJURY		12c. WRONGFUL DEATH	
0.00		250,000.00		12d. TOTAL (Failure to specify may cause forfeiture of your rights). 250,000.00	
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13a. SIGNATURE OF CLAIMANT (See instructions on reverse side). 				13b. PHONE NUMBER OF PERSON SIGNING FORM (615) 244-2202	
14. DATE OF SIGNATURE 7/8/2015					
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.)		

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I hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Printed Name: _____

Signature: _____

Date of Birth: _____

A-Number: _____

Date: 07/15/2015

Supplement to SF95 Claim Form by:

██████████
A ██████████

1. Submit to Appropriate Federal Agency:

Office of the General Counsel
U.S. Department of Homeland Security
Washington, D.C. 20528

U.S. Customs & Border Protection
Office of the Chief Counsel
1300 Pennsylvania Avenue, N.W.
Washington, D.C. 20229

8. Basis of Claim:

On the evening of Friday, ██████████ 2013, Claimant entered the United States near Hidalgo, Texas with his wife and their two year-old son. They fled their native Honduras not by choice, but by necessity. In the six bloody months preceding their desperate trek north, a criminal organization murdered Claimant's brother in law outside the family business by shooting him 14 times and then splitting his skull with a machete for good measure; then broke into the family home in the dead of night to beat Claimant's mother in law into a coma and brutally rape his wife's 12 year-old cousin; then stalked Claimant and his family across Honduras and made repeated telephone death threats; and finally, chased and fired a hail of bullets into a car Claimant was driving. So Claimant and his wife, who was nearly eight months pregnant, packed their young child and a few belongings to flee Honduras to seek asylum in the United States.

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Upon arriving at the hielera, Claimant and his family were stripped of extra layers of clothing, hair clips, shoelaces, and other items. CBP officers confiscated their diapers and other baby supplies. Then CBP officers ordered Claimant's wife and their son to sit on a cement bench in a small, windowless cell with dozens of other detainees. The cell was frigid—so cold that Claimant's fingers turned color and her teeth chattered. Many of the detainees in the cell had not eaten and appeared to suffer from respiratory illnesses. When one six year-old child who had not eaten all day cried to his mother, a CBP officer ignored him and ordered the mother to “control your child.”

At 4:00 a.m. on Saturday, [REDACTED] CBP officers placed Claimant's wife and his son in a female-only cell with approximately 65 other people, including about 40 children ranging in age from newborn to 18 years old. Sometime after, a CBP official handed out cold burritos and bologna sandwiches. However, the younger children who had not yet graduated to adult food could not eat them. Claimant's son developed diarrhea. Though CBP officials gave his wife a new diaper several times, no wipes or rash guard was offered to clean him or care for his skin. The diarrhea eventually became so bad that it leaked through his diapers onto his pants. She had to remove them, leaving him with only a dirty diaper and filthy skin in the frigid hielera cell.

CBP failed to provide Claimant, his wife and son, and the rest of the women, men and children in their cell with a bed, warm clothes, blankets, or edible food and water. There was no private place to use the toilet, but rather, a single toilet in the corner of the cell separated only by a half wall. The detainees, including Claimant ran out of toilet paper. There was no soap, towels, toothbrush, or toothpaste available. During the entire time Claimant and his family were detained, CBP officials never turned the lights off in their detention cells. The cells were filthy and overrun by the stench of human sweat and excrement. Those who requested even the slightest accommodation from CBP officials were ridiculed, mocked, and even yelled at in full view of Claimant, his wife, and their son. As a result of these conditions, Claimant, his wife, and their child were unable to sleep more than a few minutes at a time. Children cried incessantly about the cold and lack of food and water.

Claimant's wife became very ill after holding her son on the concrete bench for hours. She experienced severe stomach pain. She felt she was beginning to dilate or have contractions, feared that her water might break, and that the lack of potable liquid could cause an infection or cause her to deliver her child in an unsafe environment.

Claimant's wife cried out in pain and begged for medical treatment. CBP officials gave Claimant his son, who was detained in a different cell in the hielera. Then they rushed Claimant's wife to a nearby hospital, [REDACTED] Medical Center, where it was determined that she was in the process of dilation. Dr. [REDACTED] and his medical staff informed Border Patrol officials in writing that Claimant was not medically able to travel. Medical personnel informed Claimant's wife and, upon information and belief, Border Patrol officials, that she should be released from detention so as to prevent preterm labor and minimize the risk to Claimant's wife and their baby. As soon as the hospital staff wrote down the order, a CBP official confiscated it and returned Claimant's wife to detention.

During the hours that followed, Claimant and his wife attempted desperately to ascertain any substantive information regarding their release from custody. In response, one CBP official threatened Claimant's wife that if she went into labor, she and her two children would have to remain in detention for three months, and that Claimant would be deported to Honduras.

[REDACTED]

A [REDACTED]

A CBP officer who interviewed Claimant's wife prior to her release, upon information and belief Border Patrol Agent Daniel Hickey, Border Patrol Agent Oscar Elizondo, or Acting Patrol Agent in Charge Jerry W. Blackwell, told her, approximately, "You think we're idiots? We know you want the baby to be born in the U.S. We're not stupid." Claimant's wife replied by begging that this officer review her discharge orders for the doctor's note. Once he located it, his attitude changed, and he said he would do what he could do to help her. However, he admonished Claimant, "Try not to have your baby here." The agent made clear in no uncertain terms that Claimant did not qualify and could not apply for asylum.

As their time in detention continued, Claimant's son grew more visibly ill and dehydrated from the diarrhea. When Claimant and his wife inquired about medical treatment for their child—they had heard the sickest children may be taken to the hospital to receive antibiotics—a CBP official told Claimant, approximately, "all these kids keep getting sick, and every time we take one to the hospital, it slows everything down for everyone. We can take him if you want it to take longer [to be released]."

After nearly 72 hours in the hielera without access to adequate food, water, hygiene necessities, beds, blankets, bedding, warmth, sleep, and medical care, CBP officials drove Claimant, his son, and his wife to a Greyhound bus station and left them there at approximately 12:45 a.m. on Monday, [REDACTED] 2013.

10. Nature and Extent of Injuries Forming Basis for the Claim:

The egregious deprivations Claimant experienced during his time in the hielera constitute negligence, gross negligence, invasion of privacy, false imprisonment, and intentional infliction of emotional distress on the part of CBP law enforcement officers and supervisors. Claimant's detention violated CBP's own binding policies, regulations, and statutes, as well as the U.S. Constitution's clearly established Due Process rights governing immigration detainees. As such, this tortious conduct is not subject to the FTCA's discretionary function exception, or any other exception in the FTCA.

CBP officials' tortious conduct caused Claimant to suffer non-economic damages, including physical pain and suffering, mental or emotional pain or anguish, inconvenience, loss of enjoyment of life, and other non-pecuniary losses.

11. Witnesses:

Name

Address

[REDACTED]

c/o R. Andrew Free, Esq. PO Box 90568
Nashville, TN 37209

SF-95 Continuation Form

[REDACTED]

A [REDACTED]

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Jerry W. Blackwell

c/o U.S. Customs and Border Protection
Rio Grande Valley Sector – Weslaco Station

Daniel Hickey

c/o U.S. Customs and Border Protection
Rio Grande Valley Sector – Weslaco Station

Oscar Elizondo

[REDACTED]

c/o U.S. Customs and Border Protection
Rio Grande Valley Sector – Weslaco Station

Dr. [REDACTED]

[REDACTED]