

EXHIBIT A



January 29, 2019

U.S. Immigration and Customs Enforcement
Freedom of Information Act Office
500 12th Street, S.W., Stop 5009
Washington, D.C. 20536-5009
F: (202) 732-4265
ICE-FOIA@dhs.gov

Cc: Privacy Office, U.S. Department of Homeland Security
245 Murray Lane SW STOP-0655
Washington, DC. 20528-0655
F: (202) 343-4011

Re: FOIA all records pertaining to Roy Alexander Hernandez AKA Jeffrey Hernandez aka Roxsana Hernandez A#206418141

Dear FOIA Officer,

Pursuant to The Freedom of Information Act (FOIA), 5 U.S.C. § 552 *seq et*, and 5 U.S.C. § 552a *et seq.*, I write to request copies of the following records any and all records in the possession of Immigration Customs Enforcement (“ICE”) pertaining to Jeffrey Hernandez Rodriguez aka Roy Alexander Hernandez Rodriguez aka Roxsana Hernandez (hereinafter “Ms. Hernandez”) DOB: February 18, 1985, A#206418141 including but not limited to:

- 1) Any and all records within possession of the Office Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) of investigations, inspections, audits and reports, from pertaining to A# that “206418141” or “206 418 141” or “206-418-141” beginning from May 9, 2018 when she was taken into ICE custody through the present.
- 2) Any and all investigations, inspections, reports, audits and communications pertaining to the death of A# that “206418141” or “206 418 141” or “206-418-141” or “and surrounding circumstances from May 9th, 2018 through the present.
- 3) Any and all records within possession of the Office Immigration and Customs Enforcement (“ICE”) or Customs and Border Protection (“CBP”) of investigations, inspections, audits and reports, from pertaining to Ms. Hernandez beginning from May 9, 2018 when she was taken into ICE custody through the present.
- 4) Any and all investigations, inspections, reports, audits and communications pertaining to the death of Ms. Hernandez and surrounding circumstances from May 9th, 2018 through the present.
- 5) A complete copy of the government’s file for A# “206418141” or “206 418 141” or “206-418-141”.
- 6) any and all records in the possession of ICE pertaining to Ms. Hernandez, generated from May 9, 2018 through the present including but not limited to:

- a) Any and all communications, memorandums, emails, and all other electronic communications, responses to media inquiries, notes, reports and database entries.
- 7) any and all records in the possession of ICE that include “206418141” or “206 418 141” or “206-418-141” generated from May 9, 2018 through the present including but not limited to:
 - a) Any and all communications, memorandums, emails, and all other electronic communications, responses to media inquiries, notes, reports and database entries
- 8) any and all records in the possession of ICE that include “Roy Alexander Hernandez Rodriguez” or “Roy Alexander Rodriguez” or “Jeffry Hernandez” or “Jeffrey Hernandez Rodriguez” or “Roxsana Hernandez” or generated from May 9, 2018 through the present including but not limited to:
 - a) Any and all communications, memorandums, emails, and all other electronic communications, responses to media inquiries, notes, reports and database entries
- 9) any and all records in the possession of ICE pertaining to Ms. Hernandez, generated from November 26, 2018 through the present including but not limited to:
 - a) Any and all communications, memorandums, emails, and all other electronic communications, responses to media inquiries, notes, reports and database entries.
- 10) any and all records in the possession of ICE pertaining to “Dr. Kris Sperry” or “Kris Sperry” or “Dr. Sperry” generated from November 26, 2018 through the present including but not limited to:
 - a) Any and all communications, memorandums, emails, and all other electronic communications, responses to media inquiries, notes, reports and database entries.
- 11) any and all requests for records in the possession of ICE that pertain to “Roxsana Hernandez” or “Roxana Hernandez” or “Roy Alexander Hernandez Rodriguez” or “Jeffry Hernandez” or “Jeffry Hernandez Rodriguez” generated from November 26, 2018 through the present including but not limited to:
 - a) Any and all requests received by ICE pursuant to 5 U.S.C. § 552 *et seq.*, or any other legal authority authorizing the release of records to the public.
- 12) any and all requests for records in the possession of ICE that pertain to “Dr. Kris Sperry” or “Kris Sperry” or “Dr. Sperry” generated from November 26, 2018 through the present including but not limited to:
 - a) Any and all requests received by ICE pursuant to 5 U.S.C. § 552 *et seq.*, or any other legal authority authorizing the release of records to the public.

Please note that this request is ongoing and encompasses any new materials generated by your office that falls within the ambit of this request.

Ms. Hernandez is deceased. See copy of death certificate, attached. Please also find the attached Order Granting Petition For Appointment As Personal Representative Of The Wrongful Death Estate of Roxsana Hernandez, attached as well as an executed release by Ms. Youngers pursuant to 45 CFR §164.500-534.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. However, pursuant to 6 C.F.R. § 5.11(k) I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. The Transgender Law Center is a non-profit organization that largely serves people with few financial

resources. This information is not being sought for commercial purposes. Please send the requested records in electronic format by CD to:

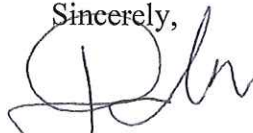
Transgender Law Center
Attn: Dale Melchert
594 Dean Street
Suite 11
Brooklyn, NY 11238

Pursuant to 5 U.S.C.A. § 552(6)(A) I expect a response within 20 days of this request. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption that justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

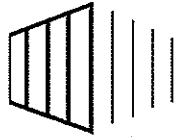
Thank you for considering my request. If you have any questions or concerns you may reach me at 510.587.9696 ext. 354 or dale@transgenderlawcenter.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Dale Melchert". The signature is written in a cursive style with a large initial "D" and "M".

Dale Melchert, Esq.
Staff Attorney

EXHIBIT B



LAW OFFICE OF
R. ANDREW FREE
Immigration. Civil Rights. Workplace Justice.

Transgender
Law Center



Making Authentic Lives Possible

SUBMITTED VIA EMAIL TO FOIA@HQ.DHS.GOV

February 5, 2019

The Privacy Office
U.S. Department of Homeland Security
245 Murray Lane SW
STOP-0655
Washington, D.C. 20528-0655
Phone: 202-343-1743 or 866-431-0486
Fax: 202-343-4011
E-mail: foia@hq.dhs.gov

Re: Records request investigations of death of Roxsana Hernandez A# 206418141

Dear FOIA Officer,

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552 *et seq.*, and 6 C.F.R. Ch. I, Pt. 5, I am requesting an opportunity to obtain copies of the following records:

- Any and all records within possession of the Office of Civil Rights and Civil Liberties (“CRCL”) pertaining to A#“206418141” or “206 418 141” or “206-418-141” or “Jeffrey Hernandez” or “Jeffrey Hernandez” also known as “Roy Alexander Hernandez Rodriguez” also known as “Roxsana Hernandez (hereinafter “Ms. Hernandez”)” DOB: February 18, 1985, from May 8, 2018 through the present.
- This includes but is not limited to:
 - Any and all investigations, inspections, audits and reports, from May 9, 2018 through the present pertaining to Ms. Hernandez beginning May 9, 2018 when she was in ICE custody through the present.
 - Any and all investigations, inspections, reports, audits and communications pertaining to the death of Ms. Hernandez and surrounding circumstances from May 9, 2018 through the present.
 - The detainee death review or any other reports or memoranda pertaining to the death of Ms. Hernandez.

Please note that this request is ongoing and encompasses any new materials generated by your office that falls within the ambit of this request.

Ms. Hernandez is deceased. See copy of death certificate, attached. Please also find the attached Order Granting Petition For Appointment As Personal Representative Of The Wrongful Death

Estate of Roxsana Hernandez, attached as well as an executed release by Ms. Youngers pursuant to 45 CFR §164.500-534.

If there are any fees for searching or copying these records, please inform me if the cost will exceed \$25. However, pursuant to 6 C.F.R. § 5.11(k) I would also like to request a waiver of all fees in that the disclosure of the requested information is in the public interest. The Transgender Law Center is a non-profit organization that largely serves people with few financial resources. This information is not being sought for commercial purposes. Please send the requested records in electronic format by CD to:

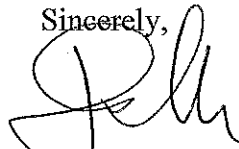
Transgender Law Center
Attn: Dale Melchert
594 Dean Street
Suite 11
Brooklyn, NY 11238

Pursuant to 5 U.S.C.A. § 552(6)(A) I expect a response within 20 days of this request. If access to the records I am requesting will take longer than this amount of time, please contact me with information about when I might expect copies or the ability to inspect the requested records.

If you deny any or all of this request, please cite each specific exemption that justifies the refusal to release the information and notify me of the appeal procedures available to me under the law.

Thank you for considering my request. If you have any questions or concerns you may reach me at 510.587.9696 ext. 354 or dale@transgenderlawcenter.org.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dale Melchert', written in a cursive style.

Dale Melchert, Esq.
Staff Attorney

EXHIBIT C

FILED
1st JUDICIAL DISTRICT COURT
Santa Fe County
1/15/2019 3:03 PM
STEPHEN T. PACHECO
CLERK OF THE COURT
Jennifer Romero

**STATE OF NEW MEXICO
COUNTY OF SANTA FE
FIRST JUDICIAL DISTRICT**

In the Matter of the Wrongful Death Action
on Behalf of the Survivors of Roxsana Hernandez,
Deceased.

No. D-101-CV-2019-00075
Judge: Raymond Z. Ortiz

**ORDER GRANTING PETITION FOR THE APPOINTMENT OF PERSONAL
REPRESENTATIVE FOR THE WRONGFUL DEATH ESTATE OF
ROXSANA HERNANDEZ**

THIS MATTER having come before the Court on the Petition of Joleen K.
Youngers, Esq. seeking appointment as Personal Representative for the Wrongful
Death Estate of Roxana Hernandez.

IT IS HEREBY ORDERED THAT the Petition is GRANTED and Joleen K.
Youngers is appointed to serve as Personal Representative for the Wrongful Death
Estate of Roxsana Hernandez for purposes of evaluating and prosecuting a wrongful
death claim.


DISTRICT COURT JUDGE 4DPL

Respectfully submitted,

Joleen K. Youngers
Almanzar & Youngers, PA
228 Griffin Street
Santa Fe, NM 87501
t: 505.820.0108
jyoungers@ay-law.com

EXHIBIT D



U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations

**U.S. Immigration and Customs Enforcement (ICE)
Detainee Death Report: HERNANDEZ, Jeffry (aka HERNANDEZ, Roxana)**

General Demographic/Background Information

- **Date of Birth:** February 18, 1985
- **Date of Death:** May 25, 2018
- **Age:** 33
- **Sex:** Male
- **Gender:** Transgender woman
- **Country of Citizenship:** Honduras
- **Marital Status:** Single
- **Children:** None reported

Immigration History

- On October 6, 2005, Ms. HERNANDEZ was encountered entering the United States illegally, was apprehended, and granted a Voluntary Return to Mexico.
- On April 25, 2009, Ms. HERNANDEZ was encountered by U.S. Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) officers during the routine performance of Criminal Alien Program (CAP) duties. Ms. HERNANDEZ had been arrested by the Dallas Police Department for Prostitution. Due to Ms. HERNANDEZ'S immigration status, ICE placed a detainer on her and on May 13, 2009, she was transported to the Dallas Field Office for identification and a background check. Ms. HERNANDEZ requested and was granted a Voluntary Return (witnessed on May 20, 2009).
- On January 23, 2014, Ms. HERNANDEZ was encountered by a Border Patrol Agent in Laredo, Texas and arrested for unlawful entry into the U.S.
- On March 7, 2014, Ms. HERNANDEZ was apprehended upon release from the Houston Federal Detention Center (federal prison). She was issued an I-200 (Warrant for Arrest of Alien) and an I-286 (Notice of Custody Determination) to remain in ICE custody pending removal and was removed via Expedited Removal on March 11, 2014.
- On May 9, 2018, Ms. HERNANDEZ applied for admission to the United States from Mexico at the San Ysidro Port of Entry. At this time, she was in the custody of U.S. Customs and Border Protection (CBP).
- On May 14, 2018, ICE ERO took custody of Ms. HERNANDEZ and booked her into the San Luis Regional Detention Center (SLRDC), San Luis, Arizona.
- On May 15, 2018, ERO transferred Ms. HERNANDEZ from SLRDC to the El Paso Processing Center (EPC), El Paso, Texas.
- On May 16, 2018, ERO transferred Ms. HERNANDEZ from EPC to the Cibola County Correctional Center (CCCC).

Criminal History

- On April 8, 2006, Ms. HERNANDEZ was convicted of larceny (NCIC – 2399).
- On July 11, 2008, Ms. HERNANDEZ was convicted of prostitution (NCIC – 4004).
- On May 12, 2009, Ms. HERNANDEZ was convicted of prostitution (NCIC – 4004).
- On January 27, 2014, Ms. HERNANDEZ was convicted of Entry Without Inspection under 8 U.S.C. § 1325(a)(1) and sentenced to 45 days confinement.



U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations

Medical History

- **On May 17, 2018**, a registered nurse (RN) completed Ms. HERNANDEZ's intake screening. The RN noted a history of human immunodeficiency virus (HIV) without treatment and Hepatitis A. Ms. HERNANDEZ reported a persistent cough and weight loss. The RN referred Ms. HERNANDEZ to a medical provider for further evaluation. The physician (MD) evaluated Ms. HERNANDEZ and diagnosed untreated HIV, dehydration, starvation, and fever with cough. The MD ordered ground transport to Cibola General Hospital (CGH) for further evaluation and treatment. The CGH emergency department (ED) MD ordered multiple laboratory and radiology diagnostic studies. Ms. HERNANDEZ was diagnosed with septic shock, anemia, dehydration, HIV infection, lymphadenopathy, nodular pulmonary disease, and thrombocytopenia. The ED MD ordered air ambulance transportation to the Lovelace Medical Center (LMC) in Albuquerque, NM.
- **On May 18, 2018**, LMC reported Ms. HERNANDEZ was stable and admitted to an intensive care unit (ICU) for tuberculosis (TB) isolation. Ms. HERNANDEZ developed an appetite, and was provided with meals and oral fluids, which she tolerated well. Further diagnostic studies were begun.
- **On May 19, 2018**, LMC reported Ms. HERNANDEZ remained stable, but had developed a fever of 104.0. A computed tomography (CT) scan showed an enlarged spleen, which was concerning for T-cell lymphoma. The CD4 count (or T-cell count; a primary indicator of HIV progression) was 189 (a reading below 200 is serious in that the ability to fight HIV and associated infections is significantly decreased).
- **On May 22, 2018**, LMC reported Ms. HERNANDEZ had run a fever up to 102.0 most of the day and had lost her appetite. Her IV antibiotic therapy was evaluated and a new antibiotic therapy protocol was prescribed.
- **On May 23, 2018**, LMC reported Ms. HERNANDEZ had run a fever most of the day and was tachycardic (rapid heart rate).
- **On May 24, 2018**, LMC reported Ms. HERNANDEZ was in critical condition. A chest x-ray revealed small, bilateral pleural effusions (excess fluid surrounding the lung, causing difficulty breathing). LMC performed a thoracentesis (procedure to remove the pleural effusions). LMC intubated Ms. HERNANDEZ and placed her on a mechanical ventilator. Later in the evening, Ms. HERNANDEZ developed bradycardia (slow heart rate), which changed to pulseless electrical activity (when the heart shows a rhythm on a cardiac monitor, but the heart is not pumping blood). Cardiopulmonary resuscitation (CPR) began immediately and Ms. HERNANDEZ was revived. Ms. HERNANDEZ then developed supraventricular tachycardia (rapid heart rate originating outside the heart's ventricles) that was not responsive to treatment.

Synopsis of Death

- **On May 25, 2018**, at 1:30 a.m., LMC reported Ms. HERNANDEZ was experiencing cardiopulmonary arrest every few minutes, and had minimal brain activity. At 3:32 a.m., LMC reported Ms. HERNANDEZ had been pronounced dead.
- As of December 7, 2018, the autopsy is still pending.

EXHIBIT E



**Homeland
Security**

Privacy Office, Mail Stop 0655

April 19, 2019

SENT VIA E-MAIL TO: dale@transgenderlawcenter.org

Dale Melchert, Esq.
Transgender Law Center
P.O. Box 70976
Oakland, CA 94612

Re: **2019-HQFO-00384**

Dear Mr. Melchert:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request to the Department of Homeland Security (DHS), dated February 5, 2019, and to your request for a waiver of all assessable FOIA fees. Our office received your request on February 5, 2019. Specifically, you requested any and all records within possession of the Office of Civil Rights and Civil Liberties ("CRCL") pertaining to A#"206418141" or "206 418 141" or "206-418-141" or "Jeffry Hernandez" or "Jeffrey Hernandez" also known as "Roy Alexander Hernandez Rodriguez" also known as "Roxsana Hernandez" (hereinafter "Ms. Hernandez") DOB: February 18, 1985, including but not limited to: (a) any and all investigations, inspections, audits and reports, pertaining to Ms. Hernandez while in ICE custody; (b) any and all investigations, inspections, reports, 'audits and communications pertaining to the death of Ms. Hernandez and surrounding circumstances; and (c) the detainee death review or any other reports or memoranda pertaining to the death of Ms. Hernandez (Date Range for Record Search: From 5/8/2018 To 2/5/2019).

Due to the increasing number of FOIA requests received by this office, we may encounter some delay in processing your request. Consistent with 6 C.F.R. Part 5 § 5.5(a) of the DHS FOIA regulations, the Department processes FOIA requests according to their order of receipt. Although DHS' goal is to respond within 20 business days of receipt of your request, FOIA does permit a 10-day extension of this time period in certain circumstances under 6 C.F.R. Part 5 § 5.5(c). As your request seeks a voluminous amount of separate and distinct records, DHS will invoke a 10-day extension for your request pursuant 6 C.F.R. Part 5 § 5.5(c). If you would like to narrow the scope of your request, please contact our office. We will make every effort to comply with your request in a timely manner.

You have requested a fee waiver. The DHS FOIA regulations at 6 C.F.R. Part 5 § 5.11(k) set forth six factors DHS must evaluate to determine whether the applicable legal standard for a fee waiver has been met: (1) Whether the subject of the requested records concerns "the operations

or activities of the government,” (2) Whether the disclosure is “likely to contribute” to an understanding of government operations or activities, (3) Whether disclosure of the requested information will contribute to the understanding of the public at large, as opposed to the individual understanding of the requester or a narrow segment of interested persons, (4) Whether the contribution to public understanding of government operations or activities will be “significant,” (5) Whether the requester has a commercial interest that would be furthered by the requested disclosure, and (6) Whether the magnitude of any identified commercial interest to the requester is sufficiently large in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

Upon review of the subject matter of your request, and an evaluation of the six factors identified above, DHS has determined that it will conditionally grant your request for a fee waiver. The fee waiver determination will be based upon a sampling of the responsive documents received from the various DHS program offices as a result of the searches conducted in response to your FOIA request. DHS will, pursuant to DHS FOIA regulations applicable to non-commercial requesters, provide two hours of search time and process the first 100 pages at no charge to you. If upon review of these documents, DHS determines that the disclosure of the information contained in those documents does not meet the factors permitting DHS to waive the fees, then DHS will at that time either deny your request for a fee waiver entirely, or will allow for a percentage reduction in the amount of the fees corresponding to the amount of relevant material found that meets the factors allowing for a fee waiver. In either case, DHS will promptly notify you of its final decision regarding your request for a fee waiver and provide you with the responsive records as required by applicable law.

In the event that your fee waiver is denied, and you determine that you still want the records, provisions of the FOIA allow us to recover part of the cost of complying with your request. We shall charge you for records in accordance with the DHS FOIA regulations as they apply to non-commercial requesters. As a non-commercial requester you will be charged for any search time and duplication beyond the free two hours and 100 pages mentioned in the previous paragraph. You will be charged 10 cents per page for duplication and search time at the per quarter-hour rate (\$4.00 for clerical personnel, \$7.00 for professional personnel, \$10.25 for managerial personnel) of the searcher. In the event that your fee waiver is denied, we will construe the submission of your request as an agreement to pay up to \$25.00. This office will contact you before accruing any additional fees.

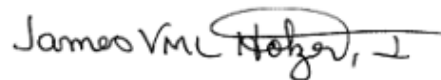
We have queried the appropriate component(s) of DHS for responsive records. If any responsive records are located, they will be reviewed for determination of releasability. Please be assured that one of the analysts in our office will respond to your request as expeditiously as possible. We appreciate your patience as we proceed with your request.

Your request has been assigned reference number **2019-HQFO-00384**. Please refer to this identifier in any future correspondence. The status of your FOIA request is now available online and can be accessed at: <https://www.dhs.gov/foia-status>, by using this FOIA request number. Status information is updated daily. Alternatively, you can download the DHS eFOIA Mobile App, the free app is available for all Apple and Android devices. With the DHS eFOIA Mobile

App, you can submit FOIA requests or check the status of requests, access all of the content on the FOIA website, and receive updates anyplace, anytime.

If you have any questions, or would like to discuss this matter, please feel free to contact this office at 1-866-431-0486 or 202-343-1743.

Sincerely,

A handwritten signature in black ink that reads "James VML Holzer, J." The signature is written in a cursive style with a large, sweeping flourish at the end.

James Holzer
FOIA Program Specialist