

Center for Constitutional Rights

Discrimination, Detention, and Deportation: Immigration & Refugees

<https://ccrjustice.org/home/what-we-do/our-cases/gonzalez-morales-v-gillis>

Policy Issue Resources

The complaint was filed in the Southern District of Mississippi on September 16, 2020.

Cliff Johnson of the MacArthur Justice Center at University of Mississippi School of Law, National Immigration Project of the National Lawyers Guild, and Jeremy Jong in New Orleans

Juan Gonzalez Morales, Abdallah Khamis, Dwight Mundle, and Edinahi Zacarias Cabrera

Gonzalez Morales v. Gillis is a federal lawsuit against facility warden Shawn Gillis and Immigration and Customs Enforcement (ICE) officials on behalf of four medically vulnerable people currently held at Adams County Detention Center in Natchez, Mississippi. The lawsuit seeks the immediate release of these individuals, citing their severe risk of contracting coronavirus and developing life-threatening COVID-19 symptoms as well as ICEs long and notorious history of failing to address serious overcrowding, unsafe and unsanitary facilities, and failure to provide adequate medical care and protection against outbreaks of infectious disease. The complaint seeking release warns that the near-certainty of coronavirus outbreaks in this facility renders the continued detention of these individuals a potential death sentence for those detained for nothing more than a civil immigration violation. In addition, a motion for a temporary restraining order seeks immediate widespread and regular testing, a site inspection, and adequate cleaning supplies.

Given the conditions in which people are confined in immigration detention centers, it is impossible for ICE to comply with the Centers for Disease Control and Prevention (CDC) guidelines around social distancing, quarantine, and treatment, and the facilities already inadequate medical facilities will inevitably be overwhelmed. The plaintiffs report that they are housed in close quarters and in large groups, with shared toilets, showers, and phones that are not adequately cleaned, and that many staff, including medical staff, do not wear masks or gloves. Some of the people being detained do not have consistent access to soap.

The filing argues that when a state incarcerates someone, the Due Process Clause of the Constitution mandates the state provide those detained with a basic duty of care and health. Because these plaintiffs are in civil immigration detention, Due Process prohibits imposing conditions of confinement that amount to punishment and also prohibits ICE officials from being deliberately indifferent to known medical risks. The complaint also alleges that each of the plaintiffs has a disability as defined under the federal Rehabilitation Act and is thus entitled to the only reasonable accommodation imaginable under the circumstances release. In addition, the complaint highlights the myriad ways ICE is not following and cannot follow its own guidelines on containment of communicable diseases. These failures endanger the lives not only of the human beings they detain but also the mostly rural communities where ICEs detention centers are located.

This filing is part of a national effort to release individuals from ICE detention and state and local prisons. Other countries and some state prison systems are acting more aggressively in the name of justice and public health to free prisoners. The COVID-19 pandemic has thrown into stark relief the inhumanity of the vast detention and incarceration system in the United States, which even under normal circumstances was cruel, dehumanizing, and overcrowded. While this litigation, for now, seeks relief only for these particularly vulnerable individuals, it is situated in broader calls for a positive vision of mass decarceration.

Judge Bramlette denies plaintiffs motion for a Temporary Restraining Order for widespread testing, halting transfers and a site inspection in Adams County Detention Center

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