



SENT VIA FAX AND EMAIL

January 8, 2020

Deportation Officer Robert Gentry
Immigration and Customs Enforcement
Office of the Principal Legal Advisor
1010 E. Whatley Rd
Oakdale, LA 71463
Fax: 318-335-0755
Email: Robert.b.gentryjr@ice.dhs.gov

RE: Manuel Amaya Portillo, A [REDACTED]

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

PLEASE RESPOND TO
NATIONAL PRISON PROJECT
915 15TH STREET, NW
7TH FLOOR
WASHINGTON, DC 20005-2112
T/202.393.4930
F/202.393.4931
WWW.ACLU.ORG

DAVID C. FATHI
DIRECTOR
ATTORNEY AT LAW*

*NOT ADMITTED IN DC:
PRACTICE LIMITED TO FEDERAL
COURTS

Dear Officer Gentry:

We write on behalf of our client, Manuel Amaya Portillo, A [REDACTED] who is currently detained in your custody at LaSalle Detention Center in Jena, Louisiana. With Mr. Amaya Portillo's immigration counsel, Ms. Rachel Chappell at the Rozas Immigration Law Firm, we request that you grant his application for humanitarian release due to the serious risk of harm he faces in detention due to his disability. In addition, we urge you to provide reasonable accommodations to ensure that his conditions of confinement meet the applicable constitutional and statutory requirements.

As you should be aware, Mr. Amaya Portillo suffers from obvious and severe congenital physical disabilities. Mr. Amaya Portillo is extremely short: he is twenty-three years old and is only approximately four feet tall. His left leg is malformed and approximately half the length of his right leg. He has six fingers on each hand, all of which are stubbed. He was born extremely underweight as an infant, and has suffered from neurological and heart issues that have required extensive surgery.

Since entering ICE custody in October 2019, Mr. Amaya Portillo has faced severe challenges in detention. During the first two months of his detention, Mr. Amaya Portillo was detained at the Winn Correctional Facility, never been provided with proper accommodations, including a wheelchair and accessible housing during his detention at the Winn Correctional Facility. We also understand that he was placed in a medical cell and given sedatives during the time of the Nakamoto Group, Inc.'s inspection during the week of November 11, 2019, possibly because of the obvious failure of the facility to accommodate his needs.

Mr. Amaya Portillo was transferred to the LaSalle Detention Center after the ACLU contacted the Department of Homeland Security's Office of Civil Rights and Civil Liberties, Office of Inspector General, and the Senate and House Judiciary

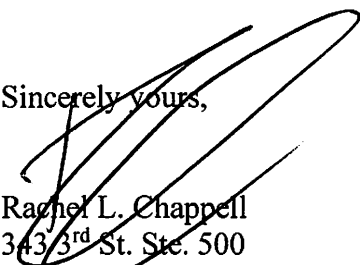
Committees. However, he continues to face significant challenges in accessing facilities critical to his daily functioning. Although Mr. Amaya Portillo has now received a wheelchair, he is unable to navigate the wheelchair in the detention dormitory, and requires assistance from other detainees, who often make fun of him and bully him due to his appearance. Mr. Amaya Portillo also experiences great difficulty in using the toilet, sink, and shower, as he cannot access the toilet or sink due to his height. He also faces great difficulty bathing, as he cannot reach the handles to the shower facilities, and no shower seat is available in the detention unit. Because the water is often scalding hot, he is in danger of injury, as he cannot turn the water on or off by himself. He continues to face potential injury getting in and out of the bunkbeds. Mr. Amaya Portillo also continues to suffer from heart and bone pain due to his congenital health issues, and has not received sufficient treatment for these ailments while in custody.

The detention facility's inability to provide Mr. Amaya Portillo with proper accommodations for his disability subjects him to constant danger to his health and safety. It is unconstitutional to place someone in your custody at substantial risk of serious harm. See *Farmer v. Brennan*, 511 U.S. 825 (1994). Further, under *Farmer*, you have a duty to ensure that he is receiving adequate care, and you must take reasonable measures to guarantee his safety. *Id.* at 832. Lastly, as you are likely aware, the Department of Homeland Security, ICE, and their contractors are all governed by Section 504 of the Rehabilitation Act of 1973 ("Section 504"), 29 U.S.C. § 794, which prohibits disability discrimination by federal agencies.

We strongly urge your office to take immediate steps to release Mr. Amaya Portillo on humanitarian parole given his disability. It is not clear to us that the LaSalle Detention Center can meet Mr. Amaya Portillo's needs. We further urge your office to ensure that he receives the reasonable accommodations required due to his disability in the meantime.

Please contact Rachel Chappell, Attorney, Rozas & Rozas LLC, at rachel@rozaslaw.com or (225) 478-1111, and Eunice Cho, ACLU National Prison Project, at echo@aclu.org or (202) 548-6616 with any questions.

Sincerely yours,


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Eunice Cho
Senior Staff Attorney
ACLU National Prison Project

/s/ Katie Schwartzmann
Katie Schwartzmann
Legal Director, ACLU of Louisiana