

Pro se 15 (Rev. 12/16) Complaint for Violation of Civil right (Non-Prisoner)

UNITED STATES DISTRICT COURT

For the
Southern District of Florida
400 North Miami avenue, Miami Florida, 33128-7716

In Matter Of:
MBUTHA ELVIS MULI



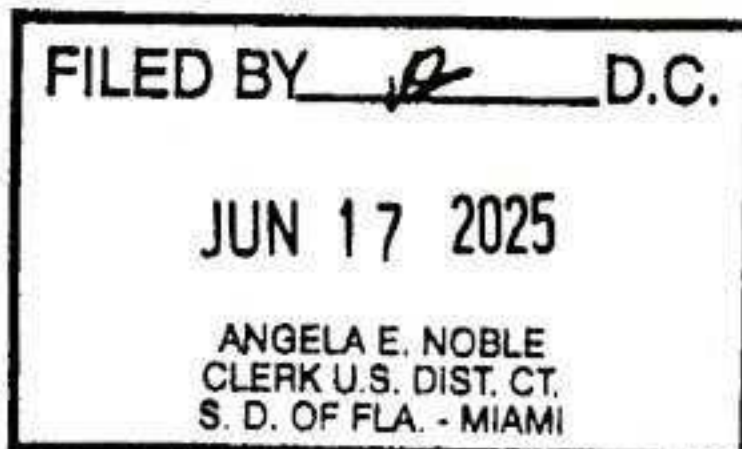
Pro se petitioner,

CASE NUMBER - 25-CV-22259-RAR

V.

Garrett Ripa, Field Office
Director, et al.,

Respondent



ATTACHMENT

COMPLAINT CLAIMS FOR VIOLATION OF CIVIL RIGHTS

After being cooped up with 70 more or less individuals in a cell that can only hold about 25 detainees in the processing center at the ICE KROME SPC MIAMI Detention Facility, we fared poorly due to the overcrowding, inaccessibility of basic wants, leg-room to even breath as we slept in cold concrete with no cover under unbearable human and humane conditions without care for who was sick with what which created a dangerous environment to permeate communicable and contagious diseases, and our please for attention fell on deaf ears as the department was unable to cope with the overwhelming surge of detainees coming through their doors a situation that lasted about seven days for me and two weeks for some individuals.

On March 4th, 2025 I was diagnosed with anxiety as my blood pressure shot to the roof due to the overcrowding as I am claustrophobic. On March 5th 2025 I was moved to general population with the same individuals we were together with to building 8 in pod 2.

I started feeling unwell as my body got really weak and couldn't get out of bed. I expressed this to the pod officer on duty and if there was any way I could get to see the medical provider but he arrogantly waved me off saying that he was getting tired of all the new people claiming that they seek and that I was malingering. Embarrassed, I folded my tail back to my bed but it only got worse from there.

On March 6th, 2025 my breathing was hampered and I had chills all over my body. I caught a fever became sweaty, started throwing up and coughing mucus with blood clots in it. I told my pod officer on duty but again my

pleas fell on deaf ears. I started shaking abnormally, this time I could barely breathe and could step out of bed. It took intervention from my fellow detainees to grab the attention of the officer that slowly walked up to assess the situation which had turned from worse to dire.

The officer called for a medical emergency and I was rushed to the infirmary. Upon arrival, it was perturbing as concerned parties at the Medical Unit totally ignored me. I was moved from the wheel chair and left weak as I was and put on a chair in the hall way. I could barely manage to stay on the chair. I kept complaining but nothing was forthcoming. I was left to lie down on the cold floor in the hallway because there was no room in the Medical Holding Unit. I was very sick and tried to holler but in vain.

When room was available I was forced to sleep on a mattress on the floor in the cold cell without a blanket, no medication and total disregard for my health condition for a very long while before they finally found me a more humane room to house me in.

On March 7th, 2025 the diagnosis came back that I had contracted **COVID-19**. I was placed in quarantine in the Medical Holding Unit and after a couple days of not so much proper or enough medical attention, I was put back into general population where I fared unwell as the conditions remained the same. About two weeks later I complained about chest pains and after a brief medical emergency with ibuprofen as the only medication pills to kill the pain. I was brought back into general population where the conditions never changed. Even after putting in more sick call more than I could count I still ended up contracting **INFLUENZA** due to the overcrowded pod and a surge of ever more new detainees that went without any medical screening but were apparently medically cleared.

This is a matter the U.S. Immigration Customs and Enforcement has been keeping within fold and away from public scrutiny and as I write this, there has been numerous diagnosis for **TUBERCULOSIS** and rampant cases of **INFLUENZA** a matter the administration here at the ICE KROME SPC MIAMI Detention Facility has been unable to conjure any attainable solution as to resolving an imminent health crisis.

The respondents know or still know that the conditions of confinement posed excessive risk to my health and that specific medical attentions went unmet hence actually suffering from serious irreparable harm through negligence thus causing imminent life threatening illness by;

- i) Not implementing the specific measures to identify protect and treat inmates who are at a heightened risk of suffering grave complications from Covid-19 like the petitioner who has pre existing conditions.
- ii) No mention of process of screening, shielding from infection or consideration for release of high risk individuals.
- iii) Protection of detainees with underlying health conditions appear to be limited. There is no daily monitoring with a plan to remove the inmates from the rest of the population should need arise.
- iv) Not taking meaningful steps to prevent infection in the first place.
- v) Social distancing is not being practiced even in common areas, detainees nor the workers are being required to practice social distancing, e.g. while in recreation, using the telephone, in the chow lines or inside the sleeping areas.
- vi) ICE has not offered evidence indicating that testing is widely offered to ascertain the scope of the imminent health crisis in order to better treat the outbreak within the facility.
- vii) Failing to address whether symptomatic or high risk individuals are tested and under what circumstance or explain whether other individual will be tested.
- viii) Lack of sanitation or proper sanitation.

The housing pods are currently overcrowded with lack of proper quality sanitation. The dirty molded walls particularly in my pod 5 can attest to the lack of filter change in the air conditioning vents. When I spoke to the

Deputy facility Assistant Ms. Thomas Rebecca about the issuance of masks and what measurements in her capacity as the facility assistant, she was undertaking towards the above complaints, she said verbatim, '...the facility is currently not following the COVID-19 Protocol'

I suffer from High Blood Pressure a Pre-existing condition and the respondent is inadequately protecting the petitioner from contracting other communicable diseases and being deliberately indifferent to the my medical needs and has showed systematic failure to identify and protect me and other individuals in immigration detention who are at a high risk of complications from Covid-19 and other communicable diseases.

I am suffering and will continue to suffer irreparable injury because of the government's actions. Every day that I am in held in custody I suffer further injury, which is irreparable. The fact that the department knows the conditions of confinement stated above pose an excessive risk to my health and failed to take appropriate action due to unmet medical attention to me and other detainees shows a substantive due process failure and violation of my Fifth and Eighth Amendment Rights.

The fact that I contracted Covid-19 in detention shows the respondents' recklessly failed to act with reasonable care to mitigate the risk of my health or safety. The equities and public interest weigh heavily in my favor. First I face irreparable harm to my civil and constitutional rights to my health. Potential harm to respondent is limited as they are unable to identify a specific reason for my continued detention.

Public interest favors my immediate release. As continued detention has caused and will continue to cause extreme irreparable hardship to me and violates the statute human civil and 5th and 8th constitutional rights.

Dated 10TH, June 2025

Signed: _____

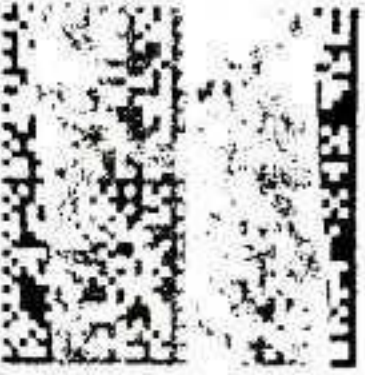
Mbutha Elvis Muli
Victim

Krome North SPC 18201 S.W. 12TH ST. MIAMI, FL 33194 Tel: 305-207-2170 Fax:		Rebecca M Katz, RN
Patient: MBUTHA, ELVIS MULI DOB: [REDACTED] Sex: Male Address: 18201 S.W. 12TH ST., MIAMI, FL 33194 Phone:	06/03/2025	
Ordered Date: 03/07/2025 Assessments: Lab: Influenza A&B Fasting: No Specimen: Collection Date: 03/07/2025 Time: 7:42 AM Clinical Info:		
Name Value	Value NEGATIVE	Reference Range
Result: Negative Received Date: 03/07/2025 Katz RN, Rebecca M 3/7/2025 07:44:10 AM EST > INFLUENZA A&B NEGATIVE Notes: LOT 006492 EXP 07/03/2025		

Patient Name: MBUTHA, ELVIS MULI , DOB: [REDACTED]

U.S. OFFICIAL
SALARY FY
PRIVATE US
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036B 084



MBUTHA ELVIS MULI
ICE KROME SPC MIAMI
18201 SW 12TH STREET
MIAMI FLORIDA, 33194

U.S. District Court
Southern District of Florida

REC'D BY _____ D.C.

JUN 17 2025

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
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