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October 19, 2021

By FedEx Overnight

Mr. Jeff Atkins
Deputy Clerk for Case Initiation
Supreme Court of the United States
One First Street, NE
Washington, D.C. 20543

**Re: *Shenandoah Valley Juvenile Center Commission v. John Doe 4, et al.*
Case No. 21-48**

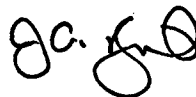
Dear Mr. Atkins:

I am counsel of record for the Petitioner in the above-referenced case. I write to respectfully request that the caption of this case be updated to reflect subsequent proceedings in the District Court that occurred after the filing of the Petition for Writ of Certiorari and Appendix.

Following remand of this case by the Fourth Circuit Court of Appeals, the District Court permitted the filing of the Third Amended Complaint, which substituted John Doe 5, John Doe 6, and John Doe 7 as the plaintiffs and removed previous plaintiff John Doe 4 from this case. As a result, Respondent John Doe 4 is no longer a party to this appeal and has been replaced by John Doe 5, John Doe 6, and John Doe 7. I have enclosed copies of the District Court's Order permitting the filing of an Amended Complaint and the subsequently-filed Third Amended Complaint.

Thank you for your attention to this matter. Please contact me if I may be of any assistance.

Cordially,

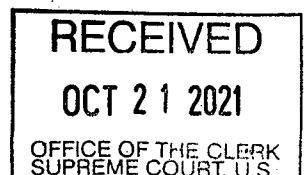


Jason A. Botkins

JAB/kds/05971.3

Enclosures

cc w. Encls. by email: Kelsi Brown Corkran, Esquire



IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JOHN DOE 4, by and through his next)
friend, NELSON LOPEZ, on behalf of)
himself and all persons similarly situated,)

Plaintiffs,)

v.)

SHENANDOAH VALLEY JUVENILE)
CENTER COMMISSION,)

Defendant.)

Case No. 5:17-cv-00097-EKD/JCH
Judge Elizabeth K. Dillon

ORDER


This matter comes before the Court for decision on the Consent Motion of Plaintiffs John Doe 4, *et al.*, to Modify the Scheduling Order currently in effect in this case, entered June 7, 2021 (ECF Dkt. No. 224). For the reasons set forth in the Consent Motion, the Court finds that good cause for the relief requested has been shown, and that the Motion therefore should be GRANTED.

Accordingly, the first two entries on the Scheduling Order entered June 7, 2021 are hereby modified as follows:

PLAINTIFFS' DEADLINE TO FILE AN AMENDED COMPLAINT	July 23, 2021
DEFENDANT'S DEADLINE TO RESPOND TO THE AMENDED COMPLAINT	August 13, 2021

In all other respects, the Scheduling Order entered June 7, 2021 remains unchanged and shall govern the further proceedings in this case accordingly.

SO ORDERED this 19th day of July 2021.

Handwritten signature of Joel C. Hoppe in black ink.

The Hon. Joel C. Hoppe
United States Magistrate Judge

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION**

JOHN DOE 5, JOHN DOE 6, and JOHN DOE 7, by and through their next friend, NELSON DOLORES LOPEZ, on behalf of themselves and all persons similarly situated,

Plaintiffs,

v.

SHENANDOAH VALLEY JUVENILE CENTER COMMISSION,

Defendant.

Case No. 5:17-cv-0097 EKD/JCH
Judge Elizabeth K. Dillon

THIRD AMENDED CLASS ACTION COMPLAINT

INTRODUCTION

1. Plaintiffs John Doe 5 (“Doe 5”), John Doe 6 (“Doe 6”), and John Doe 7 (“Doe 7”), (collectively, “Plaintiffs”), and members of the class they seek to represent, are Latino immigrant youths who are, or may in the future be, confined to the Shenandoah Valley Juvenile Center (“SVJC”). There are currently approximately nine unaccompanied immigrant minors under detention in the facility, but in the past, the facility has housed up to 30 unaccompanied immigrant minors and, upon information and belief, maintains the capacity to do so. Plaintiffs and members of the class they seek to represent are confined solely because they crossed the United States border seeking to escape violence in Mexico and Central America without proper authorization and the Office of Refugee Resettlement of the U.S. Department of Health and Human Services (“ORR”) has determined to detain them.

2. This is a civil action pursuant to 42 U.S.C. § 1983 to vindicate the rights of immigrant youth detained at SVJC under the Fifth and Fourteenth Amendments to the United States Constitution. Plaintiffs represent a class of immigrant children who have received constitutionally inadequate mental health care.
3. On behalf of themselves and all similarly situated immigrant children, Plaintiffs seek declaratory and injunctive relief requiring that Defendant cease its unconstitutional policies and practices at SVJC and provide class members with the standard of care and conditions of confinement mandated by the United States Constitution.
4. Plaintiffs bring this action by and through Nelson Dolores Lopez, their next friend.
5. Nelson Dolores Lopez is an adult resident of Virginia. He brings this action for the benefit of John Does 5 - 7 and the class of immigrant detainees Plaintiffs seek to represent. Mr. Lopez has met with John Does 5 - 7, and they consent to Mr. Lopez serving as their next friend.
6. Mr. Lopez is well-suited to serve in this role. He is currently enrolled in law school and interns at The Law Offices of Manuel Rivera, Esq. & Associates, P.C. Previously, he engaged as a community advocate at a Northern Virginia social justice organization that he co-founded. He also previously worked as a paralegal at an immigration legal services organization for approximately three years. In that capacity, Mr. Lopez frequently visited detained immigrant adults and children to educate them about their legal rights and assist them in navigating the immigration legal system.

PARTIES

Plaintiff John Doe 5

7. Doe 5 is a 15-year-old native and citizen of Honduras. When he was 12 years old, Doe 5

stopped going to school and began working washing cars.

8. Doe 5 fled Honduras to escape gang violence and to seek a better life. He arrived in the United States after a dangerous, three-month trip alone on or about January 14, 2020.
9. Upon information and belief, when he crossed the border in Texas, Doe 5 was apprehended by Customs and Border Patrol (“CBP”) officers and was determined to be an Unaccompanied Alien Child (“UAC”).
10. After being apprehended by immigration officers, he was sent to a center in Kansas, where he spent approximately six months. He then spent approximately 10.5 months at another center in Arizona. At one point, Doe 5 escaped from that center because of how he was treated by staff and by the other children. He eventually turned himself into the police, and was subsequently transferred to BCFS San Antonio, in Texas.
11. Doe 5 also attempted to escape from BCFS San Antonio with another youth. When staff were alerted to the escape attempt and arrived on the scene, Doe 5 threatened self-harm and, as a result, was transferred to a hospital in San Antonio for four days. No one at SVJC has spoken with Doe 5 about this incident of threatened self-harm.
12. He was told that he was transferred to SVJC on or about June 1, 2021 because of his escape attempts, destruction of property, and issues with staff at BCFS San Antonio.
13. Doe 5 has a counselor at SVJC. When he first arrived at SVJC, Doe 5’s counselor wanted to discuss what happened at BCFS San Antonio. Talking about his past makes Doe 5 angry, because his counselor only seems to want to figure out why Doe 5 behaved the way he did. His counselor also sets up calls between Doe 5 and his family, and speaks with Doe 5 after Doe 5 is involved in a behavioral incident. After such an incident, his counselor talks to him about what Doe 5 “did wrong.” During a recent meeting, Doe 5’s counselor stopped

arranging calls with Doe 5's family, and told Doe 5 that if he behaves well, he can resume calls with his family. Doe 5 sees his counselor once a week for five to 15 minutes at a time. Doe 5 does not like speaking with his counselor and does not think the meetings are helpful, because his counselor focuses solely on behavior management and does not give Doe 5 advice on how to cope with any of Doe 5's underlying issues or concerns.

14. Doe 5 has spoken with a psychiatrist once at SVJC via videoconference for approximately 20 minutes. The psychiatrist offered to prescribe medication to help Doe 5 sleep better, which Doe 5 accepted. The psychiatrist did not ask him how he was doing or discuss any issues other than the medication the psychiatrist prescribed, which has not helped Doe 5 sleep.

Plaintiff John Doe 6

15. Doe 6 is a 16-year-old native and citizen of Guatemala.
16. In Guatemala, Doe 6 worked as a bus attendant. He left Guatemala for the United States on his own to help his family.
17. Doe 6 turned himself in at the border, and has been in the United States for over 2.5 years.
18. When he first arrived in the United States, he was sent to a psychiatric hospital in Houston, Texas, for about a week. He does not know why he was hospitalized and, although he believes he was diagnosed with a mental health condition, does not know what that condition was. Doe 6 was prescribed some medication as part of his treatment, which he no longer takes.
19. Immigration officials eventually sent Doe 6 to live with his aunt in Texas for approximately two years. Doe 6's father also resides in Texas, but was abusive to Doe 6. Doe 6 did not live with him. Doe 6 also lived alone for a period of time in Houston.

20. In or around the beginning of May 2021, Doe 6 attempted to cross the border from the United States to Mexico with the intention of returning to Guatemala, at which point he was apprehended by immigration officials and sent to a center in Texas for a month. At the center in Texas, staff used force against him on approximately four different occasions and, during one of those occasions, tried to break his hand.
21. Doe 6 has been at SVJC since approximately June 1, 2021. He was told that he was transferred for fighting with other youth at his previous facility.
22. Doe 6 has a counselor at SVJC with whom he hardly speaks. Doe 6 has sometimes requested to speak with his counselor and been told that his counselor was too busy, or not in the office. For example, Doe 6 took the initiative to attempt to meet with his counselor several times the week of July 1, 2021, without success, and was told that his counselor could not meet with him due to the arrival of additional youth at the facility. Doe 6 also sometimes asks staff members to arrange for him to meet with his counselor. They promise him that his counselor will speak with him, but his counselor is often unable to make time for him.
23. In total, Doe 6 has met with his counselor about four or five times for approximately 10 to 30 minutes, usually following Doe 6's involvement in a behavioral incident. Doe 6 does not find his counselor helpful, because his counselor does not speak with him about anything meaningful, like how to manage Doe 6's anger. Instead, his counselor talks to him about any incidents Doe 6 has been involved in, and tells him to "behave himself" so that he can be stepped down to a lower-security facility.
24. Since his arrival at SVJC on or around June 1, Doe 6 has not met with a psychiatrist, but believes he has an upcoming appointment with one. Doe 6 has not received any treatment related to the condition with which he was diagnosed at the psychiatric hospital where he

spent time when he first arrived in the United States.

25. Because he has not received adequate mental health treatment, Doe 6 has been unable to properly manage his anger. When he becomes angry, he feels like throwing things and sometimes engages in self-harm by punching the wall. Doe 6 has not talked to his counselor about these instances of self-harm because his counselor only wants to speak with him after Doe 6 is involved in a behavioral incident.
26. In his short time at SJVC, Doe 6 has been subjected to physical assault by SVJC staff at least twice. Both times, staff have responded disproportionately to the threat that Doe 6, who is a very slight youth, poses.
27. On one of these occasions, Doe 6 reacted to a group of kids who had been trying to provoke him during class. A correctional staff member grabbed him in response, threw him face down on the ground, and placed handcuffs on his wrists. The guard who was on top of Doe 6 had his whole weight on Doe 6, hurting Doe 6's chest. Doe 6 tried to push up against the guard to relieve his chest pain, after which additional staff arrived to force him to his room. In his room, staff asked him to kneel so that they could remove his handcuffs; however, Doe 6 had an injured foot and was unable to kneel as quickly as staff ordered. Staff pushed him to the ground and, when Doe 6 tried to avoid landing on an object on the floor, staff pulled tightly on his handcuffs, injuring and leaving marks on his wrists. As punishment, staff took away his books, notebook, and other items from his room and did not tell him when they would return his items. Because staff also took away his eating utensil, he had to eat lunch with his hands that day.

Plaintiff John Doe 7

28. Doe 7 is a 15-year-old native and citizen of Honduras.

29. Doe 7 left Honduras in the wake of Hurricanes Eta and Iota, which destroyed his family's home and left his family with nowhere to live. He came to the United States seeking a better life for himself and in order to provide help to his family.
30. On his journey to the United States, which he braved alone, he frequently went without food or water and sometimes slept on the road. He walked much of the way after witnessing a train run over another child's foot.
31. Doe 7 arrived in the United States in approximately early 2021. Upon information and belief, he was apprehended by immigration officers at the U.S. border and was determined to be a UAC. After being held by immigration for approximately eight days, Doe 7 was sent to a shelter in San Antonio, Texas for approximately two months.
32. Doe 7 was transferred to SVJC in approximately mid-May 2021, and was told that he was transferred for fighting with other youth at the facility in San Antonio.
33. Doe 7 has a counselor at SVJC whom he sees on a weekly basis. During his sessions, his counselor advises him on how to behave, what he needs to do in order to leave SVJC, and speaks with him about other issues going on in his life. His counselor also helps him get in touch with his mom, who is still in Honduras. Doe 7 sometimes listens to music during the counseling sessions.
34. Doe 7 met with a psychiatrist at SVJC over video. He was prescribed medication to help him calm down, as he is quick to anger, and to help him sleep. Doe 7 believes he has been diagnosed with a mental health condition, but he does not recall what it is.
35. In his short time at SJVC, Doe 7 has been subjected to physical assault by SVJC staff. During one such incident, Doe 7 came out of the bathroom and was told to return to his room. At the time, Doe 7 had an injured leg from playing soccer. When he said that he did not want

to return to his room because it was time for class, as many as eight guards threw him on the ground and held him down. At some point during this altercation, guards also placed handcuffs on Doe 7. They carried him off by holding him underneath his shoulders, which injured his arm, and also hurt his already-injured leg. During this incident, one of the supervisors was also cursing at him. Following this altercation, Doe 7 was kept locked in his room for a full day. Guards took everything out of his cell other than his mattress, including his blankets and personal items, and he was so cold that he could not sleep that night.

36. Doe 7 has also witnessed staff assault another youth, and described seeing staff handcuff and beat that youth. This incident occurred after that youth attempted to access a restroom and found that a guard was blocking him. When the youth pushed through the door because of an urgent need to use the restroom, a staff member grabbed him from behind and slapped him in the face. In response to this physical assault, the youth jerked his head back and hit the guard in the nose. The guard called for help, and six or seven other correctional staff arrived at the scene, dragged the youth back to his room, and started hitting him. They also shoved him down on the mattress, causing that youth to hit his head on the wall. After they were finished beating him, they removed everything from his room except for his mattress. The youth had bruises from this altercation, but received no medical attention.

37. Doe 7 described SVJC as a “prison.”

Defendant Shenandoah Valley Juvenile Center Commission

38. Defendant Shenandoah Valley Juvenile Center Commission (“Defendant” or “Commission”) is a commission composed of members from seven jurisdictions in the Shenandoah Valley, including the Cities of Harrisonburg, Lexington, Staunton and

Waynesboro, and the Counties of Rockingham, Augusta, and Rockbridge. The Commission owns and operates SVJC, a secure residential detention facility in Staunton, Virginia, for use by each of the member jurisdictions.

39. The Commission is a public body corporate pursuant to Va. Code § 16.1-315.

JURISDICTION AND VENUE

40. Plaintiffs' cause of action arises under the Fifth and Fourteenth Amendments to the United States Constitution and 42 U.S.C. § 1983.
41. Jurisdiction in this Court is proper pursuant to 28 U.S.C. § 1331.
42. Venue in this Court is proper under 28 U.S.C. § 1391(b)(2) because Defendant resides, and all or a substantial part of the events or omissions giving rise to this action occurred, in this District.

STATEMENT OF FACTS

General Conditions at SVJC

43. SVJC holds an approximate average daily population of 46 youth between the ages of 10 and 17 years. This includes both UACs and United States citizen youth who have been adjudicated as juvenile delinquents.
44. ORR, the division of the U.S. Department of Health and Human Services directly responsible for the care and custody of unaccompanied immigrant minors, has contracted with the Commission to house children at SVJC whom ORR determines are UACs and require detention in secured conditions due to the risk of harm these UACs purportedly pose to themselves or others.
45. SVJC is currently the only secure facility in the country that houses detained UACs.
46. ORR's explanation for its decision to place a child in a secure facility must be made in writing

and made available to the child. Its evaluations in this regard are to be revisited at regular intervals. Upon information and belief, ORR fulfills these obligations only sporadically, as two of the three named Plaintiffs have not received a written explanation as to why they have been placed at SVJC.

47. SVJC is, both structurally and functionally, a prison. (Or, as one class member described it, a “hell hole.”) Children are not permitted to freely move about the facility and they are locked in their rooms for much of their time at the facility, including during meals; during staff breaks; and after approximately 10 pm in the evening until the next morning.
48. Each child is assigned to a room with a mattress, a sink, and a toilet. Each room is in a “pod,” which is a cluster of approximately ten rooms with a shared common area.
49. In the common area of each pod, there are metal tables and chairs that are bolted to the floors.
50. The children are given limited recreation time per day, most of which they spend in a small gymnasium. Only once every two weeks or sometimes as infrequently as once a month, the youth are able to spend a short period of time outdoors.
51. There is a point system in place to reward children for good behavior and punish them for bad behavior. The children use points to purchase personal hygiene items such as deodorant, toothpaste and shampoo.
52. Points are taken away by SVJC staff from detained UACs for such purported “offenses” as taking too longer to shower, not following directions, a child having a pencil in his room, being disrespectful, or cursing. If a child loses three points in a day, the child will be placed in seclusion.

Inadequate Mental Health Care

“If a child is held at SVJC until he no longer behaves aggressively, and this aggressive behavior arises from an underlying traumatic condition, then it follows that SVJC’s efforts to improve a child’s behavior should also treat the child’s underlying trauma that gives rise to the misbehavior.” *Doe 4 v. Shenandoah Valley Juvenile Ctr. Comm’n*, 985 F.3d 327, 340-41 (4th Cir. 2021).

53. Children are transferred to SVJC by ORR from less secure facilities when their behaviors, primarily aggression and self-harm, appear to make them a danger to themselves or others or suggest that they are a flight risk. Those behaviors, however, are generally the direct result of untreated mental illness resulting from trauma experienced by the youth in, or during the process of fleeing from, their home countries.
54. The Cooperative Agreement between ORR and SVJC designates SVJC as a “care provider” required to provide, *inter alia*, “[p]roper physical care and maintenance,” “[a]ppropriate routine medical and dental care . . . appropriate mental health interventions when necessary,” “[a]n individualized needs assessment,” “[e]ducational services appropriate to the unaccompanied child’s level of development and communication skills,” “[a]t least one individual counseling session per week conducted by trained social work staff with the specific objective of reviewing the child’s progress, establishing new short term objectives, and addressing both the development and crisis-related needs of each child,” and “[g]roup counseling sessions at least twice a week.” At SVJC, as “[w]ithin all [ORR] placements, UACs shall be treated with dignity, respect, and special concern for their particular vulnerability.” *See* 45 C.F.R. § 410.102(d).
55. SVJC fails to provide minimally adequate mental health services for the immigrant detainees in its custody, as required by its Cooperative Agreement with ORR, and does not exercise appropriate professional judgment in treating their serious psychological and/or other mental health needs.

56. Defendant has a policy or practice of denying Plaintiffs and class members access to appropriate mental health treatment and counseling with licensed mental health professionals, in violation of well-established professional standards.
57. SVJC staff members are unable to recognize and properly react to the obvious needs of youth who have experienced known, serious trauma and instead taunt and harass the children. For example, Doe 5 reported being intimidated and taunted by guards, one of whom told him that if Doe 5 hit him, it would be “vacation for [him].”
58. Youth who arrive at SVJC with a known or presumed history of trauma and/or mental health issues do not receive adequate or appropriate follow-up care or treatment at the facility. The mental health response to youth at SVJC takes a “one size fits all” approach and is not tailored to an individual child’s needs. Each child is assigned a counselor, with whom they usually meet once a week, although some of the youth, including one named Plaintiff, reported speaking with their counselors less frequently. The counseling sessions, some of which last as little as five minutes, do not focus on addressing the youth’s significant underlying trauma; instead, they focus on behavioral management and what each child can do to be stepped down. Youth also sometimes use the time to call their families in their home countries or to listen to music.
59. Some, but not all, of the youth currently detained at SVJC have also met with a psychiatrist during sessions ranging between 20 minutes to one hour. Upon information and belief, the psychiatrist does not provide counseling or any form of psychotherapy, and the sessions seem to focus primarily on offers of medication to help the youth sleep and better manage their anxiety.
60. Only one youth described anything resembling regular group therapy. That youth described

a meeting between himself, a few other youth, and two counselors, as well as guards, for about five to ten minutes each morning before programming starts to discuss “good things and good behavior.” None of the named Plaintiffs acknowledge participating in group therapy at SVJC.

61. Youth at SVJC engage, have engaged; or have threatened to engage in self-harm. Self-harm includes cutting arms, wrists or other places on the body with objects, such as pieces of plastic or glass. It may also include punching the wall.
62. Upon information and belief, self-harming incidents are, or may be, symptoms of past trauma and serious untreated mental health conditions, which are exacerbated by the conditions in the facility and the lack of provision of meaningful mental health treatment by staff.
63. Further traumatizing and/or re-traumatizing the children, SVJC staff regularly and disproportionately respond to minor behavioral incidents by physically assaulting the youth, applying an excessive amount of force that goes far beyond what is needed to establish or regain control. SVJC staff hit and/or push children to the ground for minor acts of aggression or other misbehavior, and they assault the children after they have been restrained, when any threat that the children may have posed has been eliminated.
64. Such applications of force add to the severe psychological trauma from which the immigrant youth already suffer and which goes untreated due to the lack of appropriate mental health care at the facility.
65. Furthermore, Defendant has a policy or practice of confining the immigrant detainees to their rooms for lengthy periods of time and/or using handcuffs to restrain them.
66. Defendant utilizes confinement and the application of restraints for punitive purposes.
67. Two of the named Plaintiffs have been confined to their rooms for up to 24 hours at a time,

and other youth have been confined to their rooms for shorter periods for minor behavioral incidents, such as not responding quickly enough when being called by staff. On some occasions, the children are stripped of all of their personal items and their blankets, including overnight.

68. Furthermore, when youth ask SVJC staff to be separated from other youth that are insulting them or attempting to provoke violence or anger, staff ignore these requests. For example, the named Plaintiffs and other class members have reported that the American youth detained at the facility frequently antagonize them, yet these issues remain unaddressed.
69. The use of lengthy confinement and restraints add to the severe psychological trauma from which the youth already suffer and which goes untreated due to the inadequate mental health care they receive at the facility.
70. Isolating, punishing, and failing to provide clearly-needed mental health treatment to children who are severely traumatized or may be self-harming is extremely damaging to their well-being, and violates well-established professional standards.
71. Plaintiffs have been and continue to be harmed by the lack of provision of appropriate, trauma-informed mental health care treatment by SVJC.

CLASS ACTION ALLEGATIONS

72. John Does 5 - 7 bring this suit on their own behalf and on behalf of all UACs who are, or will in the future be, detained at SVJC.
73. The class is so numerous that joinder of all members is impractical. Approximately nine immigrant youth are detained there currently, and many more UACs have been detained at SVJC in the past and could be again. Further, because children remain at SVJC for varying lengths of time, and the population changes frequently and unpredictably, the class also

includes former SVJC residents who may return there in the future as well as future members whose names are not known at this time. Fed. R. Civ. P. 23(a)(1).

74. There are questions of law and fact common to all class members, including but not limited to whether the Defendant has engaged in a pattern or practice of failing to provide class members with constitutionally adequate mental health care. Fed. R. Civ. P. 23(a)(3).
75. Because the Defendant's policies, practices, and procedures challenged in this Third Amended Complaint apply with equal force to the named Plaintiffs and the other members of the class, the claims of the named Plaintiffs are typical of the class in general. Fed. R. Civ. P. 23(a)(3).
76. The named Plaintiffs will fairly and adequately represent the interests of the class. They possess a strong personal interest in the subject matter of the lawsuit and are represented by experienced counsel with expertise in class action and civil rights litigation in the federal courts. Counsel possess the legal knowledge and resources to fairly and adequately represent the interests of all class members in this action. Fed. R. Civ. P. 23(a)(4).
77. The Defendant has acted or failed to act on grounds generally applicable to the class in that Defendant's policies and practices in violation of the Plaintiffs' constitutional rights have affected or have the potential to adversely affect all class members. Accordingly, preliminary as well as final injunctive and declaratory relief is appropriate for the class as a whole. Fed. R. Civ. P. 23(b)(2).

NECESSITY FOR INJUNCTIVE RELIEF

78. The Defendant has acted and continues to act in violation of the law as described above. The named Plaintiffs and the class they seek to represent do not have an adequate remedy at law. As a result of the policies, practices, acts, and omissions of the Defendant, the named

Plaintiffs, and the class they seek to represent, have suffered serious, imminent, and irreparable physical, mental, and emotional injuries.

COUNT I

**Violations of the Fifth and Fourteenth Amendments
(42 U.S.C. § 1983 – Failure to Provide Adequate Mental Health Services)**

79. Plaintiffs re-allege and incorporate by reference the allegations set forth in Paragraphs 1 through 78 as if fully set forth herein.
80. The Due Process Clause of the Fifth Amendment requires that all individuals who are detained by the State be afforded adequate medical care, including mental health care, during their detention. This right is enforced against the States through the Fourteenth Amendment.
81. As described above, Defendant has failed to provide necessary care and treatment for Plaintiffs' and other detainees' known and or presumed history of mental health issues and/or trauma.
82. In particular, Defendant has not provided Plaintiffs and other detainees the necessary medical and mental health care required to treat individuals who are psychologically traumatized.
83. Defendant's policies, practices, acts and/or omissions constitute a failure to exercise professional judgment and/or a substantial departure from accepted professional judgment, practice, or standards as to the appropriate treatment of the mental health needs of the immigrant youth residing at SVJC and violate the Fifth and Fourteenth Amendments to the United States Constitution, as enforced through 42 U.S.C. § 1983.
84. Defendant's policies, practices, acts and/or omissions have placed or will place the named Plaintiffs and the members of the class they seek to represent at an unreasonable risk of suffering new or worsening serious mental health illnesses, injuries, and harm.
85. Unless restrained by this Court, Defendant will continue to engage in the acts and omissions

set forth herein that deprive immigrant detainees confined at SVJC of rights, privileges, or immunities secured or protected by the Constitution of the United States and federal law, and will cause irreparable harm to these youth.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs John Doe 5, John Doe 6, and John Doe 7, on their own behalf and on behalf of the class they seek to represent, respectfully request that the Court:

- a. Declare that the acts and omissions of the Defendant as alleged in this Third Amended Complaint violate the Constitution and laws of the United States;
- b. Enter an injunction requiring the Defendant, its agents, employees and all persons acting in concert with or on behalf of the Defendant to cease their unconstitutional and unlawful practices;
- c. Allow, upon appropriate motion, the substitution of John Does 5, 6, and 7 in place of John Doe 4 as representatives of the Class certified by this Court pursuant to Fed. R. Civ. P. 23(a) and 23(b)(2);
- d. Designate undersigned counsel as attorneys for the certified class;
- e. Award to the Plaintiffs and class members reasonable costs and attorney's fees; and
- f. Grant the Plaintiffs and all members of the class all such other further relief as the Court deems just.

Dated: July 23, 2021

Respectfully submitted,

Mirela Missova (admitted *pro hac vice*)
WASHINGTON LAWYERS'
COMMITTEE FOR CIVIL RIGHTS
AND URBAN AFFAIRS
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By: /s/ Theodore Howard

*Attorneys for Plaintiffs John Doe 5, John Doe 6,
and John Doe 7*

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July, 2021, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will then send a notification of such filing (NEF) to the following counsel of record:

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Attorneys for Defendant

By: /s/ Theodore Howard
Theodore A. Howard