

Legal Permanent Resident of Mexican descent and is currently detained at the South Texas Detention Complex in Pearsall, Texas. She suffers from a disability within the meaning of the ADA and the RA.

4. Defendant The GEO Group, Inc. is a Florida-based company engaged in interstate commerce and doing business in Texas. Among its many activities, Defendant operates correctional facilities for detaining persons in federal and state custody. Defendant contracts with the U.S. Department of Homeland Security (DHS) to detain noncitizens subject to removal proceedings. Defendant's main office in Texas is at 1583 Common Street, Suite 111, New Braunfels, Texas 78130. Defendant may be served process through Prentice Hall Corp. Systems, 701 Brazos St., Ste. 1050, Austin, Texas 78701.

STATEMENT OF FACTS

5. In August of 2006, the U.S. Department of Homeland Security placed Plaintiff Rodriguez-Grava in Defendant's custody at the South Texas Detention Complex (STDC) in Pearsall, Texas. Plaintiff Rodriguez-Grava remains behind bars at the STDC pending her removal proceedings.

6. Although aware that Plaintiff required special treatment and reasonable accommodations due to her mental disability, Defendant failed to provide such treatment and accommodations.

7. Defendant also failed to provide Plaintiff with her prescribed medication.

8. Defendant also failed to provide adequate and regular psychiatric treatment to Plaintiff.

9. As a result of Defendant's failures to address Plaintiff's medical needs, Plaintiff's physical and mental condition deteriorated requiring that she be placed in segregation and isolation.

10. Despite numerous requests for medical treatment and reasonable accommodations by Plaintiff and her immigration lawyer, Defendant refused to remedy the situation. Instead, Defendant retaliated against her by purposefully misdiagnosing her condition, denying her adequate treatment and reasonable accommodations, removing her crutches, and stripping her naked and placing her in an isolation room.

11. During the course of Plaintiff's confinement at Defendant's facility, Defendant's agents ridiculed Plaintiff on a regular basis because of her disability. Defendant's employees taunted Plaintiff by telling her that she is not truly sick, that she is faking her illness, that she has no rights in the United States, and that she will soon be deported to Mexico.

12. Plaintiff has suffered and continues to suffer emotional pain and anguish as a result of Defendant's actions.

CAUSES OF ACTION

A. Americans with Disabilities Act, 42 U.S.C. § 12131

13. The factual allegations in the paragraphs above are hereby re-alleged and incorporated by reference.

14. Title II of ADA provides that "[n]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." 42 U.S.C. § 12131. Although operated by Defendant, the South Texas Detention Complex is owned by a local government entity especially formed by the Frio County. As such, STDC is a public entity subject to the ADA.

15. Defendant The GEO Group, Inc.'s actions violated Title II of the Americans with Disabilities Act because they constitute discrimination on the basis of disability. Defendant's actions

also constitute retaliation in violation of the ADA. Finally, in failing to provide reasonable accommodations to Plaintiff because of her disability, Defendant violated the ADA.

16. Plaintiff seeks injunctive relief and compensatory damages for her injuries.

B. Americans with Disabilities Act, 42 U.S.C. § 12182

17. The factual allegations in the paragraphs above are hereby re-alleged and incorporated by reference.

18. Title III of ADA provides that “[n]o individual shall be discriminated against on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation.” 42 U.S.C. § 12182. Although operated by Defendant, the South Texas Detention Complex is owned by a local government entity specially formed by the Frio County. As such, STDC is a place of public accommodation subject to the ADA.

19. Defendant The GEO Group, Inc.’s actions violated Title II of the Americans with Disabilities Act because they constitute discrimination on the basis of disability. Defendant’s actions also constitute retaliation in violation of the ADA. Finally, in failing to provide reasonable accommodations to Plaintiff because of her disability, Defendant violated the ADA.

20. Plaintiff seeks injunctive relief and compensatory damages for her injuries.

C. Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504)

21. The factual allegations in the paragraphs above are hereby re-alleged and incorporated by reference.

22. Section 504 of the Rehabilitation Act provides that “No otherwise qualified individual with a disability ... shall, solely by reason of her or his disability, be excluded from the participation

in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance or under any program or activity conducted by any Executive agency or by the United States Postal Service.” 29 U.S.C. § 794. Defendant contracts with the U.S. Department of Homeland Security, a federal agency, and therefore Defendant is subject to the requirements of the Rehabilitation Act.

23. Defendant The GEO Group, Inc.’s actions violated the Rehabilitation Act because they constitute discrimination on the basis of disability. Defendant’s actions also constitute retaliation in violation of the Act. Finally, in failing to provide reasonable accommodations to Plaintiff because of her disability, Defendant violated the Act.

24. Plaintiff seeks injunctive relief and compensatory damages for her injuries.


PRAYER FOR RELIEF

THEREFORE, Plaintiff respectfully prays that this Court grant the following relief:

- A. Enter judgment on Plaintiff’s behalf against The GEO Group Inc., for monetary damages sufficient to compensate her for her injuries;
- B. Declare Defendant’s conduct as constituting discrimination in violation of the ADA and the Rehabilitation Act;
- C. Enjoin Defendant to render adequate treatment to Plaintiff, provide reasonable accommodations for her disability, and to cease further discrimination against Plaintiff;
- D. Grant reasonable attorneys’ fees, litigation expenses, and court costs.
- E. Grant all other and additional relief to which Plaintiff may be entitled at law or in equity;

DATED: 8/31/2007

Respectfully Submitted,



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