

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MINNESOTA**

<p>Ali Abdalla</p> <p>Plaintiff,</p> <p>v.</p> <p>United States of America; United States Attorney General William P. Barr; Acting Secretary of Homeland Security Chad F. Wolf; Acting Director of United States Immigration and Customs Enforcement Matthew T. Albence; Acting Director of the Office of I.C.E. Enforcement and Removal Operations Timothy S. Robbins; Field Office Director for the I.C.E. St Paul Field Office Peter Berg; Sherburne County Sheriff Joel Brott; and ICE Does 1-10,</p> <p>Defendants.</p>	<p>Civil Action No: _____</p> <p>COMPLAINT FOR DAMAGES AND INJUNCTIVE AND DECLARATORY RELIEF</p> <p>JURY TRIAL DEMANDED</p>
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Plaintiff Ali Abdalla, by and through his undersigned attorneys, demanding trial by jury of all claims properly triable thereby, for his Complaint against Defendant above-named, complains and alleges as follows:

NATURE OF THE CASE

1. Plaintiff Ali Abdalla is a citizen of the United States. He entered the United States as a refugee from Somali. He attained derivative citizenship through his father in 2003.

2. Mr. Abdalla suffers from mental health issues resulting from a workplace injury, in which a metal bar struck his head causing a traumatic brain injury.

3. Notwithstanding Mr. Abdalla's status as a United States citizen, officers of the United States Immigration and Customs Enforcement (ICE), a part of the United States Department of Homeland Security (DHS), acting within the scope of their office or employment, directed and carried out an unlawful arrest and nearly year-long imprisonment of Mr. Abdalla commencing in July, 2017. This imprisonment continued even after an immigration judge terminated deportation proceedings against Mr. Abdalla by finding that he had been a United States citizen since 2003. Mr. Abdalla secured his release from unlawful detention only by seeking and obtaining a federal writ of habeas corpus.

4. Prior to Mr. Abdullah's arrest and during his detention, ICE officers, acting within the scope of their office or employment, also failed and refused to investigate his claims to citizenship, a violation of the agency's own internal guidelines that were controlling all during in effect throughout Mr. Abdalla's imprisonment. A 2009 memorandum from John Morton, Assistant Secretary of Homeland Security for ICE, to all Field Office Directors, Special Agents in Charge, and Chief Counsels of ICE stated that claims to U.S. citizenship must "receive *immediate and careful* investigation and analysis" (emphasis added).

5. The United States Government lacks the authority to deport one of its citizens. It is the obligation of the government, both at the state and federal level, to protect the liberty and security of its citizens. In this case, the government failed to protect Mr.

Abdalla, while individuals who lacked the proper training and oversight, acting within the scope of their office or employment, violated Mr. Abdalla's constitutional rights.

6. As a result of the actions of ICE officers acting within the scope of their office or employment, Mr. Abdalla was unjustly and unlawfully deprived of his liberty without due process for nearly a year. While imprisoned, Mr. Abdalla suffered serious and substantial emotional distress.

7. Mr. Abdalla's deprivation of liberty and emotional distress are the direct and foreseeable consequence of official policies, patterns, practices, and customs that manifest not only intentional discrimination based on race, ethnicity, and religion as well as disregard of basic principles of due process, but also a reckless disregard for human life and liberty.

8. The shocking and callous behavior by ICE officers acting within the scope of their office or employment, resulting in the unlawful imprisonment of Mr. Abdalla, especially after receiving instructions from an immigration judge that he was a United States citizen, demonstrates that ICE regarded Mr. Abdalla not as a true United States citizen, but rather as a second class citizen whose freedom was not important.

9. After being released from Sherburne County Jail, Mr. Abdalla received a certificate of citizenship confirming that he had acquired citizenship on July 1, 2003, more than 14 years before he was arrested by ICE.

10. Acting with the assistance of pro bono counsel, Mr. Abdalla filed administrative complaints with ICE and DHS on July 3, 2019, under the Federal Tort

Claims Act, 28 U.S.C. §§ 2671 *et seq.*, seeking redress for the violations of his rights and his injuries and damages proximately resulting therefrom.

11. More than six months have elapsed since Mr. Abdallah filed his administrative complaint without a response from ICE or DHS. Pursuant to 28 U.S.C. § 2675, Mr. Abdalla now deems their failure to respond or make a final disposition of his claims to constitute a final denial of the claim for purposes of this section, and now initiates this lawsuit.

JURISDICTION

12. This action arises under the Constitution and laws of the United States, including 28 U.S.C. § 2674. This Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 (federal question statute) and 1346(b) (United States as a defendant).

EXHAUSTION

13. As set forth in paragraphs 10 and 11 hereinabove, Mr. Abdalla has exhausted all available administrative remedies pursuant to 28 U.S.C. § 2675.

PARTIES

14. Plaintiff Ali Abdalla is a United States citizen and a resident of Coon Rapids, MN. He acquired citizenship through his father on July 1, 2003.

15. Defendant United States of America is the appropriate defendant for claims brought pursuant to the Federal Tort Claims Act (“ FTCA”), 28 USC § 1346(b). Defendant United States of America is sued under the FTCA for the wrongful and tortious acts of its agencies and employees acting within the scope of their office or

employment. The United States is implicated by and through the actions, policies, patterns, practices, and customs of DHS and/or ICE and its policy-makers, agents, and officers acting within the scope of their office or employment.

16. Defendant William P. Barr, is the Attorney General of the United States and the head of the United States Department of Justice (DOJ). Mr. Barr shares responsibility for implementation and enforcement of the immigration laws along with Defendant Chad F. Wolf. Mr. Barr is sued in his official capacity.

17. Defendant Chad F. Wolf is the Acting Secretary of Homeland Security and the highest-ranking member of DHS, the arm of the United States Government responsible for enforcement of immigration laws. Mr. Wolf is sued in his official capacity.

18. Defendant Matthew T. Albence is the Acting Director of ICE, the arm of DHS charged with detaining and removing aliens pursuant to federal immigration law. Mr. Albence is sued in his official capacity.

19. Defendant Timothy S. Robbins is the Acting Director of the Office of Enforcement and Removal Operations, which is the primary enforcement arm within ICE for the identification, apprehension and removal of noncitizens unlawfully in the United States. Robbins is sued in his supervisory and individual capacity.

20. Defendant Peter Berg is the Field Office Director for the St Paul Field Office of ICE, which is the Field Office responsible for the enforcement of the immigration laws within States of Minnesota, Iowa, Nebraska, North Dakota, and South Dakota. He is sued in his supervisory and individual capacity.

21. In addition to the foregoing ICE agents and officials, unknown ICE agents and officials are sued herein in their individual capacities under fictitious names as "ICE Does 1-10," because their true names, titles, capacities, and degree of responsibility for the acts alleged herein are unknown to Plaintiff at this time. When Plaintiff ascertains this information, he will amend this Complaint accordingly. ICE Does 1-10 include, but are not limited to, ICE Officials and Supervisors, ICE Officers, and Immigration Enforcement Agents with ICE (collectively, the "ICE Doe Defendants") acting within the scope of their office or employment. Plaintiff is informed and believes, and thereon alleges, that the ICE Doe Defendants are legally liable to Plaintiff in some part for the wrongful acts and omissions of which Plaintiff complains herein.

22. Defendants Barr, Wolf, Abence, Robbins, Berg, and ICE Does 1-10 are collectively "the ICE Defendants."

23. Joel Brott is the Sheriff of Sherburne County, Minnesota, and is sued in his official capacity. In that capacity, Sheriff Brott is responsible for the Sherburne County Jail, a detention facility under contract with ICE and the physical location where Petitioner has been in custody. The address for Sherburne County Jail is 13880 Business Center Dr. NW, Elk River, MN 55330.

CONDUCT LEADING TO VIOLATIONS OF LAW

Unlawful Arrest

24. Ali Abdalla is a United States citizen who derives his citizenship based on his father's naturalization when Mr. Abdalla was under the age of 18 on July 1, 2003.

25. In 2010 Mr. Abdalla was apprehended by ICE and unable to hire an immigration attorney to explain his naturalization. He was ordered deported to Somalia. The United States was unable to deport individuals to Somalia at that time, and Mr. Abdalla was released.

26. On July 14, 2017, Mr. Abdalla was arrested by an unknown ICE officer acting within the scope of his office or employment. Mr. Abdalla was again told that he would be deported to Somalia. He again informed ICE that he is a United States citizen. Upon information and belief, Mr. Abdalla alleges that this ICE agent did nothing with this information.

27. Instead, Mr. Abdalla was handcuffed. He was taken to Freeborn County jail. Other prisoners taunted him because he was a United States citizen, but was going to be deported. Mr. Abdalla told the guards that he was a United States citizen, but they did nothing about it. From July, 2017, to roughly March, 2018, Mr. Abdalla was moved between Freeborn and Nobles County jails several times. In March or April, 2017, he was moved to Sherburne County jail until his release through a petition for a writ of habeas corpus. During his confinement, staff in both Sherburne and Nobles county jails knew that he was a United States citizen.

28. During his stay at Nobles County jail, jail personnel diagnosed Mr. Abdullah with anxiety and provided with medication. Following his transfer to Sherburne County, jail personnel refused to let him take his medication.

Legal battle to prevent Defendants from deporting a United States Citizen

29. After being arrested by ICE, Mr. Abdalla hired an immigration attorney, Kim Hunter, who recognized he was a United States citizen. Ms. Hunter filed a motion to reopen his immigration case with Immigration Judge Ryan Wood based on Mr. Abdalla's deriving citizenship through his father's naturalization in 2003.

30. On January 26, 2018, Immigration Judge Wood ruled that Mr. Abdalla was a United States citizen and terminated his removal proceedings. In his order, Judge Wood noted that ICE policy, as set forth in the Morton Memo referenced above, states that "if the evidence indicates a person is a USC [United States citizen] or if the evidence outweighs contrary evidence, the individual should not be arrested or taken into custody."

31. Knowing that Mr. Abdalla was a United States citizen, ICE nonetheless appealed Judge Wood's decision to the United States Bureau of Immigration Appeals. Despite Judge Wood's ruling, its knowledge of Mr. Abdalla's United States citizenship, and its own internal guidance, ICE refused to release Mr. Abdalla from immigration detention.

32. By Mr. Abdalla's own admission, being detained even after he was declared a United States citizen "messed me up." Mr. Abdalla could not understand how ICE could continue to hold him after learning he was a United States citizen. It was at this time he was given medication for anxiety by Nobles County.

33. Because of ICE's unlawful actions, On May 1, 2018, Mr. Abdalla was forced to file a Petition for Writ of Habeas Corpus in the U.S. District Court for the District of Minnesota to secure his release from detention. In ordering Mr. Abdalla's release, the Court noted that while "Respondents have appealed the IJ's decision, they have cited no

authority for the proposition that they may detain a judicially-determined U.S. citizen while that appeal is pending.” *Abdalla v. Sessions*, No. CV 18-1186 (PAM/DTS), 2018 WL 7504841, at *1 (D. Minn. May 25, 2018).

34. No such authority exists. Defendants, acting within the scope of their office or employment, detained Mr. Abdalla unlawfully for nearly a year, and for over five months after Judge Wood ordered his release as a United States citizen. His imprisonment was unjustified and completely unlawful. At no time during the detention was there any lawful basis to imprison Mr. Abdalla. Nor was there any basis to substitute the Immigration Judge’s conclusion regarding Mr. Abdalla’s citizenship with ICE’s own conclusion. ICE’s conduct and failure to protect the rights of Mr. Abdalla, a United States citizen, carried out by its officers and employees acting within the scope of their office or employment, shocks the conscience.

35. Mr. Abdalla’s national origin as a Somali and his Muslim religion undoubtedly contributed to the unlawful and heedless disregard of his rights as a United States citizen. It is not hard to conceive that Defendants would have treated him better had he been white and Christian.

Defendant’s Failure to Follow the Morton Memo

36. The Morton Memo was issued to all ICE Field Directors, Special Agents in Charge, and Chief Counsel in November, 2009, and instructed on what to do in cases in which a suspected alien claims to be a United States citizen. Field Directors and Special Agents in Charge are required to ensure that “state and local officers” adhere to this policy.

37. The Morton Memo substantially revised and expanded the obligations of ICE agents and officers who learn of a claim to United States citizenship by a suspected alien, including, for instance, involving the Office of Investigations and the Office of Principal Legal Advisor's personnel to evaluate the evidence in support of the claim to citizenship and to assess the evidence of alienage.

38. This guidance resulted from congressional findings and news coverage of ICE deportation of United States citizens. *See* Ian James, *Wrongly Deported, American Citizen Sues INS for \$8Million*, L.A. TIMES, Sept. 3, 2000. Paloma Esquivel, *Suit filed over man's deportation ordeal*, L.A. TIMES, Feb. 28, 2008; Sandra Hernandez, *Deported U.S. Citizen Sues U.S.*, DAILYJOURNAL, Feb. 27, 2008; Emily Bazar, *Citizens sue after detentions, immigration raids*, U.S.A. TODAY, June 26, 2008; Anna Gorman, *U.S. citizen was held in immigration custody*, L.A. TIMES, Oct. 28, 2008; *The Expedited Removal Study: Report on the First Three Years of Implementation of Expedited Removal*, 15 Notre Dame J.L. Ethics & Pub. Poly 1, 83-84 (2001).

39. The Morton Memo instructs ICE officers to review carefully any claim to United States citizenship. The memo advises, “As the Immigration and Nationality Act (INA) provides numerous avenues for a person to derive or acquire U.S. citizenship, ICE officers, agents, and attorneys, should handle these matters with the utmost care and highest priority.”

40. ICE agents are cautioned not to ignore complex cases. “While some cases may be easily resolved, because of the complexity of citizenship and nationality law, many may require additional investigation and substantial legal analysis.”

41. The Morton Memo also instructs agents, “As a matter of law, ICE cannot assert its civil immigration enforcement authority to arrest and/or detain a USC. Consequently, Investigations into an individual's claim to U.S. citizenship should be prioritized and Office of Investigations (OI) and Detention and Removal Operations (DRO) personnel must consult with the Office of the Principal Legal Advisor's (OPLA) local Office of the Chief Counsel (OCC).”

42. As far back as July, 2017, in his initial encounter with ICE, Mr. Abdalla plainly informed ICE that he was a United States citizen because of his father's naturalization. ICE agents, acting within the scope of their office or employment, failed and refused to investigate this claim.

43. The memo further requires that if there is “*some* probative evidence that the individual is a USC, officers and agents should consult with their local OCC as soon as practicable. After evaluating the claim, if the evidence of U.S. citizenship outweighs evidence to the contrary, the individual should not be taken into custody.” (Emphasis in original). There was more than some probative evidence in Mr. Abdalla's case, which the ICE agents, acting within the scope of their office or employment, willfully and intentionally chose to disregard or not investigate.

44. The memo also orders, “In all cases, any uncertainty about whether the evidence is probative of U.S. citizenship should weigh against detention.”

45. The ICE agents in July, 2017, acting within the scope of their office or employment, failed to comply with this directive. While the memo instructs them to contact the Office of the Chief Counsel to investigate, they did not.

46. While Mr. Abdalla was in detention, Defendants continued to fail to follow this memo. The memo requires that claims of United States citizenship by individuals imprisoned by ICE *must be* investigated by an officer and the officer *must* contact the OCC. “If the individual is unrepresented, an officer must immediately provide the individual with the local Executive Office for Immigration Review (EOIR) list of pro bono legal service providers, even if one was previously provided.” This was not done for Mr. Abdalla.

47. The memo requires that if there is a claim of United States citizenship by an imprisoned individual,

DRO and OPLA must also jointly prepare and submit a memorandum examining the claim and recommending a course of action to the HQDRO Assistant Director for Operations at the "USC Claims DRO" e-mailbox and to the HQOPLA Director of Field Operations at the "OPLA Field Legal OPS" e-mailbox. Absent extraordinary circumstances, this memorandum should be submitted no more than 24 hours from the time the individual made the claim. HQDRO and HQOPLA will respond to the field with a decision on the recommendation within 24 hours. A notation should be made in EARM and a copy of the memorandum and resulting decision should be placed in the alien's A-file. The memorandum and resulting decision should also be saved in GEMS and notated using the designated GEMS barcode.

48. Mr Abdalla alleges upon information and belief that no such reports were created during his imprisonment.

49. In January, 2018, the question of Mr. Abdalla’s citizenship was no longer in any doubt as Immigration Judge Wood had declared him a United States citizen and terminated proceedings against him. ICE agents did not follow the Morton Memo at this time either, which clearly required that Mr. Abdalla be released: “As a matter of law, ICE

cannot assert its civil immigration enforcement authority to arrest and/or detain a USC.” ICE violated this directive.

50. Instead, ICE failed to disclose to the Minnesota District Court reviewing Mr. Abdalla’s habeas petition that that the Immigration Judge had declared Mr. Abdalla a United States citizen.

51. On May, 25 2018, Magistrate Judge David T. Schultz issued his Report and Recommendation that Mr. Abdalla be freed. In his report and recommendation, the Magistrate Judge found:

It is likewise indisputable that Abdalla’s current legal status, as determined by the only tribunal of competent jurisdiction to adjudicate the issue, is that of U.S. citizen. While Respondents have appealed the IJ’s decision, they have cited no authority for the proposition that they may detain a judicially-determined U.S. citizen while that appeal is pending. The authority cited by Respondents governs the detention of “aliens” and does not provide authority to detain a U.S. citizen.

52. On information and belief, Mr. Abdalla alleges that ICE did not object to this Report and Recommendation to the Article III Judge, but unlawfully continued to imprison Mr. Abdalla.

53. District Court Judge Paul A. Magnuson adopted the Report and Recommendation of the Magistrate Judge on June 14, 2018. Mr. Abdalla was at last released from custody on at that time.

INJURY AND DAMAGE TO MR. ABDALLA

54. As a direct and proximate result of the unlawful conduct of Defendants described above, Mr. Abdalla was deprived of his liberty and right to medical treatment without due process of law. He suffered extreme mental and emotional distress and

deprivation of comfort, and was subjected to continuing abuse and constraint, for all of which he is entitled to recover compensation from Defendants. Mr. Abdalla further faces a substantial threat of continuing violations by Defendants in being rearrested and detained in light of their propensity to ignore and disregard of his United States citizenship.

MALICE

55. The conduct of Defendants was at all times undertaken with malice and knowing and willful disregard of the constitutional rights of Mr. Abdalla, who Defendants at all times knew was a United States citizen.

CLAIMS FOR RELIEF

**First claim for relief
False arrest
Federal Tort Claims Act
(Against the ICE Defendants and United States)**

56. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

57. ICE arrested Mr. Abdalla without probable cause. Mr. Abdalla had made it clear that he was a United States citizen, and ICE has no authority to arrest United States citizens.

57. The actions of ICE constitute the tort of false arrest under the laws of the State of Minnesota, for which the ICE Defendants and each of them are liable in damages and equitable relief to enjoin further violations.

58. Under the FTCA, the United States of America is liable for these acts and omissions.

**Second claim for relief
False Imprisonment
Federal Tort Claims Act
(Against the ICE Defendants and United States)**

59. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

60. ICE intentionally and unlawfully detained Mr. Abdalla from July, 2017 until about June, 2018. Mr. Abdalla did not consent to this imprisonment and the imprisonment was without lawful privilege or justification as ICE's civil arrest authority does not extend to imprisoning United States citizens. ICE imprisoned Mr. Abdalla despite a judge's ruling that he was a United States citizen.

61. The actions of the ICE officers constitute the tort of false imprisonment under the laws of Minnesota, for which the ICE Defendants are liable in damages and equitable relief to enjoin further violations.

62. Under the FTCA, Defendant United States of America is liable for these acts and omissions.

**Third Claim for relief
Negligence
Federal Tort Claims Act
(Against the ICE Defendants and United States)**

63. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

64. ICE Defendants have a duty to act with reasonable care in exercising their civil arrest and detention authority, including investigating citizenship status prior to deciding to arrest someone and expeditiously and adequately investigating claims of United States citizenship made by individuals in their custody.

65. ICE breached this duty when it failed to review available files and records and investigate Mr. Abdalla's citizenship status in advance of arresting him in July, 2017.

66. ICE also breached this duty when they imprisoned Mr. Abdalla from July, 2017, to June, 2018, without an adequate and expeditious investigation of his claim of United States citizenship.

67. The breach of their duty of care by ICE actually and proximately caused Mr. Abdalla's arrest and prolonged imprisonment and the damage that resulted to him from such arrest and imprisonment, including, but not limited to, mental and emotional distress.

68. The actions of ICE constitute the tort of negligence under the laws of Minnesota, for which the ICE Defendants are liable in damages and equitable relief to enjoin further violations.

69. Under the FTCA, Defendant United States of America is liable for these acts and omissions.

**Fourth Claim for relief
Negligent Infliction of Emotional Distress
Federal Tort Claims Act
(Against the ICE Defendants and United States)**

70. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

71. ICE Defendants have a duty to act with reasonable care in exercising civil arrest and detention authority, including expeditiously investigating claims of United States citizenship made by individuals in their custody and to not imprison United States citizens.

72. ICE breached this duty when ICE arrested Mr. Abdalla, and imprisoned Mr. Abdalla from July, 2017, to June, 2018, without conducting an adequate and expeditious investigation of his United States citizenship claim prior to his arrest.

73. ICE breached this duty when they continued to imprison Mr. Abdalla from January, 2018, to June, 2018, after a judge had ruled that Mr. Abdalla was a United States citizen.

74. ICE Defendants breached this duty when they continued to imprison Mr. Abdalla from May 25, 2018, to June, 2018, after the magistrate judge ruled that he should be released.

75. The breach of this duty was the proximate cause of Mr. Abdalla's arrest and prolonged imprisonment as well as the damage that resulted from such imprisonment, including mental and emotional distress.

76. The actions of ICE constitute the tort of negligent infliction of emotional distress under the laws of Minnesota, for which the ICE Defendants are liable in damages and equitable relief to enjoin further violations.

77. Under the FTCA, Defendant United States of America is liable for these acts and omissions.

**Fifth Claim for relief
Intentional Infliction of Emotional Distress
Federal Tort Claims Act
(Against the ICE Defendants and United States)**

78. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

79. ICE Defendants acted intentionally and recklessly toward Mr. Abdalla when they failed to verify his claims of citizenship during his nearly year-long imprisonment.

80. The conduct of these Defendants was extreme and outrageous given the repeated assertions of Mr. Abdalla to his status as a United States citizen, his production of documents proving his status, and the finding by multiple judicial findings that he was a United States citizen.

81. The conduct of these Defendants was the proximate cause of mental and emotional distress to Mr. Abdalla.

82. The actions of these Defendants constitute the tort of intentional infliction of emotional distress under the laws of Minnesota, for which the ICE Defendants are liable in damages and equitable relief to enjoin further violations.

83. Under the FTCA, Defendant United States of America is liable for these acts and omissions.

**Sixth Claim for relief
42 U.S.C. § 1983
Deprivation of Liberty without Due Process
(Against Defendant Brott)**

84. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

85. The Fourth and Fourteenth Amendments of the United States Constitution prohibit unreasonable seizures by the government. Defendant Brott, acting under color of law, detained Mr. Abdalla for months knowing that he was a United States citizen.

86. After the decision of Judge Wood, Defendant Brott had no probable cause to believe that Mr. Abdalla was anything other than a United States citizen. Defendant Brott imprisoned Mr. Abdalla despite this order from the judge and actual proof of his citizenship.

87. On information and belief, Defendant Brott detained Mr. Abdalla pursuant to a custom or policy that he believes obligates him to house anyone whom ICE has brought to him.

88. Defendant Brott has in addition failed to establish any procedure to protect United States citizens unlawfully imprisoned by ICE despite knowing that ICE does so on a regular basis.

89. Through his acts, conduct, policy and custom, Defendant Brott, acting under color of law, effectuated an unreasonable seizure of Mr. Abdalla under the Fourth and Fourteenth Amendments in violation of 42 U.S.C. § 1983, for which Defendant Brott is liable in damages and equitable relief to enjoin further violations.

Seventh Claim for relief
42 U.S.C. § 1983
Deprivation of Medical Care without Due Process
(Against Defendant Brott)

90. All of the foregoing paragraphs are hereby incorporated herein by reference and re-alleged as though fully set forth.

91. Mr. Abdalla makes a claim under 42 USC § 1983 for violation of the right to due process and the right to be free from cruel and unusual punishment under the Fourteenth Amendment of the Constitution of the United States.

92. The Fourteenth Amendment rights to due process and freedom from cruel and unusual punishment encompass the right to be free from deliberately indifferent denials of medical care.

93. Defendant Brott, acting under color of law, violated this right by taking away Mr. Abdalla's anxiety medication. As a direct and proximate result of the deliberate indifference, Defendant Brott infringed Mr. Abdalla's Fourteenth Amendment rights in violation of 42 U.S.C. § 1983, for which Defendant Brott is liable in damages and equitable relief to enjoin further violations..

PRAYER FOR RELIEF

Wherefore, Plaintiff Abdalla respectfully requests judgment as follows:

A. Finding, adjudging, and decreeing the Defendants have engaged in the violations of law alleged herein.

B. Awarding to Plaintiff such compensatory damages as the jury shall find.

C. Enjoining Defendants and each of them from continuing to engage in the violations of law alleged herein.

D. Awarding to Plaintiff his costs and disbursements, including such reasonable attorney's fees as are permitted by law.

E. Require that Sheriff Brott create a policy for Sherburne County jail to verify the citizenship of individuals in their custody.

F. Awarding any and all other and additional relief as permitted by law and found by this Court to be just and appropriate.

Dated: March 26, 2020

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