

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA

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~~FRANCIS KRIMZEL, ET. AL.~~  
ADALBERTO ANDRADE  
Plaintiff,

Versus.

CV 04-TMP-1235M

CRAIG ROBINSON, ET. AL.,  
Respondents.

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AMENDED PETITION FOR CIVIL RIGHTS ACT 42 U.S.C.  
SECTION 1983 AND CIVIL RIGHTS COMPLAINT  
PURSUANT TO TITLE 28 U.S.C. SECTION 1331

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Comes now Plaintiff, Adalberto Andrade, (Andrade), Pro-Se, by this means give in this Amended Petition for Civil Right Act 42 U.S.C. section 1983 and Civil Right Complaint Pursuant to Title 28 U.S.C. section 1331 in light of the changes in his circumstance since the filing of the instant complaint under the Civil Act, this change involve the denial of access to medical care, and Act of intimidation and retaliation, which exercising Andrade's Constitutional Rigts under the United States Constitution.

PRELIMINARY STATEMENT

As a starting point matter, Andrade will give as an Amended Complaint about denial of access to medical care and the illegal Segregation by the Etowah County Detention Center (E.C.D.C.) staffs members, after a peacfull demonstration and hunger strike by Immigration and Customs Enforcement ("ICE") detainees.

AMENDED/SUPPLEMENTAL ARGUMENT PRESENTED.

I. PLAINTIFF ANDRADE WAS DENIED HIS RIGHT TO  
MEDICAL CARE, AND WAS SEGREGATED FOR 30 DAYS  
FOLLOWING A PEACEFUL DEMONSTRATION OVER THE  
BAD FOOD SERVED BY THE E.C.D.C.

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Plaintiff Andrade is in the Physical custody of the Immigration and Customs Enforcement ("ICE"), He is currently detained at Etowah County Detention Center (E.C.D.C.) at 827 Forrest Avenue, Gadsden, Alabama, 35901, where the ICE have contract to House Immigrant detainee such as the Plaintiff.

Andrade has been in the ICE Custody for 44 months and counting, but he has never seen any clumsy officer like some of them in E.C.D.C.

Andrade has a Skin infection which he contacted while in ICE custody, three (3) years ago.

On or about July 7, 2004, after several complaints Andrade was taken to Clinic at 4th South Street, in Gadsden Alabama to see a "Skin Doctor", after waiting all this years.

For that problem the Doctor, Mr Thomas C. Peterson prescribed Andrade a Soap, a Cream, and an Antibiotic Medicine which are not available in Andrade's home Country "Cape Verde".

The Doctor also recommended to see Andrade after two months. To date, Andrade has been unable to see the Doctor again.

With the Skin infection and Scars that the Doctor said they have no cure because long time infected and with out proper medical care. The E.C.D.C. have remained deliberately indiffererent to Andrade's urgent Skin medical needs and denied Andrade access

to the medical care.

To date, Andrade is not being given the prescribed medicine by the Doctor, and it has been over two months already. Every time Andrade ask for the medicine, the answer, ...we ordered them... we have not get them yet.

Andrade try to obtain another solution by writing greivances but bee ignored, the solution still the same, prompting Andrade to write letter to the Doctor Office, to have the Doctor call the facility and have them provide Andrade with the Medicine. But Andrade only recently received a copy of the prescreption, and the bail from the Doctor's Office.

To date, however, Andrade has been unable to receive the prescribed Medicine by the Doctor, and Andrade Skin is geting black mark all over, is geting worst and worst everyday.

This denial of access to medical care to Andrade due to Defendant's subjective deliberate indefferent constitute a cruel and unusual punishment. See Taylo v. Adams, 221 F. 3d. 1258 (11th Cir. 2000). Since denial is certainly not objectively reasonable and is in no way reasonably related to any imaginable legitimate governmental objective. See also Nerren v. Livingston Police Departement, 86 F. 3d.469 (5th Cir. 1996).

With all this Skin infection, Scars, Andrade's cellmate, Lopes were sprayed in the face indeseide the cell room with tear gas mace for an unspecified reason prior to his being handcuffed and taken to segregation, because He ask for his legal papers.

Andrade who was in the room with his fellow detainees at the time began sneezing and coughing up blood and within hours later, Andrade's skin became irritated and soon developed into rashes. The rashes also soon turned into lesions as a result of the mace sprayed in the cell room. All requests for medical attention have all but been ignored.

The E.C.D.C. which is operated like a super maximum security should be found unconstitutional as applied to Andrade, an ICE detainee, not doing any criminal sentence.

**II. RETALIATION AGAINST DETAINEE ANDRADE  
BY ETOWAH COUNTY DETENTION CENTER  
STAFF MEMBERS IN SEGREGATING HIM FOR  
UNSPECIFIED REASON**

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Etowah County Detention Center intimidate and retaliate against Andrade and his fellow detainee in violation of Andrade's Constitutional rights, under the United States Constitution, by segregating Andrade.

On or about June 2, 2004, following a peaceful demonstration over the bad food being served at the Etowah County Detention Center (E.C.D.C.) Andrade was segregated and accused of engaging in or inciting a group demonstration, disobeying an order, being the leader of the protest, which Andrade asserts were false allegations. Even if Andrade did, for that reason the ICE manual standard allows for peaceful demonstration and hunger strike to protest against any detention facilities policies as long as there is no violence.

Andrade has been in the ICE custody for more than three

years, and been moved to different Federal and County facilities by ICE but never get in any type of trouble all this years.

Andrade have clearly distinguished him self from vast majority of other detainees, all over ICE detention Center. For example at Oakdale, Louisiana, Andrade held a different Job, Andrade have been working as a recreation orderly, as a Cook in the Kicthen at the FDC, guitar instructor, photographer etc. These facts is clearly demonstrated in Andrade's ICE records. This Honorable Court may conduct its own investigation into this matter, if necessary. Andrade demonstrated genuine rehabilitation as the evidence of his behalf. He have never have any problems with any staff members or any fellow detainees, at any detention Center. From the day one, the ICE moved Andrade to E.C.D.C., there is always problem, because the staffs staffs members here are indifferent to detainees needs plus bad food, mails, problems with legal materials, phone cards etc, etc. At E.C.D.C. ICE detainees, are viewed as less than human. Some officer at E.C.D.C. considered himself toughguys. I believe it is not the policy of the United States of America to treat detainees worst than animals. E.C.D.C. treat detainees the way they like, like the detainees are just animals. They treat detainees like they are in bondage, detainees must stay quiet, after the grotesque treatment, because if you say a words you will be segregated and punished by E.C.D.C.. I believe this treatment is worse than for inmates on death row. To my knowledge all the officer at E.C.D.C including the Chief needs the special training to

deal with people under the pressuer and emotional stress. E.C.D.C  
some of the officer, for example like Mr. Sherrell, when they  
say something you only listen to them they wont listen to your  
needs. How can someone be able to help anybody if he or she  
dont know what you need, in order to help any one you need to  
listen to they needs/problems.

CONCLUSION

WHEREFORE, Andrade respectfully prays that this Honorable  
Court enter Judgment granting Andrade;

A declaration that the Act and ommissions of the defendants  
discribed hereien violated Andrade's rights under the Constitution  
and laws of the United States.

Ordering defendants to comply with the ICE detention  
standards manual as it relate to provide medical needs consistant  
according to ICE detention standards and the United States  
Constitution.

Grant unto plaintiff Andrade general, irreparable consequential  
and expectations damage, in the amount to be set by the Court,  
and Punitive damage in the amount to be set by the Court.

A Jury trial on all issues triable by Jury any additional  
relief this Honorable Court deems just and proper,(equitable).

Dated August 30, 2004.

Respectfully Submitted



Adalberto Andrade Pro-Se  
A76-487-012  
Etowah County Detention Ctr.  
827 Forrest Avenue  
Gadsden Alabama 35901