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Man With Epilepsy Accuses Detention Facilities Of Neglect

By [Sarah Martinson](#)

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Law360 (October 30, 2020, 4:55 PM EDT) -- A Peruvian man who has epilepsy has sued the federal government and a detention facility operator alleging their employees violated federal law by denying him medication, a disability badge and medical care while he was detained at Florida immigration facilities.

Alejandro Mugaburu, 34, told a Florida federal court Thursday that the employees for the [U.S. Department of Homeland Security](#), [U.S. Immigration and Customs Enforcement](#) and Akima Global Services LLC unlawfully mistreated him because of his epilepsy and injuries he sustained during a physical attack at MetroWest Detention Center and from a seizure he had at the Krome Detention Center.

Detention center employees placed Mugaburu in second-story sleeping quarters on the top bunk, even though he should have been on the first floor and a bottom bunk; denied him medical attention despite his requests; didn't give him a medical shower chair; and forced him to use bathrooms that didn't have wheelchair access, according to the complaint. In addition, Mugaburu was housed in isolation for periods of weeks to limit his need for a wheelchair.

"The physical pain Mugaburu feels falls short compared to the pain of injustice," according to the complaint, which is seeking payment to cover Mugaburu's medical expenses that have been incurred as a result of the injuries he sustained while being detained.

Mugaburu, who has a father, two brothers and two stepdaughters who are U.S. citizens, said that he came to the U.S. on a visitor visa in 2015. He was detained after he was arrested for the first time in his life following an incident with a former girlfriend, according to the suit.

While Mugaburu was being detained at Miami's MetroWest Detention Center in 2019, he was assaulted and sustained injuries to his arm, shoulder and wrist, and lost hearing in his right ear, the suit said.

Out of fear, rather than fighting his arrest, Mugaburu struck a plea deal with the state of Florida so that he could leave MetroWest and was transferred to Krome, where he had his seizure, according to the complaint.

Over the next 10 months, from July 2019 to May of this year, Mugaburu was transferred five times between four detention facilities in Florida without explanation, according to the suit. Each time he was transferred, he was transported in vehicles that didn't have wheelchair access and had to be carried on board.

"Mugaburu felt the pangs of humiliation and degradation, as he was hoisted from vehicles like he was cargo — or anything but human, while other detainees on the vehicle watched the unnecessary spectacle," the suit said.

In September, Mugaburu received a letter from DHS in response to his complaints about his treatment while in detention, according to the suit. Mugaburu said that even though DHS promised to make changes, including providing training to Krome staff about special-needs detainees, the department failed "to address the entirety of the mistreatment, indignity, and mortification that [he] suffered."

Earlier this year, two of the detention centers where Mugaburu was held, Krome and the Glades County Detention Center, were sued by a group of detainees for allegedly failing to comply with their own guidelines for preventing the spread of COVID-19. The detainees asked for the release of a proposed class of vulnerable prisoners, alleging that their continued detention [violates their due process rights](#) by creating an undue increased risk of severe illness or death.

Krome also came under fire in August for reportedly [forcing Muslim immigrants](#) to choose between eating pork, which is against their religious beliefs, or rotten halal meals, which are allowed under Islamic dietary laws, according to immigration advocates.

Mugaburu's attorney Eduardo Maura told Law360 on Friday that this case follows in the footsteps of other cases that have been filed against Krome.

"Even though our case seeks redress for our specific client, there is a pattern that seems to be happening," Maura said.

A representative for ICE told Law360 in a Friday statement that the agency doesn't comment on pending litigation. A representative for Akima did not respond to a request for comment on Friday.

Mugaburu is represented by Eduardo A. Maura and Luis F. Quesada of [Ayala Law PA](#).

Counsel information for Akima and the government was not immediately available on Friday.

The case is Alejandro Mugaburu v. Akima Global Services Inc. et al., case number [1:20-cv-24462](#), in the [U.S. District Court for the Southern District of Florida](#).

--Additional reporting by Nathan Hale and Alyssa Aquino. Editing by Jack Karp.

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Case Information

Case Title

[Mugaburu v. Akima Global Services, LLC et al](#)

Case Number

[1:20-cv-24462](#)

Court

Florida Southern

Nature of Suit

Civil Rights: Americans with Disabilities - Other

Judge

[Kathleen M. Williams](#)

Date Filed

October 29, 2020

Law Firms

- [Ayala Law PA](#)

Government Agencies

- [U.S. Department of Homeland Security](#)
- [U.S. District Court for the Southern District of Florida](#)
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