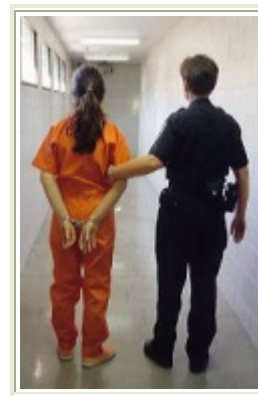


February 09, 2009

Our reputation for championing immigration detainees' rights has brought another plaintiff in search of justice to our doorstep -- this time, the sister of a detainee who died in custody because officials did not respond to her critical medical condition until it was too late.

Public Justice has joined a lawsuit charging the administrators and health care providers at two southern Virginia regional jails -- Pamunkey Regional Jail in Hanover and Hampton Roads Regional Jail in Portsmouth -- with medical negligence causing Sandra Kenley's wrongful death and a violation of Ms. Kenley's constitutional right to adequate medical care.

Sandra Kenley was a citizen of Barbados and had been a lawful permanent resident of the United States since 1978. On September 2, 2005, Ms. Kenley and her one-and-a-half year old granddaughter were en route home from a trip to Barbados. Upon reaching Miami International Airport, she applied for admission as a returning lawful permanent resident of the United States. U.S. Immigration and Customs Enforcement ("ICE") officials detained her because of an old misdemeanor drug possession charge, for which she had served and completed probation on September 8, 2003, when her probation was terminated early based on her successful completion of a drug treatment program. She had no other trouble with the law after that, had overcome her drug addiction, had completed a nursing program, and was raising her granddaughter when she was detained.



ICE officials allowed Ms. Kenley to return to her residence in Washington, D.C. because she was with her granddaughter. However, Ms. Kenley was instructed to appear at an administrative proceeding before an Immigration Inspector on November 2, 2005. She did so and informed the Inspector that she was not working due to a disability. She explained that she had an extremely large fibroid tumor that caused her to hemorrhage on a daily basis, but that the tumor was scheduled to be surgically removed the next month. The Immigration Inspector found Ms. Kenley inadmissible to the United States because of her misdemeanor drug possession charge and she was immediately taken into custody.

Throughout her detention, Ms. Kenley notified officials at both facilities about her serious medical problems, including her high blood pressure, high cholesterol, lightheadedness, daily hemorrhaging, and her need for surgery to have her tumor removed. However, she was denied proper medication to treat her ailments despite repeated requests. On December 18, 2005, Ms. Kenley passed out, face down, in her cell at the Hampton Roads facility. Her cell mate called for help for approximately 20 minutes, but officials did not respond until it was too late.

Ben DiMuro of DiMuro & Ginsberg in Alexandria, VA, is lead counsel in the suit, which is pending in U.S. District Court in Norfolk on behalf of June Everett, Ms. Kenley's sister.

To read the complaint in *Everett v. Cherry*, [click here](#).

This suit marks the fourth time Public Justice has taken on the country's immigration detention system for its medical neglect of detainees.

The first of the cases was filed on behalf of Moises Carranza-Reyes, a former member of the Mexican army and police force, whose one-week stay in a squalid, overcrowded Colorado detention facility cost him part of a leg and part of a lung -- and nearly cost him his life. The case

ultimately settled for \$1.5 million.

In the second case, we are fighting for Francisco Castaneda, a Salvadoran immigrant, whose penis was amputated after federal detention authorities in San Diego failed to treat his spreading cancer. Castaneda, 36, died from the cancer one year ago. We have already won several key motions in our federal lawsuit on behalf of Castaneda's family.

The third case involves a diabetic immigrant detainee who suffered an injury to his foot while held at the same San Diego facility as Castaneda. Ignored by the medical staff, Martin Hernandez Banderas' injury grew so bad that, at one point, doctors recommended amputating his leg to save his life.

We extend our thanks and encouragement to DiMuro and the rest of the legal team in this case: Hillary Collyer of DiMuro & Ginsberg; Stephen M. Smith of The Brain Injury Law Center in Hampton, Va.; and Public Justice Managing Attorney Adele Kimmel and Goldberg, Waters & Kraus Fellow Amy Radon.

Thanks, too, for your support, which makes it possible for us to pursue justice for people like Sandra Kenley, who came to the U.S. for freedom and opportunity, only to fall victim to an unconscionable system.

Arthur Bryant
Executive Director
Public Justice
& the Public Justice Foundation

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