

related to a legitimate non-punitive government purpose or they appear excessive in relation to the purpose they allegedly serve” (internal citations omitted)) (finding that shackling hospital detainee “around the clock, despite the continuous presence of a guard” was “plainly excessive in the absence of any indication that the detainee poses some sort of security risk”); *Youngberg v. Romeo*, 457 U.S. 307, 321-23 (1982) (due process required for imposition of bodily restraints on person committed to mental institution); *Moore v. Dart*, No. 13 CV 3276, 2014 WL 7205575, at *4 (N.D. Ill. Dec. 18, 2014) (where pretrial detainee was taken offsite to a hospital for medical care and shackled to the hospital bed, court denied summary judgement on his due process claim); *H.C. by Hewett v. Jarrard*, 786 F.2d 1080 (11th Cir. 1986) (juvenile’s due process rights violated when placed in isolation and shackled without notice and a hearing). Mr. Catalan-Ramirez has no history of violence or disruption in custody or in court and is thus not a security threat. Because of his medical conditions, the handcuffs, shackles, and lack of a seatbelt during transport cause Mr. Catalan-Ramirez substantial pain and put his safety at great risk. Mr. Catalan-Ramirez will suffer irreparable harm if this transportation issue is not addressed immediately. For these reasons, and pursuant to Federal Rule of Civil Procedure 65, Mr. Catalan-Ramirez seeks a preliminary injunction ordering Defendants McHenry County Sherriff Bill Prim and Chief of Corrections David Devane to discontinue the use of handcuffs and shackles on Mr. Catalan-Ramirez when they transport him out of the Jail and provide him with a seatbelt. Mr. Catalan-Ramirez also seeks an order against Defendant Ricardo Wong, the Field Office Director, Chicago, U.S. Immigration and Customs Enforcement, requiring him to work with the other Defendants to implement the terms of this order.

Undersigned counsel will be prepared to demonstrate at the May 9, 2017 hearing that Mr. Catalan-Ramirez’s claims related to the use of restraints during transport meet each of the

preliminary injunction requirements. *See AM Gen. Corp. v. DaimlerChrysler Corp.*, 311 F.3d 796, 803 (7th Cir. 2002). His claims are likely to succeed on the merits. In the absence of court intervention, he faces a substantial risk of serious harm and/or death. Further, this policy and practice violates Mr. Catalan-Ramirez's constitutional rights, thus constituting per se irreparable harm. Only a court order can stop this practice—undersigned counsel have attempted to resolve this issue through communication with counsel representing the relevant defendants. Those efforts were unsuccessful. *See Exhibit A.* Money cannot make Mr. Catalan-Ramirez whole for this violation. Finally, the balance of harms tips in Mr. Catalan-Ramirez's favor. The requested relief here will spare him the risk of serious injury or possibly even death. And it will cost the Defendants nothing.

Respectfully submitted,

WILMER CATALAN-RAMIREZ

By: /s/ Vanessa del Valle
One of his attorneys

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CERTIFICATE OF SERVICE

The undersigned, an attorney, certifies that she filed the foregoing document via the Court's CM/ECF system, which will automatically provide notice to all parties, on May 4, 2017.

 /s/ Vanessa del Valle

Vanessa del Valle

From: Sheila A Bedi
Sent: May 2, 2017 2:52 PM
To: George Hoffman
Cc: Vanessa del Valle; sejal@nipnlg.org; julie@nipnlg.org; Michelle Courier; Jana Blake
Subject: Re: Wilmer Catalan Ramirez

George: Thank you for your response. We understand that it is the policy & practice of McHenry county to handcuff and shackle all civil detainees when they pose no security risk during transport. This practice is unlawful, but at this moment we are merely requesting an accommodation for Mr. Catalan-Ramirez. Because of his injuries he is unable to brace himself in the event of a sudden stop, turn or accident. Additionally the restraints cause him great pain and discomfort.

Mr. Catalan-Ramirez poses no security threat and has significant physical impairments. Please discontinue the use of handcuffs and shackles on him during transit. Thanks, S

> On May 2, 2017, at 11:09 AM, George Hoffman <GMHoffman@co.mchenry.il.us> wrote:

>

> All detainees are handcuffed and shackled during transport for security purposes. Transport vans are not equipped with seatbelts.

>

> George M. Hoffman

> Assistant State's Attorney

> McHenry County State's Attorney's Office

> 2200 North Seminary Avenue

> Woodstock, Illinois 60098

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>

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> -----Original Message-----

> From: Sheila A Bedi [mailto:sheila.bedi@law.northwestern.edu]

> Sent: Tuesday, May 02, 2017 10:26 AM

> To: George Hoffman; Vanessa del Valle; sejal@nipnlg.org;

> julie@nipnlg.org

> Subject: Wilmer Catalan Ramirez

>

> George: I am writing to follow up on my voicemail. My client just informed me that when he is transported, he is handcuffed, shackled and not provided with a safety belt. Because of his impairments this causes him great pain and discomfort. As you know, Mr. Catalan-Ramirez is a civil detainee with significant physical limitations. There is simply no justification for handcuffing and shackling him during transport. We ask that this practice discontinue immediately.

> At the very least, McHenry County employees must ensue his safety during transport and must provide him a safety belt and assistance securing his safety belt.

>

> Please advise ASAP what actions your clients will take to address

> these concerns. I am heading into a deposition, but can be available

> on my cell phone. 202/320/3435 S