

## DECLARATION OF ERIK IVAN RODRIGUEZ FLORES

I, Erik Ivan Rodriguez Flores, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called to testify I could and would do so competently and truthfully to these matters.
2. My name is Erik Ivan Rodriguez Flores. I am 26 years old and from Venezuela.
3. I was detained by ICE officials in Minnesota on or around January 7, 2026. I was sent to Ft. Bliss Camp East Montana in El Paso, Texas, on or around January 8, 2026.

### **Intake**

4. When I arrived, I was held in the E-11 unit at Camp East Montana from on or around January 8 until on or around January 29, 2026. The unit is in a soft-sided tent. The tent is divided into different sections, and my section was called E-11. There were about 72 of us in E-11 when I was there. There were 18 bunk beds (four beds per bunk bed), 9 on each side of the unit. The mattresses on top of the metal beds were incredibly thin (about 2 inches), and I could not sleep properly because I was so uncomfortable. The bunk beds were not separated by a wall or partition, and there is no privacy. You can see and hear everyone else in the unit.
5. There were no windows in the unit, and I did not see the sunlight or moonlight at all during this entire time. The only way I and others could know if it was night or day is by a small gap between the canopy roof and the tarp wall that is a few inches wide. None of the units that I've been to have windows, and the layout is the same in each. There is a light that is kept on all night at the front entrance of the unit that bothers us and prevents those who are closer to the door from sleeping. The guards do not let them place a towel or item of clothing over their eyes to sleep.
6. We were not allowed to go out in the yard when I was in E-11, so I spent all my time during those weeks in the windowless tent.
7. About four days after I got to Camp East Montana, I received a medical screening from medical staff. The evaluation was brief. It consisted of measuring my weight, height, and blood pressure, a Tuberculous skin test, and brief questions about whether I was taking any medications.
8. While I was in E-11, I had the same clothes for all three weeks, and I had to use the same dirty underwear every day. I was not given a spare set of clothes or fresh laundry.
9. During the approximately three weeks I was in E-11, I did *not* have access to a phone, and thus was unable to communicate with my family and did not have access to counsel.

### **Housing at Camp East Montana**

10. When I was finally transferred to the general population, I was housed in unit C-11. Then I was transferred to B-8, C-12, C-8, E-5, C-6, D-14, A-9, A-10, B-6, and B-3, which is where I am now. All of these units were low security, and we wear the color blue. No one explained why I was moved around so much, but it seems like staff are constantly moving people between units as people arrive and others are deported or transferred out.
11. When I arrived at D-14, on or about March 29, 2026, the unit was very dirty with sand coating the surfaces of tables and beds. I think the sand comes in from the gap between the roof and the walls. We asked the guards if they could send a crew to clean, but they did not. The beds were full of sand. So, the detainees started to clean the common area and their bunkbeds and the sand went everywhere. The sand got into my lungs, eyes, and on my body.
12. All the units I've been in have the same layout and the same problem of sand and dirt. There are 72 beds, arranged in 18 bunkbeds of 4 beds each. There are 9 four-person bunk beds on each side of the room. Each set of four-person bunk beds is about one meter, or about 3 feet apart from one another. There are no walls or partitions between the bunkbeds. There are no windows and so we do not see the sunlight during the day. We only see the sunlight if we are allowed to go out to the yard, and even then it's only from the side chain linked fences. In the middle of the unit there are five lunch tables. There are two TVs, one on each side of the room hanging on the ceiling. There are 6 toilets and 6 showers that are on the other end of the unit. The toilets and showers are not private. The shower has two small windows, one that looks at your face and the other at your feet. The toilet stalls also have two openings that allow guards and other detainees to see our faces and feet. The walls between showers and toilet stalls are made of plastic tarp. Sand and dirt get everywhere in the unit. Because the toilets are close to the bunkbeds, we get the foul smell of urine, feces, and body odors. We get this smell when we eat, while we are sleeping, and all day. For about 24 hours a day, I'm in that windowless room. If I'm not taken outside for "recreation" or I'm not working as a barber, I'm inside that room.
13. I sketched a diagram of my previous unit D-14 to illustrate the layout of the unit. The diagram is attached as Exhibit A to my declaration. The diagram is a true and accurate representation of the layout of my unit and of the other units that I have been in at Camp East Montana, to the best of my drawing abilities. You can see how closely we are packed together and how little space there is.
14. As of April 11, 2026, I was in A-9 which has the same layout and structure as D-14 and all of my past units. A-9 also has the same issues with the sand and dirt getting everywhere.

15. As of April 19, 2026, I have been in A-10 which has the same layout as all of the other units that I've been in.
16. As of May 8, 2026, I was moved to B-6. And as of May 15, 2026, I was moved to B-3, which has the layout as the other units.

### **Food**

17. The food here is very minimal. I am hungry all the time. For breakfast, for example, we get a small serving of fruit, oatmeal, crackers, and a small carton of milk. For lunch, for example, we get a small unseasoned portion of rice or mashed potatoes, veggies, small cubes of protein, and water. We used to also get crackers for lunch, but staff have stopped giving those to us. For dinner, which is served at around 5 pm, it's the same as lunch, but they might change the sides. That's it. There is no commissary where we can buy extra food, and I probably wouldn't be able to afford it anyway. Because of the lack of food, I feel low energy, tired, anxious, and stressed. At around 9 pm or 10 pm all of us start to get really hungry right before bedtime. There's nothing really to take our minds away from hunger. It makes us irritable.
18. Sometimes we also get spoiled food. For example, from on or about April 24<sup>th</sup> until today (May 14, 2026), we have received expired cookies (Oreos) during meals. I know this because the expiration date on the cookies had expired. From April 24<sup>th</sup> to April 26<sup>th</sup>, we received more of these cookies than usual. While I was excited to get more cookies, I quickly learned that these cookies were expired. I noticed that most people did not eat them all when they noticed that the cookies were expired. I do not eat these cookies because they have expired and I do not want to get sick. I saw another detainee in my unit eat them and he got diarrhea for three days.

### **Lack of Programming and Recreation**

19. Yard time is inconsistent every week and varies in each unit that I've been in. For example, when I was in B-6, yard time was obligatory, and we've been going out early in the morning at 7 AM. When I was moved to B-3, yard time was also obligatory.
20. When we are allowed to go out to the yard, we are just given one small soccer ball. There is no direct access to sunlight because the top is covered. The only sunlight access we can get is through the chain-link fence on the sides, which is where the people who do not play soccer stand to try to stay out of the way. That's the only time we get exposure to some sunlight. We only feel the sun on part of our body. When the unit is full, there is no space for us all to be outside comfortably, and there is only room for some people to play soccer, the rest of us just watch. The area is about fifteen meters wide and twenty-four meters long. It's like being in an enclosed cage. All of the units that I have been in have had the same yard setup.

21. There are no chairs for people. There are older detainees who have difficulty standing up in the yard the entire time. For example, there is a 60-year-old man in my previous unit, E-unit, who has difficulty walking, and he was outside but fell against the chain linked fence because he was dizzy and fainted. This happened approximately March 30, 2026. The guards took a while to come get the man and bring a wheelchair to take him away.
22. There is artificial grass but there is dirt and sand on it that gets everywhere when people play outside. Sometimes we are hit with the ball by accident which can start some problems. But that's because there is no space for everyone. The yard time changes every day but it is usually in the morning after breakfast. All of the units in the same letter wing share the same yard but at different times. For example, in unit E, there are 12 subunits, and we shared the same yard but at different times. So, everyone in my unit goes out at the same time. And then people in another unit in the same block (e.g., A-block) would go out a different time.
23. Since the new company took over on or about April 18, 2026, yard time has been mandatory, meaning that when go out we are not allowed to skip it or stay inside even if it is windy and dusty outside or even if we are sick. On or about April 20, 2026, when I went to the yard I had knee pain and I was feeling sick, with symptoms of a cold, and I told the guard that I did not want to go out, but the guard said that I had to go. The guard told me that if I did not want to go outside that he would call the Captain and that the Captain would bring in a riot of guards to deal with me. I felt threatened by this.
24. Since the new company took over, on or about April 18, 2026, I have noticed that people who feel sick, even with some minor cold symptoms, are immediately taken to a quarantine unit which is a solitary unit which leaves us without any human interaction, phone calls are limited to 10 minutes per day, or no programming. This is terrible because people are left there alone for days which negatively impacts our mental health. So, we have to decide between staying sick in our bunks or unit without saying anything or saying that we are sick and being taken to solitary.
25. We are given one tablet to share between four people from 6 am to 10 pm. The tablets are taken away twice a day during the counts. While we can make as many calls as we want, the calls cost about 9 cents per minute for domestic calls and 21 cents per minute for video calls. For international calls, they charge me 25 cents per minute. These calls are expensive. Because of this, I only call my family in Venezuela about every 15 days. We also get charged for sending and receiving SMS text messages and for receiving photos from our family. For this reason, I do not make many calls because neither I nor my family can afford it.
26. The tablets have like games like "Candy Crush," "Zombie," "Solitaire." We are charged 4 cents a minute to play the games. The tablets have about 40 pre-loaded movies in them that we can watch. We are charged 4 cents a minute to watch the movies. We can also

listen to some music but it's limited, and we are charged about 3-4 cents a minute to listen to music. I usually do not use these applications because they cost me and my family money and we cannot afford it. When I first received the tablet from the facility, I was not informed that the entertainment apps or communication apps (SMS, phone, video calls) would cost me money. I think that there are free e-books on the tablet but I'm not sure which language they're in or what they are. The tablets are shared between people and are usually in demand from people who want to use the phone, so I wouldn't be able to read on it for uninterrupted periods of time.

27. From on or about April 18, 2026 until on or about May 11, 2026, we did not have access to make video calls. I felt sad that I have not been able to see my family on video calls. We did not receive any explanation as to why we cannot make video calls.
28. We are not allowed to make arts and crafts and are not given any arts and crafts supplies. To pass the time, we tried to use white plain paper, cracker boxes that we recycle, and plastic bags to make little shoes as a group. This takes us about two days to make it. But the guards take this away from us and throw it away in the trash and say that this is contraband, and they threaten us with solitary confinement. But we made these pass the time and help with our stress. I feel that it's necessary to do this to deal with my stress and anxiety, but we are not allowed to. The guards told us that we are not allowed to make these, but I have not seen a written rule saying that.
29. There is no educational, vocational, or meaningful programming at all at the facility. Because of the lack of programming, I feel anxious and depressed because of everything going on and there's nothing to keep my mind or body in a productive and healthy way.
30. There are no formal religious services here even though we have requested them and I don't know of any chaplain or spiritual advisor I can talk with at Camp East Montana. Instead, the detainees organize themselves into prayer circles, and we sing every day. Sometimes the guards tell us to "shut up" but we do it anyway. When I was at home, I would go to church every Sunday and my faith and church are a very important part of my life. I wish that there would be a Christian church service here because it would help me emotionally and spiritually deal with the stress and anxiety of being in this facility. Since I've been here I have questioned my faith on some days because of the horrible conditions that I am suffering here.

### **Counts and Pat Downs**

31. Starting on or about April 18, 2026, when the new company took over, we have been subjected to invasive pat downs by guards every day. We are subjected to pat downs each time we leave and return from the yard, visit counsel virtually, for in-person visits, visit the barbershop, or visit the library. The guards insert their hands on the top of our underwear, and they open our waist band, and pat down our entire bodies. Since I've

been here, I have never seen a guard find contraband or something on a person during a pat down. These invasive pat downs make me feel like I am a criminal, and I am not comfortable with being touched so much by the guards. With the previous company, we received pat downs randomly, but they were not as invasive, frequent, or intense as they are now.

32. Since the new company took over, on or about April 18, 2026, there are now three counts that last for hours. Count is when staff count every person in the unit to make sure everyone is there. The first is now at 5:00 A.M. and last about hour, the second is at around 12:45 PM to about 2:00 or 2:30 PM, and the third is from 7PM to about 8PM. During these counts we have to stay in our bunks, and we cannot use the tablets or TVs or be in the unit. During the count at 5:00 AM guards wake us up to scan our bracelets which interrupts my sleep. The afternoon count also interferes with lunch and we are either forced to eat within minutes or seconds or take our food and eat at our bunks. With the previous contractor, counts would occur around 12:30 pm-1:30 pm and in the later afternoon before dinner that is from around 7-7:30 pm.
33. As of April 18, 2026, when the new company took over the facility, I have not noticed any positive changes here. Rather, operations are more restrictive. For example, our bracelets are scanned when we get hygiene supplies now, which results in us receiving fewer hygiene products because people are less reluctant to ask for supplies, myself included. There have not been any changes in personnel or guards; they are all the same. The guards, however, are stricter with us. For example, we are not allowed to get a drink of water or go to the restroom during the long count. While we used to get a break after our lunch, now, we receive our lunch at 12:30 PM and we are given 15 minutes to eat before the second daily count starts at 12:45 PM.

### **Grievances**

34. On the tablet, we are allowed to only send two messages to ICE or the facility staff per week. We can only send two grievances a week. While we can file handwritten grievances, we usually never hear back from ICE or the facility about these in a timely manner. On or about March 25, 2026, I wanted to send ICE a message about the forms that I was given to sign in English but that I wanted them in Spanish (I am not fluent in English and for important information need to read it in Spanish) and to follow-up about my medical forms. But I could not send them a message because I had already sent two messages that week.
35. On or around March 24, 2026, I told ICE that I wanted a copy of my medical and legal records. But ICE responded that they could not give me these files. I filed out the forms via the tablet to request these records. I haven't gotten any of the records I requested yet.

## Hygiene

36. There is no soap at the facility to wash our hands. Because there is no hand soap in the bathrooms, my hands are usually dirty because of all of the dirt that enters the unit. I just use faucet water to clean my hands after toileting or before eating. The unit is just a tent that has several openings where dust and sand come in regularly throughout the day.
37. There is not enough shampoo to properly take a shower. To shower, they give us sample-size shampoo packets, but we often have to ask for more packets when we run out. On or around March 15, 2026, when I was in C-8, members of our unit submitted a complaint about the lack of shampoo and hygiene supplies, but we never heard back from the facility. When we ask the guards for supplies, they say they will bring it but it usually never arrives.
38. Our unit is constantly dirty because the cleaning staff only comes to clean maybe once a week. The detainees have to take turns to clean our unit, but we are not given any supplies to do so. We have to use some of our personal hygiene products to clean the unit. The guards bring over a cart to clean that has brooms, mop, and toilet brush, but it does not have any disinfectant or soap. Sometimes we use our own personal towels or shirts to clean the unit. We clean only with water. We do not get paid to clean. People clean to do something, to keep busy, and to try to make our living area more livable. It's impossible to keep the areas clean because of the amount of dirt and dust that constantly enters the unit and the large number of people using the toilets, tables, showers, and other common areas. There are a lot of us in a crowded, cramped space. In all of the units I've been in, the issue of cleanliness, dirt, and expectation that we clean is the same.
39. For about a month, I worked as a barber at the facility every day from 8 am to 12 pm and 1:30 pm- 5:30 pm. I was not paid for my work. Instead, I might receive a sandwich, an apple, and a cracker for my work, but only if the guards feel like giving it to me. When I worked as a barber, I worked about once or twice a week for long hours on my feet. But, because of my knee condition, I have lots of swelling and pain standing all day working as a barber and I was not always able to cut hair. So, I stopped working as a barber. I feel sad that I am not able to go cut hair because when I did, I felt more motivated and it allowed me to pass the time in a more productive way. Otherwise, the days blur together, and you're left with your thoughts and anxiety.
40. On or about April 13, 2026, I went to work at the barbershop. At around the lunch time, a guard told me that the new company did not want to pay us with food anymore and that moving forward we would be "volunteering" our time to work as barbers. There were four other barbers and we all decided to no longer return to the barbershop if we were not going to receive extra food as payment. The guards also told me that the new contractor would be bringing in a private contractor to cut our hair and beards. Since on or about

April 13, 2026, we did not get any barbershop, nail clipping, or beard trimming service for about a month.

41. On or about the week of May 11, 2026, the barbershop was re-opened after new detainees arrived who volunteered to serve as barbers. A facility official asked me if I wanted to work as a barber, but I declined because they were not paying me. The facility official confirmed that they would not pay me, that I would work for “free.” I said no.
42. Since I’ve been here I am now noticing that the staff is more strict with enforcing certain new rules, like policies around tablet use, TV, forced recreation time (usually no one can decline to go out to yard), and we are not allowed to save food, like milk, in our bunk beds, for later in the day.

### **Communications with Counsel**

43. Since I’ve been at the facility, I have not been allowed or offered the opportunity to make private, confidential, and free calls to my attorney. Instead, I have to wait for my lawyer to make an appointment to meet with me virtually or I have to ask my family to ask my attorney to set up an appointment. I feel that this prevents me from having access to my lawyer when I need it. For example, on or around March 24, 2026, ICE provided me with a form in English and told me that my lawyer had reviewed it and approved me to sign it for me to have an interview with ICE regarding a supervised release. I asked ICE for a translated copy of the form, which they denied. Instead, an ICE official came to translate the form for me. In that moment, I wanted to call my lawyer, so that she could confirm that she had indeed reviewed and approved the form. But I could not call her. Even if I did call my attorney, I could only do so through the tablet which would cost me money, and the line would be monitored and recorded.
44. On or around March 13, 2026, I had a bond hearing with little notice and no time to get an attorney. I did not get notice of the hearing until I got picked up in the middle of the night. At the hearing, the ICE attorney encouraged me to waive my appeal and told me that an appeal was just going to extend my detention by 30 days. That’s really hard to hear. I wish I could’ve called my attorney at that time. Conditions here are so bad, I feel pressure to give up just so I can get out of this windowless box.

### **Health Care**

45. Since arriving, I have had serious issues with breathing because of the dust and sand that is all around us that gets inside. There is so much dust and sand that it gets on top of our bunks, lunch tables, showers, toilets, on the floors, such that we have to clean it multiple times a day. But sometimes we choose not to clean it because the dust and sand will just spread around. The guards use facemasks, but we are not given any masks. When I am

sleeping, I wake up multiple times because I cannot breathe properly and I lack sufficient oxygen going into my nose, because it is clogged. Sometimes I want my nose to fall off because of the dust. I feel like the dust is eating me from the inside.

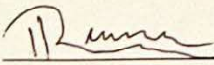
46. On or around mid-February 2026, I was finally prescribed a nasal spray and allergy medicine after reporting my symptoms, but this did not fix the problem. I still have the same problem of inflamed and stuffed nostrils and I still have difficulty breathing. At times, I get headaches – I think it’s because I cannot breathe and because of the stress.
47. I have submitted multiple sick call requests about the problems I am having with congestion and breathing but because the medical staff just told me all they can prescribe is allergy medication, I feel that there is no point in filing out another sick call request because they are not going to help me. It’s really scary to have breathing issues, though. Before arriving to the facility, I did not have any breathing issues.
48. Beginning around March 15, 2026, I started to get pain in my left knee after I played soccer during yard time. I did not fall or get injured while playing. But when I returned to my bed, my left knee got swollen and I had difficulty walking or standing. I had to walk to get food and walk to go to the restrooms. For about three weeks, I was struggling with the pain. On or around April 6, 2026, I submitted a sick call request, and the guards woke me up for the appointment at around 3 am. But I refused because I was sleeping and tired. The guards have woken up several people in my pod in the middle of the night for doctor’s appointments. I don’t know why they do that. We sleep on a hard metal surface and a thin 2-inch mattress, so when we finally are able to get to sleep, we really want to stay asleep. It’s hard when the guards wake us up in the middle of the night to go get medical care. You have to choose between trying to get a good night’s rest and getting medical help. My knee is still swollen and because of this I have been unable to play soccer or walk around comfortably.
49. On or around April 8, 2026, a nurse saw me in the hallway for my knee. At that point, I had been waiting to see a doctor for about two weeks. I was not taken to the clinic for medical care. Instead, I was evaluated by a nurse in the hallway in front of others with no privacy. The nurse didn’t even examine my knee or give me a diagnosis. They just prescribed me an anti-inflammatory painkiller to take for ten days. I received my first dose around April 8, 2026. It hasn’t made much of a difference.
50. On or about April 22, 2026, during the 5:00 AM count, I had serious difficult breathing (I would just stop breathing suddenly). I would fall asleep and then wake up in a panic and I could not breathe. I asked the guard to please take my blood pressure or to the medic. I asked if I could go to the emergency room. But the guard said he could take me to the emergency room only if I were on the floor and really struggling to breathe or “dying.” I asked the guard to bring me a sick call slip, but he did not. Later in the day, I was out in the yard, and I felt better but I feel this drop in blood pressure and breathing issues in the

morning. I have never had these breathing issues before. I feel discouraged to make a sick call request because I know that they will take me out of my bed in the middle of night, like at 3 AM, to just sit me down in the waiting room and give me a quick cursory examination with no meaningful care. I know that others in my unit feel similar because we talk about this all the time.

51. On or about May 8, 2026, I filed a sick call request because of my breathing issues and my knee issues. On or about May 11, 2026, I was taken to the nurse in the hallway and there were other people and guards around me. Other people were walking around. When I was seen by the nurse, other people could see and hear me. The appointment was not private or confidential. I told the nurse about my breathing and knee issues and she wrote down notes. The nurse told me, in Spanish, that they could not do anything to help me breathing or knee issues and that I had to wait until I was out of the facility to see a doctor. The nurse just gave me joint and muscle cream in a very small container that was for a single use and one dose of Tylenol. The nurse did not even examine my nose after I explained that I had breathing issues.
52. On or about May 18, 2026, I made a sick call because my knee started to hurt badly after I tried to play soccer in the morning after not playing for about three weeks. I could not sustain myself with my left knee and I could not walk. On or about May 20, 2026, I received four Tylenols twice a day (in the morning and at night). On May 21, 2026, I received the same. I asked the nurse if they could do an X-ray, but the nurse said that they could not.
53. I've never been to prison before, and I do not have a criminal record. I feel like I am being punished and tortured by detention conditions here. I just want to get out of here. Every day I feel depressed and anxious, I am malnourished, and I am not sleeping. I feel that I am deteriorating here. I am 26 years old and I feel like I am an old man because of my knee and breathing issues. If I stay here, I will keep getting sick. There is nothing to do to pass time. Being here has made me not want to keep fighting to stay in the United States and the conditions here have made me feel forced to sign a voluntary departure, which I would not have signed otherwise if I had access to counsel and if I was not at this detention center.

Everything in this declaration is true and correct to the best of my knowledge and recollection.  
This declaration was read back to me in Spanish, a language in which I am fluent.

Executed on the 21 th of May, 2026 in El Paso, Texas.

Signature:  \_\_\_\_\_

**ATTESTATION AND CERTIFICATE OF TRANSLATION**

I, Felipe De Jesus Hernandez, certify that I am fluent in both English and Spanish. On May 21, 2026, I personally spoke with Erik Ivan Rodriguez Flores and read the foregoing declaration to him, translated into Spanish faithfully and accurately. Erik Ivan Rodriguez Flores affirmed that he understood my translation and that the information in the above declaration is true and accurate.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.



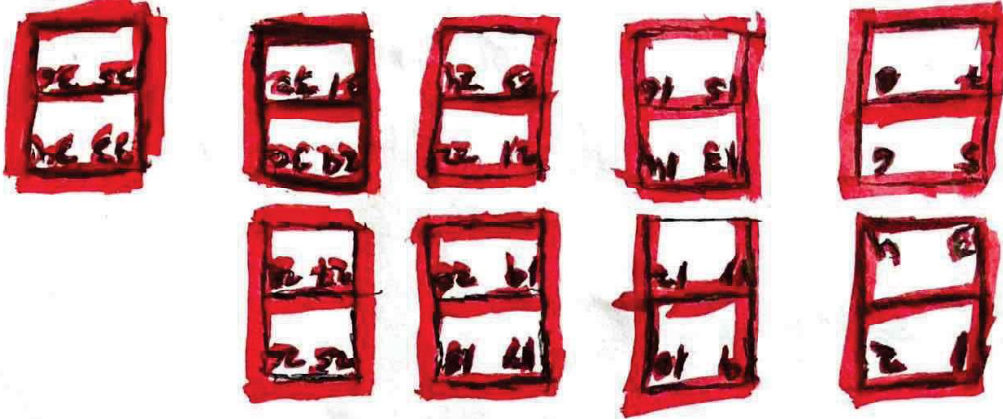
**Felipe Hernandez, Staff Attorney**  
American Civil Liberties Union

May 21, 2026  
**Date**

# Exhibit A

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Punta  
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TV CAJA DE TABLERO

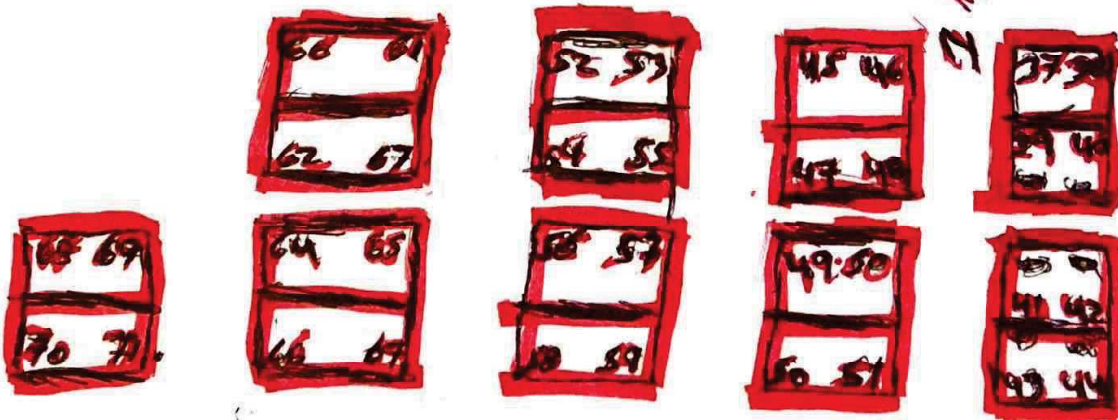
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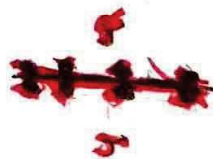
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