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Attorneys for Plaintiffs-Petitioners

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
PORTLAND DIVISION

INNOVATION LAW LAB and LUIS  
JAVIER SANCHEZ GONZALEZ by  
XOCHITL RAMOS VALENCIA as next  
friend,

Plaintiffs-Petitioners,

v.

KIRSTJEN NIELSEN, Secretary, Department  
of Homeland Security, THOMAS HOMAN,  
Acting Director, Immigration and Customs  
Enforcement, ELIZABETH GODFREY,  
Acting Field Office Director, Seattle Field  
Office of ICE, JEFFERSON BEAUREGARD  
SESSIONS, III, U.S. Attorney General,  
HUGH J. HURWITZ, Acting Director,  
Federal Bureau of Prisons, JOSIAS  
SALAZAR, Warden, FCI Sheridan Medium  
Security Prison, in their official capacity only,

Defendants-Respondents.

Case No. 3:18-cv-01098

**DECLARATION OF PHILIP SMITH IN  
SUPPORT OF PLAINTIFFS-  
PETITIONERS' EX PARTE  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER**

I, Philip Smith, declare as follows:

1. I am an attorney licensed to practice in the States of Oregon, Hawaii, and Tennessee, and am a member in good standing of the bars of the United States District Court for the District of Oregon, the United States Court of Appeals for the Ninth Circuit, and the Supreme Court of the United States. I am over the age of 18 and have personal knowledge of the facts described herein.

2. I received a request on Friday, June 8, 2018, to provide pro bono legal assistance to a civil immigration detainee currently detained at the Bureau of Prisons Federal Correctional Institution of Sheridan, Oregon (“FCI Sheridan”).

3. I called FCI Sheridan on Saturday, June 9, 2018, to inform them that I am an attorney and that I needed to meet with an immigration detainee. I was told that normally attorney visits were permitted seven days a week and that one could be arranged through a counselor. I was told that a counselor would be on duty on Sunday, June 10, 2018. I was also told that Sean Price was in charge of the unit where the immigration detainees were being held. I was given Mr. Price’s direct phone number and was transferred to his direct office line.

4. I left a message on Mr. Price’s line identifying myself, explaining the reason for my call and request to visit the detainee on Sunday, and my personal cell phone number. I also provided the civil detainee’s name, BOP registration number, and Department of Homeland Security registration number (A number). I did not receive a call back.

5. It was my intention to meet only with the individual detainee, explain to him the immigration process, identify potential immigration options, and offer him pro bono representation if he wanted to apply to remain lawfully in the United States.

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6. On Sunday, June 10, 2018, I drove from Portland, Oregon to FCI Sheridan. The drive took approximately one and one half hours. I arrived at the prison at approximately 8:45 a.m. and met with Spanish speaking co-counsel, Erin Pettigrew.

7. We entered the prison visitation center, where a guard was in the process of checking in some visitors who had arrived before us.

8. I identified myself as an immigration attorney and provided the officer with the information for the individual detainee whom I had come to visit. The officer called his supervisor, and then told me that visits were not permitted on the weekend and that I needed to schedule an appointment, which I could only do Monday – Friday.

9. I explained to the officer that I had called the day before and had been told that a counselor would be on duty on Sunday and that I had left a voice message with Mr. Price. The officer then called his supervisor a second time.

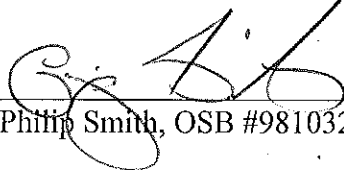
10. The officer's supervisor, Lt. McDonald, came out to the lobby to speak with us. Lt. McDonald told us that we were not permitted to meet with an immigration detainee on the weekend. Lt. McDonald said that we needed an appointment for one of the three attorney visitation rooms, that appointments were only available Monday through Friday, and that we could only schedule an appointment Monday through Friday. Lt. McDonald said the unit supervisor, Mr. Price, does not work on weekends. I asked Lt. McDonald if we could meet with our client in the public visitation area so as not to require an attorney room, but I was told "no" that was not allowed.

11. My colleague Ms. Pettigrew asked Lt. McDonald some other questions about visitation policies and then we left.

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I hereby declare under the penalty of perjury pursuant to the laws of the United States that the above is true and correct to the best of my knowledge.

EXECUTED this 21st day of June, 2018.

  
Philip Smith, OSB #981032

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