

1 **THIRD DECLARATION OF NAEEM KHAN**

2 I, Naeem Khan, hereby declare:

- 3 1. My name is Naeem Khan and I am submitting this supplemental declaration due to the  
4 recent news I was just told that someone in my pod has tested positive. I had been  
5 detained in the A-3 pod since around February 2020. Today I was moved with everyone  
6 else in A-3, which was 12 other people, to the G-2 pod.
- 7 2. GEO or ICE never informed us of the positive test. It was pretty obvious with everything  
8 that was happening that it probably was a positive test, but I didn't know for sure until I  
9 spoke with the lawyer who called me to do this declaration. Even when they moved us  
10 from A-3 to G-2 they wouldn't tell us why. They just said it was for our safety, even after  
11 I asked.
- 12 3. A-3 pod had been locked down for quarantines three times since August. A quarantine  
13 means we can't go outside of the pod at all.
- 14 4. ICE and GEO kept deporting people and detaining more people. GEO guards said GEO  
15 had held the new people for 14 days so they were safe from the virus. And then, after  
16 each person has been in that other pod the 14 days, from what I understand, depending on  
17 their security level color they would get sent into pods, including into A-3 when we were  
18 not on quarantine.
- 19 5. But, a couple of the new guys transferred into A-3 from those 14-day pods, when they did  
20 come in, they seemed sick. I'm kind of the grandpa figure for the pod and I thought that  
21 they seemed sick from the way they breathed and that they complained of a fever. The  
22 two people who seemed sick, they came together, the same day, around 30 days ago.  
23 Because both of these guys have been taken away by GEO, I think they might have been  
connected to the virus getting into A-3. Let me explain from the beginning of this last  
quarantine we've been in.
6. Last week, on Tuesday morning, December 1, they took out a young Mexican man, I  
think his name was Kevin, to be deported. He had been looking sick for several days  
before they took him. I'd even told the GEO officer in the pod that when Kevin came  
back from the court, a few days before, that he seemed sick. Kevin used to play board  
games and be involved in the pod, but then he just started to seem so exhausted and spend  
more time in his bunk. He was sneezing a lot, but not coughing. Kevin didn't wear a  
mask though.
7. On Wednesday or Thursday last week (December 2nd or 3rd), our unit, A-3, was again  
started on a quarantine and two nurses, one male, one female, took virus test samples  
from all of us. This test was just a swab of just the very bottom of your nose, like where  
your nose hairs are. I told them, you have to go back to my brain. I'd seen that in the  
news.

- 1 8. I requested my result from the same nurse, from that test last week, but they have not  
2 given me a result. No one in my unit got any results.
- 3 9. Those two people I talked about before who'd seemed sick when they came to A-3 have  
4 since been removed from the pod. We were never given the exact reasons, although now  
5 I think one of them must be the one who tested positive for COVID. One man was taken  
6 to medical this morning and the other guy was taken out of the pod on Tuesday. The man  
7 taken out on Tuesday was the guy who mopped in the mornings. I had asked him to help  
8 with the mopping, since I want a clean place to live, I ask other people who are detained  
9 to clean the pod with me, especially the bathroom and shower rooms, since GEO doesn't  
10 clean them, GEO just sprays sanitizer and so the floor gets sticky and the bathroom gets  
11 very smelly.
- 12 10. The mopping guy was taken by GEO this past Tuesday (December 8) around noon at  
13 lunchtime. I remember because I was trying to give him a tray and the GEO guards said,  
14 no, he has to leave right now. The GEO guards said he was just being taken to the Fox  
15 (F) pods. But, later a different GEO guard told us that he had been taken to quarantine.
- 16 11. After he was taken away on Tuesday, nothing changed from the "normal" quarantine and  
17 they didn't tell us anything. In last 9 days since this quarantine started, we did not have  
18 our temperatures taken, but today, in the morning, they took our temperatures as we were  
19 leaving A-3 to go to G-2. Some guys in the unit had a fever around 100.
- 20 12. In A-3, during this quarantine, each morning a nurse would come into the pod in the early  
21 morning. Maybe it was 3-4 different nurses over the 9 or 10 days of this quarantine. One  
22 of the nurses would come, bunk to bunk and wake us up and ask us some questions about  
23 coughing, fever, that kind of thing. And then, she would ask the GEO guard if anyone  
had been sick. The other nurses would just yell from the bottom floor of A-3, "anyone  
sick?". Some detained people would yell out "no", others wouldn't answer. I never saw  
the nurses taking the temperature of a detained person during these morning visits.
13. Before quarantine, we would have to go to medical for visits and wait for pill line to get  
our medication. And there, in line, there would be people from other pods. Today, in the  
morning, the second guy who I'd noticed looking sick disappeared from the unit. I served  
him his tray for breakfast, he seemed so sick, so tired in his face. He put the tray on the  
table and I think he ate and then went to his bunk on the lower level. I went back to my  
bunk on the upper floor and I haven't seen him since. I didn't see him leave, but saw a  
GEO guard taking his stuff away.
14. Around maybe 9:30am, a white-shirted GEO guard, those are guards from the  
Lieutenant's office, not the normal pod GEO guards, came into A-3.
15. This guard said we'll move units. Some people didn't want to, because they didn't want  
to be isolated, but the Lieutenant came in and convinced everyone. A third GEO guard, in

1 a white shirt, came and took our clothes and sheets and blankets from us. And the guards  
2 ordered us to pack up. We could take personal belongings, medication, paperwork, etc.  
3 But, they gave us new clothes to put on.

3 16. They didn't tell us about any positive test, they only said that we were moving for our  
4 safety, that we had to move to G-2.

5 17. Around noon today, we got a second coronavirus test in our cells in G-2. Today's test  
6 was different, the nurses did a longer stick test, going way back into your head.

7 18. Since this morning I've been in G-2, so I want to describe it. It is a two-floor unit, with  
8 eight cells on the top floor and eight on the bottom. I'm diabetic and I'm supposed to stay  
9 active or else my feet swell, but I can only walk back and forth in my cell. It is six steps  
10 from end to end. The doors are solid with windows you can see through. I have a venting  
11 system on the wall, with a 12 inch by 12 inch vent. But, the vent is almost all sealed,  
12 maybe by prior detainees, with toothpaste. I can hardly feel any air coming in. I can feel  
13 air coming in from the one inch between the door and floor.

14 19. There are five showers in G-2 for the 13 of us and we were told by a GEO guard that we  
15 could get a shower tomorrow between 7am and 3pm. We can only take a shower three  
16 days out of the week, Friday, Sunday and Wednesday.

17 20. We do get to leave our cells (but not the pod) to use the microwave. They seem to open  
18 the cells one at a time, to use the microwave and then go back, the guard said it was only  
19 for three minutes. That is for the 13 total people locked in here. Everyone walks through  
20 the pod without masks or gloves to the microwave. We are not given gloves.

21 21. The GEO guards now generally do wear masks although in A-3, two of the regular GEO  
22 guards often wore just neck warmers, like for hunting, pulled up over their noses. Some  
23 also wear homemade masks.

24 22. In terms of GEO guards now in G-2, there was one from A-3 who came with us, then, at  
25 3pm, they changed GEO guards for the swing shift, then, I expect the graveyard guard  
26 will come in. The GEO guard sits inside the pod, but right by the door, down the hall  
27 from us. And there are different GEO guards who come in during the breaks for the  
28 regular GEO guard.

29 23. Also, at around 5pm today, two nurses came to check my sugar levels and give me my  
30 insulin shot. The nurses do that, coming to the pod/cell, whenever we are on quarantine.  
31 At 5am the nurses come to check my sugar levels and at 5pm to test my sugar levels and  
32 give me an insulin shot. When we are not on quarantine, I would go to the medical unit  
33 for these tests and shot.

34 24. I feel like my body is tired. I mentioned to the doctors and they just said relax. I can still  
35 smell, I don't have a fever or some of the other virus symptoms. But I am worried. In my

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cell, it feels like there is not enough oxygen coming into the cell, sometimes it feels harder to breathe. I know that for me, as someone with diabetes, if I get this virus, it will be bad. I don't want to die in here.

25. Like I said in May, if I were able to be released, I would be able to live with my friend Wajid Ali in Lake City Way/Seattle. I know that I have a no contact order with my ex-wife and children. I haven't tried to contact them at all during my time in here. I know I made a mistake and I'm here because of that and I will not make that mistake again.

**CERTIFICATE OF AFFIRMATION**

I, Tim Warden-Hertz, certify that I faithfully transcribed the foregoing based on statements that Naeem Khan made to me. I further certify that on December 10, 2020, I read the foregoing to Naeem Khan and that he affirmed that the foregoing is true and correct under penalty of perjury of the laws of the United States. I prepared and reviewed this declaration with Naeem Khan over the phone because of the COVID-19 pandemic.

s/ Tim Warden-Hertz  
Tim Warden-Hertz  
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**CERTIFICATE OF SERVICE**

I hereby certify that on December 11, 2020, I electronically filed the foregoing and any attached exhibits with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system.

DATED this December 11, 2020.

s/ Aaron Korthuis  
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