

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ABDY NIZEYIMANA, on behalf of	)	
himself and all others similarly situated,	)	
	)	
Petitioners,	)	
	)	
v.	)	Civil Action No. 20-10685-ADB
	)	
ANTONE MONIZ, Superintendent of the	)	
Plymouth County Correctional Facility	)	
	)	
Respondent.	)	

**RESPONDENT’S STATUS REPORT**

Respondent Antone Moniz (“Respondent”), Superintendent of the Plymouth County Correctional Facility (“PCCF”), by and through his attorney, Andrew E. Lelling, United States Attorney for the District of Massachusetts, respectfully submits this status report to inform the Court and parties of the below developments.

On November 18, 2020, a booking officer tested positive for COVID. Through its contact tracing efforts, PCCF identified four booking officers and a lieutenant who had close contact with the officer. PCCF quarantined all employees and directed them to test. The trace identified two inmates who had close contact with the officer: a sentenced county inmate facing additional charges and a newly admitted ICE detainee (*i.e.*, not a class member). PCCF tested the sentenced county inmate and the test result was negative. Incidentally, PCCF recently had tested the ICE detainee upon admission as a result of new guidelines from ICE (described in the next paragraph). The result of that test was negative. However, based on the proximity of the ICE’s detainees test upon admission and his close contact with the positive employee, PCCF decided to test the ICE detainee a second time. The result of that second test is pending.

As mentioned above, ICE recently submitted a new version of the “COVID-10 Pandemic Response Requirements” (“PRR”) to detention facilities that contain ICE detainees, such as PCCF. The new PRR, dated October 27, 2020, is attached as Exhibit A hereto. As relevant here, the new PRR provides as follows: “All new admissions to ICE detention facilities require COVID-19 testing within 12 hours of arrival. Collection timeframe may extend to 24 hours if facility collection logistics require additional time.” Ex. A at 33. Since it received the new PRR, PCCF has been working diligently to implement the changes, including the changes to testing. The ICE detainee’s test upon admission, described in the above paragraph, is an example of PCCF’s implementation efforts.

Separately, on November 18, 2020, a correction officer tested positive for COVID. The officer had not been to PCCF within 48 hours of the onset of symptoms. The officer had close contact outside of PCCF with two employees, a correction officer and a reintegration counselor. PCCF quarantined both employees and directed them to test.

In addition, on November 18, 2020, a medical officer nurse tested positive for COVID. Through its contact tracing efforts, PCCF identified nine employees who had close contact with the nurse: five correction officers, three medical officers, and a medical lieutenant. PCCF quarantined the security employees and directed them to test. Based on written guidance from DPH, however, the medical staff will quarantine only if they experience symptoms. The DPH guidance, dated May 7, 2020, is attached as Exhibit B hereto.

Lastly, on November 19, 2020, a medical officer nurse tested positive for COVID. The nurse is the spouse of the nurse who tested positive on November 12 and has been quarantined since that date, as described in Respondent’s November 16 status report. Doc. # 279. To date, this is the only employee to test positive based on a trace identifying 13 employees as close

contacts. *See id.* Thus far, eleven of those close contact employees have tested negative, with results pending for the one remaining close contact employee.

Respectfully submitted,

ANTONE MONIZ  
Superintendent of the Plymouth  
County Correctional Facility

By his attorneys,

ANDREW E. LELLING,  
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