

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

ISMAELA REYES,	)	
Individually and next friend of	)	
J.R., a minor; and	)	
ALIYAH REYES	)	
	)	Case No. _____
Plaintiffs,	)	
	)	
v.	)	
	)	
THE UNITED STATES,	)	
Defendant.	)	

COMPLAINT

This lawsuit arises from events at the United States Penitentiary Satellite Prison Camp in Tucson, Arizona, where Bureau of Prisons (BOP) staff permitted inmate Jaime Reyes Jacobo to enter the visitation area without undergoing mandatory visual searches under 28 C.F.R. §511.16 or requiring a jumpsuit change per TCX 5267.09, enabling him to conceal a loaded firearm. Jacobo then attempted to murder Ismaela Reyes by pressing the weapon against her head-malfunctioning repeatedly as bullets fell into her hair-while a guard who witnessed the attack closed the door and abandoned the victims. The negligence culminated in the traumatic assault of Ismaela and her children, J.R. (14) and Aliyah (19), and their subsequent unlawful detention as suspects by prison staff.

Jurisdiction and Venue

1. This Court has jurisdiction under 28 U.S.C. § 1346(b)(1) for claims against the United States under the FTCA.
2. Venue is proper under 28 U.S.C. § 1402(b) because the acts and omissions occurred in Tucson, Arizona.

Parties

3. Ismaela Reyes: Resident of California; victim of attempted murder by inmate Jaime Reyes Jacobo.
4. J.R.: Minor child of Ismaela Reyes; assaulted by Jacobo during the incident.
5. Aliyah Reyes: daughter of Ismaela Reyes; witnessed the violent events.
6. Defendant: United States of America, sued under the FTCA for negligence by Bureau of Prisons (BOP) employees.

Compliance with Administrative Requirements

7. Plaintiffs have complied with all administrative exhaustion requirements under the Federal Tort Claims Act.
8. On August 1, 2024, each plaintiff submitted a fully executed Standard Form 95 to the Federal Bureau of Prisons Western Regional Office.
9. The Bureau of Prisons received these claims on August 5, 2024, as confirmed by acknowledgment letters dated August 27, 2024.
10. The administrative claims set forth the facts and circumstances of the November 13, 2022, incident, the basis for liability, and a sum certain for damages as required by 28 U.S.C. § 2675(a).
11. The Bureau of Prisons assigned claim numbers TRT-WXR-2024-07572 (Ismaela), TRT-WXR-2024-07573 (J.R.), and TRT-WXR-2024-07569 (Aliyah) to these claims.
12. The acknowledgment letters confirmed that the Bureau of Prisons has up to six months from receipt to make a final determination and advised that the Phoenix Consolidated Legal Center would be handling the investigation.

13. These claims were timely presented within two years of the incident.
14. More than six months have elapsed since the acknowledgment of the submission of these claims without final disposition by the agency.
15. Plaintiffs have therefore satisfied the jurisdictional prerequisite for filing suit under the FTCA.
16. The Form 95 claims and the BOP's acknowledgment letter are attached as **Exhibit A**.

Factual Allegations

17. On November 13, 2022, Ismaela Reyes, her daughter Aliyah Reyes (age 19), and her son J.R. (age 14) visited inmate Jaime Reyes Jacobo at the United States Penitentiary Satellite Prison Camp in Tucson, Arizona.
18. During the visit, Jacobo produced a concealed firearm, pointed it directly at Ismaela's head, and attempted to fire multiple times, but the gun jammed, and bullets fell into her hair and onto the floor.
19. Jacobo then physically assaulted Ismaela, hitting her with the gun and choking her while she was on the floor.
20. J.R., witnessing his mother's assault, attempted to intervene by grabbing a fire extinguisher but was met with Jacobo pointing the gun at his face.
21. Ismaela, still on the floor, pleaded with J.R. to leave for his safety.
22. Ismaela called out to a nearby guard for help, making eye contact, but the guard fled the room and closed the door, abandoning her during the attack.

23. The attack ended only when another inmate intervened and tackled Jacobo, allowing Ismaela to pull the gun away.
24. After the situation was contained and Ismaela was escorted out, she saw J.R. pacing anxiously in the lobby.
25. Upon seeing his mother, J.R. immediately collapsed, fainted, and struck his head on the floor.
26. J.R. then experienced a seizure-like episode, with his eyes rolling back and his entire body shaking violently; he had never experienced such a medical emergency before.
27. Despite J.R.'s being a minor and clearly in medical distress, prison staff failed to provide any medical attention or care.
28. A bystander eventually provided water, which Ismaela gave to J.R. to help him recover.
29. Guards then handcuffed Ismaela and Aliyah and detained them outside in the sun; they also attempted to handcuff J.R. until Ismaela protested that he was a minor victim who had just suffered a medical emergency.
30. Prison staff accused Ismaela and her children of smuggling the weapon into the facility, even though Jacobo's possession of the

firearm was solely due to staff's failure to conduct the mandatory search.

CAUSES OF ACTION

I. Negligence

31. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.
32. At all relevant times, the United States Bureau of Prisons (BOP) was responsible for the care, custody, and control of inmate Jaime Reyes Jacobo at the United States Penitentiary Satellite Prison Camp in Tucson, Arizona.
33. BOP policy, as set forth in the Complex Supplement TCX 5267.09 and Program Statement 5521.06, mandates that all general population inmates entering the visitation area must be visually searched, which includes the removal of all clothing for inspection of body surfaces and cavities, and must change into prison-issued jumpsuits and footwear prior to visitation.
34. These policy documents are attached as **Exhibit B**.

35. This requirement is not discretionary; it is a mandatory directive designed to prevent the introduction of contraband and ensure the safety and security of visitors, staff, and other inmates.

36. On November 13, 2022, BOP staff failed to perform the required visual search of Jacobo and failed to require him to change into a jumpsuit before entering the visitation area, in direct violation of these mandatory policies.

37. As a direct and proximate result of this failure, Jacobo was able to bring a loaded firearm into the visitation room and attempt to murder Ismaela Reyes in the presence of her children, Aliyah Reyes (age 19) and J.R. (age 14).

38. The United States, through the BOP and its employees, breached its non-discretionary duty of care to Plaintiffs by failing to follow mandatory search procedures and by failing to take reasonable steps to protect visitors from foreseeable harm.

II. Negligent Infliction of Emotional Distress

39. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.
40. Defendant's negligence in failing to conduct a mandatory search of inmate Jacobo created an unreasonable risk of bodily harm to Ismaela Reyes.
41. Defendant's negligence was a direct cause of severe emotional distress to Ismaela Reyes when Jacobo placed a loaded firearm against her head and repeatedly attempted to discharge it.
42. Ismaela Reyes suffered physical manifestations of her emotional distress, including but not limited to severe anxiety, clinically diagnosed post-traumatic stress disorder, insomnia, and physical symptoms of panic attacks that have required medical treatment.
43. Ismaela Reyes was in the immediate zone of danger, as she was the direct target of the attempted murder and had bullets fall into her hair when the firearm jammed.

44. Defendant's negligence in failing to conduct a mandatory search of inmate Jacobo created an unreasonable risk of bodily harm to J.R..
45. J.R. was in the immediate zone of danger, as Jacobo pointed the loaded firearm directly at him and threatened him.
46. J.R. suffered emotional distress both from being directly threatened and from witnessing the attempted murder of his mother, with whom he has a close familial relationship.
47. J.R. has manifested physical symptoms resulting from his emotional distress, including but not limited to anxiety disorder, recurring nightmares, physical symptoms of panic attacks, and other physical manifestations requiring medical treatment.
48. Defendant's negligence in failing to conduct a mandatory search of inmate Jacobo created an unreasonable risk of bodily harm to Aliyah Reyes.
49. Aliyah Reyes was in the zone of danger during the incident, as she was present in the visitation area where an active assailant was discharging a firearm.

50. Aliyah Reyes witnessed the attempted murder of her mother, with whom she has a close familial relationship.

51. Aliyah Reyes has manifested physical symptoms resulting from her emotional distress, including but not limited to severe anxiety, depression, post-traumatic stress disorder, insomnia, and physical symptoms that have required ongoing medical and psychological treatment.

52. The emotional distress suffered by all three Plaintiffs was the direct, foreseeable, and proximate result of Defendant's negligence in failing to follow mandatory search procedures.

53. As a result of Defendant's negligence, Plaintiffs have incurred and will continue to incur expenses for medical treatment, therapy, and counseling, and have experienced pain, suffering, and loss of enjoyment of life.

III. False Imprisonment (Ismaela and Aliyah Reyes)

54. Plaintiffs incorporate all preceding paragraphs as if fully set forth herein.

55. On November 13, 2022, Bureau of Prisons (BOP) employees intentionally restrained Ismaela Reyes' liberty by:

- a. Handcuffing her without probable cause after she survived an armed assault by inmate Jacobo.
- b. Confining her outdoors in direct sunlight for several hours despite her status as a crime victim.
- c. Threatening prosecution for contraband smuggling without evidence, violating Program Statement 5510.15 (prohibiting baseless detention of visitors and requiring probable cause to detain visitors pursuant to § 511.18).

56. Ismaela's confinement caused direct harm, including:

- a. Physical injury from prolonged exposure to heat.
- b. Severe emotional distress from being treated as a perpetrator rather than victim.

57. On November 13, 2022, Bureau of Prisons (BOP) employees intentionally restrained Aliyah Reyes' liberty by:

- a. Handcuffing her without probable cause after she witnessed an armed assault by inmate Jacobo on her mother and brother.
- b. Confining her outdoors in direct sunlight for several hours despite her status as a witness to a crime.
- c. Threatening prosecution for contraband smuggling without evidence, violating Program Statement 5510.15 (prohibiting baseless detention of visitors and requiring probable cause to detain visitors pursuant to § 511.18).

58. Ismaela and Aliyah Reyes suffered physical injury and emotional distress as a result of this false imprisonment.

DAMAGES

59. As a direct and proximate result of the United States' negligence, each plaintiff suffered severe emotional distress, psychological trauma, and other personal injuries.
60. Ismaela Reyes asserts claims for bodily injury, emotional distress, psychological trauma, and all available compensatory damages under the law, including but not limited to medical expenses and mental health treatment necessitated by the attempted murder and subsequent detention and interrogation by prison staff.
61. J.R. asserts claims for emotional distress, psychological trauma, and all available compensatory damages under the law, including but not limited to mental health treatment required because of witnessing the attempted murder of his mother and being threatened with a firearm.
62. Aliyah Reyes asserts claims for emotional distress, psychological trauma, and all available compensatory damages under the law, including but not limited to mental health treatment

required because of witnessing the attempted murder of her mother and the subsequent detention and interrogation.

63. Plaintiffs seek compensatory damages only, as punitive damages are not available under the Federal Tort Claims Act.

64. Plaintiffs reserve the right to supplement their claims for special damages, including but not limited to, additional medical expenses, lost earnings, and other out-of-pocket losses, as discovery and evidence collection continue.

PRAYER FOR RELIEF

65. WHEREFORE, Plaintiffs Ismaela Reyes, J.R., and Aliyah

Reyes respectfully request this Court grant the following relief:

- a. Compensatory damages for Ismaela Reyes for bodily injury, emotional distress, and psychological trauma caused by the attempted murder and negligent detention.
- b. Compensatory damages for J.R. for witnessing his father Jacobo's violent assault and enduring direct threats with a loaded firearm.
- c. Compensatory damages for Aliyah Reyes for trauma sustained from observing the attack on her family and her subsequent unlawful interrogation.
- d. Reimbursement for past and future medical expenses, including psychiatric counseling and therapy for all plaintiffs.
- e. Compensation for lost wages and earning capacity due to Ismaela Reyes' incapacitation from trauma.
- f. Post-judgment interest at the legal rate.
- g. Any other relief the Court deems just and proper.

Respectfully Submitted,

DRS LAW

By: /s/ Christopher Smith

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