Federal judge blocks deportation, as ICE continues torture of Wilber Garces Perez in Texas concentration camp

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22 September 2026

Less than 24 hours after Wilber Rafael Garces Perez, a father, husband and DoorDash delivery driver, spoke publicly about being shot by an Immigration and Customs Enforcement (ICE) agent and denied medical care, guards at the South Texas ICE Processing Center confiscated his tablet, revoked his communication privileges and transferred him from the infirmary to an isolation cell, according to his attorney Kate Lincoln-Goldfinch.

The apparent retaliation occurred while Garces Perez still had a bullet lodged near his spine and was suffering severe pain from a fractured collarbone. Monday evening he lost movement in his left arm. Guards at the GEO Group-run concentration camp shackled the wounded 28-year-old at his wrists and ankles, wrapped a chain around his waist and handled him roughly while transporting him to a hospital.

He was briefly treated with intravenous morphine before being returned to the Pearsall, Texas, concentration camp around midnight. Despite his neurological symptoms, he remains isolated on a flat, non-medical bed with only Tylenol and ibuprofen for pain.

Garces Perez, a 28-year-old asylum seeker from Venezuela, was shot shortly before 1:00 p.m. on Sunday, September 20, while making DoorDash deliveries in North Austin. According to his account, an unmarked vehicle that had not activated its emergency lights sideswiped his car on Anderson Lane. He made a U-turn and was struck again. Agents then got out and shot him through the passenger window, hitting him in the back just below the neck, and pulled him from the car.

In an update posted Tuesday, Lincoln-Goldfinch said she had been forced to cancel a planned hospital visit because ICE had already returned Garces Perez to detention.

"I was finally able to meet with him by video this morning," she wrote.

"Yesterday, during our press conference, Wilber called his wife and asked to speak to the press. He told us directly that he had been discharged from the hospital just hours after being shot, with the bullet still lodged in his body, and transferred into ICE custody while in severe pain."

During Monday's press conference, Garces Perez provided evidence that federal agents intervened to hasten his discharge from Dell Seton Medical Center. Speaking by telephone from Pearsall, he said he repeatedly asked why doctors were not removing the bullet lodged near his spine.

According to Garces Perez, the doctor responded, "They're in a hurry to get you out of there."

Within hours of being shot, Garces Perez was discharged into ICE custody. He said he was first held at an ICE processing center, where he was forced to sleep on the concrete floor of a cold cell with no bed, before being transported early Monday roughly 135 miles to Pearsall. He was given no pain medication, and on Monday he told his attorney he was still bleeding.

The abuse escalated after Garces Perez spoke publicly about what ICE had done to him.

"Wilber tells me that after he spoke publicly, guards at the Pearsall detention center forcibly took the tablet from his hands, revoked his communication privileges, and moved him out of the infirmary into an isolated room with a flat bed that cannot be adjusted like a medical bed," Lincoln-Goldfinch wrote.

"At the hospital, Wilber says doctors finally spoke directly to him about his care and gave him IV morphine for his pain," she wrote. "We now understand that the gunshot fractured his collar bone and that he has significant swelling and is wearing a sling. We still do not

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have clarity about the cause or extent of the loss of movement he experienced."

The attorney demanded that ICE restore his communications, provide an adjustable medical bed and ensure adequate medical care. "Most importantly," she wrote, "we are continuing to advocate for Wilber's IMMEDIATE release."

There is no question that ICE is retaliating against Garces Perez for exposing its criminality. Immediately after he publicly contradicted the government's account of the shooting, ICE cut off his communications, removed him from the infirmary and placed him in isolation.

On Tuesday, a federal judge, acting on a lawsuit filed by his attorneys, temporarily blocked the Trump administration from deporting Garces Perez and ordered him to appear at an initial hearing in San Antonio on September 30. The intervention prevents ICE, for now, from removing the central witness against one of its own agents.

The Travis County District Attorney's Office, which is conducting a criminal investigation into the shooting, has also written to DHS and ICE asking that Garces Perez be allowed to remain in the country as a material witness.

Like the majority of the over 63,000 people languishing in mostly for-profit ICE concentration camps, Garces Perez has no criminal record. Representative Greg Casar said he had "zero criminal record," and the Department of Homeland Security has not accused him of assaulting an agent, possessing a weapon or committing any other crime. The only basis DHS has offered for pursuing him is a final order of removal, an administrative order arising from civil immigration proceedings.

DHS has declared that Garces Perez "illegally entered our country under the Biden administration." In fact, he entered the US in 2024 through the government's CBP One appointment system, received a work permit and applied for asylum. According to the *New York Times*, the removal order was issued after he had missed an immigration hearing whose notice had been sent to an old address.

More than 48 hours after the shooting, the ICE agent who shot Garces Perez has still not been identified, much less charged with a crime. He has been placed on administrative leave. DHS officials told NBC News and *The Atlantic* that the agent had been issued a body camera but was not wearing it, despite an ICE policy requiring agents to activate cameras during enforcement operations. A second officer's camera recorded part of the encounter, but, according to DHS officials, that footage does not show the shooting itself. None of it has been made public.

ICE is, moreover, investigating itself. DHS has said that Homeland Security Investigations, a division of ICE, is leading the inquiry into the shooting with assistance from the FBI.

Following the July murders of Johan Sebastián Durán Guerrero in Biddeford, Maine, and Lorenzo Salgado Araujo in Houston, ICE officials repeatedly promised to equip agents with body cameras. Acting ICE Director David Venturella announced in August that every field agent would have one by August 31, moving up a previous September 30 target. After that deadline passed, Homeland Security Secretary Markwayne Mullin fell back on the end of September.

Even when footage exists, ICE retains control over whether the public sees it. The agency's policy permits the release of recordings involving death or serious injury only when officials decide that publication is in ICE's "best interests."

The treatment of Garces Perez follows a now-familiar pattern. Federal agents shoot an immigrant worker, DHS brands the victim an "illegal alien," the camera footage is missing or withheld, the agency investigates itself, and the victim and witnesses are pushed toward deportation before they can testify. In Houston a man, who was in the van with Lorenzo Salgado Araujo when he was killed, was held in immigration detention until a judge ordered his release.

The shooting has provoked protests in Austin, including a walkout by high school students in Pflugerville. The Democratic Party's response has been a toothless letter from more than 100 congressional Democrats to the acting ICE director, while the apparatus of mass deportation continues to operate at full capacity. Defending Garces Perez and all immigrant workers requires the independent mobilization of the working class against this machinery, not appeals to the agency that shot him.

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