



CENTER FOR JUSTICE AND CONSTITUTIONAL LITIGATION

At the Nevada Policy Research Institute

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NPRI's constitutional litigation center sues feds on behalf of Cuban immigrant pastor's church

LAS VEGAS — NPRI's Center for Justice and Constitutional Litigation (CJCL) has filed lawsuits in both the United States Court of Federal Claims and United States District Court for the District of Nevada seeking justice for the Ministerio Roca Solida Church (Solid Rock Church), pastored by Victor Fuentes.

The suits seek restoration of the Church's water rights and restitution from the U.S. Fish and Wildlife Service for negligent and lawless actions by the agency that caused more than \$86,000 in damage to the church's camp.

The camp, Patch of Heaven in the Amargosa Valley, suffered significant damage in 2010 when the U.S. Fish and Wildlife Service recklessly and illegally rerouted a stream that has historically flowed through Patch of Heaven. Less than three weeks after being rerouted, the stream overflowed the federal agency's poorly engineered new banks during rain showers — sending destructive floods of mud and muddy waters through the camp.

The lawsuit follows a six-month wait by the church and CJCL for a response to their claim against the U.S. Fish and Wildlife Service for more than \$86,000 in damages resulting from the agency's negligence. The federal agency never even acknowledged receipt of the claim, much less its responsibility.

Pastor Fuentes came to the United States to escape oppression by an unaccountable government. In 1991, he swam seven miles from near his home in Santiago, Cuba, to Guantanamo Bay and gained political asylum.

“I am an immigrant from Cuba who risked death to escape Castro's regime, only now I am in a country overrun by a federal government that reminds me of the horrors from which I fled,” said Fuentes. “In Cuba, I had this beautiful image of America as a place of freedom and liberty, but after the U.S. Fish and Wildlife Service recklessly damaged our property through its irresponsible actions, that image has changed.”

“After six months of silence from U.S. Fish and Wildlife Service officials, a court must now hold this irresponsible government agency accountable for causing over \$86,000 in damages and its illegal taking of the camp’s baptismal and recreational waters,” said Joseph Becker, chief legal officer and director of CJCL.

“What’s happened at Patch of Heaven is the sort of tyrannical actions that occur when a government agency — in this case the U.S. Fish and Wildlife Service — not only makes and administers the rules, but then adjudicates the resultant disputes. It’s time for a federal court to hold this agency accountable.”

Becker noted that checking the abuses of the federal government is especially important in Nevada, where the federal government reigns over nearly 90 percent of the state.

“The Ministerio Roca Solida Church deserves to be fully and promptly compensated for the property damage caused by the negligent actions of the U.S. Fish and Wildlife Service,” he insisted.

CJCL seeks more than \$86,000 in damages and a restoration of the camp’s historical water rights in the suit filed in District Court. CJCL has asked the Federal Court of Claims to stay proceedings on a takings claim pending the outcome in District Court.

The Center for Justice and Constitutional Litigation is a public-interest law organization that litigates when necessary to protect the fundamental rights of individuals as set forth in the state and federal constitutions.

CJCL’s District Court Complaint for Declaratory and Injunctive Relief in *Ministerio Roca Solida v. United States Fish and Wildlife Service, et al.* is available at <http://justice.npri.org/assets/cases/District-Court-Complaint-in-Ministerio-Roca-Solida-v-USFWS.pdf>.

Learn more about this case at <http://justice.npri.org/cases/justice-for-victor-fuentes/>.

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