

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
OFFICE OF THE CLERK
411 WEST FOURTH STREET, SUITE 1053
SANTA ANA, CALIFORNIA 92701-4516**

"COPY"
CASE # 25-2613-KNS

RAWLE GERARD SUITE, PRO SE

A# ~~XXXXXXXXXX~~

CASE# 8:16-CR-69-JVS

PETITIONER,

V.

ATTORNEY GENERAL OF THE UNITED STATES:

CHRISTOPHER J. LaROSE,

Warden of Moshannon Valley processing ctr:

Mr. Jamieson,

Warden of FDC Philadelphia:

Mr. Oniel,

Field Office Director:

R. Morrel of ICE Supervising agent.

Respondent.

REC'D JUL 28 2025

Petition For Emergency Habeas Petition and Motion For Injunctive Relief.
Pursuant to 28 U.S.C. Section 1746 : and or 2241.

Come now Petitioner Rawle Gerard Suite proceeding pro se and respectfully petitions this honorable court pursuant to 28 U.S.C. Section 2241 for immediate habeas corpus relief and injunctive protection against ongoing unconstitutional detention, illegal custody transfer, and cruel and unusual punishment in violation of the fifth and eight amendments to the U.S. constitution.

I. INTRODUCTION.

Petitioner is being held under impermissible and unconstitutional circumstances after being transferred from ICE custody back in BOP custody and confined in a makeshift, substandard facility. This represents a "New and unlawful form of double punishment". The very type of double jeopardy and government abuse the constitution seeks to prevent. Petitioner is being held in a facility that fails to meet basic constitutional standard of human dignity and decency. Moreover, the legal basis for petitioner continued detention an immigration hold is legally invalid and must be vacated as a matter of law . The eight amendment prohibits the infliction of cruel and unusual punishment. This includes conditions of confinement that deprive inmates of "the minimal civilized measure of life's necessities.

Petitioner maintains he is both ** factually and legally innocent**, that his plea was unlawfully entered and he now suffers severe and ongoing ** Immigration ** consequences and ** due to a conviction obtained in violation of his constitutional right including the ** right to effective assistance of counsel. **, due process, and a ** voluntary and informed plea **

II. JURISDICTION.

This court has jurisdiction pursuant to 28 U.S.C. Section 2241 to review immigration related detention when it violates constitutional rights. Petitioner is being held in violation of the constitution and laws of the United States. Venue is proper as petitioner is detained within the "Eastern District of Pennsylvania".

III. PARTIES.

1. Petitioner Rawle Gerard Suite (A# ~~XXXXXXXXXX~~) an individual currently detained by ICE "challenges the unconstitutional detention double jeopardy, and unlawful immigration hold". What should be recognized is "The transfer back into BOP custody on February 19, 2025 was at all times unconstitutional and this court should vacate the immigration hold as unlawful and void.

2. Respondent: PAM BONDI, Attorney General of the UNITED STATE, Christopher J.LaRose, warden of Moshannon Valley Processing Center is the petitioner's custodian. Additional parties include Mr.Jamieson Warden of FDC Philadelphia, Philadelphia, PA 19105 and Mr.Oniel field office director, R.Morrell Supervising Agent and or Liason for ICE.

IV. FACTUAL BACKGROUND.

1. Petitioner was taken into ICE custody on January 12, 2024, after serving a federal sentence. He was being detained under 8 U.S.C. Section 1226 (C).
2. On February 12, 2025 (One year later.) after facing outrageous delays, was transferred from ICE to BOP, an unlawful custody transfer and or unconstitutional imprisonment.
3. Petitioner is currently unlawfully detained in violation of the U.S constitution and federal law for approximately 16-17 months, and petitioner seeks immediate relief due to: "Unconstitutional prolonged detention", "violation of the double jeopardy clauses". petitioner has been subjected to punishment (lockdowns) more than once for the same alleged offense. "An unlawful immigration hold by ICE is being unlawfully used to prolong detention beyond the scope of lawful criminal custody."
4. Notwithstanding, the following unconstitutional conditions here persisted. Unsanitary living quarters, including mold, rodents, pest infestations, and infrequent cleaning. Inadequate access to medical care, including delayed or denied treatment for serious medical needs. Petitioner needs a little less then half a dozen surgeries. Retaliation or indifference by staff upon reporting or grieving these issues should be safeguarded. Petitioner has submitted grievances and complaints without meaningful response or corrective action.

V. LEGAL ARGUMENT.

1. The above conditions constitute an objective deprivation of basic human needs and pose a substantial risk of serious harm. The subjective element is satisfied, as petitioner alleges and can show that prison officials knew of and disregarded these risks. E.G. Petitioner suffers from a documented Serious medical condition, "obstructive sleep apnea", for which he was medically prescribed a ***CPAP (continuous positive airway pressure) machine** and was prescribed a CPAP (Continuous positive airway pressure.) machine to prevent serious health complications. Despite the clear medical necessity, the petitioner was denied access to CPAP for over ** Two years, while in federal custody, including during his transfer between ICE and BOP Custody. Causing physical suffering, risk of cardiovascular harm, sleep deprivation, and mental anguish (Managed by Trazadone and Cymbalta.) repeated request were made, and facility staff were made fully aware of the petitioners need for the device, yet failed to act. This clearly constitutes deliberate indifference to a serious medical need, indirect violation of the eight amendment and supports emergency relief.
2. Petitioner informed medical staff and correctional officers multiple times about the need of property medical records and or at the very least the CPAP machine taken on change of custody from ICE to BPOP, The withholding of petitioners medically prescribed CPAP device created **:ongoing health risks**, including the risk of **stroke, cardiovascular complications and sudden death during sleep** all documented complications of untreated sleep apnea. (See Exhibit K) Petitioner submitted sick calls, grievances and verbal request, but concerns were ignored and or delayed without reason. Petitioner finally received access to a CPAP Machine while he was in Moshannon Valley approximately 2 years after requesting it**, by which point his symptoms had worsened and his overall health declined. The denial of this essential medical device was **not only unnecessary but dangerous**, Petitioner alleges it represented deliberate indifference** to his serious medical needs, in violation of the **Eight Amendment** During this period of denial, The medical encounters support the fact that petitioner suffered daily medical symptoms, including;
 - ****Frequent waking due to interrupted breathing, (Documented).
 - ****Choking and gasping during sleep; (Documented).
 - ****Extreme fatigue and daytime sleepiness, (Well Documented). (see mental health encounters.)
 - ****Headaches, elevated blood pressure. (Well documented).
3. This emergency motion is based on the "Net Effect" of petitioners health conditions which includes pre diabetes, late osteoporosis, critical hyper tension, (stage III.) High Cholesterol, High BMI, lipoma, HERNIA, Not withstanding dental abscess, roots showing and dental pain. Petitioner is in need of 3-4 surgeries that are causing him pain and mental anguish, these are also well documented,

e.g. While at Moshannon Valley Processing Center petitioner had been approved to be outsourced to podiatry, having been transferred from ICE to BOP custody (Unlawful Transfer.) and confined to a makeshift substandard facility petitioner has not been afforded any meaningful medical care, Despite clear necessity petitioner is denied access to medical care, which amounts to Cruel and Unusual Punishment. Petitioners condition continues to worsen partly due to age but also due to poor treatment appliance, that is well documented. Petitioner has exhausted all available administrative remedies, as such remedies have become futile or ineffective under the circumstances. Request for emergency injunctive relief is based on the imminent and ongoing harm related to indifference and or a wanton disregard for petitioner's medical needs. This motion is ripe for adjudication, Petitioner prays for relief.

The above conditions constitute an objective deprivation of basic human needs and pose a substantial risk of serious harm. The subjective element is satisfied as petitioner alleges and can show the prison officials knew of and disregarded the risks. Petitioner seeks immediate relief to:

- **** The unconstitutional prolonged detention (That is before this Court.)
- **** Violation of double jeopardy clause.
- **** An unlawful immigration hold by ICE
- **** violation OF Due Process.

This Court should vacate the immigration hold as unlawful and void, enjoin respondents from further unconstitutional detention or retaliatory transfers.; moreover, grant any further relief the court deems just and equitable.

Petitioner has also filed a Coram Nobis (PCR.) pending in the Ninth Circuit and a supplemental motion for stay of removal whereby, he will be irreparably injured absent a stay.

VI. REBUTTAL TO GOVERNMENT CLAIMS.

A. Petitioner is no longer in custody CORAM NOBIS is proper.

The government argues inconsistently that petitioner is still in "custody" while simultaneously asserting his claim on the U.S.C. Section 2255 would be time barred. These contradictory arguments only reinforce that ** CORAM NOBIS is now the only avenue of relief available. Petitioner has ** completed his custodial sentence ** , and if the government now concedes these fact, then this court may ** exercise jurisdiction under the writs of act. ** To consider this petition, see United States V. Kwan, * 407F.3d1005, 1011 {9th circuit 2005}.

B. Petitioner satisfies the four prompts CORAL NOBIS

1. **No other remedy available**
2. **Valid reasons for delay**
3. **Adverse consequences**
4. **Fundamental Error**

VII. GOVERNMENT MISCHARACTERIZES THE TIMELINE AND FACTS.

The government relies on a final judgment date of may 26, 2021, to argue time-bar under U.S.C. Section 2255. However: Petitioner was repeatedly **transferred ** between ICE and BOP facilities, (not matching the custody level, Pet. is a level 2, low recidivism.) including a makeshift facility that **withheld legal mail** for weeks: *He did not fully understand the **Collateral immigration consequences** until much later:

*The Ninth Circuit case law supports **equitable tolling** and recognizes that CORAM NOBIS is **not subject to a strict one-year limit**.

Petitioner filed his **CORAM NOBIS petition in April 2025**, immediately after being subjected to renewed removal actions and having gathered sufficient facts to challenge his conviction.

VIII. PETITIONER'S RIGHT TO AN EVIDENTIARY HEARING.

Given the disputed facts surrounding the **plea colloquy**, **counsel's advice**, and **sentencing irregularities**, petitioner requests that the court grant an **evidentiary hearing** to determine the following:

- *whether his attorney rendered **constitutionally deficient representation**:
- *Whether petitioner understood and voluntarily accepted his plea:

*Whether sentencing enhancements were imposed based on **judicial misunderstanding** or **penalty for asserting innocence**:

*Whether petitioner was prejudiced by failures to advise him of immigration consequences under *Padilla v. Kentucky*, 559 U.S.C 356 (2010).

IX. SUPPLEMENTAL STATEMENT, SENTENCING IREGULARITIES & CLAIMS OF LEGAL/FACTUAL INNOCENCE.

1. FACTUAL INNOCENCE.

At the core of my claim is the assertion that i am both **factually and legally innocent** of the crimes for which i was convicted. I entered a guilty plea not because i was guilty, but because i was given **inadequate counsel**, pressured to resolve the case quickly, and **was misinformed or uninformed** of the full immigration and sentencing consequence of my plea.

2. SENTENCING DISPARITIES AND DUE PROCESS VIOLATIONS.

I was sentenced to **121 months** imprisonment a sentence that significantly exceeds what was initially proposed and what i should have received under proper statutory guidelines:

I. INITIAL OFFER Vs. SENTENCE

My initial plea offer was 5 years (60 months)

The **statutory guideline range, i now understand, should have been **47-51 months**.

On his own accord Trial Attorney asked for 35 Months and a sentence on Policy Grounds.

At sentencing, the court's own **tentative valuation of the offense was 87 months, before any downward departures, variances, or 18 U.S.C. Section 3553(a) mitigating factors**.

Sentence was irrational and unjust, Court should take corrective measures to the fundamental defects, constitutional violations that have resulted in a complete miscarriage of justice.

II. IMPROPER DISCLOSURE OF TENTATIVE SENTENCING MEMORANDUM.

-As a matter of **due process**, petitioner was supposed to receive and review the **tentative sentencing memorandum** in advance. Instead i was **shown it for the first time just 10 minutes prior** to sentencing.

-When the court asked, "sir, did you see it?" i answered truthfully: "Yes, 10 minutes ago."

-I did **not understand** the sentencing guidelines, did **not know** i would only serve 85% of my sentence, or that i was **not eligible** for the **Substance Abuse Program (RDAP)** even though i had a 25-year **ADHD diagnosis** and was addicted to Adderall a fact documented in my PSR.

-Moreover, Sentencing attorney without asking or warning his client conceded to Judicial Orders despite petitioner's objections.

-Moreover Sentencing Attorney never objected to draconian sentence, nor did he allow pet. to walk back acceptance by filing a reconsideration hearing. (Stated Petitioner was time barred even then.)

III. CORRECTION OF SENTENCE BASED ON TIME SERVED.

-Had i been properly advised, i would have realized that the **actual time i was out of time statutorily would have been 6.2 months** a substantial deviation that further supports that my sentence was **materially excessive** and improperly informed.

3. SENTENCING CONDUCT THAT PEJUDICED THE OUTCOME.

I. **Court Punished Me for Not Admitting "fraud"*

- i attempted to **follow the path** the court suggested: showing remorse, compliance, and respect. I never received due process thus at sentencing Petitioner sought to be heard.

- when asked in open court whether i defrauded the investors listed on paper handed to me, i replied "No", under the belief that **the sentence was incomplete** that it was **a comma, not a period** and i anticipated the opportunity to **explain my answer**, which never came.

- The answer "No" was seized upon by the court to **increase my sentence**, punishing me for failing to adopt the specific language ("fraud") the court preferred, despite my attempt to provide context.

- Court turned a blind eye to the fact petitioner contributed \$700,000 (from honest services,) of his own monies to the same account as Investor's.

- Court turned a blind eye to promissory notes, (and trading systems) which rendered Investment a security and not a Commodity Pool.
- Court turned a blind eye to Trial Attorney's Draft that stated "In the parlance of our trade this was not a straight rip-off". Court found trial attorney credible when it was convenient but failed to consider his draft.
- His above-mentioned statements were also based on the prima facie evidence that pet. invested 40% of Investor's monies (600,000) into alleged commodity scheme and returned ten's of thousands before discovery corroborating the element of "INTENT OF BANK WIRE FRAUD" was clearly missing.

X. THE MERGED FACTORS WEIGH IN FAVOR OF STAYING REMOVAL.

1. With the two "most critical" factors satisfied, NKEN, 556 U.S. at 434, the public interest factor warrants examination like the other factors, It weighs in petitioners favor. For one thing, it is unequivocally in the "public Interest" to prevent the wrongful removal of non-citizens, "Particularly to countries where they are likely to face substantial harm", "like Trinidad and Tobago" and or threat of persecution/harm by gangs (as guns and Venezuelans have poured into the country.) and armed violence. Petitioner's long-term U.S. acculturation and lack of ties to TRINIDAD and the life threatening denial of medical care, mental health amounts to cruel inhumane treatment. What should be recognized is petitioner's STAGE 2 and 3 hypertension even while taking the maximum dosage of prescribed medications, petitioner is likely to suffer heart failure, stroke, or death within 30-90 days of being removed unless the present untreated comorbid conditions prevail first. Medical access in TRINIDAD is extremely limited, especially for those without local status or family and in petitioner's case, access to essential high cost medication is inconsistent and expensive. Public clinics are underfunded, waiting list are long, and many hospitals lack the infrastructure to support chronic, complex care. Petitioner will not be able to afford private care and or qualify for consistent coverage (See Exhibit-) after careful research of the medical realities and prescription cost(See Exhibit-) makes petitioner susceptible to torture through government acquiescence, as the foreseeable result of deportation would be a preventable, painful, and degrading death, especially given petitioner's long term-lawful U.S. presence and the total absence of medical continuing abroad. There is no public interest in the perpetuation of unlawful agency action in public interest consideration petitioner is low level II recidivism per BOP Assessment report. Thus, danger to the community is absent here. Courts must make a determination based on flight risk or danger to the community. In Bop Assessment report It is further established petitioner is not a flight risk nor is he a danger thus, prolonged detention without a bond hearing 1226 (c) violates due process. Petitioner seeks some procedural safeguards and an individualized bond hearing.

2. Petitioner was brought to this country when he was 8 years old, he is a lawful permanent resident and has significant ties to the United States, including his Adult Kids that are well positioned to file a 130 on his behalf accordingly, applying the factors set forth in German Santos to petitioners case, Petitioners detention has become unreasonable, German Santos, 965 F.3d at 213. Thus petitioner is entitled to a bond hearing where the Government must put forth clear and convincing evidence that continued detention is necessary. Government bears the burden of showing that petitioner detention is necessary to ensure his due process rights are sufficiently safeguarded, petitioner respectfully request this court to conduct an individualized bond hearing. Petitioner has shown his removal is not reasonable foreseeable UNDER ZADVYDAS V.DAVIS (533 U.S. 678), detention without a foreseeable prospect of removal becomes unconstitutional given the significant nature of his stay, petitioner's detention under 1226(C) is no longer justified. ISSUES ARE STILL IN DISPUTE...Petition of CORAM NOBIS requesting the sentencing court to vacate sentence due to a fundamental defect which inherently resulted in a complete miscarriage of justice which is now before a sentencing court to correct a grave injustice. Though petitioner has a post criminal conviction, he has served his sentence for a NON VIOLENT crime and has spent the duration of his sentence rehabilitating himself in the interest of justice and basic humanitarian rights petitioner does not have to show.

XI. PRAYER FOR RELIEF.

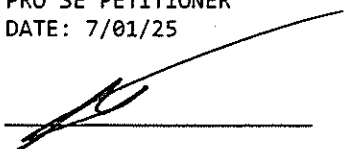
THEREFORE, for the foregoing reasons, petitioner respectfully requests that this Honorable Court:

1. **Vacate the judgment of conviction** based on ineffective assistance of counsel, involuntary plea, and fundamental error.
2. In the alternative, **grant an evidentiary hearing**.
3. Award any **further relief** this court deems just and proper under the circumstances.

Therefore, petitioner, Rawle Gerard Suite, respectfully request emergency consideration of this petition pending the resolution of his appeal, stay of removal and CORAM NOBIS.
(PCR MOTION.)

RESPECTFULLY SUBMITTED

RAWLE GERARD SUITE
PRO SE PETITIONER
DATE: 7/01/25



Certificate of Service

I hereby certify that on 07/01/25 i filed the foregoing injunctive relief with the clerk of the court for the EASTERN DISTRICT OF PENNSYLVANIA, copies were served upon the following parties Via First Class Mail.

1. PAM BONDI
ATTORNEY GENERAL OF THE UNITED STATES
950 Pennsylvania Avenue NW
Washington, D.C. 20530-0001
2. FIELD OFFICE
114 North 8th street
Philadelphia, PA 19107
3. UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
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