

AUG 18 2025

DANIEL J. MCCOY, CLERK
KW

UNITED STATES DISTRICT COURT

for the

WESTERN DISTRICT OF LOUISIANA

VIKTORIIA KARMANOVA,

Petitioner,

v.
WARDEN SOUTH LOUISIANA ICE PROCESSING CENTER,
TODD M. LYONS, ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT;

Respondent

(name of warden or authorized person having custody of petitioner)

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) Case No. 6:25-cv-00803
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)

SUPPLEMENT TO OBJECTIONS TO REPORT AND RECOMMENDATION

Petitioner Viktoriia Karmanova, proceeding pro se, respectfully submits this Supplement to her previously filed Objections to the Magistrate Judge's Report and Recommendation ("R&R") dated August 8, 2025. This filing expands upon constitutional arguments, corrects factual omissions, and directly rebuts the R&R's finding that the petition is "premature" under Zadvydas v. Davis, 533 U.S. 678 (2001).

I. CONSTITUTIONAL FRAMEWORK – EXPANDED

1. Suspension Clause – U.S. Const. Art. I, §9, cl. 2

The writ of habeas corpus is a fundamental safeguard against arbitrary detention. In Boumediene v. Bush, 553 U.S. 723 (2008), the Supreme Court confirmed that the Suspension Clause applies even to noncitizens in non-criminal detention. Prolonged detention without a meaningful prospect of removal constitutes a constructive suspension of the writ.

2. Fifth Amendment – Due Process (Substantive and Procedural)

- Substantive due process: In Kansas v. Hendricks, 521 U.S. 346 (1997), the Court held that civil detention becomes punitive when excessive in relation to its purpose. Here, the combined pre- and post-removal detention exceeds reasonable limits and is not reasonably related to the purpose of removal.
- Procedural due process: Under Mathews v. Eldridge, 424 U.S. 319 (1976), due process requires balancing the individual's liberty interest against the government's interest, considering the risk of erroneous deprivation. ICE's failure to respond to over 41 parole requests creates an unacceptably high risk of arbitrary deprivation of liberty.

3. Equal Protection – Fifth Amendment (Incorporating Fourteenth Amendment Principles)

As established in *Bolling v. Sharpe*, 347 U.S. 497 (1954), the federal government must comply with equal protection principles. In *Oyama v. California*, 332 U.S. 633 (1948), the Supreme Court struck down nationality-based discrimination. Selective release of detainees based on nationality, without legitimate justification, is unconstitutional.

4. First Amendment – Right to Petition for Redress of Grievances

In *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508 (1972), the Court affirmed that the right to petition is fundamental. ICE's persistent non-response to multiple formal requests undermines this right and denies meaningful access to government redress.

5. Eighth Amendment – Prohibition of Excessive Bail and Cruel and Unusual Punishment

In *Stack v. Boyle*, 342 U.S. 1 (1951), excessive bail was found unconstitutional. The denial of any bond consideration in prolonged civil detention parallels the same constitutional concerns.

II. RELEVANT PRECEDENTS – EXPANDED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001) – Post-removal detention beyond a reasonable period violates due process where removal is not reasonably foreseeable.
 - *Clark v. Martinez*, 543 U.S. 371 (2005) – Same statutory limits apply to inadmissible aliens; detention cannot be indefinite.
 - *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018) – Indefinite detention without bond hearings raises serious constitutional concerns.
 - *Demore v. Kim*, 538 U.S. 510 (2003) – Mandatory detention must be brief and for the purpose of removal; prolonged detention raises due process concerns.
 - *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003) – Immigration detention is unconstitutional when the government fails to act with reasonable diligence in effectuating removal.
 - *Rosales-Garcia v. Holland*, 322 F.3d 386 (6th Cir. 2003) – Prolonged detention without a realistic prospect of removal is impermissible.
 - *Foucha v. Louisiana*, 504 U.S. 71 (1992) – Detention of a non-dangerous person without continuing justification violates due process.
 - *County of Sacramento v. Lewis*, 523 U.S. 833 (1998) – Arbitrary government action that “shocks the conscience” violates substantive due process.
 - *Oyama v. California*, 332 U.S. 633 (1948) – Nationality-based discrimination is unconstitutional

III. FACTS AND ISSUES OVERLOOKED BY THE R&R

1. Combined Pre- and Post-Removal Detention

Petitioner was detained in ICE custody for over one year before the final order of removal on June 18, 2025, and remains detained post-order. This cumulative period exceeds any reasonable constitutional limit.

2. Serious Medical Condition and Humanitarian Grounds

Petitioner suffers from a serious chronic medical condition requiring continuous specialized treatment. Due to privacy concerns, Petitioner respectfully declines to disclose the exact diagnosis in this public filing but is prepared to provide such information to the Court in camera if necessary. ICE facilities have failed to provide adequate specialized care, placing Petitioner at substantial risk of harm. This constitutes an urgent humanitarian ground for release under ICE Directive 11032.2.

3. Evidence of Disparate Treatment

Respectfully submitted,
Upon information and belief, multiple detainees of other nationalities, held under similar or less compelling circumstances, have been released on parole or bond during the period of Petitioner's detention. Petitioner respectfully requests the opportunity to present sworn affidavits from current detainees who have direct knowledge of such releases. These affidavits can be provided within a short timeframe and will serve as corroborating evidence of selective application of parole and bond practices, raising serious equal protection concerns.

4. Medical and Psychological Harm

Prolonged detention has caused documented physical deterioration and severe emotional distress, violating substantive due process protections and humanitarian standards recognized under both domestic and international law.

IV. RELIEF REQUESTED

For the reasons stated above, Petitioner respectfully requests that this Court:

1. Reject the Magistrate Judge's Report and Recommendation;
2. Deny the dismissal of the habeas petition as premature;
3. Order Petitioner's immediate release on parole, bond, or other reasonable conditions; or
4. In the alternative, set this matter for an evidentiary hearing.

Petitioner submits this filing in good faith and respectfully requests the Court to consider it alongside the original Objection.

Respectfully submitted,

VIKTORIIA KARMANOVA

Respectfully submitted,

VIKTORIIA KARMANOVA

3843 E Stagg Ave

Basile, LA 70515

Date: August 14, 2025

Statement Regarding Supplemental Filing

Petitioner respectfully submits this Supplemental Objection within the Court's deadline of August 22, 2025. This supplemental filing is made because Petitioner received the official copy of the Magistrate Judge's Report and Recommendation from the Clerk of Court after the initial Objection had already been submitted.

The receipt of the complete official document allowed Petitioner to identify and address additional constitutional and factual issues that were not fully available at the time of the first filing. Therefore, this Supplemental Objection is intended to ensure that the Court has the complete set of arguments and evidence before rendering its decision.

Petitioner submits this filing in good faith and respectfully requests the Court to consider it alongside the original Objection.

Respectfully submitted,
VIKTORIIA KARMANOVA
3843 E Stagg Ave
Basile, LA 70515
Date: August 14, 2025