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Darla Palacios
 Spouse of Detainee Christopher Sambissa

FILED
JUN 27 2025
JUDGE DAVID GUADERRAMA
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY EDM
 DEPUTY CLERK

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

CHRISTOPHER SAMBISSA)
 At )
 Detainee, El Paso Texas Immigration Processing)
 Center)

DARLA PALACIO SAMBISSA)
 Petitioner)
 As spouse of Christopher Sambissa)

vs.)

KRISTI NOEM, Acting Secretary, United States)
 Department of Homeland Security; TODD)
 LYONS, Acting Director, United States)
 Immigration Customs Enforcement; HECTOR)
 MELCHOR, Acting Director, El Paso)
 Immigration Processing Center)

Case No.:


EP 25 CV 0237
VERIFIED PETITION FOR WRIT
OF HABEAS CORPUS

Respondents.

INTRODUCTION

1. Petitioner is a 42- year-old United States Citizen residing in Los Angeles California. She seeks a Writ of Habeas Corpus on behalf of CHRISTOPHER SAMBISSA ("Mr. Sambissa"), because Respondents have held Mr. Sambissa (Petitioner's husband) virtually incommunicado for the last 15 days where he has no access to the courts. *See Padilla v. Rumsfeld*, 352 F.3d 695, 703-04 (2d. Cir. 2003), *rev'd on other grounds*, 542 U.S. 426 (2004) (finding inaccessibility for next friend standing

when petitioner being held “incommunicado” and therefore unable to file the petition on his own behalf).

2. Mr. Sambissa is a 35-year-old man imprisoned by the federal government under color of the immigration laws [A# ]. Federal authorities arrested him 15 days ago. Through this petition he seeks his immediate release from his incarceration. His continued imprisonment is unlawful because of the confluence of three separate government practices: First, Respondent’s have held Mr. Sambissa virtually incommunicado. He was denied all contact with the outside world for the first nine days-including from family and counsel-and since then has been permitted him only a five- minute phone call with his wife. Second, although Respondents have ostensibly held Mr. Sambissa under the color of immigration laws, they have incarcerated him for two weeks without issuing a charging document and without taking steps to determine whether he is entitled to remain in the United States. Even as of today, they have assigned no deportation officer to his case, and appear nowhere near scheduling him for a bond hearing before an Immigration Judge. Third, they have imprisoned him with no charges in the El Paso Service Processing Center, a facility not appropriate for overnight stay-let alone for a two-week incarceration.

3. Under these unique circumstances, the Constitution requires his immediate release from further imprisonment.

4. At minimum, this Court should order Mr. Sambissa’s immediate release unless, within 24 hours, Respondents grant him reasonable access to an attorney and family, charge him under the immigration and begin processing his case, and move him to a facility appropriate for longer-term confinement.

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JURISDICTION AND VENUE

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §2241 (habeas corpus); 28 U.S.C. §1651 (All Writs Act); 28 U.S.C. §1331 (federal question jurisdiction); Article I, Section 9, Clause 2, of the U.S. Constitution (the suspension clause); and Article III of the U.S. Constitution.

6. Venue is proper in the Western District of Texas pursuant to 28 U.S.C. §§1391 (b)(2) and (e)(1) (B) because a substantial part of the events or omissions giving rise to this claim have transpired here, as Mr. Sambissa is incarcerated here, and because Respondents reside in this judicial district. 28 U.S.C. § 1891 (b)(1), (e)(1)(A). Venue is also proper because Respondents are officers or employees of the United States acting in their official capacities. Additionally, venue is proper under the habeas statute because the federal Respondents with custody over Mr. Sambissa reside in this district. *See* 28 U.S.C. § 2243; *Rumsfeld v. Padilla*, 542 U.S.C. 426, 451-52 (2004) (Kennedy, J., concurring).

PARTIES

7. Darla Palacio Sambissa is the wife of Mr. Sambissa and seeks a Writ of Habeas Corpus as next friend and on his behalf.

8. Christopher Sambissa (Mr. Sambissa) is currently incarcerated at the El Paso Processing Center ("EPSPC") in El Paso. He has been imprisoned since June 12, 2025.

9. Respondent Kristi Noem is the Acting Secretary of the Department of Homeland Security. Acting Secretary Noem has legal custody of Mr. Sambissa. She is named in her official capacity.

10. Respondent Todd Lyons is the current Acting Director of the Department of Immigration and Customs Enforcement. Acting Director Lyons has legal custody of Mr. Sambissa. He is named in his official capacity.

11.. Respondent Hector Melchor is the current Facility Administrator at EPSPC. Administrator Melchor has legal custody of Mr. Sambissa. He is named in his official capacity.

FACTS

12. Mr. Sambissa, a UK citizen, lawfully entered the United States in 2019 on a B1/B2 visitor visa. Unfortunately, he overstayed the terms of his visa. He subsequently married Darla Palacio Sambissa, a U.S. Citizen, and initiated the process of adjusting his status to a permanent resident based on their marriage, filing forms I-130 and I-485. However, on June 12, 2025, while driving in Los Angeles to purchase baby supplies from Target for his newborn, Mr. Sambissa was apprehended by ICE agents. Despite having no criminal record, he was informed that his visa overstay was the reason for his arrest. Mr. Sambissa was taken into custody and transferred to the El Paso Processing Center, where he has remained detained since his arrest, leaving his wife alone in the hospital after childbirth.

Conditions at EPSPC Center are Horrific

13. Respondents have held Mr. Sambissa and others detained at EPSPC under horrific conditions.

14. The notoriously abysmal conditions at EPSPC are well-documented in federal litigation and third party reports. According to reports and findings from organizations like *Amnesty International*, conditions at EPSPC have been the subject of significant criticism and concern: (1) Physical abuse by guards; (2) Use of solitary confinement; (3) Unsanitary and overcrowded living space with dysfunctional toilets; (4) Inadequate medical care; (5) Poor-quality, expired food; (6) Lack of access to clean and potable water; (7) Denial of legal counsel and ability to communicate with family. *Please See Exhibit "A"*. Many individuals are suffering severe mental distress due to the extreme conditions under which they are detained.

Individuals held at EPSPC Are Denied Contact with the Outside World, Including With Counsel

15.. Respondents have adopted the categorical position that they can imprison immigrants in processing facilities like EPSPC with no contact to the outside world; in their view, they need not provide for their attorney or family visitation at these detention facilities.

16. Over the weekend June 14-15, 2025, Mr. Sambissa faced significant obstacles in accessing basic rights while in immigration custody. His urgent request to call his wife, primarily to check on his newborn child and discuss retaining legal counsel, was initially denied due to alleged overcrowding. While he was eventually granted a brief five-minute call, it proved woefully inadequate to address his legal predicament and connect with his family. Further compounding his difficulties, Mr. Sambissa's request to utilize the law library was rejected, and he was also denied access to writing material, effectively hindering his ability to prepare for potential legal challenges.

Immigrants at EPSPC Are Denied Any Opportunity to Seek their Release

17. Although ostensibly held under color of immigration law, Mr. Sambissa has not been afforded any of the process available under those laws. No one has issued a Notice to Appear, the charging document that initiates removal proceedings. He has not been assigned a Deportation Officer. No one has made an initial custody determination-the determination as to whether he must remain in government custody pending a determination on his right to remain in the United States, or instead may be released on recognizance or bond-or afford him the opportunity to seek review of that determination before an Immigration Judge

18. According to agents at EPSPC, the soonest Mr. Sambissa (and others in his position) will have an opportunity to contest his continued incarceration is unknown.

LEGAL BACKGROUND AND CLAIMS

19. “Freedom from Imprisonment—from government custody, detention, or other forms of physical restraint -lies at the heart of the liberty that [the Due Process] Clause protects “ *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Mr. Sambissa is entitled to release under the Due Process Clause because Respondents have violated his rights in three related respects.

A. Mr. Sambissa’s Incommunicado Detention Violates the Due Process Clause

20. Respondents’ conduct violates the Fifth Amendment’s universal prohibition against holding a prisoner incommunicado. “There is a well established tradition against holding prisoners incommunicado in the United States. It would be hard to find an American who thought people could be picked up by a policeman and held incommunicado, without the opportunity to let anyone know where they were, and without the opportunity for anyone on the outside looking for them to confirm where they were.” *Halvorsen v. Baird*, 146 F.3d 680, 688-89 (9th Cir. 1998). This right applies to civil detainees as well as those in criminal custody. *Id* (“That a person is committed civilly ...cannot diminish his right not to be held incommunicado.”)

21. This fundamental right protects both his access to counsel as well as prisoners’ right to communicate with family members: “Communication has value even if it would not get a person released. A phone call could reduce the mental distress to the person confined. It could also reduce the anxiety of those who might wonder where he was, such as a spouse, parent, or unsupervised child.” *Id* at 688.

22. Relatedly, Respondents’ actions to effectively bar Mr. Sambissa from calling and trying to retain an attorney violates his right to counsel. The right of access to counsel in immigration proceedings is well established under both the Constitution and the Immigration Nationality Act. U.S. Const., Am. 5; 8 U.S.C. § 1229a; *Colmenar v. INS* 210 F.3d 967, 971 (9th Cir. 2000). *See also Comm. of*

Cent. Am. Refugees v. INS, 795 F.2d 1434 (9th Cir. 1986) (government interference with an “established on-going attorney-client relationship [J]” is a “constitutional deprivation”); *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 556 (9th Cir. 1990) (affirming injunction requiring transfer of immigrants to detention facilities near their attorneys in advance of hearings because of the importance of confidential in-person legal visits to effective assistance of counsel); *Rodriguez-Castillo v. Nielsen*, 18-cv-01317-ODW (C.D. Cal. June 21, 2018) ECF No. 10 (temporary restraining order ensuring access to counsel for immigrants imprisoned at FCI Victorville); *Innovation Law Lab (IL) v. Nielsen*, 342 F. Supp. 3d 1067 (D. Or. 2018) (injunction enduring access to counsel for immigrants imprisoned at FCI Sheridan).

23. Mr. Sambissa also has a statutory right to defend himself in removal proceedings, assuming they are initiated against him, and to petition the government for any benefits he may be entitled to. 8 U.S.C. § 1229a (b)(4).

24. Respondents virtually wholesale denial of attorney access interferes with Mr. Sambissa’s established right to counsel violates his right to Due Process.

B. Mr. Sambissa’s Detention Violates the Due Process Clause Because Respondents have Held Him Without Charge and Unreasonably Prolonged His Confinement

25. Mr. Sambissa’s continued incarceration is also unlawful because Respondents have yet to charge Mr. Sambissa, even though he has been in their custody for *fifteen* days. This failure to act contravenes governing immigration laws and regulations, which require immigration officers to proceed against people they arrest “without unnecessary delay.” 8 U.S.C. § 1357b(a)(2); 8 C.F.R. §287.3(d) (requiring that a determination as to continued custody and the issuance of a notice to appear ordinarily be made “within 48 hours” and, under certain exigent circumstances, “within an additional reasonable period of time”).

26. Even in terrorism cases, Congress has required the government to charge people held color of the Patriot Act's immigration provision in seven days, and mandated release where no charges are brought within that time. 8 U.S.C. § 1226a(a)(5).

27. Where the government fails to pursue removal proceedings, continued immigration detention loses any connection to its sole legitimate purpose- determining whether the government has a legal basis for deportation. *Demore v. Kim*, 538 U.S. 510, 532-33 (2003) (Kennedy J., concurring). Such unreasonable delay renders further detention excessive, rather than reasonable, in relation to its purpose. *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003) (explaining that a noncitizen's efforts to seek relief "do [] not authorize the [then-JINS to drag its heels indefinitely" and holding that "[t]he entire process...is subject to the constitutional requirement of reasonability"); *Nadarajah v. Gonzalez*, 443 F.3d 1241, 1253 n.7 (9th Cir. 2005) (Callahan, J., dissenting) (rejecting limits on immigration detention generally, but noting that unreasonable delay could render otherwise valid detention unlawful).

As the government itself stated in recent Supreme Court litigation, unreasonable delay "in pursuing and completing" removal proceedings "may indicate that continued detention is actually for an impermissible collateral purpose (or no purpose at all). " Brief of Petitioner's at 48, *Jennings v. Rodriguez*, No. 15 -1204 (Aug. 26, 2016) (internal quotation marks omitted).

28. Respondent's have further violated Mr. Sambissa's rights by prolonging his incarceration without a determination that his detention is necessary to prevent danger or flight, as required by law.

29. The Due Process Clause guarantees that all noncitizens must "be free from detention that is arbitrary and capricious." *Zadvydas*, 533 U.S. at 721 (Kennedy, J., dissenting); *see also Mathews v. Diaz*, 426 U.S. 67, 77, 87 (1976) (confirming that those "whose presence in this country is unlawful,

involuntary, or transitory” have due process rights). In order to comply with the Due Process Clause, detention must therefore be reasonable in relation to its purpose. *Jackson v. Indiana*, 406 U.S. 715, 738 (1972). In the immigration context, the basic purpose of detention is to prevent flight and danger while the deportation case is being litigated and, if the government wins, to ensure the detainee appears for removal. See *Zadvydas*, 533 U.S. at 699 (explaining the relevant detention statute’s “basic purpose” as “to assure the alien’s presence at the moment of removal”).

30. For over fourteen days, the government has taken literally no steps to determine whether Mr. Sambissa is a danger or a flight risk, or whether he is entitled to remain in the United States. The government has not issued Mr. Sambissa a Notice to Appear, assigned a deportation officer to his case, conducted a custody determination to determine if his confinement is necessary, permitted Mr. Sambissa to obtain review of his custody status by an Immigration Judge, or take any other steps to permit the adjudication of his claimed right to remain in this country. Mr. Sambissa’s continued incarceration violates the Due Process Clause, and release is warranted.

C. Mr. Sambissa’s Incarceration Violates the Due Process Clause Because the Conditions of His Imprisonment Constitutes Punishment

31. Respondents have imprisoned Mr. Sambissa under punitive conditions of confinement, even though he is not subject to punishment for any crime. This violates the Fifth Amendment. *Wong Wing v. United States*, 163 U.S. 228, (1896).

32. Whether the government confines someone under color of its civil (rather than criminal) authority but then holds that person under conditions substantially similar to those for prisoners, courts will presume that the purpose of the incarceration is to punish. *King v. Cnty of Los Angeles*, 885 F.3d 918, 931-33 (9th Cir. 2004).

33. The conditions under which Respondents have incarcerated Mr. Sambissa leave no doubt that they intend to punish him. Mr. Sambissa has no access to a bed, limited access to if any to a shower or other hygiene items, limited access if any to hot food, and no access to medical care.

34. Because the conditions of and motivation for Mr. Sambissa's incarceration render it punitive, his continued incarceration violates the Due Process Clause.

**Under the Unique Facts of This Case, the Due Process Clause Requires Mr. Sambissa's
Immediate Release**

35. The Court should order Mr. Sambissa's immediate release to remedy the due process violations described above.

36. No other Court or administrative tribunal can provide Mr. Sambissa any relief. Under ordinary circumstances, Mr. Sambissa could seek relief from the government's unreasonable delay in pursuing his removal case by filing a motion to terminate in immigration court. *See, e.g., In re Qayyum*, 2004 WL 848576 (B.I.A. Feb. 25, 2004) (considering motion to terminate on this basis and finding, on the facts of that case, no unreasonable delay). However, Mr. Sambissa has no access to the immigration courts because he has not been charged. Even after fifteen days of imprisonment, Mr. Sambissa has yet to be issued a Notice to Appear.

37. Respondents have proven themselves fundamentally unable to provide even rudimentary safe conditions of confinement for Mr. Sambissa at EPSPC. Under these dire circumstances, any remedy short of immediate relief would be insufficient. Simply put, Mr. Sambissa cannot wait.

38. If the Court declines to order Mr. Sambissa's release, it should, at minimum order that he be released unless: (1) Respondent allow immediate access to an attorney; (2) Respondents within twenty-four hours, charge Mr. Sambissa via Notice to Appear, transfer him to an ICE Processing

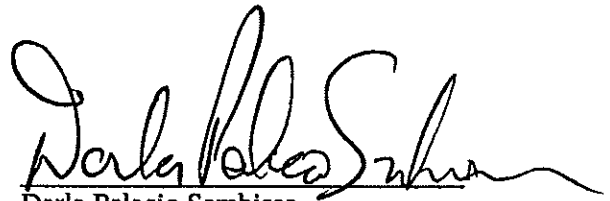
Center in Los Angeles, make a custody determination in his case, arrange for prompt review of that determination by an Immigration Judge (if the initial determination does not result in his release).

REQUEST FOR RELIEF³⁹

. Petitioner respectfully requests that this Court:

- a. Jurisdiction over this matter;
- b. Issue the Writ of Habeas Corpus and order Respondents to show cause, within three days of filing this petition, why the relief Petitioner seeks should not be granted, and set a hearing on this matter within 5 days of Respondents return on the order to show cause, pursuant 28 U.S.C. §2243;
- c. Order Mr. Sambissa's immediate release; or order Mr. Sambissa's release unless Respondents 1) immediate permit Mr. Sambissa to contact an attorney of his choice; and 2) within twenty-four hours, charge Mr. Sambissa via Notice to Appear, transfer him to a processing center in Los Angeles, make a custody determination in his case, and arrange prompt review of that determination by an Immigration Judge (if the initial determination does not result in his release);
- d. Order any other relief that the Court deems just and equitable.

DATED: June 27, 2025


Darla Palacio Sambissa
Petitioner/Spouse

VERIFICATION BY PETITIONER PURSUANT TO 28 U.S.C. § 2242

I am submitting this verification on behalf of Petitioner, my husband. He is being held in incommunicado detention and therefore cannot file this petition on his own behalf.

I hereby verify that the factual statements made in the attached petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, and that I could testify to those facts if called upon to do so.

Dated: June 27, 2025

A handwritten signature in black ink, appearing to read 'Darla Palacio Sambissa', written over a horizontal line.

Darla Palacio Sambissa
Petitioner/Spouse

CERTIFICATE OF SERVICE

I, Israel Ben-Abraham, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments. I will furthermore mail a copy by USPS Certified Priority Mail with Return Receipts to each of the following individuals:

Hector Melchor, Acting Director/Warden
El Paso Processing Center
8915 Montana Avenue
El Paso, Texas 79925

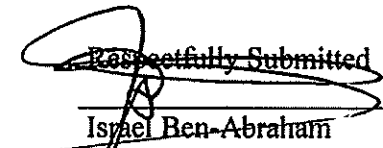
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Dated: June 27, 2025


~~Respectfully Submitted~~
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