

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

MAYAMU KAMARA,)

Case No. _____

Petitioner)

**PETITION FOR WRIT OF
HABEAS CORPUS**

PAMELA BONDI, in her)

official capacity as Attorney General of)

the United States; PETER BERG, in his)

official capacity as Saint Paul Field)

Office Director, United States)

Immigration and Customs)

Enforcement; JAMIE HOLT, in her)

official capacity as the St. Paul Agent in)

Charge for Homeland Security)

Investigations for U.S. Immigration and)

Customs Enforcement;)

TODD LYONS, in his official capacity as)

Acting Director, United States Immigration)

and Customs Enforcement; KRISTI)

NOEM, in her official capacity as)

Secretary of the United States)

Department of Homeland Security;)

TY HOPPE, in his official capacity as)

Sherburne County Jail Administrator, and)

JOEL BROTT, in his official capacity as)

Sheriff of Sherburne County.)

Respondents)

INTRODUCTION

1. Petitioner Mayamu Kamara (“Kamara”), by and through her undersigned counsel, hereby files this petition for writ of habeas corpus to ensue her release from federal immigration detention.
2. Kamara is a Liberian national and asylum seeker with a valid and timely asylum application on file. Kamara has abided by the conditions of her release and resided in the U.S. for over a year. Kamara has been diagnosed with post-traumatic stress disorder and is reliant on her medical and psychological providers at [REDACTED], to whom she is currently denied access.
3. Immigration and Customs Enforcement (“ICE”) agents unlawfully detained Kamara on May 28, 2025, minutes after the conclusion of Kamara’s Master Calendar Hearing.
4. Accordingly, to vindicate Kamara’s statutory and constitutional rights, this Court should grant the instant petition for a writ of habeas corpus.
5. Kamara asks this Court to find that she was unlawfully detained and order her release, or, at minimum, order that she remain within the District of Minnesota and instruct the Department of Justice to afford her a custody redetermination hearing in accordance with 8 U.S.C. § 1226(a)(2)(A) and

Matter of Guerra, 24 I&N Dec. 37 (BIA 2006) and order that the ultra-vires *Matter of Q.Li*, 29 I&N Dec. 66 (BIA 2025) does not apply.

JURISDICTION AND VENUE

6. This Court has jurisdiction over the present action pursuant to 28 U.S.C. § 1331 (general federal question jurisdiction); 5 U.S.C. § 701, et seq. (All Writs Act); 28 U.S.C. § 2241, et seq. (habeas corpus); 28 U.S.C. § 2201 (the Declaratory Judgment Act); Art. 1, § 9, Cl. 2 of the United States Constitution (Suspension Clause); and the Administrative Procedure Act, 5 U.S.C. § 701, et seq..
7. Venue is proper in this district because Kamara resides in Minnesota, was detained at Ft. Snelling, Minnesota, and upon information and belief, is being detained at Sherburne County Jail in Minnesota. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) (“The plain language of the habeas statute . . . confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.”); 28 U.S.C. § 2241(a).

PARTIES

8. Respondent Pamela Bondi is named in her official capacity as Attorney General of the United States. In her capacity as Attorney General, she is the head of the United States Department of Justice and is the chief law

enforcement officer of the United States.

9. Respondent Peter Berg is named in his official capacity as the St. Paul Field Office Director of U.S. Immigration and Customs Enforcement (“ICE”), a subagency within the Department of Homeland Security (“DHS”). In this capacity, he is responsible for the administration of the Immigration and Naturalization Act (“INA”) included in 8 U.S.C., including the execution of detention and removal determinations.
10. Respondent Jamie Holt is named in her official capacity as St. Paul Agent in Charge for Homeland Security Investigations for ICE. In her capacity as Agent in Charge, she is responsible for investigations undertaken by ICE.
11. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. In this capacity, he is responsible for the administration and enforcement of the immigration laws of the United States, routinely transacts business in Minnesota, is legally responsible for pursuing any effort to detain and remove the Kamara, and, as such, is a custodian of Kamara.
12. Respondent Kristi Noem is named in her official capacity as the Secretary of DHS. In this capacity, she is responsible for the administration of the immigration laws pursuant to Section 1103(a) of 8 U.S.C.(2007), routinely transacts business in Minnesota, is legally responsible for pursuing any effort to detain and remove Kamara, and, as such, is a custodian of Kamara.

13. Respondent Ty Hoppe is named in his official capacity as the Jail Administrator for Sherburne County Jail in Minnesota. In this capacity, he oversees the operations of the Sherburne County Jail, and, as such, is a custodian of Kamara.
14. Respondent Joel Brott is named in his official capacity as the Sheriff of Sherburne County Jail in Minnesota. In this capacity, he oversees the operations of the Sherburne County Sheriff's Office, which runs the Sherburne County Jail, and, as such, is a custodian of Kamara.
15. All respondents are named in their official capacities.
16. On information and belief, Kamara is currently in custody in the District of Minnesota, and one or more of the Respondents is her immediate custodian.

REQUIREMENTS OF 28 U.S.C. § 2243

17. The court must grant the petition for writ of habeas corpus or issue an order to show cause ("OSC") to respondents "forthwith," unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the court must require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." Id.
18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been characterized as "perhaps the most important writ known to the

constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963). Accordingly, the habeas corpus must remain a swift remedy.

19. Kamara is currently being detained by ICE despite suffering from post-traumatic stress disorder, a serious medical need, that has been exacerbated to the point that Kamara was in a near-catatonic state which required hospitalization in the weeks following her arrest by ICE. While in detention, Kamara has struggled greatly. She has been placed under constant medical surveillance and suicide prevention watch. She has been unable to eat and drink water for days at a time. She cannot sleep for fear of being returned to her home country of Liberia. Kamara is in acute need of medical and psychological attention from her providers at [REDACTED]

FACTUAL ALLEGATIONS

20. On information and belief, ICE agents detained Kamara without cause on May 28, 2025, after attending her Master Calendar Hearing.
21. Kamara is a 26-year-old Liberian national who [REDACTED]
[REDACTED]
and who has suffered years of physical, emotional, and sexual abuse.
22. Kamara entered the United States without inspection on or around February

17, 2024, near Nogales, Arizona. U.S. Customs and Border Protection (“CBP”) encountered Kamara around her time of entry, on or around February 17, 2024. Upon information and belief, Kamara expressed fear of returning to her home country.

23. On February 18, 2024, CBP signed a “Notice to Appear” (“NTA”) charging Kamara with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i). The NTA scheduled Kamara for an initial Master Calendar Hearing at the Ft. Snelling Immigration Court on March 19, 2025.
24. Kamara was subsequently released from DHS custody on February 18, 2024, subject to an Order of Release on Recognizance (“OREC”) pursuant to 8 U.S.C. § 1226. Kamara subsequently relocated to Minnesota where she resided until the date of her ICE arrest.
25. On March 20, 2024, DHS filed Kamara’s NTA with the Fort Snelling, Minneapolis, immigration court, commencing removal proceedings against her under 8 U.S.C. § 1229a and vesting the immigration court with exclusive jurisdiction over Kamara’s removal proceedings. *See* 8 U.S.C. 1229a(a)(3) (“Unless otherwise specified in this chapter, a proceeding under this section shall be the sole and exclusive procedure for determining whether an alien may be admitted to the United States.”); *Matter of G-N-C-*, 22 I&N Dec. 281 (BIA 1998) (Once an NTA is filed, DHS does not have unfettered discretion

to dismiss removal proceedings and must instead file a motion seeking dismissal with an IJ or the Board.).

26. For over a year, Kamara has abided by the conditions of her release and resided in the U.S.

27. On August 9, 2024, Kamara timely filed an I-589 application for Asylum, Statutory Withholding of Removal, and Protection under the Convention Against Torture. In her application, Kamara explained she is a survivor of FGM which the Board of Immigration Appeals has long recognized can be persecution on account of a protected ground that qualifies an applicant for asylum. *See, e.g., Matter of Kasinga*, 21 I&N Dec. 357 (1996). Kamara further explained that she then was forced into a marriage with a much older man, who [REDACTED]

[REDACTED]

[REDACTED] Fearing for her life, Kamara fled Liberia for the United States on December 25, 2023.

28. Kamara experiences severe medical and psychological fallout from the harms she suffered as a child victim of FGM, during her forced marriage, for advocating against the traditional practices of FGM and forced marriage, and

from the beatings and rape she suffered while fleeing to the United States. As a result, Kamara is diagnosed with PTSD. Kamara was receiving medical and psychological treatment at  up until she was arrested by ICE officers on May 28, 2025.

29. Proceeding *pro se*, Kamara attended her March 19, 2025, initial Master Calendar Hearing, but the hearing was rescheduled because the court was unable to obtain an interpreter in Kamara's native language and dialect of Mandingo-Koniaka. Kamara was then scheduled for a new Master Calendar Hearing on May 28, 2025.
30. Proceeding *pro se*, Kamara attended her May 28, 2025, Master Calendar Hearing along with other Mandingo-Koniaka-speaking asylum seekers. They were each present for their own Master Calendar Hearings scheduled at the same date and time as Kamara's.
31. At the Master Calendar Hearing, ICE, through an Office of Principal Legal Advisor-Assistant Chief Counsel, orally, and for the first time, moved to dismiss the removal proceedings of Kamara and the other Mandingo-Koniaka-speakers present—averring that continued removal proceedings were no longer in the government's interest.
32. Upon information and belief, one or more of the other asylum seekers present for their own hearings expressed to the Immigration Judge ("IJ") Monte

Miller that they were unable to understand the court-appointed interpreter who was participating over the phone. The interpreter was speaking Mandinga/Mandinka, which is different from the Koniaka dialect that Kamara speaks. The IJ nevertheless proceeded with the hearings, after stating, without elaborating on its relevance, that this was the second time the court had attempted to obtain an interpreter for the Mandingo-Koniaka-speaking asylum seekers, one of whom being Kamara. Upon information and belief, Kamara was therefore not able to understand what ICE's motion entailed. Regardless, upon information and belief, the IJ granted ICE's motion on the spot with respect to Kamara (as with the other asylum seekers present) with knowledge that Kamara could not understand the court appointed interpreter. Accordingly, Kamara was not given any meaningful opportunity to understand and oppose ICE's oral motion for dismissal. Upon information and belief, while the Immigration Judge reserved Kamara's right to appeal, this was not meaningful because Kamara was unable to understand the implications of ICE's motion.

33. That same day, the Immigration Judge issued a written order dismissing removal proceedings with a three-line explanation, stating only "[d]ismissal is in the best interest of the Government. Respondent does not have a right to be placed into removal proceedings or remain in removal proceedings,"

citing an unpublished, not publicly available Board of Immigration (“BIA”) case without supplying a copy of the decision.

34. As Kamara and the other similarly situated asylum seekers were exiting the courtroom, they encountered officers from ICE. Apparently as part of a national scheme,¹ these officers were arresting asylum-seekers—and others with recently dismissed removal proceedings—to possibly deport them via “Expedited Removal” under 8 U.S.C. § 1225, a summary deportation procedure that allows DHS to circumvent further consideration of asylum or relief eligibility by an IJ. Notably, however, ICE never served Kamara with an expedited removal order as required under 8 U.S.C. § 1225.
35. ICE arrested Kamara and at least five other individuals with pending asylum applications minutes after the hearing concluded. ICE subsequently removed them from Minnesota and transported them to Woodbury County Jail in Sioux City, Iowa—about a five hours’ drive from Ft. Snelling, Minnesota.
36. Upon information and belief, upon arrival to Woodbury County Jail, health care personnel noticed Kamara’s troubled mental state: Kamara was clawing at herself frantically, being nonresponsive, and unable to move. Kamara was placed on suicide watch as a result. Kamara continued to be unresponsive

¹ <https://www.nbcnews.com/news/latino/immigrations-arrests-ice-deportations-courtthouse-legal-process-ice-rcna209671>

until she reached a near catatonic state on June 2, 2025, which prompted her transfer to Unity Pointe—St. Luke’s Hospital in Sioux City.

37. At the hospital, Kamara was unable to eat or drink due to the mental toll the detention was taking on her. From Kamara’s arrival in Iowa on May 29, 2025, she was unable to eat or drink until on or about June 10, 2025. While at the hospital, Kamara’s Victim Advocate with CUHCC was denied access to her despite presenting hospital staff with a validly executed HIPAA waiver. Upon information and belief, staff at Unity Pointe—St. Luke’s Hospital were instructed by ICE agents to not allow Kamaras to have any visitors. ICE had ordered hospital staff to designate Kamara as a “no information patient” and restricted them from informing anyone—even Kamara’s attorney of record—that Kamara was at the hospital. Furthermore, on June 10, 2025, staff at the hospital informed Kamara’s Victim Advocate that Kamara was deemed an “incompetent individual” and that “her rights are taken from her completely” as a result.
38. On June 5, 2025, Kamara, by and through newly entered appellate counsel Zachary Albun, timely appealed the IJ’s order dismissing her removal proceedings. On June 6, 2025, BIA issued a “Filing Notice of Appeal,” acknowledging Kamara’s appeal was timely and properly filed. Accordingly, Kamara’s removal proceedings are not administratively final,

and she remains in removal proceedings under 8 U.S.C. § 1229a.

39. Kamara remained hospitalized until June 11, 2025, before being transferred back to Woodbury County Jail. On June 17, 2025, Kamara was informed that she was scheduled for an interview on Thursday, June 19, 2025, but she was not informed of the purpose of the interview or at what time the interview was set to take place. Upon information and belief, the scheduled and subsequently cancelled interviews were Credible Fear Interviews (CFI). Kamara, through Tim Sanders Szabo, her attorney of record before ICE and USCIS, made it clear to USCIS that Kamara's appeal of the IJ's dismissal was still pending, that she therefore should not be subject to expedited removal, and she should not be made to undergo a CFO, if that was the nature of her scheduled interview. Additionally, Sanders Szabo claimed in an email to USCIS that moving forward with a CFI without a proper interpreter would violate Kamara's statutory rights. On June 18, 2025, USCIS informed Kamara they would be moving forward with the June 19 interview without an interpreter. On June 19, 2025, USCIS cancelled the interview. A new interview was scheduled for June 27, 2025. Kamara secured an interpreter for this interview, but this was also cancelled by USCIS. USCIS scheduled Kamara for a third CFI on July 1, 2025. Kamara again secured an interpreter for the interview. That interview, like the previous two, was cancelled the

day of the interview. Instead of moving forward with the July 1 CFI, USCIS Asylum Officer Courtney Kriner called Timothy Sanders Szabo, Kamara's attorney of record for the CFI to inform him that USCIS did not believe it had jurisdiction to conduct a CFI with Kamara because Kamara's appeal before the BIA was still pending and she was therefore not in expedited removal.

40. Kamara's health worsened after returning to the jail, and she was not able to ingest food starting June 27, 2025. Kamara was subsequently put back on suicide watch, under which she remained until she was transported back to Minnesota.
41. Kamara was transported to Sherburne County Jail in Minnesota on July 7, 2025, where she remains in ICE detention. Upon arrival back in Minnesota, Kamara has been able to ingest some food. Kamara has not, however, been permitted access to her medical support team at  or Victim Advocate. Kamara has also been denied visits from Haja Kamara, with whom she was living prior to being detained, despite Kamara's ability to function as an interpreter for Kamara.
42. Kamara's fundamental personal rights are currently being violated by being held in a detention center without access to her medical support team and with limited access to her counsel.

CLAIMS FOR RELIEF

FIRST CLAIM

Violation of 8 U.S.C. § 1229(a) [Custody Redetermination Procedure]

1. Kamara remains in removal proceedings pursuant to 8 U.S.C. §§ 1229a and 1226. Kamara’s dismissal order is not administratively final because she timely appealed the Immigration Judge’s decision to dismiss her removal proceedings. *See* 8 CFR § 1003.39 (“*Except when certified to the Board, the decision of the Immigration Judge becomes final upon waiver of appeal or upon expiration of the time to appeal if no appeal is taken whichever occurs first.*”) (emphasis added). It remains unclear whether the government intends to place Kamara in expedited removal proceedings. Thus far, the government has not followed the procedure to do so: ICE has not served Kamara with a notice of expedited removal, nor has it afforded her a credible fear interview. Additionally, USCIS, another agency within the DHS, has claimed Kamara is not in expedited removal while her appeal before the BIA remains pending.
2. A noncitizen cannot simultaneously be in “regular” removal proceedings under 8 U.S.C. § 1229a and “expedited” removal proceedings under 8 U.S.C. § 1225. *See* 8 U.S.C. § 1225(b)(2)(A); 8 U.S.C. § 1225(b)(4), discussing circumstance where DHS must commence removal proceedings under 8

U.S.C. § 1229a rather than pursue expedited removal.² *See Matters of Jasso and Ayala*, 27 I&N Dec. 557, 558 (BIA 2019) (“The language of 8 C.F.R. §§ 239.2 and 1239.2 ‘marks a clear boundary between the time prior to commencement of proceedings where a [DHS] officer has decisive power to cancel proceedings, and the time following commencement where the . . . officer merely has the privilege to move for dismissal of proceedings’” (alteration in original) (quoting *Matter of G-N-C-*, 22 I& Dec. 281, 284 (BIA 1998)). “When an Immigration Judge has jurisdiction over an underlying proceeding, sole jurisdiction over applications for asylum shall lie with the Immigration Judge.” 8 C.F.R. 1003.14(b).

3. Furthermore, ICE is required to serve a detainee allegedly detained under 8 U.S.C. § 1225 with a notice of expedited removal. Failure to do so fails the government’s burden of proof that the detainee is, in fact, detained legally under § 1225. *Martinez v. Hyde*, No. CV 25-11613-BEM, 2025 WL 1859273 *2 (D. Mass. June 17, 2025). Because ICE never served Kamara with such notice of expedited removal, Kamara is not subject to § 1225.

² Likewise, when a noncitizen expresses a fear of return or an intention of applying for asylum, is provided a credible fear interview, and subsequently establishes a “significant possibility” of establishing eligibility for asylum, withholding of removal, and or CAT protection, the mechanism for “further consideration of the application for asylum” pursuant to 8 U.S.C. 1225(b)(1)(A)(ii) has been removal proceedings under 8 U.S.C. 1229a.

4. When a noncitizen is detained by ICE pursuant to 8 U.S.C. § 1229a, and is not subject to statutory mandatory detention, she is entitled to request custody redetermination by an immigration judge pursuant to 8 U.S.C. § 1226(a). The Board explained in *Matter of Guerra* that the relevant considerations are whether the noncitizen is (1) a danger to public safety, and (2) a flight risk. Kamara is neither.
5. Requesting a bond hearing in Kamara's case would be futile in light of the Board's recent precedential opinion in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), which held that an "applicant for admission who is arrested and detained without a warrant while arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section 235(b)" and therefore ineligible for bond.
6. *Matter of Q. Li* contravenes the statute and the Court is under no obligation to defer to it under the standards set out in *Loper Bright v. Raimondo* and *Skidmore v. Swift*. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369 (2024); *Skidmore v. Swift & Co.*, 323 U.S. 134 (1944).
7. The Board's decision in *Matter of Q. Li* is ultra vires to the statute in several ways: (1) it violates the statute by characterizing noncitizens as "in" expedited removal proceedings even when they are in removal proceedings under 8 U.S.C. § 1229a; (2) the decision is impermissibly vague because it provides

no clue as to when and/or where for its purposes a noncitizen ceases to be “arriving” in the U.S., such that their future re-detention by ICE would not fall under U.S.C. § 1225(b); and (3) the new rule announced in *Matter of Q. Li* appears to have no temporal limitation, such that a noncitizen initially encountered and released while “arriving” in the U.S. could be re-detained in ICE’s discretion 50 years or more after the initial encounter.

8. The question of whether 8 U.S.C. § 1225(b) applies to Kamara is a question of law that this Court should decide. *Loper*, 603 U.S. at 394 (“courts must exercise independent judgment in determining the meaning of statutory provisions.”). To the extent the Court looks to the Board’s interpretation to aid in this task, the Board’s interpretation is not instructive. *Id.* The Board’s interpretation was not issued contemporaneously with the statutory scheme in 8 U.S.C. §§ 1225 and 1226, and its interpretation has not been consistent over time. *Id.* at 370 (quoting *Skidmore*, 323 U.S. at 140 (“‘The weight of such a judgment in a particular case,’ the Court observed, would ‘depend upon the thoroughness evident in its consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.’”).
9. In the alternative, the retroactive application of *Q. Li* is impermissible under the balance of factors set out in *Montgomery Ward & Co. v. FTC*, 691 F.2d

1322 (9th Cir. 1982), which the Board explicitly adopted for immigration-retroactivity purposes in *Matter of Cordero-Garcia*. 27 I&N Dec. 652, 657 (BIA 2019).

SECOND CLAIM
Violation of Rehabilitation Act, § 504, 29 U.S.C. § 794

10. As Respondents were informed by third-party medical staff at Ft. Snelling Immigration Court, and as Kamara will be able to substantiate this Court through further medical documentation, ICE's detention of Kamara (and its attendant discretion as a general matter to transfer her across country) presents unique medical dangers.
11. To state a claim under the Rehabilitation Act, Respondent must show that "(1) [s]he is a qualified individual with a disability; (2) [s]he was denied the benefits of a program or activity of a public entity which receives federal funds, and (3) [s]he was discriminated against based on [her] disability." *See Gorman v. Bartch*, 152 F.3d 907 (8th Cir. 1998). "Plaintiffs who prevail on Rehabilitation Act claims are entitled to the full spectrum of legal and equitable remedies needed to redress their injuries." *See id.* (citations omitted).
12. To comply with the Rehabilitation Act, ICE must make reasonable accommodations to account for Kamara's medical disabilities.

THIRD CLAIM

Violation of U.S. Constitution, Amendment V—Substantive Due Process and Amendment VIII—Cruel and Unusual Punishment

13. “[W]hen the State takes a person into its custody and holds him there against his will, the Constitution imposes upon it a corresponding duty to assume some responsibility for his safety and general well-being.” *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200 (1989) (citation omitted). This is an affirmative duty to protect that arises out of the government limiting a person’s freedom to act on their own behalf. *Id.* at 200. Immigration detainees have a status similar to that of pretrial detainees. *See Ukofia v. Dep't of Homeland Sec.*, No. CIV. 09-0017PJS/JJG, 2010 WL 597059, at *6 (D. Minn. Feb. 17, 2010) (citations omitted). Same as for pretrial detainees, when the government “takes a person into its custody and holds [her] there against [her] will, the Constitution imposes upon it a corresponding duty to assume some responsibility for [her] safety and well-being.” *DeShaney*, 489 U.S. at 199-200. This is because an individual in federal custody “must rely on prison authorities to treat [her] medical needs; if the authorities fail to do so, those needs will not be met.” *Estelle v. Gamble*, 429 U.S. 97, 103 (1976).

14. The government has breached its affirmative duty to protect immigration detainees if it has shown “deliberate indifference . . . to provide . . . adequate . . . medical care” *Angelica C.*, 2020 WL 3441461 *14 (quoting *Butler v. Fletcher*, 465 F.3d 340, 345 (8th Cir. 2006)). This is a two-prong test with one objective and one subjective prong, respectively. *Perkins v. Grimes*, 161 F.3d 1127, 1130 (8th Cir. 1998). The objective prong is satisfied if the detainee shows that they suffered from an objectively serious medical need. *Saylor v. Nebraska*, 812 F.3d 637, 644 (8th Cir. 2016), as amended (Mar. 4, 2016). PTSD is considered precisely such a serious medical need. *Id.* Kamara suffers from PTSD as a result of FGM and continued domestic abuse. As demonstrated by the exacerbation of Kamara’s symptoms while in ICE custody, Kamara is in dire need of access to her mental health provider and primary care physicians at CUHCC. Consequently, the objective first prong is satisfied.

15. The subjective prong is satisfied if the government has exercised deliberate indifference to the harm Kamara suffered from an objectively serious medical need, and the official acting on behalf of the government was aware of facts from which the inference could be drawn that a substantial risk of serious harm existed, and that the official drew that inference. *Angelica C.*, 2020 WL 3441461 *14 (quoting *Perkins*, 161 F.3d at 1130).

16. While a high bar, ICE's detention of Kamara satisfied the second prong. Kamara's medical files were accessible to both ICE's health staff at Woodbury County Jail and the staff at Unity Pointe—St. Luke's Hospital. Kamara's PTSD diagnosis, which is deemed a serious medical need subject to ICE's affirmative duty, was therefore readily accessible to ICE. Furthermore, Kamara was placed on suicide watch and existed in a near catatonic state for near the entirety of her detention in Iowa. This demonstrates that ICE had access to information about Kamara's serious medical need and recognized that Kamara was at risk of committing suicide but is nevertheless keeping her detained and refusing her access to her medical and psychological health providers. Through the continued detention, ICE is disregarding a known risk to Kamara's health, thus satisfying the second prong.
17. Under the unique facts of this case, ICE's detention of Kamara constitutes breach of its affirmative duty to protect Kamara, violating the Due Process Clause and the prohibition against cruel and unusual punishment.

FOURTH CLAIM
Violation of U.S. Constitution, Amendment XIV—Excessive Force in
Violation of Due Process

18. In *Kingsley v. Hendrickson*, the Supreme Court acknowledged that a pre-trial (i.e. civil) detainee's Fourteenth Amendment Due Process rights are violated when her jailers use "excessive force that amounts to punishment." 576 U.S.

389, 398 (2015) (citing *Graham v. Connor*, 490 U.S. 386, 395 n.10 (1989)).

Whether such force is punitive is an *objective* question of reasonability rather than a *subjective* question of officer intent. *See id.* Thus, a civil detainee can prevail on such a claim with “objective evidence that the challenged government action is not rationally related to a legitimate government objective or that it is excessive in relation to that purpose. *See Kingsley*, 576 U.S. at 397–98.

19. Under the unique facts of this case, ICE’s arrest and detention of Kamara constitutes an objectively unreasonable, and therefore excessive, use of force in violation of the Due Process Clause.

PRAYER FOR RELIEF

Wherefore, Kamara respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Order that Kamara shall not be transferred outside the District of Minnesota in order to preserve this Court’s jurisdiction over this matter;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Kamara’s detention violates the Due Process Clause of the Fifth Amendment.

- (5) Issue a Writ of Habeas Corpus ordering Respondents to release Kamara immediately, or at minimum, conduct a bond hearing in accordance with *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Byron Starns

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Dated: July 28, 2025