

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Rawle Gerard Suite, Pro se


Petitioner,

V. ATTORNEY GENERAL OF THE UNITED STATES:

RECD OCT 30 2025

Christopher J. LaRose, Warden of M/PC,
Mr. Jamieson,

Warden of FDC Philadelphia

Mr. Oniel,

Field Office Director

R. Moriel of ICE Supervising Agent

Respondents.

INTRODUCTION

Petitioner, Rawle Gerard Suite, has been detained by Immigration and Customs Enforcement ("ICE") since January 12th 2024, following the completion of a Federal sentence. He is currently held under 8 U.S.C. sec. 1226(c) without the opportunity for a bond hearing due to his prior criminal conviction. The continued detention, given the prolonged nature of his confinement and the government's inability to remove him expeditiously, violates his due process rights under the Fifth Amendment. He now petitions for relief pro se.

II. RELIEF REQUESTED

Petitioner moves this Honorable Court for an Emergency Temporary Restraining Order (TRO) and preliminary injunction requiring Respondents to:

1. Hold an individualized bond hearing within 10 days; or, in the alternative,
2. Order Petitioner's immediate release pending such hearing; and
3. Direct Respondents to provide prescribed medical treatment and equipment, including CPAP machine and appropriate

3. Conti dental treatment, podiatry treatment; Hypertension monitoring, immediate cardiology referral for echocardiogram, stress testing, and further evaluation of condition and or conduction disease and possible ischemia. Continued reinstatement of CPAP therapy with guaranteed access to electricity (something not provided on transfer back to BOP facility) as failure to provide these interventions places the patient at substantial and preventable risk of cardiac morbidity and mortality. This is not optional, The two recent EKGs performed showed abnormalities listed in Exhibit "A".

Jurisdiction AND VENUE

This Court has Jurisdiction under 28 U.S.C. Sec. 2241 (habeas corpus), Sec. 1331 (Federal question), and 42 U.S.C. Sec. 1983 and Sec. 2000 (Civil rights). Venue is proper where Petitioner is detained. The requested relief is authorized by Federal Rule of Civil Procedure 65(a) and (b) and by the all Writs Act, 28 U.S.C. Sec 1651.

FACTUAL BACKGROUND

1. Petitioner is a lawful permanent resident of the United States who has already served his full criminal sentence, which was non-violent.

2. He is currently detained under ICE custody at MVPC-Phillisburg Pa. far from his family and medical support network in California podiatry surgery denied and neglected by MVPC medical team goes back several plus years to Kaiser Permanente. Notwithstanding Dental neglect and tendonitis in both shoulders in addition to sciatica that runs down right leg requiring wheel chair and walker assistance. all of which goes to "ONGOING HARM" and or medical neglect.

3. During confinement, officials confiscated petitioner's prescribed CPAP machine, failed to provide electrical access or replacement, and ignored repeated medical requests (with little or no response), despite documented stage 3 hypertension and a history of sleep apnea. Confirmed At FCI Berlin, NH.

* Petitioner submitted numerous grievances and medical requests at MPPC, FCI Philadelphia, Ft DIX N.J. and Berlin N.H. with little or no response, causing ongoing pain, anxiety and sleep deprivation.

5. These conditions constitute deliberate indifference to serious medical needs, violating the Eighth Amendment and Due Process Clause.

6. Petitioner's continued detention — after serving his criminal sentence — amounts to punitive confinement as petitioner was placed in a two man cell without another detainee for six months — a freezing room that was akin to being in the hole. Subjected to lockdowns to a week at times thus exacerbating pet. mental state. Pet. claimed this was a form of double jeopardy, forbidden under articles IV and V of the U.S. Constitution.

LEGAL STANDARD.

Under Fed. R. Civ. P. 65(b), a TRO may issue where the movant — shows.

1. A Likelihood of Success on the merits;
2. Irreparable injury absent relief;
3. That the balance of equities tips in his favor; and
4. That the injunction serves the public interest. See EXHIBIT P.

* Likelihood of Success

Petitioner's detention violates Constitutional and Statutory Protections. Pet. has a valid Green Card, has completed his criminal sentence, and poses no danger or flight risk. Federal have repeatedly held that detention without timely individualized review infringes due process. See *Zadvydas v. Davis*, 533 U.S. 678 (2001)

The record shows ongoing medical neglect, satisfying the deliberate indifference test in *ESTELLE v. Gamble*, 429 U.S. 97 (1976). Such neglect independently establishes an Eighth Amendment violation and supports habeas or injunctive relief under Sec. 2241 and Sec. 1983.

* IRREPARABLE HARM

Petitioner suffers uncontrolled hypertension and sleep deprivation each day the CPAP machine is withheld. These conditions carry immediate risk of stroke or heart failure and cannot later be remedied by monetary damages. Courts routinely find medical deprivation without detention settings constitutes irreparable harm warranting emergency relief.

* BALANCE OF EQUITIES AND PUBLIC INTEREST

The government suffers no prejudice by providing constitutionally required medical care or holding a prompt bond hearing. Releasing or relocating petitioner to California, where he has family support and a viable release plan that would ensure continuity of care and stability, the public interest favors lawful, humane treatment of detainees and efficient use of detention resources. Despite Pet. being an alien whom the government seeks to remove, has a right to due process under the Constitution. Due process requires the government to provide bond hearings to non-citizens facing prolonged detention.

* ALTERNATIVE RELIEF REQUESTED

If the court declines immediate release, petitioner requests an order compelling respondents to:

- ~~and~~ schedule an individualized bond hearing within 10 days;
- provide access to prescribed medical devices & medication;
- permit communication with assigned counsel and family in California; and
- prohibit retaliatory transfers.

Conclusion

* Petitioner has demonstrated a strong likelihood of — success, continuing irreparable injury and clear constitutional violations. The equities and public interest overwhelmingly favor relief.

Wherefore, Petitioner respectfully prays that this Court:

1. Grant an Emergency Temporary Restraining order — directing Respondents to hold an individualized bond — hearing or release petitioner forthwith;
2. ORDER Respondents to give immediate referral to — Cardiology treatment.
3. Prohibit any transfer or retaliation pending final decision;
4. Grant any further relief the Court deems just and proper under Rule 65, Rule 60(b), and the Federal Tort Claims Act.

Respectfully Submitted,
Raute Gerard Sorite, Pro Se
A# [REDACTED] [REDACTED] [REDACTED]

Mashannon Valley Processing Center
555 GEO DRIVE,
Philpsburg, Pa 16866
Date: October 23, 2025

IN THE UNITED STATES COURT OF APPEALS

Previously filed

Case No.

Rawle Gerard Suite

Petitioner,

v.

Attorney General

Respondent:

Motion/Brief

To The Honorable Judges of the Sixth Circuit:

Before We Get Started; Petitioner Rawle Gerard Suite, Respectfully moves this Court to accept a late brief as he has faced frustrating Barriers and or unnecessarily delay's in receiving and sending legal mail, Something that has absolutely impacted his due process rights. Petitioner was transferred back into BOP Custody without a new criminal conviction, "Literally", A makeshift facility that lacked the basic provisions of receiving and sending mail, Mail needed to be weighed and priced by a case manager-the mail room that was not accessible, Stamps needed-had to be calculated by a case manager, ("This could take 1-3 days".) In addition the ability to copy completed work and or motions required making a request on the computer and waiting, this could take 1-2 day's or sometimes a week). (No one trying to help you.) I completed my response to the Court on my flash drive on a timely basis at, could not print it. Finding a printer that is hooked up to the computers in the Law Library was and is non existant. **Example;** I the petitioner in this case mailed a motion to the courts on the 7th of June, (I went through the proper channels gave my legal work to the Case manager So they unfortunately could copy.) on the 17th of June I received the package back-because it needed one more stamp. a.) Dispite the fact it was the case manager who Priced the mail out .what should be recognized is it never was truly mailed and or it took literally 10 day's to process. This is recorded in the book petitioner was asked to sign. On-another occasion officer asked petitioner a question; "Is this you? -sorry this has been sitting in the bubble for awhile. After being held impermissibly, unconstitutionally in a BOP Facility (A Makeshift Facility, Subject to lock downs- in a hole type condition as I had no cellmate) having my rights violated, Petitioner has been transferred back to Ice Custody (Moshannon Valley Processing Center.) as DHS concedes it was at all times unconstitutional. Having access now to law Library and my flash drive I have to resign to the fact that access is only once a week. For the above mentioned reasons Petitioner respectfully ask for extension to complete briefing schedule, To assist the court I therefore submit partial brief that has been sitting on my flash drive since early July and or late May. Moreover to combat any further delay's Petitioner will have to submit part of the brief in handwriting thus, Petitioner invokes a less stringent standard than those prepared by Attorney's.

Let's Get Started; Petitioner, Rawle Gerard Suite ([REDACTED]). Petitioner is a lawful permanent resident of the United States. ** Placed in removal proceedings based on a federal criminal conviction. ** He timely filed "Form I-589** seeking **withholding of removal and "CAT Protection.** The Immigration Judge (IJ) denied all forms of relief. ** Th IJ failed to conduct a Joseph hearing thus, did not hold DHS to it's burden of proof. ** IJ Failed to show up for two scheduled hearings causing delay of 6 month's for no good reason, conflated to unconstitutional 6 month transfer back into BOP custody has become unreasonable, ** A Timely notice of appeal was filed. ** A Writ Error n=Coram Nobis" is pending before the federal district court seeking to "vacate the conviction" underlying removability.

Previously Filed

Introduction / Overview

Petitioner has been detained by U.S. Immigration and Customs Enforcement under 8 U.S.C. § 1226 since January 12, 2024, now exceeding 19 months. Although immigration detention is civil in nature, courts across the country have held that due process imposes limits on prolonged detention. The Third Circuit has emphasized that there is no bright-line six-month rule, but detention becomes unconstitutional when it is unreasonably prolonged under the circumstances. See *German Santos v. Warden Pike County Corr. Facility*, 965 F.3d 203 (3d Cir. 2020). Other circuits likewise recognize that once detention passes many months—with no clear end in sight—due process requires an individualized bond hearing with the government bearing the burden of proof. See *Reid v. Donelan*, 17 F.4th 1 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020); *Lyv. Hansen*, 351 F.3d 263 (6th Cir. 2003); *Martinez v. Clark*, 36 F.4th 1219 (9th Cir. 2022).

Here, Petitioner's continued detention is excessive, punitive, and life-threatening, and he therefore requests immediate relief in the form of a bond hearing or release under reasonable conditions.

Summary of Arguments

Petitioner respectfully submits that his continued detention under § 1226 is unreasonable and unconstitutional, and immediate relief is warranted.

1. **Length of Detention:** Now exceeding 19 months, far surpassing periods courts have found constitutionally permissible.

2. **Pending Proceedings:** Petitioner's removal proceedings are not near completion; he has timely filed his BIA appeal and supporting brief, and appellate review may extend for many additional months.

3. **Reasons for Delay:** Delays are largely attributable to court scheduling and government action, not Petitioner's conduct.

4. **Conditions and Medical Needs:** Detention has taken on a punitive character and places Petitioner at imminent risk of severe cardiac events, which cannot be adequately treated in ICE custody.

Taken together, these factors satisfy the standard set forth in *German Santos* and related precedent, strongly supporting an order for immediate bond or release.

Argument One: Length of Detention is Unreasonably Prolonged

Petitioner has been detained for over 19 months under S 1226. Courts in the Third Circuit and nationwide recognize that civil *detention exceeding one year is presumptively unreasonable* unless the government can justify it with extraordinary circumstances. See German Santos, 965 F.3d at 210; Chavez-Alvarez v. Warden York Cty. Prison, 783 F.3d 469 (3d Cir. 2015); Lyv. Hansen, 351 F.3d 263 (6th Cir. 2003).

• Courts in the **First, Second, Sixth, and Ninth Circuits** have granted habeas relief or ordered bond hearings for detainees held 12—18 months.

' The **length of Petitioner's detention alone** weighs heavily in favor of immediate bond or release.

Argument Two: Petitioner's Proceedings Are Not Near Conclusion

The Government contends that Petitioner's detention is justified because removal proceedings are "likely to end soon." This is incorrect:

1. **BIA appeal is pending.** Petitioner timely filed a notice of appeal and submitted a supporting brief, including an extension request.
2. **Exhaustion is satisfied.** Petitioner properly presented his claims to the BIA; judicial review is therefore preserved. See *Abdulrahman v. Ashcroft*, 330 F.3d 587, 594 (3d Cir. 2003).
2. **Finality is not imminent.** Even after the BIA decision, Petitioner could seek federal appellate review, which can take additional months.
3. **Detention will likely continue.** Given these pending steps, detention is not near its end, reinforcing that it is unreasonably prolonged.

Rebuttal to Government's Exhaustion Argument: The Government's claim that Petitioner failed to exhaust administrative remedies is **factually incorrect**. Petitioner filed both a motion for extension and a supporting brief with the BIA.

Because Petitioner has fairly presented his claims, exhaustion is satisfied. See Abdulrahman, 330 F.3d at 594.

Argument Three: Reasons for Delay Favor Petitioner:

The lengthy duration of detention is Largely attributable to government and court scheduling, not Petitioner:

- The Immigration Judge failed to conduct a Joseph hearing and hold DHS to there burden of proof.
- The Judge **twice postponed scheduled court dates by three months each**, delays outside Petitioner's control. Sending approval to a joseph hearing a week later.
- Courts recognize that pursuing legal rights or delays caused by the court or government **do not count against the detainee**. See German Santos, 965 F.3d at 210; Chavez-Alvarez, 783 F.3d at 476.

Conclusion: The reasons for delay weigh heavily in favor of finding detention unreasonably prolonged.

Argument Four: Conditions of Confinement and Serious Medical Needs:

1. Punitive facility placement. Petitioner was confined at FDC Philadelphia, a federal prison facility, despite completing his criminal sentence. Prolonged detention in prison-like conditions is punitive, not civil.

2. **Transfer does not remedy harm.** Petitioner was recently transferred to Moshannon Valley Processing Center, but prior confinement's constitutional violations persist.

2. Medical risk is acute. Petitioner suffers from:

- Stage III hypertension. *Most recent valuation found here in Exhibit "B" was 200/98*
- COPD
- Elevated cholesterol
- Chronic insomnia
- Advanced age

- Recent EKG shows sinus bradycardia, first-degree AV block, left ventricular hypertrophy, and T-wave abnormalities. *Exhibit ___ gives an overview of the serious condition of petitioner that amounts to cruel and unusual punishment.* These conditions place Petitioner at imminent risk of myocardial infarction or death, and **require specialized cardiology care unavailable in ICE custody.**

4. *Government's claim of missing records is incorrect.* All records were submitted to the BIA; the most recent medical report is included as an exhibit.

Conclusion: The combination of punitive confinement and serious, inadequately treated medical conditions violates the Fifth Amendment. Immediate release or, at minimum, a bond hearing with the government bearing the burden of proof is required. The Consensus of opinion nationwide have found similar detention lengths unreasonable, Looking outside the Third Circuit 19+Months of sec. 1226 detention **strongly favors due process finding of “unreasonable” detention and a right to a bond hearing.**

Number one argument

1. Legal framework: INA S 1226 and prolonged detention

- As the Court is well aware, When someone is detained under **8 U.S.C. sec. 1226(a) or sec 226©** while removal proceedings are pending, Courts can consider whether that detention has become **“unreasonable prolonged.**

- **The Supreme Court (Zadvydas v. Davis, 2001)** set a six-month rule of thumb in the post-order detention context (INA S 1231).

¹ For **pre-order detention (S 1226)**, the courts of appeals—including the Third Circuit—have applied a **reasonableness analysis**, not a strict six-month cutoff.

2. Third Circuit position

- In the Third Circuit (which covers Pennsylvania, New Jersey, Delaware, and the Virgin Islands), the key case is *German Santos v. Warden Pike County Correctional Facility*, 965 F.3d 203 (3d Cir. 2020).

- The court explained that there is no bright-line rule (no automatic 6-month deadline).

- Instead, detention must be evaluated for reasonableness under the circumstances.

3. Factors the Third Circuit considers (from *German Santos*)

The Third Circuit laid out a multi-factor test:

1. **Length of detention.** The longer it goes on, the more likely it is unreasonable.

2. **Reasons for delay.** Who caused the delay? If the government dragged its feet, it weighs against them. If the detainee asked for continuances, that weighs less in their favor.

3. **Likelihood of removal.** If the case is complex or removal isn't reasonably foreseeable, prolonged detention looks worse.

4. **Conditions of confinement.** If detention looks more like punishment than civil custody, that matters.

In *German Santos*, the Third Circuit noted that detentions over one year often trigger constitutional concerns—and in some district courts within the circuit, detentions of 19+ Months have been found unreasonable.

4. Support from district court cases. must be evaluated case-by-case. Courts in this circuit have consistently found that detentions of one year or longer are presumptively unreasonable. My detention of over 19 months under Sec. 1226 greatly exceeds that period, strongly weighing in favor of a finding that my continued detention **violates due process.**" *19+ months of 1226 detention strongly favors a due-process finding of "unreasonable" detention and a right to a bond hearing.*

Key cases beyond the Third Circuit

First Circuit (case-by-case reasonableness; long detention problematic)

Reid v. Donelan, 17 F.4th 1 (1st Cir. 2021) (en banc): rejects a categorical six-month rule, but reaffirms that due process can require a bond hearing when detention becomes unreasonably prolonged; emphasizes a case-specific, factor-based inquiry (length, reasons for delay, likelihood of removal, etc.)

Second Circuit (government bears burden; prolonged detention violates due process)

While the Third Circuit itself didn't adopt a 6-month bright line, many district courts in the circuit have recognized that once detention passes a year or more, it strongly weighs in favor of release or a bond hearing.

Examples:

' German Santos: detention of 2+ years was found unconstitutional without bond hearing.

- Chavez-Alvarez v. Warden, York Cty. Prison, 783 F.3d 469 (3d Cir. 2015) (pre-German Santos, but still cited): Detention approaching 1 year is suspect; at 1 and a half years it is very likely unconstitutional.

- Other district courts (e.g., in Pennsylvania, New Jersey) have found 14-19 months to be unreasonably long unless there are extraordinary government justifications.

Petitioner has been detained 19 months under Sec. 1226(c)

' The Third Circuit says there's no automatic 6-month cutoff, but courts must weigh factors.

- Case law (Chavez-Alvarez, German Santos, district cases) shows that detentions of 1+ years are presumptively unreasonable unless the government has strong justification.

- The fact that his detention is nearly double what the Third Circuit warned about (12 months) should weigh heavily in his favor.

' Velasco Lopez v. Decker, 978 F.3d 842 (2d Cir. 2020): the Second Circuit affirmed habeas relief and ordered a new bond hearing with the government bearing the burden by clear and convincing evidence to justify continued detention under § 1226(a), placing the burden on DHS as detention has become prolonged.

- SDNY follow-ons (persuasive): district courts repeatedly found many months to a year+ of detention unreasonable and required bond hearings with clear and convincing burden on the government. Examples: Hernandez v. Decker; Joseph v. Decker; Sophia v. Decker.

Sixth Circuit (early, influential prolonged-detention precedent)

- Lyv. Hansen, 351 F.3d 263 (6th Cir. 2003): held detention about 500 days (-16-17 months) was unreasonable, stressing that due process does not permit indefinite pre-order detention and that government-caused delay weighs against the government. Courts still cite Ly's factors even after Jennings for constitutional (as-applied) challenges.

- Ninth Circuit (recognizes constitutional limits; district courts order hearings when detention is prolonged)

- Martinez v. Clark, 36 F.4th 1219 (9th Cir. 2022) and related 2024 decision: while not adopting a bright line, the Ninth Circuit acknowledged that at some point, detention without a bond hearing violates due process; district courts within the circuit ordered bond hearings when detention became prolonged. (Useful to show the nationwide trend toward constitutional limits.)

Eleventh Circuit (persuasive, though vacated post-Jennings)

- sopo v. U.s. Att'y Gen., 825 F.3d 1199 (1 Cir. 2016), vacated (2018): recognized that detention may become unreasonable by around the one-year mark absent special justifications. Note: vacated after Jennings, with the understanding it is not binding authority.

- However; "Multiple courts of appeals—including the First, Second, Sixth, and Ninth—require a case specific due-process analysis for Sec.1226 detention, with *length as a critical factor*. Detentions approaching or exceeding one year trigger constitutional concerns, and *detentions of 16—19+ months have repeatedly been deemed unreasonably prolonged.*"

2. Burden at the hearing:

"When detention becomes prolonged, courts place the burden on the government to justify continued custody by clear and convincing evidence (flight risk or danger) It has already been established that petitioner is not a flight risk by virtue of strong ties to the community spanning 40 years, employment, food drives, with over a dozen declarations on file at the ninth circuit sentencing court that speaks to petitioners good moral character and lack of criminal history., Moreover petitioner is not a danger to the community evidenced *by-BOP custody level assessment of a level 2* (see exhibit K.) noting consideration of less-restrictive alternatives—see Velasco Lopez and numerous SDNY decisions."

3. Length: Petitioner Ha*s been detained since January 12, 2024—that's over 19 months (and counting), well past the time many courts find constitutionally problematic.

- Reasons for delay: Petitioner has had less than 5 Months of actual court, due process and 14 months of delay's not attributed to his good-faith pursuit of relief, Thus any delay's should not be held against him (First & Second Circuits caution against penalizing people for litigating).

- Likelihood/timeline of removal: If resolution is uncertain or distant, continued civil detention looks less justified. (Courts can weigh foresee ability of removal.) Taking into account Placed in removal proceedings based on a federal conviction that is still in dispute. Petitioner filed "form I-589" seeking "withholding of removal and Cat protection" still under review., Notwithstanding an I-130,

- Conditions of confinement: If he's held in penal-like conditions (county jail, limited out of-cell time), that weighs toward unreasonableness.

4. **Supreme Court guardrails** "The Supreme Court's Jennings/2022 decisions (Johnson v. Arteaga-Martinez and Garland v. Aleman Gonzalez) say the INA doesn't itself guarantee six-month bond hearings and bars class wide injunctions, but they leave room for individual, constitutional (as-applied) habeas challenges like mine." "Although there is no bright-line six-month rule, courts across the country hold that due process forbids unreasonably prolonged S 1226 detention and requires an individualized bond hearing when detention extends many months with no end in sight. See, e.g., Reid v. Donelan, 17 F.4th 1 (1st Cir. 2021) (case-by-case reasonableness analysis); Velasco Lopez v. Decker, 978 F.3d 842 (2d Cir. 2020) (ordering a new bond hearing with the government bearing the clear-and-convincing burden); Lyv. Hansen, 351 F.3d 263 (6th Cir. 2003) (500 days held unreasonable); and Martinez v. Clark, 36 F.4th 1 219 (9th Cir. 2022) (*recognizing constitutional limits on prolonged detention*).

District courts—especially in the Second Circuit—routinely grant habeas relief and require hearings with the government's clear-and-convincing burden once detention passes nine to twelve months. My detention since Jan. 12, 2024 now over 19 months is longer than the periods many courts have found unconstitutional, and the length, reasons for delay, lack of foreseeability, and penal-like conditions all weigh decisively in my favor."

Relief Requested;

WHEREFORE, Petitioner respectfully requests that this Court:

1. Order an individualized bond hearing before an Immigration Judge within 14 days of the Court's order.

2. At that hearing, require the Government to bear the burden of proof by clear and convincing evidence that continued detention is necessary to prevent flight or danger to the community. See *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020); *German Santos v. Warden*, 965 F.3d 203 (3d Cir. 2020).

3. Direct the Immigration Judge to consider Less-restrictive alternatives to detention, including release on recognizance, supervision, or electronic monitoring, in keeping with due-process principles.

4. Require the Immigration Judge to make individualized findings on the record addressing:

- (a) the length of detention (over 19 months to date),
- (b) the reasons for delay,
- (c) the likelihood of removal in the reasonably foreseeable future, and
- (d) the conditions of confinement.

See *Chavez-Alvarez v. Warden*, 783 F.3d 469 (3d Cir. 2015); *Lyv. Hansen*, 351 F.3d 263 (6th Cir. 2003).

5. If a bond hearing is not provided within 14 days on the terms above, order Petitioner's immediate release under reasonable conditions of supervision. See *Reid v. Donelan*, 17 F.4th 1 (1st Cir. 2021); *Martinez v. Clark*, 36 F.4th 1219 (9th Cir. 2022). a bond hearing with the government's burden and alternatives considered, or outright release if no hearing occurs in time.

Argument Two: Petitioner's Proceedings Are Not Near Conclusion-The Government contends that Petitioner's detention is justified because his removal proceedings are "likely to end soon." This is incorrect for several reasons:

1 The BIA appeal remains pending. Petitioner timely filed a notice of appeal from the Immigration Judge's December 20, 2024 removal decision. Contrary to the Government's assertion, Petitioner has also filed a supporting brief and requested an extension. Thus, the record shows that Petitioner has not abandoned his appeal, and the case remains fully active before the Board.

2. Exhaustion has been satisfied. The Government argues that even if the BIA dismisses the appeal, judicial review would be foreclosed for lack of exhaustion. That is wrong. Because Petitioner has filed a brief with the BIA, he has preserved his arguments for judicial review. Courts consistently hold that a non-citizen exhausts his remedies so long as he has fairly presented his claims to the BIA. See, e.g., *Abdulrahman v. Ashcroft*, 330 F.3d 587, 594 (3d Cir. 2003) ("A petitioner need not do more than raise an issue before the BIA to preserve it for judicial review.").

3. Finality is not imminent. Even if the BIA were to issue a dismissal, Petitioner would retain the statutory right to petition for review before the Third Circuit. Those proceedings can take many additional months to resolve. As the Third Circuit has recognized, the likelihood and length of future proceedings is a factor in determining whether detention is unreasonably prolonged. *German Santos*, 965 F.3d at 210—12.

4. Therefore, detention will not "end soon." Petitioner has already been detained for more than 19 months. With a BIA decision still pending, and with federal appellate review available thereafter, it is highly likely that detention will continue for many more months. This weighs heavily in favor of a finding that detention has become unreasonably prolonged and constitutionally infirm.

"Because Petitioner has filed his BIA brief and preserved his arguments, exhaustion is not in question. His proceedings are far from over, and the prospect of many more months of detention further underscores the need for an individualized bond hearing."

Re-Cap Petitioner is a **lawful permanent resident of the United States**, He was placed in removal proceedings based on a federal criminal conviction, He Has a remote criminal history, He filed a timely **"form I-589"** seeking **"withholding of removal"** and **CAT Protection**, The immigration Judge denied all forms of relief and caused extreme delay's for no good reason, A timely Notice of Appeal was filed, A ****Writ of Error Coram Nobis**** is pending before the federal district court seeking to ****vacate the conviction**** underlying removability, *A Foia request is also pending* regarding ****Derivative Citizenship**** Eligibility through his naturalized U.S. Citizen Mother, and a **I-130 has been filed by his Son**. Thus, The Government's claim that Petitioner failed to exhaust his administrative remedies is factually incorrect. Petitioner filed both a motion for extension and a supporting brief with the Board of Immigration Appeals. Thus, the argument that Petitioner "failed to file.brief" the case is baseless. Because Petitioner has in fact raised his claims before the BIA, he has properly exhausted administrative remedies for purposes of judicial review. See *Abdulrahman v. Ashcroft*, 330 F.3d 587, 594 (3d Cir. 2003) (holding that a petitioner exhausts so long as the issue is fairly presented to the BIA). Accordingly, the Government's exhaustion argument should be rejected.

The Conditions of Confinement Are Punitive and Support a Finding That Detention Is Unreasonably Prolonged When detention begins to resemble punishment, however, due process concerns are triggered. Thus, petitioner filed an emergency injunctive relief Identifying he was Detained in a penal setting, in a BOP Facility environment that is virtually indistinguishable from criminal incarceration. He was subject to a 2 man cell, (Due to language barriers.) (*Without access to electricity for his C-pap Machine, without support for his Mental anguish.*) and had no cell mate, as such in his case he was isolated much like the hole exacerbating his mental health, the same uniforms, restrictions, and daily regimens as criminal inmates. Such conditions are far removed from the narrow, civil justification underlying immigration detention.

1. Excessive duration compounds punitive nature. Even if short-term jail-like detention might be tolerated, the combination of punitive conditions and lengthy confinement crosses the constitutional line. As the Third Circuit explained in *German Santos v. Warden Pike County Corr. Facility*, 965 F.3d 203, 210 (3d Cir. 2020), the conditions of confinement are an important factor in determining whether detention has become unreasonable

3. Civil purpose can be achieved by Less-restrictive means. Petitioner is not serving a criminal sentence. The government's interests in ensuring appearance and protecting the community could be fully served through alternatives to detention such as release on bond, electronic monitoring, or supervision. Continued confinement under jail-like conditions for 19 months far exceeds what due process permits. The punitive nature of Petitioner's current confinement, especially given its extraordinary length, strongly favors a finding that detention has become unconstitutional.

4. **"The Constitution does not permit the government to warehouse civil detainees in penal conditions for nineteen months while proceedings drag on.** At this point, my confinement has lost any semblance of a limited civil measure and instead functions as punishment, in violation of due process." Petitioner has been clear and the record supports much of the delay was caused by the Immigration Judge and not the petitioner, Importance of which is reflected in similar cases such as *German Santos* whereby delays is one of the factors this honorable court can weigh when deciding if detention has become unreasonable. (Noting; "Aliens should not be punished for pursuing applicable legal remedies by prolonging their detention.") *Because the lengthy duration of Petitioner's detention is largely attributable to delays caused by the Immigration Judge's scheduling and not by any bad-faith actions on Petitioner's part, this factor weighs heavily in favor of finding that his detention has become unreasonably prolonged in violation of due process. Immigration detention is civil in nature. Its purpose is limited to ensuring appearance at hearings and protecting the community. It cannot lawfully be punitive. See *Demore v. Kim*, 538 U.S. 510, 528 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 690 Yet Petitioner's detention has effectively become punishment for the following reasons:

1. Punitive facility placement. For the last six months of his detention, Petitioner was confined at the Federal Detention Center in Philadelphia ("FDC"), a facility designed and operated as a federal prison. Conditions there were indistinguishable from criminal incarceration, even though Petitioner has already served his criminal sentence. Confinement in prison-like conditions goes far beyond the limited civil purpose authorized by 1226 detention.

2. Transfer does not cure past harm or present risk. *Although Petitioner was recently transferred back to Moshannon Valley Processing Center, this does not erase the punitive-character of his long confinement at FDC, nor does it cure the ongoing constitutional violations.* *German Santos v. Warden* 965 E3d 203, 210 (3d Cir. 2020), confirms that conditions of confinement are a relevant factor in assessing whether detention is unreasonably prolonged.

3. Serious, documented medical conditions. Petitioner suffers from Stage 3 hypertension, with the most recent values (See Exhibit __) *suggesting to call 911,* In Petitioner's COPD,-Elevated-Cholesterol, chronic insomnia,-Lipoma, Tendernites, Hernia, Dental Issues, and advanced age, notwithstanding multiple surgeries approved for outsource assistance, all of which put him at high risk for heart attack and other life-threatening events. Most recent EKG performed at Moshannon Valley just two weeks ago revealed sinus bradycardia with first-degree AV block, left ventricular hypertrophy, and T-wave abnormalities. These conditions require frequent monitoring and specialized cardiology care—a level of treatment that immigration detention facilities cannot provide. Petitioner challenged his lack of access to medical device such as his CPAP (*which was taken away from him upon arrival to BOP Custody on Febuary 19th, 2025*) as it was and is tied to his Cardiac health, despite fainting, chest pains, shortness of breathe, and untreated sleep apnea which is not of petitioners own making,-despite documented high blood pressure and or the increase for heart failure and ischemia, despite taking away the CPAP (or denying electricity for it) *which was not just an inconvenience but rather a wanton disregard for petitioner's health, thus, increasing petitioner's cardiac risk, since untreated sleep apnea is strongly linked to arrhythmias, hypertension and sudden cardiac death. The fact of the matter is Petitioner has objective evidence of cardiac conduction disease and possible ischemia, That means it is not safe to dismiss this as "normal." While sinus bradycardia and first degree block can sometimes be benign, in the presence of T-Wave abnormalities and LVH, the risk for progression to higher grade heartblock, arrhythmia, myocardial ischemia, or heart failure is significant.*

4. Government's denial of medical records is baseless. The Government asserts that no medical records were submitted, but Petitioner has in fact filed those records with the

BIA, and they remain part of the administrative record. He now submits the most recent EKG report as an exhibit to this response.

5. Ongoing detention poses grave risks. Continuing to detain Petitioner in these conditions places him at serious risk of irreparable harm, including possible death from heart attack or related cardiovascular complications. *Civil detention that endangers a detainee's life and health is not only punitive but also violates the Fifth Amendment's guarantee of due process.*

Conclusion: The combination of penal conditions of confinement and serious medical vulnerability shows that Petitioner's detention has become punitive in fact, not civil in nature. Immediate release—or, at minimum, an individualized bond hearing with the Government bearing the burden of proof—is constitutionally required

"The Constitution does not permit the Government to confine me in prison-like conditions while ignoring my urgent cardiac and pulmonary needs. My medical condition alone warrants immediate release so I may receive proper care outside of detention." The government argues confinement is not punishment, but the facts contradict this.

G) Petitioner was previously confined at FDC Philadelphia, a BOP facility designed for convicted criminals, despite having completed his criminal sentence. Immigration detention is supposed to be civil, not punitive. Yet petitioner was subjected to:

("prison-like conditions identical to criminal incarceration (solitary housing, locked cells, limited visitation, restricted movement, lack of rehabilitative services).

this is contrary to *Zadvydas v. Davis*, 533 U.S. 678 (2001), which emphasized immigration detention must remain non-punitive. Transfer back to Moshannon-Valley Processing Center does not cure this constitutional violation, because:

- The prolonged 18-month detention itself is inherently punitive, especially in light of conditions endured.
- **Past punitive confinement at FDC caused significant harm and cannot be ignored** simply because of a subsequent transfer. Failure to provide these interventions places the patient at substantial and preventable risk of cardiac morbidity and mortality.
- **Medical Care is Constitutionally Inadequate**

BOARD OF IMMIGRATION APPEALS

A#: 
Rawle Gerard Suite
Petitioner,
v.
Field Office Director;
Respondent:

BIA APPELLATE BRIEF;
HABERS "2241"
To The Field Office Director;

I respectfully request a transfer to a detention facility in California or, if possible, release under supervision in California, where i was raised and have long-standing community ties. **release under supervision in California.**

I Rawle Gerard Suite (PETITIONER), No.  in removal proceedings is a 65 year old Lawful Permanent Resident for over 50 Years (a Half a Century.) That came into this country legally in 1969 with my siblings and parents (all of which are citizens except for me.) My Dad worked and retired at Goldman Sachs On wall street and my Mother was a supervising resident nurse in Manhattan. Both became naturalized. Petitioner believes he is a derivative citizen by virtue of mothers application being submitted when I was less than eighteen years of age, (I was brought to this country as a child (8 Years Old.)

In addition I am a former homeowner, Tax Payer , Business Owner whereby My aculteration is here in the United states and this has been my adopted country for 57 Years to be exact and have had minimal contact with the criminal Justice System and being held for a non violent crime. What should be recognized is am a Granfather to Two young citizens that are now entering High School and I am desirous of being around for there high school years.

Release Plan... Son has filed a I-130 on my behalf , my Mothers social security number, foia, under constraints but dhs not. Many folks will say deportation most imporant -clearing my name is most imporantnat you guys took advbantage of mee, not right,. taking all the rights, controlloing the mail, access only once a week...

2

VII. Introduction:

VIII. Procedural History:

IX. Statement Of Facts:

X. Legal Argument:

1.

2.

3.

A.

B.

C.

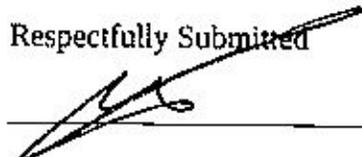
D.

3.

Therefore, Petitioner, RAWLE Gerard Suite, respectfully request an emergency consideration of this petition pending the resolution of his appeal. (Appellate Brief).

3.

Respectfully Submitted



Rawle Gerard Suite

Pro Se Petitioner

Date:

Certificate Of Service

SUPPLEMENT

DECLARATION OF RAWLE GERARD SUITE

1. My Name is Rawle Gerard Suite, I am 64 years old, I was born [REDACTED] in Trinidad and Tobago.
2. I was Admitted to the United States at New York City ("JFK") on or about January 09, 1969, as a lawful permanent resident; I was 8 Years old.
3. It is my belief that I am a derivative citizen by virtue of my Mother on the basis of when her application was filed. My Family and I filed a FOIA approx one year ago and they have expressed delays.
4. My Mother's application being submitted when I was 18 years old, (SSN: [REDACTED]) per INA, 8 U.S.C. sec 1101 qualifies me as a derivative beneficiary, Her name is Claudia Rennes Suite.
5. In addition my Father (deceased) became a citizen when I was 30 years old (along with my two other siblings).
6. In addition I have 3 Adult Children that are are all citizens and productive members of society and have all taken degrees.
7. I am also a Grandfather of two young boys now entering high school (One of which recently became a valedictorian obtaining the highest grades and rank.) whereby I am desirous of not missing these High School years.
8. My Acculturation is here in the United States, This is my adoptive county where all my family resides, many of which are elderly and I am desirous of seeing before they die.
9. I have been a Born Again Christian since graduating "High School" Married at Melodyland Christian Center", have been a church member of seekers chapel, Calvery Chapel "Chuck Smith" and Horizons christian center in Irvine, Ca.
10. I have Coached kid's in the community dating back to 1983 some of which I still play golf with there fathers at the time of incarceration. (See Exhibit K.)
11. I have also participated in food drives and have an affinity foir the elderly, my civil duty and charitable nature was given consideration by this Court in it's tentative for a variance at the time of sentencing.
12. Now that I have completed my sentence and facing removal (Something never discussed with Trial Attorney) I feel differently looking back but it's still extremely hard for me to talk about what happened without breaking down.
13. Honestly I feel remorseful about everything that happened, I took responsibility for my complicity, accountability not only for putting myself in this situation, but also my family (Tainting our good family name.) and any Victims.

14. I clearly was treated unfairly and have come to the conclusion that "Forgiveness is letting go of the feeling you can change the past.

15. Any Good I have done and still can do, is tainted by an unforgiving climate. "Thus, I pray for Vacatur".

16. I know that I got myself in this situation and regret it more than anything. I have served the time for my conviction. I have tried to take it as an opportunity to reflect on my life as to how I can best move forward and repair the damage I've done.

17. As a Senoir Citizen with not much time left on the clock, I want to lift up the people in my circle of love, show them one can recover after making a mistake and God can restore what the locust has eaten. I am fueled by my strong faith but also by the fact my family and friends have not shunned me, They want me back.

18. While I was Incarcerated I took several educational classes, signed up for a correspondence class. If OI am abler to re-acclimate back into society I only have a few units to complete my B. A. Degree.

19. I have been back to Trinidad and Tobago once when I was 12 years old, I have no family left there as they are all in the United States. My Fear is dieing with no one to bury me, "Thus, I pray for Vacatur".

20. After buying the fable of an open plea (Immediate Mini Trial) that included 500 miles from family, a strong probability of Santa Barbara, I was sent to Pecos Texas, Deported in a sense from the very beginning. Now I am very tired notwithstanding I was promised one year off my sentence for My addiction to Adderol, another breach of contract.

21. After incarcerated for 2 years in Santa Ana, Ca II was sent to a contract facility that houses non citizens. (and or 99% Mexicans). The facility appeared to be a deportation center thus, making sentence more punitive and more difficult to litigate as the facility had no access to inmate email system that is available in BOP Facilities.

22. Considered the 10th worse prison in the United States lends credence to valid reasons for not attacking conviction earlier, Upon arrival to Reeves III "I was shocked".

23. I was shocked trial attorney "Edward Robinson" neither inquired nor investigated my immigration status , nor did counsel advise me of the adverse consequences.

24. I did not seek the advise of separate immigration attorney because I was unaware of the consequences of conviction. Not only until I arrived did I realize counsel mis-lead. Thus, reasons for delay were sound and uncontroverted.

25. I also learned my direct appeal would take 18 months and I would not have any rights on the issues to be raised. (Noting: My previous retainers were hi-jacked.)

26. Immigration Claim conflated to non-disclosure on the type of appeal was disheartening. Counsel ripped my heart out by failing at a constitutional level by denying me due process and a fair trial.

27. I pray the fundamental character and or the "Fundamental error requirement" is satisfied by the recognition I received ineffective assistance of counsel.

28. Counsel was suppose to have advised that conviction rendered me removable. Trial Counsel "Edward Robinson" unequivocally did not.

29. I did not fully understand the consequences of an open plea, at the time it was entered.

30. There were deficiencies in the legal representation which included the failure to adequately explain the ramifications of an open plea, explore potential defenses, or negotiate a favorable plea agreement.

31. Ineffective assistance of counsel is easily found ny no concessions sought. In Robinsons draft Doc 117 or 121: Page 35-40 albeit, he stated "I was a criminal I" He failed to provide the proof to the court thus, ineffective assistance of counsel.

32. Ineffective assistance of counsel Arose out of Attorney's failure to file a motion to dismiss this case on legal grounds and or to correct alleged errors of fact or law. Albeit, this case was brought by an ax to grind I requested a pre-trial motion to dismiss this case and to trumpet Ineffective assistance of previous attorney "Kenneth Reed" and attack the false accusation s that labeled me an economic risk. I am a lawful permanent resident who has already served a criminal sentence. Now, detained by ICE for more than 15 Months without a Bond Hearing, placed back in BOP Custody, Under Bop Rules, Lock downs, ETC.

33. I Was not considered a flight risk or a danger but was considered an economic risk based on erroneas proffer of the government.

34. Albeit, I identified (through discovery) and demonstrated how FBI Agent "Craig Mason" and the Government (**Prosecutorial misconduct**) lied, Perpetrating fraud upon the court pointing to evidence that was unequivocal.

35. Albeit, the court considered this imperfect entrapment for a variance, recognizing the violation of substantive rights (Trail Attorney only sating it was murky.) they abused there discretion by turning a blind eye to a downward departure and the IAC of Appellate Attorney as she failed to bring developed issues on direct appeal, denying me of a fair process.

36. I pleaded at the first opportunity given to me that Attorney stole my retainer and failed to perform, although the State Bar eventually settled the matter it was Four Years to late and thus prejudiced my offense.

37. Attorney's Kopeny, Ferrentino, Reed, and Robinson prevented me from using my funds to hire someone else forcing and coercing me into a plea that was involuntary none of which was strategic error but rather a denial of counsel altogether and thus can be considered structural error, "**So fundamentally unfair that it is presumptively prejudicial.**"

38. Being charged \$43,000 for one Bond Hearing, Kenneth Reed" (On September 1st 2016) Alawyer ill-prepared that did almost nothing is and was ineffective.

39. I conferred with Mr. Robinson at nauseam (to use his words) with lengthy letters regarding issues to be raised and or motions to be filed pre trial. (see exhibit A).

40. I answered the "PSR" pro se despite having retained Attorney Robinson, I objected to every enhancement of the Government and preserved it for appeal.

41. On Direct Appeal I had every right to withdraw my open plea and given death of first attorney that encumbered my retainer for four years, given the constitutional violations by second attorney Kenneth Reed and Trial Attorney Edward Robinson, I had a right to withdraw my open plea and or bring my ineffective assistance claim on direct appeal as it was fully developed.
42. I argued trial attorney and I joked many times that, "had I known I was committing a crime I would have stolen some money" Attorney's draft, Attorney Robinson stated **"IN THE PARLANCE OF OUR TRADE THIS WAS NOT A STRAIGHT RIPOFF"**
43. My Subjective belief was very real, the court could have asked trial attorney to corroborate but chose not to. (I Fact Attorney was never notified of my claims, was never cc'd.
44. The Government mis-labels me as a career offender and successfully pervaded the court's mind with erroneas proffer of other crimes focusing on a civil unadjudicated civil matter going back 30 years.
45. First I do not share the view there were other crimes, my only one felony was reduced to a misdemeanor whereby, I forgot to expunge it.
46. Second; There was a civil lawsuit by the state of California that was never served on me and thus, I was never aware. The government has already conceded I was never served.
47. Although I did comply to 2006 order, I challenged the government to show where there was past fraud, although there was no findings of any wrong doing the government continued there proprietorial misconduct by fitting a false narrative to pervade the court's thinking which becomes really unfair, extraordinary and compelling.
48. If the Government case was so strong why go back 30 years, why use un-adjudicated civil orders. Government was clear stating " This is what drove sentence".
49. While I understand the government needed to show that I did not act by ignorance or mistake and was merely perpetrating fraud per a modus operandi, The Government was wrong. Moreover, My repeated efforts to seek relief have been improperly treated as unauthorized collateral attacks, labeling everything a collateral attack ignores the distinction between habeas and writs.
50. It saddens me that in the instant case, Trial Attorney Edward Robinson's deficient performance led to Judicial Proceedings of disputed reliability.
51. I proffered corroborating evidence that the Commodity application of the four level upward adjustment for a Commodity Pool U.S.S.G. Sec 2B.1 1(b)(20)(b) was incorrectly applied. This court erred in applying this overlapping enhancement relying on a mere statement of the government that it was. (Ignoring promissory notes, trading systems sold.) This was one of several issues in dispute here's the kicker, this was not in the factual basis, Nor is it supported by alleged false statements or memorandum.
52. You charged me as a career offender and I have never committed a crime. My spotless record shows one misdemeanor that resulted in a 60 day house arrest fitted with an ankle monitor.

53. This is a fact the government magically made disappear. No evidence, no prejudice without one scintilla of proof that this was a commodity pool, **without any prior conviction or adjudication I am charged and sentence as a career offender.**
54. Remember, Prosecutor states at sentencing, "This is what drove sentence. Not only was the prosecutor was in error (Guess who was the injured party? Ineffective Assistance and Appellate Attorney never objected or argued contrary.
55. Was it okay to violate this offenders constitutional rights under the murky sense of the greater good? I hope not.
56. I believe in the rule of law, My Mother worked two shifts at prespertian Hospital in uptown manhattan before becoming a supervisor RN demonstrating hard work.
57. My Dad worked his way up on wall street to a manager with his own private office at Goldman Sach's where he retired.
58. I believe every right requires an obligation, I believe no man is owed a living and I believe in the dignity of labor.
59. I am a product of my environment, I've had a good upbringing, graduated from Sunny Hills High School in Fullerton, Ca.
60. I attended Santa Ana Junior College and have only a few units to finalize to capture my degree which I intend to do.
61. I've taken Toast Masters classes, Computer classes to better myself when I was enjoying my liberty. In Addition I also acquired my series 3 commodity license, became a Commodity Trading Advisor, Commodity Pool Operator, notwithstanding my insurance license where I sold annuities. I got my start at First Commodities of Boston and subsequently Chase Commodities. I also worked as a credit manager in the real estate Market, debt consolidation and loan modifications.
62. This may sound Morbid but, I am glad both my parents are deceased so they wouldn't have to see this attached to my legacy.
63. I have been a good son, I took care of my Mom every other week with my sister when my Dad passed a way.
64. My Mom was confined to a wheel chair, I wheeled nher around town with me including the Basketball Courts down in "Laguna Beach so she could get some sun and sit in the shade, The community loved her.
65. I've lived a straight responsible life, My familiarity with Attorney's is simple, Throw any issue s on there desk, pay my retainer and let them do there job.
66. The Bad Lawyering, (I've never seen in 54 years of doing business.) was sufficient for me to withdraw my open plea, Yet Court would not allow it.

67. I did my best to communicate with Mr. Robinson. I have 14 emails on my hard drive some of which I have previously shared with this Court, I would ask the court to review excerpts from one page (see exhibit K.) and see the frustration I was under pre-trial. It speaks for itself.

68. Default is not a right and cases should be decided on the Merits. Judgment has already been satisfied and yet stands as a case of controversy required by the constitution. I am no longer in custody and therefore as previously mentioned 2255 is no longer available which is exactly preconditioned for Coram Nobis.

69. I pray court will vacate sentence and correct a defect and or unfair situation as well as all remedies have been exhausted. I have a strong equitable case coupled with a gross legal defect in the original proceedings.

70. I hereby challenge my conviction based on the Writ Coram Nobis especially since I am no longer in custody.

71. I have met the burden of proof showing counsel Edward Robinson was deficient, despite having an investigator failed to contact key witnesses leading up to trial. Hannah Turnhue hedge fund attorney was never contacted in addition the 25 employees that worked for STA Opus n.r.llc.

72. In addition I didn't learn until later on, that attorney allowed the impetus to this case "Vicky Cook" to walk out the door failing to establish that this case was brought for another reason, "Axe To Grind" It shows Trial Counsel did not understand my case fully.

73. I the defendant in this case had a constitutional right to confront my accuser, allowing the impetus to this case to walk out the door was prejudicial, rendering trial attorney once again ineffective. Trial Counsel failed to bring forward that "STA Opus N. R. LLC " filed a police report against Ms. Cook for embezzlement which triggered the ax to grind that trial attorney was well aware of. Knowing I hired Attorney Gusti to enforce our rights prior to discovery and or indictment.

74. Again to assist the court, I never used an Alias, Not one Client accused me of using an alias, This was once again an imperfect entrapment between FBI agent and I the defendant. Regardless it doesn't go to a material point.

75. Secondly statements were tied to a subjective value, The 40% invested, (Prima Facie Evidence.) The ten's of thousands returned before discovery, And the promissory notes backed by real businesses that generated \$1Million from honest services, deposited into same account as investors. Rendering Investment a security instrument and not a commodity Pool.

76. Agreements with clients were in writing, every client understood this was a high risk venture, A startup enterprise and none of our clients were vulnerable. Moreover every client was aware we were losing money. (Disclosure of the 40% lost was disclosed, Contrast to Open Plea which was not in writing, was not voluntary and or intelligent.

** Despite the fact that the government concedes 40+% was invested into commodities as promised, (Dispelling the element of Bank Wire Fraud, Which is intent.) despite the fact 60% of the funds invested were in promissory notes, (notwithstanding, some of funds were for trading systems, trading advice.)

** The Court turned a blind eye to these facts and or trial attorney failed to disclose the details of the above-mention thus, rendering him ineffective. (not one client thought they were making monies, every client knew we lost a lot of the 40% allocated to commodities. Every Client Knew someone else was trading the account and not the defendant. Evidence was submitted and clear that Roger K and Bryan Deutche, and Frank Collins (licensed professionals traded the accounts.) The fact there was still 60% valuation given to promissory notes (The Statements.) the government falsely claimed the 60% valuation was fraud perpetrated upon the court and or to Investors. I the defendant was never worried because I felt the truth would come out in the promised Mini Trial that induced the open plea.

77. Justice has not been served, I have served Seven Years and three months in prison and one year seven months in immigration for a crime that statutorily was 41-51 before variance or 3553(a) factors that were present. In Fact My First offer was Five Years, In tentative my sentence was valued at 87 Months before variance and or mitigating circumstances yet, this court decided to take my life, up the ante to 121 months invoking a draconian sentence that was unjust and irrational. **Thus,**

78. I Do not have a prejudice bone in my body but, I do believe racial invidiousness played a role given the fact my unindicted co conspirator was White and I was Black. Ignoring the fact he met with client(s) (something given to trial attorney and never used, client(s) never contacted.) and was the only one that could make decisions for the company, (Per; Melissa Carver of the CFTC.) Ignoring the fact he was the Majority Unit holder of the LLC, ignoring the fact FBI Agent lied when he stated I was on the Bank Accounts, (It's Okay it's only a small lie,) taking out a loan in my partners name was another lie that violated my substantive rights, A Lie Trial Attorney called Murky, a lie this Court refused to depart and or apply a variance.

79. When I take the totality of the events below it becomes clear I was prejudiced against.

** Bond was a travesty as my crime was not so onerous that I should have been denied bail. The Magistrate, The Honorable District Judge gave the prosecutor an advantage. ** I was charged directly or indirectly as a career offender and I didn't even come close, this is scary. I have never committed a crime and or have been adjudicated of such. I plead guilty to my complicity in this alleged crime.

** On my objections to the factual basis and on appeal I have always maintained the factual basis for my plea was insufficient to establish that I had a specific intent to promote the underlying charge of B/W Fraud as required under the statue. **I Objected pro se to sentencing enhancements, preserved the record. The Court and appellate attorney failed to recognize pro se litigant's preservation of the record. Pro se litigant argued and objected to all of the enhancements preserving it liberally for appeal.

Defendant had the right to raise these issues on appeal, (i.e. Criminal Categorization, the mislabeling of the "LLC Partnership as a commodity Pool.)Defendant also had the right to raise to raise ineffective assistance of counsel on appeal, (i. E. Criminal Categorization, the mislabeling of the "LLC Partnership as a commodity Pool.) and withdrawal of the open plea, on Direct Appeal given it was the appropriate venue, pro se litigant was denied these opportunities.)

**The appellate Attorney refused to raise the issue that would of yielded a lessor sentence, In addition appellate attorney failed to raise the issue of bail pending appeal despite the Court not finding me to be flight risk and or danger. **Trial Counsel did not negotiate or clarify criminal history level.

**Court abused it's discretion in applying a Category II instead of Category I to A defendant that served 60day's house arrest with an ankle monitor.

**I believe I was absolutely right to question that charging /\$43,000 for a single bond hearing, **while **refusing to visit his me, the kicking of my Fiance out of his office despite having an appointment. pushing my October 2016 speedy trial date in which I instructed him unequivocally that I

wanted to go to trial immediately** *(Counsel cannot complain he wasn't ready because, his reasoning for keeping my funds with no substantive work was**ethically suspect** and likely **unreasonable**, **failure to prepare my case or perform basic duties**supports my claim of *ineffective assistance of counsel (IAC) ** and potentially even **Fraud or Malpractice **.

The entanglement of my first retainer by my first Attorney William Kopeny was enough to warrant IAC *as it took four years to recover funds from the state of California legal bar*. It was also enough to warrant a panel Attorney, instead this Court forced upon me a Federal Public Defender I had already fired. (See Docket 36; 22, 26 and you will see This Court if it cares to look at Docket 36: was in violation of my rights, pushed my speedy rights at a time I did not have representation. (This occurred at the time the Court allowed allowed my Second private Attorney 'Ferrentino to withdraw as counsel due to some bogus conflict of interest that was a big secret that affected my rights. Having never been before the courts ever there was no conflict of interest, Courts should have never allowed withdrawal and or should have replaced attorney with an attorney that was not already found to be ineffective.

Under the supreme court test in ** Strickland v. Washington**, 466 U.S. 668 (1984) a defense attorney is constitutionally ineffective if:

1. Their performance was deficient** meaning it fell below the standard of a reasonable lawyer, and**
- 2.*That deficiency prejudiced the defendant**meaning it affected the outcome of the case or deprived defendant of a fair trial.

80. The Way I understand it is, If counsel is absent at a critical stage, failing to function as legal counsel (Long Before Open Plea.) should be considered "Presumptive Prejudice" I notified the Bar immediately of being impacted of Attorney's negligence.

82. I filed a timely Bar complaint, I filed my own objections to the per-sentence report, I filed my grievances to the Court requesting \$5,000 for a forensic audit, As I was confident loss amount was overstated, I requested help from the court to compel discovery leading up to trial, All of which are proof that attorney's (William Kopeny, Kenneth Reed, Edward Robinson) failed to perform the agreed to legal services. I didn't pay hefty retainers to represent myself pro se, the unjust enrichment and breach of contract is at all times enough to support claim of IAC.

83. I have argued at nauseam and or at the first opportunity to speak (Due Process.) that I was not properly advised of my rights and misunderstood the consequences of the open plea, a clear colloquy yielded that I was complicit, In laymans terms means I participated.

84. The Record supports that I was rushed into court on the eve of trial under a time pressure where I lacked sufficient time to consult with counsel, I felt coerced and subsequently felt like a fool trying to get a hold of my paid attorney after open plea without an agreement.

85. Counsel was unequivocal, "If this one sheet of paper your pleading to is contrary to your understanding and our discussions you can withdraw the open plea.

86. Unable to reach Attorney after Open Plea." I was forced to answer to per-sentence report and subsequently attempted to withdraw my open plea based on counsel's based on the failure to advise on the critical consequences such as deportation citing Padilla v. Kentucky"

87. Sadly, My defense was not discussed and or preserved. Document 117; 35-40 is proof attorney "Knew I had a viable good faith defense (Such as a lack of intent, mistake of fact, legal justification.)

88. And still let me plead guilty to an open plea without a written agreement and or any concessions even though he knew for example I was a category I, Even though he knew about promissory notes which would have made this a security and not a commodity pool (that yielded a 4 point enhancement). Counsel let me plead guilty despite his investigator findings that I deposited over \$700,000 in to the same account as investors, an account I was not the signature to. Despite the requisite element of Bank Wire Fraud was clearly missing, he still had me plea without a written agreement, counsel is belied by his own draft thus the failure to act rendered him constitutionally Ineffective.

89. I did not intend to break the law, something counsel was well aware of clearly outlined in his draft, Counsel after his incomplete investigation found enough information to conclude that *"In the parlance of our trade this was not a straight rip-off"*.

92. Forced to hire another attorney the failure of the bar of California to provide a timely refund of William Kopeny's refund prejudiced my defense. I had another attorney out of Rhode Island ready to replace trial counsel "Edward Robinson" however the failure of the Bar to send back refund on a timely basis halted any meaningful adversary process.

93. I argued the United States through federal employees at FCII Berlin, N.H. FCI Fort Dix located In New Jersey are guilty of improper medical care delaying treatment causing me to suffer extreme pain, agony and mental anguish. I do not know how much I am to suffer for an offense where I was ignorant in launching and registering a Reg D Offering, A hedge Fund which was under advisement of Attorney's. i.e. Hannah Turnhue, given to trial counsel and yet he failed to contact and or Bryan Deutche the liaison for the brokerage house who stated he dealt with Frank Collins.

94. I am currently diagnosed with stage II, stage III hypertension which is the most severe case of high blood pressure and usually needs immediate attention by a doctor as it also refereed as "Hypertension Crisis.

95. What should be recognized is these values come along with symptoms such as headache, nausea, blurry vision and chest pain thus immediate attention (call 911) is needed as this could be life threatening . Requirement for Hypertension III is a value over 180/110, My blood pressure of 193/97 falls into this range. These values on multiple checks continue to persist despite the highest dosage of medicine available. These values are serious and highly dangerous.

96. Some of the Medical problems caused by uncontrolled high blood pressure are heart failure, stroke, kidney failure and blindness. Unfortunately multiple medical conditions continue to worsen considering age and poor treatment compliance noting I am unable to self care.

97. The State is required to provide adequate Medical care to those it confines. In the instant matter this is not true. All surgeries needed are placed on hold until that day freedom is afforded this prisoner. I am currently in need of surgeries for the3 following, Lipoma in my back that could be cancerous, Rotator cup, tentanites in left shoulder that spreads to right shoulder, something very painful and makes it difficult to sleep, Wart on the bottom of foot that was diagnosed by Kaiser Permanente 9 years ago that needed surgery, Medical recognizes the need for surgery but states chronic pain we inmates, prisoners have to live with until liberty is afforded. Notwithstanding Dental abscess, pain and issues that go back 9 years since bringing it to Courts attention leading up to trial. (Never Remedied.)

98. In the interest of Justice, and in the interest of the most basic Human Rights, Pro 'se Petitioner has asserted " He has not been provided with adequate medical attention, At the same time this honorable court found I did not meet the Burden yet at the same time the Government conceded I suffer from Multiple Comorbidity, FCI Berlin, NH Medical staff was in tension with the facts of this court and upgraded me to a level 3 care validating petitioner's claim of infliction of pain and emotional stress.

99. In my Civil Complaint filed in the 9th Cir. Under case file#2 [REDACTED] I Highlighted my Medical neglect and Medical indifference providing "Epworth score" and daytime sleepness study that demonstrates at all times this petitioner is a high risk.

100. Albeit, I've been suffering from bouts of aggressive coughing and trouble breathing the Courts can look at how BOP has handled the delivery of C Pap Machine.

101. Diagnosed by Berlin New Hampshire and FCI and Fort Dix New Jersey FCI in 2022 for a c-pap machine, I the petitioner did not receive machine until 2 years later at Moshannon Valley (Immigration Facility) moreover despite numerous request I have not been provided with electricity to plug the machine in at night. Thus, it has been a failure, demonstrating a Wanton disregard for my safety.

102. In addition my mental-health has been an issue treated by Cymbalta Daloxetine and Trazadone both of which address depression and anxiety as well as ther conditions. e.g. antidepressant related insomnia.

103. I have argued, " There are two components to establishing violations of the Eight Amendment's cruel and unusual punishment provisions as it relates Medical Care.

1. The "OBJECTIVE Component" i.e., did the prisoner have a serious medical need? I believe I have met that burden.

2. The "Subjective Component" or better known as the state of mind of the officials who were responsible for the Medical Care. Looking to #101 satisfy's the neglect.

#104. I have been constitutionally violated which has and will continue to result in further injuries, based on such; due process violations coupled with Medical Indifference has caused this petitioner to seek urgent Humanitarian care.

#105. Now that this Court recognizes I suffered from ADHD for 25+ years (Captured by the PSR) Court should have scrutinized this Open Plea and or should have taken corrective measures as it was entered after or under time pressure whereby I was coerced. Thus, I have challenged the Open Plea as involuntary, without understanding. (especially considering cognitive issues affecting understanding.)

#106. Lastly, Subsequently following a debilitating sentence that argued was lengthy and disproportionate, I trumpeted that I now find myself marginalized and or cookie cuttered in immigration custody.

#107. I have been clear, Attorney "Edward Robinson" neither inquired or investigated my immigration status, nor did counsel advise me of the adverse consequences of my open plea (without an agreement). Noting; I did not seek the advise of separate counsel (Immigration Attorney) because I was unaware of the consequences of conviction.

#108. Additionally the Court has previously denied certificate of appeal ability for habeas relief refusing to reach the Merits due to time bar and the type of plea my attorney had me plea to, rendering

him ineffective, indicted by his own draft that is tension with his coerced efforts "On the Eve of Trial" to have me plea out.

#109. The Extent of Counsel's deficient performance, mis-leading advice (*Collateral Consequences*) has and continues to cause significant injury and has led this petitioner to judicial proceedings of disputed reliability, giving up significant constitutional rights, exposing petitioner to a sentence (*Double The First Offer*) where guidelines range were significantly enlarged.

#110. I the Petitioner in this case have been constitutionally violated which has and will continue to result in further injuries, based on such Due Process Violations coupled with Medical Indifference petitioner now seeks Urgent Humanitarian care.

#111. As this Court well knows, When the law is not succinct and straight forward a criminal defense attorney need no more than advise a non-citizen client (pending criminal charges,) may carry a risk of adverse immigration consequences but, when the deportation consequences is truly clear, then duty to give correct advice is equally clear.

#112. I have argued it is quintessentially the duty of counsel to provide his client with available advice about an issue like deportation and the failure to do so clearly satisfies the first prong of strickland analysis.

#113. At the first available opportunity to be heard (Due Process:) I argued (*In the objections to the PSR*) *** I did not understand the plea**I was rushed into a pleading (Right before trial, without time to consult with counsel), * Lacking a clear record and or a signed plea agreement, Noting; In my colloquy it yielded only the word complicity. It would have yielded much, much more had the Court encouraged more of an inquiry required under Rule 11.

#114. Now that this Court recognizes I suffered from ADHD for 25 years, Court should have scrutinized the Open Plea and or should have taken corrective measures as it is clear that I entered plea after and or under time pressure (The Eve Of Trial.) where I was coerced. Thus, I have challenged the open plea as involuntary, without understanding.

#115. Petitioner is a person suffering from a severe Mental Health Disorder that renders him unable to meaningfully in these and prior proceedings. Petitioner has a pending or potential claim for protection under **Convention Against Torture (CAT)**, under 8 C.F.R. 1208.16-18, Based on the harm, torture, inhumane or degrading treatment expected not only upon the possibility of deportation but, exacerbated by the totality of events he has faced domestically-labeled the collateral consequences of my plea... Petitioner has been held again under impermissible and unconstitutional circumstances bounced back and forth between Ice Custody and BOP Custody, substandard facilities that represents a New and Unlawful form of punishment in violation of his Fifth and Eight Amendment to the Constitution A very evil and or type of Double Jeopardy and or Government abuse that the constitution seeks to prevent.

#116. Petitioner suffered great anxiety and Mental Health exacerbated by this makeshift practice facility, a 13 x 8 cell, cold and subjected to numerous lock-downs, Rodent infested, overcrowded whereby detainees had to sit on floor as there were no seats. Petitioner was in Isolation without a cell mate (*Did have one cell-mate for 3 weeks out of the 6 Months but he only spoke Arabic*) equivalent to being in the hole after serving a debilitating sentence, coming through Covid, winter freeze in Texas petitioner faced dejavue amounting to Cruel and Unusual Punishment and Mental Torture.

B

Trinidad and Tobago

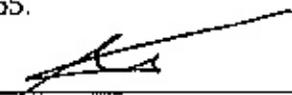
Trinidad and Tobago is grappling with a significant increase in gang violence, which is contributing to a rising homicide rate and posing a challenge for law enforcement and community safety. The nation has witnessed over 400 homicides in a year, signaling an escalation in violence and crime. This upsurge is attributed in part to the splintering of gangs and the emergence of younger, more violent leaders striving to assert control. The situation is further complicated by the involvement of gangs in various criminal economies, including illegal quarrying, robbery, marijuana trafficking, human smuggling, and illegal gambling.

In response to this alarming trend, Trinidad and Tobago's security forces have been focusing on combating crime and gang violence through various initiatives. One such effort is the Gang Reduction and Community Empowerment (GRACE) program, supported by the U.S. Department of State. This program aims to enhance the capabilities of the Trinidad and Tobago Police Service (TTPS) for conducting intelligence-led investigations and improving community policing initiatives. It emphasizes the importance of addressing not only the symptoms of crime but also its root causes by supporting grassroots organizations in areas with a high concentration of gang activity.

Moreover, the country is identified as a transshipment point for illegal drugs, with its proximity to Venezuela making it vulnerable to narco-trafficking. The ongoing crisis in Venezuela has exacerbated the arms-trafficking market in Trinidad and Tobago, with an estimated 12,000 guns circulating in the country. This situation has led to an increasingly

I declare under penalty of perjury that the foregoing is true and correct.

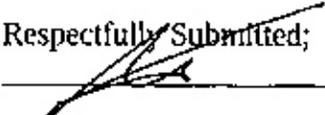
Executed this 08th, day of October 2025, at Philadelphia, Pa 19106-9865.



Signature

Registration Bop #.

Case No.

Respectfully Submitted;


Date: October 20th, 2025

RAWLE GERARD SUITE
CASE NO. 16-CR-0069-IVS
BOP: 


Moshannon Valley Processing Center
555 Geo Drive,
Philisburg, Pa 16866.

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION REVIEW

In The Matter Of:

RAWLE GERARD SUITE



Petitioner

[DETAINED]

MOTION TO OBTAIN DOCUMENTS

Honorable Immigration Judge:

NOW COMES, The Petitioner, **RAWLE GERARD SUITE**, acting as Pro Se litigant, respectfully submits this Motion to Obtain Documents ASAP in preparation for removal proceedings currently before this court.

1.Procedural Posture****

The Petitioner is currently in removal proceedings, and the Petitioner seeks documents in the possession of the Department of Homeland Security(DHS) that are to preparing a complete and fair defense. Petitioner believes he is a derivative citizen based on application submitted when he was below 18 yrs of age.

2.Documents Requests****

The petitioner respectfully request access to the following materials:

- A) Original Application for His Mother (Deceased) submitted in support of her Naturalization that took place in December 1980. 2nd Request! SS# , D.O.B.  
- B) The complete **** A-file **** for the petitioner, "Claudia Rennes Suite,"
- C) All versions of the ****Notice to Appear(NTA)****, including amendments,
- D) The original or most recent ****Form I-123****(Record of Deport able/Inadmissible Alien)**,
- E) All****Apprehension/Arrest Reports**** or filed notes,
- F) ****Credible or Reasonable Fear Interview**** summaries if applicable,
- G) Document 117, 121 filed in criminal court under case no. Sa:CR 16-69-JVS.,
- H) Any materials contains ****Exculpatory Information relevant to allegations****,
- I) Medical and Metal Health records in DHS/ICE custody, including all records from FCI Berlin N.H. and telemedicine analysis conducted by local Cardiology college.
- J) DHS internal memos or policy documents related to prosecutorial discretion.

3.Legal Basis****

This motion is brought pursuant to ****8 C.F.R. § 1003.31(c) and INA § 240(b)(4)(B)****, which afford the Petitioner a meaningful opportunity to examine the evidence against them and prepare for trial. Further, under ****Matter of Interiano-Rosa****, The Immigration Court has discretion to order the production of documents held by DHS that are material to the proceedings.

4.Importance of Timely Access****

These documents are essential to:

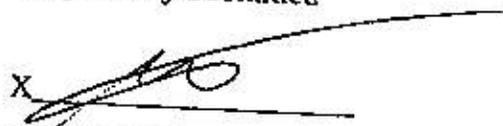
- Assess the legality and accuracy of removal charges.
- Prepare for cross-examination of government witnesses
- Identify potential defense or avenues for relief(e.g. CAT, Asylum,PD)

5.Conclusion****

WHEREFORE, Petitioner respectfully request that the Court Issue an order directing **DHS** to produce the above documents ****no later than 20 days****, after send this letter.

Respectfully Submitted

X


RAWLE GERARD SUITE


MOSHANNON VALLEY PROCESSING CENTER
55 GEO DRIVE
PHILIPSBURG, PENNSYLVANIA 16866