

UNITED STATES DISTRICT COURT

3:25-cv-2160

MIDDLE DISTRICT OF PENNSYLVANIA (SCRANTON DIVISION)

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR HUMANITARIAN RELEASE

(Filed by Tamika Pressley, Advocate and Sister of Mahammado Lamine Gakou (A#



I. PARTIES

Petitioner:

Mahammado Lamine Gakou (A#



Currently detained at:

Pike County Correctional Facility (ICE Contract)

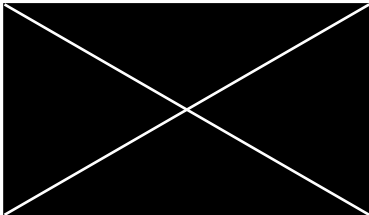
175 Pike County Blvd

Lords Valley, Pennsylvania 18428

Next Friend / Advocate:

Tamika Pressley

Advocate and Sister of Mahammado Lamine Gakou



Respondent:

FILED
SCRANTON
NOV 14 2025
PER 
DEPUTY CLERK

Warden, Pike County Correctional Facility (ICE Contract)

175 Pike County Blvd, Lords Valley, PA 18428

II. JURISDICTION AND VENUE

This Court has jurisdiction under 28 U.S.C. § 2241, which authorizes federal district courts to review the legality of detention by federal authorities.

Venue is proper in the Middle District of Pennsylvania, as the Petitioner is detained within this district.

III. STATEMENT OF FACTS

1. Petitioner Mahammado Lamine Gakou, an immigration detainee, has been in ICE custody at Pike County Correctional Facility since June 17, 2025.
 2. Mr. Gakou previously applied for asylum, which was denied on October 23, 2025.
 3. Petitioner suffers from severe mental delay, insomnia, and trauma resulting from his experiences prior to detention.
 4. He has not slept properly for more than five months and exhibits confusion and inability to answer basic questions coherently.
 5. Despite his obvious mental-health deterioration, ICE and facility staff have failed to provide an appropriate psychological or medical evaluation.
 6. Petitioner's sister and advocate, Tamika Pressley, has direct personal knowledge of his mental condition and now seeks emergency intervention for testing and humanitarian release.
-

IV. GROUNDS FOR RELIEF

Ground One – Fifth Amendment (Due Process)

The government's continued detention of an individual who is mentally incompetent and denied necessary evaluation or care violates substantive due process.

See Matter of M-A-M-, 25 I & N Dec. 474 (BIA 2011); Duvall v. Elwood, 336 F.3d 228 (3d Cir. 2003).

Ground Two – Deliberate Indifference to Serious Medical Needs

ICE officials and Pike County personnel have been deliberately indifferent to Petitioner's mental and medical condition, amounting to unconstitutional treatment under the Fifth Amendment's protection against cruel and inhumane detention conditions.

See *Estelle v. Gamble*, 429 U.S. 97 (1976).

Ground Three – Arbitrary and Unlawful Detention

Petitioner's ongoing detention serves no legitimate government purpose while his mental state renders him unable to participate in immigration proceedings. Continued confinement is therefore arbitrary and punitive, contrary to *Zadvydas v. Davis*, 533 U.S. 678 (2001).

Ground Four – Unlawful Mandatory Detention, Denial of Bond Hearing, and Improper Classification

1. Petitioner Mahammado Lamine Gakou entered the United States and was later arrested by ICE inside the country, not at a border or port of entry.
 2. Despite this, the government is detaining him under INA § 235(b) as though he were an arriving alien subject to expedited removal.
 3. This classification is incorrect. Individuals apprehended inside the United States after entry fall under INA § 236(a) and are entitled to a custody (bond) hearing before an Immigration Judge.
 4. The government's refusal to provide that hearing violates both the Immigration and Nationality Act and the Fifth Amendment's Due-Process Clause.
 5. The Supreme Court and multiple circuits have recognized that liberty may not be deprived without an individualized determination of danger or flight risk.
 - *Guerra v. Shanahan*, 831 F.3d 59 (2d Cir. 2016)
 - *Zadvydas v. Davis*, 533 U.S. 678 (2001)
 - *Demore v. Kim*, 538 U.S. 510 (2003)
-

Additional Facts Regarding Custody Classification

6. Petitioner has a single misdemeanor disorderly-conduct conviction from New Jersey, to which he pled guilty.
 7. This offense is a petty violation, not an aggravated felony or crime involving moral turpitude, and does not trigger mandatory detention under INA § 236(c).
 8. The government's use of this minor conviction to justify ongoing "mandatory" custody is misplaced and unconstitutional.
 9. Because Petitioner is detained inside the United States, suffers from mental and medical impairments, and presents no risk of flight or danger, he remains fully eligible for a bond hearing under § 236(a).
 10. His continued detention without that hearing violates the Immigration and Nationality Act and the Fifth Amendment's guarantee of due process.
-

V. REQUESTED RELIEF

Petitioner respectfully requests that this Court:

1. Order an immediate psychological and medical evaluation by an independent licensed professional within ten (10) days of the Court's order;
 2. Stay any removal or deportation actions pending the outcome of medical and mental-health evaluations;
 3. Grant humanitarian release or supervised release pending further determination of competency and treatment; and
 4. Grant such other and further relief as justice requires.
-

VI. VERIFICATION

I, Tamika Pressley, declare under penalty of perjury that I am the sister and advocate of Mahammado Lamine Gakou, that the foregoing statements are true and correct to the best of my knowledge, and that I submit this petition on his behalf because he is mentally and medically unable to do so himself.

NEXT-FRIEND AFFIDAVIT OF TAMIKA PRESSLEY

1. I am the biological sister of Mahammado Lamine Gakou, currently detained at Pike County Correctional Facility under ICE custody.
2. Mr. Gakou is suffering from a mental delay, trauma, and severe sleep deprivation that make it impossible for him to file legal pleadings or understand court processes.
3. I have personal knowledge of his condition and am acting solely in his best interest.
4. I am not an attorney; I appear as his Advocate and Sister, consistent with *Whitmore v. Arkansas*, 495 U.S. 149 (1990).
5. I respectfully ask this Court to accept this petition filed on his behalf and to order the requested evaluation and relief.

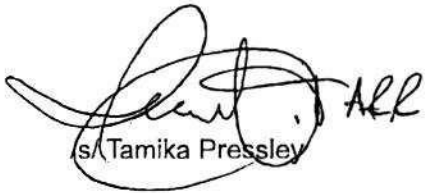
EMERGENCY MOTION FOR PSYCHOLOGICAL EVALUATION AND STAY OF REMOVAL

Petitioner moves this Court for emergency relief as follows:

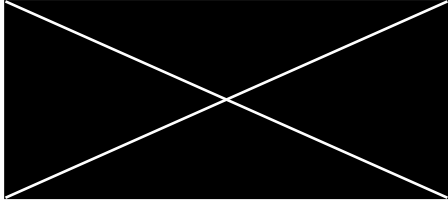
1. Mr. Gakou's current detention and medical neglect place him at imminent risk of further mental and physical deterioration.
2. A mental-health examination is essential to determine his competency and to protect his Fifth Amendment rights.
3. Petitioner further requests that the Court stay any removal, transfer, or deportation until such time as the Court has ruled on this petition and an evaluation is complete.

WHEREFORE, Petitioner prays that this Honorable Court grant this emergency motion and issue appropriate orders to ensure Mr. Gakou's safety and constitutional rights.

Respectfully submitted,


s/ Tamika Pressley

Advocate and Sister of Mahammado Lamine Gakou



Dated: November 11, 2025