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4 **UNITED STATES DISTRICT COURT**  
5 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

6 *KATIE PAUL, Detainee,* )  
7 *Otay Mesa Detention Facility* )  
8 Petitioner )  
9 v. )  
10 *CHRISTOPHER J. LaRose,* )  
11 *Senior Warden,* )  
12 *Otay Mesa Detention Center;* )  
13 *DOE 1, Field Office Director,* )  
14 *ICE San Diego Field Office;* )  
15 *TODD M. LYONS,* )  
16 *Acting Director, ICE;* )  
17 *KRISTI NOEM,* )  
18 *Secretary, U.S. Department of* )  
19 *Homeland Security,* )  
20 Respondents )

Case No.: '25CV3266 CAB JLB  
**PETITION FOR WRIT OF**  
**HABEAS CORPUS 28 U.S.C. § 2241**

21 **INTRODUCTION**

- 22 1. Petitioner Katie Paul is a UK national. She lawfully entered the U.S. on September 18,  
23 2024, under ESTA, the Visa Waiver Program. After Katie married her U.S. Citizen  
24 husband and learned she was pregnant with their first child in October 2024, Katie and her  
25 husband began the paperwork for her to obtain permanent residency.  
26 2. In November 2024, Katie had complications, including pregnancy bleeding, and underwent  
27 a supervised pregnancy. She gave birth on May 31, 2025.  
28 3. After completing the immigration process for permanent residency, Katie Paul received a  
valid DHS work and travel authorization and subsequently her I-130 lawful immigrant  
petition approval.

1 4. On November 20, 2025, during her immigration interview for finalizing her I-485,  
2 adjustment of status (Green Card), she was detained by federal immigration agents, stating  
3 she was in “visa overstay.” She was taken to 880 Front Street and subsequently to the Otay  
4 Mesa Detention facility.

5 5. Despite clear guidance from the 9th Circuit in *Freeman v. Gonzales*, she was informed that  
6 she is being deported from the U.S. under expedited removal, with no ability to obtain a  
7 bond hearing/appear in front of an immigration law judge, due to her entry under ETSA.  
8 Katie Paul has a valid I-485 pending and the legal ability to adjust status under 245 C ) (5)  
9 of the Immigration & Nationality Act as the immediate relative of a United States Citizen.  
10 Rather than finalize this lawful process with USCIS, she was turned over to ICE and  
11 detained.  
12

13 6. Accordingly, to vindicate Petitioner’s constitutional rights, this Court should grant the  
14 instant petition for a writ of habeas corpus.

15 7. Petitioner asks this Court to grant this writ under Due Process grounds, which she claims  
16 have been violated, and requests Immediate injunctive relief (TRO / Stay of Removal), as  
17 she is being unlawfully detained, and orders her release.  
18

19 **JURISDICTION**

20 8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28  
21 U.S.C. § 1331 (federal question).

22 9. Venue is proper because Petitioner resides and was detained in California, and on  
23 information and belief is detained in the District of San Diego.  
24

25 **PARTIES AND FACTS ALLEGED**

1 10. The Petitioner resides in San Diego at [REDACTED]  
2 [REDACTED] together with her husband, Stephen Paul, and their 5-month-old son,  
3 [REDACTED] a U.S. Citizen.

4 11. Respondent Christopher laRose is the Senior Warden, Otay Mesa Detention Center, San  
5 Diego Field Office Director for U.S. Immigration and Customs Enforcement.

6 12. Todd M. Lyons is the Acting Director of ICE.

7 13. Kristi Noem is the Secretary, U.S. Department of Homeland Security.

8 14. All respondents are named in their official capacities. Petitioner is a UK national with an  
9 approved Immigrant Petition, work and travel card, and a pending I-485 with USCIS. On  
10 information and belief, she was detained without cause by U.S. Immigration and Customs  
11 Enforcement agents on November 20, 2025, during a lawful immigration proceeding to  
12 determine final approval of her Green Card.  
13

14 15. On information and belief, Petitioner is currently in custody in the District of California,  
15 and one or more of the Respondents is her immediate custodian.  
16

17 **CLAIMS FOR RELIEF**

18 **COUNT ONE**  
19 **Violation of Fifth Amendment Right to Due Process**

20 On information and belief, Petitioner is currently being arrested and detained by federal  
21 agents. Petitioner’s ongoing detention without an individualized bond determination  
violates Due Process of law.

22 **COUNT TWO**  
23 **Unlawful Expedited Removal Order**

24 The government violated statutory and constitutional safeguards in issuing an expedited  
25 removal order without proper procedures and in violation of a binding 9th Circuit  
precedent.

26 **COUNT THREE**  
27 **Violation of the Suspension Clause**

1 Limiting review of Petitioner's constitutional claims violates the Suspension Clause of  
2 the U.S. Constitution.

3 **REQUEST FOR STAY OF REMOVAL**

4 16. Petitioner requests an immediate stay of removal pending resolution of this habeas  
5 petition.

6 17. Removal before judicial review would cause irreparable harm and moot this Court's  
7 jurisdiction.

8 **PRAYER FOR RELIEF**

9 Wherefore, Petitioner respectfully requests this Court to grant the following:

- 10 1. Assume jurisdiction over this matter;
- 11 2. Order a temporary restraining order that Petitioner shall not be transferred outside the  
12 District of California;
- 13 3. Issue an Order to Show Cause ordering Respondents to show cause why this Petition  
14 should not be granted within three days.
- 15 4. Declare that Petitioner's detention violates the Due Process Clause of the Fifth  
16 Amendment.
- 17 5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- 18 6. Grant any further relief this Court deems just and proper.

19 Respectfully submitted,

20 **BY COUNSEL**

21 

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Dated: November 11, 2025