

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the

FILED  
SCRANTON

DEC 16 2025

PER DJ  
DEPUTY CLERK

FRANCIS F JOSEPH M.D.  
Petitioner


v.

Case No. 3:25-CV-02428  
(Supplied by Clerk of Court)

WARDEN PIKE COUNTY CORRECTIONAL FACILITY  
Respondent  
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: FRANCIS F JOSEPH
- (b) Other names you have used: N/A
2. Place of confinement:
  - (a) Name of institution: PIKE COUNTY CORRECTIONAL FACILITY
  - (b) Address: 175 PIKE COUNTY BLVD.  
LORDS VALLEY PA 18428
  - (c) Your identification number: 
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:
4. Are you currently:
 

A pretrial detainee (waiting for trial on criminal charges)

Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you: \_\_\_\_\_
  - (b) Docket number of criminal case: \_\_\_\_\_
  - (c) Date of sentencing: \_\_\_\_\_

Being held on an immigration charge

Other (explain): \_\_\_\_\_

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**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Instructions**

1. **Who Should Use This Form.** You should use this form if
  - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
  - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
  - you are alleging that you are illegally detained in immigration custody.
  
2. **Who Should Not Use This Form.** You should not use this form if
  - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
  - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
  - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
  
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
  
4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
  
5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
  
6. **Submitting Documents to the Court.** Mail your petition and \_\_\_ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
  
7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.


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**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: I.C.E
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
PROLONGED DETENTION (MORE THAN 6 MONTHS) SEE ATTACHED ANALYSIS
- (d) Date of the decision or action: DEC 4 2024 DETAINED

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not appeal:

1229(c)  
DETENTION

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes

No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

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(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: DEC 4 2020

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

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- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

(a) Kind of petition, motion, or application: NOT ISSUES RAISED IN THIS  
 (b) Name of the authority, agency, or court: PETITION

(c) Date of filing: FSA COMPARISON AND RAL  
 (d) Docket number, case number, or opinion number: PLACEMENT FILED WITH  
 (e) Result: MIDDLE DISTRICT  
 (f) Date of result: CASE NO: 24-CV-  
 (g) Issues raised: 14-83

**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. SEE ATTACHED BRIEF

GROUND ONE: PROLONGED DETENTION  
IN VIOLATION OF DIMP  
SANCTIONS

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(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

SEE ATTACHED BRIEF

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

GROUND TWO: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

GROUND THREE: N/A

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

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**GROUND FOUR:**

N/A

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

**Request for Relief**

15. State exactly what you want the court to do:

ORDER RELEASE FROM ICE CUSTODY

OR IN THE ALTERNATIVE - ORDER BOND HEARING

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: \_\_\_\_\_

  
\_\_\_\_\_  
*Signature of Petitioner*

\_\_\_\_\_  
*Signature of Attorney or other authorized person, if any*

**BACKGROUND:** Petitioner Dr Francis F Joseph MD (Dr Joseph) was convicted in the District of Colorado in **case no 1:21-cr-83-RM1** on January 9 2023 of:

1. Embezzlement or theft of health care benefit program funds in violation of 18 U.S.C 669.
2. Wire fraud in violation of 18 U.S.C. 1343.

He started serving his sentence with the Bureau of Prisons on June 1 2023 and completed his sentence on December 4 2024. Dr Joseph completed his Federal sentence with:

- o Zero disciplinary history.
- o He completed his sentence by complying with each and every mandate of the BOP and the DOJ with a mathematical precision.
- o He obtained his Associates in Biblical studies and became an inmate pastor
- o He completed his Paralegal studies I with Adam State University, notwithstanding the fact he also has a JD.
- o He was employed by the Federal Correctional Institute(FCI) Allenwood to teach YOGA and he became a Yoga Instructor teaching inmate's mindful meditation with the goals of dealing with depression, anxiety, hopelessness, impulsivity, hopelessness all with a goal towards reducing recidivism.
- o He also volunteered to be a Suicide watch companion for inmates with acute suicidal ideations.

Petitioner is a Legal Permanent Resident; he was served with a Notice to appear(NTA) on July 10 2024 while he was at the FCI Allenwood. After he was served the NTA, Petitioner has attended each and every hearing with the Immigration judge(IJ). He has complied with each and every court order to a mathematical precision. He did not interpose any delay for gaining any strategic advantage for whatever reasons and has conducted himself with candor and dignity. This was corroborated by Honorable Judge William McDermott at the last two hearings while at FCI Allenwood.

**IMMIGRATION DETENTION HISTORY:** After completion of his BOP sentence, he was transferred to ICE custody to Clinton county correctional facility from December 4 until April 29 2025 and then was subsequently transferred to Pike county correctional facility on April 29 2025 where he is currently detained under 1229(c) detention. Pike county correctional facility is NOT a detention center it is a **county jail**. Petitioner has been assigned multiple Immigration Judges and his final/merits/individual hearing was held on November 10 2025 and his Withholding of removal and Convention against torture(CAT) was denied by the Immigration Judge who barely gave him 1.5 hours to present his complex case and did not even consider the extensive documentary evidence with respect to the torture he endured and the country conditions in India. He summarily dismissed and did not hear the documentary evidence. Dr Joseph has filed with the BIA the IJs ruling on multiple grounds-due process violations, failure to apply the appropriate torture standards articulated by the third circuit amongst other issues.

The United States Court of Appeals for the Third Circuit has taken a policy position on 1229(c) detentions. Specifically, the Third Circuit does not believe that Congress intended to authorize prolonged, unreasonable detention under 8 U.S.C.S. 1226(c) without a bond hearing. At some point in time further inquiry must be conducted whether detention pursuant to 1229(c) is necessary to carry out the purpose of the statute. Thus, there is an implicit provision in 1229(c) on the limitation of reasonableness.

Our Constitution prohibits the Government from depriving “any person” of life liberty or property without due process of the law. This due process clause refers to any person and includes aliens including native born citizens (*Zadvydas v. Davis*, 533 U.S. at 693). The basic federal habeas corpus statute grants federal courts to ascertain whether a particular set of facts amounts to detention within or beyond a reasonable period of time notwithstanding judicial deference to the executive branch (*Negusie v. Holder*, 129 S. Ct. 1163-64 (2009)). The Supreme court in *Zadvydas* has adopted a presumption of a six-month window of detention as reasonable. This six-month window would thus exculpate the Executive Branch from any scrutiny by the judiciary and of course there is no one-size fits all bright line rule.

Petitioner, Dr. Joseph has now been detained for more than a year. Petitioner would also like this court to take judicial notice of the fact that he was eligible for half-way house in January 2024 but was unable to be transferred to the half-way house because of immigration detainer lodged against him. If the January 2024 date is factored the detention would be close to 23 months where he has been deprived of his life, liberty or property without due process of the law. See *Joseph v Warden 24-CV-1483*, where Petitioner Dr Joseph filed his 2241 petition to the Middle District of Philadelphia seeking his release. That petition also chronologizes his performance at the BOP to a mathematical precision with exhaustive documentation about:

- Team Meetings: Dr Joseph has had four team meetings with his case manager and all these meetings indicate he is a low risk for recidivism. All his evaluations have been impeccable and flawless
- Documentation indicating that he has complied with each and every mandate of the BOP and DOJ.
- His continuous participation in programming and numerous certifications that he has obtained at the BOP including an Associates in Biblical Studies.
- ZERO disciplinary record.

The Fifth Amendment Due Process Clause guarantees bond hearing to an alien detained pursuant to 1229(c) detention. This court has ratified the bond hearing for 1229(c) detainees in *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 474-75 (3d Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011). Even after the Supreme court held in *Jennings* that 1226(c) does not limit the length of detention (138 S. Ct at 846) and this court invoked the constitutional avoidance cannon to construe the statute as limiting the detention without a bond hearing, this court left the framework for as-applied challenges intact (*Santos v. Warden Pike Cty. Corr. Facility* 965 F.3d 203). Furthermore, *Jennings* did not foreclose the as-

applied constitutional challenges under Sec 1229 (c). The Honorable Judge Bibas in writing for the majority further intellectualizes this issue unequivocally, writing in part:

- *“Our constitutional analysis in Diop and Chavez-Alvarez are still good law.”*
- *“Those cases govern as-applied challenges under 1226(c) detentions.*
- *“Due process clause **demand**s a hearing”.*  
*“Detention becomes more and more suspect after five months” (applying Demore’s logic).*

**German Santos Four Factor Analysis:** Petitioner Dr Francis F Joseph is not arguing the application of a bright line rule of five months, six months or even a year. In fact, *Demore, Diop,* and *Chavez-Alvarez* did not establish such bright line rules, rather this court narrowed the issue of 1229(c) detention on the issue of reasonableness of the detention (or unreasonableness) which is precisely what Dr Joseph is asking this court engage in- *a totality of circumstances approach*. This court in *Santos v. Warden Pike Cty. Corr. Facility* 965 F.3d 203, articulated a four factor inquiry:

German Santos factor One-Duration: Under German Santos factor one, this court addressed the duration of detention. Petitioner has been detained at a **county Jail**-Pike county correctional facility and **not a detention center** for the last 12 months. It was close to six-month-to-one-year period that triggered a bond hearing in *Chavez-Alvarez*. 783 F.3d at 477. Petitioner would like to address two other material issues bearing down specifically on his duration of detention:

- Twelve months’ v Twenty-three months of detention: Petitioner was transferred to ICE detention on Dec 4 2024. As of the today December 7 2025 he is almost close to one year and two days in ICE detention in a jail-

(i) Whose anatomical conditions are equivalent to a high security penitentiary of the federal bureau of prisons and

(ii) Whose functional operative conditions are equivalent to a filthy squalid oppressive conditions of a third world country jail.

However, if Petitioner’s eligibility for Residential Reentry Center (RRC a/k/a half-way house) date is factored in, which was January 2024 and at which point in time he would have been transferred to RRC and home by now- but for an ICE detainer which was lodged against him, his total amount of time spent in ICE detention would be close to Twenty-three months.

- Most concerning about the duration of his detention, when juxtaposed against the time he spent at the Federal Prison which was eighteen months should concern this court.

1. If it chooses to adopt petitioner's twelve-month detention period, petitioner has spent more than 50% of his federal prison time in a detention center in a jail (*emphasis added*).
2. If this court chooses to adopt the twenty-two-month detention period, then petitioner would have spent more time more in ICE detention (in a jail) than his federal prison time, twenty-two in jail for detention. Either scenario is unconscionable and is violative of petitioner's liberty interests. He is a detainee and not an inmate (*emphasis added*).
3. Petitioner is now being treated as an inmate and not a detainee in every aspect of his confinement (*emphasis added*)

Therefore, the duration of detention is not reasonable and is unconscionable.

German Santos factor Two-Likelihood of continuing detention: Under German Santos factor two, this court considered whether detention is likely to continue and whether alien's removal proceedings is unlikely to end soon. In Petitioner's case his removal proceedings are unlikely to end soon. He has filed his appeal to the BIA and does intend on appealing to the Third circuit and ultimately request certiorari to the Supreme court. He is also pursuing multiple other collateral remedies. Simply put, there is no end in sight. See *infra* for German Santos factor Three for analysis on reasons for delay.

German Santos factor Three-Reasons for delay: Under German Santos factor three, this court engaged in the etiology behind the delay. Petitioner affirmatively states that he is not an etiological factor for this unreasonable delay. To the contrary, he has complied with each and every:

- o Court order
- o Filing deadlines
- o Other requirements of 1229(c) detention to a mathematical precision
- o At both the county jails he was "incarcerated"-Clinton county and now Pike County correctional facility, he has maintained a flawless compliance record with zero disciplinary history.
- o In fact, he has excelled under these harsh, brutal conditions of being housed in the general population with extensive criminal history maintaining his focus and discipline. See Prison resume and letters of recommendations.

The Honorable Judge William McDermott corroborates Petitioner's compliance and candor in court proceedings.

A review of the immigration court hearings history in this case-speaks for itself. For purposes of German Santos factor three analysis- Petitioner has not interposed any delay for the sole purpose of gaining any strategic advantage or for that matter for sole purpose of strategic delay. On the contrary his participation in the removal proceedings has been meticulous

meeting all court deadlines, filings and other requirements as his track record has shown since he was indicted, even corroborated by the sentencing Judge

German Santos factor Four-Conditions of confinement: Under German Santos factor four, this court concluded that ***"we cannot ignore the conditions of confinement."*** *Chavez-Alvarez*, 783 F.3d at 478. George Willis, a conservative news political commentator once wrote an op-ed indicating that *"if an average American knew of the prison conditions he/she would simply gag"*. Petitioner would further bolster Mr. Willis comments, by supplementing that if an American Judge makes an announced visit to these Jails, talks to inmates and observes the living conditions here at the Jail- he/she would have a different perspective on what goes on behind these closed corridors and a different perspective when inmates/detainees complain of living conditions under German Santos factor four. Utterances of ***"we cannot ignore the conditions of confinement"*** will not become a cliché but will be transformative if one visits these detention centers/jails sees what detainees undergo on a day-day basis and will add meaning and life to ***"we cannot ignore the conditions of confinement."***

Clinton County Correctional Facility (CCCF): Simply put this facility is filthy, squalid and by all living standards is unhealthy equivalent to a third world country jail. A visit to the toilets and most importantly the showers will reveal my bold assertion this facility is filthy, squalid, dirty, unhealthy for habitation.

The living conditions are horrific- I was imprisoned with about 50-60 other people in a small dormitory. I was imprisoned with county prisoners on pre-trial detention, waiting on sentencing and some serving their time for violent crimes, drug crimes and repeat offenders. There are some inmates with severe mental illness and psychosis, one of the county inmates who was serving his time with me, for a drug conviction was defecating and urinating in his bed and I had to bring this to the attention of the jail staff. Frequent lock downs, inmate fights and frequent shakedowns are a routine. The dormitory where I was housed was locked down all the time and was a dark place. Recreation yard times was close to an hour every day- weather conditions permitting which compromised recreation times during the months of December, January, February and March.

The toilet and bath room facilities are unimaginable. The shower reeks of fungus and filth, the bath room reeks of smell of feces and urine, there is algae growing in the shower. There are five toilets for 50-60 inmates and at any given time there are only about four operational. The filth and squalor is unimaginable. The hygienic conditions are unimaginable.

The delivery of health care I received was sub-standard, I developed severe Onychomycosis (severe recalcitrant toe nail fungus), staphylococcal infections of skin, severe eczema because of substandard care. Most importantly the Jail considers these issues as "cosmetic" and did not offer me consistent treatment for my infection, rather was told that their medical director decided it was not "medically necessary". For a diabetic immunocompromised patient like petitioner who is also further immunocompromised with ulcerative colitis(UC) and is receiving

biologics which further compromises the immune system-it is egregious that my treatment was denied because it was "medically unnecessary. These draconian perspectives and draconian practices by the medical staff simply does not meet the optimal medical practices prescribed by the medical community and most importantly violates the medical practice act. Petitioner spent 5 months at CCCP and was transferred to Pike County Correctional Facility.

There are many documented instances where legal mail was not delivered to me willfully as reported to me by the front desk staff- despite the fact that it was clearly labelled as legal mail and had time sensitive documents. The jail staff did apologize to counsel for this. These legal mails were from Mr. Rion Lattimore who aggressively pursued the staff, who apologized. In addition, letters written on my behalf were not mailed and these were critical documents and I just became aware of this.

Petitioner was treated like a county inmate locked up in a dormitory with 50-60 inmates, one hour of recreation time most of which was not effectuated, filthy squalid shower and toilets beyond description, food that is beyond consumption and medical care that was sub-standard. These county inmates were violent dangerous inmates convicted of serious crimes of drugs, violence and mentally unstable

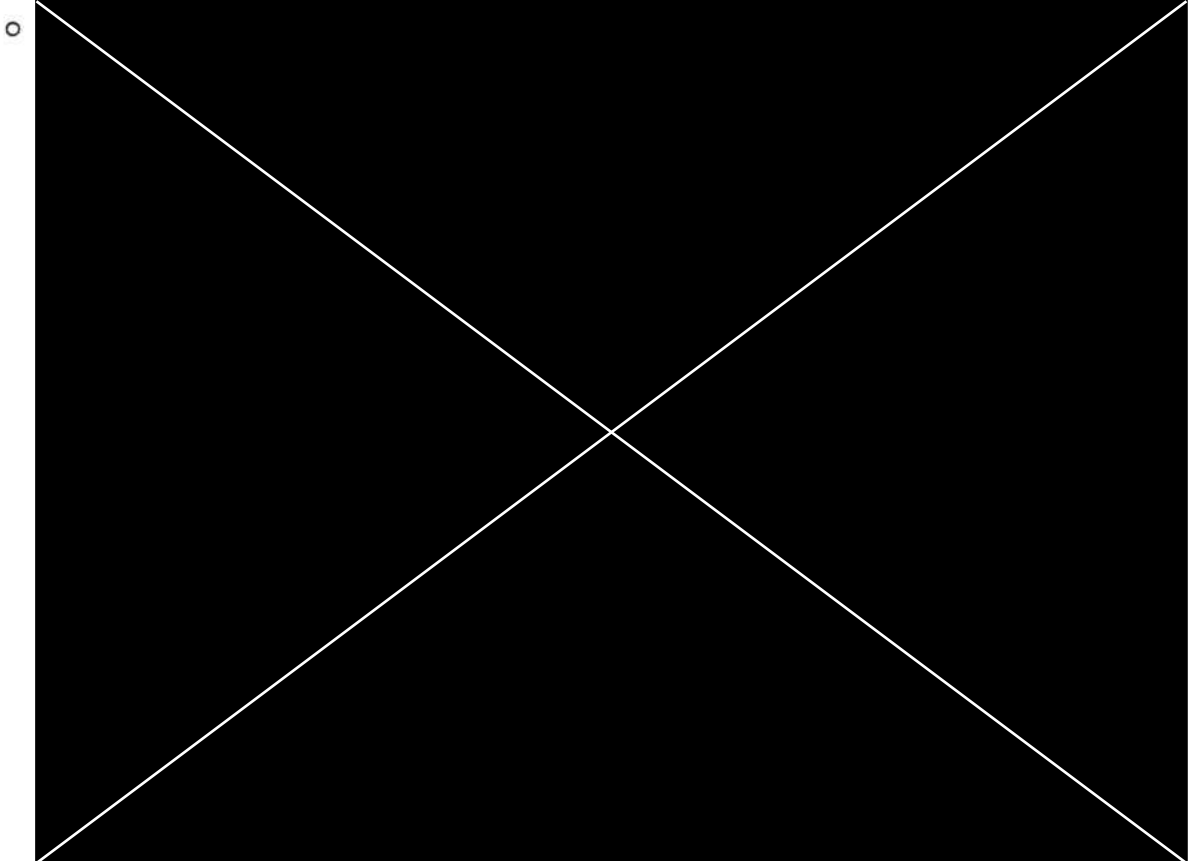
Pike County Correctional Facility (CCCF): Petitioner was transferred to Pike County Correctional Facility(PCCF) whose living conditions even worse than CCCF. This is a county jail and not a state prison where living conditions are somewhat tolerable.

Petitioner is comingled with county inmates with violent drug crimes, sex crimes, felony child abuse, burglary, kidnapping and gun crimes. There are **three inmates per cell**. At PCCF:

- Lock downs are normal for prolonged periods; the longest period was 5 days in the month of July 2025.
- Shake downs are a routine.
- Inmate fights and violence are a constant occurrence.
- Petitioner's previous jail mates included county inmates with felony child abuse, burglary, kidnapping, drug charges and a **ninth DUI**. In addition, every most wanted criminal reported by the local newspaper in Pike county is housed here at PCCF. Murders, rapists, parent killers(parenticide) etc.
- The hatred and animosity of the county inmates towards detainees is palpable.
- Vocalization of outright racial epithets is common.
- What should concern this court is the fact when Petitioner first arrived here at Pike on April 29 2025, he was placed in a secured high risk protective custody because the intake officer determined That "I was a violent inmate and sex offender". Petitioner vehemently protested against these false accusations and the duty officer insisted that I indeed was a sex offender and a violent inmate and I was placed in a protective custody locked in 23hours/day in a cell. After my own passionate advocacy with classification, I

was able to convince that I am not a sex offender and a dangerous violent criminal and was released to general population(GP)/

The medical care I received here should shock the conscience of this court and offend any sense of decency, dignity and humanity that every inmate/prisoner/detainee should be accorded regardless of who we are and what crimes anybody has committed. We live in a civilized society. This court should take judicial notice of the following:



- o Diabetes: The facility currently does not have his Lantus Insulin. Petitioner has not been receiving his Lantus insulin for the last 7 days and his blood sugars are very high close to 400s and his blood sugars are extremely labile. The jail wanted to give me an alternative version of the Lantus(NPH) which in the past petitioner had an idiosyncratic reaction, he had no other option to control his high blood sugars, so he acquiesced and within 3 hours he had a severe idiosyncratic reaction with severe hypoglycemia. To control his blood sugars petitioner restricts his food intake which leads to fatigue and impairment of his functional status. It is a vicious circle. The Lantus issue was brought to the attention of the medical staff on multiple occasions. His recent A1C which is an indicia of blood sugar control shows a level of 7.7(normal being less than 5.6). Rather than addressing the sub-optimal blood sugar control, Dr Josephs rapid acting insulin was

doubled which precipitously dropped his blood sugar to dangerous levels and he developed severe hypoglycemia. I refused to accept the doubling of the rapid acting insulin. This is sub-standard medical practice. What I need is a modification of the Long-acting insulin and consultation with an endocrinologist. If this level of care is being administered to a seasoned careered physician, one can imagine the level of care being administered to other regular inmates who have no idea of best practices.

If a detainee who has developed severe uncontrollable hyperglycemia because of lack of insulin and this does not get the courts attention, then what does?

In addition, see Time- line of events for my struggle to get even my basic insulin and diabetes medications met (**Exhibit 2**)

- **Neuropathy:** Petitioner developed tingling and numbness of his extremities and body and brought this to the attention of the medical staff, the staff did not address this and now he has diabetic neuropathy (**see Exhibit 3**).

If a detainee who has developed diabetic neuropathy because of lack of medical care and this does not get the courts attention, then what does?

- **Synovitis and tendinitis:** Petitioner has a chronic history of Ulcerative Colitis(UC) and is currently on **Biologics(Stellara)** which inherently causes immunosuppression. Petitioner has now developed swelling and tenderness of his R index finger (proximal and distal interphalangeal joints and metacarpophalangeal joints) which warrants evaluation by a Rheumatologist for evaluation of connective tissue diseases, because in about 25% of cases UC patients develop associated other autoimmune connective tissue diseases. This new symptom was discussed with the Nursing staff on August 17 2025 and the need for consultation with a rheumatologist but was told "*forget about that happening in this jail*" and was given ibuprofen, the pain and swelling continues.

If a detainee who has developed tendinitis and synovitis because of lack of medical care and this does not get the courts attention, then what does?

Petitioner has complex medical issues including hypertension, diabetes mellitus, dyslipidemia, ulcerative colitis who is currently not receiving his insulin and as a result of which his blood sugars are high- as high as close to 400s. The damage as a result of these hyperglycemic episodes is being done, these vascular endothelial damages are not reversible and these episodic damages (because of high blood sugar levels) leads to cumulative endothelial damage causing plaque formation, coronary thrombosis and plaque rupture. Diabetics, standing alone are considered a major risk factor for coronary events and academic literature, cardiologists and endocrinologists when referring to diabetics take this issue seriously and refer the diabetic risk as *the clock is ticking* with respect to vascular events. In Petitioner's case, considering the totality of his circumstances (including his age)-most importantly his lack of insulin for 10 days now and his blood sugar escalating, his clock is not ticking but is a *ticking time bomb*. Practicing

cardiologists, endocrinologists and academic scientific researchers in the vascular biology field will all unanimously concur with my analysis and conclusion.

See **Exhibit 4** for detailed analysis of the cavalier lackadaisical medical care by provider staff. I was fortunate to have found one or two nurses who listened to me.

The jail food is beyond description-partially cooked food and some days beyond consumption.

Petitioner is locked in his unit for **23hours/day** with one hour of recreation in an enclosed pen with high walls- equivalent of a high security prison by federal standards and in many instances detainee's rec time is truncated to 30-45 minutes. ICE detainees are treated like county inmates in all aspects

In *Chavez-Alvarez*, 783 F.3d at 478l, the court indicated in part "***we cannot ignore the conditions of confinement.***" This court should not ignore the conditions of petitioner's confinement that he has experienced at CCCF and now at PCCF. This court should not ignore my conditions of being denied a diaper for days in a row, when I had to wear the same diaper for days in a row. This court should not ignore my conditions of being denied my Lantus Insulin and my blood sugars have gotten so high that he has now developed diabetic neuropathy. This court should not ignore my condition of having a synovitis/tendinitis and just being given ibuprofen-not knowing whether I could harbor a second autoimmune disease. The conditions of confinement are horrific, egregious and unconscionable. Petitioner believes we are better than this.

Petitioner completed his Federal prison sentence at FCI Allenwood with an impeccable record with zero disciplinary history and has excelled as a role model inmate. CCCF and PCCF makes FCI Allenwood a five-star hotel and most importantly makes CCCF and PCCF look like the equivalent of a moderate-high security federal prison(Penn) with 23hrs/day lock-down in his cell block, shakedowns being a routine, fights being a norm and one hour a day recreation.

On a fundamental level what PCCF fails to comprehend is that Petitioner's status and label here- he is a civil detainee housed alongside with convicted criminals and gets treated like one. He is a not an inmate. In *Santos v. Warden Pike Cty. Corr. Facility* 965 F.3d 203, the Government represented that "*Mr. Santos is currently confined to his cell 23hrs/day*". However, this court ruled that "*those conditions strongly favor a finding of unreasonableness*".

**Detention under 1229(c) and clear and convincing evidence:** The Government must justify continued detention under 1226(c) by clear and convincing evidence. In *Santos* this court ruled that once detention under 1229(c) becomes unreasonable, the government *must put forth clear and convincing evidence that continued detention is necessary*. This court in Santos also addressed the issue of standard of proof and allocation of risk of error and concluded that because of the alien's potential loss of liberty is so severe, it reasoned that Mr. Santos does not have to share the risk equally and the burden of persuasion is on the government.

The risk of potential loss of liberty to the Petitioner is severe:

- He is a professional with multiple state medical licenses(MD) and DEA Licenses and has to start work on getting his licenses reinstated upon release.
- He has a JD and he needs to prepare to take his multi-state bar exams.
- He is an extremely successful business entrepreneur with multiple high stakes professional ventures in his field and has an MBA in corporate finance from UNC Chapel Hill NC and needs to reestablish his business.
- He is a single father with 2 young children and needs to reunite with his children and seek custody back. See InRe Wollert
- He needs to mount an effective defense of his case from the outside.

**Individualized Bond hearing:** In Santos, this court referring Chavez-Alvarez 783 F.3d at 477-78 concluded that bond hearing must be

- Individualized (personalized)
- Support a finding that continued detention is needed to prevent him from fleeing or (flight risk)
- Harming the community (danger to the community)

In other words, mere recantation or iteration that petitioner is a flight risk or danger to the community is not sufficient and does not meet the burden of persuasion standard by clear and convincing standard. The bond hearing must be individualized bearing down on why

- **This petitioner** is a flight risk and
- **This petitioner** is a danger to the community

Individualized risk: Petitioner has an MD JD and MBA in corporate finance from the University of North Carolina, Chapel Hill NC and has had his entire education from the United states and has been a legal resident since 1991. His entire work history is in the United States. See Agency Risk analysis attached.

Ms. Sara Johnson, from the United States Probation Department who authored the Pre-Sentence Investigation(PSI) made the following findings of fact:

“The defendant attended:

- The Indiana State University where he was enrolled in a PhD program for molecular biology.
- Additionally, he attended the University of Mississippi.
- And New York University, Medical Center of Queens, where he began his residency.

- He then transferred to St. Johns in Detroit, Michigan, and ultimately completed his residency in family medicine (See Pre Sentence Investigation-PSI report pg. 16)".
- "In 2008, the defendant obtained his juris doctorate".
- "In 2021, he obtained a Master's in business administration from the University of North Carolina, Chapel Hill.
- "He has finance certification from **Harvard university** and a certificate in artificial intelligence from **Massachusetts Institute of Technology(MIT)**".

Petitioner is not a risk given his back ground and standing in society. Most importantly, petitioner has had close to ten psychiatric evaluations by an independent Colorado Medical Board(DORA), Board Certified Psychiatrist Dr Scott Humphrey MD. This evaluation was done at the Order of the Medical board in Colorado (DORA). All of Dr. Scott Humphreys evaluation concluded consistent findings (over 2 years) that he is safe to practice medicine and not a danger to patients or community. In addition, the Wisconsin Medical Board, Indiana Medical Board did not suspend his medical license even though he was indicted. As a matter of fact, WI medical board concluded also that I was safe to practice medicine and there were no safety issues involved. As a matter of fact, Petitioner practiced medicine until the day he was sentenced.

Flight Risk: Petitioner is not a flight risk. His roots are deep in the United States-32 years in the US, he has two children 19 and 13 years' old who were born and raised in the US and furthermore he had custody of his then minor child. See Wollert v Joseph 464 P.3d 703(Colo 2020).

Even the United States Probation officer and Ms. Sara Johnson who authored the PSI report concluded that:

- *The probation officer believes that the defendant is not likely to flee or pose a danger to the safety of any other person in the community" (See Pre Sentence Investigation-PSI report RR5)*
- *"On May 25 2021, the defendant was granted bond with supervision. The defendant is currently being supervised by US PO Colin Linde (USPO Linde). According to Linde, the defendant has been compliant with pretrial supervision and has remained law abiding". See Pre Sentence Investigation-PSI report pg. 3.*

Danger to the community: The Colorado Medical Board appointed Psychiatrist Dr Scott Humphrey's, the United States Probation Officer Colin Linde and Ms. Sara Johnson all have unanimously concluded that Petitioner is not a danger to the community. The court should take Judicial notice of the fact that he was granted bond with pretrial supervision on May 25

2021(personal recognizance) and over the next 2 years his compliance with probation, court orders, court deadlines, calls from probation department has been executed with a mathematical precision with no issues- which is why:

- Mr. Linde concluded has **remained law abiding** and
- Ms. Johnson concluded **not likely to flee or pose a danger to the safety of any other person in the community** (emphasis added-any other person in the community).
- Even the Sentencing Judge concluded that Petitioner has been compliant and never missed a court appoint.

Most importantly this court should also take Judicial notice of the Sentencing Judge's analysis of 3553(a) factors:

*"He didn't receive any criminal points from chapter 4 and he didn't".*

*"He does not receive any adjustment for terrorism; that didn't happen".*

*"He didn't use violence in connection with the offense; that didn't happen".*

*"The offense didn't result in death or serious bodily injury; that didn't happen".*

*"The offense is not a sex offense; that isn't true".*

*"The—the defendant did not, personally, cause substantial financial hardship, which is a term of art, but basically means, financial ruination or bankruptcy by the victim, which in this case is the government".*

*"The defendant did not possess, receive, purchase, transport a firearm; that didn't happen.*

*"The offense is not one under (2)(H), involving human rights; that didn't happen*

*"The defendant did not receive a hate-crime adjustment or serious human-rights adjustments, under Chapter 3; that didn't happen.*

*"And then he didn't get an aggravating role, and was not a continuing criminal enterprise. Well that didn't happen".*

On the contrary Petitioner has made significant selfless contributions and sacrifices to his community, risking his own safety-at a time when the community needed him the most, rather than be a danger to the community:

[http://www.denver7.com/news/local-news/colorado-physician-steps forward-plans to purchase-senior-care-Colorado-keep clinic-open.](http://www.denver7.com/news/local-news/colorado-physician-steps-forward-plans-to-purchase-senior-care-Colorado-keep-clinic-open)

<https://www.denver7.com/news/local-news/federal-health-care-in-need-of-help-as-staff-members-test-positve-for-covid-19-one-dies>

Ukraine: Petitioner also volunteered to serve assist when Russia invaded Ukraine and provided free voluntarily acute critical care and trauma care to victims impacted by the war.

*"The defendant is volunteering as a physician for Aimee for Ukraine Project. The defendant assists with those affected by the war in Ukraine. A letter received from the Aimee for Ukraine Project Manager verifies his participation". (See Pre Sentence Investigation-PSI report pg. 16).*

Jail Medicine: Petitioner also worked as a Medical Director for two county Jails in Wisconsin providing acute psychiatric care, medical care, governance and leadership. Even after he was indicted the Jail staff let him work as a medical director because he was not a danger to the operations of the jail system.

*"The defendant worked as a medical director for a jail based medicine program. The defendant worked in the Oconto and Wood county jails in Wisconsin". Pay stubs confirmed this (See Pre Sentence Investigation-PSI report pg. 16).*

Opioid Addiction and Substance use disorder: Even after he was indicted he was working as a staff physician in Wisconsin and the State of WI did not revoke or rescind his medical license because he was safe to practice medicine and not a danger to the community.

*"From July 2022 until mid-January 2023, the defendant worked at Best Care Family Health in Milwaukee, Wisconsin. The defendant worked in primary care, pain management, opiate addiction, and substance abuse treatment. Pay stubs provided by the defendant verify his employment". (See Pre Sentence Investigation-PSI report pg. 16).*

**Incarceration Behavior**: During his incarceration and detention, Petitioner has maintained an impeccable record with Zero disciplinary record, compliance with each and every mandate of the BOP and the Jail facilities he was incarcerated in- Clinton county and Pike. He has completed his Associates in Biblical Studies and has completed close to 200 courses in diverse areas. Transcripts and course certifications can be accessed at:

**Log in: [edovo.org/transcripts](https://edovo.org/transcripts)**

**Password: NG6-T8U-UEM**

If an inmate who had to endure wearing a soiled diaper for days in a row, who now does not have a diaper but was offered a Chuck (semi towel used for nursing home patients) does not get this courts attention then what does?

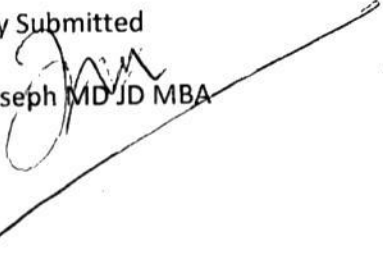
If an inmate who was labeled as a registred sex ofender and violent dangerous and gets thrown in a 23hour lock down does not get this courts attention then what does?

If an inmate who has developed diabetic neuropathy and this has not been addressed by the medical staff does not get this courts attention then what does?

Petitioner hereby requests this Honorable Court to ORDER his immediate release or in the alternative a Bond hearing.

Respectfully Submitted

Francis F Joseph MD JD MBA



A handwritten signature in black ink, appearing to read 'F. Joseph', is written over the typed name. A long, thin, diagonal line is drawn across the signature and extends from the bottom left towards the top right of the signature area.