

Gina Herrera

Law student intern appearing pursuant to 8 C.F.R. 1292.1(a)(2)

DETAINED

Law Offices of Robert G. Cummings

2000 Broadway Street

Redwood City, CA 94063

415-283-9923

Robert G. Cummings

Lead Attorney

Law Offices of Robert G. Cummings

2000 Broadway Street

Redwood City, CA 94063

650-363-7280

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

KARLA PAOLA PAREDES CHUMBIRIZO

Petitioner,

vs.

MOISES BECERRA, Field Office Director,
ICE/San Francisco;

LEANNA LUNDY Warden, California City
ICE Processing Center;

KRISTI NOEM, Secretary of Homeland
Security;

PAMELA BONDI, Attorney General of the
United States

Respondents.

Case No.

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

PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

I. INTRODUCTION

This Petition challenges Petitioner's **unlawful civil immigration detention**, the **denial of fundamental procedural due process**, and **constitutionally inadequate medical care**, in violation of the **Fifth Amendment** and governing federal law.

Petitioner **Karla Paola Paredes Chumbirizo** is detained by Immigration and Customs Enforcement (“ICE”) under **INA § 236(a)**. Despite being **bond-eligible as a matter of law**, she has been held **without a bond hearing, without a Master Calendar Hearing, and without any meaningful opportunity to be heard**, while suffering from a serious, documented orthopedic disability.

ICE’s failures have already caused **physical harm**. Petitioner—who has metal hardware implanted in her foot and ankle from prior surgery—was assigned an **upper bunk**, fell, and **re-injured her surgically repaired foot**. ICE then delayed medical evaluation, delayed pain management, and failed to provide timely accommodations.

Petitioner’s continued detention serves **no legitimate governmental purpose**, is **punitive in effect**, and violates **substantive and procedural due process**. Habeas relief is warranted.

II. JURISDICTION AND VENUE

1. This Court has jurisdiction under **28 U.S.C. § 2241(c)(3)** because Petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.”

2. Federal courts retain habeas jurisdiction over immigration detention claims. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001); *Boumediene v. Bush*, 553 U.S. 723, 771 (2008).

3. Venue is proper in this District because Petitioner is detained within the Eastern District of California, and Respondents exercise custody authority here.

III. PARTIES

4. **Petitioner** is Karla Paola Paredes Chumbirizo, A# 

5. **Respondents** are federal officials responsible for Petitioner’s detention and conditions of confinement.

IV. CUSTODY AND STATUTORY FRAMEWORK

6. Petitioner is detained pursuant to **INA § 236(a), 8 U.S.C. § 1226(a)**.
7. Section 236(a) authorizes **discretionary detention**, but expressly provides for:
 - o release on bond, or
 - o release on conditional parole.
8. Petitioner is **not subject to mandatory detention** under INA § 236(c).
9. Petitioner is **not an arriving alien**. Any reliance on *Matter of Hurtado*, 21 I&N Dec. 1066 (BIA 1998), would be legally erroneous, as that decision applies only to arriving aliens.
10. Under **Matter of Guerra**, 24 I&N Dec. 37 (BIA 2006), Petitioner is entitled to an **individualized custody determination**.

V. FACTUAL BACKGROUND

A. Petitioner's Family Ties, Community Support, and Stability

11. Petitioner has extensive family ties in California, including close family members who are lawfully present and deeply dependent on her.
12. Multiple sworn letters submitted to ICE and EOIR attest that Petitioner is:
 - peaceful and non-violent,
 - responsible and compliant,
 - deeply integrated into her family's daily life,
 - supported by stable housing and financial sponsorship.
13. Petitioner's sister, a U.S. citizen earning over \$ annually, has formally agreed to:
 - provide housing,
 - provide financial support,
 - ensure transportation to all hearings,
 - ensure compliance with all immigration requirements.
14. These facts establish that Petitioner poses **no danger** and **no flight risk**.

B. Petitioner's Medical History and Disability

15. Petitioner previously suffered a **severe assault-related injury** to her right foot and ankle.

16. Imaging confirmed multiple fractures requiring **surgical repair** and **permanent metal hardware implantation**.

17. Petitioner continues to suffer from:

- chronic pain,
- swelling,
- limited mobility,
- difficulty standing or walking for prolonged periods.

18. These limitations were formally documented and communicated through a **medical accommodation request** prior to and during detention.

C. ICE's Failure to Accommodate and Resulting Injury

19. Despite documented medical limitations, ICE assigned Petitioner to an **upper bunk**.

20. On or about mid-December 2025, Petitioner **fell from the upper bunk**, reinjuring her surgically repaired foot.

21. Following the fall:

- Petitioner experienced immediate swelling and severe pain.
- She had difficulty walking.
- She requested medical attention and accommodation.

22. ICE failed to provide:

- immediate medical evaluation,
- timely pain medication,
- prompt reassignment to a lower bunk.

23. This delay exacerbated Petitioner's injury and subjected her to unnecessary pain and risk of permanent damage.

D. Procedural Void: No Bond Hearing, No Court Hearing

24. Petitioner has **never received a Master Calendar Hearing**.

25. Counsel filed a bond request since December 9, 2025, Counsel called and the Court instructed that no Judge had been assigned to the case and that they will rejected and that Counsel had to re file as pre NTA even though the NTA was issued in 2022, Counsel re filed and to date **no bond hearing has been scheduled**.

26. ICE has failed to respond to:

- bond advocacy,
- parole requests,
- medical advocacy.

28. Petitioner remains in detention **without any meaningful process**.

VI. LEGAL STANDARDS GOVERNING HABEAS RELIEF

29. Civil detention must bear a reasonable relation to its purpose. *Zadvydas*, 533 U.S. at 690.

30. Immigration detention is **not punitive**. *Wong Wing v. United States*, 163 U.S. 228, 237 (1896).

31. Prolonged detention without individualized review violates due process. *Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017).

32. The Fifth Amendment applies to all persons in the United States, regardless of immigration status. *Zadvydas*, 533 U.S. at 693.

VII. CLAIMS FOR RELIEF

COUNT I

Unlawful Prolonged Detention – Fifth Amendment

33. Petitioner's continued detention without a bond hearing violates procedural and substantive due process.

34. Detention has become **indefinite and punitive**, serving no legitimate regulatory purpose.

COUNT II

Denial of Bond Hearing Under INA § 236(a)

35. Petitioner is statutorily bond-eligible.
36. The government's failure to provide a bond hearing violates:
 - INA § 236(a),
 - *Matter of Guerra*,
 - the Due Process Clause.

COUNT III

Denial of Access to the Immigration Court

37. Petitioner has been denied even a Master Calendar Hearing.
38. This constitutes a fundamental deprivation of the right to be heard.

Mathews v. Eldridge, 424 U.S. 319, 333 (1976).

COUNT IV

Unconstitutional Conditions of Confinement – Medical Neglect

39. Civil detainees are entitled to protection from deliberate indifference to serious medical needs.
40. ICE knew of Petitioner's disability and failed to act.
41. This violates the Fifth Amendment.

Gordon v. County of Orange, 888 F.3d 1118 (9th Cir. 2018).

VIII. EXHAUSTION OF REMEDIES

42. Exhaustion is excused because:
 - ICE has been unresponsive,
 - EOIR has failed to calendar hearings,
 - medical harm is ongoing.
43. Administrative remedies are unavailable and ineffective.

Singh v. Holder, 638 F.3d 1196, 1203 (9th Cir. 2011).

IX. REQUEST FOR RELIEF

Petitioner respectfully requests that this Court:

A. Grant the writ and **order immediate release**; or, in the alternative,

B. Order ICE to provide a **bond hearing within 3 days** before an Immigration Judge; **or**, in the alternative,

C. Order Petitioner's release unless ICE can demonstrate constitutionally adequate medical care and process;

D. Grant any other relief the Court deems just and proper.

X. CONCLUSION

Petitioner is a non-violent, medically vulnerable individual held in civil detention without hearings, without medical protection, and without due process. The Constitution does not permit this result.

The writ should issue.

Respectfully submitted,

Date: December 16, 2025

/S/RobertG.Cummings
Robert G. Cummings
Attorney for Petitioner