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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

SANDRA QUISPE

Petitioner,

vs.

MOISES BECERRA, Field Office Director,
ICE/San Francisco;
LEANNA LUNDY Warden, Mesa Verde ICE
Processing Center;
KRISTI NOEM, Secretary of Homeland
Security;
PAMELA BONDI, Attorney General of the
United States

Respondents.

Case No.

**EMERGENCY PETITION FOR WRIT
OF HABEAS CORPUS**

EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This is an **emergency habeas corpus action** challenging the **unlawful civil detention, coercive processing, denial of counsel, excessive force, deliberate indifference to serious medical needs, and secret transfer or removal** of **Sandra Quispe**, a civil immigration detainee.

On **December 23, 2025**, ICE officers **denied Petitioner's explicit demand to speak with counsel**, threatened her with force, **physically restrained her**, twisted her arm behind her

back, and **forcibly obtained fingerprints without consent**. Immediately afterward, Petitioner suffered **acute medical distress**, including chest pain, dizziness, and difficulty breathing, which officers initially ignored.

On **December 24, 2025**, undersigned counsel **emailed ICE to formally enter representation**, attached a **Form G-28**, and **directed ICE to cease all direct contact** with Petitioner absent counsel authorization due to the seriousness of the constitutional violations.

Less than twelve hours later, at approximately **6:00 a.m. on December 25, 2025**, ICE **removed Petitioner from her housing unit**, instructed her to **take all of her belongings**, and transferred her **without notice to counsel**.

As of the time of filing, **counsel does not know where Petitioner is**, whether she remains in ICE custody, or whether she has already been placed on a removal flight. ICE has refused to disclose her location or custodial status.

ICE's conduct constitutes **intentional interference with the right to counsel, coercion, excessive force, deliberate indifference**, and **evasion of judicial review**, rendering Petitioner's continued detention **unconstitutional and unlawful** and requiring **immediate judicial intervention**.

II. JURISDICTION

This Court has jurisdiction under **28 U.S.C. § 2241**, which authorizes federal courts to grant habeas relief to individuals in federal custody in violation of the Constitution or laws of the United States.

Boumediene v. Bush, 553 U.S. 723, 783 (2008) (habeas applies to all executive detention not subject to adequate process).

III. VENUE

Venue is proper in the **Eastern District of California** because Petitioner was detained at **California City Correctional Center**, located within this District, and Respondents exercised custody and control over Petitioner here at the time the challenged conduct occurred.

IV. PARTIES

A. Petitioner

Sandra Quispe is a national of Argentina and a **civil immigration detainee**, not serving a criminal sentence.

B. Respondents

Respondents are federal officials and agents responsible for Petitioner's detention, transfer, and removal.

V. FACTUAL BACKGROUND

A. Civil Immigration Detention

Petitioner is detained solely for immigration purposes. Immigration detention is **civil, not punitive**, and therefore subject to strict constitutional limitations.

Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

B. December 23, 2025 — Denial of Counsel, Threats, and Use of Force

On **December 23, 2025**, at approximately **4:00 p.m.**, Petitioner was removed from **Cell 105** and taken to an office at California City Correctional Center. Two ICE officers were waiting with documents and demanded that Petitioner **sign paperwork and provide fingerprints**.

Petitioner **explicitly demanded to speak with her attorney** before signing or fingerprinting anything. **ICE officers affirmatively denied her request**.

Petitioner stated she would not sign or fingerprint documents she did not understand. ICE officers responded that compliance would occur "**de una manera fácil o con fuerza**" ("the easy way or by force").

Petitioner, frightened, placed her hands beneath her legs while seated. Two ICE officers then:

- Grabbed her arms;
- Forcibly pulled her to her feet;
- Pushed her body against a desk;
- Twisted one arm forcefully behind her back; and
- **Forcibly manipulated her hand to obtain fingerprints without**

consent.

Multiple CoreCivic staff members were present and **failed to intervene**.

C. Medical Emergency and Delayed Care

After being returned to her cell, Petitioner experienced **severe dizziness, chest pain, shortness of breath, and extreme distress**. Her cellmate, **Indriana Delgado**, sought help from officers.

Officers dismissed Petitioner's condition, telling her to "breathe" and "calm down." Medical personnel arrived **only after other detainees repeatedly insisted**, approximately **15 minutes later**.

D. December 24, 2025 — Counsel Enters Representation

On **December 24, 2025**, undersigned counsel **emailed ICE Enforcement and Removal Operations**, attached a **Form G-28**, formally entered representation, and **directed ICE to cease all direct contact** with Petitioner absent counsel authorization.

ICE did not respond.

E. December 25, 2025 — 6:00 a.m. Removal With Belongings; Whereabouts Unknown

At approximately **6:00 a.m. on December 25, 2025**, Petitioner was **removed from her housing unit**, instructed to **take all of her belongings**, and taken away by ICE or facility staff.

Counsel was not notified. ICE has refused to disclose Petitioner's location, custodial status, or whether removal is imminent or already underway.

At the time of filing, **counsel does not know where her client is or whether she remains in the United States**.

VI. IRREPARABLE HARM

Petitioner faces **immediate and irreparable harm** absent emergency relief.

First, **Petitioner's whereabouts are unknown to counsel**. ICE removed her at **6:00 a.m. on December 25, 2025**, after counsel entered representation the prior day. Counsel cannot locate her, communicate with her, ensure her safety, or prevent removal. The inability to locate a detained client constitutes irreparable harm because it **deprives counsel of the ability to protect liberty and access to the courts**.

Second, Petitioner faces **imminent removal without judicial review**. Once removed, habeas relief becomes **illusory**, and this Court's jurisdiction would be effectively nullified. *Nken v. Holder*, 556 U.S. 418, 435 (2009); *Leiva-Perez v. Holder*, 640 F.3d 962, 969–70 (9th Cir. 2011).

Third, Petitioner is suffering **ongoing constitutional injury**. Denial of counsel, physical abuse, and medical neglect are **continuing Fifth Amendment violations**, each of which independently constitutes irreparable harm.

Elrod v. Burns, 427 U.S. 347, 373 (1976).

Fourth, ICE's **secret early-morning transfer** after notice of representation demonstrates a substantial risk of **evasion of judicial review**.

Orantes-Hernandez v. Thornburgh, 919 F.2d 549, 557 (9th Cir. 1990); *Boumediene*, 553 U.S. at 783.

Finally, Petitioner faces **physical and psychological harm** from continued detention under threat of removal following chest pain, dizziness, and difficulty breathing. Monetary damages cannot remedy the loss of liberty or constitutional rights.

VII. CLAIMS FOR RELIEF

CLAIM ONE — UNLAWFUL CIVIL DETENTION (FIFTH AMENDMENT)

Civil detention must bear a reasonable relation to its purpose and may not be punitive. *Zadvydas*, 533 U.S. at 690.

Detention accompanied by coercion, violence, denial of counsel, and secrecy exceeds constitutional authority and is unlawful.

CLAIM TWO — INTENTIONAL INTERFERENCE WITH THE RIGHT TO COUNSEL

Petitioner explicitly demanded counsel and was denied. ICE then proceeded with coercive custodial actions and later transferred her without notice to counsel.

Intentional interference with access to counsel violates due process.

Orantes-Hernandez, 919 F.2d at 565–66.

CLAIM THREE — COERCION AND INVALID PROCESS

Any fingerprints or “consent” obtained through threat, force, or denial of counsel are constitutionally invalid. Coerced governmental action violates fundamental fairness under the Fifth Amendment.

CLAIM FOUR — EXCESSIVE FORCE AGAINST A CIVIL DETAINEE

Use of force against civil detainees must be objectively reasonable.

Kingsley v. Hendrickson, 576 U.S. 389, 396–97 (2015).

The force used here was unnecessary, punitive, and unconstitutional.

CLAIM FIVE — DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS

Ignoring chest pain, dizziness, and breathing difficulty constitutes deliberate indifference. *Gordon v. County of Orange*, 888 F.3d 1118, 1124–25 (9th Cir. 2018).

CLAIM SIX — EVASION OF JUDICIAL REVIEW

Secret transfers or removals designed to deprive detainees of access to courts constitute irreparable constitutional injury.

Boumediene, 553 U.S. at 783.

VIII. RELIEF REQUESTED

Petitioner respectfully requests that the Court:

1. **Grant the writ of habeas corpus;**
2. **Order Respondents to immediately disclose Petitioner's location and custodial status;**
3. **Enjoin ICE from removing or transferring Petitioner;**
4. **Order Petitioner's immediate release, or alternatively release on parole;**
5. **Bar further contact without counsel present;**
6. **Order preservation of all evidence, including video, documents, and medical records;**
7. **Grant expedited discovery; and**
8. **Grant all other relief the Court deems just and proper.**

IX. CONCLUSION

ICE's actions — denying counsel, using force, ignoring medical distress, and secretly removing a represented detainee — **cannot withstand constitutional scrutiny**. Immediate habeas relief is required.

Respectfully submitted,

Date: December 25, 2025

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