

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION

FILED JAN 7 2026 8:08  
MD09-CDL

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Emmanuel Evariste  
Graham Humphrey

Frantz Simeon  
Godfrey Oliver Wade  
Abediel Aiz Prua  
Demetro Olvea  
Solomon Naranjo  
Kevin Patel

Denis Belgi  
David Paez Alarcon  
Ronald Jean Derisseau

*(Petitioners) class*

v.

Jason Streeval (Warden of Facility)  
Pam Bondi (US Attorney General)  
Kristi Noem (Secretary of DHS)  
Daren K. Margolian (Field office director)

*(Respondents)*

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Case no. \_\_\_\_\_  
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**MOTION FOR DECLARATORY AND INJUNCTIVE RELIEF OF  
EMERGENCY BAIL HEARINGS AND EXPEDITED DISCOVERY**

Now Comes, petitioners with a motion for declaratory and injunctive relief of emergency bail hearings and expedited discovery. Mr. Evariste followed by his class of petitioners seeking certification brings this emergency petition for writ of habeas corpus pursuant to 28 U.S.C Section 2241 and a complaint for declaratory and injunctive relief on behalf of themselves and the putative class of civil immigration detainees housed at the Stewart Detention Center(SDC). They claimed that respondents warden Jason Streeval, US AG Pam Bondi, field office director Daren K. Margolian, and Secretary of DHS Kristi Noem have violated the putative class members' Fifth Amendment due process rights by creating and allowing policies and practices at SDC or the lack there of that put class members' health at substantial risk of harm. Therefore class members enjoined to file a complaint, motion for preliminary injunctive relief, expedited discovery, emergency motion for expedited bail hearings. *Citing Gomes v. Acting Sec'y 20-cv-453-LM, May 14, 2020.*

## BACKGROUND

Since the filing of this action, it's been reported by the Center for Disease Control (CDC) that as of this season in the US, there have been 7,500,000 flu cases, 81,000 hospitalizations, and 3,100 deaths as a result. This has caused pandemic concerns that this court cannot and should not ignore under the 14 Amendment due process clause.

(1) Approximately 14 detainees being held at the Stewart Detention Center (SDC) in Lumpkin, Georgia seeking emergency relief due to the high risk of disease currently at the facility. The facility is dangerously short staffed. The conditions at the jail is dangerously deplorable with low maintenance and dangerously high inmate capacity. For example Unit 3A, has 76 inmates some being house on boats on the floor with bump beds with 6 inches space apart. The unit shares only 3 urinary stalls, 3 toilets and 3 showers. On Tuesday December 30, 2025 at approximately 10:30 pm until the next morning by 10 am, a urinal toilet leaked nonstop causing a flood of the entire unit reaching inmate beds and their commissary food supplies. This is captured on facility surveillance video and petitioners will request this as emergency discovery. The facility had no maintenance workers on-duty or on-call during that period. The water wasn't shut off until the following morning. When inmates expressed their concern, they were threatened to be disciplined by lieutenant Holmes who arrived on the scene. Those 3 urinal stalls in the unit were leaking at a low level prior to that incident therefore that bathroom floor was always wet with feces water that inmates would step into as they used the restroom and would transfer back to their bed areas in the unit. The units were lacking soaps and toilet papers which were handed out every 5 days or sometimes longer.

(2) Furthermore the unit lack proper ventilation system therefore latterly half of the unit detainees were coughing for months nonstop. There were no maintenance cleaning to removed dust in the ventilation system therefore inmates were always breathing dangerous air. At one point when Core Civic who owns the facility were visiting, the inmates were asked to used tied-up bed sheets that were dumped in the bucket of water to attempt to removed some of the dust residue that were on the ventilation units. You can see the dust residue that were dropping below on inmate beds since the beds were screwed to the floor.

(3) SDC medical unit is dangerously short staffed to the point that an inmates has to filed 5 to 6 sick call slips and wait up to 21 days sometimes to be seen by medical staff while being sick with the pandemic flu. The sick call slips are recorded on tables and papers. Petitioners are seeking a total of sick call slips response statistics as emergency discovery. For example, petitioner Evariste had placed 5 sick call slips prior to being seen by medical staff on November 30, 2025. He started to file sick call slips around November 10, 2025. He was constantly told that the medical unit is short staff and he must patiently wait while he was dealing with pandemic flu symptoms. Mr. Evariste is high risk suffering for hypertension which had caused him to be released on covid pandemic bond in the Gomes class action case as a member (*Gomes v. Acting Sec'y 20-cv-453-LM, May 14, 2020*). Mr. Evariste had contracted pneumonia while at the facility around August 2025 and had been hospitalized at Piedmont Hospital in Columbus, GA as a result of his diabetes glucose level dropping to his contraction of pneumonia .

Member Graham Humphrey suffers from ~~bronchitis~~ <sup>bronchitis</sup> and has put in 6 sick call slips around the same time frame as member Evariste. He was told the same thing that the facility is short staff. Members Godfrey Oliver Wade, ~~Daniel Decker~~ and Frantz Simeon all suffers from hypertension had to deal with similar concerns of lack of response for medical care. This medical issue at hand is being felt by over 500 inmates seeking care as reported by medical staff at the facility. Therefore there is substantive 14th Amendment issue bearing before this court and cannot be ignored in light of the CDC pandemic report of 7,500,000 flu cases, 81,000 hospitalizations, and 3,100 deaths this season.

ARGUMENTS

The most pressing question at the outset of this case is whether the petitioners (detainees at SDC) are entitled to bail hearings pending a ruling on the merits of their constitutional claims. The courts in the Gomes case have answered that question in the affirmative for those detainees who have medical conditions (or at an age) that rendered highly vulnerable, see Gomes v. UD Dep't of Homeland Sec, 460 F. Supp. 3D 132. As a matter of concern, Mr. Evariste was a party in that case and was granted release as relief by the court.

In the Gomes case, the court conducted 11 bail hearings and released 7 detainees on conditions. The only concern in this matters is the Gomes class had 75 detainees and this class has 13 detainees as petitioners. But the high risk concerns due the medical conditions and age of the members Emmanuel Evariste, Godfrey Oliver Wade, ~~Daniel Pacheco Nunez~~ <sup>Graham Humphrey</sup> and Frantz Simeon cannot be ignored. Furthermore the grave conditions of SDC for the rest of the members of this class also cannot be ignored under 14<sup>th</sup> Amendment requiring this court to take swift injunctive and declaratory relief actions.

CONCLUSION

Petitioners seeks in this petition a motion for preliminary injunctive relief and expedited discovery, emergency motion for expedited bail hearings and a motion to certify this proposed class.

Respectfully Submitted,

12/31/2025

Emmanuel Evariste

[Redacted signature]

Graham Humphrey

[Redacted signature]

~~Daniel Pacheco Nunez~~

Frantz Simeon

[Redacted signature]

Godfrey Oliver Wade

[Redacted signature]

Abediel Aiz Prua

[Redacted signature]

Demetro Olvea

[Redacted signature]

Solomon Naranjo

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Kevin Patel

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~~Chris Kraparke~~

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Denis Belgi

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