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MD03-CDL

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

Emmanuel Evariste
(petitioner)

v.

Jason Streeval (Warden of Facility)
Pam Bondi (US Attorney General)
Kristi Noem (Secretary of DHS)
Daren K. Mongolian (Field Office Director)

Case no: _____

**PETITIONER CLASS ACTION FOR AN EMERGENCY WRIT OF
HABEAS CORPUS PURSUANT TO 28 U.S.C SECTION 2241**

Now Comes, petitioner Mr. Evariste who recently filed a class action habeas corpus with multiple petitioners. Attached is his motion to amend his petition to fixed the parties. Some petitioner that were in the original filings is no longer at the facility, have been deported, and some petitioners no longer want to participate due to fear of ICE retaliation. In addition to Mr. Evariste, there are just 2 petitioners remaining in the petition. All 3 petitioners currently remaining in this petition reside at the Stewart Detention center(SDC), 146 CCA rd, Lumpkin, GA 31815.

Petioners including Mr. Evariste, Mr Humphrey, and Mr. Simeon is seeking to enjoin as a class of petitioners seeking certification bringing this emergency petition for writ of habeas corpus on behalf of themselves and the putative class of civil immigration detainees house at SDC. They claimed that respondents Warden Jason Streeval , US AG Pam Bondi, field office director Daren K. Margoian, and Secretary of DHS Kristi Ncem 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 or petitioners 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*.

PARTIES

(Petitioners)

1. Emmanuel Evariste, A: [REDACTED] has a medical history of Hypertension, Bronchitis, Pneumonia.
2. Graham Humphrey, A: [REDACTED] has a medical history of Bronchitis.
3. Frantz Simeon, A: [REDACTED] has a medical history of hypertension and asthma.

(Respondents)

4. Jason Streeval (Warden of Facility)
5. Pam Bondi (US Attorney General)
6. Kristi Noem (Secretary of DHS)
7. Daren K. Mongolian (Field Office Director)

JURISDICTION

This emergency petition is pursuant 28 U.S.C Section 2241. The respondents have violated petitioners' substantive due process rights in accordance to the 5th and 14th Amendment.

PRECEDENT

8. Gomes v. Acting sec'y 20-cv-453-LM
9. Thakker v. Doll, 451 F. Supp. 3D 358, 2020. U.S Dist. Lexis 59459, 2020 WL 1671563 (M.D. Pa. Marsi, 2020)
10. Barden v. keokane, 921 F.2d 476, 478-79(3d Cir.1990)
11. Hope v. Warden York County Prison 972 F. 3d 310 (3d Cir. 2020).

BACKGROUND

Since the filing of this action, its been reported by the center for Disease Control Center (CDC) that as of this season in the US, there have been 7,500,00 flu cases, 81,000 hospitalizations, and +5,000 deaths as a result. This has caused pandemic concerns that this court cannot and should not ignore under the 14th Amendment.

- 1) SDC is dangerously short staffed. The conditions at the jail is dangerously 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 captured on facility surveillance video and petitioners will request this as an 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 and 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 toilets papers which were handed out every 5 days or sometimes longer.
- 2) Furthermore the unit lacks 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 bed since the beds were screwed to the floor.

- 3) SDC medical unit is dangerously short staffed to the point that an has to file 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 slip are recorded on the tablets and papers. Petitioners are seeking a total of sick call slip prior to being seen by medical staff on November 30, 2025. He started to file file sick call slips around November 10, 2025. He 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 has caused him to be released on covid pandemic bond in the Gomes class action case as a member(*Gomes v. Acting Sec'y 20-cv453LM, May 14, 2020*). Mr Evariste had contracted pneumonia while at the facility around Augsut 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 cancer 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 Emmanuel Evariste, Graham Humphrey, and Frantz Simeon 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 4th 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 age) that rendered them 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. But the high risk concerns due to the medical conditions and age of the members Emmanuel Evariste, Graham Humphrey, 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 the 14th Amendment requiring this court to take swift injunctive and declaratory relief actions. Petitioners also seek a motion for temporary restraining order to prevent DHS from transfer the petitioners.

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. Petitioners also seeks an emergency motion for temporary restraining order (TRO).

Respectfully submitted,
Emmanuel Evariste



1-07-26