

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

**FILED**  
HARRISBURG, PA

JAN 21 2026

PER   
DEPUTY CLERK

MAILAINE ARIANNA PÉREZ GARCÍA,  
Petitioner,  
WARDEN, MOSHANNON VALLEY ICE PROCESSING CENTER,  
Respondent.

4:26-CV-00135

v.

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ULTRA-EXTENSIVE PLUS PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241

**I-EXECUTIVE SUMMARY AND NATURE OF THE CASE**

This case represents a paradigmatic abuse of executive power. Petitioner Mailaine Arianna Pérez García, a Cuban national with valid employment authorization and pending immigration relief, was seized in public by masked federal agents solely because of her race and appearance. She was afforded no warrant, no probable cause, no opportunity to present lawful documentation, and no due process. Habeas corpus is the sole and urgent remedy to end this ongoing constitutional violation. See *Boumediene v. Bush*, 553 U.S. 723 (2008).

**II. JURISDICTION, STATUTORY AUTHORITY, AND VENUE**

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241. Federal courts have a non-discretionary duty to review executive detention that violates the Constitution. See *INS v. St. Cyr*, 533 U.S. 289 (2001). Venue is proper because Petitioner is confined within this District. Respondent is the Warden as immediate custodian. *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).

**III. PARTIES AND NEXT FRIEND STANDING**

Petitioner: Mailaine Arianna Pérez García (A# [REDACTED] 456), DOB [REDACTED]  
Cuban national.

Next Friend: Liosvanis Martínez Clemente (A# [REDACTED] 723), husband of Petitioner, who has standing because Petitioner is unable to freely litigate due to detention, psychological trauma, and fear of retaliation. See *Whitmore v. Arkansas*, 495 U.S. 149 (1990).

Respondent: Warden, Moshannon Valley ICE Processing Center.

#### **IV. DETAILED STATEMENT OF FACTS**

On August 26, 2025, while lawfully employed as a Spark Driver, Petitioner exited her vehicle to deliver an order. Multiple unmarked vehicles abruptly surrounded her. Masked ICE agents detained her without identifying themselves, without presenting a judicial warrant, and without articulating any probable cause. Petitioner attempted to present a valid REAL ID, Social Security card, and Employment Authorization Document. Agents refused to look at the documents and stated only that she could not be in the United States. This encounter constitutes an unreasonable seizure under the Fourth Amendment. See *Terry v. Ohio*, 392 U.S. 1 (1968).

#### **V. RACIAL PROFILING AND EQUAL PROTECTION VIOLATIONS**

The sole basis for Petitioner's arrest was her race and perceived ethnicity. Federal officers may not initiate stops or arrests based on race. *United States v. Brignoni-Ponce*, 422 U.S. 873 (1975). Selective enforcement based on race violates equal protection principles applicable through the Fifth Amendment. See *Yick Wo v. Hopkins*, 118 U.S. 356 (1886).

#### **VI. MEDICAL, PSYCHOLOGICAL, AND HUMANITARIAN FACTORS**

Since her detention, Petitioner has experienced severe panic attacks, anxiety disorder, weight loss, and emotional deterioration. She is currently under psychological therapy and psychotropic medication. Civil detention that inflicts serious mental harm constitutes unconstitutional punishment. *Bell v. Wolfish*, 441 U.S. 520 (1979). Continued detention despite known medical harm violates substantive due process.

#### **VII. CONDITIONS OF CONFINEMENT**

Petitioner reports rationing of food and water, racially motivated psychological abuse, and fear of retaliation. Deliberate indifference to detainee health and safety violates the Constitution. *Farmer v. Brennan*, 511 U.S. 825 (1994). Conditions that shock the conscience are forbidden. *County of Sacramento v. Lewis*, 523 U.S. 833 (1998).

#### **VIII. PENDING IMMIGRATION RELIEF AND LACK OF FLIGHT RISK**

Petitioner has two pending immigration matters: an asylum application and a Cuban Adjustment Act case. She has no criminal record, strong family ties, and lawful employment history. Detention serves no legitimate government purpose. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

#### **IX. LEGAL ARGUMENTS**

- A. Fourth Amendment – Unreasonable Seizure Without Warrant or Probable Cause.
  - B. Fifth Amendment – Substantive and Procedural Due Process Violations.
  - C. Equal Protection – Racial Discrimination by Federal Officers.
  - D. Unconstitutional Conditions of Confinement.
  - E. Habeas Jurisdiction and Remedy.
- See *Boumediene v. Bush*; *INS v. St. Cyr*; *Ex parte Bollman*.


**X. REQUEST FOR RELIEF**

Petitioner respectfully requests:

- 1. Issuance of the writ;
- 2. Immediate release from custody;
- 3. Alternatively, release under conditions;
- 4. Injunctive relief preventing further abuse;
- 5. Any other relief this Court deems just and proper.

**XI. VERIFICATION AND SIGNATURE**

I, Liosvanis Martínez Clemente, declare under penalty of perjury that the foregoing is true and correct.




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Liosvanis Martínez Clemente

Next Friend for Petitioner

Date: 01/13/2026

**UNITED STATES DISTRICT COURT  
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v.

**WARDEN, MOSHANNON VALLEY ICE PROCESSING CENTER,**  
Respondent.

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**PROOF OF SERVICE**

I, Liosvanis Martínez Clemente, declare under penalty of perjury that on the date indicated below, I served a true and correct copy of the following documents:

- Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241
  - Motion for Immediate Release
  - Motion to Expedite
  - Declaration of Next Friend
- upon the following parties by U.S. Mail, first-class, postage prepaid:

**1. Clerk of the Court**

Clerk of Court  
United States District Court  
Middle District of Pennsylvania  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17108

**2. United States Attorney**

United States Attorney's Office  
Middle District of Pennsylvania  
228 Walnut Street  
P.O. Box 11754  
Harrisburg, PA 17108

**3. Department of Homeland Security / ICE (OPLA)**

Office of the Principal Legal Advisor (OPLA)  
U.S. Immigration and Customs Enforcement  
1600 Callowhill Street  
Philadelphia, PA 19130

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**4. Respondent – Immediate Custodian**

Warden

Moshannon Valley ICE Processing Center

555 GEO Drive

Philipsburg, PA 16866

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on: 01/13/2026

  
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Liosvanis Martinez Clemente

Next Friend for Petitioner

