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

Felicia Odessa Barker, *Petitioner*, **Jason Streeval**, Warden, Stewart Detention Center, **Kristen Sullivan**, Field Office Director, Atlanta Field Office, United States Immigration and Customs Enforcement; **David J. Venturella**, Acting Director, United States Immigration and Customs Enforcement; **Markwayne Mullin**, Secretary of Homeland Security; **Todd Blanche**, United States Attorney General, *in their official capacities*, *Respondents.*	Case No. **PETITION FOR A WRIT OF HABEAS CORPUS AND INJUNCTIVE RELIEF**

INTRODUCTION

1. This case challenges the unlawful detention of Felicia Odessa Barker ("Petitioner" or "Ms. Barker") (A[redacted], who is currently in the custody of United States Immigration and Customs Enforcement ("ICE"), at the Stewart Detention Center.

2. Ms. Barker is a lawful permanent resident in the United States and has been a lawful permanent resident since January 14, 2026. **Exhibit A: LPR Card.**

3. Ms. Barker has been detained since February 6, 2026. **Exhibit B: I-830E.** On April 17, 2026, an immigration judge ordered Ms. Barker removed to Guyana. **Exhibit C: Removal Order by I.J.** She timely appealed to the Board of Immigration Appeals ("BIA"), which has yet to review the appeal. **Exhibit D: ECAS Screenshot.** She thus does not have a final order of removal that can be enforced and has been detained for over six months.

4. Ms. Barker requested bond before an immigration judge on Feburary, 25, 2026, due to the extraordinary circumstances relating to her medical condition and the lack of medical

supervision at Steward Detention Facility. **Exhibit E: Bond Redetermination Request.** The immigration judge refused to grant bond when she refused jurisdiction. **Exhibit F: Bond Denial.**

5. Prior to her detention, Ms. Barker was paroled and adhered to and complied with all check-in with Immigration and Customs Enforcement ("ICE") since 2021. She attended her check-ins and complied with all requests of ICE under the ISAP Program until she was inexplicably detained approximately five years later. **Exhibit G: ISAP Appointments.**

6. Ms. Barker has a pending appeal with the BIA. Counsel for Ms. Barker has filed a brief, however the Department of Homeland Security ("DHS") has failed to meet the required deadline to file a brief. To counsel's knowledge, there is no set date on when the appeal will be decided. There is no significant likelihood that Ms. Barker will be removed to Guyana in the reasonably foreseeable future.

7. The punitive, unlawful detention of Ms. Barker violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, and the Immigration and Nationality Act, 8 U.S.C. § 1255(b). *See A.A. v. Warden, Stewart Det. Ctr.*, No. 4:24-CV-191-CDL-AGH, 2026 WL 1105047 (M.D. Ga. Feb. 13, 2026), *report and recommendation adopted*, No. 4:24-CV-191 (CDL), 2026 WL 712976 (M.D. Ga. Mar. 14, 2026).

8. Ms. Barker suffers from a variety of medical conditions including pulmonary emboli. **Exhibit H: 2025 Medical Records.** This condition led to her hospitalization at one point where the medical staff would not Ms. Barker even stand due to the danger it presented to her life. **Exhibit I: Plaintiff's Medical Testimony.**

9. Ms. Barker also suffers from additional medical complications including morbid obesity, type 2 diabetes, high blood pressure, hypertension, and iron deficiency for which she needs constant monitoring and medication. **Exhibit H – K: Medical History.**

10. Ms. Barker has made her medical condition known to ICE, the immigration court, DHS counsel, and Stewart Detention Facility. To date she has not received proper medical supervision. **Exhibit L: Att'y Email Re Medical History.**

11. Ms. Barker was schedule for a CT scan on June 1, 2026 at the Levine Cancer Institute to observe the current condition of her pulmonary embolism diagnosis. **Exhibit M: Appointment Reminder.** She was unable to attend this critical appointment due to her detention and ICE has provided no comparable testing or updated diagnosis on this life-threatening condition.

12. Due to Ms. Barker's medical history continued detention and the lack of proper care could result in severe medical complications and even death. **Exhibit N: Pulmonary Emboli Information.**

13. Ms. Barker respectfully requests this Court to issue an order directing Respondents to immediately release her from custody subject to reasonable terms of supervision as there is no significant likelihood of her removal in the reasonably foreseeable future.

PARTIES

14. Petitioner, Felicia Odessa Barker, is a native and citizen of Guyana. She currently has the status in the United States of Lawful Permanent Resident. She is subject to a final order of removal which is currently stayed during the pendency of her properly filed appeal to the Board of Immigration Appeals. She is currently detained in Lumpkin, Georgia, at the Stewart Detention Center.

15. Respondent Jason Streeval is the Warden of the Stewart Detention Center, where Petitioner is currently detained. He is a legal custodian of Petitioner and is named in his official capacity.

16. Respondent Kristen Sullivan is the Field Office Director responsible for the Atlanta Field Office of ICE with administrative jurisdiction over Petitioner's immigration case. He is a legal custodian of Petitioner and is named in his official capacity.

17. Respondent David J. Venturella is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.

18. Respondent Markwayne Mullin is the Secretary of the United States Department of Homeland Security (DHS). He is a legal custodian of Petitioner and is named in his official capacity

19. Respondent Todd Blanche is the Acting Attorney General of the United States Department of Justice. He is a legal custodian of Petitioner and is named in his official capacity.

JURISDICTION AND VENUE

20. This Court has subject matter jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl 2 of the United States Constitution (the Suspension Clause) because this action arises under federal law, including the Immigration and Nationality Act, 8 U.S.C. § 1101, *et seq.*, and Administrative Procedure Act, 5 U.S.C. § 551, *et seq.*

21. This Court may grant relief under the habeas corpus statutes, 28 USC § 2241, *et seq.* and the All Writs Act, 28 U.S.C. § 2201, *et seq.*

22. Venue is proper in this district because Ms. Barker is detained and in the custody of Respondents at the Stewart Detention Center, which is located within this District. *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973).

STATEMENT OF FACTS AND PROCEDURAL HISTORY

23. Ms. Barker was born on [redacted], in Guyana. **Exhibit A: LPR Card.**

24. On or about January 14, 2009, Ms. Barker entered the United States to under a Permanent Residency approval in the United States and has maintained her status since that date.

25. Ms. Barker then attempted to reenter the United States after travelling abroad in July 2, 2021. She was placed in removal proceedings as an arriving alien on November 28, 2022. **Exhibit O: Notice to Appear.**

26. Ms. Barker was granted entry into the US under parole and required to periodically reported to ICE. **Exhibit P: ICE Order of Release**

27. Ms. Barker complied with the ICE check-ins for a period of five years, despite the overreaching number of check-ins for a Lawful Permanent Resident. **Exhibit G.**

28. ICE improperly rescinded her Parole due to "failure to appear" even though Ms. Barker has proof she appeared to all her appointments.

29. Ms. Barker suffers from Type 2 diabetes, Morbid Obesity, High Blood Pressure, Hypertension, and Acute Bilateral Pulmonary Emboli which require treatment and care from specialized doctors.

30. Ms. Barker was hospitalized and remained in intensive care while she was diagnosed and treated for Acute Bilateral Pulmonary Embolism. She was under the care of the physicians in intensive care and was not able to leave the bed or walk.

31. Ms. Barker has periodically been prescribed such medication as Warfarin to manage her condition. **Exhibit H.** Warfarin is a powerful medication used to combat blood clots such as pulmonary emboli. **Exhibit Q: Warfarin Information.**

32. Since her detention in Stewart Ms. Barker has been given no medical treatment, no medical examination, no CT scan and has been given no medication to manage her condition such as Metoprolol Succinate to prevent heart failure. **Exhibit K, R: Metoprolol Information.**

33 Stewart has provided some medication for diabetes and high blood pressure, but not the medication prescribed by her overseeing physicians located in North Carolina.

34. Ms. Barker's condition is extremely serious and can be life threatening is not monitored and treated appropriately.

35. On or around February, 6 2026, Ms. Barker was detained by ICE. Exhibit B. She requested bond before an immigration judge, and the requests was denied due to a lack of jurisdiction on March 3, 2026. Exhibits E-F.

36. In the Bond Hearing on March 3, 2026, the immigration judge specifically told ICE to be certain that the medical conditions and medication for Ms. Barker was addressed while she was in Stewart Detention Center.

37. Counsel for Ms. Barker sent communication to ICE about Ms. Barker's medical condition, her medications and her appointment with her physician on June 1, 2026 to conduct an CT Scan to track the status of her pulmonary embolism condition. **Exhibit M.**

38. The facilities at the Steward Detention Center failed to comply with the Immigration Judge and failed to address the medical request sent by Ms. Barker's counsel.

39. The facilities at the Stweart Detention Center are not conducive to Ms. Barker's healthcare needs.

40. On April 17, 2026, an immigration judge ordered Ms. Barker removed to Guyana. **Exhibit C**. Ms. Barker appealed to the Board of Immigration Appeals ("BIA"), which has not yet decided on the appeal, thus making her removal indefinite. **Exhibit D.**

41. Mrs. Barker's order of removal from the immigration judge has been stayed indefinitely by her properly and timely filed appeal to the BIA.

42. The BIA required briefs from Ms. Barker and DHS with a deadline to be filed of **Exhibit D**. Ms. Barker complied with the BIA order, however DHS failed to meet the ordered deadline. **Exhibit D.**

LEGAL STANDARD

43. Ms. Barker is detained under 8 U.S.C. 1225(b)(1) as she is considered an arriving alien even as a Lawful Permanent Resident in the United States.

44. Even though there are no time limits set by the statute, *see Jennings v. Rodriguez*, 583 U.S. 281 (2018), Respondents are indefinitely detaining Ms. Barker in violation of the Fifth and Eighth Amendment.

45. The Fifth Amendment states that "[n]o person shall . . . be deprived of life, liberty, or property, without due process of law."

A. Ms. Barker's indefinite detention is unreasonable and violates her due process rights.

46 "No free man shall be seized, imprisoned, dispossessed, outlawed, exiled, or ruined in any way, nor in any way proceeded against, except by the lawful judgment of his peers and the law of the land." *Magna Carta* 1215, art. 39.

47. "A statute permitting indefinite detention of an alien would raise a serious constitutional problem." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This problem is seen with the government's understanding of 1225(b)(1). The government is using this statute to indefinitely detain an LPR who has not yet received a final order of removal.

48. Civil detention is only allowed in very limited, nonpunitive circumstances. *Zadvydas v. Davis*, 533 U.S. 679, 690 (2001); *O'Connor v. Donaldson*, 422 U.S. 563 (1975) (holding the government must adhere to due process before involuntarily committing an individual); *Jackson v. Indiana*, 406 U.S. 715 (1972) (holding the government cannot indefinitely detain on account of incompetency to stand trial). "[C]ivil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection." *United States v. Shields*, 522 F. Supp. 2d 317 (D. Mass. 2007)

49. "[T]he habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure removal [particularly considering Ms. Barker's serious medical condition without proper treatment]. It should measure reasonableness primarily in terms of the statute's basic purpose, namely, assuring the alien's presence at the moment of removal. Thus, if removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by statute." *Zadvydas*, 533 U.S. at 699-700; *see also*

50. The Eleventh Circuit similarly held that time in detention must be reasonable and must serve the statute's purpose. *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199 (11th Cir. 2016), *vacated as moot*, *Sopo v. U.S. Att'y Gen.*, 890 F.3d 952 (11th Cir. 2018) (citing *Zadvydas*, 533 U.S. at 699). Specifically, the Eleventh Circuit stated that "[t]he need for a bond inquiry is likely to arise in the six-month to one-year window, at which time a court must determine whether the purposes of the statute—preventing flight and criminal acts—are being fulfilled." *Id.* at 1217. As Ms. Barker has extreme medical complications, this inquiry must arise faster.

51. If there is no reasonably foreseeable removal, continued detention becomes unreasonable unless the government can establish evidence that the detention is necessary. *Id.* at 1233.

52. The Middle District of Georgia has recently considered joining the majority of courts throughout the United States as "mandatory detention pursuant to [8 U.S.C.] § 1225(b)(1) without a bond hearing will, at some point, become unreasonable and violate due process." *A.A. v. Warden, Stewart Det. Ctr.*, No. 4:24-CV-191-CDL-AGH, 2026 WL 1105047, *1, *7 (M.D. Ga. Feb. 13, 2026), *report and recommendation adopted*, No. 4:24-CV-191 (CDL), 2026 WL 712976 (M.D. Ga. Mar. 14, 2026).

53. This Court should follow the majority of the district courts throughout the United States and acknowledge arriving aliens have at least some due process rights. *See e.g., Leke v. Hott*, 521 F. Supp. 3d 597 (E.D. Va. 2021) ("[O]nly a moment's reflection is needed to confirm that the Fifth Amendment applies to arriving aliens in this respect."), *Mbalivoto v. Holt*, 527 F. Supp. 3d 838, 850 (E.D. Va. 2020) ("[T]he Court joins those other courts that have concluded that an individualized bond hearing is required at that point when an entering alien's continued detention under 8 U.S.C. § 1225(b) becomes unreasonable and constitutionally infirm without one."); *A.L. v. Oddo*, 761 F. Supp. 3d 822 (W.D. Pa. 2025) ("Accordingly, this Court finds that an arriving alien ... has a constitutional due process right to a bond hearing once his detention becomes unreasonable to the same extent as an alien who is subject to removal under § 1226(c)."); *Sadeqi v. LaRose*, 809 F. Supp. 3d 1090 (S.D. Cal. 2025) ("This Court agrees with the majority position that a petitioner detained under Section 1225(b)(1) may assert a due process challenge to prolonged mandatory detention without a bond hearing."); *Fils-Aime v. FCI Berlin, Warden*, 808 F. Supp. 3d 218, 224 (D.N.H. 2025) ("[S]everal district and circuit courts that have suggested and held that prolonged mandatory detention pending removal proceedings, without a bond hearing, will at some point violate the right to due process."); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) ("Accordingly . . . the Court joins the majority of courts across the

country in concluding that an unreasonably prolonged detention under 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.").

54. An arriving alien's "lack of entry" is a legal fiction as the alien is in U.S. soil. This entry fiction must not deprive a person from humane treatment. *Leke v. Hott*, 521 F. Supp. 3d 597 n.6, 602 (E.D. Va. 2021); *Lynch v. Cannatella*, 810 F.2d 1363, 1373 (5th Cir. 1987) ("The 'entry fiction' that excludable aliens are to be treated as if detained at the border despite their physical presence in the United States determines the aliens' rights with regard to immigration and deportation proceedings. *It does not limit the right of excludable aliens detained within United States territory to humane treatment.*") (emphasis added). This should be particularly true for an person who arrived as a lawful permanent resident.

55. An arriving alien's limited rights at arrival is different than the alien's rights in detention. *See Singh v. LaRose*, 2026 WL 497478 (distinguishing *Dep't of Homeland Sec. v. Thuraissigaim*, 591 U.S. 103 (2020)).

56. The Court should consider a variety of factors, not limited to the following six, when determining whether an alien has been detained for an unreasonable amount of time. *A.A.*, 2026 WL 1105047 at *9. The factors include: (1) Amount of time in detention without a bond hearing, (2) the expected duration of future detention, (3) delays in proceedings caused by the government, (4) delays in proceedings caused by the petitioner, (5) the likelihood of a final order of removal, and (6) the conditions of confinement.

57. "'This need for a bond inquiry now within the six-month to one-year window,' and that the 'one-year mark' without a bond hearing is the 'outer limit of reasonableness.'" *Id.* at *10 (quoting *Sopo*, 825 F.3d at 1217). *See also Zadvydas v. Davis*, 533 U.S. 678, 701 (2001) ("We do have reason to believe, however, that Congress previously doubted the constitutionality

of detention for more than six months."). Respondent has already been detained for over six months without a bond determination as of August, 6, 2026.

58. Respondent is likely to be detained for many more months as she has an appeal with the B.I.A. While there is no method to predict how long the appeals process will take, it will likely take between six and eighteen months. Due to Ms. Barker's medical conditions, the increased detention rapidly increases her risk of life-threatening, long-term physical deterioration

59. Government delays are weighed in favor of Petitioner. *A.A.*, 2026 WL at *10-11. DHS has delayed the process by not properly filing their brief to the BIA on time. DHS was given until July 8, 2026 to file their brief. **Exhibit D.** As of August 10, 2026, DHS has yet to submit anything to the BIA and is now barred from submitting a brief. This delay might create an increased time in adjudication, extending Ms. Barker's detention.

60. Delays caused by the Petitioner's bad faith are weighted against Petitioner. Petitioner has not asked for any frivolous petitions or continuances. The only time was a two-week continuance due to material information that arose right before the hearing. A four-month delay is weighted only "slightly" in favor of Respondents. *Id* at *11. Ms. Barker and her counsel have done everything in their power to comply with all deadlines. Unlike DHS, Ms. Barker, through counsel, complied with the BIA briefing schedule.

61. The Court looks at the posture of the case to determine the likely result. Even though Ms. Barker's waiver of inadmissibility was denied, she has a strong claim for relief on appeal as the Immigration Judge abused his discretion and required the wrong burden of proof on her. The Immigration Judge required Ms. Barker to demonstrate exceptional and extremely unusual hardship to her US Citizen daughter to be granted the waiver of inadmissibility when the standard should have been extreme hardship, a much lower immigration standard.

62. The government has already previously conceded that the Stewart Detention Center is prison-like *A.A.*, 2026 WL at * 12.

63. The Stewart Detention is known for its prison like conditions with multiple allegations of medical mistreatment amongst other accusations. *See* Alina Das, *The Law and Lawlessness of U.S. Immigration Detention*, 138 Harv. L. Rev. 1187, 1197 (2025).

B. The Parole Process does not satisfy Due Process

64. The parole process offered by ICE does not satisfy due process for two reasons. First, Ms. Barker was already under parole and without due cause had it removed which has led to her detention. Second the parole process is vastly different than a bond hearing and cannot satisfy due process.

65. The parole process is vastly different from a bond hearing. A parole determination "has highly restrictive criteria and limited transparency, is subject to the unreviewable discretion of the Attorney General, and [the alien] has no opportunity for an actual hearing before a neutral decisionmaker." *Mbalivoto v. Holt*, 527 F. Supp. 3d 838, 848 (E.D. Va. 2020) (*citing* 8 U.S.C. § 1182(d)(5)(A); 8 U.S.C. § 1252(a)(2)(B)(ii)); *see also, Rodriguez-Figueroa v. Barr*, 442 F. Supp. 3d 549, 560 (W.D.N.Y. 2020); *Rashid v. Trump*, 807 F. Supp. 3d 349, 361 (D. Vt. 2025).

66. This is unlike a bond hearing where there is clear accountability through the judicial review process, there is the opportunity to present evidence, and there is the opportunity to make a variety of legal arguments for which the Attorney General cannot determine or provide relief.

C. Mrs. Barker's medical conditions give rise to exceptional, life-threatening circumstances increasing the need of an expedited decision.

67. Respondent suffers from a variety of health conditions that require proper care for her survival. Her conditions are life threatening if not properly monitored and cared for.

68. Ms. Barker has not received proper treatment in the Stewart Detention Facility.

69. The indefinite detention violates her right to life. *See*, U.S. Const. amend. V.

70. Even criminal courts with mandatory sentencing have allowed for the release of detainees with exceptional circumstances. *United States v. Meister*, 744 F.3d 1236 (11th Cir. 2013).

71. An exceptional circumstance occurs when "the medical condition (i) is a terminal illness or (ii) 'substantially diminishes the ability of the defendant to provide self-care within' prison." *United States v. Giron*, 15 F.4th 1343, 1346 (11th Cir. 2021) (citations omitted).

72. Ms. Barker is in civil, nonpunitive detention yet is experiencing the same hardships as criminals.

73. She has the following medical conditions: pulmonary embolism, type 2 diabetes, high blood pressure, hypertension, morbid obesity, anemia requiring IV iron transfusions, and insomnia. Her pulmonary embolism is primarily life-threatening as it prevents blood from flowing to the lungs. **Exhibits N.** These conditions require extensive medical attention and many prescribed medications which require medical supervision.

74. Ms. Barker has not received the proper medical care at the Stewart Detention Center. She was prevented from taking her prescribed medications. The medical treatment she has received is not adequate to give her a chance to survive. *See e.g.*, *City of Revere v. Mass. Gen. Hospital*, 463 U.S. 239, 244-45 (1983) (requiring the government to provide medical care for pre-decision detainees).

75. The longer Ms. Barker remains in detention, the more likely her conditions will worsen and she might die.

CLAIMS FOR RELIEF

COUNT I
STATUTORY VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1225(b)

76. Petitioner realleges and incorporates by reference each and every allegation contained in the preceding paragraphs as if set forth fully herein.

77. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1225(b), as interpreted in the majority of circuits. Arriving aliens have due process rights when detained. When Petitioner's detention becomes unreasonable, the Petitioner's due process rights are violated. *See Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) ("[S]ince the Due Process Clause prohibits arbitrary deprivations of liberty, a lawful permanent resident alien . . . could be entitled to an individualized determination . . . if the continued detention became unreasonable or unjustified."). Petitioner has been detained for over six months after ICE detained her while suffering serious medical conditions. As Ms. Barker has a pending appeal with the BIA, she might be detained for an even longer indeterminate amount of time.

78. The Court should order Petitioner's immediate release.

79. The Court should allow discovery into ICE's determination to rescind her parole and continue custody. Discovery is authorized under Rule 6(a) of the Rules Governing Section 2254 Cases which also apply to § 2241 petitions—upon the petitioner's showing of "good cause." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997); United States Courts, *Rules Governing Section 2254 Cases*, https://www.uscourts.gov/file/27805/download. Good cause exists where specific factual allegations give the Court "reason to believe that the petitioner may, if the facts

are fully developed, be able to demonstrate that he is entitled to relief." *Bracy*, at 908–09. The Eleventh Circuit applies this standard and permits discovery only when the petitioner points to specific, non-conclusory allegations that justify further factual development. *See, e.g., Arthur v. Allen*, 459 F.3d 1310, 1311 (11th Cir. 2006) (holding that Rule 6 discovery is warranted only upon a showing of specific allegations suggesting that, if developed, they would entitle the petitioner to relief).

80. Petitioner has alleged specific allegations that constitute good cause for discovery into the likelihood of her removal in the reasonably foreseeable future if she is not immediately released.

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION
SUBSTANTIVE DUE PROCESS VIOLATION

81. Petitioner re-alleges and incorporates by reference the paragraphs above.

82. Petitioner's continued detention violates her right to substantive due process by depriving her of her core liberty interest to be free from bodily restraint. *See, e.g., Tam v. INS*, 14 F. Supp. 2d 1184 (E.D. Cal 1998) (noncitizens retain substantive due process rights); *see also Leke v. Hott*, 521 F. Supp. 3d 597 (E.D. Va. 2021); *A.L. v. Oddo*, 761 F. Supp. 3d 822 (W.D. Pa. 2025); *Sadeqi v. LaRose*, 809 F. Supp. 3d 1090 (S.D. Cal. 2025); *Mbalivoto v. Holt*, 527 F. Supp. 3d 838, 850 (E.D. Va. 2020); ."); *Fils-Aime v. FCI Berlin, Warden*, 808 F. Supp. 3d 218, 224 (D.N.H. 2025); *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020).

83. The Due Process Clause requires that the deprivation of petitioner's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993). While the Respondents would have a compelling government interest in detaining

Petitioner in order to effect her removal, that interest does not exist if Petitioner cannot be deported and Petitioner has extreme, life-threatening medical conditions.

COUNT III

VIOLATION OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION RIGHT TO LIFE

84. Petitioner re alleges and incorporated by reference the paragraphs above.

85. A pretrial detainee's due process rights are violated when their conditions of civil confinement "amount to punishment". *Bell v. Wolfish*, 441 U.S. 520, 535 (1979). "[U]nder the Due Process Clause, a detainee may not be punished prior to an adjudication of guilt in accordance with due process of law." *Id.*

86. Ms. Barker's pain and lack of medical assistance rise to the level of punishment. She is at risk of losing her life. The loss of like is punishment reserved for only the most atrocious crimes. 18 U.S.C. § 3591.

PRAYER FOR RELIEF

WHEREFORE, Petitioner requests that this Court:

A. Exercise jurisdiction over this matter;

B. Enjoin Petitioner's removal or transfer outside the jurisdiction of this Court and the United States pending its adjudication of this petition;

C. Enjoin Defendant's from transferring Petitioner to another facility during the pendency of this action.

D. Declare that Petitioner's detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment;

E. Order Petitioner's immediate release subject to reasonable terms of supervision;

F. Award Petitioner costs and reasonable attorney's fees; and

G. Grant such other relief as this Court may deem just and proper.

April 15, 2026

Respectfully Submitted,

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. On the basis of documents, discussions with Petitioner's immigration counsel, and Petitioner's family, I hereby verify that the statements made in this Petition and Complaint are true and correct to the best of my knowledge.

/s/ Thomas Andres Sanchez Evans
Thomas Andres Sanchez Evans

CERTIFICATE OF SERVICE

I, Thomas Andres Sanchez Evans, certify that on August 11, 2026, the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by delivering a true and correct copy by express courier, postage prepaid, to their address of record:

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Attachment to Cover Sheet

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