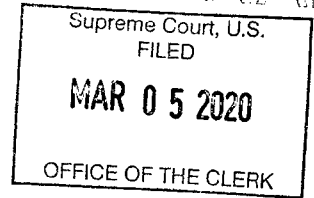


No. 19-8163

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES
DISTRICT OF COLUMBIA

MARIE JOY TANAMOR-STEFFAN
PETITIONER

VS

George C. Zoley, acting CEO OF GEO Corporation,
Ramos, acting Warden of South Louisiana ICE
Processing Center, Kevin McAleenan acting Secretary
of DHS, William Joyce, acting Field Office Director
of New Orleans US ICE, William Barr, acting as The
Attorney General of the United States of America
RESPONDENTS

PETITION FOR WRIT OF HABEAS CORPUS

Objective

1. In the mercy of the Supreme Court of the United States of America the Petitioner is begging the sitting Honorable Judges of granting the Petitioner Prayer of Relief and executively grant the Habeas Corpus.

Custody

2. Petitioner is in physical custody of respondent and detained at South Louisiana ICE Processing Center of GEO at 8343 Stagg Avenue, Basile, LA 70515 pursuant to contractual agreement with Department of Homeland Security.

Jurisdiction

3. Petitioner is now detained in the custody of respondent at GEO South Louisiana ICE Processing Center. 8343 Stagg Ave. Basile, LA.

4. This Court has the subject matter jurisdiction over this Petition under 28 U.S.C. 2241 (power to grant habeas corpus) and 28 U.S.C. 1651; and the Administrative Procedure Act, 5 U.S.C. 701.

5. The action arise under the United States Constitution, the Immigration Nationality Act of 1952, as amended, 8 U.S.C. 2241 et. seq. ("The Act") and the Administrative Procedural

Act, 5 U.S.C. 701 et. seq., the Declaratory Judgment Act, 28 U.S.C. 2201 et. seq. and The All Writs Act, 28 U.S.C. 1361.

6. The district courts shall have original jurisdiction of all civil actions arising under constitution, treaties or laws of the United States.

Venue

7. The venue of this case is best vested to the Supreme Court of the United States due to the complexity of the matter involved therein.

8. The Fifth Circuit judgment is in violation in the practice and pursuant of 8 U.S.C. 1252(3)(C) and 8 U.S.C. 1252(D).

9. A pending motion to re-open due to material element is in the BIA of Falls Church, VA since December 16, 2019.

10. A pending motion to re-open, reconsider is at the Fifth Circuit, New Orleans, LA.

11. The custody of review from DHS/ICE had contained false information and no supporting evidence submitted by the alien to conclude the review. But however the DHS/ICE conclude the review on February 3, 2020. It is fundamentally unfair.

12. In pursuant and practice of 8 C.F.R. 1003.1(d)(3)(i)

as well as 28 U.S.C. 2254(a).

13. There is an absence of available States corrective process 28 U.S.C. 2254(B)(i).

14. Circumstances exist that render such process ineffective to protect the rights of the applicant 28 U.S.C. (B)(ii).

15. In the duration of time vested to the Immigration Court of Jena, LA nor York, PA, nor DHS Attorneys, The BIA and the Officers of ICE/DHS in the following accumulations of errors, non paid much attention to all details and facts before making a strong determination to make an absolute decision on one man's life that strips her from everything she had live for. The vast value of being a family as a whole.

16. I have been detained since August 2018 untill now February 2020 without knowing when to be released, I beg the mercy of this court, The Supreme Court the absolute power to be ordained in this civil case. A release of custody is preeminent.

Parties

17. Respondent George C. Zoley is named in his official capacity as the CEO or President of GEO Corporation whom conduct business to detain alien in a contractual agreement with ICE/DHS Processing Center. Respondent address is GEO 4955 Technology Way, Boca Raton FL 33431.

18. Respondent Ramos, is named in his official capacity as the warden of the facility where the petitioner is held. In this capacity he is the legal custodian of the petitioner. Respondent address is 3843 Stagg Avenue, Basile LA 70515.

19. Respondent William Joyce is named in his official capacity as the ICE Field Office Director of New Orleans. In this capacity, he is the legal custodian of the petitioner. His address is 1250 Polydoras St. Suite 325, New Orleans LA 70113.

20. Respondent Kevin McAleenan is named in his official capacity as the Secretary of DHS. His address is MS-0525, Department Of Homeland Security, 2707 Martin Luther King Jr. Avenue SE, Washington DC 20528.

0525. He is responsible for the administration of the immigration laws. 8 U.S.C. 1103(a). He routinely transacts business with this facility. As such he is the legal custodian of petitioner.

21. Respondent William Barr is named in his official capacity as the Attorney General of the United States. He is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review 8 U.S.C. 1103(g). He routinely transacts business with this facility. As such he is the legal custodian of Petitioner. His address is United States Attorney General, United States Department Of Justice, 950 Pennsylvania Ave. NW, Washington DC 20530-0001.

Preliminary Statement

22. This case challenges the government's authority to indefinitely detain without finding dangerousness or flight risk. It asks that this Court grant the petitioner release from prolonged immigration detention.

23. Petitioner attaches all contributing factors to give determination.

24. Petitioner is suffering and will continue to suffer

irreparable injury because of the governments actions. Every day that she is held in custody she suffers further injury, which is irreparable.

24. As of the date of this Petition, the petitioner has been detained by ICE for over 19 months, with no end to petitioners detention in the reasonably foreseeable future. Petitioner was originally detained and placed in removal proceeding since August 2018.

25. Petitioner prolonged, indefinite detention pending removal proceedings violates the U. S. Constitution's Fifth Amendment because it deprives petitioner of liberty without due process of law and the Immigration Nationality Act because it is not authorized by the statute.

26. It raises substantial argument that a person being subject to unauthorized detention each day that an appeals remains pending because it has extended far beyond ~~the~~ six months period. Recognize by the Supreme Court's decision in *Zadvydas and Clark*. See *Zadvydas* 533 US at 701; *Clark* 125 S ct. at 727-28.

27. A relatively prompt consideration of the claim is necessary to give effect to the function of Habeas Corpus as an expeditious remedy. Cf. *Heun Yong v. INS*

208 F.3d 116, 1120 (9th Cir. 2000).

28. Aliens petition for writ of habeas corpus was recommended to be granted because the alien, who had been in pre-removal detention for 15 months under 8 U.S.C. 1226 (c), was not subject to a final removal, was not foreseeable, and he had likely served his sentences for cocaine crimes; thus, he was entitled to a bond hearing, *Mohamed v. Secretary of DHS*; 376 F. Supp. 3d 950 (8th Cir. Date entered: March 23, 2018. Decided March 26, 2018).

Explanation

29. Justice has to prevail when the subject matter is pertaining to Courts either it is a criminal or a civil case no matter where the location is presided, a due process in compliance with the United States Constitution has to be complete when applied to a man, a woman or an individual without an abuse of discretion or violations of the law.

30. I, Marie Joy Steffan-Tanamor an LPR of the United States Of America for the period of 20 years and more should obtain Equal Protection Of Law and deservingly do so should have Equal Access To Justice while incarcerated,

detained since 2018 of August untill currently.

31. When INA regulations was improperly applied, was not applied correctly by personnel of an agency of the United States Government and has a cataclysmic result to the Petitioner. A prolonged incarceration. A lengthy civil incarceration. Then an individual right has been violated under the United States Constitution.

32. Face with all the aspect of hardship there is. Nevertheless a demand of respect and value should be awarded to the respondent when working toward achieving fair and equal access to justice in compliance with United States Constitution (U.S.C.), Immigration Nationality Act (INA) and Administrative Procedural Act (APA). Justice must prevail.

33. The tenacity and courage of an individual face by a very complex of law such as an Immigration Law in which only a few dozens had practice which requires specialized training and comprehension perhaps but cannot be afforded to just anyone. But an individual who faces the challenges of losing it all, family, love, welfare and security. An individual must try, give itself a glimmer of hope and put forth all its time, effort, passion, tenacity and courage to make sure

Justice will be fair and equal as well.

34. Furthermore, the "Petition Of Review" at the Fifth Circuit where the Attorney General Counsel fails to address vaguely in the motion to dismiss for lack of jurisdiction in where I, the petitioner have boldly stated was the relief 212(h) waiver or INA 212(h) stand-alone waiver. To recognize the difference of the two waiver derive from one application of the USCIS form 601. The application of law without proper specification that rooted into the arguments of this case.

35. A constitutional challenge in the mechanism of the INA 212(h) and, or INA 212(h) stand-alone waiver. See *Poveda v. Attorney General* 692 F.3d 1299, 1304 (11th Cir. 2004). This equal protection issue must not be confused with that in *Francis v. INS*, 532 F.3d 688 (2nd Cir. 1976). where the government was taking the irrational position that an alien who after coming to the United States

had taken a trip abroad and returned and was then ordered deported was entitled to more consideration than the one who had never taken a trip after coming to the United States. *Id.* At 1035, 1041 (7th Cir. 1988). The Board now makes a similar distinction between a removable and inadmissible alien, and that position is rational for the reasons we articulated in *Chuang*.

36. The petitioners' "admission" back to the USA on 2011 hasn't been touched or voided. Therefore the 212 h stand-alone waiver is the relief obtainable as what the IS had thought of in the beginning of these immigration case proceedings. No current or previous document procedurally, constitutionally invalidated that specific on the NTA.

37. INA 101(a)(13)(4)(a), the term "admission" and "admitted" mean, with respect to an alien, the lawful entry of the alien into the United States after inspection and authorization by an immigration officer.

38. The term "admission" of INA to take in effect as valid for 212(h) stand-alone waiver, 8 U.S.C. 1182(h) to be granted as a relief in this case if and only if we review the entirety of this case if necessary to achieve fair and equal justice.

39. As the true facts showed that the immigration courts has staggering amount of cases of an LPR alien getting deported rather than the amount getting relief. During the 2015 Immigration Case Proceeding at the very first instant, The Immigration Judge along with the DHS Attorney synchronized each other to order removal. Somehow, without that much knowledge of the Immigration Law, as a poor man, not affording a counsel, I have to give my ownself a glimmer of hope.

40. I appealed both the IJ and DHS Attorney decision. The decision somehow on my own finding now that it was in violation of 8 C.F.R. 1240.11(a)(2) in like case of *Guzman-Ibarrez v. US* 792 F.3d 1049.

41. That isn't only the issue here, as the 2015 case got remanded back to Immigration Court from the BIA, given relief and release on the same day of the court day.

42. The remand of the 2015 temporarily fix the issue but the waiver of use was incorrect because the NTA use NTA 2011 had clearly stated false facts. 4. You were not then admitted or paroled after inspection by an immigration Officer. "You were not then admitted or paroled."

43. In INA terms "You were not then admitted or paroled", in simple terms, I entered illegally. That is a false statement of ICE 2011 produce NTA.

44. So now once again in continuance because I am the same alien although an LPR 072733411, the relief and release of custody during the 2015 Immigration Proceeding would automatically allow me, as the facts show in the case file however of the term "admission" in INA 101(a)(13)(4)(a) would by pursuant of the Act, the 212(h) stand-alone waiver would allow me to use in my case proceeding of this 2018-2020.

45. To recognize that 212(h) stand-alone only requires an I 485 application with the I 601 because the 2011 admission as an LPR. A returning lawful permanent resident before an immigration proceeding ~~has~~ initiated.

citing *Cabral v Holder*, 632 F.3d 886, 891 (5th Cir 2011).

46. Somehow, I conclude and hope that justice must prevail but the first attempt at the Fifth Circuit of New Orleans, LA had shattered that hope. Although the judgment is already in violation of U.S.C. 1252 (3)(C). Aliens Brief; The alien shall serve and file a brief in connection with a petition for judicial review not later than 90 days after the date on which the administrative record available, and may serve and file a reply brief of the Attorney General, and the court may not extend this deadline except upon motion of good cause shown. If an alien fails to file a brief within the time provided in this paragraph, the court shall dismiss the appeal unless a manifest injustice would result.

47. Furthermore, how does ICE/DHS William Joyce and Maria Quebrado conclude a continuance of detention on the first ever done custody of review without an interview nor without the aliens supporting evidence to aide the review. Where is the Law in basic terms applied in this procedure?

48. According to the document, continuance of

detention that on January 10, 2020 I was interviewed or somehow submitted evidence or documents. That is a false claimed by an agency of the Government. That never occurred. Where did all of the claimed happened?

48. Persistently I argue the US government continuous detention pending of the immigration case of an LPR alien of over 20 years, have not committed a violent crime, with strong ties to a family and community and does not have a contagious disease. Above all is not, was not charge of a crime of terrorism.

49. The refusal to give the relief available because there is no standard mechanism to execute as in *Cabrera* of the Fifth circuit, *Abosi* (BIA 2007), *Klementanovsky* of 11th Cir. 2007). *Lanier* of (11th Cir. 2011) and *Judaking* (2011) and *Young* of (11th Cir. 2011). A standard of mechanism to execute the INA 212 h and INA 212h stand-alone waiver.

50. The Attorney General Counsel never have acknowledge the very issue at hand because the counsel had already concluded in there term that an I-30 Application concurrently filed with the I-485 is the only way to readjust.

51. The 212 h stand alone waiver only needs an

I 485 Application along with I 601 Application because the "admission as a returning LPR where the alien can readjust itself. In which the record will support this statement according to the Immigration Judge Cassie Thogersen in the beginning of the case. The transcript would showed.

52. This Immigration Case Proceeding of 2018 August until now 2020 February is a circus of arguments of Laws, the waiver, the mechanism, the brief, the jurisdiction, and the change of address, false facts and the prolonging of distress suffering of the petitioner and the family involved is, are substantial enough to warrant the Habeas Corpus as an expeditious remedy.

53. To further explain, in doing so they follow Demore and Kim, 538 U.S. 510, 518 (2003). Demore identified mandatory detention pending removal proceedings as a "brief period" lasting "roughly a month and a half in the vast majority of cases in which it is invoked, and about five in the minority of cases on which the alien choose to appeal."

54. Through the government interpretation of 1225(b) as permitting indefinite mandatory detention is unconstitutional.

"when the validity of an act of the Congress is drawn in question, and even if serious doubt of constitutionality is raised, it is a cardinal principle that this Court will first ascertain whether a construction of the statute is fairly possible by which the question may be avoided." *Crowell v. Benson*, 285 U.S. 22, 62 (1932); see also *Zadvydas*, 533 U.S. 678 at 689 (citing *Crowell*). This doctrine of statutory interpretation is known as constitutional avoidance.

56. "The Supreme Court has instructed that, where one possible application of a statute raises constitutional concerns, the statute as a whole should be construed through the prism of constitutional avoidance." *Rodriguez v. Robles*, 715 F.3d 1127, 1141 (citing *Clark v. Martinez*, 543 U.S. 371, 380 (2005)). "Thus the dispositive question is not whether there is any single application of the statute that calls for limiting construction." *Id.*

57. The text of the statute did not distinguish between the two classes, however, and "to give these same words a different meaning for each category would be to invent a statute rather than interpret one." *Id.* at 378. Because the same statutory text applied to both

groups, and detention for more than six months raises constitutional question concerns for least the admitted non citizens, every noncitizen subject to the statute was entitled to the same reading limiting mandatory detention, "The lowest common denominator as it were, must govern." *Id.* at 380.

58. Petitioner detention is also unreasonably prolonged on the facts and circumstances of a case, overall length of its detention, the promptness of proceedings, the complexity of the case, the foreseeability of continued, lengthy litigation and conditions of confinement. *Chavez-Alvarez v. Warden York City Prison*, 783 F.3d 469, 474-478 (outlining factors that govern when mandatory becomes prolonged.)

59. Sometimes after six months timeframe considered by *Demore*, and certainly by the time (a non citizen) has detained for one year. "Mandatory detention is unreasonable." *Id.* at 478.

60. Moreover, delay caused by "individual actions by various actors in the immigration system, each of

which takes only a reasonable amount of time to accomplish, can nevertheless result in the detention of a removable alien for an unreasonable, and ultimately unconstitutional, period of time, "Diop v. ICE/DHS, 656 F.3d 221, 223.

61. The reasonableness of ongoing detention must also consider "whether an alien challenges aspects of the Government's case the present real issues, for example: genuine factual dispute; poor legal reasoning; reliance on a contested theory; or the presence of legal issue." It is permissible to "effectively punish these aliens for choosing to exercise their legal right to challenge the Government's case against aliens by rendering the corresponding increase in time of detention as reasonable." Chavez-Alvarez, 783 F.3d at 476.

62. Finally, this Court "cannot ignore the conditions of confinement." Id. at 478. Where immigration takes place in penal setting, prolonged detention is more likely to be unconstitutional. "Merely calling a confinement 'Civil Detention' does not, of itself,

meaningfully differentiates it from penal measures. As the length of the detention grows, the weight given to this aspect of (a noncitizens) detention increases." Id. (citations omitted).

63. Petitioner prolonged detention raises all of the enumerated concerns. (Apply facts to the law).

64. It is undisputable fact that any of the delay is, was not necessitated by research or investigation.

65. Petitioner is not an alien with a "highly contagious disease posing a danger to the public health." 8 C.F.R. 241.14 (6).

66. Petitioner was not and is not now detained on account of security or terrorism concerns. 8 C.F.R. 219.14 (d)(1).
67. Petitioner has not committed a violent crime as defined in 18 U.S.C. 241.14 (f)(1). My release therefore would not pose as a special danger to the public. See 8 C.F.R. 241.14 (f).

Exhaustion Of Remedies

68. No legislative language can deprive of a man a fair hearing in the adjudication of her rights, or her

right to have the court decide whether the Agency through a lay tribunal applied the correct rule of law to the true facts.

69. Refusal to exercise discretion is in violation of 245 of INA, Immigration Nationality Act and 701-706 APA, Administrative Procedural Act.

70. There is no statutory requirement of exhaustion of administrative remedies where a noncitizens challenges the lawfulness of her, my detention. See *Louisaire v. Muller*, 758 F. Supp. 2d 229, 234 (S.D.N.Y. 2010); *Garcia v. Shanahan*, 615 F. Supp. 2d 175, 180 (S.D.N.Y. 2009). Any requirement of administrative exhaustion is therefore purely discretionary.

71. In making a decision, the Court should consider the urgency of the need for immediate review. "Where a person is detained by executive order.... the need for collateral review is most pressing..... In this context the need for habeas corpus is more urgent." *Boumediene v. Bush*, 533 U.S. 723, 783 (2008) (waiving)

administrative exhaustion for executive detainees).

72. Moreover, where the agency has predetermined a dispositive issue, no further action with the agency is necessary. See, e.g. *Monestime v. Reilly*, 704 F. Supp. 2d 453, 456-57 (S.D.N.Y. 2010) (holding that administrative challenges to a noncitizens classification under the mandatory detention statute would be futile given the agency's precedent on the issue); *Garcia* 615 Supp. 2d at 180 (same).

73. Further, "The BIA, Board of Immigration Appeal does not have jurisdiction to adjudicate constitutional issues....." *United States v Gonzalez-Roque*, 301 F.3d 39, 48 (2nd Cir. 2002). Because respondent raises constitutional due process claim in her, my habeas petition, exhaustion of my due process claims would be futile.

74. A request for release on humanitarian parole under 8 U.S.C. 1182(d)(5)(A) would also be futile. Parole review is conducted informally by DHS/ICE officers-----the jailing authority-----by checking the box

on a form that contains no factual findings, no specific explanation and no evidence deliberation. There are no hearing, no record and no administrative appeal from negative parole decision even to correct the manifest errors. See *Rodriguez v Robbins*, 804 F.3d 1060, 1081 (9th Cir. 2015). cert. granted sub nom. *Jennings v. Rodriguez*, 136 S. Ct. 2489, 195 L. Ed. 2d 821 (2016).

(Identifying denials of parole: "base on blatant errors: in two separate case... officers apparently denied parole because they have confuse Ethiopia with Somalia. And in the third case, an officer denied parole because he had mixed up 2 detainees files.") *Nadarajah v Gonzalez*, 443 F.3d 1069, 1082 (9th Cir 2006) (finding that DHS abused its authority by denying parole). In absence of administratively enforceable standards, grants of parole have decreased sharply in recent years. See Human Rights First, *Lifeline on Lockdown: Increased U.S. Detention of Asylum Seekers* 13 (2016) (relying on government data to document a one-third decrease in parole grants between 2012 and 2015).

75. President Trump has further restricted the already limited use of parole authority by ordering DHS officials to "end the abuse of parole and asylum provisions" in January 2017 Executive Order. No. 13,767: Border Security and Immigration Enforcement Improvements, 82 Fed. Reg. 8793 (Jan. 25. 2017).

76. It is undisputable facts that the Petitioner, Marie Joy Steffan-Tanamor has and always submitted all evidence, waiver application, appeals as well as the briefs within the US Government Agencies timeline given.

Claims Of Relief

First Claim Of Relief

Violation Of The Due Process Clause Of The Fifth Amendment To The U.S. Constitution

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

78. Petitioner prolonged detention under 1225(b) without any individualized assessment of the need for detention deprives petitioner of due process of law. The court should therefore order release from unconstitutional

detention.

79. The Due Process Clause of the Fifth Amendment forbids the government from depriving any "person", "individual" of liberty "without the due process of law." U.S. Const. amend.

V.

80. "The Due Process Clause applies to all 'person' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v Davis*, 533 U.S. 678, 693 (2001). For this reason, even "removable and inadmissible aliens are entitled to be free from detention that is arbitrary and capricious," *id.* at 721 (Kennedy, J., dissenting). The constitutional protection is unaffected by the government's authority to make rules for "admission" that regulate the immigration status of noncitizens. See 8 U.S.C. 1101(a)(13)(A) (defining admission as "lawful entry of the alien").

81. In *Zadvydas v Davis*, the Supreme Court rejected the government's argument that its immigration powers permit it to indefinitely detain noncitizens after conclusion of removal proceedings. *Id.* at 695. Since then, the government has repeated the same argument to justify prolonged,

indefinite detention pending removal.

82. Each time, federal courts have roundly rejected it. Every Court of Appeals to consider prolonged detention under INA 236(c), statute that, like 1225(b) mandate detention of inadmissible noncitizens pending removal proceeding --- holds limited to a reasonable period by the Due Process Clause. See *Sopo v. U.S. Atty. Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2nd Cir. 2015); *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/DHS*, 655 F.3d 221 (3rd Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir. 2003).

None of these decisions distinguishes between previously admitted and inadmissible noncitizens. Instead, they find that due process limits the period that any non citizen may be held in prolonged mandatory detention pending removal proceedings.

83. In doing so, they *Demore v. Kim*, 533 U.S. 510, 518 (2003). *Demore* identified mandatory detention pending removal proceedings as a "brief period" lasting

"roughly a month and a half in the vast majority of cases in which it is invoked, and about five in the minority of cases on which the alien choose to appeal."

84. Thus, in the Second and Ninth Circuits, the reasonable period of 1226(b) mandatory detention pending removal proceedings ends at 6 months. *Lora*, 804 F.3d at 613; *Rodriguez*, 804 F.3d at 1065. The remaining circuits to have addressed this issue hold detention unreasonable some after 6 months, depending on the facts and circumstances of the case, 9 months "straining any commonsense definition of a limited or brief civil detention." *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 477 (3d Cir. 2015).

85. The only Court of Appeals to consider prolonged detention under 1225(b) that holds that "to avoid serious constitutional concerns, mandatory

detention under 1225(b)... must be construed as implicitly time limited."

86. Finally, parole was also available to inadmissible non-citizens who challenged under 1226(c). Yet every Court Of Appeals to consider 1226(c) has nonetheless ruled it limited to a reasonable period by Due Process Clause. The ability to apply for parole is therefore an inadequate substitute for due process.

87. Petitioners prolonged, indefinite detention under 1225(b) violates the Fifth Amendment by depriving ~~him~~ of liberty without due process of law. This Court should therefore order her release. See, e.g., *Nadarajah v. Gonzalez*, 443 F.3d 1069, 1084 (9th Cir. 2006); *Madrane v. Hogan*, 520 F. Supp. 2d 654 (M.D. Pa. 2007); *Victor v. Mukasey*, ~~2~~ 2008 WL 5061810 (M.D. Pa. Nov. 25, 2008); *Nunez*

Pimentel v U.S. DHS, 2008 WL 2593806 (M.D. Pa. June 27, 2008) (ordering release from prolonged detention pending removal proceedings).

88. A finding that an agency's position was substantially justified when the Agency's position was based on the violations of the Constitution Federal Statute or the agency's own regulation constitutes an abuse of discretion.

Second Claim For Relief
Violation Of The Nationality Act 235(B), 8 U.S.C. 1225(B)

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

90. Through the government interpretation of 1225(B) as permitting indefinite mandatory detention is unconstitutional. "when the validity of an act of the Congress is drawn in question, and even if serious doubt of constitutionality is

raised, it is a cardinal principle that this court will first

ascertain whether a construction of statute is fairly possible by which the question may be avoided. Crowell

v. Benson, 285 U.S. 22, 62 (1932); see also Zadvydas, 533 U.S. 678 at 689 (Citing Crowell). This doctrine of statutory interpretation is known as constitutional avoidance.

91. The Supreme Court has instructed that,

where one possible application of a statute raises constitutional concerns, the statute as a whole should be construed through the prism of constitutional avoidance". Rodriguez v Robbins, 715 F.3d 1127, 1141

Citing Clark v Martinez, 543 U.S. 371, 380 (2005).

Thus, the dispositive question is not whether the government's reading of 1225(b) is permissible in some (or even most) cases, but rather whether there is any single application of the statute

that calls for limiting construction." *id.*

92. In *Martinez*, the Court analyze 1231(a)(6), a statute previously read as a matter of constitutional avoidance to limit mandatory detention after the conclusion of removal proceedings to presumptively reasonable period of six months. *Zadvydas*, 533 U.S. 678. The same statute The same statute applied to both admitted and inadmissible non citizens, but the government argued that the same limit on detention did not apply to inadmissible non-citizens because they were not entitled to the same constitutional protection. *Martinez*, 543 U.S. at 380.

93. The text of the statute did not distinguish between the two classes, however, and "to give these same words different meaning for each category would be to invent a statute rather than interpret one." *Id.* at 378. Because the same statutory text

applied to both groups, and detention for more than 6 months raised constitutional question concerns. For at least the admitted noncitizens, every noncitizen subject to the statute was entitled to the same reading limiting mandatory detention. "The lowest common denominator as it were, must govern." *Id.* at 380.

94. As explained above in the First Claim For Relief, arriving asylum seekers are entitled to be free from arbitrary and capricious detention under the Due Process Clause. Even assuming *arguendo* they were not, however, LPP's are entitled to due process in prolonged detention because "once an alien gains admission to our country and begins to develop ties that go with permanent residence his constitutional status changes accordingly." *Landon v Plascencia*, 459 U.S. 21, 32 (1982).

95. Petitioner detention is also unreasonably prolonged on the facts and circumstances of a

case, overall length of its detention, the promptness of proceedings, the complexity of the case, the foreseeability of continued, lengthy litigation and conditions of confinement. *Chavez-Alvarez v Warden York City Prison*, 783 F.3d 469, 474-478 (outlining factors that govern when mandatory becomes prolonged.)

96. Sometimes after six months timeframe considered by *Demore* and certainly by the time (a noncitizen) has detained for one year. "Mandatory detention is unreasonable. *Id.* at 478.

97. Moreover, delay caused by "individual actions by various actors in the immigration system, each of which takes only a reasonable amount of time to accomplish, can nevertheless result in the detention of a removable alien for an unreasonable, and ultimately unconstitutional, period of time," *Diop v ICE/Department Of Homeland Security*, 656 F.3d 221, 223.

98. Petitioner prolonged detention raises all of these concerns. (Apply facts to law).

In Violation Of The Following

99. INA 240A(a) Waiver

100. INA 212(h)(1)(B)

101. INA 212 h waiver

102. INA 212 h standalone waiver

103. Pursuant to section 301 of INA 1990 (Family Unity)

104. United States Constitution Of The Fifth Amendment

105. The Due Process Clause Of The Fourth Amendment

106. Administrative. Procedural Act 701-706

107. 5 U.S.C. 706(2)(B)(D)(F)

108. 5 U.S.C. 706(1)(2)

109. 5 U.S.C. 556(c)(1)(2)(3)(4)(5)(6)(7)(8)(9)(10)

110. 5 U.S.C. 556(d)

111. 8 U.S.C. 1252(3)(C)

112. 8 C.F.R. 1240.11(a)(2)

113. INA 242(a)(D)

114. 8 U.S.C. 1252(a)(2)(D)

Conclusion

115. If only the process of the proceedings of this case was properly reviewed, in accordance with the law. Then and only then it would have impeded the achievement in a reasonable civil detention of a fair and just desirable result.

116. With lesser attention and concern to the Petitioner and her family, or no concern at all, The ICE Personnel, DHS Attorneys and Immigration Judges has only one basis to achieved, their main goal. The adamant to remove an alien. Where there cause of action does not consist of all true fact but the unlawful violation of a right which the fact show.

117. The errors warrant more than an attention. An

opportunity to be heard.

118. My life, my children, my husband and my father has not only suffered emotionally but far beyond of the matter.

Verified Petition For Writ Of Habeas Corpus

119. Petitioner Marie Joy Steffan-Tanamor appearing Pro Se, hereby petition this Court For Writ Of Habeas Corpus and seeks declaratory and injunctive relief to review the lawfulness of my detention by the United States Department Of Homeland Security, Immigration Custom Enforcement and in contractual agreement with GEO, for more than 19 months and ongoing with no resolution.

Prayer Of Relief

120. Wherefore, Petitioner respectfully request that this Court:

- a. Assume jurisdiction over this matter.
- b. Award the Petitioner the cost of effort, work done equivalent to the amount reasonable as an Attorney's Fees in this action as provided for by the Equal Access To Justice Act, 28 U.S.C. 2412 statute.
- c. Award Petitioner a sum of compensation for the unwarranted civil detention due to judicial negligence, a violations of the law of the United States Constitution.
- d. Grant such relief as the court deems just and proper.
- e. Grant an order of release from any civil detention from any existing DHS/ICE contracted facilities.

Respectfully Submitted;


Marie Joy Steffan-Taramot^{37.}
072733411

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES
DISTRICT OF COLUMBIA

MARIE JOY TANAMOR-STEFFAN
PETITIONER

VS

George C. Zoley, acting CEO OF GEO Corporation,
Ramos, acting Warden of South Louisiana ICE
Processing Center, Kevin McAleenan acting Secretary
of DHS, William Joyce, acting Field Office Director
of New Orleans US ICE, William Barr, acting as The
Attorney General of the United States of America
RESPONDENTS

PROOF OF SERVICE

I, *Marie Joy Tanamor-Steffan*, do swear or declare that on this date, *March 03, 2020* as required by the Supreme Court Rule 29 I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS AND PETITION FOR WRIT OF CERTIORARI AND PETITION FOR HABEAS CORPUS on each party to the above proceeding or the party's counsel and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first class postage prepaid, or delivery to a third party commercial carrier for delivery within 3 calendar days.

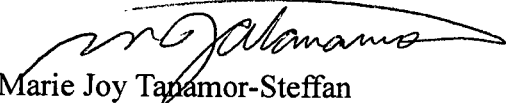
The names and addresses of those served are as follows:

1. Respondent George Zoley is the named CEO of GEO Corporation, his address is 4955 Technology Way, Boca Raton, FL 33431.

2. Respondent Ramos , acting Warden of South Louisiana ICE Processing Center, his address is 3843 Stagg Avenue, Basile LA 70515.
3. Respondent Kevin McAleenan acting Secretary of DHS, his adress is MS-0525, Department Of Homeland Security, 2707 Martin Luther King Jr. Ave. SE, Washington DC 20528-0525.
4. William Joyce, acting Field Office Director of New Orleans US ICE, his address is 1250 Polydoras St. Suite 325, New Orleans 70113.
5. William Barr, acting as The Attorney General of the United States of America, his address is United States Attorney General, United States Department Of Justice, 950 Pennsylvania Avenue NW, Washington DC 20530-0001.

Executed on: March 03, 2020

Respectfully Submitted,



Marie Joy Tapamor-Steffan
072733411
3843 Stagg Avenue
Basile, LA 70515