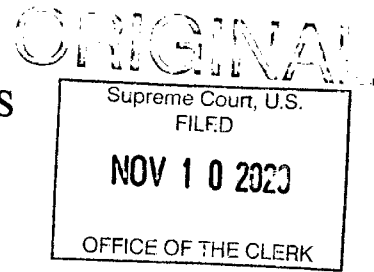


No. 20-6587

THE SUPREME COURT OF THE UNITED STATES
IN THE
DISTRICT OF COLUMBIA



MARIE JOY TANAMOR- STEFFAN
PETITIONER

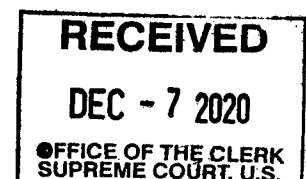
vs.

WILLIAM BARR, ATTY. GENERAL, CHAD WOLF, SECRETARY OF
DEPARTMENT OF HOMELAND SECURITY, GARY CHAMBERLAIN,
FIELD OFFICE DIRECTOR OF NEW ORLEANS US ICE

PETITION FOR WRIT OF HABEAS CORPUS

Marie Joy Tanamor-Steffan
072733411
3843 Stagg Avenue
Basile LA 70515

1.



OBJECTIVE

1. In the mercy of the Supreme Court of the United States of America, here the alien petitioner would like the sitting Honorable Justices to consider the exceptional circumstances of the matter and the imminent impact that can be potentially will result into an irreparable injury to the petitioner alien. Petitioner alien is seeking a release from any federal custody through a Humanitarian Parole Release, see. C.F.R. 212.5(b)(1) or any Declaratory or Injunctive Relief that is seem to be deem and proper. The alien is under chronic care of respiratory disease called asthma and chronic care for allergies. Therefore, the Petition For Writ Of Habeas Corpus should be favorably granted.

CUSTODY

2. Petitioner is in physical custody of respondent and is detained at (SLIPC) South Louisiana ICE Processing Center of GEO at 3843 Stagg Ave. Basile LA 70515 pursuant to contractual agreement with the Department of Homeland Security.

JURISDICTION

3. Petitioner is now detained in the custody of respondent at (SLIPC) South Louisiana ICE Processing Center of GEO Corporation at 3843 Stagg Ave. Basile LA 70515.

4. This Court has the subject matter jurisdiction over this Petition under 28U.S.C 2241 (power to grant Habeas Corpus) and 28 U.S.C. 1651 (All Writs Act); and the Administrative Procedural Act, 5U.S.C. 701.

5.The action arise under the United States Constitution, the Immigration Nationality Act of 1952, as amended, 8U.S.C. 2241 et. seq. ("The Act") and the Administrative Procedural Act, 5 U.S. C. 701 et, seq. And The All Writs Act, 28 U.S.C. 1361.

6. The District Court shall have the original jurisdiction of all civil actions arising under the constitution, treaties or laws of the United States.28U.S.C. 1391.

PARTIES

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

8. Respondent Chad Wolf is named in his official capacity as the secretary of the DHS. His address is MS-0285, Department Of Homeland Security. 2707 Martin Luther King Jr, Avenue. SE, Washington DC 20528-525. He is responsible for the administration of the immigration laws 8U.S.C. 1103(a). He routinely transacts business with this facility. As such he is the legal custodian of the Petitioner.

9. Respondent Gary Chamberlain 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 Poydras St. Suite 325, New Orleans LA 70113.

PRELIMINARY STATEMENT

10. This case challenges the government authority (Immigration Custom Enforcer Officers, Department Of Homeland Security) to indefinitely detain without the substantial ***“burden of proof”*** to support the finding of dangerousness or flight risk. It ask that this Court will grant the petitioner release from prolonged immigration detention.

11. Petitioner was not and is not now detained on the account of security or terrorism concerns. 8C.F.R 114(d)(1).

12. Petitioner is not an alien with a “highly contagious disease) posing a danger to the public health”. 8C.F.R. 241.14(b).

13. Petitioner has not committed a violent crime as defined 18U.S.C. (f)(1). Her release therefore would not pose a special danger to the society. 8C.F.R. 241.14(f).

14. World Health Organization on March 11, 2020 declare a global pandemic of a very dangerous and harmful disease, a virus called **COVID 19**.
15. Currently CNN News has covered the data of the COVID 19. The severe damages of the virus. The data showed on October 19, 2020 globally there is 39,858,453 cases of people infected with COVID 19 and 1,112,142 people died. The affected Human Beings are in total of millions and counting since there is or are no vaccine or medicine known to man that is scientifically approve by WHO (world Health Organization) or any federal agency and is available to the large public.
16. In the United States Of America on October 19, 2020 there are 8,147,060 cases of people infected with the virus COVID19 and 219,667 resulted to deaths of the people infected with COVID 19. And daily statistics showed as CNN News covers the virus COVID 19 data on the daily people here in the United States is averaging more than new 55,000 cases getting infected with COVID 19.
17. World Health Organization declare that people with an underlying conditions, health related issues such as Respiratory Diseases, Heart Diseases, Chronic or Liver Diseases, Anxiety and other mental illness and compromised immune system (such as from cancer, HIV, or autoimmune disease) are more susceptible to the COVID 19 virus and upon contracting the virus there more likely to die from it rather than recover from the virus.
18. My father Elinio Tanamor, whom had financially supported me while being detained under federal custody had contracted the virus "COVID 19" while at work. Employed by the company Suite Services Inc. at 1019 U Street N.W., Washington DC 20001. April 2020 my father contracted the virus and died in May 2020 at Holy Cross Hospital of Montgomery County MD. The Virus in fact is very deadly. My last conversation to my father, the last time I heard my fathers voice was less than a week when he went to the hospital unknowingly. I never was able to say goodbye to my only father nor I thought he will contract the deadly disease because symptoms describe by Center For Disease Control (CDC) never persisted during those time. He was working. Never have taken a day or two to say, He was not feeling well from such any of the symptoms.

19. The sudden death of my father from COVID 19 have brought me to a very unstable emotional issues that have resulted into a psychiatric care. They come to a conclusion of giving me a medication called Buspar. A psychiatric drug hoping it will aide the situation. I had informed ICE in the premature stage during the diagnose of my father contracting COVID 19 and ICE had offer nothing of any assistance.
20. Of the fatality of the COVID 19 virus in fact Atty. General William Barr declare a mandate of the release of the prisoner in effect of the spread of the virus. Some county and federal detainees serving time in there criminal charges was release on behalf of the matter that is a becoming of a HUMANITARIAN issue for the well being of the prisoner whom have health related issues. The Government of the United States cannot just let an inmate die of the virus but indeed inmates have died upon getting infected with the virus called "COVID 19". In the current matter of Lasalle ICE Processing Center at Jena, LA. Detained alien tested positive of COVID 19. Currently as to this date while being detained federal inmates are still getting infected with COVID 19. As much as CDC giving the guidelines in regard to COVID 19, a deadly virus it has not stop nor prevented the detained inmate from contracting the virus.
21. During the brink of the COVID 19 pandemic of early March 2020, the petitioner alien submitted a request to ICE, to an ICE Officer Derek Long. After a while of waiting for a response, an official document stating the true facts in which ICE, ICE officers have not answered the request, I submitted another updated request to the replacement ICE Officer after there 45 days rotation of work scheduled in the (SLIPC) South Louisiana ICE Processing Center. The petitioner submitted a request of a Humanitarian Parole Release because the petitioner was and is under the chronic care of asthma, and under chronic care of severe allergy. The asthma is a respiratory lung disease that on the event that I will contract the disease, I'm more likely to die than recover from COVID 19. The humanitarian parole request is a preventative measure and an urgent one.
22. Since then, ICE Officers have not given the detained alien in the GEO Facility a response, the petitioner alien submitted again a package for a "Humanitarian Parole Release" because of my underlying condition, my asthma, allergies and now my psychiatric medication of the event that took place while being detained . The package contains supporting evidence that the petitioner has a strong ties to the community, the petitioner is

rehabilitated, is not a danger to the society and is under chronic care of a respiratory disease, chronic care of allergy and of recent matter under a psychiatric care. See **C.F.R. 212.5 (b)(1)(b)(2)** This was submitted to ICE Officers and mailed to Gary Chamberlain, the current ICE Field Office Director New Orleans on June 2020.

23. As of today's date the petitioner has not officially received an answer of the Humanitarian Parole Release after the several attempt of submitting a Humanitarian Parole Release through the ICE mail box and on US postal delivery address to the current ICE Field Director of New Orleans. The matter is completely unfair and devastating because the matter is pertaining to a human life that at risk in comparison to the majority being detained but yet it is and was ignored and still is ignored by ICE (Immigration Custom Enforcement). A humanitarian parole release is different from the custody review conducted by ICE on a cycle of 90, 120 and 180 days. The 2 matters are completely different. It should be address in the matter of how its presented by the petitioner alien.

24. Consistent with the United States Constitution through Immigration Nationality Act there is a parole and conditional parole. Where once life is threaten by confinement then this exceptional circumstances exist, it shall be given in a factor for consideration. ICE, ICE Officers has not and have never conducted any interview to the alien upon the alien submission of the humanitarian parole release of March 2020 until the last submission on June 2020. 8C.F.R. 212.5(b)(1). Evidence of documents submitted to ICE is in alien petitioner possession.

8C.F.R. 212.5(b)(1) Parole of aliens into the United States

(b) The parole of alien within the following groups who have been or are detained in accordance with 235.3(c) of this chapter would be justified only by case to case basis for "urgent humanitarian reasons or significant public benefit", provided the alien present neither a security risk nor risk of absconding.

(1) Aliens who have serious medical conditions in which continued detention would not be appropriate.

(b) conditions

(2) community ties such as close relatives with known addresses.

25. The COVID19 virus is still unsolved and the petitioner is still in chronic care for the asthma and allergy. The situation in the facility will more likely than not will do harm to the petitioner. Contracting COVID19 will severely harm the alien petitioner if the prolonged incarceration continue.
26. This matter is an urgent one.
27. April 20, 2020 a class action lawsuit was brought to the Supreme Court "*Fraihat v. ICE*" because of COVID 19 relating to people, inmates, alien being detained with health related issues and the facility poor diet issues and conditions of the confinement.
28. As use to be an ICE Officers comes to the unit to do there rounds and I asked about my humanitarian parole release request. He and few several will always a comment that the prison is the safest place for me because there is no COVID 19. Such fact is not true because at the time of the outbreak until June there was no conducting of inmates COVID 19 Test. When the facility conducted the test there was a few results that an alien detained is tested positive of COVID 19. The facility official till this day denies whenever there is, a staff or alien test positive of COVID 19. The facility is not and will never be the safest place in this time of COVID 19. There is a continuance of detained alien contracting the virus. Ask ICE the list from medical of the inmates whom have contracted of COVID19. I Beg the Justices of the Supreme Court to review the matter of my prolonged detention and the factors. The health issues with the Humanitarian Crisis, "COVID 19".
29. The constant exposure of different traffic of the staff or inmate coming from the outside of the society will somehow lead to the possibility of contracting COVID 19. The incident of emergency evacuation twice had happened is the potential exposure of COVID 19. Exposure to COVID19 is a constant threat of my life safety, my life. The poor sanitation and poor unbalance diet is not a healthy resolution for a person who is suffering a medical condition. I beg the Justices of the supreme court to review the matter of my prolonged detention. The health issues with the Humanitarian Crisis, "COVID 19". I would not want to die in prison upon contracting COVID19.

30. The constant possibility of exposure to COVID 19 is an eminent threat of my safety, my life. Prolonged incarceration is an appropriate at this matter where once own life is threaten. Justice Kennedy concurring opinion on Hyunh Joon Kim v. Charles Demore (Supreme Court Jan. 15. 2003- April 29. 2003).

"For similar reasons, since the Due Process Clause prohibits arbitrary deprivations of liberty, a lawful permanent resident alien such as respondent could be entitled to an individualized determination as to his risk of flight and dangerousness if the continued detention became unreasonable or unjustified. Zadvydas, 533 US, at 684-686, 150 L Ed 2d 653, 121 S Ct 2491;id., at 721, 150 L Ed 2d 653, 121 S Ct 2491(Kennedy, J., dissenting) ("Aliens are entitled to be free from detention that is arbitrary or capricious"). Were there to be an unreasonable delay by the INS in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not to facilitate deportation, or to protect against risk of flight or dangerousness, {538 U.S. 533}but to incarcerate for other reasons. That is not a proper inference, however, either from the statutory scheme itself or from the circumstances of this case. The Court's careful opinion is consistent with these premises, and I join it in full."

31. Petitioner has exhausted administrative remedies.

32. For the reasons set forth above, The Petition For Writ OF Habeas Corpus shall be Granted.

STATEMENTS OF FACTS AND OF PROCEDURAL HISTORY

33. July 1991 the petitioner alien entered the United States Of America holding a G-5 visa. Of 1994 the petitioner has adjusted her status as a legal permanent resident obtain from the American born husband, a US citizen. The petitioner alien has been a Legal Permanent Resident for 28 years.
34. The petitioner alien has an 8 year old United States Citizen son residing in Maryland with the father, my husband whom had formerly served the United States Military. My family and I have been living in our current address for 7 years. I the mother is a graduate honor in a medical field here in the United States.

35. The petitioner alien has been in ICE Custody since August of 2018. Have appeal to the BIA twice and got remanded in the first appeal. The second appeal to the BIA, the BIA after affirming the Immigration Judge decision on November 1, 2019 made this statement on the decision, ***“Contrary to the respondent's arguments on the appeal, she is not eligible for the waiver of inadmissibility under section 212(h) of the Act 8 U.S.C. 1182 (IJ at 7-8; Respondent Br. At 1). At the time of her removal hearing on January 24, 2019, she was not the beneficiary of an approved or even pending visa petition filed on her behalf by her lawful permanent husband or other family member (IJ at 8)”***. But of the statement the BIA made of the decision on November 1, 2020 never upheld there very on statement. BIA departed from that statement by denying the Motion To Reopen.
36. Instantly the petitioner alien appearing pro se on December 16, 2019 a Motion To Reopen was filed to the BIA. The MTR was filed on time and consist of a new evidence, a material element that will prove to change the outcome of the case, the immigration proceeding. Here is my statements of the case after the BIA denied the Motion To Reopen.
37. On Aug. 25, 2020 the Fifth Circuit Court Of Appeals Dismiss Alien Petitioner, 072733411 Petition For Review case no. 20-60577 for Lack Of Jurisdiction to review the Motion To Reopen denied by the BIA on June 25, 2020. On September 11, 2020, Petition For Writ Of Certiorari was docketed No. 20-5679.
38. Precedent of the matter Seventh Circuit Court Of Appeals case Kucana v. Holder and both Fifth Circuit Court Of Appeals cases, Dada v. Mukasey and Reyes-Mata v. Lynch were dismissed for Lack of Jurisdiction.
39. In the matter of Motion To Reopen Kucana v. Holder, Kucana filed for the second time a motion to reopen. In the matter of motion to reopen of Dada v. Mukasey motions were intertwined with the equitable tolling for withdrawing the voluntary departure in the motion to filed the motion to reopen. In the matter of the motion to reopen Reyes-Mata v. Lynch filled the motion to reopen pass the 90 days of the equitable tolling.

40. Of those 3 Motion To Reopen cases mention above Kucana v. Holder on the seventh circuit, Dada v. Mukasey and Reyes-Mata v. Lynch of the fifth circuit. Here the petitioner alien Tanamor-Steffan in this matter of the Motion To Reopen filed the Motion To Reopen for the very first time. See 8 U.S.C. 1229a (c)(7), filed the MTR by Dec. 16, 2019 from the issued of the removal from the BIA on Nov. 1, 2019, 45 days later. See 8 U.S.C. 1229a (c)(7) (C)(i). Petitioner alien is in compliance to both regulations established by United States Constitution but still the BIA deny the MTR. I found the decisions made by the BIA and Fifth Circuit Court Of Appeals were unjust and unfair.
41. Dec. 16, 2019 before the 90 days expiration of the time tolling for filling a MTR, the alien filed to the BIA by submitting the newly found evidence so vital for the procedural mechanism and requirements to readjust for the waiver sought the INA 212h. See 8 U.S.C. 1229 a(c)(7)(C)(i). See Kucana v. Holder 588 U.S. 233, 242 (Supreme Court Jan. 20, 2010).
42. On governing more of the pursuant of the establish regulations of 8 U.S.C. 1229a (4)(A)(B)- (4)Application For Relief From Removal. (A)in general. An alien applying for relief or protection from removal. (B)sustaining the burden of proof. In the context of the reading 8 U.S.C. 1229a (4)(A)(B), the alien in fact followed and complied with the regulations established by the United States Government as an Immigration Law.
43. The petitioner alien submitted the I130 Petition For Alien Relative, I601 Application For Waiver For Grounds Of Inadmissibility and I485 Application to Register Permanent Residence or Adjust Status, all of evidentiary materials adjudicated by the USCIS on December 2019 of my Motion To Reopen of my brief seeking relief or protection of removal from United States for the INA 212h. See 8 U.S.C. 1229a (4)(A)(B). See Bracamontes v. Holder 675 F. 3d 380 (4th Cir March 29, 2020).
44. Furthermore in the pursuant and practice or 8 U.S.C. 1229a(4)(A)(i)(ii)- (4)Application For Relief From Removal. (A) In general. An alien applying for relief from removal. (i)satisfies the applicable requirements. (ii) with respect to any form of relief that is granted in the exercise of a favorable discretion. In the practice of that regulations on January 24, 2019,

Honorable Judge Cassie Thogersen statement to the alien on page 134 number 19 “*You have to have someone file an I130 for you, so you can readjust before the court*”. Number 23. “*You would be able to readjust before the court your aggravated felony*”. This statement of the Honorable Judge is in respect for the favorable discretion is well stated and established for the purpose of 8U.S.C. 1229 (4)(A)(ii) or else the Honorable Judge would have not made the statement in the courtroom and of 8 U.S.C. 1229a(4)(A)(i) to satisfies the applicable requirements as of the material evidence are the I130, I601 and I485. The petitioner alien has followed every step of the way the established regulations as it read in the pursuant of 8 U.S.C. 1229a(4)(A)(i)(ii).

45. To foreclose an additional arguments of the statutory right to file one motion to reopen enclosing the components, the new affidavits or evidentiary materials needed to be proven during the time at the hearing held, the petitioner alien is seem to be in the compliance of the established regulations for the purpose of the immigration law except to the fact, that the BIA denied the Motion To Reopen and Fifth Circuit Court Of Appeals dismiss the Petition Of Review.
46. In observance and practice of 8 U.S.C. 1229a(c)(7)(B)- The IIRIRA Act of 1996 Pub. L. No. 104-208 110 Stat. 3000-546, provides every alien ordered removed from the United States has a right to file one (1) Motion To Reopen his or her removal proceedings. (B)Contents. The motion to reopen shall state the new facts that will be proven at a hearing to be held if the motion is granted and shall be supported by affidavits or evidentiary material. The petitioner alien MTR should be favorable granted upon the reading of 8 U.S.C. 1229a(c)(7)(B). See *Dada v. Mukasey* 544 U.S. 1,18 (Supreme Court Jan. 16,2008) on U.S.C. 1229a(c)(7) or 8 C.F.R. 1003.23(b)(1) on *Reyes-Vargas v. Barr* 958 F.3d 1295 (10th Cir. May 14,2020).
47. Upon governing the pursuant of U.S.C. 1103(a)(1)(3) and 8U.S.C. 1103 (g) (1)(2), delegated powers in the pursuant and practice of the immigration law there is, the decisions that are made in this case thus needed or have becoming question of laws that in need a further consideration for a review. Those following above mention for the purpose of Immigration Law is substantial to pursue the jurisdiction search for the Petition Of Review and to pursue the Motion To Reopen to be granted.

48.If by any further reasoning of the interpretation of the reading of 8 U.S.C. 1229a (4)(A)(B), 8 U.S.C. 1229a(4)(A)(i)(ii), 8 U.S.C. 1229a(c)(7)(B), 8 C.F.R. 1003.23(b)(1),U.S.C. 1103(a)(1)(3) and 8U.S.C. 1103 (g)(1)(2) for the purpose of the immigration law on this case is otherwise not consistent with what had been explained by the petitioner alien above then the quoting of **Chevron USA Inc. v. Nat. Res. Def. Council Inc. 467 U.S. 837,843 n9 104 S Ct. 2778.81 L Ed 694 (1984)** is so does apply, it would be unjust and unfair to the petitioner and to my family.

“A court cannot wave the ambiguity flag just because it found the regulation impenetrable on the first read”. Id. Instead, a court must carefully consider the text, structure, history, and purpose of a regulation, in all the ways it would if it had no agency to fall back on.” Id.(internal quotation marks, citation, and alteration omitted.)

49.The alien petitioner from the Philippines made a legal admission to the United States with a G-5 visa on July 1991. Has been an Legal Permanent Resident since 1994 from the petition filed therein of my United States Citizen husband.

50.The petitioner alien has an 8 year old United States Citizen son residing in Maryland with the father, my husband whom had formerly served the United States Military. I the mother is a graduate honor in a medical field here in the United states. My son is in need of me, just like every other child whom need both of their parents in this very challenging world we are all living in. My husband struggle to cope the parental responsibilities as well as the financial and psychological matter of my absence. It is apparent that my family is in need of me.. So, tragically the only father I have, his grandfather, the father in law whom I had mention previously to the BIA on my brief and in the immigration court establishing the hardship we have, I have in my family. My father, Elinio Tanamor on May 2020 while at work at Washington DC has contracted the COVID 19 and died at Holy Cross Hospital at Montgomery County MD. The hardship in my family is very transparent more than ever now from the passing of my father, the grandfather as well as the father in law support system as he had been to my family.

51. The petitioner alien has been incarcerated under federal custody for 40 months and ongoing, serve 18 months of the 24 months sentence in the criminal charges in respect to the good behavior maintain during incarceration. Currently not one single write up for any disciplinary action. Throughout my incarceration I have been employed for 2 years. The courage for change and rehabilitation is foreseeable.
52. I have been detained by Immigration Custom Enforcement at a GEO Corporation facility since August of 2018. The petitioner alien prays that this court will, assume jurisdiction over this matter, grant such relief as the court deems just and proper, grant such a release from anymore further detention.
53. The petitioner alien seek forgiveness and compassion from the court. My 8 year old son needs me dearly. My husband needs me as well. Please allow my family to be together again and try one more time in this most difficult and challenging time of out families lives.
54. May your Honorable Judges may find some mercy and compassion. Please forgive me. Thank You.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

55. Petitioner, Marie Joy Tanamor-Steffan appearing pro se. hereby petition this Court for this Petition 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 Corporation for more than 6 months is unconstitutional.

PRAYER OF RELIEF

56. Wherefore, Petitioner respectfully request that this court;
- a. Assume jurisdiction over this matter.

- b. Award the Petitioner a sum of compensation for the unwarranted civil detention due to judicial negligence, a violations of the law, provisions and treaties of the United States Constitution.
- c. Grants such relief as the court deems just and proper.
- d. Grant an order of release from any further civil detention.

Respectfully Submitted,



Marie Joy Tanamor- Steffan
3843 Stagg Avenue
Basile, LA 70515

Executed on: 11.11.2020

**Additional material
from this filing is
available in the
Clerk's Office.**