

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

EDISNOY CASALS-SOCARRAS, ONIEL  
PADILLA-FERRAN, YOENMY MONTES-DE  
OCA GOMEZ, YERESLAN GONZALEZ-  
VOLERO, ROILER PEREZ, JUAN CARLOS  
SANCHEZ-RODRIGUEZ, JULIO CESAR  
GONZALEZ-VALDEZ, and ADRIEL GARCIA-  
CRUZ,

*Petitioners*

v.

RUSSELL WASHBURN, Warden, Stewart  
Detention Center; THOMAS GILES, Field Office  
Director, Atlanta Field Office, United States  
Immigration and Customs Enforcement; TAE D.  
JOHNSON, Senior Official Performing the Duties  
of the Director, United States Immigration and  
Customs Enforcement; DAVID PEKOSKE, Acting  
Secretary of Homeland Security; MONTY  
WILKINSON, Acting United States Attorney  
General, *in their official capacities*,

*Respondents*

Civil Action No. 4:21-cv-11

**PETITION FOR A WRIT OF  
HABEAS CORPUS**

**VERIFIED PETITION FOR A WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

**INTRODUCTION**

1. For months, the United States Government has claimed that Cubans will be removed in the reasonably foreseeable future. Yet, of the almost two thousand Cubans awaiting deportation, hundreds of whom are currently detained, only 48 have been removed in nearly eleven months. Petitioners, who are all Cubans awaiting deportation, have been detained for 16 to 21 months, with no end in sight.

2. Petitioners challenge their prolonged detention without bond as a violation of the Immigration and Nationality Act (INA) and the Due Process Clause.
3. Petitioners respectfully request that this Court grant them a Writ of Habeas Corpus, ordering Respondents to release them from custody under reasonable conditions of supervision. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of removal to Cuba in the reasonably foreseeable future, Petitioners request that the Court promptly schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *See Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1315-16 (11th Cir. 2019) (holding that an evidentiary hearing is required to resolve factual disputes in a habeas petition).

#### **CUSTODY**

4. Petitioners are in the physical custody of Respondents. Petitioners are detained at Stewart Detention Center (“SDC”) in Lumpkin, Georgia. Petitioners are under the direct control of Respondents and their agents.

#### **JURISDICTION**

5. Jurisdiction is proper under 28 U.S.C. §§ 1331, 2241; the Suspension Clause, U.S. Const. art. I, § 2; and 5 U.S.C. § 702.
6. Congress has preserved judicial review of challenges to detention. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 841 (2018) (holding that 8 U.S.C. §§ 1226(e), 1252(b)(9) do not bar review of challenges to prolonged immigration detention); *see also id.* at 855 (Breyer, J., dissenting) (“8 U.S.C. § 1252(b)(9) . . . by its terms applies only with respect to review of an order of removal”) (internal quotation marks and brackets omitted).

**VENUE**

7. Venue is proper in this District under 28 U.S.C. §§ 1391, 2241 because at least one Respondent is in this District, all Petitioners are detained in this District, Petitioners' immediate custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District.

**PARTIES**

8. Petitioner Edisnoy Casals-Socarras is currently detained by Respondents at SDC. He has been in ICE custody since approximately September 2019. His removal order became final on or about May 28, 2020, seven months and 26 days ago.
9. Petitioner Oniel Padilla-Ferran is currently detained by Respondents at SDC. He has been in ICE custody since approximately August 2019. His removal order became final on or about June 18, 2020, seven months and five days ago.
10. Petitioner Yoenny Montes-De Oca Gomez is currently detained by Respondents at SDC. He has been in ICE custody since on or about September 10, 2019. His removal order became final on or about March 4, 2020, approximately ten months and 19 days ago.
11. Petitioner Yereslan Gonzalez-Volero is currently detained by Respondents at SDC. He has been in ICE custody since on or about September 9, 2019. His removal order became final on or about May 14, 2020, approximately eight months and nine days ago.
12. Petitioner Roiler Perez is currently detained by Respondents at SDC. He has been in ICE custody since on or about June 4, 2019. His removal order became final on or about May 8, 2020, approximately eight months and 15 days ago.

13. Petitioner Juan Carlos Sanchez-Rodriguez is currently detained by Respondents at SDC. He has been in ICE custody since on or about April 8, 2019. His removal order became final on or about July 9, 2020, approximately six months and 14 days ago.
14. Petitioner Julio Cesar Gonzalez-Valdez is currently detained by Respondents at SDC. He has been in ICE custody since on or about April 18, 2019. His removal order became final on or about February 5, 2020, approximately 11 months and 18 days ago.
15. Petitioner Adriel Garcia Cruz is currently detained by Respondents at SDC. He has been in ICE custody since on or about June 24, 2019. His removal order became final on or about March 20, 2020, approximately ten months and three days ago.
16. Respondent Russell Washburn is the Warden of SDC, where Petitioners are currently detained. He is a legal custodian of Petitioners and is named in his official capacity.
17. Respondent Thomas Giles is the Field Office Director responsible for the Atlanta Field Office of ICE with administrative jurisdiction over Petitioners' cases. He is a legal custodian of Petitioners and is named in his official capacity.
18. Respondent Tae Johnson is the Acting Director of ICE. He is a legal custodian of Petitioners and is named in his official capacity.
19. Respondent David Pecoske is the Acting Secretary of the Department of Homeland Security. He is a legal custodian of Petitioners and is named in his official capacity.
20. Respondent Robert M. Wilkinson is the Acting Attorney General of the United States Department of Justice. He is a legal custodian of Petitioners and is named in his official capacity.

### EXHAUSTION OF ADMINISTRATIVE REMEDIES

21. Neither the Immigration and Nationality Act (“INA”) nor the applicable federal habeas corpus statute require administrative exhaustion for immigration detention-based claims. *Compare* 8 U.S.C. § 1252(d)(1) (requiring exhaustion of administrative remedies only prior to challenging a removal order in circuit court) *with* 28 U.S.C. § 2241 (including no requirement for administrative exhaustion); *see also* *Santiago-Lugo v. Warden*, 785 F.3d 467, 474-75 (11th Cir. 2015) (“It is no longer the law of this circuit that exhaustion of administrative remedies is a jurisdictional requirement in a § 2241 proceeding.”).
22. Petitioners should not be required to exhaust their administrative remedies but nevertheless have done so by seeking release through various administrative mechanisms.
23. Petitioner Casals-Socarras requested bond twice from the immigration judge, once *pro se* and once through counsel. Both of his requests were denied, on November 29, 2019 and March 25, 2020. On April 13, 2020, Mr. Casals-Socarras requested humanitarian parole under 8 C.F.R. § 212.5(a)-(b)(5), based on diagnoses of post-traumatic stress disorder (PTSD), adjustment disorder, and moderate depression. His parole request was never answered. On January 19, 2021, counsel sent ICE another request for custody redetermination in accordance *Fruihat v. U.S. Immigration & Customs Enf’t*, No. EDCV 19-1546-JGB-SHKX, 2020 WL 6541994 (C.D. Cal. Oct. 7, 2020). ICE has not yet responded to this request.
24. Petitioner Padilla-Ferran requested bond from the immigration judge once with counsel and once *pro se*. Both requests were denied. He submitted a request for release on an order of supervision (“OSUP”) in September 2020. His immigration attorney provided ICE with additional documentation in support of his OSUP request in November and December 2020.

In an email following up on his OSUP request, Mr. Padilla-Ferran's counsel also requested a custody review under *Fraihat*. ICE has not communicated a decision on his request.

25. Petitioner Montes-De Oca Gomez filed a bond motion to the immigration court through counsel, which was denied. He has also submitted to ICE multiple *pro se* requests for release on or about September 10, 2020 and November 21, 2020.
26. Petitioner Gonzalez-Volero requested bond from the immigration judge twice, once through counsel and once *pro se*, and was denied both times. He also submitted a request for release to ICE. He has not received a response.
27. Petitioner Perez requested bond twice before the immigration judge without the assistance of counsel and was denied both times. He submitted a parole request after with assistance of counsel. He has not received a response to his parole request. He also submitted a *pro se* request for release to ICE on or about September 20, 2020. He has not received a response.
28. Petitioner Sanchez-Rodriguez requested bond from the immigration court, in or about June 2019, with the assistance of counsel. The immigration judge denied him bond. He also requested parole with the assistance of counsel. His parole request was based, at least in part, on his asthma diagnosis. He was not granted parole.
29. Petitioner Gonzalez-Valdez requested bond twice from the immigration judge, once through counsel and once *pro se* and was denied both times. He has also requested parole but did not receive a response to his parole request.
30. Petitioner Garcia-Cruz requested bond from the immigration judge once through counsel and was denied. He has also submitted documentation supporting his release to ICE.

## STATEMENT OF FACTS

### I. PETITIONERS

31. Petitioners all have removal orders which became administratively final more than 180 days ago. They have all been ordered removed to Cuba.
32. Petitioners have been in immigration detention for between 16 and 21.5 months.
33. Petitioners have been detained for between 6.5 and 11.5 months since their removal orders became administratively final.
34. Petitioner Edisnoy Casals-Socarras has been in ICE custody for approximately 16 months and 12 days since September 2019. His removal order became final approximately seven months and 26 days ago on or about May 28, 2020. His wife, who is also in the United States, gave birth to their daughter in October 2019. Mr. Casals-Socarras has never met his child. Mr. Casals-Socarras suffers from PTSD and moderate depression, placing him at heightened risk of suffering serious illness or death from COVID-19.<sup>1</sup> If released, he will live with and be supported by his lifelong friend, Pedro Nestor Reyna, and Mr. Reyna's wife, Kelin Canino, in Hialeah, Florida. Both Mr. Reyna and Ms. Canino are lawful permanent residents.
35. Petitioner Oniel Padilla-Ferran has been in ICE custody for approximately 17 months and 11 days since August 2019. His removal order became final approximately seven months and five days ago on or about June 18, 2020. His wife, who is also in the United States, gave birth to their child in January 2020. Mr. Padilla-Ferran has never met this child. Mr. Padilla-Ferran suffers from asthma, which places him at heightened risk of suffering serious illness or death

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<sup>1</sup> See *Fraihat v. U.S. Immigration & Customs Enforcement*, 445 F. Supp. 3d 709, 735 n.20, 21 (C.D. Cal. 2020) (classifying "severe psychiatric illness" as a risk factor and disability placing individuals "at heightened risk of severe illness and death upon contacting the COVID-19 virus").

from COVID-19.<sup>2</sup> If released, Mr. Padilla-Ferran will join his wife and child in Houston, Texas. His wife has a pending application for lawful permanent residence. Mr. Padilla-Ferran's wife's cousin, Hugo Bello-Hidalgo, a lawful permanent resident in Houston, Texas, is willing to house and support Mr. Padilla-Ferran and his family.

36. Petitioner Yoenmy Montes-De Oca Gomez has been in ICE custody for approximately 16 months and 13 days since approximately September 10, 2019. His removal order became final approximately ten months and 19 days ago on or about March 4, 2020. If released, he will live with and be supported by his niece's spouse, Sadiel Sosa Soriano, a lawful permanent resident who lives in Dallas, Texas.

37. Petitioner Yereslan Gonzalez-Volero has been in ICE custody for approximately 16 months and 14 days since approximately September 9, 2019. His removal order became final approximately eight months and nine days ago on or about May 14, 2020. Mr. Gonzalez-Volero has a history of smoking and suffers from frequent shortness of breath, placing him at heightened risk of suffering serious illness or death from COVID-19.<sup>3</sup> If released, he will live with and be supported by his cousin Susety Volero, a U.S. citizen who lives in Hialeah, Florida.

38. Petitioner Roiler Perez has been in ICE custody for approximately 19 months and 19 days since on or about June 4, 2019. His removal order became final approximately eight months and 15 days ago on or about May 8, 2020. If released, he will live with and be supported by his uncle Humberto Perez Betancourt, a lawful permanent resident who lives in Hialeah, Florida.

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<sup>2</sup> See *Fraihat*, 445 F. Supp. 3d at 735 n.20, 21; Ctrs. For Disease Control and Prevention, *People with Certain Medical Conditions* (updated Dec. 29, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

<sup>3</sup> Elizabeth Fernandez, *Smoking Nearly Doubles the Rate of COVID-19 Progression*, Univ. of Cal. San Francisco (May 12, 2020), <https://www.ucsf.edu/news/2020/05/417411/smoking-nearly-doubles-rate-covid-19-progression>.



39. Petitioner Juan Carlos Sanchez-Rodriguez has been in ICE custody for approximately 21 months and 15 days since approximately April 8, 2019. His removal order became final approximately six months and 14 days ago on or about July 9, 2020. Petitioner Sanchez-Rodriguez suffers from asthma, placing him at heightened risk of suffering serious illness or death from COVID-19.<sup>4</sup> If released, he will live with and be supported by his aunt, Jeisy Sanchez Serantez, a lawful permanent resident who lives in Miami, Florida.
40. Petitioner Julio Cesar Gonzalez-Valdez has been in ICE custody for approximately 21 months and five days since on or about April 18, 2019. His removal order became final approximately 11 months and 18 days ago on or about February 5, 2020. If released, he will live with and be supported by his lifelong friends Orislay Carvajal and Maiquel Garcia, a lawful permanent resident and U.S. citizen who live in Detroit, Michigan.
41. Petitioner Adriel Garcia-Cruz has been in ICE custody for approximately 19 months since on or about June 24, 2019. His removal order became final approximately ten months and three days ago on or about March 20, 2020. If released, he will live with and be supported by his friend Anais Morajon Galindo, a lawful permanent resident, who lives in Tampa, Florida.
42. All the Petitioners have surrendered their Cuban passports to U.S. government officials and have complied with efforts to remove them.

## II. REMOVALS TO CUBA

43. There are approximately 39,000 Cubans living in the United States with removal orders.<sup>5</sup>

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<sup>4</sup> See *Fraihat*, 445 F. Supp. 3d at 735 n.20, 21; Ctrs. For Disease Control and Prevention, *People with Certain Medical Conditions* (updated Dec. 29, 2020), <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

<sup>5</sup> Associated Press, *More Cubans are being deported under the Trump administration*, NBCNews.com (Oct. 11, 2019), <https://www.nbcnews.com/news/latino/more-cubans-are-being-deported-under-trump-administration-n1065041>.

44. As of September 2020, approximately 1,800 Cubans were in ICE custody.<sup>6</sup>

45. On April 2, 2020, the Cuban government “suspended the arrival and departure of all international flights” in response to the COVID-19 global pandemic.<sup>7</sup>

46. Cuba extended these travel restrictions multiple times, including most recently until November 11, 2020.<sup>8</sup>

47. For months, the Government has represented to federal courts that deportations to Cuba will resume soon. For months, those claims have not come to fruition. *See, e.g.*, Gov’t Resp. to Am. Pet., *Arregoitia Consuegra v. Lopez Vega*, No. 0:20-cv-60904 (S.D. Fla. May 19, 2020), ECF 10 at 6 (representing on May 19, 2020, that the Cuban petitioner was likely to be removed in the reasonably foreseeable future and that any delay in removals to Cuba was not “indefinite, but rather momentary”); Gov’t Resp. to Mtn to Intervene, *Gayle v. Meade*, No. 1:20-cv-21553 (S.D. Fla. Sept. 30, 2020), ECF No. 389 at 3 (representing on September 30, 2020, that the Cuban petitioner was likely to be removed in the reasonably foreseeable future and that structured repatriations flights to Cuba were expected to resume in October); Dec. of Deportation Officer Dennis Hartfield, *Nunez-Mendoza v. Barr*, No. 4:20-cv-00187 (M.D. Ga.

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<sup>6</sup> Ben Schamisso, *Unable To Deport Cubans, ICE Keeps Many Indefinitely Locked Up*, Newsy.com (Oct. 5, 2020), <https://www.newsly.com/stories/unable-to-deport-cubans-ice-keeps-many-indefinitely-jailed/> (reporting that ICE officials confirmed that Cuba had not accepted a removal flight since late February 2020); Monique O. Madan, *Feds deport 119 Cubans to back to Havana on Miami flight*, Miami Herald (Mar. 3, 2020), <https://www.miamiherald.com/news/local/immigration/article240823201.html> (reporting about a February 28, 2020 deportation flight).

<sup>7</sup> U.S. Embassy in Cuba, Health Alert (Apr. 2, 2020), <https://cu.usembassy.gov/health-alert-u-s-embassy-havana-cuba-april-2-2020/>.

<sup>8</sup> *See* U.S. Embassy in Cuba, Health Alert (July 22, 2020), <https://cu.usembassy.gov/health-alert-u-s-embassy-havana-cuba-11/>; Patrick Oppman, *Havana to reopen its international airport to all commercial flights*, CNN.com (Nov. 11, 2020), [https://www.cnn.com/world/live-news/coronavirus-pandemic-11-11-20-intl/h\\_78663d47f354ed555240e5de6fd552d9](https://www.cnn.com/world/live-news/coronavirus-pandemic-11-11-20-intl/h_78663d47f354ed555240e5de6fd552d9)

Oct. 1, 2020), ECF No. 16-1 (representing on October 1, 2020, that Cuba's travel restrictions had been extended through October 16 and that the Cuban petitioner was likely to be removed in the reasonably foreseeable future); Dec. of Deportation Officer Carroll E. Campbell, *Hernandez Gomez v. Washburn*, No. 4:20-cv-00239 (M.D. Ga. Nov. 6, 2020), ECF No. 6-1 at 2 (representing on November 6, 2020, that Cuba's travel restrictions had been extended through November 11 and that Officer Campbell was "confident" that the Cuban Petitioner would be removed once travel restrictions were lifted).

48. Cuba has accepted only one deportation flight from the United States since late February 2020. That flight departed the United States on December 29, 2020. Only 48 Cubans were deported on that flight.<sup>9</sup>

49. In addition to Covid-19, deteriorating bilateral relations between the U.S. and Cuba have been and remain an impediment to negotiating additional deportations to Cuba. *See* Ex. 1 (Dec. of Dr. Michael Bustamante) at ¶¶12-26.

50. Even if the new presidential administration seeks to reopen negotiations over deportations to Cuba, its ability to do so is uncertain and will take an undetermined amount of time. *Id.* at ¶¶27-34.

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<sup>9</sup> *See* Ben Schamisso, *Unable To Deport Cubans, ICE Keeps Many Indefinitely Locked Up*, Newsy.com (Oct. 5, 2020), <https://www.newsny.com/stories/unable-to-deport-cubans-ice-keeps-many-indefinitely-jailed/> (reporting that ICE officials confirmed that Cuba had not accepted a removal flight since late February 2020); Ricardo Quintana, *Estados Unidos deporta a 48 cubanos tras una pausa de casi un año*, Radio Televisión Martí (Dec. 30, 2020), <https://www.radiotelevisionmarti.com/a/estados-unidos-deporta-a-48-cubanos-tras-una-pausa-de-casi-un-a%C3%B1o/281987.html> (reporting that 48 Cubans were deported to Cuba on December 29, 2020).

51. Moreover, the Biden administration has issued a 100-day moratorium on deportations, effective on the date of this filing, that will further extend Petitioners' time in detention.<sup>10</sup>

### **CLAIMS FOR RELIEF**

#### **COUNT ONE** **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT –** **8 U.S.C. § 1231**

52. Petitioners re-allege and incorporate by reference each and every allegation contained above.
53. 8 U.S.C. § 1231(a) governs the detention of an individual with an administratively final order of removal. The INA permits DHS to detain an immigrant during the “removal period,” which is defined as the 90-day period following the issuance of a final order of removal. 8 U.S.C. §§ 1231(a)(1)(A), (B), (a)(2).
54. Petitioners are detained pursuant to the discretionary, post-removal-period detention provision, Section 1231(a)(6), because more than ninety days have elapsed since their removal orders became administratively final. *See* 8 C.F.R. § 1241.1.
55. Petitioners have not engaged in any conduct to trigger an extension of the removal period under 8 U.S.C. § 1231(a)(1)(C).
56. In *Zadvydas v. Davis*, 533 U.S. 678, (2001), the Supreme Court construed § 1231(a)(6) to contain an implicit temporal limitation of six months, after which continued detention is no longer presumptively reasonable. *Id.* at 701. After that point, “if a detainee ‘provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,’ . . . [and] the government fails to rebut the detainee’s assertion, he must be released.” *Singh*, 945 F.3d at 1313-14 (quoting *Zadvydas*, 533 U.S. at 701).

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<sup>10</sup> Memorandum from David Pecoske, Acting Sec’y of the U.S. Dep’t of Homeland Sec. to Tae Johnson, Acting Director of U.S. Immigration and Customs Enforcements et al. (Jan. 20, 2021), [https://www.dhs.gov/sites/default/files/publications/21\\_0120\\_enforcement-memo\\_signed.pdf](https://www.dhs.gov/sites/default/files/publications/21_0120_enforcement-memo_signed.pdf).

57. Petitioners' detention under § 1231 is no longer presumptively reasonable because they have been detained pursuant to a final removal order for over six months.
58. There is no significant likelihood that the Government will be able to remove Petitioners to Cuba in the reasonably foreseeable future.
59. Nor is there any other "sufficiently strong special justification" for Petitioners' prolonged detention beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690-91.
60. Thus, Petitioners' detention violates § 1231, and they are entitled to immediate release from custody.

**COUNT TWO**  
**VIOLATION OF THE DUE PROCESS CLAUSE**  
**OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

61. Petitioners re-allege and incorporate by reference each and every allegation contained above.
62. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)).
63. Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.*; *Demore v. Kim*, 538 U.S. 510, 528 (2003).
64. Prolonged civil detention also violates due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Zadvydas*, 533

U.S. at 690-91; *Foucha*, 504 U.S. at 81-83; *Kansas v. Hendricks*, 521 U.S. at 346, 364-69 (1997); *United States v. Salerno*, 481 U.S. 739, 750-52 (1987).

65. Petitioners' prolonged civil detention has extended well beyond the end of the removal period, and will continue into the indefinite future. Their detention is no longer reasonably related to the primary statutory purpose of ensuring imminent removal.

66. The *pro forma* internal post-order custody reviews ICE conducted in Petitioners' cases do not meet the minimum procedural safeguards required by due process. *See Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011).

67. Thus, Petitioners' detention violates both substantive and procedural due process.

#### **PRAYER FOR RELIEF**

WHEREFORE, Petitioner prays that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Order Respondents to show cause why the writ should not be granted within three days (unless for good cause additional time, not exceeding twenty days, is allowed), and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243;
3. Declare that Petitioners' detention without a bond hearing violates the Immigration and Nationality Act;
4. Declare that Petitioners' prolonged detention violates the Due Process Clause of the Fifth Amendment;
5. Enjoin Respondents from unlawfully detaining Petitioners further;
6. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioners from their custody;

7. In the alternative, grant a writ of habeas corpus ordering Petitioners' release within 30 days unless Respondents provide them with individualized hearings before an Immigration Judge where the Government bears the burden of proving by clear and convincing evidence that Petitioners present an unmitigable flight risk or danger to the community, and which takes into account alternatives to detention and Petitioners' ability to pay a bond;
8. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and
9. Grant such further relief as this Court deems just and proper.

Dated: January 22, 2021

Respectfully submitted,

/s/ Caitlin J. Sandley  
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forthcoming  
+Not admitted in DC; working  
remotely from and admitted in  
Louisiana only  
++Not admitted in DC; working  
remotely from and admitted in  
California only

**COUNSEL FOR PETITIONERS**



**Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioners because I am one of the Petitioners' attorneys. I have discussed with the Petitioners the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

/s/ Caitlin J. Sandley

Date: January 22, 2021