

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

ANABELLA GYASI *on behalf of herself and
her minor child*, G.O.O.

Petitioners-Plaintiffs,

v.

RODNEY S. SCOTT, *Commissioner of
Customs and Border Protection*;
MARKWAYNE MULLIN, *Secretary of the
Department of Homeland Security*; TODD
BLANCHE, *Acting Attorney General of the
United States*; CHRISTINE WAUGH, *Port
Director, Port of Washington-Dulles*,

Respondents-Defendants.

**PETITION FOR A WRIT OF
HABEAS CORPUS AND
COMPLAINT**

Case No.

INTRODUCTION

1. Petitioners Anabella Gyasi—who is four and a half months pregnant—and her four-year-old son—who has a disability—have been locked in a holding room in Dulles Airport for seven days under Customs and Border Protection's ("CBP") new unlawful policy designed to pressure asylum seekers at the border—even those, like Petitioners, who arrive with valid entry visas—into abandoning their claims and self-deporting without receiving the process they are entitled to under the immigration laws. Respondents' refusal to release Petitioners violates existing standards and policies designed to ensure the health and well-being of pregnant women and children.

2. Petitioners arrived at Dulles Airport on May 19, 2026, with valid tourist visas, so that Ms. Gyasi could bring her son to a specialist appointment at Akron Children's Hospital. Ms.

Gyasi's son, G.O.O., was born with severe physical deformities affecting both of his hands. Ms. Gyasi hoped to receive surgical care to improve the function in her son's hands.

3. Despite long-standing regulations and policies requiring that certain at risk-individuals, such as pregnant women and children, be detained in the least restrictive setting possible, and a court settlement that requires that children be transferred out of detention within 72 hours, Petitioners remain locked in a windowless room inside Dulles Airport more than a week after their arrival. And their experience renders the risks of detention starkly obvious: Ms. Gyasi and her son have experienced such deplorable conditions that Ms. Gyasi required hospitalization *twice* due to complications with her pregnancy after being denied adequate food and medical care.

4. The government's actions are unlawful. Respondents' treatment of Petitioners violates the Immigration and Nationality Act ("INA"), the *Flores* Settlement Agreement, governing federal regulations, CBP's own detention standards, and the Fifth Amendment of the United States Constitution. Petitioners therefore seek immediate release to pursue necessary medical care and to meaningfully access the asylum process.

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); 28 U.S.C. § 1331 (federal question jurisdiction), and 28 U.S.C. § 2201, 2202 (Declaratory Judgment Act).

6. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

7. Federal courts also have federal question jurisdiction, through the Administrative Procedures Act (“APA”), to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702.

8. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioners are detained within this district at Dulles International Airport in Dulles, Virginia.

PARTIES

9. Petitioner Anabella Gyasi is a 38-year-old native and citizen of Ghana who arrived in the United States with her son, G.O.O., on May 19, 2026. Ms. Gyasi is currently eighteen weeks pregnant. Since arriving in the United States, she has been detained at Dulles Airport, where she is at the time of this filing.

10. Petitioner, G.O.O., is the four-year-old son of Petitioner Anabella Gyasi. He was born in Ghana in 2022. G.O.O. suffers from physical disabilities on both his hands. Since arriving in the United States with his mother on May 19, 2026, he has been detained at Dulles Airport. He brings this case through his next friend, who is his mother, Petitioner Anabella Gyasi.

11. Respondent, Rodney S. Scott, is the Commissioner of Customs and Border Protection. Respondent Scott is the ultimate legal custodian of Petitioners. He is sued in his official capacity.

12. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (“DHS”). DHS oversees CBP, which is responsible for administering and enforcing immigration laws. Secretary Mullin is the ultimate legal custodian of Petitioner. He is sued in his official capacity.

13. Respondent Todd Blanche is the Acting Attorney General of the United States. He oversees the immigration court system, housed within the Executive Office of Immigration Review, and includes all immigration judges and the Board of Immigration Appeals. He is sued in his official capacity.

14. Respondent Christine Waugh is the Port Director for the Port of Washington-Dulles and is responsible for the detention of individuals at Dulles International Airport. Respondent Waugh is Petitioners’ immediate custodian. She is sued in her official capacity.

STATEMENT OF FACTS

A. Petitioners’ Backgrounds Before Coming to the United States

15. Ms. Gyasi and her son, G.O.O., were born in Kumasi, Ghana. In 2022, G.O.O. was born with physical abnormalities affecting both his hands. On each hand, he has only three fingers, two of which are fused.

16. When G.O.O. was approximately two years old, Ms. Gyasi brought him to the United States on tourist visas in hopes of securing medical treatment for him. After consulting medical specialists, Ms. Gyasi was told that G.O.O. was too young for corrective surgery. Ms. Gyasi and G.O.O. then returned to Ghana.

17. [REDACTED]

[REDACTED]

18. Ms. Gyasi planned to return on the same tourist visas she had used for their 2024 trip to the U.S., which were valid until 2028, in hopes of obtaining medical treatment for G.O.O.'s hands.

19. Around May 2, 2026, while still in Ghana, Ms. Gyasi scheduled an appointment at Akron Children's Hospital in Ohio to evaluate whether G.O.O. was now at a suitable age for surgery. She was given a pre-operation appointment for May 30, 2026.

B. Petitioners' Detention at Dulles Airport

20. On May 19, 2026, Ms. Gyasi and G.O.O. flew directly from Accra, Ghana, to Dulles Airport, intending to transfer there to a flight to their ultimate destination, Akron, Ohio. Ms. Gyasi, who is eighteen weeks pregnant, experienced vaginal bleeding during the long flight.

21. After landing in Dulles, Ms. Gyasi and G.O.O. went through U.S. Customs, where they were questioned about the purpose of their trip. Although Ms. Gyasi has valid tourist visas for her and G.O.O., she disclosed her fear of returning to Ghana based on the persecution she and her son faced.

22. Ms. Gyasi and G.O.O. were then taken into custody by CBP at Dulles Airport. While searching through their suitcases, an officer asked Ms. Gyasi if she was pregnant and how far along she was. She explained that she was seventeen weeks pregnant; however, neither she nor G.O.O. was provided any subsequent medical screening or assessment.

23. Since their initial apprehension on May 19, 2026, Ms. Gyasi and G.O.O. have been held in a room at Dulles Airport that has a single bed, a toilet, a sink, and no windows. They are kept locked in their room for 24 hours a day.

24. On Friday, May 22, 2026, Ms. Gyasi alerted CBP officers that she was feeling lightheaded and dizzy and requested medical care. CBP allowed her to be transported by ambulance to the nearest hospital, where, for the first time, she received medical screening. There, the medical staff confirmed her pregnancy and other issues, such as high blood pressure. They were concerned that she was not eating enough and fed her. They even gave her food to take back with her. After a few hours, she was discharged from the hospital and transported back to Dulles Airport.

25. On Saturday, May 23, 2026, Ms. Gyasi became concerned about the health of G.O.O. and her unborn child, given their constant hunger. G.O.O. had spent much of the day crying because of his hunger pains, and Ms. Gyasi was in constant fear of fainting.

26. She pleaded with the CBP officers to allow her to purchase food. She was told that pursuant to CBP policy, she could only access the food they gave her. She begged the officers to escalate her request, but was told there was nothing they could do.

27. After her pleas went unanswered, Ms. Gyasi told the officers that if they were not going to feed her and her son, she would prefer to be deported, fearing that she might lose her unborn child. The CBP officers arranged for her to sign her deportation, which she did.

28. The next morning, on Sunday, May 24, 2026, CBP officers offered to get her whatever food she wanted. She told them what she wanted, and they brought it to her. They also allowed her and G.O.O. to shower for the first time since their detention.

29. On May 25, 2026, undersigned counsel informed CBP that Ms. Gyasi and G.O.O. do not wish to relinquish their asylum claims, explaining that Ms. Gyasi had agreed to be deported out of desperation for the health and well-being of G.O.O. and her unborn child.

30. Later in the night, Ms. Gyasi started experiencing vaginal bleeding and alerted the CBP officers. She was subsequently transported to the hospital via ambulance. Doctors there diagnosed her complications due to the high stress she was experiencing, gave her medication to stop the bleeding, and prescribed blood pressure medication.

31. Since entering CBP custody, Ms. Gyasi has never been told why they must remain detained. She has never been given an opportunity to seek release or contest her detention by any means.

C. Detention of Pregnant Women and Children Rises After President's Order Ending Birthright Citizenship

32. On January 20, 2025, President Trump signed Executive Order 14160, "Protecting the Meaning and Value of American Citizenship," to end birthright citizenship for children born from a mother who was unlawfully present or whose presence was lawful but temporary, where the father was not a U.S. citizen or lawful permanent resident. Exec. Order No. 14160, 90 Fed. Reg. 8449 (Jan. 29, 2025).

33. On May 5, 2025, CBP purported to rescind its policies on processing and detaining pregnant women and children. Pete Flores, *Recission of Legacy Policies Related to Care and Custody* (May 5, 2025), https://www.cbp.gov/sites/default/files/2025-05/intc-45073_-_ac1_signed_distribution_memo_5.5.25_rc_0.pdf.

34. Since then, immigration attorneys and medical professionals have seen a "shocking number of detained postpartum and pregnant women" in immigration detention. Shefali Luthra &

Mel Leonor Barclay, *ICE keeps detaining pregnant immigrants—against federal policy*, The 19th (Oct. 20, 2025), <https://perma.cc/LS2Z-BPSH>.

35. Congressional reports have detailed abuses of pregnant women and children in DHS custody, including one woman who bled for days before being taken to a hospital, where she was left alone without water or medical assistance for over 24 hours while she miscarried. Sen. Ossof, *The Abuse of Pregnant Women in Children in U.S. Immigration Detention* (July 30, 2025), <https://perma.cc/3YDW-4BY7>. Officers told another woman to “just drink water” when she repeatedly requested medical attention. *Id.*

36. Based on information and belief, on or around April 2026, CBP instituted a new policy of maintaining physical custody of all individuals entering the country at ports of entry, determined to be inadmissible, including those who “indicate either an intention to apply for asylum...or fear of persecution,” and are referred to an asylum officer for an interview to determine if they have a credible fear of persecution pursuant to 8 U.S.C. 1225(b)(1)(A)(ii). Despite CBP’s mandates under its national standards for detention (“TEDS”) not to hold individuals in its custody for more than 72 hours, this new policy requires CBP to detain individuals in their hold rooms at airports, or other ports of entry, for days or weeks until they either relinquish their fear-based claims and agree to be deported or complete the credible fear process.

37. CBP does not maintain immigration detention facilities equipped to safely care for people long-term. Instead, pursuant to this policy, CBP has converted nonpublic commercial rooms within airports into prison cells. These “hold rooms” are equipped with nothing more than a toilet, a sink, and a bed, with no on-site medical services.

38. Shortly after the issuance of the new policy to detain all asylum-seekers at the border, CBP began holding individuals long-term in its “hold rooms” at Dulles International Airport.

LEGAL BACKGROUND

A. The Right to Seek Asylum

39. The INA guarantees access to humanitarian defenses to removal, including asylum, withholding of removal, and protection under the Convention Against Torture (“CAT”).

40. First, the INA guarantees that “[a]ny [noncitizen] who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival . . .), irrespective of such alien’s status,” may apply for asylum. 8 U.S.C. § 1158(a)(1). To qualify for asylum, a noncitizen must show a “well-founded fear of persecution” on account of a protected ground, such as race, nationality, political opinion, religion, or a particular social group, like a family. 8 U.S.C. § 1101(a)(42)(A).

41. Second, Congress prohibits the removal of a noncitizen to a country where it is more likely than not that she would face persecution on one of these protected grounds. 8 U.S.C. § 1231(b)(3). That form of protection, called withholding of removal, implements the United States’ obligations under the 1951 Refugee Convention and the 1967 Protocol relating to the Status of Refugees.

42. Third, Congress prohibits the removal of a noncitizen to a country where it is more likely than not that she would face torture—severe pain and suffering intentionally inflicted by a public official or by a private individual whom a government is unwilling or unable to stop. *See* 8 U.S.C. § 1231. That protection, called withholding or deferral of removal under the Convention

Against Torture (“CAT protection”), is codified domestically in the Foreign Affairs Reform and Restructuring Act of 1998 (“FARRA”), Pub. L. No. 105-277, div. G, Title XXII, § 2242.

43. To apply for these humanitarian protections, a noncitizen who arrives at the United States border without immigration status must first pass a preliminary screening with an asylum officer.

44. If the asylum officer determines that the person’s fear is credible or reasonable, the case must be referred to an immigration judge from the Department of Justice’s Executive Office for Immigration Review (“EOIR”) for full consideration of the claim. *See* 8 C.F.R. § 208.30(f); 208.31(e).

45. Conversely, if the asylum officer determines that a fear is not credible or reasonable, a person has the right to a review of the asylum officer’s determination before an immigration judge. *See* 8 C.F.R. § 208.30(g) (credible fear review); 208.31(g) (reasonable fear review).

46. In sum, a person who arrives to the United States with a fear of persecution or torture, has a right to a preliminary screening for humanitarian relief with an asylum officer and a review of that screening with an immigration judge.

B. Customs and Border Protection’s Policies

47. Under the CBP directive “Custodial Considerations for Medically At-Risk Individuals,” pregnant women and children under the age of 12, “should not be processed in a pathway where their time in custody may exceed 120 hours.” *Custodial Considerations for Medically at Risk Individuals*, (At Risk Directive), May 19, 2023, <https://www.aila.org/aila-files/EEB4176D-AF83-4278-9E67-EDFAC0632BCC/24122042.pdf?1734729296>.

48. The At-Risk Directive recognizes that “it is imperative to ensure timely medical assessments, recurring wellness checks, and follow up assessments by medical providers are conducted pursuant to CBP policies and documented via appropriate systems.” *Id.*

49. CBP’s National Standards on Transport, Escort, Detention, and Search (“TEDS”) sets minimum standards for detention of all individuals in custody.

50. TEDS provides, in pertinent part, as follows:

4.1 Duration of Detention

Detainees should generally not be held for longer than 72 hours in CBP hold rooms or holding facilities. Every effort must be made to hold detainees for the least amount of time required for their processing, transfer, release, or repatriation as appropriate and as operationally feasible.

4.3 General Detention Procedures

Medical Issues: Upon a detainee’s entry into any CBP hold room, officers/agents must ask detainees about, and visually inspect for any sign of injury, illness, or physical or mental health concerns and question the detainee about any prescription medications. Observed or reported injuries or illnesses should be communicated to a supervisor, documented in the appropriate electronic system(s) of record, and appropriate medical care should be provided or sought in a timely manner.

4.11 Hygiene

Showers: Reasonable efforts will be made to provide showers, soap, and a clean towel to detainees who are approaching 72 hours in detention.

4.13 Food and Beverage

General: Food and water should never be used as a reward, or withheld as punishment.

5.1 General

At-Risk Populations: Individuals in the custody of CBP who may require additional care or oversight, who may include: juveniles; UAC; pregnant individuals...those who have identified mental, physical or developmental disabilities; those of advanced age; or family units.

Reasonable Accommodations: Reasonable accommodations must be made for at-risk detainees with known or reported mental and/or physical disabilities, in accordance with security and safety needs and all applicable laws and regulations.

5.6 Detention

Least Restrictive Setting: Officers/Agents will place each at-risk detainee in the least restrictive setting appropriate to their age and special needs, provided that such setting is consistent with the need to ensure the safety and security of the detainee and that of others.

Expeditious Processing: Whenever operationally feasible, at-risk individuals will be expeditiously processed to minimize the length of time in CBP custody.

Age and Capabilities Appropriate Food: Food must be appropriate for at-risk detainees' age and capabilities...

51. Federal courts have enforced compliance with Immigration and Customs Enforcement's ("ICE") similar detention policies, including those intended to protect pregnant women under *Accardi v. Shaughnessy*, 347 U.S. 260 (1954). *See, e.g., Santamaria Orellana v. Baker*, No. CV 25-1788-TDC, 2025 WL 2841886, at *6 (D. Md. Oct. 7, 2025); *Vasquez Tejada v. Liggins*, No. 8:26-CV-952-PX, 2026 WL 1072773, at *2 (D. Md. Apr. 20, 2026); *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170, at *6 (M.D.N.C. Oct. 7, 2025); *see also Sahin v. Rader et al.*, 2:26-cv-00134 (D. Nev. filed Jan. 21, 2026) Min. Order granting TRO, ECF No. 10 (ordering immediate release under *Accardi* because "Respondents' ongoing detention of Sahin despite her high-risk pregnancy egregiously violates ICE's binding policy directive"); *de Leon v. Ladwig*, No. 6:25-CV-01884, 2026 WL 19095, at *8 (W.D. La. Jan. 2, 2026) (finding "that Respondents have not demonstrated how Petitioner de Leon's continued detention is consistent with the *Accardi* doctrine given the existence of ICE Directive 11032.4"); *Maldonado v. Olson*, 795 F. Supp. 3d 1134, 1155 (D. Minn. 2025) (ordering release on a preliminary injunction after finding that irreparable harm of separating a nursing mother and child, in violation of ICE policy, is self-evident).

C. Flores Settlement Agreement

52. The *Flores* Settlement Agreement (“The *Flores* Agreement”) establishes a nationwide policy governing the detention, release, and treatment of minors in immigration custody. The agreement remains binding on INS successor agencies, including ORR and DHS, and requires that minors be treated with “dignity, respect and special concern for their particular vulnerability as minors.” See *Flores v. Reno*, No. CV 85-4544-RJK(Px) (C.D. Cal. Jan. 17, 1997); *Flores v. Sessions*, 862 F.3d 863, 870 (9th Cir. 2017); *E.O.H.C. v. Sec’y, U.S. Dep’t Homeland Sec.*, 950 F.3d 177, 182 (3d Cir. 2020).

53. The *Flores* Agreement creates a strong presumption in favor of release and requires that minors be placed in the least restrictive setting appropriate to their age and special needs. Specifically, the agreement prohibits prolonged detention of children in temporary border holding facilities. *Flores* requires that minors be transferred “expeditiously” from immigration holding facilities to licensed placements. Federal regulations implementing *Flores* further provide that, absent an emergency or influx of migrants, minors must be transferred from temporary holding facilities within 72 hours. 8 C.F.R. § 236.3(d). Courts have repeatedly enforced these protections against prolonged detention of minors in unsuitable CBP facilities. See *Flores v. Sessions*, 394 F. Supp. 3d 1041, 1066–67 (C.D. Cal. 2018); *Lucas R. v. Azar*, 908 F.3d 476, 486–87 (9th Cir. 2018).

54. Courts have repeatedly recognized that the *Flores* Agreement remains enforceable and binding on ORR and DHS. See *D.B. ex rel. R.M.B. v. Cardall*, 826 F.3d 721, 732 (4th Cir. 2016); *J.E.C.M. by & Through Saravia v. Lloyd*, 352 F. Supp. 3d 559, 571 (E.D. Va. 2018). Holding minors in violation of the agreement constitutes a material breach. *Flores v. Sessions*, No. CV-85-4544-DMG(AGRx), 2018 WL 4945000, at *2 (C.D. Cal. July 9, 2018).

CLAIMS FOR RELIEF

Count I
Violation of the Fifth Amendment
(Procedural Due Process)
Unlawful Conditions Obstructing Petitioners' Right to Seek Asylum

55. Procedural due process requires that the government be constrained before it acts in a way that deprives individuals of liberty interests protected under the Due Process Clause of the Fifth Amendment.

56. The United States government is obligated by United States and international law to hear the asylum claims of noncitizens presenting themselves at United States borders and ports of entry. The Immigration and Nationality Act provides that “[a]ny alien who is physically present in the United States or who arrives in the United States . . . irrespective of such alien’s status, may apply for asylum in accordance with this section or, where applicable, section 235(b).” 8 U.S.C. § 1158(a)(1); *see also id.* § 1225(b)(1)(A)(ii).

57. Consistent with these United States statutory and international law obligations, individuals arriving at United States ports of entry must be afforded an opportunity to apply for asylum or other forms of humanitarian protection and be promptly received and processed by United States authorities.

58. Having presented themselves at a United States port of entry, Petitioners are entitled to apply for asylum and to be received and processed by United States authorities.

59. Respondents’ actions in denying Petitioners the opportunity to apply for asylum, taken pursuant to the new policy to create conditions that subject Petitioners to choose between their health and safety or access to asylum, violate the procedural due process rights guaranteed by the Fifth Amendment.

Count II
Violation of the Fifth Amendment

(Substantive Due Process)
Shocking Government Conduct

60. “It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). “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.

61. “Substantive due process prevents the government from engaging in conduct that shocks the conscience or interferes with rights ‘implicit in the concept of ordered liberty.’” *Salerno*, 481 U.S. at 746 (citation modified). Thus, “the touchstone of due process is protection of the individual against arbitrary action of government whether the fault lies in the denial of fundamental due process fairness or in the exercise of power without any reasonable justification in the service of a legitimate government objective” *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citation modified).

62. Respondents’ treatment of Ms. Gyasi and G.O.O. shocks the conscience. Their apprehension, the conditions of their detention, and the continued failure to provide them with necessary and critical care lack any justification and threaten irreparable harm.

Count III
Violation of Administrative Procedures Act, 5 U.S.C. §706(2)(A)
Arbitrary and Capricious Agency Action

63. Respondents have a duty to follow their own policies related to release from custody, particularly when such policies are aimed at protecting Petitioners’ due process rights and right to access the courts. *See Accardi v. Shaughnessy*, 347 U.S. 260 (establishing agency duty to follow self-imposed rules).

64. TEDS requires that individuals “should generally not be held for longer than 72 in CBP hold Rooms or holding facilities” and the expeditious processing of at-risk individuals, “to minimize the length of time in CBP custody.” 5.6. Additionally, TEDS prescribes certain conditions of confinement, including access to showers, adequate food, and medical care. Respondents are not complying with these requirements.

65. The above policies and standards are aimed at protecting Petitioners’ right to due process, and violations of these policies constitute violations of the Administrative Procedures Act and the *Accardi* doctrine.

Count IV
Violation of Administrative Procedures Act, 5 U.S.C. §706(2)(A)
Arbitrary and Capricious Agency Action

66. Under the Administrative Procedure Act, “final agency action for which there is no other adequate remedy in a court is subject to judicial review.” 5 U.S.C. § 704. The reviewing court “shall hold unlawful and set aside agency action, findings, and conclusions found to be arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,” or “unsupported by substantial evidence.” 5 U.S.C. §§ 706(2)(A), (E) (citation modified).

67. Respondent’s detention of Petitioners under circumstances that threaten their life and health is a final agency action that is “arbitrary, capricious, an abuse of discretion and not in accordance with the law.” 5 U.S.C. §§706(2)(A), (E).

68. Absent this Court’s intervention, Petitioners have no “remedy” to challenge the encroachment on Petitioners’ rights by the conduct of Respondents.

Count V
Violation of *Flores* Settlement Agreement and 8 C.F.R. § 236.3(e)

69. Under the *Flores* Settlement Agreement and 8 C.F.R. § 236.3(e)(1), accompanied children are to be transferred to a non-secure facility “as expeditiously as possible” and no later than three days of their apprehension. 8 C.F.R. § 236.3(e)(1).

70. G.O.O. is an accompanied child who has been detained in CBP custody at the most secure facility in total lockdown for over seven days.

71. In detaining G.O.O. in these conditions, Respondents are violating the *Flores* Settlement Agreement and the governing regulations in violation of the APA.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus that directs Respondents to immediately release Petitioners so they can seek necessary medical care in an appropriate environment to vindicate their rights and mitigate harm incident to Respondents’ detention of Petitioners and Petitioner’s unborn child;
3. Alternatively, enjoin Respondents from placing Petitioner in conditions that create a substantial risk to the health and safety of Petitioner and her child;
4. Order that Petitioner shall not be transferred outside of the Eastern District of Virginia while this case is pending;
5. Declare that Respondents’ actions violate the APA and the Due Process Clause of the Fifth Amendment of the U.S. Constitution;
6. Grant such further relief as the Court deems just and proper.

Date: May 26, 2026

Respectfully submitted,

/s/ Sophia Gregg

Sophia Leticia Gregg, VSB No. 91582

Eden Heilman, VSB No. 93554

AMERICAN CIVIL LIBERTIES UNION

FOUNDATION OF VIRGINIA

P.O. Box 26464

Richmond, VA 23261

Tel: (804) 774-8242

Sgregg@acluva.org

heilman@acluva.org

**VERIFICATION BY SOMEONE ACTING ON PETITIONERS’
BEHALF PURSUANT TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of Petitioners, as Petitioners’ attorney. I have discussed the events described in this Petition with Petitioner. Based on 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.

Dated: May 26, 2026

Respectfully submitted,

/s/ Sophia Gregg
Sophia Leticia Gregg, VSB No. 91582
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF VIRGINIA
P.O. Box 26464
Richmond, VA 23261
Tel: (804) 774-8242
Sgregg@acluva.org