

Israel Nava Arellano / [REDACTED]

Name and Prisoner Number/Alien Registration Number

San Luis Regional Detention Center

Place of Confinement

P.O. Box 7710

Mailing Address

San Luis AZ. 85349

City, State, Zip Code

☒ FILED	☐ LODGED
☐ RECEIVED	☐ COPY
AUG 11 2025	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

(Failure to notify the Court of your change of address may result in dismissal of this action.)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Israel Nava Arellano,

(Full Name of Petitioner)

Petitioner,

v.

David R. Rivas,

(Name of Warden, Jailor or authorized person
having custody of Petitioner)

Respondent.

CASE NO. **CV25-02887-PHX-JAT--ASB**

(To be supplied by the Clerk)

PETITION UNDER 28 U.S.C. § 2241
FOR A WRIT OF HABEAS CORPUS
BY A PERSON IN FEDERAL CUSTODY

PETITION

1. What are you challenging in this petition?

- ☒ Immigration detention
☐ Bureau of Prisons sentence calculation or loss of good-time credits
☐ Probation, parole or supervised release
☐ Other (explain): _____

2. (a) Name and location of the agency or court that made the decision you are challenging: United States Department of Justice Executive Office for Immigration Review, Otay Mesa Immigration Court / 7488 Calzada de la Fuente, San Diego CA 92154
(b) Case or opinion number: A- [REDACTED]

(c) Decision made by the agency or court: Ordered to be Removed From the United States, on January 22, 2025

(d) Date of the decision: January 22, 2025

3. Did you appeal the decision to a higher agency or court? Yes ☒ No ☐

If yes, answer the following:

(a) First appeal:

- (1) Name of the agency or court: (BIA) Board of Immigration Appeals
- (2) Date you filed: February 4, 2025
- (3) Opinion or case number: A. [REDACTED]
- (4) Result: Affirm, Immigration Judge Decision.
- (5) Date of result: May 29, 2025.
- (6) Issues raised: Motion to Re-open / Initial Deportation Done Back on March 15, 1999 / Application of Asylum being Abandoned, and violation of Due Process / no opportunity to file, because it was no schedule to file "Brief".
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Second appeal:

- (1) Name of the agency or court: District Court of Appeals at the Ninth Circuit
- (2) Date you filed: June 24, 2025
- (3) Opinion or case number: unknown / 25-4102
- (4) Result: Pending.
- (5) Date of result: N/A
- (6) Issues raised: Actual Innocence, Violation of Due Process, Ineffective assistant of Counsel, insufficient Evidence for Removal, Unlawful Arrest and Detention, violation against Double Jeopardy, Prosecution Misconduct, wrongfully Reported, wrongfully Convicted, Denial of Bail, Prejudice more
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(c) Third appeal:

- (1) Name of the agency or court: United States District Court, Southern District of California - (San Diego)
- (2) Date you filed: February 28, 2025
- (3) Opinion or case number: 23-cr-02193-TWR-1

(4) Result: Order Dismissing with Prejudice Petition to Vacate
28 U.S.C. § 2255.

(5) Date of result: June, 12, 2025

(6) Issues raised: actual innocence, ineffective assistance of Counsel,
insufficient evidence for prosecution, violation of Due Process of Law,
Conviction obtained by use of evidence obtained pursuant to an unlawful
Arrest, conviction obtained by Unconstitutional Failure of Prosecution.
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.
and more..

4. If you did not appeal the decision to a higher agency or court, explain why you did not: I'm still
working on my Right to Administrative Relief, I'm exercising
every avenue possible to obtain Relief, and currently moving
forward with this § 2241 and 9th circuit pending Decision.

5. Other than the appeals listed above, have you filed any other petitions, applications or motions concerning the issues raised in this petition? Yes ☒ No ☐

If yes, answer the following:

(a) Name of the agency or court: (ICE), (DHS), Agents & Field Officer Director

(b) Date you filed: May, 2024 / March, 20, 2025 /

(c) Opinion or case number: A [REDACTED]

(d) Result: "Denied"

(e) Date of result: June, 5, 2024 / (NO RESPONSE) /

(f) Issues raised: Not Aggravated Felon, No Deportable offenses, Defect on my
1999 Deportation, No Violent Crimes, Not a Fly Risk, No a Danger
to the Community, A productive member to Society, Family
Ties, Community ties, Health Concerns (cirrhosis stage 4). etc.
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

6. For this petition, state every ground on which you claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

CAUTION: To proceed in the federal court, you must ordinarily first exhaust (use up) your available
administrative remedies on each ground on which you request action by the federal court.

GROUND ONE: "Actual Innocence"

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Attach Document with Exhibits
pages (0-70-32)

(b) Did you exhaust all available administrative remedies relating to Ground One? Yes ☒ No ☐

(c) If yes, did you present the issue to:

- ☒ The Board of Immigration Appeals
- ☒ The Office of General Counsel
- ☐ The Parole Commission
- ☒ Other: United States Federal District Court of Southern District

of California (San Diego).

(d) If you did not exhaust all available administrative remedies relating to Ground One, explain why:

N/A

GROUND TWO: "Ineffective Assistant of Counsel"

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Attached Document with Exhibits
pages (33 to 41).

(b) Did you exhaust all available administrative remedies relating to Ground Two? Yes ☐ No ☐

(c) If yes, did you present the issue to:

☒ The Board of Immigration Appeals

☒ The Office of General Counsel

☐ The Parole Commission

☒ Other: U.S.D.C. Southern District of California, (San Diego)

(d) If you did not exhaust all available administrative remedies relating to Ground Two, explain why:

N/A

GROUND THREE: "Insufficient Evidence For Prosecution"

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Attach Documents with Exhibits
pages (42)

(b) Did you exhaust all available administrative remedies relating to Ground Three? Yes ☐ No ☐

(c) If yes, did you present the issue to:

- ☒ The Board of Immigration Appeals
- ☒ The Office of General Counsel
- ☐ The Parole Commission
- ☒ Other: U.S.D.C. Southern District of California (San Diego)

(d) If you did not exhaust all available administrative remedies relating to Ground Three, explain why:

N/A

GROUND FOUR: "Violation of Due Process"

(a) Supporting FACTS (Do not argue or cite law. Just state the specific facts that support your claim.):

Attach Document with Exhibits
pages (43 To 45)

(b) Did you exhaust all available administrative remedies relating to Ground Four? Yes ☐ No ☐

(c) If yes, did you present the issue to:

☒ The Board of Immigration Appeals

☒ The Office of General Counsel

☐ The Parole Commission

☒ Other: U.S.D.C. Southern District of California (San Diego)

(d) If you did not exhaust all available administrative remedies relating to Ground Four, explain why:

N/A

Please answer these additional questions about this petition:

7. Are you challenging your conviction or sentence in any of the grounds raised above? Yes ☒ No ☐
 (Claims challenging a federal conviction or sentence may only be raised in a motion under 28 U.S.C. § 2255, unless the § 2255 motion is legally inadequate or ineffective.)

If yes, answer the following:

(a) Have you filed a motion under 28 U.S.C. § 2255? Yes ☒ No ☐

If yes, answer the following:

- (1) Name of court: United States District Court, Southern District of California (San Diego)
 (2) Case number: # 23-cr-02193-TWR
 (3) Opinion or case number: 25-cv-00450-TWR
 (4) Result: Order Dismissing with Prejudice Petition to Vacate under 28 U.S.C. § 2255.
 (5) Date of result: June 12, 2025
 (6) Issues raised: "actual innocence", "ineffective assistance of Counsel", "violation of Due Process of Law", conviction obtained by use of evidence gained pursuant to an unconstitutional search & seizure, prosecutorial misconduct, violation of Constitutional Rights, prejudice etc.
 Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(b) Explain why the remedy under § 2255 is inadequate or ineffective: The Motion was File On Time, I'm In Custody of (Ice) physically, Not under that conviction that end up Dismiss by the Government on February 28, 2024. It was Inadequate, cause I'm challenging my Original and Initial Deportation as My Current Detention by (Ice) and Not base on that Conviction or Indictment with same charges, as right now.

8. If this case concerns immigration removal proceedings, answer the following:

- (a) Date you were taken into immigration custody: February 28, 2024
 (b) Date of removal or reinstatement order: January 22, 2025
 (c) Did you file an appeal with the Board of Immigration Appeals? Yes ☒ No ☐

- (1) Date you filed: February 4, 2025
 (2) Case number: A- [REDACTED] / No case # Appointed
 (3) Result: Affirm Judges Decision made on January 22, 2025.

(4) Date of result: May, 29, 2025.

(5) Issues raised: No Briefing Schedule do by (BIA), No change to file anything other than Initial petition, and never receive any Evidence or transcripts to start my opening or Initial Brief.
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

(d) Did you file an appeal with the federal court of appeals? Yes ☒ No ☐

(1) Name of the court: United States District Court of Appeal
ninth circuit.

(2) Date you filed: June, 24, 2025.

(3) Case number: 25 - 4102

(4) Result: UNKNOWN / UNDECIDED / PENDING

(5) Date of result: N/A.

(6) Issues raised: "actual Innocence", "ineffective Assistance of Counsel", "violation of Due Process of Law", "Double Jeopardy & prejudice", "violation of Constitutional Rights", "Unlawful Detention", "Unlawful Arrest", "Deprivation of Liberty" etc.
Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

9. Petitioner asks that the Court grant the following relief: "Terminate Removal Proceedings", "stoppel any future Proceedings" "Against Me" "Immediate Release of Custody" "by any type of Relief. I am entitled or qualified for" until this Proceedings of this matter comes to an End.

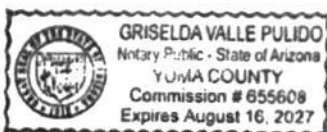
or any other relief to which Petitioner may be entitled. (Money damages are not available in habeas corpus cases.)

I declare under penalty of perjury that the foregoing is true and correct and that this Petition for Writ of Habeas Corpus was placed in the prison mailing system on _____ (month, day, year).

Israel Nima Adellaw
Signature of Petitioner

Signature of attorney, if any

July 29, 2025
Date



7.29.25

[Handwritten Signature]