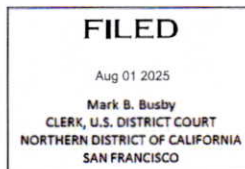


PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name: KHAMO FABIAN YOUSIF ISRAEL  
LAST FIRST MIDDLE INITIAL  
Prisoner Number: V-46857 , 077279-2  
Institutional Address: ATASCADERO STATE HOSPITAL  
P.O.BOX 7001, ATASCADERO, CALIF. 93423

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



FABIAN YOUSIF ISRAEL KHAMO

Petitioner,

vs.

DEPARTMENT OF HOMELAND SECURITY  
SECRETARY

I.C.E. SECRETARY

Respondent(s).

UNITED STATES ATTORNEY GENERAL

Case Number: 5:25-cv-06500-SVK (PR)  
(Provided by the clerk upon filing)

PETITION FOR A WRIT  
OF HABEAS CORPUS

I. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

A. What sentence are you challenging in this petition?

- Name and location of court that imposed sentence (for example: Alameda County Superior Court, Oakland): MULTI-JURISDICTIONAL
- Court CHALLENGING I.C.E DETAINER WHILE IN CUSTODY
- Location RIVERSIDE County, SAN BERNARDINO, STANLIANS
- Case number, if known RIF 102848, UNAVAILABLE OTHER #S
- Date and terms of sentence APPROXIMATELY 19 Years 10 months
- Are you now in custody serving this term? ("In custody" means in jail, on parole or probation, etc.) ..... YES NO

If yes, provide name and address of institution:

ATASCADERO  
STATE  
HOSPITAL

B. For what crime were you given this sentence?

**Note:** If your petition challenges a sentence for more than one crime, list each crime separately using California Penal Code numbers, if known. If you are challenging more than one sentence, you should file a different petition for each sentence.

CASE NUMBER RIF102848

ROBBERIES

C. Did you have any of the following proceedings?

Arraignment: ..... YES NO

Preliminary Hearing: ..... YES NO

Motion to Suppress: ..... YES NO

D. How did you plead? ..... Guilty Not Guilty ~~xxx~~ Nolo Contendere

Any other plea (specify) \_\_\_\_\_

E. If you went to trial, what kind of trial did you have?

~~xx~~ Jury Judge alone Judge alone on a transcript

F. Did you testify at your trial? ..... YES ~~NO~~

G. Did you have an attorney at the following proceedings:

1. Arraignment ..... YES NO

2. Preliminary hearing ..... YES NO

3. Time of plea ..... YES NO

4. Trial ..... YES NO

5. Sentencing ..... YES NO

6. Appeal ..... YES NO

7. Other post-conviction proceeding ..... YES NO

H. Did you appeal your conviction? ..... YES NO

1. If you appealed, to what court(s) did you appeal? U.S DISTRICT COURT



1 Court of Appeal.....~~YES~~ Year: 2004 ~~NO~~  
 2 Result: AFFIRMED  
 3 Supreme Court of California.....~~YES~~ Year: 2005 ~~NO~~  
 4 Result: affirmed  
 5 Any other court..... YES Year: 2008 NO  
 6 Result: approximate dates denial  
 7 2. If you appealed, were the grounds the same as those that you are raising in this  
 8 petition?..... YES ~~NO~~  
 9 3. Did the court issue an opinion?..... YES ~~NO~~  
 10 4. Did you seek permission to file a late appeal under Rule 31(a)?..... YES ~~NO~~  
 11 If you did, give the name of the court and the result: \_\_\_\_\_  
 12 \_\_\_\_\_

13 I. Other than appeals, have you previously filed any petitions, applications or motions with  
 14 respect to this conviction in any court, state or federal?..... YES ~~NO~~

15 **Note:** If you previously filed a petition for a writ of habeas corpus in federal court challenging the  
 16 same conviction you are challenging now and if that petition was denied or dismissed with  
 17 prejudice, you must first file a motion in the U. S. Court of Appeals for the Ninth Circuit  
 18 for an order authorizing this court to consider this petition. You may not file a second or  
 successive federal habeas petition without first obtaining such an order from the Ninth Circuit.  
 28 U.S.C. § 2244(b).

19 If you sought relief in any proceeding other than an appeal, answer the following  
 20 questions for each proceeding. Attach extra paper if you need more space.

21 1. Name of court: U.S. DISTRICT COURT  
 22 Type of proceeding: HABEAS REVIEW  
 23 Grounds raised (be brief but specific):  
 24 a. N/A - RIGHT TO TESTIFY  
 25 b. \_\_\_\_\_  
 26 c. \_\_\_\_\_  
 27 d. \_\_\_\_\_  
 28 Result: Denied HABEAS Date of result: N/A

1 2. Name of court: \_\_\_\_\_

2 Type of proceeding: \_\_\_\_\_

3 Grounds raised (be brief but specific):

4 a. \_\_\_\_\_

5 b. \_\_\_\_\_

6 c. \_\_\_\_\_

7 d. \_\_\_\_\_

8 Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

9 3. Name of court: \_\_\_\_\_

10 Type of proceeding: \_\_\_\_\_

11 Grounds raised (be brief but specific):

12 a. \_\_\_\_\_

13 b. \_\_\_\_\_

14 c. \_\_\_\_\_

15 d. \_\_\_\_\_

16 Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

17 4. Name of court: \_\_\_\_\_

18 Type of proceeding: \_\_\_\_\_

19 Grounds raised (be brief but specific):

20 a. \_\_\_\_\_

21 b. \_\_\_\_\_

22 c. \_\_\_\_\_

23 d. \_\_\_\_\_

24 Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

25 J. Is any petition, appeal or other post-conviction proceeding now pending in any court?

26 ..... YES NO

27 Name and location of court: Resentencing (case # RIF102848

28 BUT SAN BERNARDINO AND STANLAUS NEVER  
CHALLENGED.



1 II. GROUNDS FOR RELIEF

2 State briefly every reason why you believe you are being confined unlawfully. Give facts to  
3 support each claim. For example, what right or privilege were you denied? What happened?  
4 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if  
5 you need more space. Answer the same questions for each claim.

6 **Note:** You must present ALL your claims in your first federal habeas petition. Subsequent petitions  
7 may be dismissed without review on the merits. 28 USC § 2244(b); *McCleskey v. Zant*, 499 U.S.  
467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

8 Claim One: \_\_\_\_\_

9 PETITIONER IS ATTACKING VALIDITY OF I.C.E DETAINER AS

10 A MENTALLY ILL PRISONER SUBJECT TO PERSECUTION IF HE WAITS ANY LONGER  
Supporting facts: \_\_\_\_\_

11 THERE IS AN ACTIVE I.C.E DETAINER ON FILE AND PETITIONER BELIEVES I.C.E

12 WILL BE AN ISSUE GIVEN TODAYS POLITICAL AGENDA DESPITE THE FACT THE

13 PETITIONER IS AN IRAQI CHRISTIAN AND HAS LIVED IN COUNTRY SINCE 1979....

14 Claim Two: PETITIONER IS A COLEMAN CLASS MEMBER MENTALLY ILL. IF

15 HE WAITS FOR I.C.E TO PROCEED HE WOULD BE WISKED AWAY QUICKLY AND VIOLATES  
16 DUE PROCESS AND EQUAL PROTECTION CLAUSE VESTED IN THE U.S. CONSTITUTION.

Supporting facts: \_\_\_\_\_

17 PRISONER HAS CONTACTED ALL PARTIES TO THE BEST OF HIS ABILITIES AND HAS

18 ENCLOSED A MEMORANDUM OF THE CRUX OF THE MATTER ,PETITIONER WANTS THE GOV-

19 ERNMENT TO LIFT THE I.C.E HOLD.IN THAT IT IS AN ISSUE ON HIS RELEASE DATE  
20 WHICH IS AUGUST 13, 2025...

Claim Three: \_\_\_\_\_

21 THE FEDERAL GOVERNMENT NEEDS TO LIFT THE HOLD ORTHIS COURT SHOULD

22 APPOINT COUNSEL AS THIS HABEAS IS BEING FILED WITH MOTION TO APPOINT  
Supporting facts: \_\_\_\_\_

23 COUNSEL. BE ADVISED PETITIONER IS DOING BEST HE CAN AND BELIEVES THIS

24 I.C.E HOLD IS THE CAUSE OF MUCH MENTAL HEALTH PROBLEMS WITHOUT A

25 PROFESSIONAL LAWYER, PETITIONER WOULD SUFFER IRREPARABLE HARM

26 If any of these grounds was not previously presented to any other court, state briefly which  
27 grounds were not presented and why: PETITIONER ASSERTS HE HAS NOTIFIED THE

28 FEDERAL GOVERNMENT A NUMBER OF TIMES WITH NO RESPONSE...



1  
2  
3 List, by name and citation only, any cases that you think are close factually to yours so that they  
4 are an example of the error you believe occurred in your case. Do not discuss the holding or  
5 reasoning of these cases: SEE: FRANCO-GONZALEZ v. HOLDER(2014) WL 5475097

6 C.D.CAL OCTOBER 29, 2014

7 THE PETIONER IS COMMITTED TO THE STATE HOSPITAL FOR SCHIZOPHRENIA

8 HE IS CHRISTIAN AND BELIEVES MUSLIMS WOULD TORTURE HIM FOR IT IN IRAQ.

9 Do you have an attorney for this petition?..... YES NO  
XXX

10 If you do, give the name and address of your attorney: \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_

13 WHEREFORE, petitioner prays that the court grant him/her the relief to which he/she may be  
14 entitled in this action. I verify under penalty of perjury that the foregoing is true and correct.

15 Executed on:

16 JUNE 3rd ,2025

06/03/2025  
Date

Falcon Yousif Abnash Khann  
Signature of Petitioner

DECLARATION TO THE COURT

1. I FABIAN YOUSIF ISRAEL KHAMO STATE THE FOLLOWING AS TRUTH UPON INFORMATION AND BELIEF PURSUANT TO THE U.S. CONSTITUTION.
2. I AM NOT A LAWYER SO I AM UNABLE TO FULLY DEFEND MYSELF IN THESE HABEAS CORPUS PROCEEDINGS , AND REQUEST COUNSEL IN THAT I AM DIAGNOSED WITH A SERIOUS MENTAL ILLNESS.PURSUANT TO CASE LAW FRANCO-GONZALEZ v. HOLDER ,THIS COURT SHOULD APPOINT COUNSEL IN THE INTERSETS OF JUSTICE.
3. I AM A MAN WHO IS BEING ATTACKED BY I.C.E., IMMIGRATION VIOLATIONS, WHICH I CONTEND ARE INVALID , GIVEN MY UNIQUE CASE.
- 4.WITH IMMIGRATION,MENTAL ILLNESS,AND BEING SUBJECT TO PERSECUTION IN THE COUNTRY OF MY ORGIN DUE TO FAMILY, FATHER ,AND MOTHER ,WORKING FOR DEPARTMENT OF DEFENSE AS CONTRACTORS IN CLASSIFIED MATTERS IN THE COUNTRY WHICH I.C.E. IS TRYING TO SEND ME TO, THIS EXTRAORDINARY WRIT WOULD BE ISSUED IF PRESENTED PROPERLY...
- 5.I ASK THE COURT TO LOOK AT THE WHOLE PICTURE AND ALLOW THIS UNPROFESSIONAL PETITION FILING WITH MEANINGFUL SCRUTINY , AND ACCEPT ITS FILIMG IN THAT TIME IS LIMITED AND ON AUGUST 13, 2025, I MAY BE FAR AWAY AT SOME I.C.E. SITE WITHOUT TYPEWRITERS OR ANY THING I CAN FIGHT WITH.
- 6.REQUEST THIS FEDERAL COURT TAKE JUDICIAL NOTICE THAT I HAVE BEEN IN THIS COUNTRY SINCE 1979, AND NEVER THOUGHT I WAS ILLEGAL ...
- 7.REQUEST MY CONSTITUTIONAL RIGHT BENEATH THE FOURTEENTH AMENDMENT BE GRANTED HONORED, EQUAL PROTECTION OF THE LAW, DUE PROCESS, .
- 8.IN LIGHT OF MY INABILITIES TO FILE SUCH EXTRAORDINARY WRIT BU DO HAVE FACTORS WHICH WOULD MAKE THIS WRIT ISSUED, RESPECTFULLY REQUEST THIS HONORABLE COURT EXERCISE ITS AUTHORITY TO PROCEED AND HONOR THESE PAPERS.

I SWEAR THE FOLLOWING ARE TUR AND CORRECT ,AND UPON INFORMATION AND BELIEF,PURSUANT TO U.S.CONSTITUTION.SO HELP ME GOD.

DATE: 07-23-2025

Fabian Yousif Israel Khamo



MEMORANDUM

MAY 30, 2025

TO: DEPARTMENT OF HOMELAND SECURITY

FROM: FABIAN YOUSIF ISRAEL KHAMO 077279-2  
unit 30 ATASCADERO STATE HOSPITAL  
P.O. BOX 7001, ATASCADERO, CA. 93423

CC: IMMIGRATION AND CUSTOMS ENFORCEMENT  
IMMIGRANT AND EMPLOYEE RIGHTS SECTION-U.S. DEPT. OF JUSTICE

THE PURPOSE OF MY CONTACT IS TO OBTAIN ALL PAPERS AND RECORDS UNDER MY NAME TO INVESTIGATE AND ADDRESS A DETAINER FILED BY I.C.E , IN REFERENCE TO MY BEING A NATURALIZED CITIZEN OF THE UNITED STATES.

IT IS MY POSITION THIS DETAINER WAS PLACED UPON ME IN ERROR.

THIS MISUNDERSTANDING CAN BE RESOLVED WITH THE APPROPRIATE DOCUMENTS WHICH DO EXIST IN THIS DEPARTMENT.

THEREFORE, PURSUANT TO CURRENT LAW I ASK THIS OFFICE TAKE NOTICE THAT LAWS GOVERNING DETAINERS REQUIRE THAT I HAVE AMPLE TIME TO CONFRONT AND ADDRESS THE DETAINER WITH YOUR COOPERATION .

I THEREFORE REQUEST ANY AND ALL PAPERS REGARDING MY I.C.E DETAINER INCLUDING GREEN CARD COPIES , DATES OF CORRESPONDENCE OF MY PARENTS REGARDING MY NATURALIZATION, TAKING NOTICE OF THE 1996 LAWS GRANTING ME CITIZENSHIP. I REQUEST ANY AND ALL COPIES OF CHARGES BY THE STATE, REQUEST ANY AND ALL COPIES OF INTERVIEWS MADE REGARDING MY STATUS BEING A NATURALIZED CITIZEN. I RESPECTFULLY ASK THIS DEPARTMENT NOTE THE CURRENT POLITICAL RAMIFICATION OF WRONGFULLY PLACING A DETAINER ON A CATHOLIC MAN BORN IN A MUSLIM COUNTRY IRBIL , IRAQ. WHERE I BELIEVE I WOULD BE PERSECUTED.

I ASK THIS DEPARTMENT TAKE NOTICE OF HOW QUICKLY I.C.E. MOVES PEOPLE TO THIRD WORLD COUNTRIES WITHOUT DUE PROCESS AND ERRORS BEING MADE.

I AM UP FOR RELEASE ON AUGUST 13, 2025. I WISH TO OBTAIN ANY AND ALL PAPERS PURSUANT TO DUE PROCESS. CLAIMING I AM A CITIZEN NATURALIZED UPON UPON INFORMATION AND BELIEF AND NEED TO BE NOTIFIED. REQUEST THE DETAINER BE LIFTED AND ALL DOCUMENTS PERTAINING IT BE SENT TO ME.

MAY 30 2025 J.D. David D. ...



## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

A true and correct copy of the foregoing document entitled (specify): HABEAS CORPUS / motion for  
counsel

will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. **TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (date) \_\_\_\_\_, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☐ Service information continued on attached page

2. **SERVED BY UNITED STATES MAIL:**

On (date) 07/23/25, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

U.S. District Court  
450 GOLDEN GATE AVE  
BOX 36060, SAN FRANCISCO  
CA. 94102

☐ Service information continued on attached page

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) \_\_\_\_\_, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

07/23/25 FABIAN YOUSIF ISRAEL KHAMO  
Date Printed Name

Fabian Yousif Israel Khano  
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.