



Hamza Oiskhine A

Name and Prisoner Number/Alien Registration Number

San Luis Detention Center

Place of Confinement

2000 W. County 16th Street

Mailing Address

San Luis, AZ 85349

City, State, Zip Code

(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**

Hamza Oiskhine

(Full Name of Petitioner)

Petitioner,

v. David Rivas, Warden of the San Luis Detention Center,
Gregory J. Archambeault, San Diego Field Office Director,
Immigration and Customs Enforcement and Removal
Operations, Todd Lyons, Acting Director of Immigration and
Customs Enforcement, Kristi Noem, Secretary of the
Department of Homeland Security, Pamela Bondi, United
States Attorney General

Respondents.

CASE NO. **CV25-04600-PHX-SHD--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: Imperial Immigration Court California

(b) Case or opinion number: _____

(c) Decision made by the agency or court: Decision to arrest and imprison petitioner

(d) Date of the decision: Arrest and initial detention on September 10 2025.

12. Exhaustion. In order to proceed with this petition in federal court, you ordinarily must exhaust any administrative remedies available to you. If you did not fairly present each of your grounds to the appropriate administrative agencies, your petition may be dismissed.

FINAL NOTE

You should follow these instructions carefully. Failure to do so may result in your petition being stricken or dismissed by the Court. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the petition is being continued and number all pages.

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: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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: _____

(2) Date you filed: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

Attach, if available, a copy of any brief filed on your behalf and a copy of the decision.

4. If you did not appeal the decision to a higher agency or court, explain why you did not: _____
Petitioner is challenging the initial arrest and detention through this habeas corpus petition,
petitioner had a bond hearing where ICE submitted fabricated evidence to influence the
Immigration judge's 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: _____

(b) Date you filed: _____

(c) Opinion or case number: _____

(d) Result: _____

(e) Date of result: _____

(f) Issues raised: _____

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: Violation of the fourth amendment and 8 U.S.C. 1357 ~ unlawful warrantless arrest and seizure without probable cause or flight risk assessment

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

On September 9th, I was arrested by ICE agents who were acting on an uncorroborated anonymous tip. As I stepped outside to retrieve my mail, an ICE agent was impersonating a USPS officer delivering my mail. As I reached for my mail in his hands, the ICE agent grabbed me. I was then tackled, restrained and arrested without a warrant or evidence that I was an alien or that I had committed a crime. The anonymous tip did not provide any specific, reliable information that could have justified my arrest. The ICE agents made no individualized flight risk assessment before arresting me

(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: _____

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

Exhaustion is not required because my claim is a constitutional challenge to the legality of my arrest and detention, which is a matter for the federal courts to decide. There is no administrative remedy for an unconstitutional arrest.

GROUND TWO: Violation of the Fifth Amendment — Unlawful Detention and Denial of Due Process Under 8 U.S.C. § 1226(a)

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

I was detained without a warrant issued by the Attorney General, as required by 8 U.S.C. § 1226(a). I was also denied an initial custody determination by an ICE officer. Furthermore, ICE agents submitted a false report about my arrest to the immigration judge, claiming that I tried to run away, in order to have me denied bond.

(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: _____

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

Exhaustion is not required because my claim is a constitutional challenge to the legality of my detention and the denial of due process. These are legal issues that the administrative process cannot resolve.

GROUND THREE: Claim Three: Violation of The Administrative Procedure Act (APA) Claim

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

Reliance on an Uncorroborated Anonymous Tip:

Failure to Follow Statutory Requirements:

Fabrication of Evidence

SEE MEMORANDUM FOR FULL DETAILS

(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: _____

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

Exhaustion is not required because my claim is a constitutional challenge to the legality of my detention and the denial of due process. These are legal issues that the administrative process cannot resolve.

GROUND FOUR: _____

Violation of the Accardi Doctrine - Failure to conduct initial custody determination

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

After my unlawfull arrest, ICE failed to conduct an initial individual custody determination as required by regulations. I was detained, served a defective NTA, then later transported to Otay Mesa Detention Center without an opportunity to demonstrate to an officer that I'm not a danger to society nor a risk flight.

(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: _____

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

Exhaustion is not required because my claim is a _____

constitutional challenge to the legality of my detention _____

and the denial of due process. These are legal issues _____

that the administrative process cannot resolve. _____

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: _____

(2) Case number: _____

(3) Opinion or case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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: _____

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

(a) Date you were taken into immigration custody: September 2025

(b) Date of removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals? Yes No

(1) Date you filed: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

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: _____

(2) Date you filed: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

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:

Issue a Writ of Habeas Corpus ordering his immediate release from custody.

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 November 21st 2025 (month, day, year).

Hamza Oiskhine *Hamza Oiskhine*
Signature of Petitioner

December 8th

Signature of attorney, if any

11/21/2025
Date

CERTIFICATE OF SERVICE

I, **Hamza Oiskhine**, certify under penalty of perjury that on November 24th, 2025, I served true and correct copies of the following documents:

1. Verified Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241;
2. Memorandum of Law in Support of Verified Petition for Writ of Habeas Corpus;
3. Emergency Motion for Temporary Restraining Order and Immediate Release from Custody;
4. Motion for Order to Show Cause Why Temporary Restraining Order Should Not Be Granted;
5. Motion to Stay Removal and Prohibit Transfer;
6. Motion To Appoint Counsel; and
7. Any supporting exhibits filed with these documents,

to:

Name: Timothy Courchalne

U.S. Attorney

Address: Two Renaissance Square 40 N. Central Avenue, Suite 1800

Phoenix, AZ 85004

/s/ Hamza Oiskhine