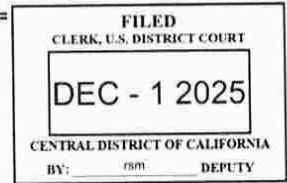


AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

FEE DUE



Somcheth Sam Yok
Petitioner

v.

Case No. **5:25-CV-03377-MWF-MAA**
(Supplied by Clerk of Court)

David Marin, warden, Adelanto ICE
Respondent
(name of warden or authorized person having custody of petitioner)
Detention Center

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Somcheth Sam Yok
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Adelanto ICE Processing Center
(b) Address: 10250 Rancho Road, Adelanto, CA 92301
~~_____~~
(c) Your identification number: ~~_____~~
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain: _____
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

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Decision or Action You Are Challenging

5. What are you challenging in this petition:

- How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: Immigration Court, Eloy, AZ

(b) Docket number, case number, or opinion number: A# [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Indefinite detention

(d) Date of the decision or action: From January 31, 2025 to November 25, 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Los Angeles Field Office

ERO/ICE - Notice to Alien of File Custody Review

(2) Date of filing: 05/07/2025 03/07/2025

(3) Docket number, case number, or opinion number: A [REDACTED]

(4) Result: Decision to Continue Detention

(5) Date of result: 04/23/2025

(6) Issues raised: Petitioner is not a flight risk, nor a danger to the community. Petitioner has taken many and important steps towards rehabilitation. Petitioner has strong ties to the community.

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(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: ICE Headquarters, Washington, D.C. - Notice to Alien of Interview for Review of Custody Status
- (2) Date of filing: 07/11/2025 - Notice served 07/07/2025
- (3) Docket number, case number, or opinion number: 
- (4) Result: NO answer so far
- (5) Date of result: NO answer so far.
- (6) Issues raised: Petitioner is not a flight risk, nor a danger to the community. Petitioner has taken many and important steps towards rehabilitation, petitioner has strong ties to the community. Petitioner is stateless because no country has recognized him as a citizen or national. He was granted CAT for Cambodia.

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

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(b) If you answered "No," explain why you did not file a third appeal:

There is no other action available to me when it comes to administrative remedies.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

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(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: January 31, 2025

(b) Date of the removal or reinstatement order: February 2, 2007

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

If "Yes," provide:

(1) Date of filing:

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

I do not have any of this information. It was done through counsel.

Order of Removal became final May 9, 2007.

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Date of filing:

(3) Case number:

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- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____
- _____
- _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____

- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your 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.

GROUND ONE: Statutory violation

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(a) Supporting facts (Be brief. Do not cite cases or law.):

The six month preemptively reasonable period for continued removal efforts has expired. Petitioner still has not been removed. Petitioner's removal to any country is not reasonable foreseeable. Continue detention after six months where deportation is not reasonably foreseeable is unreasonable and violates the law.

(b) Did you present Ground One in all appeals that were available to you?

Yes

No No statutory requirement

GROUND TWO: Substantive Due Process Violation

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner's continued detention violates his rights to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint. If deportation can never occur, the government's primary legitimate purpose in detention (executing removal) is nonsensical.

(b) Did you present Ground Two in all appeals that were available to you?

Yes

No No statutory requirement.

GROUND THREE: Procedural Due Process Violation

(a) Supporting facts (Be brief. Do not cite cases or law.):

An alien is entitled to a timely and meaningful opportunity to demonstrate that he should not be detained. In this case, petitioner has been denied such opportunity.

(b) Did you present Ground Three in all appeals that were available to you?

Yes

No No statutory requirement.

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GROUND FOUR:

N/A

(a) Supporting facts (Be brief. Do not cite cases or law.):

N/A

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

Request for Relief

15. State exactly what you want the court to do: grant Petitioner a Writ of Habeas Corpus, Order Respondents to Release Petitioner under reasonable supervision conditions. Order Respondents to Refrain from transferring Petitioner out of the jurisdiction of the Director of Los Angeles ICE Field Office during the pendency of these proceedings and while Petitioner remains the Respondents' custody.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

11/24/2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/24/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any