

CAO LE MINH KHAI

NAME

PRISON NUMBER

OTAY MESA DETENTION CENTER

PLACE OF CONFINEMENT

P.O. Box 439049, SAN DIEGO, CA 92143

ADDRESS

FILED

Dec 12 2025

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *danielmartinez* DEPUTY

United States District Court
Southern District Of California

'25CV3611 CAB AHG

Civil No.

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

CAO LE MINH KHAI

(FULL NAME OF PETITIONER)

Petitioner

v.

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

The Attorney General of the State of
California, Additional Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

I. 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 or case number (if you know): _____

(c) Date of sentencing: _____

Being held on immigration charge

Other (explain): _____

2. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:

3. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities
 Pretrial detention
 Immigration detention
 Detainer
 The validity of your conviction or sentence as imposed
 Disciplinary proceedings
 Other (specify): _____

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

- (a) Name and location of the court or agency: OTAY MESA IMMIGRATION COURT;
7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154
- (b) Case number, docket number or opinion number (if you know): 241304298
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): On the 09/17/2025 I went for a bond hearing but my bond was not approved by the Judge and I have been detain from 12/2/2024 till now I am still detained
- (d) Date of the decision or action: 09/17/2025

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

Yes No

(a) If your answer to 5 was "Yes," give the following information:

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

(b) If your answer to 5 was "No," explain why you did not appeal: My lawyer
said he never wanted to appeal the Judge decision

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

Yes No

(a) If your answer to 6 was "Yes," give the following information:

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

(b) If your answer to 6 was "No," explain why you did not appeal: _____
N/A

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

Yes No

(a) If your answer to 7 was "Yes," give the following information:

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

(b) If your answer to 7 was "No," explain why you did not appeal: _____
N/A

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: I am in prison for a year.

(a) Supporting FACTS (state *briefly* without citing cases or law) I have been detain for 1 year in Otay Mesa Detention Center. I know I cross the boarder ~~of~~ illegally but I am not a criminal, after 9 months of my detain I apply for a bond hearing but my bond was denied by the immigration Judge, I was interview after 2 months and I had positive credible fear then I went on fighting my case on 09/25/2025, I had an individual hearing and the Judge denied my case and due to my emotion and my depression after my case was denied I did a wrong decision not to appeal the Judge decision and I had to sign my deportation which I have been waiting for almost 3

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

Yes No

GROUND THREE: _____

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____

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

Yes No

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
 Yes No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

12 10 8 1 2025
(DATE)


Cao Le Minh Khun
SIGNATURE OF PETITIONER