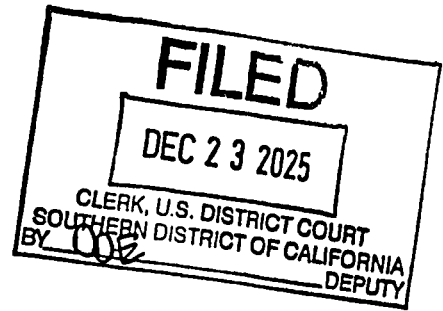


Seymur Valiyev



Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154



Date: 12/20/2025

Clerk of Court
United States District Court
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101

'25CV3743 CAB BJW

RE: Filing of Habeas Corpus Petition Under 28 U.S.C. § 2241

Dear Clerk of Court,

Please accept for filing my enclosed Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241. I am currently detained in the custody of U.S. Immigration and Customs Enforcement (ICE) at Otay Mesa Detention Center in San Diego, California.

I am submitting the required \$5.00 filing fee through the facility's Trust Account Withdrawal process. I have already submitted the withdrawal request to facility staff, and the funds are available on my inmate trust account. However, I am unable to directly issue or mail a check myself because all financial transactions must be processed by the detention facility.

If the Court does not receive the payment immediately, I respectfully request that my petition be docketed and accepted pending receipt of the Trust Account withdrawal check.

Enclosed you will find:

1. Petition for Writ of Habeas Corpus(AO 242 Form)
2. Copy of Trust Account Withdrawal Request(if available)
3. Any additional supporting documents

Please notify me of the assigned case number when available.

Thanks you for your time and assistance.

Respectfully submitted.

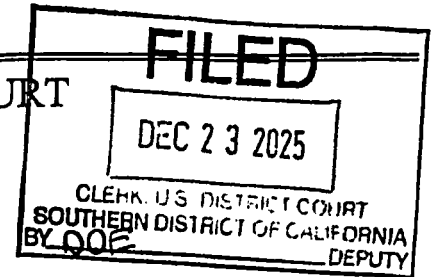
Seymur Valiyev



Otay Mesa Detention Center
San Diego, California

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



SEYMUR VALIYEV
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

WARDEN, OTAY MESA DETENTION CENTER
Respondent
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: SEYMUR VALIYEV
(b) Other names you have used: NONE
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: 17488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154
(c) Your identification number: [REDACTED]
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): _____

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)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ 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: U.S. DEPARTMENT OF HOMELAND SECURITY ICE ENFORCEMENT and REMOVAL OPERATIONS, SAN DIEGO, CALIFORNIA

(b) Docket number, case number, or opinion number: _____

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

Continued immigration detention without parole or release determination.

(d) Date of the decision or action: 01/09/2025

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: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I am an immigration detainee and have not been provided access to bond, parole, or meaningful review of my detention.

8. Second appeal

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

☐ Yes ☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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: _____

(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: _____

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

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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: _____

- (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: 01/09/2025

(b) Date of the removal or reinstatement order: _____

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

☐ Yes

☒ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(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: _____

(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: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Unlawful prolonged immigration detention and
denial of release determination.

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

I have been detained in ICE custody since January 2025 at
Otay Mesa Detention Center.

I have not been granted parole, bond, or meaningful custody review.
I have no criminal conviction and pose no danger or flight risk.

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

☐ Yes

☒ No

GROUND TWO:

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

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

☐ Yes

☐ No

GROUND THREE:

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

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

☐ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR:

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

(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: No administrative or judicial mechanism was provided to challenge prolonged detention before filing habeas corpus

Request for Relief

15. State exactly what you want the court to do: Immediate release from detention under reasonable supervision, bond, parole, or any less restrictive alternative to confinement.

Declaration of Seymour Valiyev

UNDER PENALTY OF PERJURY

I, Seymour Valiyev,  hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

I am currently detained in immigration custody at Otay Mesa Detention Center in San Diego, California. I was taken into immigration custody on January 9, after crossing the United States border to request asylum by CBP One application.

During my detention, I have experienced overcrowded housing conditions, restricted movement, inadequate access to food, and overall conditions not suitable for prolonged confinement. The prolonged uncertainty and lack of progress in my case have caused significant emotional and psychological strain for me. Extended detention is negatively affecting my physical and mental health.

During my entire time in custody (since 9 January 2025), I had one Bond Hearing in February 2025, the Judge denied bond because I crossed the border by CBP One app. I also file a parole request. I submitted a sponsor package three times. As of today, I still have not received a response.

Case Timeline:

Taken into custody:	9 January, 2025
Master Calendar Hearing #1:	23 January, 2025
Master Calendar Hearing #2:	5 February, 2025
Master Calendar Hearing #3:	13 March, 2025
Master Calendar Hearing #4:	15 May, 2025
Final Individual Hearing:	8 August, 2025 (rescheduled)
Master Calendar Hearing #5:	3 June, 2025 (rescheduled)
Master Calendar Hearing #6:	4 June, 2025
Final Individual Hearing:	1 August, 2025 (rescheduled)
Final Individual Hearing:	1 October, 2025 (rescheduled)
Final Individual Hearing:	7 October, 2025 (rescheduled)
Final Individual Hearing:	14 January, 2026

Due to Judge Hon.Ana Partida's resignation, I was scheduled for a new Master Hearing.

On June 3, 2025 Judge Hon.Guy G.Grande adjourned the master hearing until the next day due to my attorney's absence.

On June 4, 2025 Judge Hon.Guy G.Grande set schedule a new final individual hearing for **August 1, 2025**.

At the end of June, I terminated my contract with the attorney Sergej Kubiak due to his negligent attitude towards my case.

On July 7, 2025 I found a new Pro Bono attorney Paula Bacci.

On July 16, 2025 without informing me,Paula Bacci rescheduled my induvidual(final) hearing from August 1, 2025 to **October 1, 2025**.

The next day, my individual hearing was rescheduled again from October 1, 2025 to **October 7, 2025**.

In mid-August, Paula Bacci informed me that my case was being assigned to a new attorney.As of August 30, 2025, I have had a new attorney Aldo Martinez Gomez.

On October 7, 2025 during an individual hearing, Judge Hon.Guy G. Grande adjourned it until January 14, 2026, citing that my previous attorney, Paula Bacci, had forgotten to inform the court that a Russisn interpreter was needed.

The delays in my case are not caused by me.

I do not pose a danger to the community, i have no criminal history, and I have followed all rules and requirements throughout my time in custody. My only intention in entering the United States was to lawfully request protection and seek asylum.

I respectfully request to be released from detention while my immigration case continues.

CERTIFICATION

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

Executed on: 12 / 20 2025

Seymur Valiyev



Otay Mesa Detention Center
San Diego, California

LEGAL MEMORANDUM IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Submitted by: Seymour Valiyev



Legal Basis for Requested Relief

1. Prolonged Detention Violates Constitutional Limits and Federal Legal Standards

Immigration detention is permitted only for a reasonable and limited period. The U.S. Supreme Court in *Zasvydas v. Davis*, 533 U.S. 678 (2001) held that **indefinite or excessively prolonged detention violates the Fifth Amendment**, because liberty is a core constitutional right.

Although the *Zadvydas* decision concerned post-removal-order detention, courts in the **Ninth Circuit** have extended its reasoning to prolonged pre-removal immigration detention, including cases involving asylum seekers:

Case	Legal Principle
Diouf v. Napolitano (Diouf II), 634 F.3d 1081 (9th Cir. 2011)	Prolonged detention requires meaningful review and justification
Rodriguez v. Robbins, 715 F.3d 1127 (9th Cir. 2013)	The government must justify continued detention; prolonged custody cannot continue automatically.
Nadarajah v. Gonzales, 443 F.3d 1069 (9th Cir. 2006)	Five-year detention of an asylum seeker held unlawful; release required where no justification exists.
Singh v. Holder, 638 F.3d 1196 (9th Cir. 2011)	The government bears the burden of proving danger or flight risk.

2. Medical Conditions Make Continued Detention Harmful and Unjustified

I have chronic heart conditions and experienced psychological challenges in

Azerbaijan.

Inside detention, I have not received medically necessary monitoring.

Federal courts have recognized that worsening medical conditions constitute grounds for release:

Ahn v. INS, 1 F.Supp. 2D 1139 (N.D. Cal. 1998) – medical vulnerability during prolonged detention justified release.

Continued custody poses a serious risk to our health and safety and is therefore excessive and unreasonable.

Requested Relief

Based on constitutional protections, controlling federal precedent, and the circumstances of my detention, I respectfully request that the Court:

-find that my continued detention is unlawful, and order my release pending the resolution of my immigration proceedings,

or, in the alternative,

-require a bond hearing where the government – not the detainee – bears the burden of proof to justify continued detention.

Conclusion

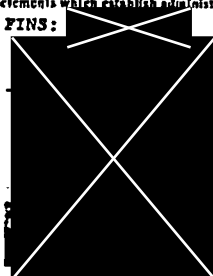
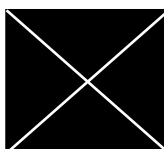
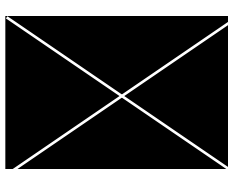
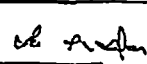
My detention has become **excessively prolonged, medically harmful, legally unjustified, and inconsistent with constitutional protections and governing precedent of the Ninth Circuit.**

For these reasons, I respectfully request that Court grant my habeas corpus petition.

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:		Event No:
Subject ID:	FIN #:	
SIGMA Event:	DOB:	File No:
In the Matter of: VALIYEV, SEYMUR		
Respondent: VALIYEV, SEYMUR		currently residing at:
7488 Calzada de la Fuente, SAN DIEGO, CALIFORNIA 92154, UNITED STATES OF AMERICA		619-661-8700
(Number, street, city, state and ZIP code)		(Area code and phone number)
☒ You are an arriving alien.		
☐ You are an alien present in the United States who has not been admitted or paroled.		
☐ You have been admitted to the United States, but are removable for the reasons stated below.		
The Department of Homeland Security alleges that you:		
1. You are not a citizen or national of the United States;		
2. You are a native of GEORGIA and a citizen of AZERBAIJAN;		
3. You applied for admission on 01/09/2025 at SAN YSIDRO, CA, USA;		
4. You are an immigrant not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Immigration and Nationality Act.		
On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:		
See Continuation Page Made a Part Hereof		
☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.		
☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)		
YOU ARE ORDERED to appear before an Immigration Judge of the United States Department of Justice at:		
7488 CALEADA DE LA FUENTE, SAN DIEGO, CA, US 92154		
(Complete Address of Immigration Court, Including Room Number, if any)		
on January 21, 2025	at 01:00 PM	to show why you should not be removed from the United States based on the
(Date)	(Time)	KRYAN, CAR28950
charge(s) set forth above.	CHP OFFICER:	
	(Signature and Title of Issuing Officer)	Digitally Acquired Signature
Date: January 10, 2025	SAN YSIDRO, CALIFORNIA	
	(City and State)	

EOIR - 1 of 6

U.S. Department of Homeland Security		SIGMA Event: 		Subject ID: 		Record of Deportable/Inadmissible Alien			
Family Name (CAPS) VALIYEV, SEYMUR		First		Middle		Sex M	Hair 	Eyes 	Complexion 
Country of Citizenship AZERBAIJAN		Passport Number and Country of Issue 		File Number 		Height 	Weight 	Occupation 	
U.S. Address 		Date of Birth 10/26/1991		Age: 33		Date of Action 01/10/2025		Location Code 2504 - SYS	
City, Province (State) and Country of Birth MARNEULI, GEORGIA		AR ☐ Form: (Type and No.) ☐ Lifted ☐ Not Lifted ☐		NONE		FBI Number 		☐ Single ☐ Divorced ☐ Married ☐ Widowed ☐ Separated	
NIV Issuing Post and NIV Number NONE		Social Security Account Name NONE		Social Security Number NONE		Method of Location/Apprehension ISP		At New SAN YSIDRO, CA	
Date Visa Issued NONE		Immigration Record NEGATIVE		Criminal Record NONE KNOWN		Date/Time 01/09/2025 1439		By KIYAN, CAR28950	
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) NONE		Number and Nationality of Minor Children 0		Father's Name, Nationality, and Address, if Known		Mother's Present and Maiden Names, Nationality, and Address, if Known		Status at Entry See Narrative	
Monies Due/Property in U.S. Not in Immediate Possession See Narrative		Fingerprints? ☒ Yes ☐ No		Systems Checks See Narrative		Charge Code Word(s) See Narrative		Status When Found TRAVEL/SEEKING	
Name and Address of (Last/Current) U.S. Employer NONE		Type of Employment NONE		Salary 0.0 USD		Employed from/to 0/0/00 - 0/0/00		Length of Time Illegally in U.S. At Entry	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS:  Left Index Finger  Right Index Finger 									
STATUS AT ENTRY ----- Other Applicant for Admission CLAIMED DOCUMENTS ----- Passport -  ... (CONTINUED ON 1-213)									
Alien has been advised of communication privileges 01/10/2025 Distribution: A-FILE									
Received (Subject and Documents) (Report of Interview) KIYAN, CAR28950 - CBP OFFICER (Officer:  on: January 10, 2025 (Date) Disposition: NOTICE TO APPEAR (NTA) Responsible Officer: MCINTOSH, CAG001541 - SUPERVISORY CBP OFFICER (Signature and Title of Immigration Officer)									