

Flourish Oluwadare

NAME

PRISON NUMBER

Otay Mesa Detention Center

PLACE OF CONFINEMENT

446 Alta Road, San Diego, CA 92158

ADDRESS

FILED

Dec 26 2025

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

United States District Court
Southern District Of California

Flourish Oluwadare

(FULL NAME OF PETITIONER)

Petitioner

v.

Christopher Larose, Patrick Diwver, Kristi Noem,
Pamela Bondi,

(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.

Civil No. '25CV3782 AGS KSC

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

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. 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: U.S. Immigration Court, Otay Mesa, California

(b) Case number, docket number or opinion number (if you know) 

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Denial of my motion for a custody redetermination hearing (bond hearing). The Immigration Judge ruled that she has no jurisdiction to review my custody.

(d) Date of the decision or action: November 3, 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: U.S. Immigration Court, Otay Mesa, CA (Judge Robin Feder)

(2) Date of filing: October 30, 2025

(3) Case number, docket number or opinion number: 

(4) Result: Denied

(5) Date of result: November 3, 2025

(6) Issues raised: I requested a custody hearing because my detention has been unconstitutionally prolonged. I argued that the court had jurisdiction to hold a bond hearing.

(b) If your answer to 5 was "No," explain why you did not appeal: _____

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 5 was "No," explain why you did not appeal: The Immigration Judge's order on November 3, 2025, was a final denial of my request for a custody hearing. There is no further administrative appeal available for this issue. My only remedy is to file this habeas corpus petition in federal court

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: Not applicable.

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.

See attached Memorandum in Support of Petition for full legal argument and facts.

GROUND ONE: Violation of Fifth Amendment Right to Due Process - Prolonged Detention
Without a Bond Hearing.

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

I have been detained by Immigration authorities since December 7, 2024, for nearly one year. I have never been given a bond hearing where the government had to prove my detention is necessary.

On November 3, 2025, the Immigration Judge denied my request for a hearing, stating she has no jurisdiction. My detention has become unconstitutionally long without any due process.

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

Yes No

GROUND TWO: Unlawful Detention Because Removal is Not Reasonably Foreseeable.

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____
An Immigration Judge has already granted me Withholding of Removal to Nigeria, so I cannot legally be sent there. The order to remove me to South Africa is currently on appeal before the Board of Immigration Appeals. Because my appeal is pending and could take a very long time, there is no country I can be removed to in the foreseeable future. My detention is no longer for immigration purposes and has become illegal punishment.

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 My appeal of the Immigration Judge's final removal order is currently pending before the Board of Immigration Appeals (BIA).

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 Not Applicable

(b) On appeal from any adverse ruling in a post-conviction proceeding Not applicable

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

// Flourish Oluwadare

SIGNATURE OF ATTORNEY (IF ANY)

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

11/20/2025

(DATE)

// Flourish Oluwadare

SIGNATURE OF PETITIONER