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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT COURT OF CALIFORNIA**

MUHAMMET BOZASLAN )  
)  
**Petitioner,** )  
v. )  
CHRISTOPHER J. LAROSE, )  
Warden of Otay Mesa Detention Facility )  
)  
Kenneth C. Smith, )  
San Diego Field Office Director, )  
U.S. Immigration and Customs Enforcement, )  
)  
Todd Lyons, )  
Acting Director of Immigration )  
Customs Enforcement ("ICE"); )  
)  
Kristi Noem, )  
Secretary of the U.S. Department of )  
Homeland Security )  
)  
)  
Pamela Bondi, )  
Attorney General of the United States )  
)  
**Defendants** )  
\_\_\_\_\_ )

CIVIL No. '26CV0161 GPC DEB

AGENCY CASE No:



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

Petitioner, Muhammet Bozaslan, through undersigned counsel, alleges as follows:

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**INTRODUCTION**

- 1. Petitioner, Muhammet Bozaslan, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and prolonged detention by U.S. Immigration and Customs Enforcement (“ICE”). Petitioner has been detained at the Otay Mesa Detention Center since November 2025, despite having no criminal history and despite the absence of any individualized determination justifying his continued confinement under 8 U.S.C. §1226.
- 2. Petitioner entered the United States on November 11, 2023, near Tecate, California, and was released the following day. Petitioner was taken into ICE custody and has remained detained since December 2025. Although Petitioner sought a bond determination before the Immigration Court, his request was denied on January 2, 2026.
- 3. Petitioner’s continued detention violates the Immigration and Nationality Act and the Due Process Clause of the Fifth Amendment. As the Ninth Circuit recently reaffirmed in *Lazaro v. Erickson*, 97 F.4th 1196 (9th Cir. 2024), prolonged immigration detention without a meaningful, individualized custody determination is unconstitutional. Absent a lawful basis for continued detention, Petitioner is entitled to immediate release or, at minimum, a constitutionally adequate bond hearing under § 1226.

**JURISDICTION AND VENUE**

- 4. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, Section 9, Clause 2 of the United States Constitution.
- 5. Petitioner is “in custody” for purposes of § 2241 because he is detained by ICE at the

1 Otay Mesa Detention Center.

2 6. Venue is proper in the Southern District of California pursuant to 28 U.S.C. § 1391(e)  
3 because Petitioner is detained within this District and Respondents exercise authority

4 here.

5  
6 7. This Court has authority to grant declaratory and injunctive relief under 28 U.S.C. §§  
7 2201, 2202, and the All Writs Act, 28 U.S.C. § 1651.

8  
9 **PARTIES**

10  
11 8. Petitioner Muhammet Bozaslan is a native and citizen of Turkey currently detained by  
12 ICE at the Otay Mesa Detention Center in San Diego, California.

13 9. Respondent Christopher J. Larose is the Warden of the Otay Mesa Detention Center and  
14 is a legal custodian of Petitioner.

15 10. Respondent Kenneth C. Smith is the ICE Field Office Director for the San Diego Field  
16 Office.

17  
18 11. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs  
19 Enforcement.

20 12. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security.

21 13. Respondent Pamela Bondi is the Attorney General of the United States.

22 14. All Respondents are sued in their official capacities.  
23

24 **FACTUAL BACKGROUND**

25  
26 15. Petitioner entered the United States on November 11,, 2023, through the border, and was  
27 released from custody the following day.  
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16. Petitioner has no criminal history and has never been convicted of any offense.
- In December 2025, Petitioner was stopped and was taken into custody by ICE and has been continuously detained at the Otay Mesa Detention Center since that time.
17. In December 2025, Petitioner filed a motion for a bond determination with the San Diego Immigration Court.
18. On January 2, 2026, the Immigration Court denied Petitioner’s bond request.
19. Petitioner remains detained without a meaningful opportunity for release and without an individualized determination establishing that continued detention is necessary.
20. Petitioner’s detention has become prolonged and is not reasonably related to any legitimate governmental purpose.

**LEGAL FRAMEWORK**

**I. Petitioner’s Continued Detention Under 8 U.S.C. § 1226 Is Unconstitutional**

21. Petitioner is detained pursuant to 8 U.S.C. § 1226, which authorizes civil immigration detention only for the limited purposes of ensuring appearance at proceedings and protecting the community.
22. Civil detention under § 1226 is subject to the Due Process Clause of the Fifth Amendment and must remain reasonable in duration.
23. Prolonged detention without a constitutionally adequate bond hearing violates due process. *Rodriguez v. Marin*, 909 F.3d 252, 256–57 (9th Cir. 2018).

**II. *Lazaro v. Erickson* Requires a Meaningful, Individualized Custody Determination**

1 24. In *Diouf v. Napolitano*, 634 F.3d 1081, 1089–90 (9th Cir. 2011), the court held that  
2 detention under 8 U.S.C. § 1231(a)(6) must remain reasonable in duration and  
3 accompanied by meaningful procedural protections. Likewise, in *Rodriguez v.*  
4 *Marin*, 909 F.3d 252, 256–57 (9th Cir. 2018), the Ninth Circuit reaffirmed that  
5 prolonged immigration detention raises serious constitutional concerns.  
6

7 25. Most recently, in *Lazaro v. Erickson*, 97 F.4th 1196 (9th Cir. 2024), the Ninth  
8 Circuit reaffirmed that prolonged immigration detention, regardless of the statutory  
9 authority invoked, requires a meaningful, individualized custody determination.  
10 The court emphasized that detention may not be justified by categorical reasoning  
11 or prior custody decisions that fail to account for the passage of time and changed  
12 circumstances.  
13

14 26. As in *Lazaro*, Petitioner’s detention has become unreasonably prolonged,  
15 untethered to any legitimate governmental purpose, and unsupported by an  
16 individualized assessment of flight risk or danger. ICE’s continued detention of  
17 Petitioner therefore violates due process.  
18

19 **III. Continued Detention Violates the Fifth Amendment’s Due Process Clause**  
20

21 27. The Fifth Amendment protects all persons within the United States, including  
22 noncitizens, from deprivation of liberty without due process of law.  
23

24 28. Substantively, Petitioner’s continued detention serves no legitimate governmental  
25 purpose and is punitive in effect.

26 29. Procedurally, ICE has failed to provide a meaningful custody review that accounts for the  
27 length of detention and Petitioner’s individual circumstances.  
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30. Although Petitioner previously sought a bond determination before the Immigration Court and that request was denied, habeas relief remains available where detention has become unreasonably prolonged or where the prior custody determination failed to satisfy constitutional requirements. *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011).

31. Petitioner has no criminal history, presents no danger to the community, and poses no flight risk. Continued detention without release or a new, constitutionally adequate custody determination violates the Fifth Amendment.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

A. Issue a writ of habeas corpus directing Respondents to immediately release Petitioner from custody;

B. In the alternative, order Respondents to provide Petitioner with an immediate, constitutionally adequate bond hearing under 8 U.S.C. § 1226 at which the government bears the burden of proving, by clear and convincing evidence, that continued detention is justified;

C. Enjoin Respondents from continuing to detain Petitioner absent a lawful and constitutional basis; and

D. Grant such other and further relief as the Court deems just and proper.

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Dated: January 9, 2026

Respectfully Submitted,



/s/ Chimnaz Shahbazzade  
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**TABLE OF EXHIBITS**

Exhibit A: Notice to Appear (June 09, 2023)

Exhibit B: I-213 (showing detention since December 22, 2025)