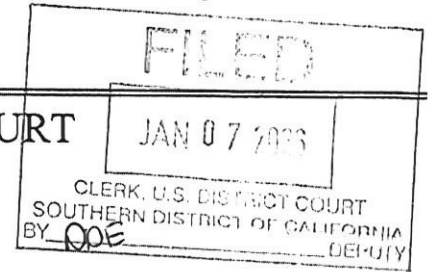


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241



UNITED STATES DISTRICT COURT for the

Petitioner

v.

Case No. (Supplied by Clerk of Court)

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: Diana Marcela Aguirre Calles (b) Other names you have used: NO

2. Place of confinement: (a) Name of institution: Olay Mesa Detention Center (b) Address: 7488 Calzada de la fuente San Diego CA 92154

(c) Your identification number: [Redacted]

3. Are you currently being held on orders by: [X] 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:


[X] 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)

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- 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: Olay Mesa Detention Center
7488 Calzada de la Fuente, San Diego, CA 92154
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
The decision im challenging it's my credible fear has been denied, due to my interpreter. while reading the copy of my interview i noticed the translation is incorrect.
- (d) Date of the decision or action: _____

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: Olay mesa Detention Center Court

(2) Date of filing: 11/25/25

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

(4) Result: Negative

(5) Date of result: 12/05/25

(6) Issues raised: On 11/18/25 i was tested for credible fear via phone that lasted 1 hr long. Later on 11/21/25 i was given another call that took 2h 30 min, but my spanish speaking interpreter did not express translate my answers correctly and on 11/25/25 they let me know my credible fear was negative. Due to the decision from the ice officer on 11/25/25, I made the choice to appeal my case and had court on 12/05/25. However, my attorney did not show up, and since the judge said I didnt need one, she then asked me open ended questions.

(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

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(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: I did not file a second appeal because my credible fear interview test was negative, I made the choice to do Habeas Corpus.

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

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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: 11/08/25
- (b) Date of the removal or reinstatement order: under custody
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

(1) Date of filing: 11/25/25

(2) Case number: [Redacted]

(3) Result: Negative

(4) Date of result: 12/05/25

(5) Issues raised: my credible fear interview/test was denied on the first opportunity I had due to not having the right interpreter. on the first copy of my interview that I received there's words that I did not mention or are translated wrong. On my court day I did not had the opportunity to express myself in front of the judge due to the questions being open ended questions and my attorney could not show up.

(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: parole

(b) Name of the authority, agency, or court: Department of Homeland Security

(c) Date of filing: 12/11/25

(d) Docket number, case number, or opinion number:

(e) Result: Denied

(f) Date of result: 12/16/25

(g) Issues raised: The Department of Homeland Security denied my parole at this time based on me having a pending removal.

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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: freedom of speech

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

for not speaking english I had an interpreter whom did not express, transiate my answers correctly.

(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

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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: I was only asked open ended questions without any opportunity to express my self or be listened to.

Request for Relief

15. State exactly what you want the court to do: I want the opportunity to be hear and to keep appealing my case in this country, not at the detention center, because I fear going back to my country due to [REDACTED] office or the nation police of Colombia threatenead me constantly. I want the opportunity to fight my case and be given a bond to continue my immigration status with USCIS.

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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:

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: 01/02/26

A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any