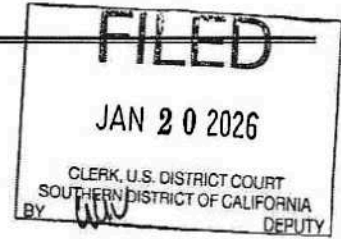


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



LEILA MTIULISHVILI

Petitioner

v.

Warden
Otay Mesa Detention Center

Case No. '26CV0387 RSH JLB
(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: LEILA MTIULISHVILI
- (b) Other names you have used: LEILA GOCHAEVNA MTIULISHVILI
2. Place of confinement:
 - (a) Name of institution: Otay 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:

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)


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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: U.S. Immigration and Customs Enforcement (ICE)

San Diego Field Office, 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):

I am challenging my ongoing and prolonged immigration detention. I was denied a bond hearing for lack of jurisdiction because the Immigration Court found that I am an arriving alien, and my parole requests remain unadjudicated.

(d) Date of the decision or action: 03/26/2025

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: _____

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: _____

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: 03/26/2025
- (b) Date of the removal or reinstatement order: 11/19/2025
- (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: 12/15/2025

(2) Case number: [REDACTED]

(3) Result: Pending

(4) Date of result:

(5) Issues raised: I challenge the Immigration Judge's denial of my applications for asylum, withholding of removal, and protection under the Convention Against Torture. The Immigration Judge erred by treating my claim as merely derivative of my father's asylum application and by failing to assess my independent eligibility for relief based on a well-founded fear of future persecution. I also challenge the failure to recognize my membership in a cognizable particular social group - the immediate family of a political activist - and the improper dismissal of threats by military officials, which were not evaluated cumulatively.

(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:

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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: Prolonged immigration detention without release.

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

I have been in immigration detention since March 26, 2025. I crossed the United States border and presented myself to immigration authorities to seek asylum. I have remained in ICE custody for more than six months without release.

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

Yes No

GROUND TWO: Denial of bond based on lack of jurisdiction

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

The Immigration Court denied my Motion for Custody Redetermination (Bond Hearing) on November 10, 2025, for lack of jurisdiction, finding that I am an arriving alien. As a result, I have no opportunity to seek release on bond through the Immigration Court.

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

Yes No

GROUND THREE: Failure to decide requests for humanitarian parole

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

I have submitted multiple requests for humanitarian parole to ICE. No decisions have been issued on those requests, and I remain in immigration detention without any response or alternative means of release.

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

Yes No

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GROUND FOUR: Continued detention despite lack of danger or flight risk

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

I do not have a criminal history, I do not pose a danger to the community, and I am not a flight risk. Despite this, I remain in prolonged immigration detention, which has caused significant psychological and emotional harm.

(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 did not present these grounds in my prior appeal because the appeal available to me concerned my removal order, not my ongoing immigration detention.
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Request for Relief

15. State exactly what you want the court to do: I respectfully request that the Court order my immediate release from custody or, in the alternative, grant this petition for a writ of habeas corpus and order the Respondents to provide me with an individualized bond hearing. I further request such other and further relief as the Court deems just and proper.
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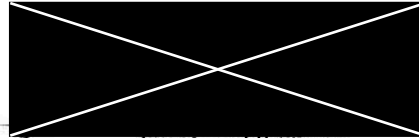
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

01.14.2026

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: 01.14.2026

A black rectangular box with a white 'X' drawn across it, indicating that the signature of the petitioner has been redacted.

Signature of Petitioner

Signature of Attorney or other authorized person, if any