

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

FILED
JAN 21 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *WV* DEPUTY

KRASNOPOLSKII, IVAN

Petitioner

v.

Warden, Otay Mesa Detention Center

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. **'26CV0383 RBM SBC**
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: KRASNOPOLSKII, IVAN
- (b) Other names you have used: KRASNOPOLSKII, IVAN ALEKSANDROVICH
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)
Department of Homeland Security (DHS)
- (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 bond or meaningful review.
- (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: _____
- (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: _____
Immigration detention does not provide a meaningful administrative appeal process for prolonged detention.

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:
No further administrative remedies available.

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:

No further administrative remedies available.

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: 12/21/2025
- (b) Date of the removal or reinstatement order: 12/21/2025
- (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: 04/30/2025

(2) Case number: 

(3) Result: Pending at time of departure from the United States

(4) Date of result:

(5) Issues raised:

Appeal of immigration judge's decision related to protection under the Convention Against Torture

(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: Unlawful Immigration Detention

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 Do not cite cases or law.):*

I first entered the United States with my family on January 4, 2022 through the San Luis Port of Entry. I later reentered the United States on May 19, 2023. During my immigration proceedings, I applied for protection and was granted protection under the Convention Against Torture (CAT). After the CAT decision, I timely appealed the decision to the Board of Immigration Appeals. I later departed the United States. On Dec 21, 2025, presented myself at a U.S. Port of Entry for the third time. Upon arrival, I was taken into ICE custody and remain detained.

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

Yes No

GROUND TWO: Violation of Due Process and Coercion at the Port of Entry

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 Do not cite cases or law.):*

When I arrived at the Port of Entry on December 21, 2025, immigration officers told me that I was subject to a five-year bar and that I would be returned to my home country by military plane. I was not provided with any written documents or formal notice explaining this determination. Officers pressured me to sign a voluntary departure form immediately. I was not given a meaningful opportunity to explain my fear of return or the consequences of signing the form. I did not knowingly or voluntarily waive my rights before being taken into custody.

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

Yes No

GROUND THREE: Detention Despite Ongoing Fear of Persecution and Torture

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

I continue to fear persecution and torture if returned to my home country. After my prior CAT decision, I experience new persecution while abroad, including persecution in Russia. I informed immigration officers upon my return to the United States on December 21, 2025 that I feared returning. Despite this, officers relied solely on an alleged five-year bar and did not conduct a meaningful fear screening or review of my protection claims before detaining me.

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

Yes No

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GROUND FOUR: Arbitrary Immigration Detention Without Individualized Review

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

I do not pose a danger to the community or a flight risk.

My continued detention serves no legitimate purpose and has become arbitrary and punitive rather than administrative. I have previously complied with immigration procedures, including filing applications and appeals as required.

My detention has become arbitrary and punitive rather than administrative.

(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 remedies were available to me to raise these claims. Immigration detention does not provide a meaningful process to appeal or challenge unlawful detention or due process violations.

Request for Relief

15. State exactly what you want the court to do:

I respectfully ask the Court to order my immediate release from ICE custody. If the Court does not order my release, I ask for a prompt individualized bond hearing before an immigration judge. And also I did not present these grounds earlier because I was taken into custody immediately at the Port of Entry and was not provided any meaningful opportunity to appeal or challenge the violations described above.

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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:
On or about January 16, 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: 01/16/2026

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