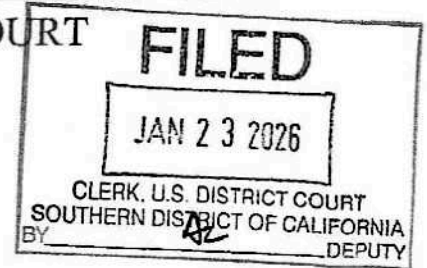


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the



\_\_\_\_\_  
*Petitioner*  
  
v.  
christopher Lal Rose  
warden Otay Mesa Detention  
\_\_\_\_\_  
*Respondent*  
*(name of warden or authorized person having custody of petitioner)*

Case No. '26CV508 BJC BLM  
*(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: DAHIYA ABDALLA YAHYA ADAM  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Otay Mesa Detention Center  
(b) Address: Calzadadela Fuente 7488 San Diego CA 92154  
(c) Your identification number:
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: Immigration court 7488 Cal Zada de 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):  
Lack and timely Bond hearing unnecessary detention Zadvydas v Davis. Arbitrary detention Lack of specific detention grounds.
- (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: \_\_\_\_\_

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: 02/25/2025
- (b) Date of the removal or reinstatement order: N/A (pending decision from Immigration Judge)
- (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: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

(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:** Lack of timely Bond hearing (Constitutional Right to Bail)

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 Do not cite cases or law.):

I have never had a Bond hearing despite the time and situation I am in detention.

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

Yes  No

**GROUND TWO:** Indefinite or unnecessary Detention

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 Do not cite cases or law.):

I have been detained for ten months which enforces pro long detention without reviewing my custody status.

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

Yes  No

**GROUND THREE:** Arbitrary Detention (Lack of specific Detention Grounds)

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 Do not cite cases or law.):

Detention is Arbitrary and Violates 5<sup>th</sup> Amendment due process protection I am not a flight risk and neither a danger to the community

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

Yes  No

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GROUND FOUR:

Health problems

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

Fact:- Ever since My stay in detention I have been having health problems like Stress, PTSD, Anxiety and sleepless night My current health is unstable due to the fear of staying in detention without a time as I have been here for over six months still pending a decision from the Immigration Court.

(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:

All Grounds were presented at my custody redetermination Request

Request for Relief

15. State exactly what you want the court to do: 1, please I respectfully ask the court to issue an immediate stay of removal.

2) a writ of habeas corpus  
3) Immediate release from detention or be given a bond hearing before an immigration judge on neutral grounds.

4) I don't want to be detaining again and fight my case in freedom.

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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: 01/20/2026



*Signature of Petitioner*

*Signature of Attorney or other authorized person, if any*

DEPARTMENT OF HOMELAND SECURITY

NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No 

In the Matter of:

Respondent: Dahiya Abdalla Yahya, Adam currently residing at:  
c/o DHS Otay Mesa Detention Center, 7488 Calzada de la Fuente San Diego, CA 92154  
(Number, street, city and ZIP code) (619) 661-4071  
(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that:

- 1) You are not a citizen or national of the United States;
- 2) You are a native of Sudan and a citizen of Sudan;
- 3) You entered the United States at or near Tecate, California on February 23, 2025;
- 4) You were not then admitted or paroled after inspection by an immigration officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(6)(A)(i) of the Act, as amended, as an alien present in the United States without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30(f)  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

EOIR, Otay Mesa Immigration Court, 7488 Calzada de la Fuente, San Diego, CA 92154  
(Complete Address of Immigration Court, including Room Number, if any)

on 09/17/2025 at 8:00 AM to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above. M. Coja SDDO  
(Signature and Title of Issuing Officer)

Date 09/05/2025 SAN DIEGO, CALIFORNIA  
(City and State)