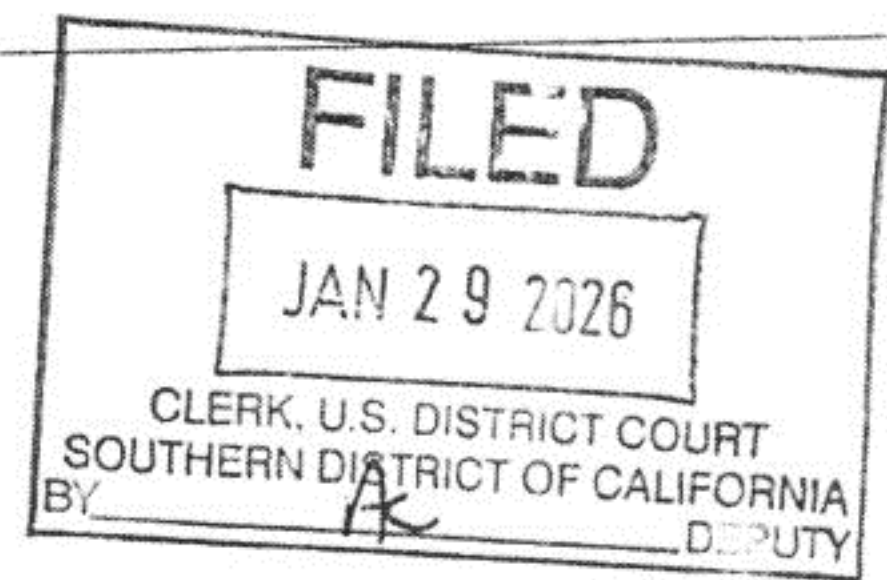


KUMAR GAURAV
NAME

PRISON NUMBER

OTAY MESA DETENTION CENTER
PLACE OF CONFINEMENT

7488 CALZADA DE LA FUENTE, SAN DIEGO, CA, 92154
ADDRESS



**United States District Court
Southern District Of California**

KUMAR GAURAV
(FULL NAME OF PETITIONER)
Petitioner

v.
KRISTIN OCM, PAMELA BONDI
CHRISTOPHER LA ROSE, PATRICK DYVER
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

and
The Attorney General of the State of
California, Additional Respondent.

Civil No. '26CV0609 DMS AHG
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. 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 or case number (if you know): _____

(c) Date of sentencing: _____

- ☒ Being held on immigration charge
☐ Other (explain): _____

2. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
3. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☒ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify): _____
4. Provide more information about the decision or action you are challenging:
- (a) Name and location of the court or agency: OTAY MESA IMMIGRATION COURT
7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 92154
- (b) Case number, docket number or opinion number (if you know): [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): PROLONGED DETENTION WITHOUT REVIEWING MY CUSTODY.
I REQUESTED FROM THE IMMIGRATION COURT FOR A BOND
HEARING BUT THEY SAID THAT I AM INELIGIBLE
- (d) Date of the decision or action: FEBRUARY 2025 & MARCH 2025
5. Did you **appeal** the decision, file a grievance or seek an administrative remedy?
☐ Yes ☒ No

(a) If your answer to 5 was "Yes," give the following information:

- (1) Name of court, agency or authority: _____
- (2) Date of filing: _____
- (3) Case number, docket number or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____
- _____
- _____
- _____

(b) If your answer to 5 was "No," explain why you did not appeal: _____

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 5 was "No," explain why you did not appeal: N/A

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: N/A

8. State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should raise in this petition *all* available grounds on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS

PROLONGED DETENTION WITHOUT PAROLE OR A BOND HEARING
PROCEDURAL DUE PROCESS VIOLATION

(a) Supporting FACTS (state briefly without citing cases or law)

I HAVE BEEN DETAINED BY IMMIGRATION AUTHORITIES SINCE
NOVEMBER 21, 2024 FOR 14 MONTHS. I HAVE NEVER BEEN GIVEN
A BOND HEARING WHERE THE GOVERNMENT HAD TO PROVE MY DETENTION
IS NECESSARY. I REQUESTED FOR A BOND HEARING BUT WAS
DENIED AS THE OTAY MESA IMMIGRATION COURT SAID I WAS
INELIGIBLE TO BE GIVEN A BOND HEARING. MY DETENTION
HAS BECOME UNCONSTITUTIONALLY LONG WITHOUT ANY DUE
PROCESS. THIS IS IN CLEAR VIOLATION OF MY FIFTH
AMENDMENT RIGHT. THE FAILURE OF RESPONDENTS TO
PROVIDE A NEUTRAL DECISION-MAKER TO REVIEW THE
CONTINUED CUSTODY OF PETITIONER VIOLATES PETITIONER'S
RIGHT TO PROCEDURAL DUE PROCESS.

- ☒
- Yes
- ☐
- No

FORESEEABLE - SUBSTANTIVE DUE PROCESS VIOLATION

(a) **Supporting FACTS** (state *briefly* without citing cases or law): _____

ILLEGAL PUNISHMENT.

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

☒ Yes ☐ No

GROUND THREE: HEALTH PROBLEMS

(a) Supporting FACTS (state *briefly* without citing cases or law):

DUE TO THE HORRIBLE CONDITION OF LIVING
IN DETENTION I HAVE DEVELOPED A SKIN PROBLEMS
WHICH IS SLOWLY DAMAGING MY ALL BODY EVERYDAY.
I HAVE BLACK SPOTS ALL OVER MY BODY. I HAVE
REQUESTED FOR MEDICAL HELP SEVERAL TIMES BUT
THEY STILL CAN'T FIND A CURE TO IT. THE WATER
HERE IS THE CAUSE OF MY SKIN IRRITATION AND
UNFORTUNATELY IT IS GOING WORSE DAY BY DAY
I SPEND IN DETENTION.

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

☒ Yes ☐ No

GROUND FOUR:

N/A

(a) Supporting FACTS (state *briefly* without citing cases or law):

MIA

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

☐ Yes ☒ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

ALL GROUNDS WERE PRESENTED

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

☐ Yes ☒ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding N/A

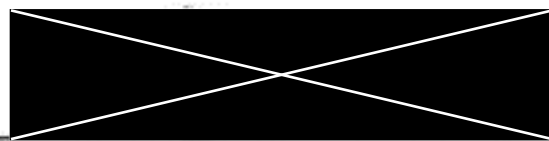
(b) On appeal from any adverse ruling in a post-conviction proceeding N/A

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

24-01-2026
(DATE)



SIGNATURE OF PETITIONER