

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**  
FEB 02 2026  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: WJN DEPUTY

Zulfia Kunakbaeva  
Petitioner

v.

Warden Otay Mesa Detention  
Center, Field Office Direction, ICE San  
Diego  
Respondent  
(name of warden or authorized person having custody of petitioner)

Case No. '26 CV0660 RSH JLB  
(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: Zulfia Kunakbaeva  
(b) Other names you have used: Zolia

2. Place of confinement:  
(a) Name of institution: Otay Mesa Detention Center CID Core Civic  
(b) Address: 7488 Calzada de la Fuente P.O. Box 439049  
San Diego CA, 92143-9049 Pod: G-214  
(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: Otay Mesa Immigration Court, P.O. Box 438150, San Diego, CA 92143-8150
- (b) Docket number, case number, or opinion number: [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Prolonged detention in immigration case (for 1 year and 1+ month) without possibility of bail, or parole. The hearings were rescheduled, the judges were changed.
- (d) Date of the decision or action: December 22, 2024

**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: Exhaustion of administrative remedies is not required for constitutional claims under 28 U.S.C. § 2241 in immigration detention cases.

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: December 22, 2024
- (b) Date of the removal or reinstatement order: None
- (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:** Violation of the Due Process Clause (a prolonged detention without adequate justification for 1 year and 1+ month).

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 Do not cite cases or law.):

Since December 2024 my hearings were being rescheduled and the judges were changing two times. I had 3 final court hearing: on November 4, 2025; on December 3, 2025 and on January 15, 2026.

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

Yes  No

**GROUND TWO:** Lack of Timely Bond Hearing (Constitutional Right to Bail). Failure to provide a prompt bond hearing despite that the detention exceeds a reasonable length.

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 Do not cite cases or law.):

I had only one bond hearing on December 31, 2024 where the judge said me that the Court does not have jurisdiction as the Respondent is classified as an arriving alien...". I am detained since enter and don't have an opportunity to request bond.

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

Yes  No

**GROUND THREE:** Hardship from 13+ months detention; no criminal record, no flight risk, no danger to the community. Without parole.

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

I entered into the United States with the appointment of CBP-1 Application.

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

Yes  No

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**GROUND FOUR:** Substandard Medical Care (prolonged detention with inadequate medical care).

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

I have health problems that were not solved at Otay Mesa Detention Center despite I have did many request for medical care. I have blood vaginal distortions every day but they did not explain me reasons of it. Also my circulation is very affected and became bad. However they do not provide me any treatment for it.

(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: The grounds are constitutional (due process) and are raised directly in Habeas Corpus. Exhaustion of administrative remedies is not required for constitutional claims under 28 U.S.C. § 2241 in immigration detention cases.

**Request for Relief**

15. State exactly what you want the court to do: I sincerely ask the court to release me as my detention is unfounded or to allow me to be released on bail. I have a friend who is my sponsor.

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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:

01.27.2026

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: 01.27.2026



*Signature of Petitioner*

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