

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

UNITED STATES DISTRICT COURT
for the

FILED
FEB 09 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: UNW DEPUTY

ARABIEU MURAT
Petitioner
v.
CHRISTOPHER LAROSE
WARDEN, OTAY MESA DETENTION CENTER
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. '26CV0847 RSH VET
(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: ARABIEU MURAT
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: OTAY MESA DETENTION CENTER
 - (b) Address: 7188 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA
ARIZA
3. (c) Your identification number: _____
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, 7488 CALZADA DE LA FUENTE, SAN DIEGO CA 92154
 - (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 WITHOUT A BOND HEARING OR PAROLE. DETAINED OVER A YEAR.
 - (d) Date of the decision or action: N/A

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: N/A

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: N/A

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: N/A

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: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes

No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 12/30/2024
- (b) Date of the removal or reinstatement order: 12/31/2025
- (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: _____
- (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 FIFTH AMENDMENT RIGHT TO DUE PROCESS PROLONGED DETENTION.

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 Do not cite cases or law.):

I HAVE BEEN DETAINED BY IMMIGRATION AUTHORITIES FOR OVER A YEAR WITHOUT GIVEN A BOND HEARING WHERE THE GOVERNMENT BEARS THE BURDEN TO PROOF THAT MY CONTINUED DETENTION IS NECESSARY. THIS VIOLATES MY FIFTH AMENDMENT RIGHT AND ENFORCES PROLONGED DETENTION WITHOUT ANY DUE CAUSE.

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

Yes No

GROUND TWO: PROLONGED DETENTION BECAUSE REMOVAL IS NOT REASONABLY FORESEEABLE. MY PAROLE WAS ONCE GRANTED AND THEN IT WAS REVOKED. (MAY 14, 2025) WITHOUT ANY REASON.

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 Do not cite cases or law.):

I WAS ORDERED REMOVAL BY AN IS ON DECEMBER 31, 2023. I HAVE COOPERATED WITH IMMIGRATION AUTHORITIES TO FACILITATE MY DEPORT/REMOVAL BACK TO MY HOME COUNTRY. MY DEPORTATION OFFICER LOST MY PASSPORT AND THAT'S WHY I HAVE NOT BEEN ABLE TO BE REMOVED. CURRENTLY MY REMOVAL IS CURRENTLY UNFORESEEABLE AS I DON'T HAVE A TRAVEL DOCUMENT DUE TO THE FAULT OF MY DO.

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

Yes No

GROUND THREE: HEALTH PROBLEMS

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

EVER SINCE I HAVE BEEN DETAINED I HAVE DEVELOPED MENTAL HEALTH PROBLEMS. I WAS DIAGNOSED WITH PTSD, SEVERE STRESS AND ANXIETY. MY FAMILY IN RUSSIA IS SUFFERING BECAUSE OF MY STAY IN DETENTION AS I AM THE PROVIDER OF MY FAMILY. I HAVE NOT SEEN MY FAMILY EVER SINCE I HAVE BEEN DETAINED.

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

Yes No

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GROUND FOUR:

N/A

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

N/A

(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

Request for Relief

15. State exactly what you want the court to do: I RESPECTFULLY REQUEST GRANT MY WRIT TO HABEAS CORPUS PETITION, ORDER RESPONDENTS TO EITHER DEPORT/REMOVE PETITIONER FROM UNITED STATES OR ISSUE AN ORDER OF IMMEDIATE RELEASE OF PETITIONER, IN ALTERNATIVE ORDER RESPONDENTS TO GIVE PETITIONER A BOND HEARING.

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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.

02/04/2026

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: 02/04/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

With deep respect , I ask the honorable Federal Court to make a serious decision about my case either regarding my life and being released me from this facility to United States or immediate deport back to my country.

Signature:



Date: 02/04/2026

With great respect, Arabiev Murat



DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

In the Matter of:

File No:



Respondent:

ARABIEV, Murat

c/o DHS/ICE, MTC/IRDF, 1572 Gateway Road, Calexico, CA 92231

currently residing at:

(760) 618-7200

(Number, street, city, state and ZIP code)

(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 you:

1. You are not a citizen or national of the United States;
2. You are a native of RUSSIA and citizen of RUSSIA;
3. You applied for admission into the United States at the Calexico Port Of Entry, California on or about December 30, 2024;
4. You did not then possess or present a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document as required by the Immigration and Nationality Act.

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:

212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

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 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an Immigration judge of the United States Department of Justice at:
EOIR - Imperial, 1572 Gateway Rd., Calexico, CA 92231

(Complete Address of Immigration Court, including Room Number, if any)

on 02/18/2025 at 08:00 AM

(Date)

(Time)

to show why you should not be removed from the United States based on the

C. Arrendondo, SDDO

#4119

charge(s) set forth above.

(Signature and Title of Issuing Officer) (Sign in ink)

Date: 02/04/2025

Calexico, California

(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent) (Sign in ink)

(Signature and Title of Immigration Officer) (Sign in ink)

Date: _____

Certificate of Service

This Notice To Appear was served on the respondent by me on 02/05/2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- [X] In person [] by certified mail, returned receipt # _____ requested [] by regular mail
[X] Attached is a credible fear worksheet.
[X] Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the RUSSIAN language of the time and place of his or her hearing and of the date to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served) (Sign in ink)

(Signature and Title of officer) (Sign in ink) Deportation Officer