

Elbek Abdusaidov
NAME

PRISON NUMBER

Imperial Regional Detention Facility
PLACE OF CONFINEMENT

1572 Gateway Rd Calexico, CA 92231
ADDRESS

FILED
MAR - 2 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: OOE DEPUTY

United States District Court
Southern District Of California

Elbek Abdusaidov,
(FULL NAME OF PETITIONER)

Petitioner

v.

Jeremy Casey,
(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. '26CV1428 BJC DEB
(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:
ICE Detention

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: _____

(b) Case number, docket number or opinion number (if you know): _____
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

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 6 was "No," explain why you did not appeal: _____

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: _____

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: Prolonged civil detention without bond hearing violates due process

(a) Supporting FACTS (state *briefly* without citing cases or law) Petitioner has been detained since December 11, 2025, without an individualized bond hearing before an Immigration Judge. The Ninth Circuit has held that prolonged immigration detention without a bond hearing violates due process.

Petitioner's detention is civil, not criminal, and therefore requires heightened due process protections. Petitioner was charged only with overstaying his visa. On December 19, 2025, an Immigration Judge ordered voluntary departure by February 6, 2026. Petitioner signed voluntary departure on January 6, 2026.

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

Yes No

GROUND TWO: Detention beyond reasonable period violates
Zadvydas v. Davis

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

The Supreme Court held that detention beyond
a presumptively reasonable period violates due
process when removal is not reasonably foreseeable.
ICE has repeatedly stated removal is "in process"
but has failed to provide a removal date
despite having Petitioner's passport and existing
removal flights. Continued detention without a clear
removal timeline is unconstitutional.

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

Yes No

GROUND THREE: Arbitrary and indefinite detention violates substantive due process.

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

Petitioner's detention is arbitrary because he requested voluntary departure and fully cooperated with ICE. Another detainee who is a citizen of Uzbekistan, with similar status, was removed within two weeks, showing inconsistent and arbitrary enforcement. Arbitrary civil detention violates substantive due process.

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

Yes No

GROUND FOUR: Government Delay Cannot Justify
Continued Detention

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

Petitioner has fully cooperated with removal
and provided all documents. Petitioner's passport
was received by the detention facility on
December 29, 2025. Any delay is caused solely
by ICE administrative processing. The government
cannot prolong detention based on its own delay.
Despite this, ICE has failed to promptly remove
Petitioner and continues to detain him without
a bond hearing or clear removal timeline.
Petitioner has been informed that multiple charter
flights to Uzbekistan have occurred during this
period that were reported by the news outlet in Petitioner's
country of origin.

(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:

Request for Relief

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus ordering Petitioner's immediate release from ICE custody; OR
2. In the alternative, order an individualized bond hearing before an Immigration Judge with 7 days, with the government bearing the burden of proof;
3. Declare that Petitioner's prolonged detention violates the Fifth Amendment;
4. Grant any other relief the Court deems just and proper.

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 _____
- (b) On appeal from any adverse ruling in a post-conviction proceeding _____

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

02/26/2026
(DATE)


SIGNATURE OF PETITIONER