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Attorney for Petitioner
BURAK CAYAR

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

BURAK CAYAR,

Petitioner,

v.

Case No. '26CV1431 RBM DDL

WARDEN, OTAY MESA DETENTION CENTER;
ICE FIELD OFFICE DIRECTOR, SAN DIEGO FIELD OFFICE;
SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY;
ATTORNEY GENERAL OF THE UNITED STATES,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS
28 U.S.C. § 2241

Petitioner, through counsel, respectfully submits this Petition for a Writ of Habeas Corpus challenging his ongoing and unlawful immigration detention. Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California, in the custody of the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE") and has been detained since November 30, 2025.

Petitioner Burak Cayar is a native and citizen of Turkey who entered the United States near Tecate, California, on or about July 2, 2024. Shortly thereafter, DHS initiated removal proceedings by issuing a Notice to Appear dated July 3, 2024, charging Petitioner as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act for being present in the United States without being admitted or paroled.

After being placed in removal proceedings, Petitioner was released from custody and remained in the United States while his immigration case proceeded. Petitioner timely sought protection under United States immigration law and filed a Form I-589 Application for Asylum and for Withholding of Removal on August

20, 2024. Petitioner sought asylum based on persecution and fear of persecution in Turkey due to his Kurdish identity and political opinion.

For more than a year after his release, Petitioner lived in the United States without incident and complied with all requirements related to his immigration proceedings. After receiving employment authorization, Petitioner obtained lawful employment as a truck driver and worked to support himself. During this entire period, Petitioner maintained a clean record and has never been arrested or convicted of any crime in the United States or in Türkiye.

Despite this record of compliance and lawful employment, on or about November 30, 2025, Petitioner was taken into custody by DHS and U.S. Immigration and Customs Enforcement ("ICE") while he was working and was placed in immigration detention. Since that date, Petitioner has remained continuously detained at the Otay Mesa Detention Center in San Diego, California.

Shortly after being detained, Petitioner sought release through the immigration court process. On December 12, 2025, Petitioner requested a bond hearing before the Immigration Court. However, on December 19, 2025, the Immigration Judge determined that the court lacked jurisdiction to conduct a bond hearing and denied the request on that basis. As a result, Petitioner has never received a bond hearing at which the Government was required to justify his continued detention.

Petitioner's removal proceedings remain pending before the Immigration Court. The Immigration Court has scheduled an Individual Hearing in Petitioner's case for May 15, 2026, from 8:30 a.m. to 12:00 p.m., before Immigration Judge Jose L. Penalosa, Jr. Because the merits hearing has not yet occurred and no decision has been issued, there is no administratively final order of removal in Petitioner's case.

Petitioner has now been detained for a prolonged period of time without receiving a constitutionally adequate bond hearing at which the Government bears the burden of demonstrating, by clear and convincing evidence, that his continued detention is necessary. Because Petitioner's immigration proceedings remain ongoing and no final order of removal exists, his continued detention without such a hearing violates the Due Process Clause of the Fifth Amendment.

Accordingly, Petitioner seeks habeas relief pursuant to 28 U.S.C. § 2241 and respectfully requests that this Court order the Government to provide a constitutionally adequate bond hearing or, in the alternative, order his immediate release from custody.

Petitioner is being held on an immigration charge, and there is no administratively final order of removal against him. Nonetheless, his detention has continued for more than three months without a constitutionally adequate bond hearing.

Petitioner challenges his continued detention because it has become prolonged and is no longer justified under the Constitution or the Immigration and Nationality Act. Since the outset of his detention, Petitioner has not received a constitutionally sufficient bond hearing at which the Government bears the burden of proving, by clear and convincing evidence, that continued detention is necessary. No court has made an individualized finding, under a constitutionally sufficient standard, that Petitioner poses a danger to the community or presents a flight risk.

Petitioner's detention has continued without meaningful procedural safeguards. ICE has maintained Petitioner in custody without providing an adequate hearing to evaluate his present circumstances or to determine whether continued detention is justified.

There is no administratively final order of removal in Petitioner's case. His removal proceedings remain ongoing. Because there is no final order, his detention cannot be justified as post-removal-order detention. Even if Respondents attempt to characterize the detention otherwise, removal is not imminent and no definite timeline has been provided. The duration of Petitioner's detention has become excessive in relation to its civil immigration purpose. Civil immigration detention is intended to be regulatory—not punitive. However, due to its length and the lack of adequate process, Petitioner's detention has effectively become punitive in nature.

Petitioner does not pose a danger to the community and does not present a flight risk. No judicial officer has made a constitutionally adequate, individualized finding that continued detention is necessary.

Continued confinement without such a finding violates due process. Further, there is no effective administrative remedy available to challenge the legality and duration of Petitioner's ongoing detention. The Immigration Courts and the Board of Immigration Appeals lack authority to grant the habeas relief requested herein. Accordingly, habeas corpus is the only adequate and effective means to challenge the lawfulness of Petitioner's detention.

CUSTODY

Petitioner is currently in the physical custody of the Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"). At the time of filing this Petition, Petitioner is detained at the Otay Mesa Detention Center in San Diego, California, which is located within the jurisdiction of this Court.

Petitioner is in the immediate physical custody of the Warden of the Otay Mesa Detention Center. The Warden exercises day-to-day control over Petitioner's confinement and is therefore a proper Respondent in this habeas action under 28 U.S.C. § 2241.

Petitioner's detention is carried out pursuant to the authority of DHS and ICE. However, for purposes of this habeas petition challenging Petitioner's present physical confinement, the proper Respondent is the official with immediate custody over Petitioner—namely, the Warden of the Otay Mesa Detention Center—because that official has the authority to produce Petitioner before the Court and to implement any order granting relief.

Petitioner remains detained within this District under the authority of ICE.

JURISDICTION

This Petition arises under the Constitution and laws of the United States, including the federal immigration laws. Petitioner is currently detained by U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California.

Petitioner is "in custody" within the meaning of 28 U.S.C. § 2241 because he is physically detained by federal immigration authorities within this District.

This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is being held under color of federal authority and challenges the legality and duration of his continued immigration detention. Petitioner's detention violates the Due Process Clause of the United States Constitution.

This Court also has jurisdiction under 28 U.S.C. § 1331 because this case presents federal questions arising under the Constitution and federal immigration law.

Because Petitioner is detained within the Southern District of California, this Court has territorial jurisdiction over this habeas petition.

Under 28 U.S.C. § 2241, this Court has the authority to order appropriate relief, including release from unlawful custody or an order requiring a constitutionally adequate bond hearing. The Court also has authority to grant any additional relief necessary to remedy Petitioner's unlawful detention.

VENUE

Venue is proper in the United States District Court for the Southern District of California because Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California, which is located within this judicial district.

Petitioner is physically confined within this District, and the Respondent with immediate custody over Petitioner is located within this District. Because this habeas petition challenges Petitioner's present physical confinement, it must be filed in the district where Petitioner is detained.

Accordingly, the venue is proper in the Southern District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

The habeas statute requires courts to act promptly in reviewing petitions challenging unlawful detention. Under 28 U.S.C. § 2243, the Court must either grant the writ or issue an order directing Respondents to show cause why the writ should not be granted, unless it appears from the petition that the petitioner is not entitled to relief.

If the Court issues an order to show cause, Respondents must make a return within three days unless, for good cause shown, additional time is allowed. 28 U.S.C. § 2243. This expedited procedure reflects the fundamental importance of habeas corpus as a safeguard against unlawful detention.

PARTIES

Petitioner Burak Cayar is a native and citizen of Turkiye. He is currently detained by the Department of Homeland Security ("DHS"), U.S. Immigration and Customs Enforcement ("ICE"), at the Otay Mesa Detention Center in San Diego, California.

Petitioner is held in immigration detention pursuant to federal immigration authority. His immigration proceedings remain unresolved, and there is no administratively final order of removal against him. Petitioner brings this Petition to challenge the lawfulness and prolonged nature of his continued detention.

Respondent Warden of the Otay Mesa Detention Center is the official with immediate, day-to-day physical custody over Petitioner. The Warden is responsible for Petitioner's confinement at the Otay Mesa Detention Center in San Diego, California, and is a proper Respondent in this habeas action because the Warden has direct control over Petitioner's physical detention.

Respondent ICE Field Office Director for the San Diego Area of Responsibility is an official of DHS and ICE who exercises legal authority and control over immigration detention decisions within this District, including custody determinations and release decisions. Pursuant to the authority exercised by this Respondent and ICE officers acting under that authority, Petitioner remains detained.

Respondent Secretary of the Department of Homeland Security is the head of DHS and has ultimate responsibility for the administration and enforcement of the immigration laws of the United States, including policies governing immigration detention nationwide. The Secretary is sued in his or her official capacity only.

Respondent Attorney General of the United States is the chief law enforcement officer of the United States and oversees the Department of Justice, including the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals. The Attorney General is sued in his or her official capacity only.

Each Respondent is sued in his or her official capacity only.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

To the extent exhaustion of administrative remedies is required, Petitioner has exhausted all remedies available to him, or such remedies are unavailable, ineffective, or incapable of providing timely and meaningful relief.

There is no adequate administrative process available through which Petitioner may challenge the legality and prolonged nature of his continued immigration detention. The Immigration Courts and the Board of Immigration Appeals lack authority to grant the habeas relief requested here, including release from unlawful detention or an order requiring a constitutionally sufficient bond hearing under the proper burden of proof.

Petitioner has not been provided with a constitutionally adequate bond hearing at which the Government bears the burden of proving that continued detention is justified. There is no currently available bond forum through which Petitioner may obtain meaningful review of his detention.

On December 19, 2025, Petitioner appeared for a custody redetermination hearing at the Otay Mesa Immigration Court. The Immigration Judge did not reach the merits of custody and instead entered an order stating "No jurisdiction," thereby denying Petitioner a bond determination in immigration court. Accordingly, Petitioner has been left without a meaningful bond forum to seek release.

Petitioner's immigration proceedings remain pending, and there is no administratively final order of removal against him. Despite this, Petitioner's detention continues without meaningful procedural safeguards. No available administrative mechanism exists that would allow Petitioner to secure timely review of the constitutionality of his prolonged detention.

Petitioner has fully cooperated with immigration authorities at all times. He has not obstructed, delayed, or interfered with his immigration proceedings or detention in any way. Despite this cooperation, Petitioner remains detained without an adequate legal process to challenge the length and legality of his confinement.

Because Petitioner's detention is ongoing and results in a continued loss of liberty, and because no effective administrative remedy exists to address the constitutional violations raised in this Petition, judicial intervention through habeas corpus is the only adequate and available remedy.

STATEMENT OF FACTS

Petitioner Burak Cayar is a native and citizen of Türkiye who is currently detained by the Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE") at the Otay Mesa Detention Center in San Diego, California. Petitioner entered the United States near Tecate, California, on or about July 2, 2024. Shortly thereafter, DHS initiated removal proceedings by issuing a Notice to Appear dated July 3, 2024, charging Petitioner as removable under section 212(a)(6)(A)(i) of the Immigration and Nationality Act for being present in the United States without being admitted or paroled.

After being placed in removal proceedings, Petitioner was released from custody and remained in the United States while his immigration case proceeded. Petitioner timely sought protection under United States immigration law and filed a Form I-589 Application for Asylum and for Withholding of Removal on August 20, 2024. Petitioner sought asylum based on persecution and fear of persecution in Türkiye due to his Kurdish identity and political opinion.

For more than a year after his release, Petitioner lived in the United States without incident and complied with all requirements related to his immigration proceedings. After receiving employment authorization, Petitioner obtained lawful employment as a truck driver and worked to support himself. During this entire period, Petitioner maintained a clean record and has never been arrested or convicted of any crime in the United States or in Türkiye.

Despite this record of compliance and lawful employment, on or about November 30, 2025, Petitioner was taken into custody by DHS and U.S. Immigration and Customs Enforcement ("ICE") while he was working and was placed in immigration detention. Since that date, Petitioner has remained continuously detained at the Otay Mesa Detention Center in San Diego, California.

Shortly after being detained, Petitioner sought release through the immigration court process. On December 12, 2025, Petitioner requested a bond hearing before the Immigration Court. However, on December 19, 2025, the Immigration Judge determined that the court lacked jurisdiction to conduct a bond hearing and denied the request on that basis. As a result, Petitioner has never received a bond hearing at which the Government was required to justify his continued detention.

Petitioner's removal proceedings remain pending before the Immigration Court. The Immigration Court has scheduled an Individual Hearing in Petitioner's case for May 15, 2026, from 8:30 a.m. to 12:00 p.m., before Immigration Judge Jose L. Penalosa, Jr. Because the merits hearing has not yet occurred and no decision has been issued, there is no administratively final order of removal in Petitioner's case.

Petitioner has now been detained for a prolonged period of time without receiving a constitutionally adequate bond hearing at which the Government bears the burden of demonstrating, by clear and convincing evidence, that his continued detention is necessary. Because Petitioner's immigration proceedings remain ongoing and no final order of removal exists, his continued detention without such a hearing violates the Due Process Clause of the Fifth Amendment.

Since being detained, Petitioner has fully cooperated with immigration authorities. He has complied with all identification procedures and has not obstructed or delayed his immigration case in any way. Petitioner has not refused to cooperate with ICE at any time. ICE has continued Petitioner's detention without providing a meaningful, individualized custody determination that satisfies constitutional due process requirements. Petitioner has not been given a bond hearing at which the Government is required to prove, by clear and convincing evidence, that he is a danger to the community or a flight risk.

Petitioner is not a danger to the community and does not present a flight risk. He has no pending criminal matters. Prior to his detention, Petitioner complied with immigration requirements and court proceedings.

Petitioner's detention has now continued for more than three months. Civil immigration detention is intended to be regulatory and temporary in nature. However, the length of Petitioner's confinement, combined with the absence of adequate procedural safeguards, has rendered his detention excessive and unreasonable.

As a result of his continued detention, Petitioner has suffered a loss of liberty and significant emotional and psychological hardship. The uncertainty of his legal proceedings and the absence of meaningful custody review have caused ongoing distress. Despite the passage of time, ICE has not provided a clear or reliable timeline for the resolution of Petitioner's case or for any removal. Petitioner's continued detention no longer serves a legitimate civil purpose and has become prolonged and punitive in effect. Under these circumstances, continued detention without a constitutionally adequate bond hearing violates due process, and judicial intervention is necessary to remedy this unlawful and prolonged deprivation of liberty.

**COUNT ONE
VIOLATION OF DUE
PROCESS UNDER THE
FIFTH AMENDMENT**

Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

Petitioner's continued immigration detention violates the Due Process Clause of the Fifth Amendment to the United States Constitution. Civil immigration detention is permitted only for limited regulatory purposes and may not be punitive, arbitrary, or unreasonably prolonged. Detention must bear a reasonable relationship to its civil purpose and must be accompanied by adequate procedural safeguards.

The Supreme Court has long recognized that immigration detention is civil and regulatory, not punitive, and therefore must remain reasonably related to its purpose and be accompanied by adequate process. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil detention must be limited to a period reasonably necessary to achieve its purpose and may not become indefinite); *Demore v. Kim*, 538 U.S. 510, 527–28 (2003) (upholding detention in the limited context of § 1226(c) based on the understanding that such detention is generally for a brief period during removal proceedings). Where detention becomes prolonged, the Constitution requires meaningful procedural protections to justify continued confinement.

Moreover, although the Supreme Court in *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), rejected imposing periodic bond hearings as a matter of statutory interpretation for certain detention provisions, the Court expressly left open the constitutional question whether prolonged immigration detention without adequate procedures violates due process. *Id.* at 851 (remanding for consideration of the constitutional claims). Accordingly, when detention has become prolonged, due process requires an individualized hearing at which the Government bears the burden to justify continued detention under a constitutionally sufficient standard.

In this Circuit, due process requires that, at a prolonged-detention bond hearing, the Government bears the burden of proving by clear and convincing evidence that the noncitizen poses a danger to the community or presents a flight risk, and that no conditions of release can reasonably mitigate those risks. See *Singh v. Holder*, 638 F.3d 1196, 1203–08 (9th Cir. 2011). Petitioner has not received such a constitutionally adequate bond hearing, despite months of detention, and his continued confinement therefore violates the Due Process Clause.

Petitioner has been detained since November 30, 2025. Petitioner has remained continuously detained since November 30, 2025—over 90 days as of the filing of this Petition. His immigration proceedings remain pending, and there is no administratively final order of removal against him. Despite this, Petitioner remains detained without having been provided a constitutionally adequate bond hearing at which the Government bears the burden of proving that his continued detention is justified.

As the length of detention increases, due process requires greater procedural protection. However, Petitioner has not received a meaningful individualized custody determination that satisfies constitutional standards. Petitioner has not been provided a hearing at which the Government must prove, by clear and convincing evidence, that he is either a danger to the community or a flight risk.

Petitioner is not a danger to the community and does not present a flight risk. He has complied with immigration authorities and has not obstructed his proceedings in any way. Petitioner has strong incentives to appear for all hearings and to comply with any lawful conditions of release.

ICE has continued to detain Petitioner without providing a specific, individualized justification demonstrating why continued confinement is necessary. Petitioner has not been given a meaningful opportunity to challenge the factual basis for his continued detention.

Because Petitioner's immigration case remains unresolved and no final removal order exists, his detention cannot be justified as post-removal detention. At the same time, Petitioner has not been provided the procedural safeguards required for prolonged pre-final-order detention. As a result, Petitioner's detention has become excessive in relation to its civil purpose.

The continued deprivation of Petitioner's liberty without a constitutionally adequate bond hearing violates procedural due process. The prolonged and indefinite nature of Petitioner's detention, combined with the absence of meaningful review, also violates substantive due process.

Under these circumstances, Petitioner's continued detention has become arbitrary and punitive in effect rather than civil and regulatory in nature. Accordingly, Respondents' continued detention of Petitioner violates the Fifth Amendment to the United States Constitution, and Petitioner is entitled to habeas corpus relief.

**COUNT TWO
VIOLATION OF THE
IMMIGRATION AND
NATIONALITY ACT**

Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

Petitioner's continued detention exceeds the authority permitted under the Immigration and Nationality Act ("INA"), including 8 U.S.C. § 1226(a). The INA authorizes immigration detention only for limited regulatory purposes and only for a reasonable period of time necessary to carry out immigration proceedings. Petitioner's immigration case remains pending, and there is no administratively final order of removal against him. While detention may be authorized during pending proceedings, the statute does not authorize unreasonably prolonged detention without adequate procedural safeguards.

The statutory framework governing immigration detention confirms that detention under 8 U.S.C. § 1226(a) is discretionary and must remain reasonably related to the purpose of ensuring appearance at removal proceedings and protecting the community. The statute expressly contemplates the possibility of release on bond or conditional supervision. See 8 U.S.C. § 1226(a)(1)–(2). Immigration detention under this provision is therefore not intended to authorize prolonged or effectively indefinite confinement without meaningful review. Courts have repeatedly recognized that when detention under § 1226(a) becomes prolonged without adequate procedural safeguards, continued detention exceeds the limits of the statutory scheme and raises serious constitutional concerns. See *Jennings v. Rodriguez*, 138 S. Ct. 830, 846 (2018) (recognizing that § 1226(a) authorizes discretionary detention subject to bond procedures); *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (civil immigration detention must remain limited to its regulatory purpose). Where detention

continues for an extended period without a constitutionally adequate bond hearing, it no longer falls within the scope of detention authorized by the INA.

Under 8 U.S.C. § 1226(a), detention is discretionary. The statute contemplates that an individual may be released on bond or conditional supervision. The INA does not authorize continued detention without a meaningful opportunity to seek release.

Petitioner has not been provided with a constitutionally adequate bond hearing at which the Government bears the burden of proving that his continued detention is justified. Continued detention without such a process exceeds the limits of detention authority contemplated by § 1226(a).

The INA does not authorize detention that becomes punitive or indefinite in nature. Civil immigration detention must remain reasonably related to its regulatory purpose. As Petitioner's detention continues without meaningful review, it exceeds the scope of authority granted under the statute.

Petitioner has complied with immigration authorities and has not obstructed his proceedings in any way. There is no statutory basis for continuing Petitioner's detention without providing a meaningful custody determination consistent with the INA. Accordingly, Respondents' continued detention of Petitioner exceeds their statutory authority under the Immigration and Nationality Act, and Petitioner is entitled to habeas corpus relief.

COUNT THREE UNCONSTITUTIONAL CONDITIONS OF CONFINEMENT

Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

Petitioner's continued detention is unlawful because it is being carried out under conditions that violate the Due Process Clause of the Fifth Amendment. As a civil immigration detainee, Petitioner may not be subjected to punitive conditions of confinement. Civil detention must be reasonably related to a legitimate governmental purpose and may not amount to punishment.

While detained at the Otay Mesa Detention Center, Petitioner has experienced conditions that have negatively affected his physical and mental health. Access to adequate medical care has been limited and delayed. Requests for medical attention have not always resulted in timely evaluation or treatment. The uncertainty of prolonged detention, combined with limited access to medical services and the restrictive conditions of confinement, has caused ongoing emotional and psychological distress. Petitioner's health and well-being have deteriorated during his detention.

Civil immigration detention is not intended to be punitive. However, when detention conditions result in harm to a detainee's physical or mental health and when necessary care is not provided in a timely and adequate manner, continued detention becomes constitutionally problematic.

Because Petitioner's detention is prolonged and because it is being carried out under conditions that adversely affect his health and well-being, continued confinement violates due process. Under these circumstances, the conditions of Petitioner's confinement further support the conclusion that his continued detention is unlawful and that habeas corpus relief is warranted.

COUNT FOUR
LANGUAGE BARRIERS AND COERCIVE DETENTION
PRACTICES

Petitioner incorporates by reference all preceding paragraphs as if fully set forth herein.

Petitioner's continued detention violates the Due Process Clause of the Fifth Amendment because he has not been provided a meaningful opportunity to understand and exercise his legal rights while in immigration custody.

The petitioner has limited English proficiency. During interactions with ICE officers and detention staff, communication has often occurred in English without adequate language assistance. As a result, Petitioner has struggled to fully understand certain explanations, instructions, and documents presented to him regarding his detention and immigration status. Meaningful due process requires that a detainee be able to understand the nature of proceedings and decisions affecting his liberty. When language barriers prevent full understanding, the ability to exercise legal rights is compromised.

While detained, Petitioner has experienced pressure related to his immigration status and possible removal. The uncertainty surrounding his case, combined with limited access to clear and comprehensible information in his own language, has caused fear, confusion, and psychological distress. Civil immigration detention must not be coercive in nature. When detention is prolonged and communication barriers prevent a detainee from understanding his rights and options, the detention becomes fundamentally unfair.

The combination of prolonged detention and inadequate language access has deprived Petitioner of a meaningful opportunity to protect his liberty interests. These circumstances violate procedural due process under the Fifth Amendment. Accordingly, Respondents' conduct further renders Petitioner's continued detention unlawful and supports habeas corpus relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;
2. Issue the writ of habeas corpus;
3. Issue an order directing Respondents to show cause why the writ of habeas corpus should not be granted;
4. Declare that Petitioner's continued immigration detention is unlawful and violates the Due Process Clause of the Fifth Amendment to the United States Constitution;
5. Order Petitioner's immediate release from custody, on his own recognizance or under reasonable conditions of supervision;
6. In the alternative, order Respondents to provide Petitioner with a prompt constitutionally adequate bond hearing before an Immigration Judge within seven (7) days of this Court's order, at which the Government bears the burden of proving, by clear and convincing evidence, that

- Petitioner's continued detention is necessary because he poses a danger to the community or presents a flight risk;
7. To the extent the Court finds that Petitioner's medical condition or the conditions of his confinement are relevant to the legality of his detention, order that Petitioner receive appropriate medical evaluation and necessary care consistent with constitutional standards;
 8. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and any other applicable provision of law;
 9. Grant such other and further relief as this Court deems just and proper.
 10. Order that this matter be submitted for decision on the papers without oral argument, given the straightforward legal nature of the constitutional claims presented and the urgency of Petitioner's ongoing detention.

Respectfully submitted,

Date: March 5, 2026.

By: /s/ Michael R. Hirman

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I, Burak Cayar, declare under penalty of perjury that I have read the foregoing Petition for Writ of Habeas Corpus and that the facts stated in it are true and correct to the best of my knowledge.

Dated: March 5, 2026.



Burak Cayar
Petitioner