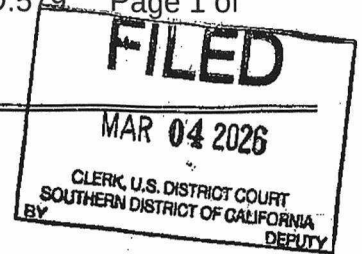


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



YUE BENXING
Petitioner

v.

Case No. '26CV1391 JO DDL
(Supplied by Clerk of Court)

CHRISTOPHER LA ROSE
WARDEN, DIAY MESA DETENTION CENTER
Respondent
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: YUE BENXING
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: DIAY MESA DETENTION CENTER
(b) Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO CALIFORNIA
92154
(c) Your identification number: 
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, 7488

CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA 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, UNNECESSARY STAY IN DETENTION
IN POOR AND UNBEARABLE HEALTH CONDITIONS AND FAILURE
OF THE GOVERNMENT TO GIVE A CUSTODY REDEMPTION HEARING

(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: 10/23/2024
- (b) Date of the removal or reinstatement order: N/A
- (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: _____

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 FIFTH AMENDMENT RIGHT - RIGHT TO DUE PROCESS, PROLONGED DETENTION WITHOUT BOND HEARING.

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 Do not cite cases or law.):

I HAVE BEEN DETAINED NOW BY THE IMMIGRATION AUTHORITIES FOR OVER 15 MONTHS, I CROSSED THE US BORDER ON 10/23/2024 I WAS GIVEN A POSITIVE CREDIBLE FEAR DETERMINATION, MY IMMIGRATION CASE IS STILL PENDING AND I HAVE NOT YET BEEN GIVEN A CUSTODY RE DETERMINATION HEARING WHERE THE GOVERNMENT HAS TO PROVE MY DETENTION IS NECESSARY.

(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.

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 Do not cite cases or law.):

THE IMMIGRATION AUTHORITIES HAS STILL NOT YET BEEN ABLE TO DEPORT / REMOVE ME TO MY HOME COUNTRY, NOR WILL THEY LIKELY REMOVE ME IN THE FORESEEABLE FUTURE. I HAVE BEEN DETAINED FOR OVER 15 MONTHS IN TERRIBLE HEALTH CONDITIONS WITHOUT STILL DECIDING ON MY ASYLUM APPLICATION. THIS IS BECOMING AN ILLEGAL PUNISHMENT

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

☒ Yes

☐ No

GROUND THREE: SEVERE HEALTH CONDITIONS. - TERRIBLE MENTAL AND PHYSICAL HEALTH CONDITIONS.

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

I RECENTLY HAD A BACK SURGERY ON MY SPINE WHILE I WAS IN DETENTION. THE MEDICAL UNIT HAS NOT BEEN ABLE TO TAKE CARE OF MY BACK AFTER AS THEY LACK THE NECESSARY SKILL AND EQUIPMENT. I CANNOT EAT, WALK OR SLEEP EFFICIENTLY DUE TO THE SURGERY I RECENTLY UNDERGO. I ALSO HAVE SEVERE PAIN IN MY WHOLE BODY AND MENTAL HEALTH CONDITIONS

(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 THAT THIS COURT GRANTS MY WRIT OF HABEAS CORPUS, ORDER RESPONDENTS TO IMMEDIATELY RELEASE PETITIONER FROM DETENTION OR IN ALTERNATIVE, ORDER RESPONDENTS TO GIVE PETITIONER A BOND HEARING BEFORE NEUTRAL GROUNDS AND A FAIR DECISION MAKER

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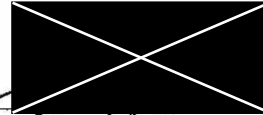
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

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:

24/02/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any