

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**  
MAR 05 2026  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: 002 DEPUTY

SHI YAN SUN  
Petitioner

v.

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

Case No. '26CV1498 DMS SBC  
(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: SHI YAN SUN  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: Otay 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: ICE area field office

(b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Prolonged detention without giving a custody re-determination hearing (bond hearing) where the government bears the burden to prove that my continued detention is necessary

(d) Date of the decision or action: Since 03/11/2025

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: \_\_\_\_\_

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: 03/11/2025
- (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: \_\_\_\_\_

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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 fifth amendment right, right to due process, prolonged detention without a bond hearing

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 Do not cite cases or law.):

I have been detained by Immigration Authorities for almost a year (more than 11 months) I was given a positive credible fear determination, I have never been given a bond hearing where government had to prove that my continued detention is necessary. My detention has become unconstitutionally long without any due process.

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

[X] Yes [ ] No

GROUND TWO: Unlawful prolonged stay in detention because removal it not reasonably foreseeable

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 Do not cite cases or law.):

My Immigration case is currently pending before Immigration Judge. My IJ has been changed 3 times without any due cause prolonging. My stay in Detention I cannot be removed to China Has (Have prove to an asylum officer of the persecution) Faced there And I cannot be removed to another Country. My detention is no law for Immigration purposes but an illegal punishment

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

[X] Yes [ ] No

GROUND THREE: Health Problems

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

I am currently on medication for severe anxiety and depression ever since I have been detained I have had sleepless night, stress, severe anxiety, depression and general malaise My physical and mental health continues to depreciate every second. I spend in detention I am worried that I could be a permanent health condition if it goes on.

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

[X] 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 requests that this honorable Court Grant my writ of Habeas Corpus, order respondents to immediated release petitioner from custody or order respondents to provide detitioner with a constitutionally adequate custody hearing before an immigration judge.

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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:

2026-03-02

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: 2026-03-02

SUN SHI YAN

*Signature of Petitioner*

SUN SHI YAN


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

**DECLARATION OF MY STAY IN OTAY MESA DETENTION CENTER**  
**SAN DIEGO, CALIFORNIA**

My name is **SHIYAN SUN** ,I am from **China** ,someone helped me prepared this document in English because I don't speak perfectly. I entered the United States of America at the **age of 19 on March 11,2025 with my mother** .I was apprehended by the border patrol agents and taken into DHS custody on the very same day .**On April 17, 2025**,I received a positive credible fear determination from ICE and was served with a **NOTICE TO APPEAR ON June 30,2025**.

I have been **detained** now for **about 12 months** ,I am currently scheduled for a **Merits Hearing on April 29,2026**. I have never being given a custody redetermination hearing by the government where they bear the burden to prove that my continued detention is necessary .Ever since I have been detained I have **not been able to reach my family because it's very difficult** .

I have been **transferred** by ICE back and forth between **Otay Mesa and San Luis in Arizona more than 5 times** under terrible mode of transportation without any due cause. I was **separated from my mom** while I was waiting for my court which really affected my **mental health** has she is the one I can count in this difficult phase of my life.

An asylum officer interviewed me and found that I had a **Credible fear** of **returning back to my home country**,I cannot go back to my country because I am  is not legal in China. If I go back to China ,The **Chinese government and police officers will continue to prosecute me and my family because of my religion**.

I have **no Criminal background**.I am not danger to the community.I am just a woman who crossed the border with my mom to save our life from the government in my home country. I miss my family in China so much,unfortunately there is nothing I can do about it because I am detained .I heard my grandmother got sick because she is worried about me being detained for a long period of time.

I can't even reach out to my grandmother by telephone on time due to the limited access granted by the chinese government .I lost my opportunity to futher my education, due to the long amount of time I spent in detention .After staying detention for almost year I do not know how much more time I will stay in detention .**It'll be detained for over 12 months**.It is **unperdictable** has they have **changed my judge 3 times** also without any valid reason which gave me different court dates.

My current condition of my health is really **terrible**. And unbearable . I am suffering from **lack of sleep,general malaise, broken sleep pattern, anxiety and ptsd**.Prior to my arrival to the United States I did not have this symptom cluster.This arrest is eroding my ability to cope as my normal self would.I am currently on

**medication** diagnosed by a psychatric due to **sleepless night,severe anxiety and depression**. My physical health and mental health is slowly **depreciating** every single day I spend in this place

I have family ties in the United States .My cousin brother who is a **US citizen** can testify that I am not at **flight risk** and a danger to the community.His name is MA QI .He lives at [REDACTED] CA 91776,His phone is [REDACTED]

I **ran away** from China to seek **asylum in the United States** .But my **prolong stay** in detention is becoming unconstitutional,that is why I am applying for **Habeas Corpus And To The Higher Authority** to immediately release me from detention or in alternative order respondents to give me a **bond hearing before neutral grounds**.If granted it will give me a chance to continue to fight my case outside detention in freedom and good health conditions.

Your Honourable Magistrate judge,  
United States District court,  
Southern District Of California

SUN SHI YAN

2026-03-02

SHIYAN SUN

[REDACTED]