

MOHAMED ELIARAOUY

NAME

249140591

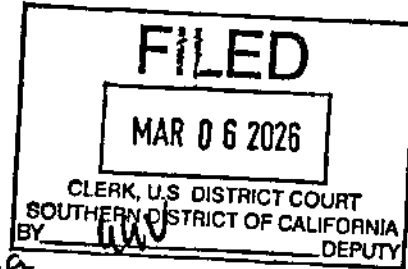
PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateways Rd, Calexico, California

ADDRESS



United States District Court
Southern District Of California

'26CV1449 BTM AHG

MOHAMED ELIARAOUY

(FULL NAME OF PETITIONER)

Petitioner

v.

WARDEN 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. [REDACTED]

(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: _____
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: Imperial Immigration Court
2409 La Brucherie Road, Imperial, CA, 92251
- (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):
Bond or Parole
Warden, ICE Officer, for Bond or Parole
- (d) Date of the decision or action: 12/31/2024

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: Because it would be futile that ICE had already made a decision

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 5 was "No," explain why you did not appeal: Because it would be futile that ICE had already made a decision

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: NO Appeal
Because it would be futile that ICE had already
made a decision.

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: Condition of Confinement and Detention has become
Unreasonable & Punitive rather than Administrative.

(a) Supporting FACTS (state briefly without citing cases or law) I have been
detained for over 6 months and my detention up to date is 14
months. My detention has become prolonged and unreasonable because
the approach adopted by the United States court of appeal for
the ninth circuit is to apply a bright line rule to cases of mandatory
detention, authority is limited to a (6) months period, subject to a
finding of Flight risk or dangerousness.

According to this law my current detention is groundless and unlaw
ful detention. Condition of Confinement: The Condition of
Confinement have been affecting me. Psychological and
physical we being restricted to outdoor space, forbidden to
access the internet and therefore are unable to connect to
loved one our visitations are also restricted.

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

☐ Yes ☒ No

GROUND TWO: I Believe my current detention violates my due Process

Rights under the fifth Amendment of the United States Constitu-
tions. Under this law I have the right to full and fair Hearing in cover

(a) Supporting FACTS (state briefly without citing cases or law): The Government fail
to provide Qualified interpreter deprived me of meaningful
Participation in my processing must be fundamental fair
without an interpreter my hearing continues.

I have been detained to 44 months without a degree
Procedural Protection, continued detention under this circumstance
is unreasonable and continuation from 4 March 4/2025 now
immigration court not provided my best language TARIFIT and
Qualified interpreter for my case or immigration processing
I still now my case is not start my detention is continued
without properly justification violate constitutional due
Process Protection.

I can't without my best language properly present my case or defend
my self continued detention is passing hardship violates
my constitutional Rights because immigration judge no secure
TARIFIT interpreter and continue hold me without an
individualized custody redetermination or meaningful
opportunity for release.

My current detention is unreasonable and violates due Process
my court repeated hearing continues due to the government's
inability to secure TARIFIT interpreter. The Supreme Court
have provided guidance regarding the point at which an
immigration court have prolonged detainee's prolonged mandatory
detention becomes unconstitutional.

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

☐ Yes ☒ No

GROUND THREE: The Government not Provides Qualified Interpreter Immigration Judge no secure my best language TARIFFIT and continues my detention Un Constitution al.

(a) Supporting FACTS (state briefly without citing cases or law): The Government does not dispute that when I was called in for a Credible fear interview on February 9/2025 I could not complete the interview because there was no TARIFFIT Interpreter. Asylum Officer was no secure Interpreter. I have been detained for over 14 months and the Government has no been able to provide interpreter every single time I go to court, there is no interpreter and the Immigration Judge repeatedly schedules the court hearing because I cannot speak English fluently. I speak limited English that I am learned in detention but I can't read or write in English and it is not comfortable proceeding in court in English. From 03/04/2025 immigration proceedings were delayed on multiple occasions due to the Immigration Judge inability to obtain a TARIFFIT interpreter. . . EVEN IF I need deportation proceedings must be translated into a language the my understand. In my case immigration court they used unconstitutional practices and policies. Prolonged civil detention without proper justification violate Constitutional due process protection.

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

☐ Yes ☒ No

GROUND FOUR: I am not a Flight Risk or danger to the Society
as I don't have a criminal Records in my entire
History.

(a) Supporting FACTS (state briefly without citing cases or law): I am not a flight risk.
I came with my Passport it is with ICE custody. I promise
to go to court or come to any ICE interview when
ever they need me. I have sponsor who will ensure
that I will attend all my immigration court hearing.
I am not danger to the community. ICE has run my background
which has not revealed any criminal Records.

I don't have immigration violation in this world.
The government bearing the burden of proving by clear and
convincing evidence that continued detention is
necessary to prevent flight risk or danger to the community.
The future my detention is here as no defined and to
detention in light since his detention may last
several more months or even years.

- My mandatory detention is passed but the government
without constitutional 14 months detained me.
The immigration Judge has not show that my detention
must be continued or necessary. my current detention
has become prolonged and Un Constitutional it is
Unreasonable.

(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:

None of these grounds were presented to any state or federal
court. Petitioner is presenting these grounds for the first time
to this court.

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

NO

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

NO

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

N/A

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

03/03/2026

(DATE)



SIGNATURE OF PETITIONER