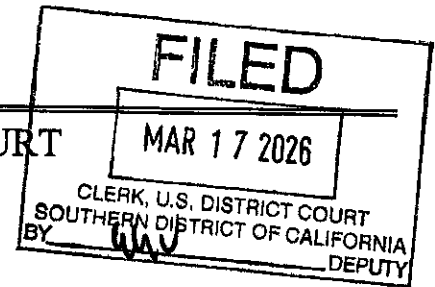


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of California



CAKAN,DIYAR

Petitioner

v.

Todd M. Lyons Acting Director of US ICE
-Warden of Otay Mesa Detention Center
Additional names sendd front of habeas form

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. **'26CV1683 TWR BJW**
(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: CAKAN,DIYAR
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: Otay Mesa Detention Center San Diego CA
 - (b) Address: 7488 Calzade La Fuente 92154 OMD C
 - (c) Your identification number: [REDACTED]
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: Immigration Court Calza De La Fuente 92154 Otay Mesa Detention Center San Diego. United States Immigration Customs and Enforcement
(b) Docket number, case number, or opinion number: [REDACTED]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
My bond hearing at 27th February I got denial by immigration judge Mark Seimth Judge said that no Jurisdiction and denied my bond not even open the case. I got arrested at 07/22/2025 at 7 hours away from border by Border Petrol.
(d) Date of the decision or action: _____

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: Appeal will be futile because the Board of Immigration Appeals cannot decide constitutional issues.

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: No appeal available

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: No appeal available

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: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 07/22/2025

(b) Date of the removal or reinstatement order: None

(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: My detention become unconstitutionally prolonged and violates the Fifth Amendment of the Constitution.Despite having the necessary documentation,Merits court hearing was not held.

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 Do not cite cases or law.):*

Addendum to Ground ONE is on back of habeas form.

Addendum to Ground ONE is available at back of the habeas form

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

☐ Yes

☐ No

GROUND TWO: IJS Bond denial NO JURISTRICION decision

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

Addendum to Ground Two is on back of habeas form.

Addendum to Ground TWO is available at back of the habeas form

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

☐ Yes

☐ No

GROUND THREE: Medical issues and Racism,Discrimantion in facility.

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

Addendum to Ground Three is on back of Habeas Form.

Addendum to Ground THREE is available at back of the habeas form

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

☐ Yes

☐ No

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GROUND FOUR: I cannot access the necessary documents for my case. I am completely cut off from the outside world, and my communication with my family is restricted.

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

Addendum to Ground FOUR is on back of Habeas Form.

Addendum to Ground FOUR is available at back of the habeas form

(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: Appeal would be futile because the Board of Immigration Appeals cannot decide constitutional issues.

Request for Relief

15. State exactly what you want the court to do: I respectfully request my immediate release order from detention or, in the alternative, order a bond hearing at which the government must prove by clear and convincing evidence that my continued detention is necessary. I want the court to consider my rights regarding bond and parole because the immigration court doesn't grant any of these rights to me or others like me, even though what they were doing is unlawful. The decision made in the cases of people I know even habeas decisions are disregarded, I don't know by who. I have been experiencing Due to financial insufficiencies, I am requesting a free lawyer to follow my case, if possible, from the court. Best Regards.

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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: 03/10/2026


Signature of Petitioner

Signature of Attorney or other authorized person, if any