



1 [REDACTED]
2 A# [REDACTED]
3 9th Circuit No. 25-5359
4 Detained in:
5 Otay Mesa Detention Center
6 7488 Calzada De la Fuente
7 San Diego, CA 92154

8 Petitioner Pro Se

9 **THE UNITED STATES DISTRICT COURT**
10 **SOUTHERN DISTRICT COURT CALIFORNIA**
11 **HABEAS CORPUS**

12 [REDACTED]
13 Plaintiff,

14 v.

15 **See Addendum 1 on page 37**
16 Warden of the Otay Mesa Detention
17 Center, Current or Acting Field Office
18 Director, San Diego Field Office,
19 United States Immigration and
Customs Enforcement; Current or
Acting Director, United States
Immigration and Customs
Enforcement; Acting Director for
Executive Office for Immigration
Review, Current or Acting Secretary,
United States Department of Homeland
Security; and Current or Acting United
States Attorney General,
Respondents

Civil No. '26CV1729 JO DDL

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

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1 **1. Introduction and Motion for Appointment of Counsel, Privacy and Non-**
2 **Transfer from Otay Mesa Detention Center**

3 **I. REQUEST FOR NON-DISCLOSURE OF CASE INFORMATION**

4 I respectfully request that my case information not be disclosed in any virtual
5 space, legal applications, or other settings, whether inside or outside of the
6 detention facility, as suggested by the Committee on Court Administration and
7 Case Management of the Judicial Conference of the United States. *See*
8 *Memorandum Re: Privacy Concern Regarding Social Security & Immigration*
9 *Opinions (May 1, 2018).*

10 **II. DURATION OF DETENTION AND PREPARATION OF THIS PETITION**

11 I have been detained **for more than 21 months**. I no longer have money and am
12 unable to hire an attorney. I respectfully request that **the Court appoint counsel** to
13 represent and assist me in this matter.

14 Because the case file is very extensive and contains numerous deficiencies, I have
15 personally prepared a complete Memorandum explaining all relevant facts. In
16 order to avoid congesting the record, I am currently submitting a summarized
17 version of that Memorandum. If the Court finds it necessary, I am prepared to
18 submit the complete Memorandum upon request.

19

1 I am filing this Memorandum without an attorney and with the help of my family
2 in translation, based on my own knowledge of the facts and the record. I ask the
3 honorable Court to consider this petition with the understanding that it was
4 prepared without professional legal assistance.

5 In light of the detention center and ICE prior actions (transfer from Otay Mesa
6 Detention Center to San Luis Regional Detention Center just before I was
7 supposed to receive the transcript, see Table at page 37, line 7) I respectfully
8 request an order preventing any potential transfer, as my family lives close to
9 OMDC and I need their support in this matter for translations.

10 III. ORDER STAYING REMOVAL: RISK OF INDEFINITE DETENTION

11 The United States Court of Appeals for the Ninth Circuit has issued an order
12 staying my removal during the pendency of my petition for judicial review. If I am
13 not released, the duration of my detention could become significantly longer with
14 no foreseeable end. In particular, the heavy caseload of the Ninth Circuit Courts
15 should also be taken into consideration. A copy of the Ninth Circuit stay order is
16 attached as an addendum. (Addendum 5 and 6, at pages 49-50). Also, I do not
17 possess a passport, and the Iranian embassy and authorities are unresponsive.

18 According to Section 1 of Article I of the United States constitution and based on
19 the additional explanations in my case (CAR at 32, line 21-36 Line 8) I am not

1 subject to the limitations of the CLP guidelines.

2 IV. REQUEST FOR RELIEF

3 I have been detained for more than 21 months. Under *Zadvydas v. Davis*, 533 U.S.
4 678 (2001), and *Clark v. Martinez*, 543 U.S. 371 (2005), which extended Zadvydas
5 to inadmissible aliens, detention that serves no reasonably foreseeable removal
6 purpose is not authorized by law.

7 The Ninth Circuit has stayed my removal, meaning I cannot be deported while my
8 petition for review is pending. There is therefore no lawful justification for my
9 continued detention. I have no criminal record anywhere in the world, I pose no
10 danger to the community, and I am not a flight risk. My wife, grandmother, and
11 aunts are United States citizens, and I have strong family ties in this country.

12 (Addendum 7 and 9) *Page 51 and 59-66*)

13 I respectfully request that this Court order my release from detention.

14 In the alternative, if the Court does not grant immediate release, I respectfully
15 request that this Court order my release under supervision, so that I may remain
16 with my family while my case proceeds before the Ninth Circuit.

17 I am concerned that if this matter is referred to the Immigration Court for bond
18 proceedings, as I had objection to the improper conduct of DHS and immigration
19 judge, DHS may again use delay and pretextual objections to prevent a fair result,

1 as they have done before. If my case is referred to the Immigration Court, I
2 respectfully request that any hearings be conducted outside of the Otay Mesa
3 Detention Center by independent judges. In addition, if the government attorney or
4 the Immigration Court declines to set a **reasonable bond**, the Immigration Court
5 should be required to state its reasons for the District Court, and I should be
6 offered an opportunity to respond to any such claims.

7 Therefore, my **first and most important request** from the District Court of
8 Habeas Corpus is to be released or placed under supervision. I therefore ask this
9 Court to issue the order of release or supervision directly, without referring the
10 matter back to the Immigration Court.

11 In light of the totality of the evidence in my case, which clearly demonstrates
12 my legitimacy, I hope that the District Court, through Habeas Court, will release
13 me. I respectfully submit this petition and the accompanying Memorandum for the
14 Court's consideration. I am grateful for the Court's time and attention.

15 Res. 

16  Date: 2/27/2026

17 *P.S. Due to my lack of English language skills, I kindly request all correspondence*
18 *be mailed to the following address to help expedite the translation process:*
19 

NAME

A#

PRISON NUMBER

OTAY MESA DETENTION CENTER

PLACE OF CONFINEMENT

7488 CALZADA DE LA FUENTE
SAN DIEGO, CA 92154

ADDRESS

United States District Court
Southern District Of California

(FULL NAME OF PETITIONER)

Petitioner

v.

Please see Addendum 1 - Page 41

Respondent

and
The Attorney General of the State of
California, Additional Respondent.

Civil No.

(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: Otay Mesa Immigration Court,
7488 Calzada de la Fuente, San Diego, CA 92154
- (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): Prolonged detention (more than 21 months) ICE deficiencies and problems, change of court dates and repeated waste of time, false assessment of danger to the community, deficiencies in various parts of detention center. (Please see explanations in the Memorandum)
- (d) Date of the decision or action: March [REDACTED], 2025
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: B I A
- (2) Date of filing: April [REDACTED] 2025
- (3) Case number, docket number or opinion number: [REDACTED]
- (4) Result: Confirmation of the incorrect rule of the immigration judge's decision
- (5) Date of result: August [REDACTED], 2025
- (6) Issues raised: the asylum, withholding of removal, and protection under the convention against torture (CAT) have been rejected. The immigration judge and single-member appellate BIA judge decision is erroneous.

(b) If your answer to 5 was "No," explain why you did not appeal: _____

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: 9th Circuit Court
- (2) Date of filing: August 2025
- (3) Case number, docket number or opinion number: 25-5359
- (4) Result: pending
- (5) Date of result: _____
- (6) Issues raised: The processing of the case has not yet started. Government attorney requested extension. There is possibility of delays due to the heavy case load at the Court.

(b) If your answer to 6 was "No," explain why you did not appeal: _____

7. After the second appeal, did you file a **third appeal** to a higher authority, agency or court?

☐ Yes ☒ No **9th Circuit decision is pending**

(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: 9th Circuit decision is pending

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:

Objection to the conduct and deficiencies of ICE

(a) **Supporting FACTS** (state *briefly* without citing cases or law)

Please see explanations at pages 20-22 of the document at section "Ground One".

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

☐ Yes ☒ No Because they have not been mentioned in the decisions

GROUND TWO: I am not a security risk, a flight risk, or a danger to the community

(a) Supporting FACTS (state *briefly* without citing cases or law)

Please see the explanation at pages 23-26 "Ground Two" of the memorandum.

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

☐ Yes ☒ No Because ultimately DHS had no allegation, and the judges' decisions also do not refer to it.

GROUND THREE:

Objection to the various conditions of the detention center

(a) Supporting FACTS (state *briefly* without citing cases or law):

Please see the explanations at pages 27-32 of the memorandum at "Ground Three".

(27-32)

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

☐ Yes ☒ No Because the ruling does not consider the hardships and difficulties faced by individuals.

GROUND FOUR: Numerous errors by DHS, the honorable immigration judge, and single-member appellate judge in multiple areas

(a) Supporting FACTS (state *briefly* without citing cases or law): _____

The deficiencies and errors committed by DHS and the honorable judges are so extensive that it is not possible to address all of them here. The case file contains a very large volume of facts and evidence; however, in order to avoid overburdening the record, additional explanations were not submitted. Should the Court deem it necessary, I will promptly provide further submissions upon order. The issuance of entirely erroneous decisions by the Immigration Judge and the single-member appellate judge has resulted in my continued detention for more than 21 months.

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

☒ Yes ☐ No **because of the limitations only a brief explanation was provided.**

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:

Ground 1, 2, 3: Because ultimately DHS had no allegation, and the judges' decisions also do not refer to it. Ground 4: because of the limitations only a brief explanation was provided.

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 *at the 9th Circuit Court of Appeals*

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 *none*

(b) On appeal from any adverse ruling in a post-conviction proceeding *none*

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

SIGNATURE OF ATTORNEY (IF ANY)

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

02/27/2026

(DATE)



SIGNATURE OF PETITIONER