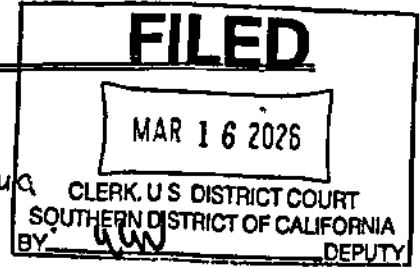


AO 242 (Rev 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241



UNITED STATES DISTRICT COURT
for the
Southern District of California

OGUZHAN KAYA
Petitioner

CHRISTOPHER L ROSE
v

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

Case No '26CV1667 DMS MSB
(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. OGUZHAN KAYA
(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. A# [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: 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):
UNLAWFUL MODE OF ARREST, VIOLATION OF THE FIFTH AMENDMENT RIGHT DUE TO PROCESS.
- (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: 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: 02/25/2026
- (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 TO DUE PROCESS OF CUSTODY HEARING

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 Do not cite cases or law):

DURING MY STAY IN DETENTION I WAS NEVER GIVE A CUSTODY REDETERMINATION HEARING OR SUPERVISION WHERE THE GOVERNMENT BEARS THE BURDEN OF PROOF THAT MY CONTINUED DETENTION IS NECESSARY

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

Yes No

GROUND TWO UNLAWFUL MODE OF ARREST

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 Do not cite cases or law):

I INITIALLY CROSSED THE MEXICO-US BORDER ON I WAS THEN RELEASED ON PAROLE AFTER HAVING A POSITIVE CREDIBLE FEAR INTERVIEW. I HAVE BEEN RESIDING IN THE UNITED STATES FOR MORE THAN TWO YEAR WITHOUT GOING AGAINST THE CONDITIONS OF MY PAROLE. I WAS ILLEGALLY ARRESTED WHILE WORK-

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

Yes No

GROUND THREE. HEALTH PROBLEMS

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 Do not cite cases or law):

I HAVE DEVELOPED MENTAL HEALTH PROBLEM INCLUDING STRESS, ANXIETY AND DEPRESSION BECAUSE OF MY STAY IN DETENTION. MY MENTAL HEALTH IS DEPRECIATING EVERY SECOND I SPEND HERE IN DETENTION. I AM IN A PERMANENT MALAISE

(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 HONOURABLE COURT GRANT MY WRIT OF HABEAS CORPUS PETITION, ORDER RESPONDENTS TO IMMEDIATELY RELEASE ME FROM DETENTION OR IN ALTERNATIVE ORDER RESPONDENTS TO GIVE ME A BOND HEARING BEFORE A NEUTRAL 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. 03-11-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

I ENTER THE UNITED STATES OF AMERICA ON 12/07/2023 AND I WAS APREHENDED BY THE BORDER PATROL AND TAKEN INTO DHS CUSTODY ON THE VERY SAME DAY, I RECIEVED A POSITIVE CREADIBLE FEAR DETERMINATION FROM ICE AND WAS SERVED WITH A NOTICE TO APPEAR. I WAS RELEASED ON PAROLE BY THE DISCRETION OF THE ATTORNEY GENERAL ON 12/08//2023 .

MY IMMIGRATION CASE IS CURRENTLY PENDING BEFORE AN IMMIGRATION JUDGE, I HAVE NEVER BEING GIVEN A CUSTODY REDERTIMINATION HEARING BY THE GOVERMENT WHERE THERE BEAR THE BURDEN TO PROVE THAT MY COTINUED DETENTION IS NECESSARY.

I WAS ARRESTED ILLEGALLY AS I HAVE NOT BROKEN ANY CONDITION PERTAINING TO MY PAROLE. I STILL DO NOT KNOW WHY I WAS ARRESTED.

I WAS WORKING AS AN UBER DRIVER, I WAS THERE FOR PASSENGER TO OCEANSIDE CAMP PANDELTON MILITARY BASE SAN DIEGO CALIFORNIA.

I GOT TO THE MILITARY BASE, THEY ASKED FOR MY IDENTIFICATION AND I SHOWED THEM MY DRIVER'S LICENCE AND MY WORK PERMIT, AS SOON THEY DISCOVERED IM NOT A US CITIZEN THEY CONTACTED ICE AND ICE TOLD ME "YOU ARE NOT IN BIG TROUBLE, YOUR ALL INFORMATION IS CORRECT AND YOUR RECENTLY ADRESS IS SAN DIEGO, YOU JUST NEED COURT DATE, WE TRANSFER YOU DOWNTOWN DETENTION CENTER AND YOU WILL GET YOUR COURT DATE AFTER THEY WILL RELEASE YOU SAME DAY".

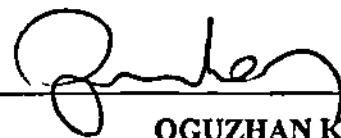
I DIDNOT KNOW IT WAS A TARGET PLACE FOR IMMIGRATION DRIVERS. I WAS TAKEN INTO DHS CUSTODY ON 02/25/2026.

AN ASYLUM OFFICER INTERVIEWED ME AND FOUND THAT I HAD CREDIBLE FEAR OF RETURNING BACK TO MY HOME COUNTRY DURING MY INTIAL ENTRY TO THE UNITED STATES. I CANNOT GO BACK TO MY COUNTRY BECAUSE I HAVE PROBLEMS WITH THE GOVERMENT IN MY HOME COUNTRY. I HAVE NO CRIMINAL BACKGROUND, I AM JUST MAN WHO CROSSED THE BORDER TO SAVE HIS LIFE FROM THE GOVERMENT IN MY HOME COUNTRY.

MY CURRENT CONDITION OF MY HEALTH IS REALLY NOT GOOD. I AM SUFFERING FROM LACK OF SLEEP, GENERAL MALAISE, ANXIETY, PSID AND DEPRESSION.

PRIOR TO MY RE-ARREST BY ICE I DID NOT HAVE THIS SYMPTOM DUSTER.
MY PHYSICAL HEALTH AND MENTAL HEALTH IS SLOWLY DEPRECIATING EVERY
SINGLE DAY I SPEND IN THIS PLACE.
IM APPLYING HABEAS CORPUS AND TO THE HIGHER AUTHORITY TO IMMEDIATELY
RELEASE ME FROM DETENTION OR IN ALTERNATIVE ORDER RESPONDE IS TO GIVE ME
A BOND HEARING OR SUPERVISION 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 JUGDE,
UNITED STATES DISTRICT COURT,
SOUTHERN DISTRICT OF CALIFORNIA



OGUZHAN KAYA



DATE: 03-11-2026