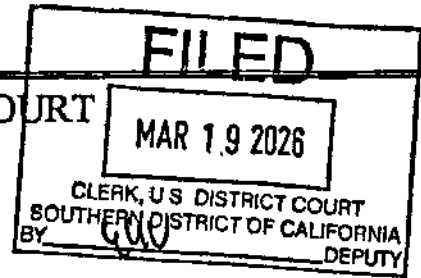


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Mohammad Imran Yousafzai

Petitioner

v.

Mr. Larose

Respondent

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

Case No. '26CV1745 BAS MMP

(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: Mohammad Imran Yousafzai
 (b) Other names you have used: _____
2. Place of confinement:
 (a) Name of institution: Otay Mesa Detention Center
 (b) Address: Otay Mesa Detention Center P.O. Box 439049 San Diego CA 92143-9049
- (c) Your identification number:
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
Ice Custody
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)

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

- 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: U.S Immigration Custody

Otay Mesa Detention Center

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

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

(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: I have requested Voluntary Departure on 11/23/25
Because of Prolong Detention to France and Alternative Afghanistan

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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

(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: _____

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: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 09/23/2024 _____
- (b) Date of the removal or reinstatement order: 11/23/2025 _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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

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: _____
- _____
- _____
- _____

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

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: Prolong Detention

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

As I mention I have been taken to US immigration Custody from Sep/23/2024 Crossing US Border from the fear of loosing my life in Mexico by Mafia and Since then I am in the immigration Custody

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

Yes No

GROUND TWO: Medical Condition

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

I have been for long time in this Detention Center and I got some mental Problems because of so much bad Thoughts and Depression and anxiety so I contacted Doctor and give me pills for that which doesnt work properly and with these medication I am suffering from side effects which hand shaking and my legs shaking

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

Yes No

GROUND THREE: Bad Food Condition

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

The food is not good and I am getting weaker day by day haven't seen a fresh fruits for almost 18 months

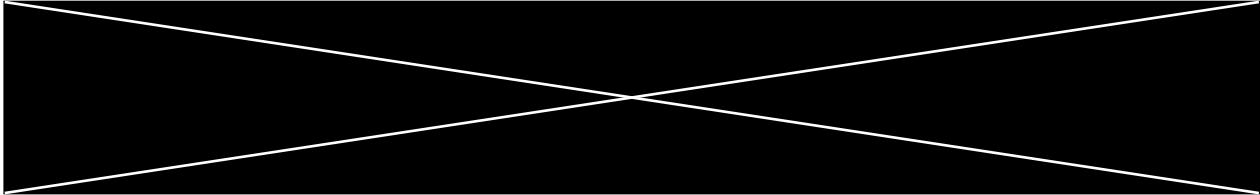
(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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

GROUND FOUR: Background History

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



(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:

Request for Relief

15. State exactly what you want the court to do: Dear Your Honor, I need a free pro bonu federal Lawyer to help me and second I am Requesting the court to grant me immediately release from.

Detention or release me by parole to wait for the further Process Outside because I have requested voluntary on 11/23/2025 Departure long time a go for [REDACTED] so they were not able to send me any of these two Countries I have my Brother here as my Sponsor and my Fiancée also my Sister In Law living here in California

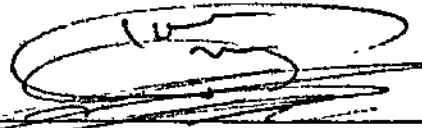
AO 242 (Rev 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: March-13-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. A false statement may lead to prosecution.
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

1 **Camille Fenton**
CA Bar No. 331891
2 **Federal Defenders of San Diego, Inc.**
225 Broadway, Suite 900
3 San Diego, California 92101-5030
Telephone: (619) 234-8467
4 Facsimile: (619) 687-2666
camille_fenton@fd.org

5 Attorneys for Mr. Yousafzai
6

7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 **MOHAMMAD IMRAN YOUSAFZAI,**

Civil Case No.: 26-cv-01745-BAS

10 Petitioner,

11 v.

**Amended Petition for a
Writ of Habeas Corpus**

12 **MARKWAYNE MULLIN**, Secretary of
the Department of Homeland Security,
13 **PAMELA JO BONDI**, Attorney General,
14 **TODD M. LYONS**, Acting Director,
Immigration and Customs Enforcement,
15 **JESUS ROCHA**, Acting Field Office
Director, San Diego Field Office,
16 **CHRISTOPHER LAROSE**, Warden at
Otay Mesa Detention Center,

17 Respondents.
18

19 **INTRODUCTION**

20 Mohammad Imran Yousafzai has been detained pending his immigration
21 proceedings for nearly nineteen months. This Court should “join[] the majority of
22 courts across the country in concluding that [his] unreasonably prolonged
23 detention under 8 U.S.C. § 1225(b) without an individualized bond hearing
24 violates due process.” *Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal.
25 2020) (Battaglia, J.). Additionally, because of newly emerging evidence that the
26 immigration judges’ (“IJ”) neutrality has been compromised, and some IJs and the
27 Department of Homeland Security (“DHS”) have implemented strategies to detain
28 bond-worthy habeas petitioners, a bond hearing before a randomly selected IJ will

1 ADAM GORDON
United States Attorney
2 MICHAEL D. WALLACE
Assistant U.S. Attorney
3 Maryland Bar No. 9912160256
Office of the U.S. Attorney
4 880 Front Street, Room 6293
San Diego, CA 92101-8893
5 Telephone: (619) 546-8714
Email: Michael.Wallace4@usdoj.gov
6 Attorneys for Respondent
7

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10

11 MOHAMMAD IMRAN YOUSAFZAI,
12
Petitioner,
13
14 v.
15 CHRISTOPHER LAROSE, et al.,
16
Respondents.
17
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19

Case No. 26-cv-1745-BAS-MMP
**RETURN TO AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

20 I. INTRODUCTION

21 Respondents request the Court deny this petition on the ground that post-removal
22 order detention is statutorily mandated under 8 U.S.C. § 1231(a) for a period of 90 days
23 following the date that a noncitizen’s removal order becomes final. Because Petitioner
24 has been in custody for about 55 days since his removal order became final on February
25 25, 2026, Respondents respectfully ask the Court to deny this habeas petition.

26 ////
27 ////
28 ////

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

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: I've had a prolong immigration processes the Otay Mesa Detention Center

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

I have been detained for over a year while my immigration application is being processed. a year of detention in itself constitutes evidence of excessively prolonged detention; this delay is not negligible and should be subject to constitutional review. I cross border of U.S. on February 21, 2025. I had my asylum interview on April 17 and my first court appearance was on July 28, six months after my entered. I went to my individual hearing and I lost it. Your Honor, after more than a year the IJ routinely rejected my asylum during my individual hearing

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

Yes No

GROUND TWO: Living conditions here are deplorable and the cost are high in the detention center

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

They ended deplorable; the food is sometimes inedible, the showers are disgusting dirty and the risk of infection is high. Security include ICE staffs are negligent and disrespectful. Life is hell and the cost of living is exorbitant, financial resources, living here is very difficult, as everything cost money and expensive such as food and medication. Every day, new people come, increasing the risk of illness. In the December 2025, the A/C wasn't working for over 10 days, this would result in extremely hot rooms and would make the toilet smell

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

Yes No

GROUND THREE. Medicals issues

The Otay Mesa Det. Ctr. is like the prison and the cleanliness of the facility is a big problem. I have seen the doctors for different things in different moment through my detention

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

PHYSIQUE: The rash I developed on my skin is due to the dirtiness here. I think the diseases I contracted, like: a fungal infection on my toes, acne on the back of my neck, itching, leg pain due to varicose veins, the constipation, are caused because of here.

MENTAL: I will lay out all my mental problems in additional pages because there is not enough space here.

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

Yes No

1 **Katie Hurrelbrink**
2 Federal Defenders of San Diego, Inc.
3 225 Broadway, Suite 900
4 San Diego, California 92101-5030
5 Telephone: (619) 234-8467
6 Facsimile: (619) 687-2666
7 katie_hurrelbrink@fd.org
8 Attorneys for Mr. Devilmar

9
10 **UNITED STATES DISTRICT COURT**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 FEDLIN DEVILMAR,

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE, Senior
16 Warden,

17 Respondents.

CIVIL CASE NO.: 26-cv-1748-BTM

**Amended¹ Petition
for a
Writ of Habeas Corpus**

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27 ¹ Federal Rule of Civil Procedure 15(a)(1)(A) permits a party to “amend its pleading
28 once as a matter of course no later than 21 days after serving it.” Fed. R. Civ. Pro.
15(a)(1)(A) (punctuation altered). It is less than 21 days since service. Ms. Mardian
therefore files this amended petition as of right.

1 WL 2912307 (where the government appealed the IJ’s grant of asylum and the
2 BIA remanded back to the IJ); A.E., 2025 WL 1424382 (where the government
3 appealed the IJ’s grant of asylum, the IJ denied all relief on remand, and the
4 noncitizen appealed to the BIA).

5 43. Here, without individual merits hearing on January 23, 2026, an Immigration
6 Judge granted DHS’s motion to pretermite. Petitioner timely appealed that decision
7 to the Board of Immigration Appeals on February 2, 2026. Despite the passage of
8 several months since his appeal was filed, the BIA has not issued a briefing
9 schedule or taken any meaningful action on the appeal.

10 44. Petitioner has been in detention for nearly twelve 12 months, and Petitioner’s
11 removal is not reasonably foreseeable, as it depends entirely on the outcome of
12 her merits appeal and any subsequent review that may follow. Accordingly, her
13 continued detention is arbitrary, prolonged, and constitutionally unreasonable.

14 45. Due to prolonged detention, Petitioner has been experiencing physical and mental
15 issues. There is no indication as to how long the appeal will take, and/or depending
16 on outcome of the appeal, Petitioner might stay in custody longer.

17 46. Because “it is not clear when detention will end, the risk of erroneous deprivation
18 weights in favor of granting a bond hearing.” A.E., 2025 WL 1424382, at *5; Doe
19 v. Andrews, No. 1:25- CV-00506-SAB-HC, 2025 WL 2590392, *7 (E.D. Cal.
20 Sept. 8, 2025) (noting that “[a]lthough future events are difficult to predict, the
21 [c]ourt nevertheless finds that...possible remand to the immigration court for
22 further factfinding or possible judicial review by the Ninth Circuit will be
23 sufficiently lengthy such that [the delay] factor weighs in favor of Petitioner”),
24 report and recommendation adopted, No. 1:25-CV-00506-KES-SAB (HC), 2025
25 WL 2896218 (E.D. Cal. Oct. 11, 2025); Abduraimov, 2025 WL 2912307, *8
26 (“appeal to BIA and potential Ninth Circuit review ‘may take up to two years or
27
28



1 than 90%.”²⁰ All of this fear has led to the erosion of judicial independence. Former San
2 Francisco IJ Elizabeth Young explained: “I’ve talked to many of [the judges still
3 serving], and they’re like, ‘When I go into court, I am concerned about applying the law,
4 but I’m also concerned that I should deny more, because if I don’t, then I’ll get fired.”²¹

5 56. Remaining immigration judges, thus, have a clear directive to deny more cases or
6 be fired. No adjudicator can remain impartial when faced with the choice between
7 upholding due process or maintaining their livelihood. Any immigration judge assigned
8 to a noncitizen’s bond hearing now operates under the understanding that granting bond
9 may cost them their job.

10 57. Along the same lines, beginning in 2025, the Trump administration reduced the
11 number of BIA members.²² This move is seen by many as an attempt to ensure that the
12 smaller number of Board members are politically aligned with the Administration’s anti-
13 immigrant goals.²³ In addition, the administration published Appellate Procedures for the
14

15 ²⁰ How firing 57% of the bench remade SF’s immigration court, Dec 4, 2025
16 (<https://sfstandard.com/2025/12/04/sf-immigration-judges-fired-asylum-data/> last
accessed March 19, 2026).

17 ²¹ *See supra* note 12.

18 ²² Federal Register, Reducing the Size of the Board of Immigration Appeals
(<https://www.federalregister.gov/documents/2025/04/14/2025-06294/reducing-the-size-of-the-board-of-immigration-appeals> last accessed March 19, 2026).

19 ²³ CLINIC, Precedent or Policy? A Quiet Transformation of the Board of Immigration
20 Appeals (<https://www.cliniclegal.org/resources/precedent-or-policy-quiet-transformation-board-immigration-appeals> last accessed March 19, 2026) (“5 (“The Trump
21 administration’s own purge of the Board echoes efforts by the Bush administration to
22 turn the tide of Board adjudications against noncitizens. Prior Board members with
extensive experience advocating for noncitizens have been dismissed. On April 14, 2025,
the Trump administration published an interim final rule restricting the size of the Board
23 to 15 members. This step goes beyond the Bush administration’s strategy. A smaller
Board permits decisions to be published based on a smaller majority of members. The

CERTIFICATE OF SERVICE

I hereby certify that on April 1, 2026, I caused the foregoing document to be electronically filed with the Clerk of the Court for the United States District Court for the Southern District of California by using the appellate CM/ECF system. Participants in the case are registered CM/ECF users and service will be accomplished by the appellate CM/ECF system.

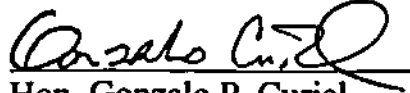
Executed on: April 1, 2026

/s/ Bashir Ghazialam
Bashir Ghazialam

1 4. Petitioner's request for an award of costs and reasonable attorney's fees pursuant
2 to the Equal Access to Justice Act is DENIED without prejudice. Petitioner's counsel may
3 submit an appropriate EAJA fee application within 30 days of the issuance of this Order.

4 IT IS SO ORDERED.

5 Dated: April 16, 2026

6 
7 Hon. Gonzalo P. Curiel
8 United States District Judge
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