

Varona Thomas Leonardo

NAME

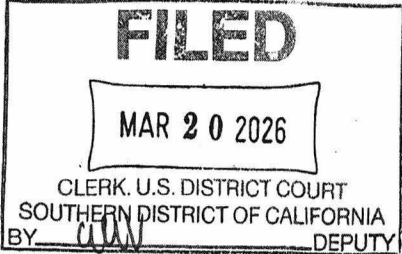
PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Rd Calexico, CA

ADDRESS



United States District Court
Southern District Of California

Varona Thomas Leonardo

(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. '26CV1856 DMS MMP

(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 Rd, 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): Immigration and Customs Enforcement's prolonged
detention.

(d) Date of the decision or action: 05/21/2025

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: _____

(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: no appeal available.

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: no appeal available.

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 available.

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: My detention has become unconstitutionally prolonged and violates the 5th Amendment of the Constitution.

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

I have been detained here in Imperial Regional detention facility for over ten months. The approach adopted by the United States Court of Appeals for the Ninth Circuit is to apply a bright-line rule to cases of mandatory detention where the government's statutory mandatory detention authority is limited to a six months period subject to a finding of flight risk or dangerousness.

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

Yes No

GROUND THREE: I am entitled to due process under the fifth Amendment of United State's Constitution.

(a) **Supporting FACTS** (state briefly without citing cases or law): It is well-settled that the fifth Amendment entitles aliens to due process in deportation proceedings. The due process clause applies to all person within the United State including aliens, whether their presence here is lawful, unlawful, temporary or permanent. More than a decade ago in the Zadvydas decision, the United State Supreme Court signaled its concerns about the constitutionality of a statutory scheme that ostensibly authorized indefinite detention of non-citizens. Two years later when the court upheld the constitutionality of 8-U.S.C. § 1226(c) in the Demore decision it emphasized that for detention under the statute to be reasonable, it must be for a brief period of time. Justice Kennedy explained in his concurrence in the Demore decision that were there to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings it could become necessary then to enquire whether the detention is to facilitate deportation or to protect against risk of flight or dangerousness but to incarcerate for other reasons.

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

Yes No

GROUND FOUR: There is no significant likelihood of my release from detention in the near future.

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

The duration of my current detention has been unreasonably prolonged and there is reason to anticipate significant future detention during my immigration proceedings. Even if I receive an adverse decision from the Immigration Judge I can appeal to the board of immigration appeal (BIA) which can take months, afterwards appeal to the Ninth Circuit which could take two years or longer.

I also have a health condition, specifically chronic problem of [REDACTED] which requires constant treatment because otherwise I cannot correct them.

The conditions of confinement has been affecting me psychologically too. we have been forbidden from accessing the internet which makes it almost impossible for me to communicate with my loved ones and family. we are being restricted to outdoor space and also restricted on visitations.

(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.

