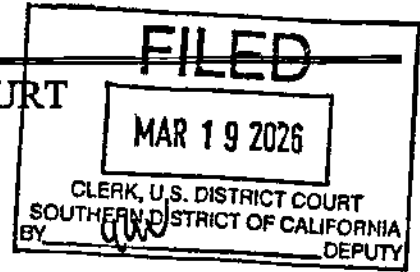


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Siban VELAT
Petitioner

v.

Todd LYONS, Acting Director of ICE
Chnstofer LaRose, Otay Mesa Detention Center
Warden

Respondent

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

Case No. '26CV1746 BAS BLM
(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: Siban VELAT
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Corrections Corp Of America
(b) Address: 7488 Calzada de la Fuente, San Diego CA 92154
(c) Your identification number:
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 Center,
7488 Calzada de la Fuente, San Diego CA 92154

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

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

I'm challenging several decisions and actions taken against me. I will set them out in my grounds and in my affidavit.

(d) Date of the decision or action: 02/21/2025

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: _____

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: _____

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: 02/21/2025
- (b) Date of the removal or reinstatement order: 02/27/2026
- (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: My appeal is on process
- (3) Result: My appeal is on process
- (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: 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

GROUND 3 The additional pages

Mentality:

Your Honor, stay yere I week is not easy so imagine over one year I have witnessed people break down mentally and emotionally. I have seen people fight each other threaten suicide and detention staffs be aggressive with detainees. There experiances have severely impacted my mental health and have contributed to my insomnia, anxiety, depression and stress. I cry almost every day. I refused to consult a psychiatrist because I saw prisoners complain that psychiatrists were neither competent nor serious in helping us and that, as far as helping them was concerned, they only prescribed sleeping pills which is why some prisoners like me refuse to consult them and even less to trust them. I have experianced many difficult things over these past several months in jail and my mental and emotional well being has suffered.

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GROUND FOUR:

(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: I implore this court: 1; To enjoin Respondents from transferring me outside the jurisdiction of the Southern District of California, pending the resolution of this case.
- 2, Order Respondents to immediately release me from immigration custody.
- 3; Alternatively, conduct an immediate bond hearing before this court or Immigration Court.
- 4, To order that DHS or IJ not to deny my bond under any circumstances.

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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:

03/11/2026

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

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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 1 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.