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March 30, 2026

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

Adam Dahiya ABDALLA-YAHYA,)

Petitioner,)

v.)

Christopher J. LAROSE, in his official capacity)
as Warden of Otay Mesa Detention Center;)
Daniel A. BRIGHTMAN, in his official capacity as)
San Diego Field Office Director (FOD), Immigration)
and Customs Enforcement (ICE) Enforcement and)
Removal Operations (ERO); Todd LYONS, in his)
official capacity as Acting Director of ICE; and)
Markwayne MULLIN, in his official capacity as)
Secretary of Homeland Security, Pamela BONDI,)
U.S. Attorney General; ICE;)
DEPARTMENT OF HOMELAND)
SECURITY (DHS),)

Respondents.)

File No: '26CV2007 DMS AHG



**PETITION FOR WRIT
OF HABEAS CORPUS**

I. INTRODUCTION

1. Petitioner Adam Dahiya ABDALLA-YAHYA (“Mr. ABDALLA-YAHYA”) is a 38-year-old Sudanese national who last entered the United States on February 23, 2025, near Tecate, California. For almost six months the government did not advance Mr. ABDALLA-YAHYA’s proceedings until they conducted the first significant intake step known as the Record of Sworn Statement (Form I-867A), on August 11, 2025.¹ Mr. ABDALLA-YAHYA was given a credible fear interview on August 21, 2025, which was deemed negative by an asylum officer, despite Petitioner stating the army in Sudan killed many members of his family and tried to forcibly recruit him during the well-known conflict in Darfur.²

2. Mr. ABDALLA-YAHYA was issued a Notice to Appear (“NTA”)³ on September 05, 2025, charging Mr. ABDALLA-YAHYA as an “alien present without being admitted or paroled, or who has arrived in the United States at a time or place other than as designated by the Attorney General” under 8 U.S.C. § 1226.

3. The government has not justified why Mr. ABDALLA-YAHYA remains detained after more than thirteen (13) months.⁴

4. Mr. ABDALLA-YAHYA therefore seeks a writ of habeas corpus directing his immediate release, or in the alternative, a custody redetermination hearing in Immigration Court based on his prolonged detention.

¹ Exhibit A: Record of Sworn Statement (Form I-867A), dated 8/11/2025.

² Exhibit B: Credible Fear Interview, at page 2, 4, and 20, dated 8/21/2025.

³ Exhibit C: DHS Form I-862, “Notice to Appear”, dated 9/05/2025 (filed as evidence with Immigration Court on 09/05/2025).

⁴ *Id.*

5. Mr. ABDALLA-YAHYA is represented here in Pro Bono by undersigned Counsel.

II. VENUE AND JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (Suspension Clause), as Mr. ABDALLA-YAHYA is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.

7. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

8. Venue is proper because Mr. ABDALLA-YAHYA is detained in the Otay Mesa Detention Center, within the San Diego Division, and Christopher J. LAROSE, in his official capacity as Warden of Otay Mesa Detention Center; and Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director (AFOD), as his immediate custodians. *See* 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

9. Petitioner, Mr. ABDALLA-YAHYA, is a 38-year-old Sudanese national being held in San Diego, California. He is currently detained by Respondents at the Otay Mesa Detention Center in San Diego, California, pending removal proceedings.

10. Respondent Christopher J. LAROSE is the Warden of Otay Mesa Detention Center. Respondent LAROSE is responsible for the operation of the

Detention Center where Mr. ABDALLA-YAHYA is detained. As such, Respondent LAROSE has immediate physical custody of the Petitioner. He is being sued in his official capacity.

11. Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director, ICE-ERO. Respondent BRIGHTMAN is responsible for the oversight of ICE operations at the Otay Mesa Detention Center. Respondent BRIGHTMAN is being sued in his official capacity.

12. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of Mr. ABDALLA-YAHYA and is being sued in his official capacity.

13. Respondent Markwayne MULLIN is the Secretary of the Department of Homeland Security (“DHS”). As Secretary of DHS, Secretary MULLIN is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary MULLIN is being sued in his official capacity.

IV. EXHAUSTION OF REMEDIES

14. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.

15. Therefore, Mr. ABDALLA-YAHYA has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial

action.

V. STATEMENT OF FACTS

16. DHS detained Mr. ABDALLA-YAHYA under 8 U.S.C. § 1226(a) / INA 236(a) – as alien present without being admitted or paroled, or who has arrived in the United States at a time or place other than as designated by the Attorney General.

17. Mr. ABDALLA-YAHYA's lack of criminal history demonstrates he poses no reasonable risk to public safety.

18. Mr. ABDALLA-YAHYA has 1) no prior Immigration Violations, 2) has a viable asylum claim as evidenced by his positive credible fear result issued by the court, and 3) he poses no risk of absconding given that he has a strong form of relief, which is incentive to appear for his Immigration Court proceedings in the future.

19. His Individual Merit's Hearing was supposed to be held on **March 11, 2026**. However, at his last hearing the government prevented the hearing from taking place by filing a Motion to Pretermit Asylum proceedings, proposing Mr. ABDALLA-YAHYA be sent to Uganda to have his asylum case held there under a new scheme by the Trump Administration known as an Asylum Cooperative Agreement (ACA). The Immigration Judge granted the government's Motion to Pretermit Aylum applications and Mr. ABDALLA-YAHYA was ordered removed to Uganda on March 11, 2026. This decision was issued despite Uganda being a well-known safe haven for the Rapid Support Forces (RSF), the Sudanese paramilitary force who slaughtered Petitioner's family in the Darfur region of Sudan. Petitioner has appealed this decision to the Board of Immigration Appeals (BIA) and will appeal to the 9th Circuit if necessary.

20. Mr. ABDALLA-YAHYA's right to have his asylum case heard by the Immigration Court is further delayed by the government's latest motion. Mr. ABDALLA-YAHYA will be appealing the Immigration Judge's decision on the pretermission order issued. Thus, his detention is likely to continue for many more months.

21. This prolonged detention has caused Mr. ABDALLA-YAHYA an extreme decline in his mental health. Mr. ABALLA-YAHYA suffers from severe psychological distress, including pervasive anxiety, hypervigilance, nightmares, intrusive memories, emotional numbness, and persistent sadness. He is haunted by memories of violence in Darfur, the deaths of his loved ones, and the constant threat to his safety.⁵

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

22. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

23. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of the matter as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of

⁵ Exhibit D: Report of Psychological Assessment of Mr. ABDALLA-YAHYA, dated February 2, 2026 (filed as evidence with Immigration Court on February 4, 2026).

pretrial and noncriminal detention.” *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). “[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner’s release.” *Id.* at 787.

VII. CAUSES OF ACTION

COUNT ONE (PROCEDURAL DUE PROCESS)

24. Petitioner incorporates paragraphs 1 through 23 as if fully set out herein.

25. The Fifth Amendment forbids deprivation of liberty without notice and a meaningful opportunity to be heard before a neutral decision-maker. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001); *Trump v. J. G. C.*, 604 U.S. 670, 673 (2025)(“The Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.”).

26. Applying *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001), Petitioner’s liberty interest is paramount; the risk of deprivation of Mr. ABDALLA-YAHYA’s interest is extreme considering the lack of a non-independent adjudicator here, the thirteen-month detention, and the anticipated further delays caused by the pretermission of his asylum proceedings, and the likelihood of MR. ABDALLA-

YAHYA appealing that decision to the Board of Immigration Appeals.

27. While the government has discretion to detain individuals, this discretion is not “unlimited” and must comport with constitutional due process. See *Zadvydas*, 533 U.S. at 698.

**COUNT THREE
(SUBSTANTIVE DUE PROCESS)**

28. Petitioner incorporates paragraphs 1 through 23 as if fully set out herein.

29. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

30. The Due Process Clause of the Fifth Amendment provides that “[n]o person shall be ... deprived of life, liberty, or property, without due process of law.” U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

31. Under the civil-detention framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

32. Given that government filings with the Immigration Court show Mr. ABDALLA-YAHYA has no criminal history, no immigration violations, and no

indications he will abscond, the Government's continued detention here serves no legitimate purpose. Thus, continued confinement bears no reasonable, non-punitive relationship to any legitimate aim and is unconstitutionally arbitrary and capricious.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- 1) Assume jurisdiction over this matter;
- 2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision;
- 3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;
- 4) Order Respondents to file a response within 3 business days of the filing of this petition;
- 5) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing with an Immigration Judge under 8 U.S.C. § 1226(a) within seven days wherein the government bears the burden to show why Petitioner should not be released;
- 6) Grant any other and further relief which this Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct.

Respectfully submitted this 30th day of March, 2026.

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