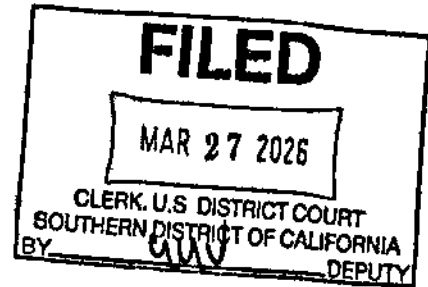


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



RODOLFO JOSE PACHECO SENA,

A#



Petitioner,

'26CV1943 JES MMP

v.

John Doe, Warden, Otay mesa detention center.

Alejandro Mayorkas,
Secretary of Homeland Security.

U S Immigration and Customs Enforcement (ICE), a component of Department of
Homeland Security;

MOTION FOR IMMEDIATE RELEASE

Petitioner, Rodolfo Jose Pacheco Sena, respectfully moves this Court for an order granting his immediate release, and states:

1. Petitioner is currently detained without a final order of removal.
2. Petitioner has a pending asylum case on appeal and a future hearing scheduled for 2027.
3. Petitioner was detained during a routine check-in despite full compliance with immigration requirements
4. Petitioner does not pose a danger to the community and has no criminal history
5. Petitioner is not a flight risk and has demonstrated compliance with all immigration obligations
6. Continued detention without a bond hearing violates the Fifth Amendment Due Process Clause.
7. Petitioner suffers ongoing harm due to prolonged and unjustified detention

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Order his immediate release; OR
- B. In the alternative, order a prompt bond hearing

Respectfully submitted,

/S/ RODOLFO JOSÉ PACHECO SENA
PETITIONER, PRO SE



OTAY MESA DETENTION CENTER

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7
8

9 UNITED STATES DISTRICT COURT
10 SOUTHERN DISTRICT OF CALIFORNIA

11 Vladimir OVCHINNIKOV

12 Petitioner,

13 v.
14

15 Jeremy CASEY, Warden, Imperial
Regional Detention Facility;
16 Daniel A. BRIGHTMAN, Field Office
17 Director, San Diego Field Office, United
18 States Immigration and Customs
Enforcement;
19 Todd M. LYONS, Acting Director,
20 United States Immigration and Customs
21 Enforcement;
22 Kristi NOEM, Secretary of Homeland
23 Security;
24 Pamela Jo BONDI, Attorney General, in
their official capacities,

Respondents.

Case No.: '26CV1953 DMS AHG

**PETITION FOR WRIT OF HABEAS
CORPUS AND ORDER TO SHOW
CAUSE WITHIN THREE DAYS AND
COMPLAINT FOR INJUNCTIVE AND
DECLARATORY RELIEF**

1 Dec. 1, 2023) (San Diego ICE Field Office Director is properly-named respondent in habeas
2 because they are “a local official who is both ‘readily identifiable’ and exercises ‘immediate
3 control’ over [petitioner’s] detention”); *Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1185 (N.D.
4 Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir. 2018) (“Instead
5 of naming the individual in charge of the contract facility—who may be a county official or an
6 employee of a private nonprofit organization—a petitioner held in federal detention in a non-
7 federal facility pursuant to a contract should sue the federal official most directly responsible for
8 overseeing that contract facility when seeking a habeas writ.”); *Thongvilay v. ICE*, No. 1:23-cv-
9 01605-CDB (HC) (Nov. 16, 2023) (returning transferred pro se habeas petition from E.D. Cal. to
10 N.D. Cal. because in the immigration detention context; habeas jurisdiction is proper in the
11 Northern District); *Singh Grewal v. Becerra*, No. 23-CV-03621-JCS, 2023 WL 6519272, at *3
12 (N.D. Cal. Oct. 4, 2023) (“The undersigned agrees with *all of the other judges in this District*
13 *who have addressed the question* and finds that the director of the San Diego Field Office is a
14 proper respondent and therefore that there is jurisdiction in this District even though Petitioner is
15 detained in the Southern District” (emphasis added)); *id.* at *4 (collecting cases) ²

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18 REQUIREMENTS OF 28 U.S.C. § 2243

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20 12. The Court must grant the petition for writ of habeas corpus or issue an order to

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22 ² See also *I.E.S. v. Becerra*, No. 23-CV-03783-BLF, 2023 WL 6317617, at *5 (N.D. Cal. Sept.
23 27, 2023) (holding that San Francisco ICE Field Office Director is proper habeas respondent);
24 *Gomez v. Becerra*, No. 23-CV-03724-JCS, 2023 WL 6232236, at *4 (N.D. Cal. Sept. 25, 2023)
25 (same); *id.* at *4 n.2 (noting that “[a]t least fourteen judges in this district” have concluded the
26 same, and not one has held otherwise); *Martinez Leiva v. Becerra*, No. 23-CV-02027-CRB, 2023
27 WL 3688097, at *4 (N.D. Cal. May 26, 2023) (same); *Hernandez Gomez v. Becerra*, No. 23-CV-
28 01330-WHO, 2023 WL 2802230, at *3 (N.D. Cal. Apr. 4, 2023) (same); *Pham v. Becerra*, No.
23-CV-01288-CRB, 2023 WL 2744397, at *4 (N.D. Cal. Mar. 31, 2023) (same); *Salesh P. v.*
Kaiser, No. 22-CV-03018-DMR, 2022 WL 17082375, at *5 (N.D. Cal. Nov. 18, 2022) (same);
Hilario Pankim v. Barr, No. 20-CV-02941-JSC, 2020 WL 2542022, at *4 (N.D. Cal. May 19,
2020) (same).

exclusive remedy for challenges to fact or duration of imprisonment.

First Step Act. 18 U.S.C.S. §§ 3632(d), 3624(g) – Time credits and prereleased custody provisions.

Zadvydas v. Davis, 533 U.S. 678,121, S. Ct. 2491, 150 L. Ed. 2D 653 (2001) The Supreme Court established that courts should treat a six-month period of detention as “presumptively reasonable”

VI - CONCLUSION

The petitioner has made a technical error in believing that a new Habeas Corpus petition would be the legal remedy for this new violation of due process, that is why Petitioner's intention on this letter is to request an individualized review in detail the reason why the bond was denied, because believes that his case is atypical, with exceptional circumstances, and should be reviewed according to its complexity. Petitioner is not seeking a new bond hearing, as it was granted before. Aware that everyone generally has “one fair opportunity” to litigate for habeas corpus and under 28 U.S.C.S. § 2254 (d) - *Claims previously adjudicated*. However, as it is widely known, the national trend in immigration courts is to reject bond orders from Federal orders and deny all petitioners their right to liberty. Therefore, habeas corpus be considered sterile in most cases, as it does not achieve its purpose by returning the petitioner to the point of origin.

The petitioner who obtains a writ of habeas corpus should see the culmination of the request be release, it make no sense for the justice system to admit that a right the amendment has been violated and not effectively remedy the error, when detainees return to Federal Courts, saturating the legal system in search of a solution, the responses are evasive or argue that relief has already been granted to Federal Court, thus postponing the problem for months or even years and causing irreparable mental, familial, and emotional damage, far from

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

12 **ISSAKA NII DOODO ABUBAKAR**
13 **SADDICK,**

14 **Petitioner,**

15 **v.**

16 **MARKWAYNE MULLIN, Secretary of**
17 **the Department of Homeland Security,**
18 **TODD BLANCHE, Acting Attorney**
19 **General, TODD M. LYONS, Acting**
20 **Director, Immigration and Customs**
21 **Enforcement, JESUS ROCHA, Acting**
22 **Field Office Director, San Diego Field**
23 **Office, Warden Casey, Warden at Otay**
24 **Mesa Detention Center,**

25 **Respondents.**

26 **Case No: 3:26-CV-1984-BAS-VET**

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

GROUND FOUR: There is no significant likelihood of my removal 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 a reason to anticipate significant future detention during my immigration proceedings. The immigration judge unreasonably delayed my immigration proceedings, I started my first final trial on Aug 8th 2025 and it continued to Feb 5th 2026. It has been 6-months since I started my final trial.

On Feb 27th 2026, the immigration judge ordered my removal on my case, I filed an appeal on March 2nd 2026 which is currently pending. Therefore because of the time it would take to fully litigate my appeal with the B.I.A, combined with the time it would take to litigate a subsequent appeal in the ninth circuit, would together result in my continued detention which could last over 2 years.

Conditions of my confinements - The conditions of confinements have been affecting me psychologically and physically. We have been restricted from our door space, forbidden to access the internet and therefore are unable to connect with loved ones and restricted on visitations.

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

Yes No X

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.

1 Petitioner has filed a habeas petition under 28 U.S.C. § 2241. Petitioner is subject to
2 mandatory detention under 8 U.S.C. § 1225(b). *See Jennings v. Rodriguez*, 583 U.S. 281
3 (2018). However, the government acknowledges that courts in this District have repeatedly
4 inferred a constitutional right against prolonged mandatory detention. Taking into
5 consideration those prior rulings and the length of time Petitioner has been in custody, the
6 government concedes that this Court should order that Petitioner receive a bond hearing,
7 where the government would bear the burden of proof of establishing, by clear and
8 convincing evidence, that Petitioner poses a danger to the community or a risk of flight.
9 *See Sadeqi v LaRose*, No. 25-cv-2587-RSH-BJW, 2025 WL 3154520 (S.D. Cal. Nov. 12,
10 2025); *Gao v. LaRose*, No. 25-cv-2084-RSH-SBC, 2025 WL 2770633 (S.D. Cal. Sept. 26,
11 2025).¹

12
13 DATED: April 13, 2026

ADAM GORDON
United States Attorney

14
15 *s/ Michael D. Wallace*
MICHAEL D. WALLACE
16 Assistant United States Attorney
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27 _____
28 ¹ Petitioner attempted to enter the United States using false Mexican travel documents.