

GHEBREHIWET HABEN
NAME


PRISON NUMBER

IMPERIAL REGIONAL DETENTION FACILITY
PLACE OF CONFINEMENT

1572 GATEWAY RD CALEXICO CA 92231
ADDRESS

United States District Court
Southern District Of California

FILED
Mar 30 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY WAC DEPUTY

GHEBREHIWET HABEN,
(FULL NAME OF PETITIONER)
Petitioner

Civil No. '26CV2039 JLS JLB
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

v.

WARDEN JEREMY CASEY,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

and
The Attorney General of the State of
California, Additional Respondent.

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:


By Department of Homeland Security.

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 92231

(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): on July 23, 2025, I was detained and not granted bond/parole.

(d) Date of the decision or action: July 23, 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: I did not appeal because it would be futile.

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 6 was "No," explain why you did not appeal: I did not appeal because it would be futile.

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: I did not appeal because it would be futile.

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: I have been detained for over six months and my detention up to date is eight months. Court in the Ninth Circuit have recognized the six month bright line rule.

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

I am currently detained it has been over eight month with no bond hearing. Courts in this Circuit have recognized a six month "presumptively reasonable period of detention after release if he can demonstrate that there is no significant likelihood of removal in the reasonable foreseeable future" Clark v Martinez, 543 U.S. 371, 378 125 S.Ct. 7160 L.Ed. 2d 734 (2005) (quoting Zadvydas 533 U.S. at 701)

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

Yes No

GROUND TWO: My detention has become unconstitutional, prolonged and violates the Fifth amendment of the 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 persons within the United States, including aliens whether their presence here is lawful, unlawful, temporary or permanent. More than a decade ago in the *Zandvylas* decision the United States Supreme Court signalled 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 to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings, it would become necessary then to inquire whether the detention is not to facilitate deportation or to protect against risk of flight or dangerousness but to incarcerate for other reasons.

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

Yes No

GROUND THREE: 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 reason to anticipate significant future detention. After over seven months and several court proceedings, the immigration judge granted my application for withholding of removal under Convention Against Torture (CAT) on March 09 2026 and denied my application for asylum and withholding of removal. I filed a notice to appeal on March 19 2026 and therefore, I am currently awaiting the briefing schedule. Even if I receive an adverse decision from the BIA I can appeal to the Ninth Circuit Court of Appeal. In total this process combined can take two years or longer. Which will result in further prolonged detention.

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

Yes No

GROUND FOUR: The Condition of Confinement

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

The condition of confinement has been affecting me psychologically, mentally, emotionally, my health has been negatively impacted as a result of a lack of access to the outdoors and I am unable to communicate with my loved ones. I am stressed, depressed from a stressful environment. I am unable to sleep unless I use pills to help me with mental stress. I am also suffering from PTSD. I have also problems in my right knee and ankle that causes me great pain and difficulty on my day to day activities, I have been given painkillers and arthritis pain reliver gel, but that only helps me temporarily, I can only walk properly with knee braces. Sufficient to say that my conditions of confinement are similar to penal conditions.

(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:

I had no reason to present them in state or Federal Court.

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?

Yes No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding N/A

(b) On appeal from any adverse ruling in a post-conviction proceeding N/A

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. *I pray that the judge orders my release or in the alternative order a bond hearing in front of the immigration judge.*

SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

03/26/2026
(DATE)



SIGNATURE OF PETITIONER