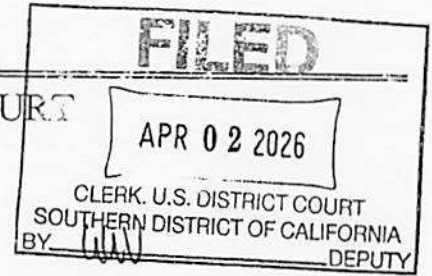


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Yannes Dario Vivas Pena
Petitioner

v.

Case No. '26 CV2092 TWR DDL
(Supplied by Clerk of Court)

Warden: Christopher La Rose
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Yannes Dario Vivas Pena
(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 Court

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 am being detained even though I have been admitted a parole

(d) Date of the decision or action: _____

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: _____
- (b) Date of the removal or reinstatement order: _____
- (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: _____
 - (3) Result: _____
 - (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 entered the United States in 2024 and was granted parole after applying for and being approved for CBP I status.

(a) Supporting facts (Be brief. Do not cite cases or law.):

On April 21, 2024, I entered the United States through the San Ysidro Border and was granted a parole until 2026. As I continued in the United States, I applied for a work permit that was also valid until 2026. When I started my asylum case, I was able to get a work permit valid until 2030. Doing so I was also able to extend my parole until 2030.

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

- Yes
- No

GROUND TWO: As part of my time in the United States, I have a pending asylum case.

(a) Supporting facts (Be brief. Do not cite cases or law.):

When I arrived to the United States I was given a hearing in Los Angeles but was then transferred to the San Diego Immigration Court. The Honorable Judge, in San Diego, dismissed my case and was told to file an asylum case with USCIS. I filed my asylum case in April 2025 and was waiting for a credible fear interview.

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

- Yes
- No

GROUND THREE: On the day I was detained the two border patrol agents did not take into consideration my parole.

(a) Supporting facts (Be brief. Do not cite cases or law.):

On January 22, 2026, I was on my way to Los Angeles to buy a car part for my car and to register it under my name. On my way there the car I was in overheated due to traffic so the driver decided to pull over. As we were ready to rejoin the traffic two border patrol agents came to us and asked for our legal status. I showed my work permit and driver's license but was not enough for them. ICE ended up coming and bringing us to the Otay Mesa Detention Center.

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

- Yes
- No

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GROUND FOUR: I have been denied the possibility of request.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I attended a master hearing on February 5, 2026 where I asked the Honorable Judge directly if I met the requirements for a bail hearing. He responded back and told me that I did not and I should request a Writ of Habeas Corpus.

(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:

Your Honorable Judge, I request if possible to be released from the Otay Mesa Detention Center through parole, supervision, or bail, as it was denied to me. I would also like to be appointed a public defender, if possible. Also can I be given a legal document that protects me from being detained without a court order. Thank you.

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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:

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: 03/17/2026

A black rectangular box with a white 'X' drawn across it, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any