

Burhan Ali Hashi
NAME

PRISON NUMBER

Imperial Regional Detention Facility
PLACE OF CONFINEMENT

1572 Gateway Road Calexico, California.
ADDRESS

FILED
APR 03 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

**United States District Court
Southern District Of California**

Burhan Ali Hashi
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Jeremy Casey
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)

Respondent

and

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

Civil No. '26CV2128 JO BLM

(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

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:

Immigration Detention

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 brucheria Road, Imperial, Ca 92251

(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):
Board or parole

(d) Date of the decision or action: 10/11/2024

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 have sent a letter to the Warden and My ICE officer and there was no response to my letter

6. After the first appeal, did you file a second appeal to a higher authority, court or agency?

Yes No X

(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 have sent a letter to the warden and My ICE officer and there was no response to my letter. Any other appeal would be futile

7. After the second appeal, did you file a third appeal to a higher authority, agency or court?

Yes No X

(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 have sent a letter to the warden and my ICE officer but there was no response to my letter, any further appeal 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 6-months and my detention upto date is 17-months

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

The approach adopted by the United States Court of Appeals for the 9th Circuit, is to apply a bright-line rule to cases of mandatory detention authority is limited to a 6-months period, subject to a finding of flight risk or dangerousness.

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

Yes No X I presented Ground one in my request for release to the warden and ICE officer. Given I did not file an appeal, I did not present Ground one.

GROUND TWO:

I am not a flight risk or danger to the Society.

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

I have a sponsor who will ensure that I will attend all my Immigration Court hearings and is lawfully abiding citizen who has been here for a lot of time and is willing to accomodate me through out my Immigration Court hearings.

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

Yes No X

GROUND THREE: I am entitled to due process under the fifth amendments of the United States Constitution.

(a) Supporting FACTS (state *briefly* without citing cases or law): It is well-settled that the fifth amendments 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 decade ago, in the Zadvydas decision, the United States Supreme Court signed 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.A.S.C.I.S. § 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 there to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings, it could 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 Three in all appeals that were available to you?

Yes No X

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.

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 X

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 _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding.

Specifically petitioner seeks immediate ~~release~~ release from this Court or alternatively 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

(DATE)

SIGNATURE OF PETITIONER