

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

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

UNITED STATES DISTRICT COURT
for the
SOUTHERN DISTRICT OF CALIFORNIA

LONG XIAOMING

Petitioner

v.

CHRISTOPHER HAROSE

WARDEN, OTAY MESA DETENTION CENTER

Respondent


(name of warden or authorized person having custody of petitioner)

Case No. '26CV2146 JO VET

(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: LONG XIAOMING
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: OTAY MESA DETENTION CENTER
 - (b) Address: 7488 CALZADA DE LA FUENTE 7488 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: DIANA MESA IMMIGRATION COURT, 7488

CALZADA DELA FUENTE, SAN DIEGO, CA 92154

(b) Docket number, case number, or opinion number: [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

PROLONGED DETENTION WITHOUT A BOND HEARING AND UNNECESSARY
DETENTION UNDER ZADNYDAS V DAVIS. VIOLATION OF EIGHT AMENDMENT
AND FIFTH AMENDMENT

(d) Date of the decision or action: N/A

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: _____

N/A

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: N/A

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: N/A

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: N/A

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 05/31/2025
- (b) Date of the removal or reinstatement order: 09/23/2025
- (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: PROLONGED DETENTION AND LACK OF TIMELY BOND HEARING UNNECESSARY DETENTION UNDER ZADYDAS V DAVIS - VIOLATION OF THE FIFTH AMENDMENT RIGHT TO DUE PROCESS.

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 Do not cite cases or law.):

I HAVE BEEN DETAINED BY IMMIGRATION AUTHORITIES FOR ALMOST 7 MONTHS. I LOST MY CREDIBLE FEAR INTERVIEW AND I ALREADY HAVE A FINAL ORDER OF REMOVAL IN PLACE. I HAVE STILL NOT BEEN GIVEN A BOND HEARING AFTER 6 MONTHS BY THE GOVERNMENT WHERE THEY BEAR THE BURDEN OF PROOF TO PROVE THAT I AM FLIGHT RISK. THIS IS A VIOLATION OF MY FIFTH AMENDMENT RIGHT.

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

Yes No

GROUND TWO: PROLONGED DETENTION BECAUSE REMOVAL IS NOT REASONABLY FORESEEABLE.

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

THE 3 MONTHS AND 6 MONTHS ASSUMPTIVE PERIOD OF DETAINING AN IMMIGRANT WITH A FINAL ORDER OF REMOVAL HAS ELAPSED. I STILL HAVE NOT BEEN REMOVED (DEPORTED FROM THE UNITED STATES). MY REMOVAL FROM THE UNITED STATES HAS BECOME UNFORESEEABLE, HENCE MY CONTINUE STAY IN DETENTION IS NO LONGER FOR IMMIGRATION PURPOSE BUT ILLEGAL PUNITION.

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

Yes No

GROUND THREE: HEALTH PROBLEM (BROKEN LEFT ARM AND LEG) - VIOLATION OF EIGHTH AMENDMENT RIGHT SECURING THE RIGHT OF A DETAINEE FOR HUMANE AND CONSTITUTIONAL STANDARDS AND DETENTION IN SANITARY AND SAFE CONDITIONS.

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

EVER SINCE I HAVE BEEN DETAINED MY PHYSICAL AND MENTAL HEALTH HAVE BEEN TERRIBLE DUE TO THE POOR SANITARY AND HOUSING CONDITIONS I AM EXPERIENCING IN DETENTION. BACK IN CHINA, THE CHINESE GOVERNMENT FORCEFULLY TORE DOWN MY HOUSE TO BUILD A NEW HIGHWAY, DUE TO MY FAILURE TO LET GO OF MY HOUSE I WAS BEATEN BY FIVE (5) POLICE OFFICERS WITH WOODEN STICK WHICH BROKE MY LEFT ARM AND LEG.

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

Yes No

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GROUND FOUR: N/A

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

N/A

(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: ALL GROUNDS WERE PRESENTED.

Request for Relief

15. State exactly what you want the court to do: I RESPECTFULLY REQUEST THAT THIS COURT;
• GRANT THIS PETITION FOR WRIT OF HABEAS CORPUS.
• ORDER RESPONDENTS TO IMMEDIATELY RELEASE PETITIONER FROM DETENTION
• IN THE ALTERNATIVE, ORDER RESPONDENTS TO PROVIDE A PROMPT BOND HEARING AT WHICH THE GOVERNMENT BEARS THE BURDEN OF JUSTIFYING CONTINUED DETENTION.

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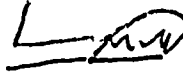
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

March 31, 2026

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: March 31, 2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Otay Mesa Detention Center – San Diego

January 23, 2026

**U.S. DISTRICT COURT
SOUTHERN OF CALIFORNIA**

RE: HABEAS CORPUS ADDITIONAL REQUIREMENTS

The undersigned, **LONG XIAOMING**, China nationality, [REDACTED] Number, detained in Otay Mesa Detention Center – San Diego by immigration / ICE , I have pleasure of addressing you with intention of requesting with all due respect:

1. I want to request the assignment of a Lawyer for being represented.
2. I request immediate release, please as result of the determination of my Habeas Corpus Case.
3. I would like to request too not to get installed on my body any GPS device because I see it as a stigmatizing before the society.
4. Finally, I want also not to be detained again once released.

I hope you find my request reasonable and that you understand that I need an expedited procedure, Thanking you in advance, I formally and respectfully bid you farewell.-

LONG XIAOMING

[REDACTED]
Otay Mesa Detention Center
PO BOX 439049
San Diego – CA 92143-9049
[REDACTED]