

Berman Jose Sobalvarro Somarriba



PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Rd Calexico CA 92231

ADDRESS

FILED
APR 06 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

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

Berman Jose Sobalvarro

(FULL NAME OF PETITIONER)

Petitioner

v.

(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED
PERSON HAVING CUSTODY OF PETITIONER, I.G. PAROLE OFFICER)

Respondent

and

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

Civil No. '26CV2238 RBM DDL

(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): Being held in violation of constitution, law, or treaties
of the United States.

2. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:

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 Regional Detention Facility Calexico, 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): _____

(d) Date of the decision or action: _____

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: Never seen a judge to know what to do.

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: Never got to the point to do so.

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: Never had a court hearing to appeal anything.

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: Unlawful detention without judicial review

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

- Petitioner is being held without being brought before a judge for probable cause of determination.
- This violates the Forth Amendment and dueprocess protections under the Fifth and Fourteenth Amendment
- Under Gierstein v. Pugh the government must provide a prompt judicial determination of probable cause following a warrantless arrest.

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

Yes No

GROUND TWO: Detention without charges

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

- Petitioner has not been formally charged with any offense, making continued detention unlawful and unconstitutional.
- Petitioner was detained Oct 17 2025
- NO charge been filed
- Petitioner has not appeared before any judge.
- Petitioner has requested information and has not been given a hearing.

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

Yes No

GROUND THREE: Denial of Bond hearing

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

• Petitioner has been denied any meaningful opportunity to challenge detention.

• prolonged detention without a bond hearing is unconstitutional.

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

Yes No

GROUND FOUR: Unlawful executive detention

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

- Respondents are detaining petitioner without judicial oversight without charges, and without providing any legal process.
- Such detention violates fundamental constitutional protections.

(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:

Petitioner has requested to see a judge but was denied.
also requested to talk with warden but was denied.

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: BJA / Removal

- (a) In any post-conviction proceeding Decision date: July 11 2023 @
300 W Congress St # 300 Tucson AZ 85701
- (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.

SIGNATURE OF ATTORNEY (IF ANY)

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

04/01/2026
(DATE)

