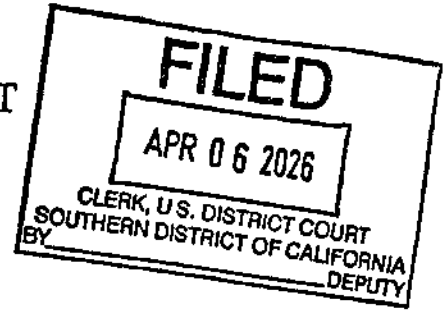


UNITED STATES DISTRICT COURT

for the

Southern District of Illinois



SABBIR HOSSAIN RAFIK ULLAH

Petitioner

(the name under which you were convicted)

v.

CHRISTOFER J LAROSE SENIOR WARDEN, OTAY MESA DETENTION CENTER

Respondent

(authorized person having custody of Petitioner)

Case Number:

'26CV2165 CAB DDL

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

Personal Information

- 1. (a) Your full name: SABBIR HOSSAIN RAFIK ULLAH
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154
(c) Your identification number:
3. Are you currently being held on orders by:
[checked] 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
(b) Docket number of criminal case:
(c) Date of sentencing:
[checked] 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)

- 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: U.S. Immigration and customs enforcement(ICE)  
OTAY MESA DETENTION CENTER SAN DIEGO,CA

(b) Docket number, case number, or opinion number: \_\_\_\_\_

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

Petitioner is challenging his prolonged and excessive detention without an individualized bond hearing.

(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 \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second 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 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

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: 02/28/2025

(b) Date of the removal or reinstatement order: \_\_\_\_\_

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: 02/26/2028

(2) Case number: 221418154

(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: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**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.

**GROUND ONE:** PROLONGED AND EXCESSIVE DETENTION IN VIOLATION OF DUE PROCESS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 Do not cite cases or law.):*

I have been subjected to prolonged and excessive immigration detention in violation of the  
due process clause of United States Constitution. Although immigration detention is civil  
and not intended to be punitive. My detention has far exceeded any reasonable purpose. As  
a result ,my detention has become excessive, arbitrary and unconstitutional.

\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

**GROUND TWO: I DO NOT POSE DANGER TO THE COMMUNITY AND CONTINUED DETENTION IS UNJUSTIFIED.**

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

Please see attached continuation of ground two.

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

Yes

No

**GROUND THREE: MY CONTINUED DETENTION IS PUNITIVE, EXCESSIVE AND NO LONGER SERVES A LEGITIMATE CIVIL IMMIGRATION PURPOSE.**

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

Please see attached continuation of ground three.

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

Yes

No

**GROUND FOUR: I AM NOT A FLIGHT RISK AND CONTINUED DETENTION IS UNJUSTIFIED**

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

Please see attached continuation of ground four.



**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: 04-01-2026



---

*Signature of Petitioner*

---

*Signature of Attorney or other authorized person, if any*

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**Re: Petition for Writ of Habeas Corpus under 28 U.S.C § 2241**  
**Petitioner: SABBIR HOSSAIN RAFIK ULLAH**  
**A-Number: 221418154**  
**Detention Facility: Otay Mesa Detention Center**

Honorable Judge:

I respectfully submitted Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 challenging my continued and prolonged immigration detention by U.S. Immigration and Customs Enforcement (ICE)

I have been detained for approximately 13 months following a final order of removal, without an individualized bond hearing and without any meaningful determination that continued detention is necessary or justified. There is no significant likelihood of removal in the reasonably foreseeable future, and my continued detention has become excessive, punitive, and no longer serves a legitimate civil immigration purpose.

The factual background and humanitarian circumstances supporting this Petition are set forth in my Declaration and the attached exhibits. These materials demonstrate that I do not pose a danger to the community, have maintained a clean disciplinary record throughout my detention, and am willing to comply with any conditions of release deemed appropriate by the Court, including supervision, reporting requirements or electronic monitoring.

I respectfully request that the Court Grant this Petition and order my immediate release or a bond hearing from immigration detention, or, in the alternative, order my release under the least restrictive conditions necessary.

Respectfully submitted  
SABBIR HOSSAIN RAFIK ULLAH

221418154

Otay Mesa Detention Center

San Diego, California

Date: 04-01-2026

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**INDEX OF ATTACHMENTS AND EXHIBITS**

**Petitioner: SABBIR HOSSAIN RAFIK ULLAH**

**A-Number:** 

**Detention Facility: Otay Mesa Detention Center**

- **Petition for Writ of Habeas Corpus (AO 242)**
- **Attachment A-Respondents**
- **Attachment B-Ground Two: No Danger to the community**
- **Attachment C-Ground Three: Continued Detention Is Punitive and Excessive**
- **Attachment D-Ground Four: Not A Flight Risk**
- **Attachment E:-Declaration of SABBIR HOSSAIN RAFIK ULLAH**
- **Attachment F-Detention Records and Disciplinary History**
- **Certificate Of Service**

**Respectfully Submitted,**

**SABBIR HOSSAIN RAFIK ULLAH**

**Petitioner, Pro se**

**Date: 04-01-2026**

**ATTACHMENT A**  
**Respondents**

**Patrick Divver**

Regional Director of Enforcement and Removal Operations(ERO)  
San Diego Field Office  
U.S. Immigration and Customs Enforcement(ICE)

**Kristi Noem**

Secretary  
U.S. Department of Homeland Security(DHS)

**ATTACHMENT B**

**GROUND TWO**

**Petitioner Does Not Pose a Danger to the Community and Continued Detention is Unjustified**

I respectfully assert that i do **not pose a danger to the community**, and the government lacks any sufficient or individualized justification for my continued and prolonged detention.

I have **never received any military, paramilitary or combat training**, and i have **no history of violence**. During the approximately **13 months** that i have been detained,i have maintained a **clean and disciplinary-free record**.The Court may verify my detention record directly from the detention facility,which will confirm that i have complied with all institutional rules and requirements.

Less restrictive alternatives to detention are both **available and appropriate in my case**.I am fully willing to comply with any conditions of release imposed by the Court, including supervision,reporting requirements and electronic monitoring. These alternatives would adequately address any governmental concernswhile respecting my liberty interests.

Under these circumstances,continued detention is **excessive,unnecessary and unsupported by the record**, and it violates fundamental principles of **liberty and due process** guranteed under the Constitution.

## **ATTACHMENT C**

### **GROUND THREE**

#### **Continued Detention is Punitive, Excessive, and No Longer Serves a Legitimate Civil Immigration Purpose**

I respectfully assert that my continued detention has become **punitive rather than civil in nature**. I have been detained for an **extended and unreasonable period of time without any individualized determination** that continued physical detention is necessary to serve a legitimate immigration purpose.

At no point have I caused any unreasonable delay in immigration proceedings I have fully complied with all requirements imposed upon me by the government and the Immigration court. Nevertheless, I remain detained **without sufficient justification**, despite the clear availability of **less restrictive alternatives**, including release under supervision, reporting requirements or electronic monitoring.

The government's continued decision to detain me, rather than employ these reasonable alternatives, renders my detention **excessive and unnecessary**, and no longer reasonably related to its civil immigration objectives.

Furthermore, during my prolonged detention, I have developed **multiple medical conditions** and continue to suffer from ongoing **physical health problems**, as well as **significant mental and emotional distress** resulting from extended confinement. My health has deteriorated as a direct consequence of prolonged detention, which has imposed severe hardship beyond what is constitutionally permissible in a civil immigration context.

I fled my country due to **political persecution** and sought refuge in the United States in search of safety and protection. Instead, I have been confined in Immigration detention for approximately **13 months**. Under these circumstances, continued detention is **unreasonably harsh, excessive and punitive**, and violates the fundamental principle that immigration detention must remain civil—not punitive—in nature.

Accordingly, my continued detention no longer serves any legitimate civil immigration purpose and weighs strongly in favor of relief.

**ATTACHMENT D**

**GROUND FOUR**

**Petitioner Is Not A Flight Risk and Continued Detention is Unjustified**

I respectfully assert that i m not a fligh risk for the community, and the government lacks any sufficient or individualized justification for my continued and prolonged detention.

I have never received any military, paramilitary or combat training, and i have no history of violence. During the approximately 13 months that i have been detained,i have maintained a clean and disciplinary-free record.The Court may verify my detention record directly from the detention facility,which will confirm that i have complied with all institutional rules and requirements.

Less restrictive alternatives to detention are both available and appropriate in my case.I am fully willing to comply with any conditions of release imposed by the Court, including supervision,reporting requirements and electronic monitoring. These alternatives would adequately address any governmental concernswhile respecting my liberty interests.

Under these circumstances,continued detention is excessive,unnecessary and unsupported by the record, and it violates fundamental principles of liberty and due process guaranteed under the Constitution.

## PETITIONER DECLARATION

- I am currently a 24-years old Bangladesh Citizen who presented yourself at the U.S. / Mexico border requested asylum in USA at the Tijuana on **February 28, 2025**. I was taken into CBP/DHS custody, and **detained at Otay Mesa Detention Center ("OMDC")** .
- After one week they transfer me to Arizona for **(1 month and 1 week)**. They try to deport me so many times without court hearing or an interview for CAT OR Credible fear interview.
- I had got CAT interview on April 18, 2025 in which i got positive.
- Again they send me to Arizona after my interview got positive and there I stayed for **3 months**.
- After **3 Months** they give me **First Master Hearing**.
- I later applied for Asylum, Withholding of Removal and protection under Convention Against Torture based on my fears of persecution and torture due to my political opinion.
- I requested a bond hearing and Immigration Judge denied my request on July 19, 2025.
- I requested a bond hearing again and ICE Automatically DENIED.
- My lawyer put a Motion to change my final due to my Health Condition was not good but the Immigration Judge denied the motion. I Went to the court and requested to change my final as my health condition was not good, Immigration Judge-Mark Sameit and the DHS told me "You are here from 1 year, you are eating government food for free we denied your motion and we dont give you more time you have to do your merit hearing today". I have did my final under poor health condition in which my mental health was not good.
- The Immigration Judge ("IJ") denied all relief on February 04, 2026.
- I filed a timely appeal to the Board of Immigration Appeals ("BIA") on

February 26, 2026. For The appeal time is between 6-12 months which will get me to almost 19 months which violates my **DUE PROCESS**.

- My family is in a financial crisis because i am the sole provider of my family, My parents are physically and mentally depressed because of my long stay in otay mesa detention center.
- I have a **SEVERAL MENTAL PROBLEMS** that requires me to take medication everyday. It got worse due to the harsh conditions of residing in detention.
- I have now been incarcerated for 13 months and my BIA appeal is still pending. I respectfully requesting this Court with a writ of habeas corpus to take jurisdiction to immediate release me from detention or in an alternative to a bond hearing. I ready to comply with ice on any kind of supervision also.
- The living conditions in the detention center are very terrible. The Medical attention is very low. The Showers are unsanitary to which you have high risk of an infection.
- Finally, I would request a **PUBLIC DEFENDER** since i have been detained for an extended time and i dont have the resources to pay for one.

Thank you.

## Appendix 2.2.A: ICE Custody Classification Worksheet

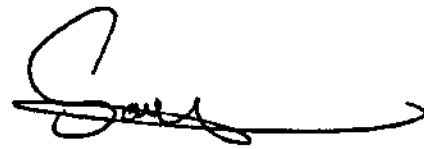
### ICE Custody Classification Worksheet

<b>Part 1. Basic Information</b>		<input type="checkbox"/> Initial	<input checked="" type="checkbox"/> Reclassification	<input type="checkbox"/> Special Classification	
Field/Sub Office	OTAY MESA	Facility	OMDC	Date	01/29/2026
Officer Name	C/M REYNOSO	Language(s) Used during the Interview			ENGLISH

Alien Number		DOB		Gender	<input checked="" type="checkbox"/> M <input type="checkbox"/> F
Last Name	RAFIK ULLAH	First Name	HOSSAIN SABBIR		

<b>Part 2. Special Vulnerabilities and Management Concerns</b>	
Does a Special Vulnerability exist? Inquire, observe, and review all documentation. If based on your assessment the vulnerability exists, select the appropriate boxes below. Also indicate whether there are other management concerns that may affect the custody decision.	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<input type="checkbox"/> serious physical illness <input type="checkbox"/> serious mental illness <input type="checkbox"/> disability <input type="checkbox"/> elderly <input type="checkbox"/> pregnancy <input type="checkbox"/> nursing <input type="checkbox"/> sole caretaking responsibility <input type="checkbox"/> risk based on sexual orientation/gender identity <input type="checkbox"/> victim of persecution/torture <input type="checkbox"/> victim of sexual abuse or violent crime <input type="checkbox"/> victim of human trafficking <input checked="" type="checkbox"/> other (specify) AGE: 23 YEARS OLD	
Provide further explanation as necessary	
<i>If any boxes are checked, consult with the local ICE Field Office regarding appropriate placement and other management considerations, and record the date and time of consultation here</i>	

Part 3. Custody Classification Worksheet								
<b>1</b>	Severity of Charge/ Conviction Associated with the ICB Encounter (Use Appendix 2.2 C Severity of Offense Scale)							
	None	IMMIGRATION					0	Enter the score here <b>0</b>
	Low						2	
	Moderate						4	
	High						6	
	Highest						7	
<b>2</b>	Single Most Serious Conviction in the Individual's Criminal History (Excluding Item 1)							
	See Appendix 2.2 C		None	>15 Years	10-15 Years	5-10 Years	< 5 Years	Enter the score here <b>0</b>
		Highest	0	5	5	6	7	
		High	0	5	5	6	6	
		Moderate	0	1	2	3	4	
	Low	0	0	0	1	2		
<b>3</b>	Additional Prior Convictions (Excluding Items 1 and 2)							
	None						0	Enter the score here <b>0</b>
	1-2 misdemeanors, no felonies						1	
	3-4 misdemeanors, or 1 felony						2	
	5 or more misdemeanors, or 2 felonies						4	
<b>4</b>	Supervision History							
	None						0	Enter the score here <b>0</b>
	Walk-away or attempted escape from an unsecured facility, absconding, bond breach, violations of prior voluntary departure orders or conditions of supervision, or prior revocation of supervision						3	
	Escape or attempted escape from a secure facility						7	
<b>5</b>	Security Threat Group (STG)							
	The individual has no known membership or affiliation with an STG						0	Enter the score here <b>0</b>
	The individual is a member of an STG						5	
<b>6</b>	History/Pattern of Violence (Two or more arrests)							
	15 or more years ago						1	Enter the score here <b>0</b>
	Over 10 years and less than 15 years ago						2	
	Over 5 years and less than 10 years ago						3	
	Within the last 5 years						5	
<b>7</b>	Number of Sustained Disciplinary Infractions Involving Violence or Behavior Representing a Threat to the Facility (Institution(s))							
	None						0	Enter the score here <b>0</b>
	One						2	
	Two						4	
	Three or more						6	
	Check if data not available						<input type="checkbox"/>	
Total Custody Classification Score <b>0</b>								

Custody Level Guideline Ranges			
If there is no arrest or conviction for a violent offense, use this table.			If the person has an arrest or conviction for a violent offense, use this table.
Low Custody	IMMIGRATION	0-2	
Medium-Low Custody		3-5	
Medium-High Custody		6-11	
High Custody		12+	7+
If the Officer makes a custody recommendation outside of the custody level guideline ranges above, provide the rationale and include aggravating/ mitigating circumstances that were considered in the decision			
Recommendation Outside the Guideline Ranges		<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium-Low <input type="checkbox"/> Medium-High <input type="checkbox"/> High	
Officer Signature		Date	
In the section below, check the custody level of the individual's housing assignment, following the guidance provided in the instructions, F. Housing Assignment  For purposes of housing medium-custody individuals with low-or high level custody individuals, use the following guidelines.  Medium-Low may be housed with low custody individuals, Medium-High may be housed with high-custody individuals, but,  Low custody individuals may never be housed with high-custody individuals, or medium custody individuals who have any history of assaultive or combative behavior.  If the individual is to be placed in administrative segregation, a copy of the administrative segregation order shall be immediately provided to the Field Office Director or his designee, as required by Standard 2.12 "Special Management Units"			
Final Housing Assignment Custody Level		<input checked="" type="checkbox"/> Low <input type="checkbox"/> Medium-Low <input type="checkbox"/> Medium-High <input type="checkbox"/> High <input type="checkbox"/> Administrative	
If the Supervisor decides to override the Officer's custody level recommendation, provide the rationale below			
DATE: 1/29/20			
TIME: 1000 hrs			
DETAINEE SIGNATURE: 			
Supervisor Signature		Date	1/29/20
Reynoso			

