

FILED
Apr 9 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *s/ANH* DEPUTY

UNITED STATES DISTRICT COURT
for the
Southern District of California

Yevhenii, DIBIZHEV

Petitioner

v.

**Markwayne Mullin, US Secretary of
Homeland Security, et all.**


Respondent

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

Case No. **'26CV2228 JES MMP**
(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: **Yevhenii, DIBIZHEV**
- (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, 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)

- 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: On 03/13/2026, Otay Mesa Immigration Court denied my motion for bond hearing stating I'm a subject to mandatory detention.

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
My prolong detention for more than 180 days .

(d) Date of the decision or action: 03/13/2026

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: appropriate authority for appeal of Immigration Court decision is BIA which is under control of the Respondents. My more than 180 days detention makes me eligible to file Petition of Writ of Habeas Corpus with Federal Court to challenge my detention.

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: _____
- (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: _____
 - (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: _____
- _____
- _____
- _____

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: Petitioner's detention violates the right to substantive and procedural due process guaranteed by the Fifth Amendment of the U.S. Constitution.

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 Do not cite cases or law.)*:

On or about July 26, 2025, Petitioner applied for admission into the United States from Mexico at the San Ysidro Port of Entry. Since Petitioner has been detained by DHS and its subsidiaries.

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

Yes

No

GROUND TWO: Petitioner's detention and denial of parole / bond is arbitrary, capricious, and an abuse of discretion, without observance of procedure required by law, and unsupported by substantial evidence, in violation of the Administrative Procedures Act, 5 U.S.C. §702 et seq

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 Do not cite cases or law.)*:

Since October 2025, Petitioner filed for Parole with ICE DHS numerous times. However, his requests have been unanswered. Also, on 03/13/2026, IJ denied his bond motion.

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

Yes

No

GROUND THREE:

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

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

Yes

No

GROUND FOUR:

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

(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:

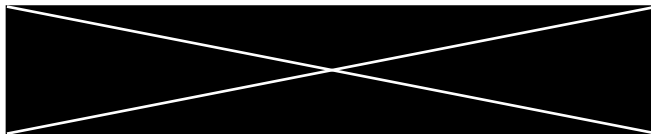
1. Issue an order to show cause pursuant to 28 U.S.C. 2243; 2. Declare unlawful Petitioner's detention; 3. Declare that Respondents have acted arbitrarily and capriciously in denying parole to Petitioner and constructively denying reconsideration of parole; 4. Order Petitioner's release from custody.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
not applicable because my filings was mailed outside of detention.

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: 03/29/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any