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6 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT, CALIFORNIA

7 LARICIA AKUM UFERK,

8 Petitioner,

9 v.

10 Daniel BRIGHTMAN, Field Office Director of
11 Enforcement and Removal Operations, San
Diego Field Office, Immigration and Customs
12 Enforcement; Markwayne MULLIN, Secretary,
U.S. Department of Homeland Security; U.S.
13 DEPARTMENT OF HOMELAND
SECURITY; Todd BLANCHE, U.S. Attorney
14 General; Jeremy Casey, Senior Warden of
Imperial Regional Detention Facility,

15 Respondents.
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Case No. '26 CV2354 RBM DDL

**PETITION FOR WRIT OF
HABEAS CORPUS; FOR AN ORDER
TO SHOW CAUSE WITHIN
3 DAYS; AND TO ENJOIN
TRANSFER FROM THE
JURISDICTION**

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INTRODUCTION

1. Petitioner LARICIA AKUM UFERK (“Petitioner”) is a noncitizen who entered the United States without inspection on September 23, 2025, and who has since resided within the United States. She is in the physical custody of Respondents at the IMPERIAL REGIONAL DETENTION FACILITY. Petitioner is a native and citizen of Cameroon and seeks a writ of habeas corpus to challenge her prolonged and indefinite detention by the Department of Homeland Security (“DHS”). Accordingly, to vindicate Petitioner’s statutory and constitutional rights and to put an end to her continued arbitrary detention, this Court should grant the instant petition for a writ of habeas corpus.

2. Petitioner was apprehended by DHS officials on September 23, 2025, inland after entering the United States without inspection. After expressing a fear of returning to Cameroon, Petitioner was given a Credible Fear Interview by DHS under 8 CFR § 208.30(b). Upon demonstrating a credible fear of returning to Cameroon, Petitioner was referred for INA § 240 removal proceedings, pursuant to 8 CFR § 208.30(f) for full consideration of the asylum and withholding of removal claim. As such, Petitioner does not contest that she is subject to mandatory detention under 8 U.S.C. § 1225(b) as an arriving alien. *See Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019).

3. The Department of Homeland Security has charged Petitioner as an “alien present in the United States without being admitted or paroled” under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), through a Notice to Appear (“NTA”). The NTA does not classify her as an “arriving alien.”

4. Petitioner’s claim for asylum is rooted in past persecution. While in Cameroon, she was kidnapped and held for ransom by terrorists who attempted to forcibly recruit her.

1 Following a rescue by government forces, she was subjected to further trauma—detained,
2  by government actors who imputed to her a political
3 opinion as a separatist. Despite passing her Credible Fear Interview (“CFI”) and presenting
4 significant corroborating evidence Petitioner detained without adjudication of her
5 applications for Asylum, Withholding of Removal, or protection under the Convention
6 Against Torture.

7 5. On February 13, 2026, an Immigration Judge granted a Department of Homeland Security
8 (“DHS”) motion to pretermite Petitioner’s asylum application based on the Asylum
9 Cooperative Agreement (“ACA”) between the United States and Uganda. The Immigration
10 Judge found that Petitioner was barred from asylum under INA § 208(a)(2)(A) (the safe
11 third country bar), which precludes asylum if “the alien may be removed, pursuant to a
12 bilateral or multilateral agreement, to a country (other than the country of the alien’s
13 nationality ...) in which the alien’s life or freedom would not be threatened on account of
14 race, religion, nationality, membership in a particular social group, or political opinion, and
15 where the alien would have access to a full and fair procedure for determining a claim to
16 asylum or equivalent temporary protection.”

17 6. Petitioner has timely appealed this decision to the Board of Immigration Appeals (“BIA”),
18 asserting her right to seek protection in the United States rather than being removed to a
19 third country where her safety cannot be guaranteed.

20 7. As of the date of this filing, Petitioner has been detained for over six months without a
21 bond hearing. Her continued detention, while she pursues non-frivolous legal challenges
22 to a prepermission order that would send her to a country with which she has no ties, has
23 become punitive rather than administrative. Because her removal is not significantly likely
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1 in the reasonably foreseeable future due to the pending appeal and the complexities of the
2 ACA, her continued detention violates the Due Process Clause of the Fifth Amendment.

3 8. Petitioner respectfully requests that this Court intervene to ensure her detention is not
4 indefinite and to grant her a meaningful opportunity for release. Petitioner thus seeks a
5 Writ of Habeas Corpus ordering Respondents to provide her with a constitutionally
6 adequate bond hearing under 8 U.C.S. § 1226(a) within a short, specified period.

7 **STATEMENT OF FACTS**

8 9. Petitioner LARICIA AKUM UFERK is a citizen of CAMEROON who has resided in the
9 United States since 2025. Petitioner entered the United States without inspection On
10 September 23, 2025 and was apprehended in or near San Ysidro, CA, after crossing the
11 border, though not at a port of entry. Petitioner was apprehended and held at IMPERIAL
12 REGIONAL DETENTION FACILITY. Petitioner was given a Credible Fear Interview
13 on November 19, 2025, nearly two months after her initial apprehension, and was found
14 to have a credible fear of returning to Cameroon. Her case was subsequently referred to
15 an immigration judge and docketed with the Imperial Immigration Court at 2409 LA
16 Brucherie Imperial, CA 92251 on November 24, 2025.

17 10. Since her initial apprehension, Petitioner has remained detained at the IMPERIAL
18 REGIONAL DETENTION FACILITY in Imperial, CA. Following her 2025 arrest, ICE
19 declined to set a bond or parole the Petitioner. As a result, Petitioner has remained in
20 immigration detention since September 23, 2025, without ever receiving a meaningful
21 opportunity to seek release on bond. Despite passing her Credible Fear Interview (“CFI”)
22 and presenting significant corroborating evidence Petitioner detained without adjudication
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1 of her applications for Asylum, Withholding of Removal, or protection under the
2 Convention Against Torture.

3 11. On February 13, 2026, an Immigration Judge granted a Department of Homeland Security
4 (“DHS”) motion to pretermite Petitioner’s asylum application based on the Asylum
5 Cooperative Agreement (“ACA”) between the United States and Uganda, disallowing
6 Petitioner from testifying in support of her asylum claim, and from obtaining adjudication
7 of her claim on its merits. The Immigration Judge found that Petitioner was barred from
8 asylum under INA § 208(a)(2)(A). Thus, Petitioner’s asylum application was denied, and
9 Petitioner was ordered removed from the United States. Petitioner’s asylum denial is
10 currently on appeal before the Board of Immigration Appeals.

11 12. Petitioner has filed her Notice of Appeal before the Board of Immigration Appeals (“BIA”)
12 on February 23, 2026. As of the filing of this petition, the BIA has not issued a briefing
13 schedule for her to present her argument in support of her appeal of the immigration judge’s
14 decision pretermiteing Petitioner’s asylum application.

15 13. Petitioner has pursued, and continues to pursue, her asylum claim through proceedings
16 before an immigration judge pursuant to Section 240 of the Immigration and Nationality
17 Act. Moreover, there have been no circumstances supporting a finding that Petitioner is a
18 flight risk or danger to the community that could justify her detention. On the contrary,
19 Petitioner has complied with all of her legal obligations.

20 JURISDICTION

21 14. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
22 IMPERIAL REGIONAL DETENTION FACILITY in IMPERIAL, CALIFORNIA.

1 15. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
2 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
3 Constitution (the Suspension Clause).

4 16. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
5 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

6 **VENUE**

7 17. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
8 Imperial Regional Detention Facility, an ICE detention center, located within Imperial County,
9 and Jeremy CASEY is his immediate custodian as the Warden of the facility. Pursuant to *Braden*
10 *v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the
11 United States District Court for the CALIFORNIA SOUTHERN DISTRICT, the judicial district
12 in which Petitioner currently is detained.

13 18. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
14 Respondents are employees, officers, and agencies of the United States, and because a
15 substantial part of the events or omissions giving rise to the claims occurred in the
16 CALIFORNIA SOUTHERN DISTRICT.

17 19. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
18 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
19 Constitution (the Suspension Clause).

20 **REQUIREMENTS OF 28 U.S.C. § 2241, 2243**

21 20. The Court should grant the petition for writ of habeas corpus “forthwith,” as
22 required by 28 U.S.C. § 2243. When a petitioner alleges unlawful immigration detention and
23 seeks immediate judicial review, 28 U.S.C. § 2243 mandates prompt action: the Court must
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1 either award the writ or issue an Order to Show Cause without delay. If an OSC is issued,
2 Respondents must file a return “within three days unless for good cause additional time, not
3 exceeding twenty days, is allowed.” 28 U.S.C. § 2243.

4 21. Habeas corpus is “perhaps the most important writ known to the constitutional
5 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
6 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).¹ “The application for
7 the writ usurps the attention and displaces the calendar of the judge or justice who entertains it
8 and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*,
9 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

10 22. Petitioner is “in custody” for the purpose of § 2241 because they were arrested
11 and remain detained by the Respondents.

12 **PARTIES**

13 23. Petitioner LARICIA AKUM UFERK is a citizen of CAMEROON who has been
14 in immigration detention since September 23, 2025. Petitioner entered the United States on or
15 about September 23, 2025, and has since resided and remained detained at the IMPERIAL
16 REGIONAL DETENTION FACILITY in Imperial, CA.

17 24. Respondent Daniel BRIGHTMAN is the Director of the San Diego Field Office
18 of ICE’s Enforcement and Removal Operation division. As such, Daniel Brightman is
19 Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is
20 named in his official capacity.

21 25. Respondent Markwayne MULLIN is the Secretary of the Department of
22 Homeland Security. He is responsible for the implementation and enforcement of the
23 Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s
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1 detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official
2 capacity.

3 26. Respondent Department of Homeland Security (DHS) is the federal agency
4 responsible for implementing and enforcing the INA, including the detention and removal of
5 noncitizens.

6 27. Respondent Todd Blanche is the Attorney General of the United States. He is
7 responsible for the Department of Justice, of which the Executive Office for Immigration Review
8 and the immigration court system it operates is a component agency. He is sued in his official
9 capacity.

10 28. Respondent Jeremy Casey is employed as Warden of the IMPERIAL REGIONAL
11 DETENTION FACILITY, where Petitioner is detained. HE has immediate physical custody of
12 Petitioner. HE is sued in HIS official capacity.

13 **CLAIM FOR RELIEF**

14 ***Violation of Fifth Amendment Right to Due Process***

15 29. Petitioner re-alleges and incorporates by reference the paragraphs above as though fully
16 set forth herein.

17 30. The Due Process Clause of the Fifth Amendment forbids the government from depriving
18 any “person” of liberty “without due process of law.” U.S. Const. amend. V. The Fifth
19 Amendment forbids deprivation of liberty without notice and a meaningful opportunity to be
20 heard before a neutral decision maker. Due process protects all persons within the U.S.
21 regardless of legal status. *Zadvydas v. Davis*, 533 U.S. 678, 698 (2001) A vital liberty interest
22 is at stake when an individual is subject to detention by the government. According to
23 *Zadvydas*, the government may only deprive a non-citizen of physical liberty when it serves a
24 legitimate purpose, commonly understood to include securing one’s appearance at future

1 hearings.

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3 31. Petitioner has been detained by Respondents for over six months. Petitioner's prolonged
4 detention is not likely to end in the reasonably foreseeable future. Petitioner currently
5 awaits a briefing schedule and a transcript of her proceedings, to be provided by the BIA,
6 in order to present her brief on appeal. Petitioner intends to challenge the constitutionality
7 of the pretermission of her application for asylum. There is no anticipated date for receipt
8 of her briefing schedule. Where, as here, removal is not reasonably foreseeable, detention
9 cannot be reasonably related to the purpose of effectuating removal and thus violates due
10 process. *See Zadvydas*, 533 U.S. at 690, 699–700.

11 32. Applying the long-standing precedent of *Mathews v. Eldridge*, 424 U.S. 319
12 (1976), Petitioner's liberty interest is paramount, and the risk of erroneous deprivation is extreme
13 because she has been denied any venue to seek release.

14 33. The court should further consider the factors of *Banda v. McAleenan*, 385 F.
15 Supp. 3d 1099, 1106 (W.D. Wash. 2019), which consist of the following: (1) the total length of
16 detention to date; (2) the likely duration of future detention; (3) the conditions of detention; (4)
17 delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings
18 cause by the government; and (6) the likelihood that the removal proceedings will result in a
19 final order of removal. Petitioner has been detained for six months, and will remain detained
20 indefinitely while she seeks review of her asylum denial by the BIA, and the Ninth Circuit, if
21 necessary. Petitioner has caused no delay in her removal proceedings, while her case currently
22 has been in an administrative standstill for nearly two months, since she has filed her Notice of
23 Appeal. The likelihood of Petitioner's removal proceedings are speculative, given that the
24 Asylum Cooperative Agreements under which Petitioner's asylum application was denied is
currently being challenged in ongoing federal litigation.

28 U.S.C. § 2242 VERIFICATION STATEMENT

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2 I am submitting this verification on behalf of the petitioner because I am the Petitioner's
3 attorney. I have discussed with the Petitioner the events described in this Petition and Complaint.
4 On the basis of those discussions, I hereby verify that the statements made in this Petition and
5 Complaint are true and correct to the best of my knowledge.

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7 DATED: April 13, 2026

8 /s/ Victor E. Hernandez
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12 Attorney for Petitioner
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