

Waad Salam Alkhafaji

NAME

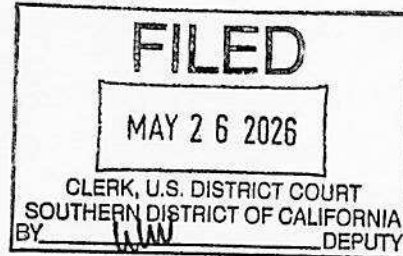
PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Road, Calexico, CA 92231

ADDRESS



United States District Court
Southern District Of California

Waad Salam Alkhafaji

(FULL NAME OF PETITIONER)

Petitioner

v.

Mark Wayne Mullen, Jeremy Casey

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

Respondent

and

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

Civil No.

'26CV2262 RBM BJW

(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): _____

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: _____
Clerk of US District Court Southern District of California
- (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: _____

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 5 was "No," explain why you did not appeal: _____

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: _____

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: I have been granted Deferral of Removal under CAT, and the likelihood of my removal in the near foreseeable future is low. ICE has not provided any justification for my continued custody, even after my Court proceedings were over and the appeal deadlines is past.

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

There's no significant likelihood that I'll be removed in the reasonable foreseeable future. I was granted Deferral of Removal under Article 3 of the Convention Against Torture. No alternative country was designated in this Removal Order. My Deferral of Removal status prevents me from being deported to my country of origin, which is the Iraq. Deferral of Removal had not been terminated, and ICE had taken no steps forward effectuating my removal. Even after detaining me for over 5 months ICE still failed to produce evidence of pre-detention determination. ICE have not identified any factual change in circumstance that makes my removal significantly likely in the reasonable foreseeable future. The only permissible avenue for the government to deport me is a removal to a third country, which is historically rare and will more than likely take a significant amount of time. As remedy, I request for my immediate release, an injunction restricting ICE' ability to re-detain and remove me in the future.

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

☐ Yes ☒ No

GROUND TWO: I had entered the country legally and remained in the United States in lawful status the entire time

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

I had entered the country legally in March 1993 at the age of 2 with my parents and we were granted refugee status in August of 1993. I had remained in the country legally and have had maintained the legal permanent status until its revocation in January 2026, when I was already in custody.

In November 2025 I was pulled over by the Glendale police and taken to Glendale County Jail on the charges of violating a protective order; charges were dismissed on the same date at the request of my fiancée. I have come into ICE custody from Glendale county jail through an ICE detainer. Soon after Ice initiated the revocation process for my permanent resident status due to my prior criminal convictions.

I have served the time, completed community supervision and stayed crime-free and employed, stayed out of prison 3 years and have redeemed myself to the public, and do not present a danger to the community.

On 02/24/2026 the Immigration court has granted my request for CAT- Deferred Action, on the grounds of my conversion to Christianity and my sexual orientation, which means that I might be admitted into the country and remain here. Additionally, the likelihood of my removal in the foreseeable future is low. However, I had remained in ICE custody, even though the government has not appealed the court's decision and has not provided any further justification for my continued custody.

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

☐ Yes ☐ No

GROUND THREE: My family needs me, and my continued custody is having negative effects on my physical and mental health

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

Prior to my detention, my fiancée Dinalee was a stay-at-home mom and was able to take care of our 4 kids while I worked and provided for the entire family. Now she has to work 2 jobs in order to be able to afford rent, bills, food, clothes, schools supplies, and other living expenses on her own for herself and our kids. My oldest son [REDACTED] had to stop attending regular high school and switch to online school in order to be able to babysit his younger sister, our daughter [REDACTED], because their mother has to be at work.

Furthermore, I have asthma and require an access to an inhaler at all times, which the facility medical staff have refused to provide, and only allow it during certain hour. This has already led to a few episodes of emergency, which the facility failed to address immediately. In addition to that, remaining in custody has taken a significant toll on my mental health, leading to a sleep disorder and depression.

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

☐ Yes ☐ No

GROUND FOUR: _____

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

(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:

n/a

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:

(a) In any post-conviction proceeding n/a

(b) On appeal from any adverse ruling in a post-conviction proceeding n/a

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

5-24-2026

(DATE)



SIGNATURE OF PETITIONER