

UNITED STATES DISTRICT COURT

for the Southern District of California

BEJTOWAL TEMESGEN

Petitioner

v.

CHRISTOPHER J. LAROSE

WARDEN, OTAY MESA DETENTION CENTER

Respondent

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

Case No. '26CV2309 BJC BJW (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: BEJTOWAL TEMESGEN SISAY (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, CALIFORNIA, 92154.
3. (c) Your identification number: [redacted] Are you currently being held on orders by: [x] 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: [x] 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: OTAY MESA IMMIGRATION COURT, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA, 92154

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

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

PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATING MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.

(d) Date of the decision or action: 09/08/2025

**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: \_\_\_\_\_

N/A

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: \_\_\_\_\_

N/A

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: \_\_\_\_\_

N/A

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: \_\_\_\_\_

N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?


Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 09/08/2025
- (b) Date of the removal or reinstatement order: 03/11/2026
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

- (1) Date of filing: 03/18/2026
- (2) Case number: 
- (3) Result: PENDING
- (4) Date of result: PENDING
- (5) Issues raised: I argued the order of the Immigration judge who ordered me to be removed to Uganda. I argued convincing argument has at why i cannot be removed to Uganda this case is currently pending with the BIA.

(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: PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATING MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.**

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 Do not cite cases or law)*:

I have been detained for 7months without given a bond hearing by the government where they bear the burden of proof that i am at flight risk and that my continued prolonged detention is necessary. This in clear violates my fifth amendment right to due process as an alien present in the United States. My detention is over 6months which it has potential merits and should not be subjected to summary dismissal Civil immigration detention is constitutional only when it bears a reasonable relation to its purpose.

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

Yes  No

**GROUND TWO: UNFORESEEABLE REMOVAL**

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

On the March 11, 2026 i was ordered to be removed to Uganda which is not my home country. i was given this order before my Individual merits hearing where i had to prove that my home country (Ethiopia) was not safe for me to return to. This case is currently pending before the BIA on very strong merits if the result from the BIA is not favorable i will appeal with the Ninth Circuit if its not favorable then to the Supreme Court. This could take a very long time which means my detention is effectively indefinite, hence, my removal is reasonably unforeseeable.

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

Yes  No

**GROUND THREE: VIOLATION OF MY EIGHT AMENDMENT RIGHT SECURING THE RIGHT OF A DETAINEE FOR HUMANE AND CONSTITUTIONAL STANDARDS AND DETENTION IN SANITARY AND SAFE CONDITIONS**

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

The poor sanitary and housing conditions i am experiencing in the Otay Mesa Detention center whilst my prolong detention, along with the diet insufficient in vitamins(in absence of fresh fruits, vegetables or meat in the meals) affects my health and mental conditions. This can be explained by the fact that the mentioned facility and its policies were not designed for keeping the detainees in custody for such a long period of time. The totality of the circumstances violates my eight amendment right to humane and constitutional standards.

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

Yes  No

**GROUND FOUR: LESS RESTRICTIVE ALTERNATIVES TO DETENTION EXIST**

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

I, Petitioner is willing to comply with any conditions of release, including supervision or parole. Continued detention is not the least restrictive means of ensuring compliance.

(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: ALL GROUND WERE PRESENTED

**Request for Relief**

15. State exactly what you want the court to do: I RESPECTFULLY REQUEST THAT THIS HONORABLE COURT;

1) Grant my petition for a Writ of Habeas Corpus

2) Order respondents to Immediately release petitioner from detention or;

3) In the alternative order respondents to provide a prompt bond hearing at which the government bears the burden of justifying continued detention. (4) Grant any other relief the court deems just and proper.

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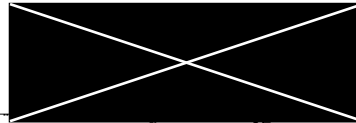
**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

04-05-2026

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: 04-05-2026

A black rectangular box with a white 'X' drawn across it from corner to corner, used to redact the signature of the petitioner.

*Signature of Petitioner*

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