

ASONGANYI PETER

NAME

PRISON NUMBER

**FILED**  
APR 10 2026  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY \_\_\_\_\_ DEPUTY

Imperial Regional Detention Facility.

PLACE OF CONFINEMENT

1572 Gateway Rd Calexico CA

ADDRESS

**United States District Court  
Southern District Of California**

ASONGANYI PETER

(FULL NAME OF PETITIONER)

**Petitioner**

v.

WARDEN 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. '26 CV2307 CAB 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): Immigration detention / detainee

2. Are you currently being held on orders by:

- Federal authorities
- State authorities
- Other - explain:

Immigration detention

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: DHS Chief Counsel  
2409 La Brucherie Road Sect #3 Imperial CA 92251

(b) Case number, docket number or opinion number (if you know): ~~XXXXXXXXXX~~

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): ICE Detention Custody  
BOND / PAROLE

(d) Date of the decision or action: December 18, 2024 (The date I was detained and denied parole)

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: I did not appeal because it was futile that ICE had already made a decision.

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 6 was "No," explain why you did not appeal: I did not appeal because it was futile

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: It would be futile  
\_\_\_\_\_  
\_\_\_\_\_

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 detained for over six months. Courts in the Ninth Circuit have recognized the six months bright line NIS. In total, I have been detained for 15<sup>th</sup> months.

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

The approach adopted by the United State Court of appeal for the Ninth Circuit is to apply a bright line NIS to cases of mandatory detention where the government statutory mandatory detention authority is limited to a six months period subject, so a finding of flight risk or no significant likelihood of removal in the reasonable foreseeable future;

I crossed the border near Calexico port of entry and have been in detention since December 18<sup>th</sup>, 2024  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

GROUND TWO: I am not a flight risk or danger to the society.

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

I have a sponsor who will ensure that I attend all my Immigration Court proceedings, she will take care of me and make sure that I attend all my court proceedings. She is ready and willing to sponsor me if released and provide me with housing, clothing, finance and as well take good care of my medical condition. I have been having itching for several months, and must importantly support me with my immigration case, ensuring that I am compliant and have access to the resources necessary to follow through with the requirements of ICE and the Immigration Court.

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

Yes  No

**GROUND THREE:** My detention has become unconstitutionally prolonged and violates the Fifth Amendment of the Constitution.

(a) **Supporting FACTS** (state briefly without citing cases or law): It is well settled that the Fifth Amendment entitles aliens to due process in deportation proceedings. The due process clause applies to all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary or permanent. More than a decade ago in the Zadvydas decision the United States Supreme Court signaled its concerns about the constitutionality of a statutory scheme that ostensibly authorized indefinite detention of non-citizens. Two years later, when the Court upheld the constitutionality of 8 U.S.C. § 1226(c) in the Demore decision it emphasized that, for detention under state to be reasonable, it must be for a brief period of time. Justice Kennedy explained in his concurrence in the Demore decision that were there to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings, it could become necessary then to inquire whether the detention is not facilitate deportation or to protect against risk of flight or dangerousness but to incarcerate for other reasons.

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

Yes  No

**GROUND FOUR:** There is no significant likelihood of my release from detention in the near future.

(a) Supporting FACTS (state briefly without citing cases or law): After having masters Calender hearing, the Immigration Judge ordered my removal by the July 10, 2025. I appealed the IJ decision to the BIA on July 24, 2025 which can take about six months for the results. mine have been eight (8) months no results. There is a likelihood that the BIA could adjudicate my case and give me an opportunity to be heard and to present my case since I haven't had that opportunity yet. If the ninth circuit which could take two (2) years or longer, I have never been called or spoken to concerning my release from detention since I was taken into custody.

The condition of my confinement has been affecting me mentally, emotionally, psychologically and health wise. Most of the time I am in great distress and deeply depressed I have been itching for several months this put me in grave depressed. there is no access to internet and I am disconnected from the world with little or no communication with my family and love ones, limited access to recreational time and activities.

(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:

None of these grounds were presented to any State or Federal Court petitioner is presenting these ground for the first time to this court.

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. I pray that this court grants me release or in the alternative a bond hearing in front of the immigration judge.

\_\_\_\_\_  
SIGNATURE OF ATTORNEY (IF ANY)

I declare under penalty of perjury that the foregoing is true and correct. Executed on

April 03, 2026

(DATE)



\_\_\_\_\_  
SIGNATURE OF PETITIONER