

BINIYAM MITIRU DEJU

FILED

APR 13 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

Imperial regional detention facility
PLACE OF CONFINEMENT

1572 Gate way road, Calexico, CA 92231
ADDRESS

United States District Court
Southern District Of California

BINIYAM MITIRU DEJU
(FULL NAME OF PETITIONER)

Petitioner

v.

Warden Teremy 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 CV2329 AGS VET
(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:

DHS

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: Immigration Court, Imperial
2409 La Bruquerie Road, Calexico, CA 92251

(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: 01/06/2025

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: _____

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

- (b) If your answer to 5 was "No," explain why you did not appeal: I did not file an appeal because it would be futile.

☐ Yes ☒ No

- (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: I did not file for an appeal because 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 being detained for over six months
courts in the Ninth circuits have recognized
the six months bright line rule.

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

I have been currently detained for over
15 months with no bond hearing courts in
this circuit have recognized a six months
"presumptively reasonable period of detention"
After which "the alien is eligible for conditional
release if he can demonstrate that there is "no-
significant likelihood of removal in the reason-
able foreseeable future." Clark v. Martinez,
543 U.S. 371, 378, 125 S.Ct. 716, 160 L.Ed.
2d 734 (2005) (quoting Zadivas, 533 U.S
at 701)

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

☐ Yes ☒ No

GROUND TWO: The conditions of confinement

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

The condition of my confinement has been affecting me emotionally, mentally and psychologically as a matter of fact I was diagnosed with high blood pressure months ago here in detention because of stress which I am taking two medication (atenolol 50mg and lisinopril 40mg) every morning. months ago I had surgery in San Luis detention center in a room and the doctor took out growth tissues from my back body which till today I do not know the result pathology. I have been having multiple black marks all over my body and they gave me cream at San Luis after using it was not working the doctor said he will order me to go to see a specialist but nothing was done and later I was transfer at imperial regional detention facility and when I complain about my condition here the doctor said they do not have a doctor for my condition. I am really stress about my health especially my body in which I have many marks I do not have solution for it because I am in detain. If am release I want go to the hospital to check my health properly as I have a sponsor take care of all the bills. please help me judge I have medical record.

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

☐ Yes ☒ No

GROUND THREE: fifth Amendment

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 person 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(i) in the Demore decision it emphasized that for detention under that statute 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, 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 removal in the nearest future

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

After a year and several court proceedings the immigration Judge ordered my removal on 01/14/2026 I am currently writing a decision from BIA which will take 8-10 months even after an adverse decision I can appeal to the ninth circuit which could result in further prolonged detention that could stretch to a year or more. I have never been called or spoken to concerning my release from detention since I been taken into custody.

(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:

I have never had an opportunity to present them in federal or state 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 the Court grant my release or
in the alternative provide me with a bond
hearing in front of an immigration judge.*

SIGNATURE OF ATTORNEY (IF ANY)

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

04/08/2026

(DATE)



SIGNATURE OF PETITIONER