

HERMDAL TEKALI ZERAY

NAME



PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Road, Calexico CA 92231

ADDRESS

FILED

APR 10 2026

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

United States District Court
Southern District Of California

HERMDAL TEKALI ZERAY

(FULL NAME OF PETITIONER)

Petitioner

v.

WARDEN TEREY 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. '26CV2344 RBM DEB

(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 in Imperial
2409 La Boucherie Road Imperial, CA 92251

(b) Case number, docket number or opinion number (if you know): [REDACTED]

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

detain me on March 03, 2025

(d) Date of the decision or action: March 03, 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: _____

- (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

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: I did not
file an appeal because it would be 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: 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 more than 13 months
Courts in the Ninth Circuits have recognized
the six month bright line rule.

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

I have been currently detained for over 13
months with no bond hearing courts in this
Circuits have recognized a six-month "Presumptively
reasonable period of detention" after where
"the alien is eligible for conditional release if
he can demonstrate that there is no significant
likelihood of removal in the reasonable foreseeable
future." Clark V. Martinez, 543 U.S. 371, 378
125 S.Ct 716, 160 L.Ed 2d 734 (2005) (quoting)
Zadvydas, 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):

I have a sponsor who is a United States citizen and he is law abiding. He will always make sure that I attend all my Immigration court Proceedings. He is a taxpayer who is gainfully employed and he is willing to accommodate me and take care of my basic needs throughout my Immigration Proceeding. And also the condition of my confinement has been affecting me mentally, emotionally, psychologically and physically most times. I am deeply depressed as I have difficulties communication to my family and loved ones.

The conditions of my confinement are similar to conditions in a penal confinement

(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 that 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(e)
in the demore decision. It emphasized that for
detention under the 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 a Naturalisation service
in pursuing and completing deportation proceedings.
It could become necessary then to inquire whether the
detention is not to 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):

There is significant likelihood of my future detention given that on 12/1/2020 the immigration judge granted my Asylum application. The DHS however decided to appeal the Judge's decision. Under normal circumstances, I would have been released just like others who are similarly situated as me. Due to an unjustified decision by the DHS to appeal, there is significant likelihood that this process will be dragged out resulting in further prolonged detention in further violation of my due process rights. Assuming the DHS prevails, I have a strong basis to appeal any adverse decision to the BIA and I can subsequently appeal to the Ninth circuit. All told, I am facing prolonged detention of potentially over 2 years given the current circumstances that I am faced with. (Please see order of Immigration Judge)
Exhibit A

(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:

There is no Pending Presented ground in any court the Petitioner is Presenting these grounds 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 I am granted release or in the alternative a bond hearings in front of the Immigration Judge.

N/A
SIGNATURE OF ATTORNEY (IF ANY)

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

April 07, 2026
(DATE)



SIGNATURE OF PETITIONER

HERMON TEKALI ZERAY



1572 Gateway Rd
Calexico California 92231

Clerk of U.S. District Court
Southern District of California
333 W. Broadway, Suite 420
San Diego CA 92101

Please See Attached

- Petition Under 28 U.S.C 2241 For Writ Habeas Corpus in the United States District Court Southern District of California
- Motion for Appoint of counsel
- Application to proceed in district court without prepaying fees or costs (short form)

Respectfully Submitted,

HERMON TEKALI ZERAY

April 07, 2026

