

Rizat Abrha Hagos
NAME

~~XXXXXXXXXXXXXXXXXXXX~~
PRISON NUMBER

IRDF
PLACE OF CONFINEMENT

1572 Getaway Rd Calexico, CA 92231
ADDRESS

FILED
APR 13 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DDC DEPUTY

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

Rizat Abrha Hagos
(FULL NAME OF PETITIONER)
Petitioner

Civil No. '26CV2365 JO SBC
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

v.

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

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

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

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): _____

(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: N/A
- (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: _____

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: N/A
- (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: Violation of the Due process Clause of the fifth Amendment to the U.S. Constitution procedural Due process

(a) Supporting FACTS (state *briefly* without citing cases or law) The Due process Clause of the fifth amendment forbids the gov't from depriving any "person" of liberty "without due process of law" U.S. Const. amend. V. Petitioner has a vested liberty interest in his release from immigration ~~into~~ custody. Due process does not permit the gov't to strip him of that liberty without a hearing before a neutral adjudicator. See Morrissey, 408 U.S. at 487-488

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

Yes No

GROUND TWO: Violation of the due process clause of the fifth amendment to the U.S Constitution. Substantive Due process

(a) Supporting FACTS (state briefly without citing cases or law): I, Petitioner, re-allege and incorporate by reference the paragraphs above. The Due process Clause of the fifth Amendment forbids the government from depriving any individuals of their right to be free from unjustified deprivation of liberty. U.S. Const. Amend. V. Due process does not permit the gov't to strip petitioner of liberty without it being tethered to one of the two Constitutional bases for civil immigration detention: to mitigate against the risk of flight or to protect the community from danger. Civil detention that is unrelated to a civil detention that is unrelated to a valid regulatory purpose or excessive in relation to that purpose is punitive, in violation of substantive due process. See Jones, 393 F.3d at 934. Additionally, has never committed any crime anywhere in the world and that he has a community tie as he has siblings and many other people from his community. He poses no danger to the community. The Gov'ts arrest of petitioner is untethered from any valid basis for civil immigration detention, is excessive in relation to any risk that does exist, is a clear danger to his health due to his preexisting health condition and is therefore punitive in violation of substantive due process. Petitioner's continued detention is unlawful and violates due process

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

Yes No

GROUND THREE: Arbitrary and Capricious Agency Action (APA, 5 U.S.C. § 706)

(a) Supporting FACTS (state briefly without citing cases or law): Petitioner re-alleges and incorporates by reference the paragraphs above. Respondents DHS & ICE acted arbitrarily, capriciously, and contrary to law when they detained petitioner and failed to consider the totality of his immigration history, his health condition and his eligibility for asylum and for withholding of removal and for relief under the Convention Against Torture. By detaining petitioner shortly after he entered into ^{the country} ~~country~~ and keeping him in detention thereby restricting his sufficient access to his attorney, access to medical evaluation and the ability to gather his evidences to support his claim. Respondents acted in a manner that was arbitrary, capricious, and an abuse of discretion, in violation of 5 U.S.C. § 706(2)(A) that warrants judicial correction under the APA and the Constitution

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

Yes No

GROUND FOUR: Violation of 8 U.S.C § 1226(a), Unlawful Denial of Bond Hearing

(a) Supporting FACTS (state briefly without citing cases or law): Petitioner is alleged as having entered the U.S. without inspection, 8 U.S.C § 1182(a)(6)(A)(i). Petitioner is denied release by the Dept of Homeland Security (DHS) and would seek a bond hearing before an IJ. However, such request is futile because the IJ will hold that he/she lacks jurisdiction over the bond hearing based on new EOIR policy that all persons who entered without inspection are deemed applicants for admission to the United States and are ineligible for bond hearings based on the Immigration Statute, 8 U.S.C § 1225(b)(2)(A). Section 1225(b)(2)(A) states that an applicant for admission seeking admission shall be detained for a removal proceeding. It is the position of the executive office for Immigration Review (EOIR), which houses both the BIA and IJs, that 8 U.S.C § 1225(b)(2)(A) applies to all individuals who arrived in the United States without documents, regardless of how long they have lived in the United States and regardless of how far they were apprehended from the border. However, § 1225(b)(2)(A) does not apply to non-citizens, like myself, the petitioner, who is in the United States who are subject to the ground of inadmissibility because they previously entered the Country without being admitted or paroled. Instead, such non-citizens are subject to detention under a different statute § 1226(a), and eligible for release on bond. Nevertheless, on July 31, 2025, ICE "in coordination with DOJ, announced a new policy that rejected well established understanding of the statutory framework and reversed decades of practice. The new policy entitled "Interim Guidance of the Regarding Detention Authority for Applicants for Admission" claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). As such, I the petitioner, seek and order of declaratory and injunctive relief and set aside relief under the Administrative procedure Act requiring that he be provided a bond hearing before the IJ

(b) Did you present Ground Four in all appeals that were available to you? hearing before the IJ

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:

My (petitioner's) Asylum appeal brief has not yet been submitted however, I intend to further present all of the above ground on my appeal brief.

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 _____

(b) On appeal from any adverse ruling in a post-conviction proceeding I only have an attorney who filed my notice of appeal to challenge an Immigration Judge's decision deny application for asylum and for withholding of removal and for relief under CAT
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

04-10-2026

(DATE)



SIGNATURE OF PETITIONER