

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

FILED

APR 15 2026

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

Mohammad Khazaei

Petitioner

(the name under which you were convicted)

v.

Christopher J, Larrose, Patrick Divver,  
Todd M, Lyons, Kristi Noem,  
Pamela Bondi

Case Number:

'26CV2408 CAB SBC

**PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241**

**Personal Information**

1. (a) Your full name: Mohammad Khazaei  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Otay Mesa Detention Center  
(b) Address: 7488 - Calzada De La Fuente - San Diego, CA - 92154  
(c) Your identification number: A#: [REDACTED]
3. Are you currently being held on orders by:  
☒ Federal authorities    ☐ State authorities    ☐ Other - explain:  
ICE
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 \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☒ 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: Otam Mesa Detention Center

7488 - Calzada De La Fuente - San Diego, CA - 92154

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

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

1. Unlawful prolonged detention. 2. Indefinite and uncertain end to this detention.

3. Defiance of the spirit of the Writ of Habeas Corpus

4. Poor physical health status. 5. Poor mental health status. 6. Poor detention conditions

(d) Date of the decision or action: From March 25, 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 \_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

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- (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: \_\_\_\_\_

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: \_\_\_\_\_

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11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: March 25, 2025

(b) Date of the removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

☒ Yes ☐ No

If "Yes," provide:

(1) Name of court: Immigration Court OMDC

(2) Date of filing: April 6, 2026

(3) Case number: \_\_\_\_\_

(4) Result: Appeal for cort decision

(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: Petition for a Writ of Habeas Corpus

(b) Name of the authority, agency, or court: Habeas Corpus

(c) Date of filing: January 29, 2026

(d) Docket number, case number, or opinion number: 26 - cv - 668 - JO - BJW

(e) Result: Do not answer petition

(f) Date of result: 02/04/2026

(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.

**GROUND ONE:** Unlawful prolonged detention

I have remained in continuous detention more than 1 years.

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

Besides, it is not definite and certain that how much longer I will be kept in detention.

My immigration proceeding are finished, and I fear from being returned to Iran because of persecution and torture. I surely appeal that decision to " BIA " wich wil result in prolongation of my detention.

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

☐ Yes ☐ No



**GROUND TWO:** Defiance of the order of Habeas Corpus and not answer

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

Although the Writ of Habeas Corpus not answer my request and do not bond hearing for me,

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

☐ Yes

☐ No

**GROUND THREE:** Poor physical health status:

Severe hair - loss, sever skin problem; Deterioration of eyesight.

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

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

☐ Yes

☐ No

**GROUND FOUR:** Poor mental health status;

General Anxiety; Panick Attack; Nervous twitches (eyelidd, leg, neck)

Depression; Nightmare; Sudden bursts of crying.

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

(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: Poor detention conditions:

1. Ill treatment, disregardfulness and disrespect towards detainees

2. Poor level of hygiene

3. Low quality of food

#### Request for Relief

15. State exactly what you want the court to do: \_\_\_\_\_

Based on foregoing, I respectfully request the Court to :

\* Issue a Writ of Habeas Corpus ordering Respondent to immediately releas me from ICE Custody;

\* Grant me a pro bono FEDERAL Lawyer.

PLEASE SEE ATTACHED



**Declaration Under Penalty Of Perjury**

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

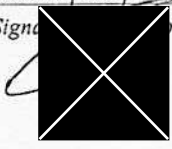
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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: April 10, 2026

  
Mohammad Khazaei

Signature of Petitioner

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

## MEMORANDUM

**Name:** Mohammad Khazaei

**Alien Registration:** 

**Detained in:** Otay Mesa Detention Center

**Address:** 7488 – Calzada De La Fuente, San Diego, CA - 92154

- My name is MOHAMMAD KHAZAEI, I was born in IRAN and I am a citizen of Iran and Turkey being about 10 years.
- I arrived in the U.S San Ysidro, port of entry on March 25, 2025.
- I dont have any Criminal Record.
- I am neither a flighet riskor danger to the community.
- I fear from being returned to Iran because of persecution and torture.
- I prepared my sponsor package.
- I have a sponsor in the U.S who can guarantee the payment of BOND and all my living expenses and provide me with food, housing and other necessities.
- I have cooperated with " ICE " in the following ways:
  1. Giving the information about my country of birth.
  2. Being transparent about my citizen ship.
  3. Providing my fingerprint and other identification document.
  4. Providing travel document (Valid Passport)
- I took " CFI " (credible fear interview) on May,2025 after being 2 months in detention; then my CAT interview was scheduled for Oct, 2025, and then my first master hearing was schuled for Agu, 2025. **NOTABLY**, I had attended two sessions of final hearing that my Immigration Judge was changed, the next session of final hearing was for March 26, 2026 ended on that date. They give me CAT positive and negative final, I will surely appeal that decision to the BIA wich will result inprolongation of my detention.
- I have experienced both MENTAL & PHYSICAL problems in detention:  
Hair-loss & Deterioration of Eyesight and Severe skin problems  
Panic-Attack, Anxiety Disorder, Nervous twitches (Eyelid, leg, neek), Depression,  
Nightmare and Sudden brusts of Crying.
- The last time that my petition for Writ of Habeas Corpus was deniel, they dont answer my petition I have all my sponsor package ready and prepared; for this reason I request the court to order that Respondents immediately releas me from detention.

Respectfully, submitted

Date: April 10/2026

Signature:  Mohammad Khazaei  
