

BEZERRA DA SILVA MAGNO
NAME

~~XXXXXXXXXX~~

PRISON NUMBER

IMPERIAL REGIONAL DETENTION FACILITY
PLACE OF CONFINEMENT

1572 GATEWAY RD. CALEXICO, CA 92231
ADDRESS

FILED
APR 15 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

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

BEZERRA DA SILVA MAGNO
(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. '26CV2410 DMS SBC

(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:

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 and Custom Enforcement, 1564 Gateway Rd. Imperial Ca.
(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): Immigration and Custom Enforcement's decision to keep me detained regardless I'm not a recent entrant.
(d) Date of the decision or action: 01/22/2026

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: No appeal Available. Any appeal 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 6 was "No," explain why you did not appeal: No appeal Available. Any appeal 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: No appeal Available. Any appeal 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 am detained under 1226(a), not 1225(b), because I was not arriving or seeking admission when I was arrested by ICE since I'm not a recent entrant.

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

I came to United States of America on 04/24/2024 and was paroled by Immigration and Customs Enforcement after six days of being in detention. I have lived in USA for two years and I have no criminal record, I'm law abiding and will always be if released from detention. On 01/22/2026 I was driving a van in California when Immigration and Customs Enforcement's agents stopped me and forced me out of the van and brought me to Imperial regional detention facility where I was detained to this date. My continued detention without a bond hearing violates the Immigration and Nationality Act and the fifth Amendment of the Constitution.

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

Yes No

GROUND TWO: I am entitled to due process under the fifth Amendments of the the united States 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 State Supreme Court signaled it's concerns about the constitutionality of a statutory scheme;

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 _____

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

04/09/2026

(DATE)



SIGNATURE OF PETITIONER