

Amos nKongolo Mubanga

PRISON NUMBER

Imperial Regional detention facility

PLACE OF CONFINEMENT

1572 Gateway Rd

ADDRESS

Calexico, California 92231

FILED
APR 16 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [Signature] DEPUTY

United States District Court
Southern District Of California

Amos nKongolo Mubanga

(FULL NAME OF PETITIONER)

Petitioner

Civil No.

'26CV2565 JO AHG

(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.

I. 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:

Immigration Detention

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: Imperial Immigration Court  
2409 La brucherie rd, Imperial, 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): I requested a bond hearing on April 15, 2025  
(see exhibit A)

(d) Date of the decision or action: April 15/2025 (see Exhibit A)

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 6 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  
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 been detained for over 6 months  
and my detention up to date is 14 months

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

The approach adopted by the United States  
Court of Appeals for the Ninth Circuit is to  
apply a bright-line rule to cases of  
mandatory detention, authority is limited to  
a 6 months period, subject to a finding  
of flight risk or dangerousness.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

**GROUND TWO:** I am not a flight risk or danger to the society

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

I have a sponsor who will ensure that I will attend all my immigration court hearings and is a lawfully abiding green card holder who has been here for a long time and is willing to accomodate me through out my immigration court hearing

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

Yes  No

**GROUND THREE:** I am entitled to due process under the fifth amendment of 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 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(b), 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 an unreasonable delay by the INS 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 removal in the foreseeable future

(a) **Supporting FACTS** (state briefly without citing cases or law): The duration of my current detention has been unreasonably prolonged and there is a reason to anticipate significant future detention during my immigration proceedings. Up to date I have been detained for 14 months. I am currently on appeal and I intend to file an appeal in the Ninth circuit if I receive an adverse decision. In total, I could be possibly in detention for the next two years.

Conditions of confinement - The conditions of confinements have been affecting me psychologically, mentally and physically. We have been restricted to outdoor space, forbidden to internet access and connect to loved ones and restricted on visitations. Also I want to let the court know that I take medication for blood pressure.

(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:

None of these grounds were presented to any state or federal court. 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 respectfully request release or in the alternative a bond hearing in front of the Immigration Judge*

SIGNATURE OF ATTORNEY (IF ANY)

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

4/8/2026

(DATE)



SIGNATURE OF PETITIONER