

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

Anton Fertikh

NAME

PRISON NUMBER

Imperial Regional Detention Facility

PLACE OF CONFINEMENT

1572 Gateway Road.

ADDRESS

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

Anton Fertikh

(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. '26CV2448 LL VET

(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:
U.S. Department of Homeland Security (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 Imperial, California 2409 La Brucherie Road 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): ICE Custody Determination (See Exhibit B)

(d) Date of the decision or action: 01/13/2026

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: I did not appeal because it was futile. Neither the Immigration Court nor the BIA can consider constitutional questions and appealing my detention when they say don't have jurisdiction.

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 appeal because it was 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 appeal because it was 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 six months, the presumed limits for unlawful detention in this circuit. In total I have been detained for 17 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 where the Government statutory mandatory detention authority is limited to a six months period Subject to a finding of flight risk or dangerousness. I crossed the border near Calexico Port of Entry using CBP One and have been in detention since November 4, 2024.

(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 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 persons 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 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 (c) in the Demore decision it emphasized that for detention under that 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 on unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceeding, 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 not significant likelihood of my release from detention in the near future.

(a) Supporting FACTS (state briefly without citing cases or law): After 8 months the Immigration Judge ordered my removal on June 2, 2025. I appealed the IJ decision to the BIA on June 11, 2025. A decision was rendered on December 5th, 2025. I am currently appealing the decision to the Ninth Circuit. This process could take up two (2) years or longer.

I have never been Called or spoken to concerning my release from detention since I was taken into custody. The Condition of my confinement has been affecting me mentally, emotionally, psychologically and health wise. Most of the times, I am in great distress and deeply depressed.

I have difficulties with my memory I am stressed. There is no access to internet and therefore I am disconnected from the world with little or no communication to my family and loved ones.

When we go out for recreation, we are confined behind barbed wired fences with little space to move around.

(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.

N/A

SIGNATURE OF ATTORNEY (IF ANY)

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

4/14/2026

(DATE)



SIGNATURE OF PETITIONER