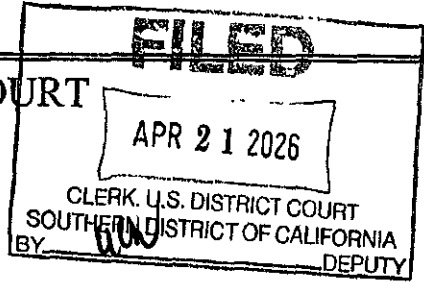


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the  
Southern District of California



VITALII POPOV  
Petitioner

v.  
WARDEN, OTAY MESA DETENTION  
CENTER, AND FIELD OFFICE DIRECTOR  
ICE SAN DIEGO FIELD OFFICE  
Respondent  
(name of warden or authorized person having custody of petitioner)

Case No. '26CV2519 BAS BJW  
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: VITALII POPOV

(b) Other names you have used: NONE

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:

3. Are you currently being held on orders by:

- Federal authorities       State authorities       Other - explain:

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 you: \_\_\_\_\_

(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)

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- 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: U.S IMMIGRATION AND CUSTOMS ENFORCEMENT SAN DIEGO FIELD OFFICE DMDC SAN DIEGO CALIFORNIA
- (b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~ (NO DOCKET NUMBER)
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
continued immigration detention without parole or release determination.
- (d) Date of the decision or action: 09.18.2025.

**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: Immigration Court OTAY MESA DETENTION CENTER Bond Hearing
- (2) Date of filing: NOVEMBER 17, 2025
- (3) Docket number, case number, or opinion number: A241380 0591 (NO DOCKET NUMBER)
- (4) Result: BOND REFUSAL
- (5) Date of result: NOVEMBER 17, 2025
- (6) Issues raised: TERMINATION OF UNLAWFUL prolonged detention and release from detention.

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: BIA
- (2) Date of filing: 12.3.2025
- (3) Docket number, case number, or opinion number: [REDACTED] / NO DOCKET NUMBER
- (4) Result: UNDER consideration
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: Challenging the outcome of the Bond hearing in immigration court on November 17, 2025

(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

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If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Date of filing: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

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

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

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

- Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

- Yes  No

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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: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (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: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_

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**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. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE:** PROLONGED AND EXCESSIVE DETENTION IN VIOLATION OF DUE PROCESS

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

I have been subjected to prolonged and excessive immigration detention in violation of the due process clause of United States Constitution. Although immigration detention is civil and not intended to be punitive, my detention has far exceeded any reasonable purpose. I have remained detained for more seven months.

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

Yes  No

**GROUND TWO:** NO SIGNIFICANT LIKELIHOOD OF REMOVAL IN THE REASONABLY FORESEEABLE FUTURE

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

In June 2025 a motion to reopen the federal appeal was filed

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

Yes  No

**GROUND THREE:** Illegal detention

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

Unlawful detention on September 18 2025, without prior notice and without presenting a warrant at the time of detention.

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

Yes  No

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**GROUND FOUR:** Long-term detention in the OTAY MESA DETENTION CENTER

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

The judges of the 9th Circuit of California found that the conditions of detention in the detention center are equivalent to prison conditions. My case is immigration, I do not pose a danger to society, which is confirmed by my more than a year and a half of residence in the United States without breaking 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:

I did not previously present these ground because I was detained, unrepresented, and lacked meaningful access to legal resources. I was unable to adequately understand or raise these constitutional claims earlier

**Request for Relief**

15. State exactly what you want the court to do: I respectfully request that the court order my immediate release from immigration detention, as my continued detention is excessive and no longer serves a legitimate civil immigration purpose. In the alternative, I request release under the least restrictive condition necessary, including supervision and electronic monitoring, to ensure compliance as the court deems appropriate.

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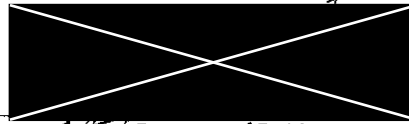
**Declaration Under Penalty Of Perjury**

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: 4.13.2026

A black rectangular box with a white 'X' drawn across it from corner to corner, used to redact the signature of the petitioner.

*Signature of Petitioner*

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