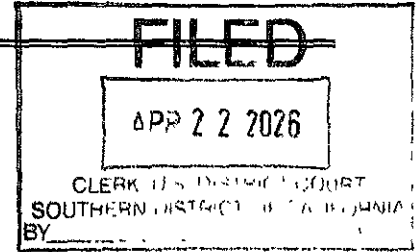


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



LI, KUN

Petitioner

v.

WARDEN , OTAY MESA DETENTION CENTER

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. '26CV2551 JO AHG
(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: LI, KUN
(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 CALIFORNIA 92154
- (c) Your identification number: A- NUMBER [REDACTED]
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 Department of Homeland Security ICE enforcement and removal Operation ,San Diego ,California

(b) Docket number, case number, or opinion number: unkown

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
continued immigration detention without release determination.

(d) Date of the decision or action: 12/23/2025

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 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: _____
- (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

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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: unlawful immigration detention and denial of release determination .

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 Do not cite cases or law.):*

i have been detained in ICE custody since ,December 23 ,2025 at olay mesa detention center .

i have not been granted bond ,and order of release or meaningful custody review ,i have no danger to the community and flight risk

reason: no administrative remedy for detention was available .

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

Yes

No

GROUND TWO:

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 Do not cite cases or law.):*

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

Yes

No

GROUND THREE:

(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

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GROUND FOUR:

(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: no administrative or judicial mechanism was provided to challenge detention before filing Habeas petition

Request for Relief

15. State exactly what you want the court to do: immediate release from detention under reasonable supervision ,bond or any less restrictive alternative to confinement .
and i am very respectfully requesting from the federal court to provide me a free lawyer to complete my petition .
and i am attaching my declaration at the next page of my petition .

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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:

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: 04,14,2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

DECLARATION OF : Li kun

date: 04/14/2026

I Li, Kun A #: 

hereby declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief.

I am currently detained in immigration custody at the Otay Mesa Detention Center in San Diego, California.

I am submitting this affidavit in support of my application for a habeas corpus order section

On Feb 18 2020, I entered the U.S with a valid B2 visa and submitted Form I-589 within a same year. Prior to this entry, I had multiple lawful entries into the U.S.

On Nov 11, 2021, I was involved in a traffic accident and was pressured by my attorney to plead guilty to a DUI charge.

I have substantial evidence demonstrating that the actual events of the incident differ from what was described in the police report. There are material inconsistencies in the official report that can be proven through evidence.

My former DUI attorney did not conduct any meaningful investigation, did not challenge the police statements, and did not attempt to bring the case tho trial. Instead, I was pressured to plead guilty at the hearing without a proper defense strategy.

Furthermore, my attorney did not advise me of the immigration consequences of pleading guilty to a DUI offense. I was never informed that a criminal conviction could negatively affect my immigration status.

A formal complaint has already been filed with the state Bar of California regarding the inadequate representation I received.

I am currently preparing to file a Motion to Vacate my DUI conviction based on ineffective assistance of counsel and failure to properly advise my of immigration consequences.

In this regard, my case is similar to *Padilla V. Kentucky*(2010), in which the United States Supreme Court held that defense counsel must advise a non-citizen client about the immigration consequences of a guilty plea. I believe my former attorney failed to meet this constitutional obligation.

Therefore, my DUI conviction is legally challengeable and should not be treated as a final or reliable basis for determining that I pose a danger to the community in my immigration proceedings.

On December 23,2025, while I was driving from San Diego back to Los Angeles, I was traveling along a smaller local road that runs parallel to Interstate 5. I noticed that the entrances leading onto Interstate 5 were blocked. As a result, I had no available access to the highway.

Due to the road configuration and traffic control at the time, I along with multiple other vehicles traveling on the same road, was directed toward what appeared to be an entrance gate to a military base. There were no alternative routes available to bypass the checkpoint.

I was stopped at the entrance gate of the base by military personnel and was subsequently detained for more than three hours before being transferred to ICE custody. I did not resist in any way.

The exact location where this occurred appears to be : 20253 Vandegrift Blvd, Oceanside, CA 92058

Before I was detained, military personnel requested my identification. While taking my ID and Employment Authorization Document (EAD), they asked me, "Which country did you come from?" They also specifically requested to see my EAD, which I believe is not a normal or routine request under ordinary circumstances.

After this interaction, I was detained for more than three hours and later transferred to ICE custody. The military facility is equipped with surveillance cameras. Despite the fact that I did not resist at any time, ICE later accused me of resisting arrest, which is not true.

Based on the questioning and the circumstances of the stop, I believe the detention felt

like racial profiling.

I was denied bond at my first immigration court hearing, The government attorney argued that my DUI record makes me a risk to society. But my lawyer didn't help me to defend this.

They disregarded the evidence I submitted, including proof of my involvement with the Mormon Church, testimony from my church leader, and documentation of my repeated platelet donations at the Red Cross in Los Angeles.

These materials demonstrate that I have completely stopped drinking and that I pose no risk to the community.

I request to be released without charges, I request the return of my identification and work authorization. I should not be required to wear a GPS monitoring device, and I request compensation for my losses.

I have an appointment of surgery  because of my vocal cord problem, it makes I can not speak.

Li Kun

March 3 2026

I would also like to point out that I submitted supporting documents showing that my DUI case has already been expunged. However, during my immigration bond hearing, the immigration judge did not take this into consideration and still denied my bond, while the government attorney continued to argue that DUI made me a danger to the community.

For this reason, I hope to seek an unconditional release through the habeas corpus case in federal court.

As mentioned earlier, I am also preparing to file a motion to vacate the DUI conviction because my former attorney failed to properly represent me and did not advise me of the immigration consequences of the guilty plea.

Asylum filing and USCIS Delay

I mailed my asylum application before my visa expired, although USCIS received it slightly late due to the disruptions during the COVID period when the mailing system was unreliable. My case remained with USCIS for 5 years without an interview being scheduled. From my perspective, I was following the proper legal Process and waiting for the government to act. It seems unfair that my case was suddenly shifted into ICE custody and removal proceedings simply because of the arrest, even though I had already been in the asylum process for years.

Circumstances of the Arrest

I was driving near a military base and was trying to return to Interstate 5 when I encountered a blocked entrance and was redirected toward a military gate. I presented a valid driver's license when stopped yet I was detained by military personnel for approximately three hours. Authorities later claimed that I refused arrest and resisted, but it is unclear what evidence supports this claim. If there is no clear proof, it raises questions about the bases for that accusation. Additionally, if the arrest itself was improper or unlawful, it may suggest a violation of my rights and whether that should impact the legality of my detention.

Impact on personal life

Before my detention, I was preparing to marry my fiancée who is the U.S citizen. Due to my arrest and detention, we were unable to proceed with the marriage. During this time, my fiancée was pregnant but later suffered a miscarriage. There is concern that the emotional stress and pressure caused by my detention may have contributed to this outcome, creating significant hardship for both of us.

Medical Condition and Lack of Treatment

Prior to my arrest, I was seeking medical treatment for a throat condition and was diagnosed with a cyst on my vocal cord. My ability to speak has been getting weaker, and I have not been able to receive proper treatment while in detention. According to this, my symptoms are continuing to worsen. This situation may affect not only my health but also my ability to communicate effectively during legal proceedings, which

could impact my ability to present my case.

DUI case and Potential Changes

I Previously had a DUI conviction, which has already been expuged, I'm now preparing to file a motion to vacate the case, which could potentially reopen or change its status. If successful, this may affect how my case is viewed in immigration proceedings. Particularly in relation to the earlier bond decision that relied in part on this conviction.

i am requesting respectfully from the federal court to provide me a free federal lawyer to complete my petition ,and represent me in bond hearing if required .

best regard : Li Kun

A number : 

sign : *Li kun*

location : Otay Mesa Detention Center ,San Diego ,California

Li, Kun

Otay Mesa Detention Center
San Diego, CA 92154

Date: 04, 14, 2026

CLERK OF COURT
United States District Of California
333 West Broadway, suite 420
San Diego, CA 9101.

Filing of Habeas Corpus Petition Under 28 U.S.C § 2241.

Dear Clerk Of Court:

Please accept for filing my enclosed petition for a writ of Habeas Corpus under 28 U.S.C§ 2241. I am currently detained in the custody of U.S Immigration Customs And Enforcement (ICE) at Otay Mesa Detention Center San Diego, California.

I am submitting the required \$5.00 filing fee through the facility's trust withdrawal process. I have already submitted the withdrawal request to facility staff and the funds are available in my inmate trust account. However, I am unable to directly issue or mail a check myself because all financial transactions must be processed by the facility.

If the court does not receive the payment immediately, I respectfully request that my petition be docketed and accepted pending receipt of the trust account withdrawal check.

Enclosed you will find:

- Petition for writ of Habeas Corpus (AO 242 form)
- Copy of trust account withdrawal request (if available)
- Any supporting documents.

Please notify me of the assigned case number available. Thanks for your time and assistance.

Respectfully Submitted : Li , Kun

sign : Li, Kun

Li, Kun

Otay Mesa Detention Center
San Diego, California