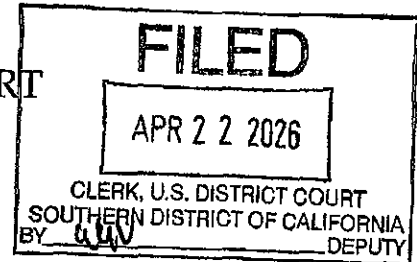


UNITED STATES DISTRICT COURT
for the
Southern District of California




Hossein Sarempour
Petitioner
(the name under which you were convicted)
v.
Senior Warden, Otay Mesa Detention Center.
Field Officer Director, ICE ERO San Diego.
Secretary U.S.Department of Homeland Security.
Respondent
(authorized person having custody of Petitioner)

Case Number: '26CV2681 RBM DDL

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

Personal Information

1. (a) Your full name: Hossein Sarempour
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 Calzada de la Fuente - San Diego, CA 92154 - P.O.Box 439049
(c) Your identification number: 
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
ICE
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 _____
(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)

- 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: Otay Mesa Detention Center - Immigration Customs and Enforcement
7488 Calzada de la Fuente, San Diego, CA 92154
- (b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Violation of the Spirit of Habeas Corpus ----- Change of Hearing Nature
Unconstitutional Condition of Detention ----- Violation of Statutory Limits on Detention
Indefinite or Unnecessary Detention --- Detention of Individuals Who Are Not Subject to Mandatory Detention
- (d) Date of the decision or action: 03/06/25 March 6th, 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 _____

N/A

8. **Second appeal**

After the first appeal, did you file a second 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 second appeal: N/A

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: N/A

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

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:

_____ N/A _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 03/06/25 March 6th, 2025

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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: Petition for a Writ of Habeas Corpus

(b) Name of the authority, agency, or court: United States District Court, Southern District of California

(c) Date of filing: 02/19/2026

(d) Docket number, case number, or opinion number: 26-cv-01233-TWR-DEB

(e) Result: Petition Granted

(f) Date of result: 03/12/26

(g) Issues raised: The Federal Court found that Petitioner due process rights have been violated by his

prolonged detention of one year, therefore the Federal Court ordered the Respondent to provide Petitioner

with an individualized Bond Hearing. Judge Scott Simpson denied my bond which will be explained in

the Ground 1.

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.

GROUND ONE: Violation of the Spirit of Habeas Corpus

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

My first Petition for a Writ of Habeas Corpus with the ...
(continue in the Memorandum, Page i, Ground 1)

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

Yes No

GROUND TWO: Change of Hearing Nature

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

My Individual Hearing was supposed to be held in April 7th, 2026 after thirteen months. It was postponed to
the April 20th, 2026, and unexpectedly the Individual Hearing shifted to the Master hearing. The authorities
don't care about my length of detention, my tragic condition and about the most important thing which is my
freedom.

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

Yes No

GROUND THREE: Unconstitutional Condition of Detention (Substandard Medical Care)

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

I have been detained for a very long time while I am suffering from Psychosomatic Disorder, Major Depressive
Disorder, Generalized Anxiety Disorder, Insomnia, Panic Attack, Constipation, Dietary Imbalance, severe
Dental Cavities, Leg Pain, Sprain of Ankle, Sciatica, Pharyngitis, Rash, Tinea Pedis and other mental/physical
(continue in the Memorandum, Page ii, Ground 3)

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

Yes No

GROUND FOUR: Violation of Statutory Limits on Detention (Immigration and National Act)

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

Detention Pending Removal is allowed, but it should be reasonable. My removal status is pending but I have
been held for almost 14 months (since March 6th, 2025) in violation of the ...
(continue in the Memorandum, Page ii, Ground 4)

(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: Lack of Enough Space for All the Six Grounds. Look at the Memorandum for completed Grounds!

Request for Relief

15. State exactly what you want the court to do: I kindly ask the court the following request:

1: Appoint a pro bono counsel (Federal Lawyer) for me, since my condition in Pauperis doesn't let me to hire a counsel by my own.

2: A writ of Habeas Corpus

3: Immediate release from Detention.

4: Give me an opportunity to fight for my case in freedom where I access to proper medical care.

5: I do not want to be detained again.

6: Help me to get rid of this cruel and brutal punishment, which is imposed to me only and sorely because I am an immigrant.

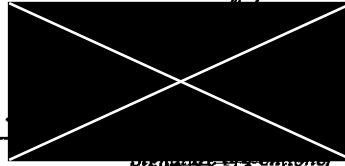
See the Attachments please!

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: 04/18/26



Signature of Attorney or other authorized person, if any

**Memorandum of Law in Support
of Petition for a Writ of Habeas
Corpus pursuant to 28 U.S.C § 2241**

Name: HOSSEIN SAREMPOUR

Alien Registration Number: [REDACTED]

Detention Center: Otay Mesa Detention Center

Address: 7488 Colzada de la Fuente, San Diego, CA 92154. P.O.Box 439049

I Hossein Sarempour was born in IRAN in [REDACTED] I am a citizen of Iran and carry Iranian nationality with the Passport No: [REDACTED] (I surrendered Patrol Border both of my Valid Passport with the number: [REDACTED] and the old one with the number: [REDACTED]).

I came to the US at or around March 6th, 2025 after passing more than 10 countries including Darien Gap in Panama. Upon entering to the US and surrendering myself to the Border Patrol, I presented my Medical Documents in English which showed my Psychosomatic problems and the vital medicine I had to take, though they did not even provide me my full prescription.

In April 3rd, 2025 I got *CAT interview* and despite the positive result, I was kept in a very inhuman condition in San Luis Detention Center in Arizona without any knowledge of my interview result. The DHS tried to send me to the third country, which they didn't have any success.

My first court hearing was held in August 18th, 2025 after five and half months being detained. My physical/mental condition has been getting worse and worse that forced me to go in a hunger strike for four times which the last one lasted for 38 days. I appreciate life a lot but I did not have any voice to speak up unless I thought hunger strike could be the only way to my voice be heard. I asked DHS to release me on a Humanitarian Parole that was rejected.

I have been transferred from one place to other a few times in a terrible condition including one time by a military plane from Texas to San Diego. In July 16th, 2025 I was transferred from Arizona to San Diego and less than 20 hours later I was transferred back. Some of my documents including my evidences were lost by ICE, and still have not got any proper response from related organization.

My *Individual Hearing* was supposed to be held in April 7th, 2026 but it changed to April 20th, 2026 and it shifted from Individual Hearing to the Master Hearing.

Detention itself is hard for every individual, for me is way harder without money, family visitation and with my medical condition.

To be short; I am writing this Memorandum of Petition for a Writ of Habeas Corpus based on Six Grounds;

Ground 1:

Violation of the Spirit of Habeas Corpus

My *first* Petition for a Writ of Habeas Corpus with the Case No: 26-cv-01233-TWR-DEB was

resulted with the following decision; the Honorable Federal Judge *ordered* the Respondent to provide me with an individualized Bond Hearing. It was provided in March 17th, 2026 with the Judge Scott Simpson, but my Bond was *Denied* because of posing Flight Risk. The excuse was lack of family ties in the US and a sponsor with a fixed address. As the sponsorship documents (attached to this petition) shows; I have a sponsorship letter from a credible famous organization of Casa Marianella where have been accepted sponsorship of thousands of people for almost 40 years. So my Constitutional Right to Bail was violated there. My immigration counsel reserved an appeal, though she never did appeal. She doesn't even picks the phone up, let alone to help me through the appeal process. Since she is a Pro Bonus immigration lawyer I can not neither force her to do anything, nor to drop her. I do not have any source of income, so I can't afford hire any paid attorney to replace with her. As you see I am a helpless, voiceless immigrant with empty pocket, without having any big people in the US and without enough legal knowledge that cause the government and DHS take advantage of my situation. I hope one day I will face the true justice.

Ground 2:

Change of Hearing Nature

My Individual Hearing was supposed to be held in April 7th, 2026 after thirteen months. It was postponed to the April 20th, 2026, and unexpectedly the Individual Hearing shifted to the Master hearing. The authorities don't care about my length of detention, my tragic condition and about the most important thing which is my freedom.

Ground 3:

Unconstitutional Condition of Detention (Substandard Medical Care)

I have been detained for a very long time while I am suffering from Psychosomatic Disorder, Major Depressive Disorder, Generalized Anxiety Disorder, Insomnia, Panic Attack, Constipation, Dietary Imbalance, severe Dental Cavities, Leg Pain, Sprain of Ankle, Sciatica, Pharyngitis, Rash, Tinea Pedis and other mental/physical problems.

My health condition is getting worse and worse because of Inadequate Medical Care. For example; some of my vital medicine such as Tranqopine (Quetiapine) had been contraband in the facilities where I have been detained, I have lost one of my teeth because of poor dental care.

To be short the failure to provide treatment for my medical condition violates 8th Amend which prohibits cruel and unusual punishment.

Ground 4:

Violation of Statutory Limits on Detention (Immigration and National Act)

Detention Pending Removal is allowed, but it should be reasonable. My removal status is pending but I have been held for almost 14 months (since March 6th, 2025) in violation of the INA (Immigration and National Act).

Ground 5:

Indefinite or Unnecessary Detention Under Zadvydas v. Davis (2001)

I have been Detained for more than Fourteen months without a clear prospect of removal which is unconstitutional under Zadvydas v. Davis.

Ground 6:

Detention of Individuals Who Are Not Subject to Mandatory Detention

Mandatory Detention is for the people convicted of crimes like; aggravated felonies, drug offenses, Terrorism activities and burglary, but I have committed NONE of them.

Therefore I kindly ask the court to issue an immediate release order from detention so I can fight my case in freedom and also appoint a pro bono counsel (Federal Lawyer) for me.

Respectfully

Date: 04/18/26

Signature 