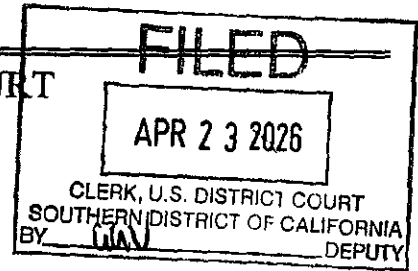


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT  
for the  
Southern District of California



PADAM GHARTI MAGAR

*Petitioner*

v.

CHRISTOPHER LAROSE

WARDEN, OTAY MESA DETENTION CENTER

*Respondent*

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

Case No. '26 CV2579 JES DDL  
*(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: PADAM GHARTI MAGAR  
(b) Other names you have used: N/A
2. Place of confinement:  
(a) Name of institution: OTAY MESA DETENTION CENTER  
(b) Address: 7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA.
- (c) Your identification number: ~~XXXXXXXXXX~~
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: OTAY MESA IMMIGRATION COURT 7488 CALZADA DE LA FUENTE SAN DIEGO, CALIFORNIA & U.S DISTRICT COURT FOR SOUTHERN DISTRICT OF CALIFORNIA
  - (b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~
  - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
PROLONG DETENTION WITHOUT DUE PROCESS, DISMISSAL OF PREVIOUS HABEAS PETITION.
  - (d) Date of the decision or action: 03/03/2026

**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: N/A

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: \_\_\_\_\_

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: 01/05/2025
- (b) Date of the removal or reinstatement order: 02/24/2026
- (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: 03/13/2026
- (2) Case number: 
- (3) Result: IN PROCESS
- (4) Date of result: NIA
- (5) Issues raised: I APPEALED THE IMMIGRATION JUDGE DECISION DENYING MY RELIEF FOR ASYLUM, WITHHOLDING OF REMOVAL AND CONVENTION AGAINST TORTURE.

(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 DETENTION WITHOUT A BOND HEARING VIOLATING MY FIFTH AMENDMENT RIGHT TO DUE PROCESS**

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 Do not cite cases or law.):*

I crossed the U.S border on January 5, 2025. I have been detained for over 15 months without being given a custody hearing re-determination where the government bears the burden of proof that my continued detention is necessary or that I am at flight risk. This is in clear violation of my fifth amendment right to due process.

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

Yes  No

**GROUND TWO: DISMISSAL OF MY INITIAL PETITION FOR A WRIT OF HABEAS CORPUS.**

CASE NO: 26-CV-0735-AGS-VET.

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

I originally petitioned for a writ of habeas corpus but it was dismissed on March 3, 2026 without the Judge stating why. Honorable federal Judge Andrew G. Schopler has been known for not granting a writ of habeas corpus petition to who based their argument on prolonged detention and due process. Unfortunately , petitioner was subjected to this decision because of the federal Judge he was assigned to.

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

Yes  No

**GROUND THREE: RELATED CASES RECEIVING A POSITIVE VERDICT.**

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

Petitioner was denied his application for asylum , withholding of removal and CAT , he timely filed his appeal with the board of immigration appeal (BIA) which is currently pending. The southern district court has partially granted petitioners with similar or related cases partially granting their petition and ordering respondents to provide a bond hearing has prolonged detention without due process is unlawful and unconstitutional.

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

Yes  No

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**GROUND FOUR:**

N/A

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

N/A

(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: ALL GROUNDS WERE PRESENTED.

**Request for Relief**

15. State exactly what you want the court to do: I respectfully request that this honorable court;

1) Grants this petition of writ of habeas corpus.

2) Order respondents to immediately release petitioner.

3) In alternative order respondents to provide petitioner a prompt bond hearing before neutral grounds.

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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: 04-20-2026

A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

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*Signature of Petitioner*

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