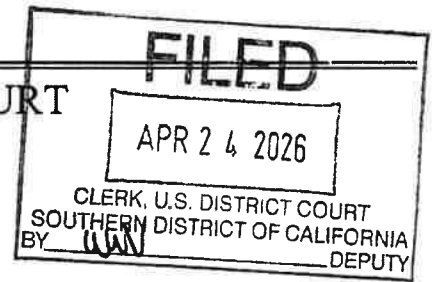


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



ESCALONA RIVERO YHONNY

Petitioner

v.

CHRISTOPHER J LAROSE

WARDEN, OTAY MESA DETENTION CENTER

Respondent

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

Case No. **'26CV2615 DMS 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: ESCALONA RIVERO YHONNY
(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, 92143.
3. (c) Your identification number: [REDACTED]
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, 92143.

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

ILLEGAL AND UNLAWFUL MODE OF ARREST; VIOLATION OF MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.

(d) Date of the decision or action: N/A

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: _____

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

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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: 04/06/2026

(b) Date of the removal or reinstatement order: N/A

(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: _____

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: ILLEGAL AND UNLAWFUL MODE OF ARREST.

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 Do not cite cases or law.*):

I initially crossed the US border on 11/20/2023 and was released at the discretion of the attorney general on parole on 11/22/2023. I have ever since been living in the United States without violating the conditions of my release on parole. I was aggressively arrested by ICE agents when I was returning back from lunch heading towards my car without any reason I was brutally arrested. I have an immigration case pending outside I have not missed any ICE check-ins nor have I violated the conditions set forward on my parole.

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

☒ Yes

☐ No

GROUND TWO: VIOLATION OF MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.

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 Do not cite cases or law.*):

Ever since I have been detained I have not been given a custody redetermination hearing where the government bears the burden of proof that my continued detention is necessary and that I am at flight risk. This is in clear a violation of my fifth amendment right to due process which is unconstitutional. Every alien present within the United States are entitled to the fifth amendment right to due process.

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

☒ Yes

☐ No

GROUND THREE: LESS RESTRICTIVE ALTERNATIVE TO DETENTION EXISTS - REINSTATEMENT OF PAROLE

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

There are less restrictive alternative to detention which includes release on supervision or parole which was the conditions of release I was released on when I initially crossed the border. The court has jurisdiction to reinstate this conditional release I had prior to my unlawful arrest, I am willing to comply with any conditions of release. Continued detention is not the least way of ensuring compliance.

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

☒ Yes

☐ No

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GROUND FOUR: VIOLATION OF MY EIGHT AMENDMENT RIGHT AS A DETAINEE TO SAFE, SANITARY AND CONSTITUTIONAL CONDITIONS OF CONFINEMENT

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

The conditions of residing in OTAY MESA DETENTION CENTER is unsanitary and unsafe, I am experiencing a severe decline in both my mental and physical health due to the inhumane conditions of living and the absence of vitamins, fresh fruit and other necessary nutrient needed to provide a healthy diet. This can be explained by the fact that this detention and its facilities were not designed to keep detainees for a long period of time. This violate the eight amendment as long as the conditions are inhumane or violates constitutional standards such as eight amendment prohibition on cruel and unusal punishment.

(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) Re-instate my parole and order respondents to immediately release petitioner.
- 3) In alternative order respondents to provide an adequate bond hearing.
- 4) Grant any other relief the court deems just and proper.

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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:

04/16/2026

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: 04/16/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any