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5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF CALIFORNIA
7
8 SAN DIEGO DIVISION
9

10 RUFAl AHMED SANI,
11 Plaintiff,

Case No.: Number

'26 CV2736 JES DDL

12 vs.

PETITION FOR WRIT OF HABEAS
CORPUS

13 MARKWAYNE MULLINS, SECRETARY,
14 U.S. DEPARTMENT OF HOMELAND
SECURITY;
15 PATRICK J. LECHLEITNER, ACTING
16 DIRECTOR, ICE;
17 GREGORY J. ARCHAMBEAULT, FIELD
OFFICE DIRECTOR, ICE SAN DIEGO;
18 WARDEN, OTAY MESA DETENTION
CENTER,,

19 Defendant

20
21 PETITION FOR WRIT OF HABEAS CORPUS

22 28 U.S.C. § 2241
23

24 INTRODUCTION

- 25 1. Petitioner Rufai Ahmed Sani ("Petitioner") brings this Petition for Writ of Habeas
26 Corpus challenging his **unlawful and unconstitutional detention** by Respondents at the
Otay Mesa Detention Center in San Diego, California.
27 2. Petitioner has been present in the United States since 2003, after lawful admission with a
28 **B1/B2 visa**.

1 3. He has:

- 2
- Maintained **long-term residence**
 - Held **employment authorization (including DACA)**
 - Paid taxes
 - Maintained a **clean criminal record**
- 3
4

5 4. Despite these facts, Petitioner is now detained **without a warrant, without a lawful**
6 **custody determination, and without a constitutionally adequate bond hearing.**

7 5. This detention violates:

- 8
- **The Fifth Amendment Due Process Clause**
 - **The Immigration and Nationality Act**
 - The governing framework of **Zadvydas v. Davis**, 533 U.S. 678 (2001)
 - Ninth Circuit detention jurisprudence including **Rodriguez v. Robbins**, 804 F.3d 1060 (9th Cir. 2015)
- 9
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11 **VENUE AND JURISDICTION**

12 6. This Court has jurisdiction under:

- 13
- **28 U.S.C. § 2241** (habeas corpus)
 - **28 U.S.C. § 1331** (federal question jurisdiction)
 - **The Suspension Clause** of the U.S. Constitution
- 14
15

16 7. Venue is proper in the Southern District of California because Petitioner is detained at
17 **Otay Mesa Detention Center.**

18 **PARTIES**

19 8. Petitioner is a noncitizen currently detained in San Diego, California.

20 9. Respondents are federal officials responsible for Petitioner's custody.

21 **STATEMENT OF FACTS**

22 10. Petitioner was **lawfully admitted** to the United States in 2003 as a nonimmigrant visitor.

23 11. He remained in the United States beyond his authorized stay, and DHS has charged him
24 under:

- 25
- **INA § 237(a)(1)(B)** (overstay)

26 12. Importantly:

27 **☛ He is not charged as an arriving alien**

28 **☛ He is not subject to § 1225(b) mandatory detention**

1 13. Petitioner has:

- 2 • No criminal history
- 3 • Long-standing community ties
- 4 • Prior lawful presence and work authorization (DACA)

5 14. Petitioner was detained and continues to be held:

- 6 • Without a **judicial warrant**
- 7 • Without a **meaningful bond hearing**
- 8 • Without a **lawful custody determination under § 1226(a)**

9 **LEGAL FRAMEWORK**

10 15. Habeas relief extends to persons “in custody in violation of the Constitution or laws of the United States.”

11 **28 U.S.C. § 2241(c)(3)**

12 16. The Supreme Court has held:

13 “Freedom from imprisonment... lies at the heart of liberty.”

14 — **Zadvydas v. Davis**

15 **CLAIMS FOR RELIEF**

16 **COUNT ONE**

17 **VIOLATION OF FIFTH AMENDMENT – DUE PROCESS**

18 17. The Fifth Amendment prohibits detention without:

- 19 • Notice
- 20 • Meaningful hearing
- 21 • Neutral decision-maker

22 18. Petitioner has been detained:

- 23 • Without individualized review
- 24 • Without a bond hearing
- 25 • Without procedural safeguards

26 19. This violates **Zadvydas, Mathews v. Eldridge, and Singh v. Holder.**

27 **COUNT TWO**

28 **DETENTION UNDER WRONG STATUTORY FRAMEWORK**

1 20. DHS improperly detains Petitioner as if subject to § 1225(b).

2 21. However:

- 3
- Petitioner was **lawfully admitted**
 - He is charged under § 237 (overstay)
- 4

5 ☛ Therefore:

6 **ONLY § 1226(a) APPLIES**

7 22. Under **Rodriguez v. Robbins**:

- 8
- § 1226(a) detainees are entitled to **bond hearings**
 - Government must justify detention
- 9

10 **COUNT THREE**

11 **PROLONGED AND UNJUSTIFIED DETENTION**

12 23. Civil detention must be:

- 13
- Reasonable
 - Non-punitive
- 14

15 24. Under **Zadvydas**:

16 Indefinite detention is unconstitutional.

17 25. Petitioner's detention is:

- 18
- Arbitrary
 - Unjustified
 - Excessive
- 19

20 **COUNT FOUR**

21 **DETENTION WITHOUT PROBABLE CAUSE OR WARRANT**

22 26. Petitioner is being held:

- 23
- Without a **judicial warrant**
 - Without a **neutral probable cause determination**
- 24

25 27. This violates:

- 1 • Fourth Amendment principles (as incorporated into immigration context)
- 2 • Due process protections

3 **COUNT FIVE**

4 **FAILURE TO PROVIDE BOND HEARING**

5 28. Under Ninth Circuit law:

- 6 • Government must justify detention
- 7 • Petitioner is entitled to **custody redetermination**

8 29. Respondents have failed to provide:

- 9 • A meaningful bond hearing
- 10 • Any justification for continued detention

11 **PRAAYER FOR RELIEF**

12 WHEREFORE, Petitioner respectfully requests that this Court:

- 13 1. Assume jurisdiction over this matter;
- 14 2. Issue a **Writ of Habeas Corpus**;
- 15 3. Order Respondents to:
 - 16 (a) Immediately release Petitioner; OR
 - 17 (b) Provide a **prompt bond hearing** before an Immigration Judge;
- 18 4. Require that at such hearing:
 - 19 ○ Government bears burden
 - 20 ○ Standard is **clear and convincing evidence**
- 21 5. Order Petitioner's release:
 - 22 ○ On recognizance
 - 23 ○ Or reasonable bond
 - 24 ○ Or conditions of supervision
- 25 6. Enjoin Respondents from transferring Petitioner during pendency of this action;
- 26 7. Grant any further relief deemed just and proper.

27 **VERIFICATION (28 U.S.C. § 2242)**

28 I, **Rufai Ahmed Sani**, declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Petitioner:

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RUFAI AHMED SANI

Date: 

Respectfully submitted,

JESSE BLANCO, ESQ.
Attorney for Petitioner