

FILED

Jun 30 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *s/ AC* DEPUTYUNITED STATES DISTRICT
SOUTHERN DISTRICT OF CALIFORNIA

AMAH MBACHAM INOCENT

Proceeding Pro Se,

Petitioner,

v.

_____, Warden/Administrator, Imperial Regional Adult
Detention Facility;_____, Field Office Director, U.S. Immigration and
Customs Enforcement, San Diego Field Office;
DAVID VENTURELLA, Acting Director, U.S.
Immigration and Customs Enforcement; MARKWAYNE
MULLIN, Secretary, Department of Homeland Security;
PAMELA J. BONDI, Attorney General of the United
States,*Respondents.*Civil Action No.: 3:26-cv-02700-RSH-
BJWFIRST AMENDED PETITION FOR A
WRIT OF HABEAS CORPUS**FIRST AMENDED PETITION FOR A WRIT OF HABEAS CORPUS**

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

This First Amended Petition amends the pro se petition filed April 28, 2026. Petitioner AMAH MBACHAM INOCENT, a citizen of Cameroon, has been imprisoned by ICE for 323 days—nearly 11 months—without a criminal conviction, without an individualized bond hearing, and while his BIA appeal of a removal order to Uganda remains pending. His detention is not immigration enforcement; it has become punishment. He has a positive credible fear determination. He has a dependent child in Cameroon. He has high blood pressure. He has no criminal record. The Government has had 323 days to justify his imprisonment and has failed. This Court must grant the writ and order his immediate release, or at minimum order an immediate custody hearing where the Government must prove its case by clear and convincing evidence.

CUSTODY

Petitioner is in the physical custody of Respondents at the Imperial Regional Adult Detention

Facility, 1572 Gateway Road, Calexico, CA 92231. He is under the direct control of the Warden; Field Office Director, ICE San Diego Field Office; Acting Director, United States Immigration and Customs Enforcement; Secretary, Department of Homeland Security; and the Attorney General of the United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus). The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Petitioner is detained in Calexico, California, which is within the Southern District of California, and his immediate custodian is located within this District.

PARTIES

Party	Description
Petitioner	I, Amah Mbacham Inocent, A-Number [REDACTED] citizen of Cameroon, presently detained at the Imperial Regional Adult Detention Facility.
Respondent 1	Warden/Administrator, Imperial Regional Adult Detention Facility, named in official capacity.
Respondent 2	Field Office Director, U.S. Immigration and Customs Enforcement, San Diego Field Office, named in official capacity.
Respondent 3	David Venturella, Acting Director, U.S. Immigration and Customs Enforcement, named in official capacity.
Respondent 4	Markwayne Mullin, Secretary, Department of Homeland Security, named in official capacity.
Respondent 5	Pamela J. Bondi, Attorney General of the United States, named in official capacity.

STATEMENT OF FACTS

1. Petitioner is a native and citizen of Cameroon [REDACTED]
2. He entered the United States on or about August 6, 2025, at or near San Ysidro, California, and was detained by U.S. Border Patrol on the same day.
3. He has been detained continuously by ICE since August 6, 2025, at the Imperial Regional Adult Detention Facility. As of June 25, 2026, he has been detained for 323 days.
4. On November 10, 2025, a U.S. Citizenship and Immigration Services (USCIS) Asylum Officer, Jeffrey Hsu, conducted a credible fear interview in English, without an interpreter. The officer determined that Petitioner's credible fear of persecution was ESTABLISHED.
5. USCIS found a nexus between the claimed harm and Petitioner's race and political opinion. The officer's determination noted that no statutory bars to asylum or withholding of removal were apparent.

6.

7.

8. Fearing for his life from both the separatists and the government, he fled Cameroon on or about May 5, 2023. He found refuge in Ghana, where he became active in a Christian refugee community led by [REDACTED]
9. In April 2025, Petitioner learned that [REDACTED] were searching for him in

Ghana. [REDACTED] helped him travel through Nigeria to Mexico to seek safety in the United States.

10. On or about December 5, 2025, Petitioner, through counsel, filed a Form I-589 Application for Asylum, Withholding of Removal, and Protection under the Convention Against Torture (CAT).
11. A Master Calendar Hearing was held on January 14, 2026, before Immigration Judge (IJ) Anne Kristina Perry, who scheduled an Individual Merits Hearing for January 29, 2026.
12. On the day of the Individual Hearing, January 29, 2026, the Department of Homeland Security (DHS) made an oral motion for the first time to pretermitt (terminate) his applications based on the Uganda Asylum Cooperative Agreement (ACA). A written motion was filed the same day.
13. On February 13, 2026, Petitioner's counsel filed a detailed opposition, arguing that Uganda is not a safe third country, the ACA was being improperly applied retroactively, Uganda lacks a full and fair asylum procedure, and that withholding and CAT claims cannot be legally pretermitted under an ACA.
14. On February 17, 2026, IJ Kristofer McDonald granted the DHS Motion to Pretermitt. The IJ pretermitted his asylum, withholding, and CAT applications and ordered him removed to Uganda.
15. On March 17, 2026, a timely Notice of Appeal from the IJ's decision was received by the Board of Immigration Appeals (BIA). That appeal is currently PENDING. Briefs were due on or before June 22, 2026.
16. Because a timely appeal to the BIA is pending, no administratively final order of removal exists against Petitioner.

17. Petitioner has NO criminal history in the United States or any other country. His I-870 credible fear worksheet confirms that no bars to asylum or withholding were apparent.
18. He is the father of a child, [REDACTED] His child is a citizen of Cameroon, currently resides in Cameroon, and is financially dependent on Petitioner.
19. According to his family and documents previously submitted to this Court's docket, Petitioner suffers from high blood pressure, a condition exacerbated by the stress of prolonged detention.
20. Petitioner filed his original pro se habeas petition on April 28, 2026. The Government filed its Return to the Petition on May 8, 2026.
21. This First Amended Petition is filed to correct, supplement, and strengthen the original pro se petition with a complete factual and legal basis for relief.
22. Petitioner's detention, now approaching one year, has become prolonged, arbitrary, punitive, and unconstitutional.

LEGAL FRAMEWORK

1. In the Ninth Circuit, non-citizens detained longer than six months are entitled to individualized bond hearings where the Government must prove by clear and convincing evidence that continued detention is necessary to prevent flight risk or danger to the community. *Rodriguez v. Robbins*, 804 F.3d 1060 (9th Cir. 2015).
2. At such bond hearings, the Government, not the detainee, bears the burden of proof. The standard is high: the Government must present "clear and convincing evidence" to justify denying bond. *Singh v. Holder*, 638 F.3d 1196 (9th Cir. 2011).

3. The Due Process Clause of the Fifth Amendment prohibits arbitrary and indefinite civil detention. Liberty is the norm, and detention prior to a final order of removal is a “strictly limited preliminary step.” *Zadvydas v. Davis*, 533 U.S. 678 (2001).
4. Courts in this Circuit have held that an unreasonably prolonged detention under the authority of 8 U.S.C. § 1225(b) without a bond hearing violates due process. *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019).
5. Federal law and courts in this Circuit recognize that so-called “safe third country” agreements are valid only if they ensure that an asylum seeker’s life or freedom would not be threatened and that the third country provides a “full and fair” asylum procedure. *E. Bay Sanctuary Covenant v. Barr*, 385 F. Supp. 3d 922 (N.D. Cal. 2019).
6. The Immigration and Nationality Act requires that, for a safe third country agreement to be lawful, the alien must have access to a “full and fair procedure for determining a claim to asylum or equivalent temporary protection.” 8 U.S.C. § 1158(a)(2)(A).
7. This Court has previously outlined the requirements and constitutional concerns surrounding Asylum Cooperative Agreements. *See Al Otro Lado, Inc. v. McAleenan*, No. 17-cv-02366 (S.D. Cal. 2020).
8. The three-factor test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner’s detention violates due process. First, Petitioner’s interest in his own liberty is profound. Second, the risk of an erroneous deprivation of that liberty is extremely high without a hearing. Third, the governmental interest in avoiding an individualized bond hearing is minimal compared to the severe harm of prolonged, arbitrary detention.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT (PROLONGED DETENTION WITHOUT BOND HEARING)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner has been detained for 323 days, nearly 11 months, without an individualized bond hearing.
3. This prolonged detention, without a finding that Petitioner is a flight risk or danger to the community, has become punitive and violates his rights under the Due Process Clause of the Fifth Amendment. *Zadvydas*, 533 U.S. at 690.
4. Under the law of the Ninth Circuit, his detention beyond six months is presumptively unreasonable and requires a bond hearing where the Government must justify his continued confinement by clear and convincing evidence. *Rodriguez v. Robbins*, 804 F.3d at 1065.
5. Respondents' failure to provide such a hearing renders his continued detention unlawful and unconstitutional.

COUNT TWO – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (FAILURE TO PROVIDE FULL AND FAIR PROCEDURE UNDER SAFE THIRD COUNTRY AGREEMENT)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The IJ's order to pretermite Petitioner's claims and remove him to Uganda was based on the Uganda ACA.
3. Such an action is only lawful under 8 U.S.C. § 1158(a)(2)(A) if Uganda provides a "full and fair procedure" for asylum and if Petitioner's life or freedom would not be threatened there.
4. As argued in his pending BIA appeal, Uganda does not meet these statutory requirements,

and the IJ erred by pretermittting his withholding and CAT claims, which cannot be barred by an ACA.

5. His continued detention based on this legally flawed order of removal, while his BIA appeal is pending, compounds the statutory and constitutional violation.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Grant leave to file this First Amended Petition for a Writ of Habeas Corpus nunc pro tunc.
2. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring Petitioner out of this District or removing him from the United States pending resolution of this application.
3. Assume jurisdiction over this matter.
4. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
5. Declare that Petitioner's 323-day detention without an individualized bond hearing is unconstitutional and violates the Due Process Clause of the Fifth Amendment.
6. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Imperial Regional Adult Detention Facility.
7. In the alternative, order Respondents to provide Petitioner with an immediate individualized custody/bond hearing before a neutral Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary to prevent a risk of flight or a danger to the community.

8. Order Petitioner's release under any reasonable conditions the Court deems necessary, such as ICE check-ins, participation in ISAP, telephonic reporting, or electronic monitoring, as a less restrictive alternative to detention.
9. Prohibit Respondents from removing Petitioner to Uganda, Cameroon, or any third country while his BIA appeal and this habeas corpus petition are pending.
10. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
11. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Amah Mbacham Inocent, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: June 25, 2026.

/s/ Amah Mbacham Inocent
Amah Mbacham Inocent
Petitioner, Pro Se