

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

**FILED**  
MAY 01 2026  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY MSB DEPUTY

Zulfia Kunakbaeva  
Petitioner


v.

Warden, Otay Mesa Detention Center, Field Office Director, ICE San Diego  
Respondent  
(name of warden or authorized person having custody of petitioner)

Case No. '26CV2791 JLS MSB  
(Supplied by Clerk of Court)

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

Personal Information

- (a) Your full name: Zulfia Kunakbaeva  
(b) Other names you have used: \_\_\_\_\_
- Place of confinement:  
(a) Name of institution: Otay Mesa Detention Center CIO Core Civic  
(b) Address: 7488 Calzada de la Fuente P.O. Box 439049, San Diego, CA 92143-9049  
(c) Your identification number: 
- Are you currently being held on orders by:  
 Federal authorities     State authorities     Other - explain: \_\_\_\_\_
- 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


- 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)

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

- 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  
P.O. Box 438150, San Diego, CA 92143-08150

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

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

I am challenging the Immigration Court's compliance with this District Court's prior order granting habeas relief for my unreasonably prolonged detention and directing a bond hearing.

(d) Date of the decision or action: March 4, 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: The Board of Immigration Appeals

(2) Date of filing: March 26, 2026

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

(4) Result: is pending

(5) Date of result: \_\_\_\_\_

(6) Issues raised: The Appeal of the Immigration Judge's decision denying a bond.

(b) If you answered "No," explain why you did not appeal: \_\_\_\_\_

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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

(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

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

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: \_\_\_\_\_

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: December 22, 2024
- (b) Date of the removal or reinstatement order: none
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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

If "Yes," provide:

- (1) Date of filing: February 13 2026
- (2) Case number: ~~XXXXXXXXXX~~
- (3) Result: is pending
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: The Appeal of the Immigration Judge's removal decision.

(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 under
- (b) Name of the authority, agency, or court: U.S. District Court of Southern District of California 28 U.S.C. § 2241
- (c) Date of filing: February 2, 2026
- (d) Docket number, case number, or opinion number: 3:26-cv-00660-RSH-7LB
- (e) Result: The Petition is granted directing to arrange a bond hearing.
- (f) Date of result: March 2 2026
- (g) Issues raised: I was challenging my prolonged immigration detention without the possibility of release on bond or parole as a violation of the Due Process Clause (for more than one year).

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

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: *The March 4 2026 Bond hearing had not applied the correct evidentiary burden and the Immigration Judge failed to comply with the clear- and -convincing standard of proof required by this Court's prior Order.*

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

*See supplementary Motion added to this Petition.*

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

Yes  No

GROUND TWO: *The bond hearing failed to principles of fundamental fairness of proceedings because it did not comply with third essential element of Due Process and lacked the individualized and meaningful analysis of custody determination required by law.*

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

*See supplementary Motion.*

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

Yes  No

GROUND THREE: *The Immigration Judge had not provided an individualized and "fact-specific" inquiry into necessity of my continued detention as "a function of the length".*

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

*See supplementary Motion.*

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

Yes  No

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

GROUND FOUR: *The bond proceeding lacked any consideration of the financial terms of the bond or the alternative release conditions - such as reporting requirements, the ankle monitoring or other supervisory measures.*

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

*See supplementary Motion.*

(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:

*The grounds which are constitutional (Due Process Clause) claims under 28 U.S.C. § 2241 of immigration detention cases do not require an exhaustion of administrative remedies.*

Request for Relief

15. State exactly what you want the court to do:

*I beg respectfully please to provide me with a free attorney because I do not have any possibility to pay one. Also I plead to review carefully my Motion and the March 4, 2026 bond proceeding, and as the remedy to release me under reasonable conditions consistent with applicable statutes.*

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

---

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

04.26.2026

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: 04.26.2026

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

*Signature of Petitioner*

---

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