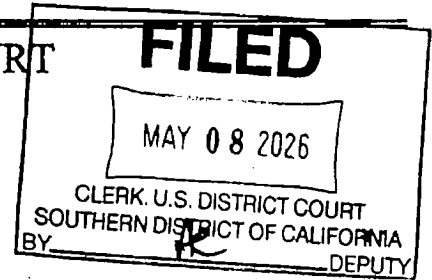


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Derick Jose Aguilar Gonzalez
Petitioner

v.
CAND Senior warden
acting Director SD office
DHS

Case No. '26 CV2923 DMS SBC
(Supplied by Clerk of Court)

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

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

Personal Information

1. (a) Your full name: Derick Jose Aguilar Gonzalez
- (b) Other names you have used: _____
2. Place of confinement:
 - (a) Name of institution: Otay Detention Center / DHS Custody
 - (b) Address: 7488 Calzada De La Fuente
San Diego CA 92154
 - (c) Your identification number:
3. Are you currently being held on orders by:

Federal authorities State authorities Other - explain:
Ice Immigration
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: Hay Mesa/ DHS Custody
7488 Calzada De La Fuente, San Diego CA 92154
- (b) Docket number, case number, or opinion number: _____
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

- (d) Date of the decision or action: _____


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: DHS, 7488 Calzada De La Fuente, San Diego CA 92154
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: 
- (4) Result: Denied release
- (5) Date of result: 02-10-2026
- (6) Issues raised: _____

(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

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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: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 09/26/2025
- (b) Date of the removal or reinstatement order: 04/06/2026
- (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: 03/18/2026
- (2) Case number: ~~XXXXXXXXXX~~
- (3) Result: Denial
- (4) Date of result: 04/06/2026
- (5) Issues raised: appeal was submitted two (2) days late.

(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.

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 Do not cite cases or law.):

have been detained since 09/25/2025
over 180 days

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

Yes No

GROUND TWO: current work permit and open Immigration case

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

had my work permit in order my social
my Drivers license up to date.

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

Yes No

GROUND THREE: refiling appeal

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

refiling my appeal my attorney filed two(2)
days late and trying to send me to a third
country

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

Yes No

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GROUND FOUR:

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

(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:

Request for Relief

15. State exactly what you want the court to do: I would like the court to give me a bail or to release me to continue my case and my appeal on the outside even if with a GPS since I've been Detained for over 180 days since 09/25/2025

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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:

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: 05 04 2026

A large black rectangular redaction box covers the signature area of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any

1 Nasser Legal
Saman Nasser Esq SBN 279660
2 925 B Street, Suite 604
San Diego, CA 92101
3 Office: 619 610 9595
Fax: 619 610 9599
4 Saman@nasserilegal.com

5 Attorney for Respondent,

6 UNITED STATES DEPARTMENT OF JUSTICE
7 EXECUTIVE OFFICE OF IMMIGRATION REVIEW
8 IMMIGRATION COURT OF
9 OTAY MESA, CALIFORNIA

10 In the Matter of)

) I-589 Application

11)
12 Derick Aguilar-Gonzalez)



13)
14 In Removal Proceedings)

15)
16 RESPONDENT'S I-589 APPLICATION

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Translation of "DECLARATION OF DERICK AGUILAR GONZALEZ"

I, Derick Aguilar Gonzalez, declare under penalty of perjury that the following is true and correct to the best of my knowledge and belief. I am a native and citizen of Venezuela. I submit this declaration in support of my application for asylum, withholding of removal, and protection under the Convention Against Torture. I fear returning to Venezuela because I was persecuted by government authorities due to my political opinion and perceived opposition to the Venezuelan government.

In or around May 2015, while I was a student, my school and many other schools participated in organized demonstrations against the Venezuelan president and the government. These protests were in response to government corruption, repression, economic collapse, and lack of basic necessities. Students were known targets of government retaliation because we were viewed as leaders of opposition movements. During these protests, I personally saw government officials photographing and recording protesters, including me and my classmates. These individuals were wearing National Police, Municipal Police, and State Police uniforms. It was well known that the government used photographs and recordings to identify protesters and later target them for retaliation. Seeing myself documented caused me extreme fear because I knew I was being marked as an opponent of the government.

At many protests, the police and security forces used excessive force against us. Officers fired tear gas, threw objects, and charged at protesters. I was beaten by police officers during these demonstrations. We were unarmed students, but the authorities treated us as enemies. From 2015 through 2017, protests continued across Venezuela, and I was beaten multiple times by officers. Police officers repeatedly threatened me and insulted me, calling me a "mariguero," which they used to degrade me and justify abuse. These accusations were false and were used as an excuse to assault me and intimidate me into silence.

During one of these attacks, police officers broke my finger while beating me. I suffered severe pain and long-lasting injury. I did not seek medical treatment because my family did not have the financial means, and I was also afraid that going to a hospital would expose me to further persecution. In Venezuela, hospitals frequently report injured protesters to authorities.

After these incidents, I was constantly followed and monitored by state police. I often noticed officers watching me, stopping me without reason, and threatening me. I lived in constant fear of being detained, tortured, or disappeared. I knew there was no protection available because the persecution came directly from government authorities. Because of this ongoing persecution, I fled Venezuela in 2019 and went to Colombia seeking safety. However, I was unable to remain there safely. I lacked legal status and protection and was exposed to serious violence as a Venezuelan migrant.

In December 2021, while I was in La Iguana, I was physically attacked and beaten by armed groups known [REDACTED]. These groups operate with impunity and often target migrants who have no protection. This attack confirmed that I was still not safe and that my life remained in danger. I am afraid to return to Venezuela. The same government that persecuted and abused me remains in power. Venezuelan security forces continue to target

protesters, students, and perceived political opponents with beatings, arbitrary detention, torture, and enforced disappearance.

Because I was identified, photographed, beaten, followed, and accused by police, I believe I would be immediately targeted if I returned. The police know who I am, and I would have no way to protect myself. I fear that I would be detained, tortured, or killed. I cannot safely relocate anywhere within Venezuela because government control and surveillance exist nationwide, and security forces act with complete impunity. I respectfully ask the United States government to grant me asylum or other protection. I cannot return to Venezuela safely, and I have no other country where I can live without fear.

[Signature]

Certificate of Translation

I, Salma Serrano, hereby certify that the above is an accurate translation of the original "Declaration" in Spanish; and that I am competent in both English and Spanish to render such translation.



Signature of Translator

12/15/2025

Date