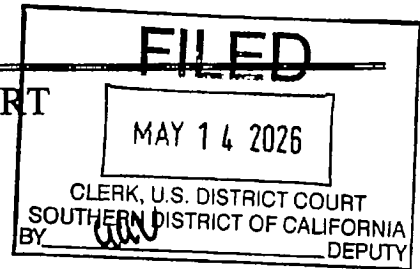


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



NOPUOWOH BRILIAN NCHUPOH

Petitioner

v.

CHRISTOPHER J LAROSE

WARDEN, OTAY MESA DETENTION CENTER

Respondent

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

Case No. '26CV3040 TWR MMP
(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: NOPUOWOH BRILIAN NCHUPOH
- (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, 92154.
- (c) Your identification number:
3. 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, 92154.

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

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATING MY FIFTH AMENDMENT RIGHT TO DUE PROCESS AND DECISION OF IMMIGRATION JUDGE ORDERING MY REMOVAL TO A THIRD WORLD COUNTRY (UGANDA) | FEAR PERSECUTION FROM .

(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: 10/16/2025
- (b) Date of the removal or reinstatement order: 04/15/2026
- (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: 04/30/2026
- (2) Case number: [REDACTED]
- (3) Result: PENDING
- (4) Date of result: N/A
- (5) Issues raised: I APPEALED THE IMMIGRATION JUDGE DECISION ORDERING MY REMOVAL TO A THIRD WORLD COUNTRY (UGANDA) WITHOUT A MERITS HEARING. MY APPEAL IS CURRENTLY PENDING WITH THE BOARD OF IMMIGRATION APPEALS (BIA).

(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: VIOLATION OF MY FIFTH AMENDMENT RIGHT TO DUE PROCESS - PROLONGED DETENTION WITHOUT A BOND HEARING.

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 Do not cite cases or law.):

I have been detained for more than 180 days without being given a bond hearing, enforces unlawful prolonged detention. The government has failed to provide a custody re- determination hearing where the government bears the burden of proof that my continued detention is necessary or that I am at flight risk. This is a violation of my fifth amendment right to due process. My stay in detention for more than the assumptive period of time in detention (6 Months) warrants a response from the government and not to be subjected to summary dismissal.

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

Yes No

GROUND TWO: UNFORESEEABLE REMOVAL

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

I was ordered removal to a third world country (Uganda) on 04/15/2026 a country which I fear persecution from. I proved with preponderance of evidence that I will be subjected to imminent persecution which I faced in my home country if removed to Uganda, without a merits hearing the IJ ordered my removal. My appeal is currently pending before the BIA with a high chance of winning, if the result does not favor me I will appeal to the Ninth Circuit then Supreme court. This whole process will prolong my detention more,hence, removal is unforeseeable.

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

Yes No

GROUND THREE: LESS RESTRICTIVE ALTERNATIVE TO DETENTION EXISTS

(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, 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 and medical services.

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 violates the eight amendment as long as the conditions are inhumane or violates constitutional standards such as eight amendment prohibition on cruel and unusual 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) Order respondents to immediately release petitioner.

3) In alternative order respondents to provide an adequate bond hearing, before neutral grounds.

4) Grant any other relief the court deems just and proper.

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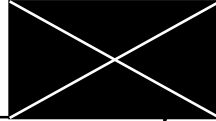
Declaration Under Penalty Of Perjury

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

05/04/2026

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: 05/04/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any