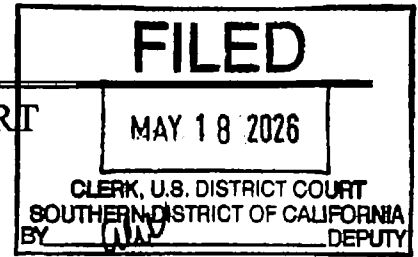


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Javier Trevino Chautla
Petitioner


v.

Christopher J. Larose, Warden of Otay Mesa Detention,
Todd Lyons, Director of ICE.
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. '26CV3102 DMS VET
(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: Javier Trevino Chautla
(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, CA, 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.

Located at 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*):

Being detained for almost 16 months, without being convicted which constitute a prolonged, indefinite, and unreasonable detention without a fair and lawful custody redetermination hearing. I believe my bond hearing was not fair, and prudential exhaustion is not appropriate because it will be futile and void.

(d) Date of the decision or action: 02/01/2025

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: Otay Mesa Immigration Court

(2) Date of filing: _____

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

(4) Result: Currently Pending

(5) Date of result: _____

(6) Issues raised: To the extent here, I am raising Due Process Challenge to my continued detention without a fair bond hearing. I believe administrative exhaustion is not appropriate because the BIA cannot review such constitutional challenge. Because the BIA always affirmed the Immigration court decisions where the issues raised are constitutional See. Sterkaj v. Gonzales. 439 F. 3d 273.279 (6th Cir. 2006)

(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: _____
2006)

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: _____
I exhausted the first administrative remedy that was available to me.

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: 02/01/2025

(b) Date of the removal or reinstatement order: _____

(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: _____
- (2) Case number: _____
- (3) Result: Currently Pending
- (4) Date of result: _____
- (5) Issues raised: _____

(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 the Due Process Clause of the Fifth Amendment.

No person shall be held... Nor be deprived of life, liberty or property, without Due Process of law. Freedom from imprisonment, from government custody, detention or any forms of physical restraint, lies at the heart of the liberty that clause protects. Risk of suffering serious loss if no opportunity to be heard in a meaningful manner & time.

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

I am being detained for almost 16 months now without a meaningful fair and proper custody redetermination, am not a criminal, i do not pose a danger to persons or the community nor a flight risk. The government failed to justify the need of my continued detention at my last bond hearing. Therefore, my detention it becomes arbitrary and violates the 5th amendment right to Due Process.

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

Yes No

GROUND TWO: Violation of the eighth Amendment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

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

I am being held at OMDC worse than a convicted criminal, due the harsher treatments and the conditions of the OMDC, my prolonged detention is causing irreparable harm and injury to me, I am developing mental and health issues because of frequent lock-downs and strip searches, severe overcrowding, violence, poor sanitation, and poor medical care, unhealthy food. I suffer from multiple medical conditions including anxiety and breathing difficulties, feeling restless, insomnia, depression. OMDC is indistinguishable from penal confinement.

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

Yes No

GROUND THREE: Temporary Restraining Order

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

Because respondents routinely re-detain people after released, without a notice and meaningful opportunity to be heard.

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

Yes No

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GROUND FOUR: I have been detained for almost 16 months. My detention is highly probable to be even much longer and unpredictable, due to the duration it take the appeal process .

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

There is no significant likelihood that I will be removed in the reasonably foreseeable future, and the government can not rebutted that showing with evidence of likely removal. Thus, future detention (deprivation) is certain.

(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: I present grounds in all appeals that were available to me.

Request for Relief

15. State exactly what you want the court to do: 1- Exercise discretion, and assume jurisdiction in this matter.
- 2- Declare my prolonged detention of 16 months, violates the Due Process Clause of the 5th, and the 8th Amendment.
- 3- Order my immediate release from custody;
- 4- Or in alternative a bond hearing before neutral arbiter in which the government shall bears the burden by clears and convincing evidences that I pose a danger to the community, that no conditions other than my detention would be sufficient to prevent such dangerousness, or that I represent a significant flight risk, and no reasonable amount of bond is appropriate to secure such flight risk.
- 5- Enjoin the government from placing GPS ankle monitors on me upon release.
- 6- Enjoin the government from re-detain me, unless pursuant a final order of removal, without a proper notice and a meaningful opportunity t be heard before a neutral arbiter in which the government bears the burden by clears and convincing evidences that my removal is enforceable and subject to execution.
- 7- Grant such relief as the Court deems just, proper and fair.
- 8- Conditionally appoint counsel for legal assistance to petitioner, due to the complexity and potential validity of the constitutional statutory, and procedural issues presented.
- 9- Waive exhaustion.

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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 place this petition in the prison mail system on May 12, 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: 05/13/2026

x  Signature of Petitioner

Signature of Attorney or other authorized person, if any