

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 19 2026**  
CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
BY: TBC DEPUTY

Aybuke Bora \_\_\_\_\_  
Petitioner

v.

Case No. '26CV3115 TWR DEB  
(Supplied by Clerk of Court)

Warden, Otay Mesa Detention Center; ICE San Diego  
Field Office Director; ICE Director; DHS Secretary

\_\_\_\_\_  
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: Aybuke Bora

(b) Other names you have used: None / 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: U.S. Immigration and Customs Enforcement (ICE)

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)

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: ICE, San Diego Field Office

Otay Mesa Detention Center, San Diego, CA

(b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~ prior habeas 25-cv-03392-JES-VET

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

Continued ICE detention only; seeks release under supervision

or, alternatively, a constitutionally adequate custody hearing.

Does not challenge removal order, Credible Fear Interview / Credible Fear Determination, or U review.

Detained since approx. Oct. 22, 2025; ongoing.

**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: \_\_\_\_\_

*(This section is reserved for use by the court.)*

No meaningful custody review remedy provided. ICE did not provide a Post-Order Custody Review (POCR) interview or written decision. This petition challenges continued detention only. See Attachment A. Prior habeas filing is listed in Question 12.

8.

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: Not applicable: detention-only petition.

See Attachment A.

ICE did not provide a POCR interview or written decision.

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: Not applicable; detention-only petition.

See Attachment 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

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:

Approximately October 22, 2025

(b) Date of the removal or reinstatement order:

Expedited removal: Oct. 22, 2025. If review: Nov. 10, 2025. See Attachment 4.

(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: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (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: Prior 28 U.S.C. 2241 habeas petition
- (b) Name of the authority, agency, or court: U.S. District Court, Southern District of California

(c) Date of filing: December 2025

(d) Docket number, case number, or opinion number: 25-cv-03392-JES-VET

(e) Result: Denied without prejudice; motion to stay denied as moot.

(f) Date of result: December 10, 2025

(g) Issues raised: Prior petition was understood as challenging expedited removal and Credible Fear Interview / Credible Fear Determination process.

Current petition is different: It challenges only continued detention.

It is based on new and changed circumstances after the prior denial.

See Attachment A.

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:** Due process: no meaningful individualized custody review.

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

Petitioner has been detained by ICE since approx. Oct. 22, 2025.

She has not received a neutral custody hearing based on current circumstances.

She has a release plan, no known criminal history, and is not a danger or flight risk.

She will comply with supervision conditions. See Attachment A.

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

Yes

No

**GROUND TWO:** Post-order detention is unreasonable because ICE has not shown

removal is significantly likely in the reasonably foreseeable future.

See Attachment A.

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

ICE has not provided a confirmed new removal date or reliable evidence that

removal is significantly likely soon. On or about Dec. 18, 2025. ICE transported

Petitioner to LAX for removal, but removal did not take place and she was returned

to Otay Mesa. Petitioner does not ask the Court to relitigate that incident.

See Attachment A.

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

Yes

No

**GROUND THREE:**

Release under supervision, or alternatively, a constitutionally adequate

custody hearing. See Attachment A.

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

Petitioner has a stable address and sponsor/support person if released.

She has no known criminal history and will comply with ICE check-ins,

address reporting, electronic monitoring if required, and any reasonable

supervision conditions. See Attachment A.

(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:**

N/A

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

N/A

(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:

These grounds arose after the prior habeas denial: additional months of detention.

no confirmed removal date, no meaningful custody hearing, health/emotional decline,

and a concrete release plan. This petition does not challenge removal/asylum decisions.

See Attachment A.

**Request for Relief**

Release under reasonable supervision conditions; alternatively,

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

a prompt constitutionally adequate custody hearing before a neutral decision-maker.

Petitioner does not seek vacatur of removal order, review of Credible Fear Interview / Credible Fear Determination,

reopening of asylum proceedings, or a new asylum hearing. See Attachment A.

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

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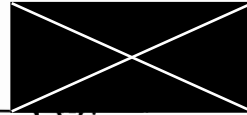
**Declaration Under Penalty Of Perjury**

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

05/14/2026

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: 05/13/26



\_\_\_\_\_  
*Signature of Petitioner*

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