

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

UNITED STATES DISTRICT COURT

for the
District of Columbia

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APR 27 2026

Angela D. Caesar, Clerk
U.S. District & Bankruptcy Courts
for the District of Columbia

GROSSO ALVARO MATIAS

Petitioner

v.

CHRISTOPHER LAROSE - Warden Otay Mesa
Detention Center, MARKWAYNE MULLIN
U.S. secretary of Homeland Security

Respondent

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

C

Case: 1:26-cv-01449

Assigned To : Cooper, Christopher R.

Assign. Date : 4/27/2026

Description: Habeas/2255 (G-DECK)

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

Personal Information

1. (a) Your full name: GROSSO ALVARO MATIAS
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: 7488 CALZADA DE LA FUENTE - SAN DIEGO - CA - 92143
(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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Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

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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

P.O BOX 439049 - SAN DIEGO - CA - 92143

(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 MY PROLONGUED DETENTION IN CUSTODY

(d) Date of the decision or action: 07/11/2025

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: _____

(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: _____

THERE IS NO ADMINISTRATIVE APPEAL TO CHALLENGE IMMIGRATION DETENTION

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: _____

SAME ABOVE

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: _____

SAME ABOVE

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: _____

(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: 02/14/2026

(2) Case number:

(3) Result: CURRENTLY

(4) Date of result:

(5) Issues raised:

APPEAL BOND HEARING

(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: SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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 Do not cite cases or law.*):

SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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

☐ Yes

☐ No

GROUND TWO: SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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 Do not cite cases or law.*):

SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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

☐ Yes

☐ No

GROUND THREE: SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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

SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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

☐ Yes

☐ No

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GROUND FOUR: SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

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

SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

(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: SEE INTRODUCTORY NOTE, THE GROUNDS ARE EXPLAINED

Request for Relief

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

1) Provide an attorney for the petitioner's appropriate legal defense.

2) Order petitioner's release under reasonable conditions of supervision

3)c) In the alternative, order new bond hearing consistent with the court's instructions , and that the bond granted be affordable due considered that if a bond is too high, it is the same that denying.

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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:

16 APRIL
2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Otay Mesa Detention Center - San Diego

March 20, 2026.

**UNITED STATES
DISTRICT COURT OF COLUMBIA**

GROSSO, ALVARO MATIAS
Petitioner,

V.
CHRISTOPHER LAROSE,
Warden Otay Mesa Detention Center

MARKWAYNE MULLIN
U.S. secretary of Homeland Security
Respondents,

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Honorable Judge: The Petitioner, **ALVARO MATIAS GROSSO**, Argentinian and Italian nationality, with ID number  in my own right I appear before you respectfully to present the petition of Habeas Corpus, considering that the legal facts have been configured that allow me to receive the relief of being released under this legal recourse and in the situation where find an error and/or omission please do not hesitate to apply "Has duty to ensure that pro se litigant do not lose their right to hearing on the merits of their claim due to ignorance of technical procedural requirements" "*Balistreri v. Pacifica Police dept 901 F.2d 696.699 (9th Cir. 1988)*"

Backgrounds:

1. On April 5th, 2023 I entered legally the United States through Los Angeles Airport for job offer.
2. Unfortunately, the job offer turned into a case of human trafficking, document retention and extortion, therefore I was forced to flee and subsequently file the corresponding complaint with

the police department, Department of Homeland Security (DHS) and ICE tip line.

3. In March 2025, I contacted the David Lee Law attorney to begin the process with USCIS to obtain a T and/or U visa.
4. On June 26th, 2025 I was arrested and transferred to the San Ysidro border crossing facilities, where I remained until July 5th, 2025
5. On July 5th I was transferred to the Otay Mesa Detention Center, where I have been ever since, that is, for more than 8 months, it should be noted that the document that certifies my entry into this place contains an error because it mentions that I was here from July 11th and not from the 5th as actually happened.
6. I filed a habeas corpus petition which was assigned case number # 25-CV-3593-JEM-BLM, said petition was denied without prejudice and pending reconsideration.
7. The second time, I request habeas corpus, being assigned case number # 26-CV-00396-CAB-MMP and the petition was granted, with the honorable Judge Cathy Ann Bencivengo ordering that a bond hearing be held before an immigration judge.
8. At the bail hearing, Judge Olga Attia determined that the applicant is a danger to society and a flight risk, based on arguments completely unknown to the applicant, the applicant also requested information regarding the charges, but has not yet received a response from ICE, similarly the case manager of unit H at Otay Mesa Detention Center – San Diego, Marley was asked if there was any criminal record and she responded that there was no criminal record of any kind in the system.
9. Due to the denial of bail, I filed a motion to request that the honorable judge Cathy Ann Bencivengo correct the erroneous decision of the immigration judge. This motion was dismissed for failure to exhaust administrative remedies before re-filing for habeas corpus. It

should be noted that the applicant did file the appeal indicated by the honorable judge Cathy Ann Bencivengo, which was duly accepted.

10. Subsequently, for the third time, the applicant requested a habeas corpus petition, which was dismissed in summary proceeding for supposedly being similar case was previous on this occasion, the assigned case number # 26-CV-01575-BAS-BLM. It should be noted that the applicant did present new data and arguments , but the case was still dismissed.
11. Because during all this time that has passed, the applicant has had to live through terrible circumstances, it is necessary to resubmit the habeas corpus application, It is essential to take into account that because the applicant is deprived of his liberty, it is extremely difficult, practically impossible, to obtain the documentation and evidence to prove the facts for which he is being to the DHS to inform them if these is indeed any accusation against him, but to this day they have not sent a response.
12. As you honor will notice, multiple notice, multiple adverse situations beyond the applicant's control have deprived him not only his freedom, which is one of the fundamental right of the United State, but also of the opportunity to mount and adequate defense to regain his liberty and properly pursue his case should the court grant the applicant habeas corpus , it is worth noting that the government has sufficient means to monitor him, which would also eliminated the alleged flight risk cited bu the immigration judge the following are the grounds and supporting facts that demonstrate the applicant's strong likelihood of obtaining a favorable outcome for habeas corpus.

Ground One: Violation of due process (Fifth Amendment). Unreasonable length of detention: The Supreme Court has held that detention in immigration cases cannot be indefinite or prolonged without adequate justification. Detaining an individual for an unreasonable period without a deportation hearing, bond hearing or final order or removal is a due process violation.

Supporting Facts: Detention in custody under Federal Authority in violation of the Constitution or laws or treaties of the United States, is the Petitioner's case. Due Petitioner's detention began on July 11th 2025, since then, Petitioner has been in Otay Mesa Detention Center serving the 9 months without being able to regain his freedom and continue the process under more favorable circumstances and possibility to obtain evidence and documents, as well as interact with authorities regarding his case.

Ground Two: Indefinite or unnecessary detention under *Zadvydas v. Davis (2001)*, the Supreme Court rules that non-citizens cannot be held in detention indefinitely while awaiting removal if removal is not foreseeable, if detainee's removal is not likely to occur in the near future, then prolonged detention may be considered unlawful after six months.

Supporting Facts: Petitioner has already initiated the T visa process, due a human traffic situation. Since these processes are naturally complex and prolonged, is not possible to know an approximated date for getting a result regarding the Petitioner's case before USCIS. It is extremely complicated, almost impossible, to achieve to defend Petitioner's case pro se, due there are not the ideal means to obtain the necessary documentation and evidence. Petitioner's detention leaves him in a undefendable status. As the court see this arguments it its clearly evident that there is no way to know even an approximate date of resolution, for being released or removed from the United States.

Ground Three: Violation of statutory limits on detention (Immigration Nationality Act).

Statutory Limitations on Detention: The Immigration Nationality Act has certain provisions that limit how long certain non-citizens can be detained without a decision on their deportation status.

Supporting Facts: Due Petitioner has been detained since last July 11th 2025, without a clear definition for his case, the lack of an adequate legal defense (former pro bono lawyer did not performed his duty ethically), and enough resources for defending Petitioner's case, his detention has been excessively prolonged and there is not a clear possible date for being released or deported.

Ground Four: Unconstitutional conditions of detention. Violation of Eighth Amendment.

Prolonged detention in unsanitary or unsafe conditions constitute grounds for a habeas petition.

Substandard Medical Care: Prolonged detention with inadequate medical care or failure to provide treatment for medical conditions is another basis for habeas petition.

Supporting Facts: Since Petitioner's detention and incarceration his mental health began to be affected and every day is getting worsened. Petitioner suffers panic attacks and anxiety. The symptoms had worsened, Petitioner has only been able to see a psychologist once in 9 months, to cover up the psychological assistance, the Detention Center makes indiscriminate use of sleeping pills and sedatives. Petitioner suffers pre diabetes, fatty liver, the Detention Center's menu is based on rice, beans, bread and pasta significantly increasing blood sugar level. Petitioner has not eaten fruit in 9 months. Food is often inedible (e.g. spoiled meat, stale rice and moldy bread). There are 3 feeding times with no set schedule, some times may pass 9 hours between meals or just 2 hours, causing significant stomach problems and nutritional deficiency. The facility is overcrowded causing frequent exposure to respiratory illnesses like COVID-19 and the flu, and the bathrooms are so filthy they are almost unusable.

Petitioner's continued detention violates the Due Process Clause because the conditions of detention are punitive and not rationally related to any legitimate government purpose.

Ground Five: Arbitrary detention. (Lack of specific Detention Grounds), in violation of the Fifth Amendment.

Unreasonable or Arbitrary Detention: If the immigration authorities detain an individual without reasonable grounds or fail to justify the need for continued detention, the petitioner can argue that the detention is arbitrary and violates the Fifth Amendment due process protections. This could include cases where the individual poses no flight risk or danger to the community but remains simply because are an undocumented immigrant.

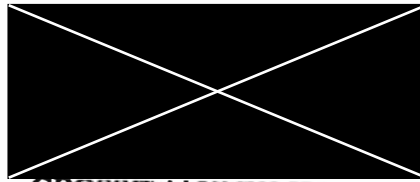
Supporting Facts: Petitioner was unlawful detained without any warrant against him. Therefore, he was never notified neither in that moment or before, any notice or warrant for no reason. Petitioner had already initiated the T visa process, due a human traffic situation.

WHEREFORE, petitioner respectfully requests that this court

- a) Provide an attorney for the petitioner's appropriate legal defense.
- b) Order petitioner's release under reasonable conditions of supervision or
- c) In the alternative, order new bond hearing consistent with the court's instructions , and that the bond granted be affordable due has considered that if a bond is too high, it is the same that denying.

I declare under penalty of perjury that the foregoing is true and correct.

Sincerely

A large black rectangular box with a white 'X' drawn across it from corner to corner, used to redact the signature.

GROSSO ALYARQ MATIAS

A small black rectangular box with a white 'X' drawn across it from corner to corner, used to redact a portion of the address.

Otay Mesa Detention Center,
PO BOX 439049
San Diego – CA 92143-9049
Pod: H Rm: 211