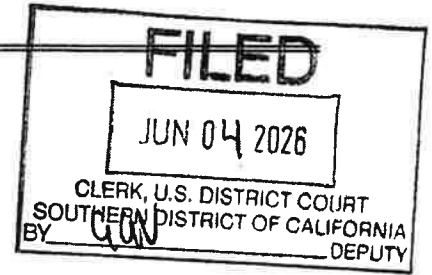


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Emin Demirci

Petitioner

v.

Christopher J. Larose Senior Warden
Otay Mesa Detention Center and

Respondent

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

Case No. '26CV3397 DMS 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: Emin Demirci
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 CALZADA DE LE FUENTE, SAN DIEGO CA 92154
(c) Your identification number: [REDACTED]
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: Immigration Court Otay Mesa
7488 CALZADA DE LE 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):
Prolonged detention with no end in sight.

(d) Date of the decision or action: 10/18/2025

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: _____

Being detained by ICE while applying for asylum

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: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 10/18/2025

- (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: _____

(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: MY EXPERIENCES DURING THE COURT PROCESS.

(IT HAS BEEN SENT AS AN ATTACHMENT TO THE FILE)

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 Do not cite cases or law.*):

I HAVE BEEN DETAINED BY 'ICE' FOR 7 MONTHS. SINCE OCTOBER 18, 2025 I COMPLETED MY COURT PROCEEDINGS ON APRIL 14, 2026. TWENTY DAYS BEFORE THE FINAL HEARING. I WAS TOLD TO SUBMIT THE FILE MY WIFE AND I HAD PREPARED SEPARATELY. I PREPARED IT WITHIN THREE WEEKS AND COMPLETED THE COURT PROCEEDINGS. I HAVE BEEN WAITING FOR THE COURTS DECISION FOR 40 DAYS. MY UNJUST DETENTION CONTINUES.

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

☐ Yes

☒ No

GROUND TWO: MY PRE-EXISTING HEALTH CONDITIONS, WHICH WORSENER WHILE I WAS INCARCERATED, ARE CAUSING ME TO EXPERIENCE HEALTH PROBLEMS.

(IT HAS BEEN SENT AS AN ATTACHMENT TO THE FILE)

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 Do not cite cases or law.*):

IN 2021, I WAS SEVERELY INJURED IN AN ATTACK. I SUFFERED A SEVERE BLOW TO MY RIGHT LEG AND UNDERWENT SURGERY. THE INJURY RENDERED MY LEG UNUSABLE. IN 2022, THE DAMAGE WAS 15%, AND IN 2023, IT HAD PROGRESSED TO 19%. MY LEG IS NOW COMPLETELY MADE OF PLATINUM. I WAS RECEIVING PHYSICAL THERAPY TWICE A WEEK, BUT FOR THE PAST SEVEN MONTHS. I HAVEN'T ANY TREATMENT. I'M UNABLE TO USE MY LEG. LOSING MY LEG IS IMMINENT. IT GETS WORSE EVERY DAY.

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

☐ Yes

☒ No

GROUND THREE: THE EFFECTS OF UNHEALTHY AND INADEQUATE NUTRITION MY ORAL AND OVERALL HEALTH.

(IT HAS BEEN SENT AS AN ATTACHMENT TO THE FILE)

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

THE FOOD PROVIDED HERE IS UNHEALTHY AND INSUFFICIENT TO MEET MY BODY'S NEEDS. AS A RESULT OF POOR NUTRITION, MY GUMS HAVE BECOME DISCOLORED. DURING THIS TIME, MY TEETH HAVE STARTED TO DECAY. I'M NOT RECEIVING ANY TREATMENT; THEY ONLY PERFORM TOOTH EXTRACTIONS TO PREVENT THE DECAY FROM SPREADING TO OTHER TEETH. I WAS FORCED TO HAVE A TOTTH EXTRACTED. I'M FACING THE RISK OF LOSING ALL MY TEETH AND MY ORAL HEALTH.

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

☐ Yes

☒ No

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GROUND FOUR: COMMUNITY RISK, FLIGHT RISK, THE INJUSTICES AND FORCED CIRCUMSTANCES
I HAVE BEEN SUBJECTED TO CONSTANTLY AND DAILY DURING THE SEVEN MONTH I HAVE BEEN
HELD IN DETENTION.

(IT HAS BEEN SENT AS AN ATTACHMENT TO THE FILE)

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

A= PROFF THAT THERE IS NO COMMUNITY RISK IS THAT I'VE BEEN HERE FOR 7 MONTHS AND HAVE
HAD 11 ROOMMATES FROM DIFFERENT NATIONALITIES. I'VE NEVER HAD A PROBLEM.

B= I HAVE NO FLIGHT RISK. I AM HERE WITH MY WIFE. I TRUST ONLY THE JUSTICE OF THE UNITED
STATES OF AMERICA IN THE WHOLE WORLD. I BELIEVE IT IS THE ONLY COUNTRY THAT WILL
PROTECT ME. I HAVE NOWHERE ELSE TO GO.

(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: Appeal would be futile because the Bond of Immigration Appeals cannot decide constitutional issues.

Request for Relief

15. State exactly what you want the court to do: I respectfully requested that the court order my release from detention. I am very respectfully requesting from The Federal Court to provide me with free federal lawyer support to help me and to complete my petition. Immediate release from detention under reasonable supervision, bond or any less restrictive alternative to confinement.

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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: 05/25/2026

A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any