

FILED

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

UNITED STATES DISTRICT COURT
for the

JUL 01 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY CD
DEPUTY CLERK

Manuel Rosales Yupanqui
Petitioner

v.

Case No. 1:26-CV-5070-NW(HC)
(Supplied by Clerk of Court)

Mesa Verde ICE Detention Center
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: Manuel Rosales Yupanqui
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Mesa Verde ICE Processing Detention Center
(b) Address: 425 Golden State Ave, Bakersfield CA 93307
(c) Your identification number: 
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain: ICE
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):

Held without bond and violation of due process right to hearing on bond request

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: _____

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

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

(d) Date of the decision or action: _____

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: *Based on court reliance on BIA decision in MATTER OF YAJURE HURTADO 29 I&N DEC. 2016 (BIA 2025)*

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:

Based on court reliance on BIA decision in MATTER OF YASURE HYATADD, 29 IRN Dec, 2016 (BIA 2025)

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:

Based on court reliance on BIA decision in MATTER OF YASURE HYATADD 29 IRN Dec, 2016 (BIA 2025)

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: May 14, 2026

(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: Prolonged detention without a bond hearing in violation of due process.

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 Do not cite cases or law.):

Petitioner has been detained by immigration authorities for prolonged period of time without being afforded and individualized bond hearing before an immigration judge, prolonged detention without an opportunity to seek release on bond, violates the due process clause of the Fifth Amendment to the United States Constitution

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

☒ Yes

☐ No

GROUND TWO: Violation of the Fifth Amendment Due Process clause

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 Do not cite cases or law.):

Respondents have deprived petitioner of liberty without due process of law by continuing his detention without providing a meaningful opportunity to challenge the legality of that detention. Petitioner has not been afforded adequate procedural protections including a prompt and fair hearing

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

☒ Yes

☐ No

GROUND THREE: Unlawful Detention Under the Immigration Nationality Act

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

Petitioner continued detention is not authorized by the applicable provisions of the Immigration and Nationality Act (INA) including but not limited to 8 U.S.C. §§ 1226, and 1227. Respondent wrongfully applied the statutory framework governing immigration detention resulting in unlawful custody beyond what the statute permits

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

☒ Yes

☐ No

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GROUND FOUR: *Arbitrary and excessive detention without justification*

(a) Supporting facts (Be brief. Do not cite cases or law.): *Petitioner is continued detention arbitrary and excessive, as it is not supported by any individualized determination that he poses a danger to the community or a risk of flight. The government has failed to justify petitioner's ongoing detention, rendering it unreasonable and in violation of constitutional protections.*

(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:

Request for Relief

15. State exactly what you want the court to do: *Accept jurisdiction over this matter, grant immediate release from detention & stay removal proceedings or any other relief.*

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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:

06/23/2026

A black rectangular box with a white 'X' drawn across it from corner to corner, indicating that the signature has been redacted.

Signature of Petitioner

Signature of Attorney or other authorized person, if any