

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

UNITED STATES DISTRICT COURT

for the
Eastern District of California

FILED

JUL 06 2026

KIMANI, JOSEPH WANYOIKE

Petitioner

v.

WARDEN OF CALIFORNIA CENTER
ICE FIELD OFFICE DIRECTOR
SECRETARY OF DHS, US ATTORNEY GENERAL

Respondent

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

CLERK OF DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

Case No.

(Supplied by Clerk of Court)

1:26CV05209 DJC SCR(HC)

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

Personal Information

1. (a) Your full name: KIMANI JOSEPH WANYOIKE
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: CALIFORNIA CITY IMMIGRATION PROCESSING CENTER
(b) Address: 22844 VIRGINIA BLVD
CALIFORNIA CITY, CA 93505
(c) Your identification number: [Redacted]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
ICE/DHS
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: ICE/DHS at the california city immigration processing center

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

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
extended and indefinite immigration detention

(d) Date of the decision or action: 02/04/2026

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: NO ADMINISTRATIVE APPEAL FOR 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: NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION DETENTION

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: NO ADMINISTRATIVE APPEAL AVAILABLE FOR IMMIGRATION APPEAL

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: I AM NOT CHALLENGING ANY FEDERAL IMPOSED 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: 02/04/2026

(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: DUE PROCESS OF THE 5th AMENDMENT: prohibits the government from depriving individuals of their life, liberty, or property without due process of law. It applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent, freedom from imprisonment from government custody, detention or other forms of restraint lies at the liberty that clause protects.

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 Do not cite cases or law.):

I am now subject of civil immigration detention while in removal proceedings and without a final order of removal. I have not been afforded and individualized determination hearing before a neutral decision maker assessing whether my detention is necessary to serve the government's interest in ensuring appearance at proceedings or protecting the community; detention that does not ensure those purposes, or that becomes arbitrary or disconnected from them, exceeds the government's statutory authority.

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

☐ Yes

☒ No

GROUND TWO: IREPARABLE HARM

I am suffering substantial hardship from my detention from my chronic illness (uncontrolled diabetes type 1), and lack of prescribed treatment and medication from my doctor. I have emotional distress due to inability to access my diagnosed treatment.

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

Lack of my diagnosed medication and treatment from my doctor has led to my deteriorating health condition and high glycemia on my blood sugars. I have had emotional distress due to being confined and changed from four detention facilities without a court date. I have never committed a crime or lived in the country illegally, even if some concern exist regarding appearance at future proceedings, DHS possesses numerous alternatives that are less restrictive including; order of supervision, GPS monitor, periodic reporting and more...

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

☐ Yes

☒ No

GROUND THREE: FEAR OF RETURNING ON HOME COUNTRY

The constitution states that any person or alien lawfully or unlawfully within the United States with an asylum case for fear of persecution on their home country is protected under the United States government.

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

Through these years, I have maintained a history of compliance with US immigration procedures and I have a pending asylum case for fear of persecution back in my country. I have tried reaching out and informing ICE representative of my current status but to no avail they insist I lack legal status for I have a valid work permit and a valid SSN but my detention is unjustified, unconstitutional and violation of rights, for asylum status or individuals are protected under the United States government.

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

☐ Yes

☒ No

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GROUND FOUR: Having being charged with a non - violent and unjustified DUI arrest for a stationary vehicle and tried to explain about my current chronic illness condition that resulted for me being unwell inside the car was unjustified and unconstititutional for i requested for medical attention at the time of arrest but was denied.

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

Having being put under a treatment and DUI programme and attending classes and also having a clean criminal record and being involved in an unjustified immigration detention; these factors weigh heavily against a finding that detention remains unnecessary. The issue before the court is whether detention remains justified, not whether detention remains justified, but whether ultimate immigration relief will be granted. I have proven to be a law abiding citizen and my detention does not serve any government interest.

(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: The APA has determined that agency action must be based on reasoned analysis consistent with statutory and authority and supported by a rational connection with facts and choices made.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that the court grant immediate release, to be monitored under supervision or in the alternative directing respondents to provide a prompt and constitutional adequate custody hearing before a neutral decision maker with authority to order release on appropriate grounds so i could be able to access my diagnosed treatment and medication from my doctor/ physician. As a chronic illness patient i'm exposed to other illnesses in confinement without preventive measures in place for i'm concerned about my health.

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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:

06/25/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

First name: KIMANI

last name: JOSEPH WANYOIKE

detained


California city immigration processing Center
22844 Virginia blvd
california city, CA 93505

RE-

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RE: NOTICE TO INFORM ON SENDING SECOND HABEAS CORPUS

To whom it may concern,

Re-

I respectfully submit this letter to inform that I am sending this second habeas corpus document due to the first one having no indication of being delivered, sent or delayed for a mis-change of address and other unavoidable circumstances..

I respectfully request consideration of my notice.

Respectfully submitted

date: 06/25/2026

