BERGA HABETAMU Shibeshi
NAME
[redacted]
PRISON NUMBER

Imperial Regional Detention Facility
PLACE OF CONFINEMENT

1572 Gate way Road Calexico, CA 92231
ADDRESS

FILED
JUL 16 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY [illegible] DEPUTY

United States District Court
Southern District Of California

BERGA HABETAMU Shibeshi,
(FULL NAME OF PETITIONER)
Petitioner

v.

Warden Jeremy Casey,
(NAME OF WARDEN, SUPERINTENDENT, JAILOR, OR AUTHORIZED PERSON HAVING CUSTODY OF PETITIONER, E.G. PAROLE OFFICER)
Respondent

and
The Attorney General of the State of California, Additional Respondent.

Civil No. '26CV4117 RBM GC
(TO BE FILLED IN BY CLERK OF U.S. DISTRICT COURT)

PETITION FOR WRIT OF HABEAS CORPUS

UNDER 28 U.S.C. § 2241

1. 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 or case number (if you know): _____
     (c) Date of sentencing: _____
   - ☒ Being held on immigration charge
   - ☐ Other (explain): _____
     _____

2. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain:
BY DHS (Department of Homeland Security)

3. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities
☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed
☐ Disciplinary proceedings
☐ Other (specify):

4. Provide more information about the decision or action you are challenging:
(a) Name and location of the court or agency: Immigration Court in imperial 2409 La Brucherie Road Imperial, CA 92251
(b) Case number, docket number or opinion number (if you know): [redacted]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Locking and absence of timely bond hearing arbitrarary unreasonable an unnessary detention serving no public interest Lack of specific detention ground
(d) Date of the decision or action:

5. Did you appeal the decision, file a grievance or seek an administrative remedy?
☒ Yes ☐ No Appeal was filed to chauenge the dicision by the imperial immigration court denying my asylum & removal to third country to Uganda.
(a) If your answer to 5 was "Yes," give the following information:
(1) Name of court, agency or authority: Board of Immigration Appeals (BIA)
(2) Date of filing: January 14 2026
(3) Case number, docket number or opinion number: [redacted]
(4) Result: pending
(5) Date of result: pending
(6) Issues raised: Appeal was filed to challenge the decision by the immigration court denying my asylum application on the ground that the immigration Judge made factual and Legal errors

(b) If your answer to 5 was "No," explain why you did not appeal: The DHS refused to parole / bond / me because he said he lacked authority to do so

6. After the first appeal, did you file a **second appeal** to a higher authority, court or agency?

☐ Yes ☒ No

(a) If your answer to 6 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 5 was "No," explain why you did not appeal: The DHS refused to paroled / bond / me because / he said he lacked authority to do so

7. After the second appeal, did you file a **third** appeal to a higher authority, agency or court?

☐ Yes ☒ No

(a) If your answer to 7 was "Yes," give the following information:

(1) Name of court, agency or authority: _____

(2) Date of filing: _____

(3) Case number, docket number or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If your answer to 7 was "No," explain why you did not appeal: The DHS refused to paroled (bond) me because he said he lacked authority to do so

8. **State *concisely* every ground on which you claim that you are being held in violation of the constitution, law or treaties of the United States. Summarize *briefly* the facts supporting each ground.** If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your available court remedies as to each ground on which you request action by the federal court. Moreover, if you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

You should *raise in this petition all available grounds* on which you base your allegations that you are being held in custody unlawfully.

GROUND ONE: I have being detained for over six months

(a) Supporting FACTS (state *briefly* without citing cases or law)

I have been currently detained for almost 16 months. The approach adopted by the united States Court of Appeals for the Ninth Circuit is to apply a bright line rule to case of mandatory detention where the government statutory mandatory detention authority is limited to a six months period

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

☒ Yes ☐ No

GROUND TWO: I am entitled to due processes under the fifth amendments of the united states Constitution

(a) Supporting FACTS (state *briefly* without citing cases or law): it is well settled that the fifth amendment entitles aliens to due process in deportation proceeding. The due process clause applies to the all persons with in the united states, including aliens, whether presence here is lawful, unlawfull, temporary or permanent. more than adecade ago in the zaduy das decision the united states Supreme Court signalled its concerns about constitutionality of the statutory scheme that astensibly autorized indefinite detention of non-citizens. Two years later, when the court upheld the constitutionality of 8.U.C.S §1226 (c) in the Demore decision it emphalized that for detention under the statute to be reasonable it must be for a brief period of time. Justice Kennedy explained in his concevrence in the demore disicion that were there to be an unreasonable delay by the immigration and Naturalization service in pursuing and completing deportation proceeding it could become necessary then to inquire whether the detention is not facilitate deportation or to incarate but For other reasons.

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

☒ Yes ☐ No

GROUND THREE: The Condition of Confinement

(a) **Supporting FACTS** (state *briefly* without citing cases or law):

The condition of my Confinement has been affecting me mentaly, emotionally, psychoiogicaly and physicaly medical Risk my health is serious risk For life I was crossing the Jungle panama bitten by spider and sustained an infection to right lateral upper arm I spend For several times at the hospital and detention medical department provide medical assistance to help remeedy The situation but to no avail For over year still Now right lateral upper arm & left deag sustained infection dosn't have solution (exhibit A) Continued detention under this circumstances services No digitmate purpose and imposes several hardship

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

☐ Yes ☒ No

GROUND FOUR: There is no significant likehood of my release From detention in the near Future.

(a) Supporting FACTS (state *briefly* without citing cases or law): The petitioner entered the united States immediatly detained by immigration official petitioner has remaindon march 04-2025 The petitioner is currentiy detained in ICE custody at sandiago detention center 17(seventin) days and san Luis detention center Arizona over 15 months any delays caused by the government I regusted a brief continuance to seek counsel but I have not unresonably delayed the immigration court process It take to get an initial hearing I entered The USA AFter Five (5) months ICE and DHS placing me under :§1225(b)(1) Accordingly I acknoledge on December 19 2025 granting the (DHS) motion to pretermit which DHS Filed only three (3) days before the scheduled individual Calander hearing The immigration Judge pretermitted petitioner applications For asylum statutory withholding of removal and protection under the convention aganist Tourture (CAT) ordered petitioner Removed including as applicable. Removal to uganda I am appeal January 14 2026 to BOrd of immigration appeal curentiy pending if denied I will purpose appeals before the ninth circuit and the Federal these proceeding can take many additional month leding to Further proionged detention.

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

☐ Yes ☒ No

9. If any of the grounds listed in 4A, B, C, and D were not previously presented in any other court, state or federal, state briefly what grounds were not presented, and give your reasons for not presenting them:

There was no need to present these grounds in Federal or state Court

10. Do you have any petition or appeal now pending in any court, either state or federal, as to the execution of sentence under attack?
☐ Yes ☒ No

11. Give the name and address, if known, of each attorney who represented you in the following stages of the execution of sentence attacked herein:

(a) In any post-conviction proceeding N/A

(b) On appeal from any adverse ruling in a post-conviction proceeding N/A

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. I respectfully pray that this Court order my immediate release from detention or in the alternative order a bond hearing infront of neutral Immigration Judge

SIGNATURE OF ATTORNEY (IF ANY)

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

07/02/2026
(DATE)

[redacted]
SIGNATURE OF PETITIONER

BERGA HABETAMU SHIBESHI

[redacted]

1572 Gateway Rd

Calexico California 92231

Clerk of U.S. District Court

Southern District of California

333 W. Broadway, Suite 420

San Diego CA 92101

Please See Attached

- Petition Under 28 U.S.C 2241 For Writ Habeas Corpus in the United States District Court Southern District of California
- Motion for Appoint of counsel
- Attached exhibit A (medical records)

Please could you file these documents in this order with the Court, thank you

Respectfully Submitted,

BERGA HABETAMU SHIBESHI

DATE 07/02/2026

[redacted]