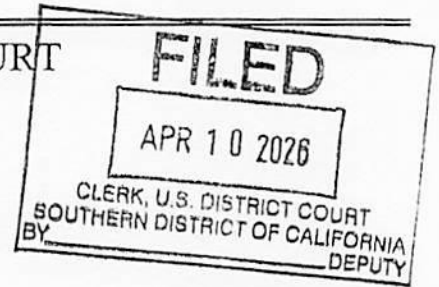


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



POUCHON FRANCIQUE
Petitioner

v.

Case No. '26CV2304 LL AHG
(Supplied by Clerk of Court)

CHRISTOPHER LA ROSE
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: POUCHON FRANCIQUE
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: SAN DIEGO, CALIFORNIA 92154-9049
PO BOX 439049
(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)

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

- ☐ 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
 7488 CALZADA DE LA FUENTE, SAN DIEGO CA 92154
 (b) Docket number, case number, or opinion number: [REDACTED]
 (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: N/A

(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: _____

8. Second appeal

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

☐ Yes ☒ No

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

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A

(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: _____

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: N/A

(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: _____

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

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

If "Yes," provide:

(1) Name of court: N/A

(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: N/A

(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: N/A

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

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

If "Yes," provide:

- (1) Date of filing: W/A
(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: W/A
(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: M/A
(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: _____

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: VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROLONGED DETENTION.

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 Do not cite cases or law.):

I have been detained for 11 months by Immigration Authorities without Parole. where the government Burden to proof if my continued detention is necessary.

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

☒ Yes

☐ No

GROUND TWO: unlawful detention Because removal is not reasonably foreseeable

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

The order of removal is currently pending Before the Immigration Judge. I don't have final order to Removal to Haiti. my final court is still pending.

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

☒ Yes

☐ No

GROUND THREE: PRESURE OF ICE

Everyday ICE coming to me and saying to me you going to Uganda without my final court without any orders they pressure on me.

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

I Came America because I have Problems in my country but ICE said few weeks ago we will send you Uganda that's no right of ICE.

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

☒ Yes

☐ No

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

GROUND FOUR:

Health Problems

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

I have been detained 11 months. But these 2 months I developed mental health problems. I can't sleep, I got depression mentally and physically which is causing depreciation on my health every day.

(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: N/A

Request for Relief

15. State exactly what you want the court to do: I'm requesting higher authorities to immediately release me from the detention.

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

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:

04-06-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

1★ I ENTER THE UNITED STATES OF AMERICA ON 19 OCTOBER 2022 AND I WAS NOT PAROLE BY ICE AND BORDER PATROL AGENTS. THEY GAVE ME FORM I-94 AND FORM I-821 APPLICATION FOR TEMPORARY PROTECTED. AT SAME DAY I WAS RELEASED.

2★ I WAS LIVING IN MATTHAPAN, MA. ON MAY 2025 ICE AGENTS CAUGHT ME AND PUT ME IN OTAY MESA DETENTION, SAN DIEGO, CA WITHOUT ANY CRIMINAL CHARGES, WITHOUT ANY CRIME, I'M HERE IN DETENTION. I NEVER BROKE ANY RULE AND SIGNAL. I'M HERE ALMOST 11 MONTHS. BEFORE I APPLIED HABEAS CORPUS ON 02/25/2026 AND IT WAS GRANTED BUT IMMIGRATION ONTED MY BOND HEARING.

3★ RIGHT NOW IMMIGRATION JUDGE SAID ME AND ORAL DECISION TO DEPORTATION OFFICER ON 02/10/2026. THAT DEPORT TO UGANDA EVERY DAY ICE COMING TO ME AND SAYING TO ME YOU ARE IN REMOVAL PROCESS TO UGANDA BUT, I DON'T WANNA GO TO UGANDA, I CAME U.S.A TO SAVE MY LIFE UGANDA NOT SAFE FOR ME. ALSO, I DON'T HAVE COMPLETE MY FINAL COURT IS ON MAY-06-2026 WITHOUT FINAL ORDER THEY WANNA REMOVE ME. THAT NO GOOD, 3 TIMES THEY CHANGE MY FINAL COURT.

4★ I DEVELOPED MENTAL HEALTH PROBLEMS BECAUSE OF MY STAY IN HERE. MY PHYSICAL HEALTH AND MENTAL HEALTH IS SLOWY DEPRIVING EVERY SINGLE DAY. I'M REALLY STRESSED ABOUT MY LIFE, I'M IN DEPRESSION, I CAN'T SLEEP AT NIGHT. I'M APPLYING FOR HABEAS CORPUS AND TO THE HIGHER AUTHORITY TO RELEASE ME FROM DETENTION. PLEASE GIVE ME IMMEDIATELY RELIEF. ALSO PETITIONER REQUEST FOR APPOINTMENT OF COUNSEL, BECAUSE I REALLY NEED COUNSEL FOR MY CASE.

YOUR HONOURABLE MAGISTRATE JUDGE
UNITED STATES DISTRICT COURT



FRANCIQUE, POUCHON

