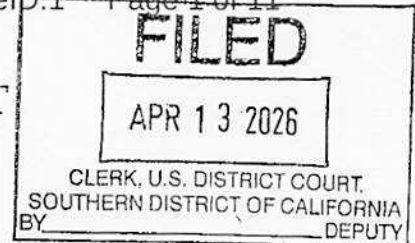


UNITED STATES DISTRICT COURT
for the
Southern District of Illinois



Nima Rafiei
Petitioner
(the name under which you were convicted)

v.

Christopher J. Larose, Patrick Divver,
Todd M. Lyons, Kristi Noem,
Pamela Bondi

Case Number: '26CV2333 TWR DDL

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

Personal Information

1. (a) Your full name: Nima Rafiei
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Otay Mesa Detention Center
(b) Address: 7488 - Calzada De La Fuente - San Diego, CA - 92154
(c) Your identification number: A#: 
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: _____
(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)

☐ 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 Detention Center

7488 - Calzada De La 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):

1. Unlawful prolonged detention. 2. Indefinite and uncertain end to this detention

3. Defiance of the spirit of the Writ of Habeas Corpus (26 - cv - 668 - JO - BJW)

4. Poor physical health status. 5. Poor mental health status. 6. Poor detention conditions

(d) Date of the decision or action: From Feb 23, 2025 until now

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 _____

8. **Second appeal**

After the first appeal, did you file a second 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 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: _____

(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

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: 02/23/2025

(b) Date of the removal or reinstatement order: N/A

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☒ No

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: Petition for a Writ of Habeas Corpus

(b) Name of the authority, agency, or court: Habeas Corpus

(c) Date of filing: 01/27/2026

(d) Docket number, case number, or opinion number: 26 - cv - 668 - JO - BJW

(e) Result: Petition granted

(f) Date of result: Feb 20, 2026

(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.

GROUND ONE: Unlawful prolonged detention

I have remained in continuous detention for almost 14 months

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 Do not cite cases or law.*):

Besides, it is not definite and certain that how much longer I will be kept in detention.

My immigration Proceedings are continued and after several sessions of final hearing

my IJ. Mark Sameit was changed into IJ. Leah O'Brian.

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

☐ Yes ☐ No

GROUND TWO: Defiance of the order of Habeas Corpus and denial of my bond request

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

Although the Writ of Habeas Corpus ordered that Respondents hold a true and
meaningful bond hearing for me, my bond request was denied. In fact, this denial
was in contrast with the spirit of the Writ of Habeas Corpus.

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

☐ Yes

☐ No

GROUND THREE: Poor physical health status:

Severe hair - loss, sever skin problem; Deterioration of eyesight.

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

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

☐ Yes

☐ No

GROUND FOUR: Poor mental health status:

General Anxiety; Panic Attack; Nervous twitches (eyelid, leg, neck)

Depression; Nightmare; Sudden bursts of crying

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

GROUND FIVE: Poor detention conditions:

1. Ill treatment, disregardfulness and disrespect towards detainees

2. Poor level of hygiene

3. Low quality of food

(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:

Based on foregoing, I respectfully request the Court to :

* Issue a Writ of Habeas Corpus ordering Respondent to immediately release me from ICE Custody;

* Grant me a pro bono FEDERAL Lawyer.

* PLEASE SEE ATTACHED

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: April 17, 2026

Nima Rafiei



Signature of Petitioner

Signature of Attorney or other authorized person, if any

MEMORANDUM

Name: Nima Rafiei

Alien Registration: 

Detained in: Otay Mesa Detention Center

Address: 7488 - Calzada De La Fuente, San Diego, CA - 92154

- My name is NIMA RAFIEI, I was born in IRAN and I am a citizen of Iran.
- I arrived in the U.S near San Luis, AZ port of entry on Feb 23, 2025.
- I don't have any Criminal Record.
- I am neither a flight risk nor a danger to the community.
- I prepared my sponsor package.
- I fear from being returned to Iran because of persecution and torture.
- I have a sponsor in the U.S who can guarantee the payment of a BOND and all my living expenses and provide me with food, housing and other necessities.
- I have cooperated with " ICE " in the following ways:
 1. Giving the information about my country of birth.
 2. Being transparent about my citizenship.
 3. Providing my fingerprint and other identification document.
 4. Providing travel document (Valid PassPort)
- After 2 weeks in FEDERAL custody, they took me to District Court due to the charge of crossing the Arizona border, which I was pardoned for; my Public Defender was Mr.Travis O'neal.
- DHS has transferred me several time:
 1. LA Sale, San Luis, AZ, 2 Months
 2. OMDC, San Diego, CA 12 Days
 3. LA Sale, San Luis, AZ, 2 Months
 4. Alexandria Staging Facility, LS, 2 Days
 5. Adams County D.C Natchez, MS, 2 Months
 6. OMDC, San Diego, CA Nov 10, 2025 until present
- ICE has tried to Deport me 2 times:
 1. Through Los Angles Airport on May 11, 2025 wick I refused.
 - Because, I was never heard before a Judge. As a matter of fact, they tried to illegally deport me to the country which I fled from.
 2. Through the Alexandria Staging on July 15, 2025.

- I took " CFI " (credible fear interview) on Aug 29, 2025 after being 6 months in detention; then my first master hearing was scheduled for Octobr, 2025. **NOTABLY**, I had attended three sessions of final hearing that my Immigration Judge was changed. Right now, the next session of final hearing has been set for April 15, 2026 and it is not certain that my immigration proceedings will be ended on that date. If it hopefully comes to a favorable decision, there will be no problem and I will be released; but in case I get an adverse decision, I will surely appeal that decision to the BIA which will result in prolongation of my detention.
- I have experienced both **MENTAL & PHYSICAL** problems in detention
Hair-loss & Deterioration of Eyesight, and Severe Skin Problems
Panic-Attack, Anxiety Disorder, Nervous twitches (Eyelid, Leg, Neek), Depression, Nightmare, and Sudden brusts of Crying.
- The last time that my petiotion for Writ of Habeas Corpus was granted, latermy bond request was denied because my lawyer failed to submit my sponsor package. Actually, it was a problem caused by my lawyer and I could not defend myself in the court. I have had all my sponsor package ready and prepared ; for this reason I request the court to order that Respondents immediately release me from detention.

Respectfully submitted

Date : April 7 / 2026

Signature : Nima Rafiei

