

TCHATCHIBARA MOHAMED

N

PRISON NUMBER

IMPERIAL REGIONAL DETENTION FACILITY
PLACE OF CONFINEMENT

1572 GATEWAY R.D CALEXICO CA 92231
ADDRESS

FILED

APR 16 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY

United States District Court
Southern District Of California

TCHATCHIBARA MOHAMED
(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. '26CV2445 JES 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: _____
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: Imperial Immigration Court 2409
La Boucheries Rd Imperial, CA
- (b) Case number, docket number or opinion number (if you know): 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Immigration and Customs Enforcement's Prolonged
detention without any opportunity for bond hearing
or Panel
- (d) Date of the decision or action: 01-03-2025
5. Did you appeal the decision, file a grievance or seek an administrative remedy?
☐ Yes ☒ No
- (a) If your answer to 5 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: Because it would be futile we had already made a decision

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: Because it would be futile

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: Because it would be futile that ICE has already made a decision

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 one year and three months.

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

Courts in this circuit have recognized a six months "presumptively reasonable period of detention" after which "the alien is eligible for conditional release if he can demonstrate that there no significant likelihood of removal in the reasonable foreseeable future" Clark V. Martinez, 543 U.S. 371, 378, 1255. Ct 716, 160 1. Ed. 2d 734 (2005) (quoting Zadvydas, 533 U.S. at 701)

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

☐ Yes ☒ No

GROUND TWO: I am not a flight risk or danger to the community

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

I come with my identification ID card. It is with ICE custody. I promise to go to court and come to any ICE interview when I am being invited. I have a Sponsor who is a citizen of US. He is a law abiding citizen. He is a taxpayer and gainfully employed. He is willing to accommodate me and make sure that I attend all my immigration court proceedings. He will also take care of my basic needs throughout my immigration proceedings.

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

☐ Yes ☒ No

GROUND THREE: FIFTH AMENDMENT

(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 proceedings. The due process clause applies to all person within the United States including aliens whether their presence here is lawful, unlawful, temporary or permanent more than a decade ago in the Zadvydas decision, the United States Supreme Court signaled its concerns about the constitutionality of a statutory scheme that ostensibly authorized indefinite detention of non-citizens. Two years later, when the court upheld the demore decision it emphasized that for detention under the statute to be reasonable it must be for a brief period of time. Justice Kennedy explained in his concurrence in the demore decision that were there to be an unreasonable delay by the Immigration and Naturalization Service in pursuing and completing deportation proceedings it could become necessary then to inquire whether the detention is not facilitate deportation or to protect against risk of flight or dangerous but to incarcerate for other reasons.

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

☐ Yes ☐ No

GROUND FOUR: There is no significant likelihood of my release in the near future

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

The duration of my current detention has been unreasonably prolonged and there is reason to anticipate significant future detention during my immigration proceedings. My Appeal to the Board of Immigration Appeals (BIA) has been pending for two months. Even if I receive an adverse decision from the Board of Immigration Appeal (BIA), I can afterwards appeals to the Ninth circuit which could take two years or longer. The conditions of confinements has been affecting me psychologically and physically. Because I have been restricted to outdoor space. We have been forbidden to access the internet which makes it hard for me to communicate with my family. Especially my mother who is suffering from illness and now almost depressed due to the situation. And most time I get deppress.

(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:

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.

SIGNATURE OF ATTORNEY (IF ANY)

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

04/13/2026
(DATE)

