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CLERK U S DISTRICT COURT
DISTRICT OF ARIZONA
BY DEPUTY

Adrian De Los Santo YAP
A# [redacted]
Central Arizona Florence Correctional Complex
P.O. BOX 6300
Florence, AZ 85132

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Adrian De Los Santo YAP,

Petitioner,

v.

Luis Rosa, Jr. in his official capacity as Facility Administrator of the Florence Correctional Center;

John Cantu, in his official capacity as Phoenix Field Office Director for U.S. Immigration and Customs Enforcement;

Todd Lyons, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;

Markwayne Mullin, in his official capacity as Secretary of the Department of Homeland Security; and

Pamela Bondi, in her official capacity as Attorney General of the United States,

Respondents,

Case No. CV26-02858-PHX-KML--CDB

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

UNITED STATES DISTRICT COURT

for the District of Arizona

Adrian De Los Santo YAP
Petitioner

v.

Luis Rosa Jr.
Respondent
(name of warden or authorized person having custody of Petitioner)

Case No. _____
(supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Adrian De Los Santo YAP
   (b) Other names you have used: Adrian De Los Santos YAP
2. Place of confinement:
   (a) Name of institution: C.A.F.C.C. CORE CIVIC FLORENCE, ARIZONA
   (b) Address: P.O. Box 6300 1100 Bowling Rd. Florence, AZ 85132
   (c) Your identification number: _____
3. Are you currently being held on orders by:
   [X]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: _____
   [X]Being held on an immigration charge
   [ ]Other *(explain)*: _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   [ ] How your sentencing is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

[ ]Pretrial detention
[X]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: N/A
(b) Docket number, case number, or opinion number: N/A
(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed:* N/A
(d) Date of the decision or action: N/A

Your Earlier Challenging of the Decision or Action

7. **First appeal**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
[ ] Yes [X] 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: N/A

8. **Second appeal**
Did you appeal the decision, file a grievance, or seek an administrative remedy?
[ ] Yes [X] 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: N/A

9. **Third appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

[ ] Yes [X] 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: N/A

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

[ ] Yes [X] 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 [X] No

If "Yes" provide:
(1) Name of court:
(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 [X] 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 [X] 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:

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: Immigration Judge (IJ) abused her discretion and violated Petitioner's Fifth Amendment Due Process rights when he was denied a bond hearing on or about April 15th, 2026 being that he is detained under 8 U.S.C. § 1231(a) not 8 U.S.C. § 1225.

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

in *Per Se*, Petitioner requested a bond hearing and was denied, erroneously claiming lack of jurisdiction on April 15th, 2026. He is entitled to a bond hearing where the government bears the burden of proving with clear and convincing evidence that petitioner is a flight risk or danger to person or property. **he requests immediate release to remedy the matter.**

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

Yes No (X)

GROUND TWO: Violation of the Fifth and Eighth Amendment by DHS/ICE in "acts or omissions sufficiently harmful to evidence deliberate indifference to serious medical needs. knowledge of the need for medical care is accompanied by the intentional refusal to provide it.

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

On January 9th, 2026, the day he was taken into immigration custody, Petitioner informed DHS/ICE of his stage 3, and stage 4 cancer. He also informed DHS/ICE that he needed chemotherapy, for which he was scheduled on the following day (January10th, 2026). On several occasions Petitioner has informed medical staff at CAFCC of his urgent need for Chemotherapy. Since his arrival His health has taken a turn for the worse. His kidneys are failing, he is retaining water. Petitioner has a Medical Port specifically used for blood work and chemotherapy (Due to lack of healthy veins), installed by doctors at Banner Medical Center in Sun City West, Arizona. DHS/ICE has been informed of this port and claim to not have staff qualified/adequate at CAFCC to use the aforementioned "PORT", causing irreparable harm.

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

Yes No (X)

GROUND THREE: Punitive and unconstitutional conditions of detention for a civil detainee. Petitioner is held, in conditions similar or more restrictive as convicted criminals and pre-trial detainees in violation of the Eight and Fourteenth Amendments. Petitioner request immediate release.

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

Petitioner is held by ICE at the CoreCivic Central Arizona Florence Correctional Complex (CAFCC) in Florence, AZ, a private facility sub-contracted for county jail, federal prison, state prison and immigration. Petitioner is subject to 23 hour pod lock downs with 1 hour of yard in 2 man cells, locked down several times during the day and subpar medical and mental health providers and supplies.

GROUND FOUR: Violation of Fifth (5th) Amendment "Due Process" clause and Violation of Administrative Procedures Act (A.P.A.) in I.C.E./ D.H.S. Not following it's own procedures and process in 8C.F.R. § 287.3 (c)-(d); which requires forms (I-200) or (I-205)"warrant" and or "following a warrant-less arrest, an alien arrested without warrant and placed in formal proceedings under section 238 or 240 of the Act will be advised of the reasons for his or her arrest and the right to be represented at no expense to the Government. Petitioner was not informed nor given written reason for detainment, he has yet to be served any of the documents mentioned above.

(a) *Supporting facts (Be brief. Do not cite case law.):* **January 9th, 2026** Petitioner was detained by I.C.E./ D.H.S. While processing out of jail custody. After contact with ICE/DHS, he was not given (I-247 Detainer), (I-200) warrant, or I-286 "notice of custody Determination. Petitioner was not advised within 48 hours of a "warrant-less arrest"of "reason for detention",or advised of right to counsel, under 8C.F.R. § 287.3 (c)-(d) **Petitioner seeks immediate release**

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

Yes No (X)

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: Petitioner requests this court to do*;

(1) assume jurisdiction;

(2) consider preliminary injunction; due to possible irreparable harm, likelihood to succeed on merits, and mathew's factors.

(3) grant petition for Habeas Corpus

(4) order his immediate release

(5) Enjoin all respondents, their agents, officers, lawyers and restrict them from;

a. Re-detaining Petitioner without 10 day "Notice", and a Pre-deprivation hearing before a neutral arbiter, and not re-detaining petitioner, without written proof of removal being able to be executed in the reasonably foreseeable future.

c. Relocating or transferring Petitioner from this district before this court decides this case.

(6) Any other relief the court feels is appropriate and just

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date you place this petition in the prison mail system:
MONDAY April 20th, 2026

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 20th, 2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any