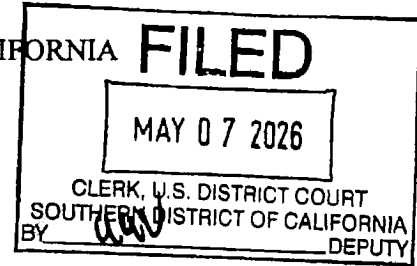


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



ALPHA DIALLO
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Imperial Regional Adult Detention
Facility;
_____, Field Office Director, San Diego Field Office,
United States Immigration and Customs Enforcement;
PATRICK J. LECHLEITNER, Acting Director, United
States Immigration and Customs Enforcement;
ALEJANDRO MAYORKAS, Secretary of Homeland
Security; MERRICK B. GARLAND, United States
Attorney General,
Respondents.

Civil Action No.: **'26CV2873 JES BJW**

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

(Verified Petition Pursuant to 28 U.S.C. § 2241)

INTRODUCTION

1. Petitioner ALPHA DIALLO respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful and unconstitutional civil immigration detention by the United States Department of Homeland Security and Immigration and Customs Enforcement (ICE).
2. Petitioner is a non-citizen from Guinea with a pending case for protection, a valid Employment Authorization Document (EAD) valid until 2029, and deep roots in his community. He was arrested on July 7, 2025, while dutifully complying with a scheduled immigration check-in, an act demonstrating his respect for the law and low risk of flight.
3. Despite having no criminal history, Petitioner has been subjected to prolonged and

indefinite detention. Critically, while an immigration judge issued a removal order on July 7, 2025, Petitioner timely appealed that decision to the Board of Immigration Appeals on July 17, 2025. His removal order is therefore not administratively final, and his continued detention without an individualized bond hearing is improper.

4. Petitioner is the sole economic provider for his entire family, including his wife, children, and parents, who are now suffering extreme hardship due to his absence. He poses no danger to the community whatsoever.
5. Critically, Respondents are demonstrating deliberate indifference to Petitioner's serious medical needs. Healthy prior to his detention, his physical and mental health have severely deteriorated in custody. He now suffers from depression, anxiety, and other illnesses, exacerbated by poor nutrition and the stress of confinement. This constitutes a continuing and irreparable harm.
6. Immigration detention is civil, not punitive. Its sole purpose is regulatory—to ensure appearance at proceedings and protect the community where necessary. When detention becomes prolonged, is imposed without adequate procedural safeguards, and is accompanied by the denial of adequate medical care, it violates the Due Process Clause of the Fifth Amendment.
7. Freedom from physical restraint and the right to adequate medical care while in state custody are core liberties protected by the Constitution. Each additional day of civil confinement under these harmful conditions constitutes a continuing violation of fundamental rights. Because Petitioner's detention has become unjustified, punitive, and medically dangerous, habeas relief is necessary.

CUSTODY

Petitioner is in the physical custody of Respondents at the Imperial Regional Adult Detention Facility, 1572 Gateway Road, Calexico, CA 92231. He is under the direct control of the following officials, named in their official capacities:

- Warden, Imperial Regional Adult Detention Facility;
- Field Office Director, ICE San Diego Field Office;
- TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement;
- KRISTI NOEM, Secretary, Department of Homeland Security;
- PAMELA BONDI, Attorney General, United States.

JURISDICTION

1. This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).
2. Personal jurisdiction attaches to the named respondents in their official capacities.
3. The Court's jurisdiction is further supported by the Due Process Clause of the Fifth Amendment and the Suspension Clause of the United States Constitution.

VENUE

Venue is proper in this District pursuant to 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Petitioner is detained in Calexico, California, which is located within the jurisdiction of the United States District Court for the Southern District of California.

PARTIES

Party	Description
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	I, Alpha Diallo, A-Number [REDACTED] citizen of Guinea, presently
Petitioner	detained at the Imperial Regional Adult Detention Facility.

Respondent	Warden, Imperial Regional Adult Detention Facility, named in official
1	capacity.

Respondent	Field Office Director, ICE San Diego Field Office, named in official
2	capacity.

Respondent	Acting Director, United States Immigration and Customs Enforcement,
3	named in official capacity.

Respondent	
4	Secretary, Department of Homeland Security, named in official capacity.

Respondent	
5	Attorney General, United States, named in official capacity.

STATEMENT OF FACTS

1. I, Alpha Diallo, am a native and citizen of Guinea, born on [REDACTED]
2. I entered the United States on or about November 21, 2023, by crossing the border to seek protection from harm in my home country.
3. I have a pending case for relief from removal. In connection with this case, I was granted

an Employment Authorization Document (EAD), Category C08, which is valid until August 25, 2029.

4. On July 7, 2025, I complied with instructions from immigration authorities and appeared for a scheduled check-in appointment. In an act of good faith and compliance, I attended the appointment, at which point I was immediately arrested and taken into ICE custody.
5. An Immigration Judge entered an order of removal on the same day as my arrest, July 7, 2025.
6. On July 17, 2025, I timely filed a notice of appeal of that decision to the Board of Immigration Appeals. To the best of my knowledge, that appeal remains pending, and my order of removal is not yet final.
7. I have been continuously detained since July 7, 2025, at the Imperial Regional Adult Detention Facility in Calexico, California.
8. I have no prior criminal history in the United States or any other country. I have never been convicted of any crime.
9. I am the sole financial provider for my wife, my children, and my parents. My detention has caused them extreme emotional and financial distress, as they have lost their only source of support.
10. Prior to my detention, I was a healthy individual.
11. Since being detained, my health has significantly deteriorated. I suffer from depression and anxiety due to the stress of confinement and separation from my family. I have also experienced other illnesses and am not able to eat properly.
12. I am not a danger to the community. I have no history of violence and have always sought to comply with immigration authorities, as evidenced by my appearance at the

appointment where I was arrested.

13. I am not a flight risk. My family depends on me, and I have a pending appeal that I wish to pursue to remain in the United States legally. My detention has caused significant emotional distress to my entire family.

LEGAL FRAMEWORK

1. Statutory basis for detention. Because Petitioner's order of removal is not administratively final due to his pending appeal, his detention is governed by 8 U.S.C. § 1226(a), which authorizes discretionary detention pending removal proceedings. As an individual with no criminal history, Petitioner is not subject to mandatory detention under § 1226(c). The statute requires an individualized determination of flight risk and danger.
2. Due Process Clause. The Fifth Amendment prohibits the government from depriving any "person" within the United States of liberty without due process of law. Civil immigration detention is subject to these constitutional limits. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
3. Bond-hearing requirement. 8 C.F.R. § 1003.19 requires a prompt custody-redetermination hearing. Prolonged detention of an individual with a pending appeal, no criminal record, and significant family ties without a bond hearing is constitutionally suspect, particularly where the order is not yet final. See *Matter of Joseph*, 22 I&N Dec. 799 (BIA 1999).
4. Burden of proof. The government bears the burden of proving by clear and convincing evidence that an individual is a danger to the community. Given Petitioner's complete lack of criminal history, the government cannot meet this burden.
5. Right to Medical Care. The government has an obligation to provide adequate medical

care to those it detains. Deliberate indifference to a serious medical need, including mental health conditions like depression and anxiety, violates the Due Process Clause. *Estelle v. Gamble*, 429 U.S. 97 (1976).

6. Irreparable harm. The Ninth Circuit has recognized the irreparable harms imposed by immigration detention, including loss of liberty and family separation. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). The deterioration of Petitioner's mental and physical health constitutes ongoing and severe irreparable injury.

CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT (INA)

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. Petitioner is detained pursuant to 8 U.S.C. § 1226(a), as his removal order is not yet final. This statute does not authorize prolonged detention without a bond hearing, particularly for an individual with no criminal history and a pending appeal. Read in conjunction with 8 C.F.R. § 236.1 and 8 C.F.R. § 1003.19, the statutory scheme requires that Petitioner be afforded a prompt bond hearing.
3. Respondents have detained Petitioner since July 7, 2025, without such a hearing, thereby violating the INA and the procedural safeguards it embodies.
4. Accordingly, Petitioner is entitled to immediate relief from his unlawful detention.

COUNT TWO – VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

1. Petitioner realleges and incorporates by reference each allegation set forth above.
2. The Due Process Clause requires that any deprivation of liberty be accompanied by fair

procedures and humane conditions of confinement. *Zadvydas*, 533 U.S. at 693.

3. Detaining Petitioner, who has no criminal record and strong family ties, for a prolonged period without a bond hearing is arbitrary, excessive, and punitive in effect, especially while his appeal is pending.
4. Furthermore, Respondents' deliberate indifference to Petitioner's serious mental and physical health needs by failing to provide adequate care for his developing conditions constitutes an independent and ongoing violation of his due process rights.
5. Petitioner has therefore suffered an unconstitutional deprivation of liberty and is being subjected to unconstitutional conditions of confinement, entitling him to relief.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter.
2. Order Respondents to show cause why a writ of habeas corpus should not be granted.
3. Declare that Petitioner's continued detention without an individualized bond hearing and without provision of necessary medical care violates 8 U.S.C. § 1226(a), its implementing regulations, and the Due Process Clause of the Fifth Amendment.
4. Grant a writ of habeas corpus ordering Respondents to:
5. Immediately release Petitioner from the Imperial Regional Adult Detention Facility on his own recognizance or other appropriate conditions of supervision; or, in the alternative,
6. Provide Petitioner with a constitutionally adequate bond hearing before an Immigration Judge within seventy-two (72) hours of this Court's order, at which the Government must

prove by clear and convincing evidence that his continued detention is necessary to prevent a risk of flight or a danger to the community.

7. Enjoin Respondents from transferring Petitioner out of this Court's jurisdiction pending resolution of this petition.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Alpha Diallo, being the petitioner, hereby certify under penalty of perjury that the statements set forth herein are true and correct to the best of my knowledge and belief.

Date: May 4, 2026

/s/ Alpha Diallo
Alpha Diallo
Pro Se