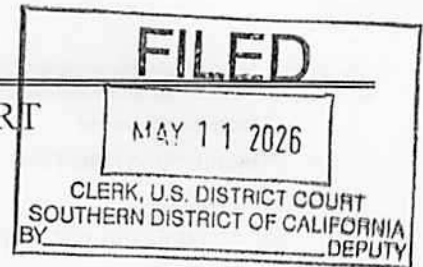


AO 242 (Rev. 09-17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



Johanna Montserrat Mero Sambrano

Petitioner

v.

Facility Administrator, Olay Mesa Detention Center

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. **'26CV2959 JO BJW**
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: Johanna Montserrat Mero Sambrano
(b) Other names you have used: None
2. Place of confinement:
(a) Name of institution: Olay Mesa Detention Center
(b) Address: 7488 Calzada de la Fuente, San Diego, CA 92154
(c) Your identification number: [REDACTED]
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)

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- ☐ 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: U.S. Immigration and Customs Enforcement (ICE)
San Diego, California

(b) Docket number, case number, or opinion number: [REDACTED]

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

Ongoing immigration detention, denial of adequate medical care, unconstitutional conditions of confinement, and threatened transfer or removal.

(d) Date of the decision or action: 02/18/2026

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 appeal: Administrative remedies are inadequate and ineffective because Petitioner faces ongoing irreparable harm, including severe medical and psychological suffering and risk of transfer or removal.

8. **Second appeal**

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

☐ Yes ☒ No

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(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: Further administrative review would be futile and unable to prevent ongoing constitutional harm.

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: No effective administrative remedy exists to address the emergency nature of the detention and constitutional violations.

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

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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: Section 2255 does not apply because Petitioner is challenging immigration detention, not a criminal 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: 02/18/2026
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No

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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: _____

(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: _____

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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: Unlawful immigration detention without meaningful due process.

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

Petitioner was detained after appearing voluntarily at a routine ICE appointment without meaningful individualized review or adequate procedural protections.

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

☐ Yes ☒ No

GROUND TWO: Deliberate indifference to serious medical needs.

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

Petitioner entered detention while pregnant, reported abdominal pain and worsening symptoms, and later suffered a miscarriage after delayed medical attention.

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

☐ Yes ☒ No

GROUND THREE: Unconstitutional conditions of confinement.

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

Petitioner has been subjected to overcrowding, unsafe food and water, unsanitary conditions, verbal abuse, and inadequate medical care.

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

☐ Yes ☒ No

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GROUND FOUR: Threatened transfer or removal interfering with judicial review.

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

Petitioner fears retaliatory transfer or sudden removal before the Court can adjudicate her habeas petition.

(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: Administrative remedies were futile and incapable of preventing irreparable harm and ongoing constitutional violations.

Request for Relief

15. State exactly what you want the court to do: Order Petitioner's immediate release from immigration detention or, alternatively, provide an immediate individualized bond hearing and prohibit transfer or removal while this habeas petition is pending.

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

05/07/2026

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: 05/07/2026

Johanna Montserrat Mero Sambrano

Signature of Petitioner

Signature of Attorney or other authorized person, if any



UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

JOHANNA MONTSERRAT MERO SAMBRANO,
Petitioner (Pro Se)

AFFIDAVIT OF JOHANNA MONTSERRAT MERO SAMBRANO (PRO SE)

I, Johanna Montserrat Mero Sambrano, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct to the best of my knowledge:

1. I am the Petitioner in this action and I am currently detained at Otay Mesa Detention Center.
2. I am a citizen of Ecuador. I entered the United States on May 5, 2024, and have been actively seeking to regularize my immigration status, including maintaining a pending asylum application.
3. On February 18, 2026, I presented myself voluntarily to a scheduled ICE appointment, complying fully with all requirements imposed on me. During this appointment, I was suddenly taken into custody without being presented with a judicial warrant or any explanation establishing probable cause.
4. At the time of my detention, I was pregnant. Shortly after being detained, I began experiencing severe abdominal pain and repeatedly informed detention officers and medical staff of my condition.
5. Despite my repeated requests for help, my medical condition was ignored. I was denied timely and adequate medical care.
6. As days passed, my condition worsened significantly. I began hemorrhaging, and only at that point was I provided medical attention. By then, it was too late, and I lost my pregnancy.
7. The loss of my baby has caused me profound emotional and psychological trauma. I suffer from severe depression, anxiety, and ongoing emotional distress as a result of this experience.

8. Since my detention, I have also experienced the following conditions:

- Severe rationing of food and water;
- Consumption of spoiled or unsafe food;
- Overcrowded living conditions;
- Unsanitary and unhealthy facilities;
- Denial or delay of necessary medical care;
- Verbal mistreatment by detention officers.

9. These conditions have negatively affected my physical health and worsened my mental health.

10. I fear retaliation from detention officials, including unjustified transfers to other facilities, placement in isolation, or other punitive measures.

11. I also fear being removed from the United States without notice, or being transferred in a way that interferes with my ability to pursue my legal case.

12. I have no serious criminal history and I am not a danger to the community. I have strong ties to the United States and I am not a flight risk.

13. I am deeply afraid for my safety, my health, and my future if I remain detained under these conditions.

14. Everything stated in this affidavit is based on my personal knowledge and experience.

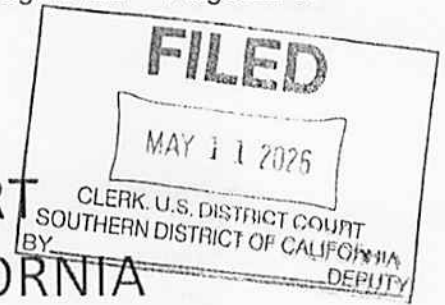
I declare under penalty of perjury that the foregoing is true and correct.

Executed on this _____ day of _____, 2026.



Johanna Montserrat Mero Sambrano
Pro Se Petitioner

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA



JOHANNA MONTSERRAT MERO SAMBRANO,
Petitioner,

v.

WARDEN, OTAY MESA DETENTION CENTER, et al.,
Respondents.

PROOF OF SERVICE (FEDERAL – 2026)

I, Johanna Montserrat Mero Sambrano, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that I am the Petitioner in the above-captioned action and that I caused true and correct copies of the Petition for Writ of Habeas Corpus and all accompanying motions and exhibits to be served on the following parties:

1. UNITED STATES DISTRICT COURT
Southern District of California
333 West Broadway, Suite 420
San Diego, CA 92101
2. UNITED STATES ATTORNEY'S OFFICE (USAO)
Southern District of California
880 Front Street, Room 6293
San Diego, CA 92101
3. U.S. DEPARTMENT OF HOMELAND SECURITY (DHS)
Office of the General Counsel
245 Murray Lane SW
Washington, DC 20528
4. U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (ICE)
Office of the Principal Legal Advisor (OPLA)
880 Front Street, Room 2247
San Diego, CA 92101

5. WARDEN

Otay Mesa Detention Center
7488 Calzada de la Fuente
San Diego, CA 92154

Service was made by placing the documents in properly addressed envelopes and depositing them with the United States Postal Service with first-class postage prepaid.

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

Executed on this ____ day of _____, 2026.



Johanna Montserrat Mero Sambrano
Pro Se Petitioner