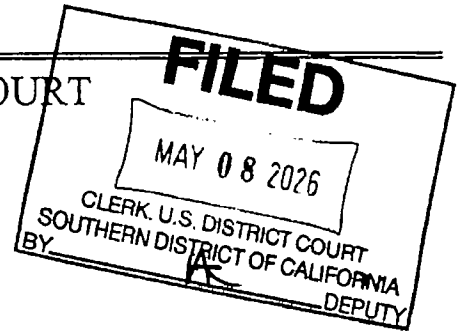


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the



Juan Nicolas Pongrano
Petitioner

v.

Case No. '26CV2922 TWR MSB
(Supplied by Clerk of Court)

Warden Christopher La Rose
Respondent
(name of warden or authorized person having custody of petitioner)

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

Personal Information

1. (a) Your full name: Juan Nicolas Pongrano
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Corrections Corp of America
(b) Address: 7488 Calzada de la fuente San Diego C.A. 92154
(c) Your identification number: 
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: Otag Mesa Immigration Court
7488 Calzada de la fuente San Diego C.A. 92154

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

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

I am challenging my Prolonged Immigration Process

(d) Date of the decision or action: 11/23/25

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: _____

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: _____

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

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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: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 11/23/25

(b) Date of the removal or reinstatement order: 4/30/26

(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: May 26

(2) Case number: 

(3) Result: Pending

(4) Date of result: Pending

(5) Issues raised: I do not agree with the Judge's decision to send me back to Guatemala, knowing that my life is danger in my Country

(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: I've been detained Since 11/23/25 without the opportunity to be released on bail

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 Do not cite cases or law.):

On December 30, 2025 I had a bail hearing the Judge argued that he did not have Jurisdiction to discuss bail

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

☐ Yes

☐ No

GROUND TWO: I was notified by letter that I had to report to the ICE offices in San Diego on 11/23/25 and I was arrested and taken into custody

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

I entered the United States in 2017 and began my asylum Process I attended all immigration Court hearings and Complied with all requirements. my work on Social Security Permits are valid until 2030 I received a Summons, appeared in Court and was arrested without any Explanation.

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

☐ Yes

☐ No

GROUND THREE: The living Conditions in the Otay Mesa Detention Center have been affecting me. There is limited Communication and the food is often found prepared in Correcty and not having Proper nutrients.

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

Here in the Detention Center Communication Such as Phone calls, video calls, and text messages often cost money which gives me a financial restriction. Often these forms of Communication can be found monitored having no privacy. Also food here can be found to be served on dirty plates, dirty spoons, dirty cups or all these time Certain meals are under cooked and/or lack nutritional value.

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

☐ Yes

☐ No

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GROUND FOUR:

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

(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: Your Honor, I would like to request to be released from the Otay Mesa Detention Center through Parole, Supervision, or bail, as my bail was denied. If I meet the requirements, I would like to be represented by a Public Defender for my case. If I get released, can I be given an legal document that can protect me from getting detained without a Court order. Thank you time, Your Hon

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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:

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: 05/05/26

A black rectangular box with a white 'X' drawn across it from corner to corner, used to redact the signature of the petitioner.

Signature of Petitioner

Signature of Attorney or other authorized person, if any

1) I arrived in the United States on December 25 - 2017
I Surrendered to Immigration and was then Processed
and began an asylum Process

2) I entered through the border at San Luis Potosi
Arizona, and then Settled in Fobroc California
which is still my Current address.

3) I was arrested by immigration on November
23-2025 when I attended an appointment
they sent me a letter stating that I had to
appear.

After appearing, I was arrested and transferred
to the Otay Mesa Detention Center in San Diego
California, where I am currently located

4) I've been in jail for five and a half months
now. Unable to get out on bail or any other
legal recourse.

My biggest concern is the economic and
psychological situation of my children because they
depend on me. My children attend school, and
I am their sole provider

Juan Nicolas Ponciano

A#

F.