

FRITZNER JUNIOR AUGUSTIN

NAME

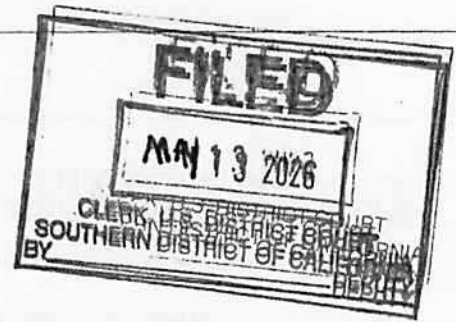
PRISON NUMBER

OTAY MESA DETENTION CENTER

PLACE OF CONFINEMENT

PO BOX 439 049 SAN DIEGO CA 92143 -9049

ADDRESS



**United States District Court
Southern District Of California**

FRITZNER JUNIOR AUGUSTIN

(FULL NAME OF PETITIONER)

Petitioner

v.

OTAY MESA DETENTION CENTER

(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.

'26CV3008 CAB VET

Civil No. _____

(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: OTAY MESA IMMIGRATION COURT
- (b) Case number, docket number or opinion number (if you know): [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): MAY 10, 2026 I AM ABOUT TO BE 4 MONTHS LOCKED UP WITHOUT A CUSTODY REDETERMINATION, AND I CAME IN THE COUNTRY MAY 12, 2023 ON A PAROLE. I ENTER THE COUNTRY LEGALLY ON THE MIAMI AIRPORT.
- (d) Date of the decision or action: 01-10-26
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: I did NOT
appeal BECAUSE I HAVE A PRO BONO LAWYER, I
WAS WAITING FOR HIM TO HELP ME DO IT.

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 6 was "No," explain why you did not appeal: FOR THE SAME
REASON AS THE FIRST ONE.

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: FOR the SAME
REASON as the FIRST ONE

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 ENTER the COUNTRY EXACTLY MAY 12, 2023
ON HIS PROGRAM, MEAN a PAROLE, I ENTER the
COUNTRY legally IN MIAMI FLORIDA AIRPORT, I HAVE A STAMP

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

I HAVE A STAMP ON MY PASSEPORT telling that I CAME
legaly in the country. But the only thing is with
this PROGRAM I supposed to Be in the country for
2 years, BEFORE the 2 years I supposed to Apply
FOR an ASYLUM, GET MARRIED OR Apply FOR a
TPS to get another statute. But unlucky ME I
COULD NOT FIND ME a WOMAN to get MARRIED
BECAUSE I WAS ALWAYS BUSY WORKING to PROVIDE
MY DAUGHTER and MY SISTER Living in MY POOR
HAITI COUNTRY. I Apply FOR TPS since 2024 But
BECAUSE OF the PRESIDENT MY TPS is still pending
and I NEVER Received it till all MY PAPER EXPIRED.

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

☒ Yes ☐ No

GROUND TWO: I did not comited any CRIME and I do not
Represent any danger For the COMMUNITY, I am
Not a Fly Flight Risk For the COMMUNITY.

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

WHEN I CAME in the country MAY 2023 I knew
EXACTLY that I supposed to apply For AN ASYLUM
to try to CHANGE my statue but just BECAUSE I
did not WANT to lied and BRING all my PAST
life in my future I did NOT apply FOR. I CAME
in this country to get A BETTER life that my
country don't HAVE and WORKING like A BEAST to
Help my family over there, I HAVE BEEN WORKING
IN [REDACTED] Since September 8, 2023 EXACTLY my
BIRTHDAY till MAY 11, 2025 the REASON is BECAUSE
ALL my PAPER WAS expired MAY 10, 2025 [REDACTED]
HAS to stop me WORKING. AND I apply FOR TPS
and my WORK PERMIT I tried to RENEW it UNDER
my TPS till now my TPS is Pending. Since
[REDACTED] STOPPED me WORKING my life Getting
WORST DAY BY DAY, I WAS living Hoping and
Waiting that they will SEND me my TPS and
my WORK PERMIT. things WAS CHANGED FOR me and
I WAS STRUGGLING SO HARD in the RIGHT way to
get me some BREAD and SEND my family some
to NOT DYING HUNGRY in HAITI, I HAD to sleep
in my CAR FOR couple months just to save some.

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

☐ Yes ☐ No

GROUND THREE: ON JANUARY 9, 2026 I FELT SO DESEPERATE
AND WITH THE LITTLE SAVING THAT I HAD I TOOK
THE WORST DECISION EVER IN MY LIFE.

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

JANUARY 9, 2026 I TOOK THE ROAD TO GO GET ME
AN ASYLUM FROM CANADA, CAUSE YES I HAVE A
SISTER LIVING IN MIAMI FLORIDA BUT I DID NOT WANT
TO GO BACK LIVE WITH HER TO BE IN THE SAME SITUATION
BECAUSE ICE WAS TAKING A LOT OF PEOPLE HERE. AND
JUST BECAUSE I WANTED TO CHANGE MY LIFE I WENT
TO CANADA TO ASK FOR AN ASYLUM. AND WHEN
I GOT TO THE BORDER ON JANUARY 9, 2026 THEY
LET ME ENTER AND THEY TOOK ME TO THE IMMIGRATION
AND ASK ME A LOT OF QUESTIONS. JUST BECAUSE I
DID NOT HAVE NO FAMILY AND NO ONE THAT I KNOW
IN CANADA THEY REFUSE MY ASYLUM. AND ON
JANUARY 10, 2026 THEY SEND ME BACK TO THE US
IMMIGRATION AND JUST BECAUSE ALL MY PAPER
WAS EXPIRED THE US IMMIGRATION GAVE ME TO THE
ICE, AND THEY SEND ME TO THE COUNTY JAIL FOR
1 WEEKS, AFTER 1 WEEKS THEY SEND ME TO BDFC
BUFFALO FEDERAL DETENTION CENTER IN NEW YORK
EXACTLY BATAVIA FOR ALMOST 1 MONTHS 14 DAYS AND
AFTER THEY SEND ME HERE TO OTAY MESA TILL NOW.

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

☐ Yes ☐ No

GROUND FOUR: I Believe I deserve please A Custody Rede-termination, OR A Release, OR A Bond FROM YOU OR the detention please.

(a) **Supporting FACTS** (state briefly without citing cases or law): I Feel that due to the HARSHER treatments in the detention center, my Detention will cause me and my daughter IRREPARABLE HARM to us. CAUSE my 10 years old daughter KNOWS WHERE I am and she Be Crying everyday, I am starting HAVING INFECTIONS and Health mental issues and my Depression Here is VERY REAL. I WANT a TRO to NOT get TRANSFER AGAIN while I am waiting For a decision ON my TPS case, OR to NOT get Redetain again IF I get the chance to get Release. I see MANY people get TRANSFERING NUMEROUS time and get Redetain AGAIN after get Release. I would like the COURT to give me another opportunity in my life to get Release and try to keep doing all the Best FOR my daughter in Haiti, CAUSE my country is VERY bad. I CAN NOT Go back even I HAVE all my life living there, I came Here to work NOT to Be locked up like a CRIMINAL, AND since I am in the Detention my 2 Sisters and my daughter is SUFFERING so bad CAUSE I am the ONLY MAN in the Family WHO CAN WORK like A BEAST to Help them with their life till I am still alive and can.

(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:

N/A

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 _____

(b) On appeal from any adverse ruling in a post-conviction proceeding _____

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

05-04-26

(DATE)


SIGNATURE OF PETITIONER