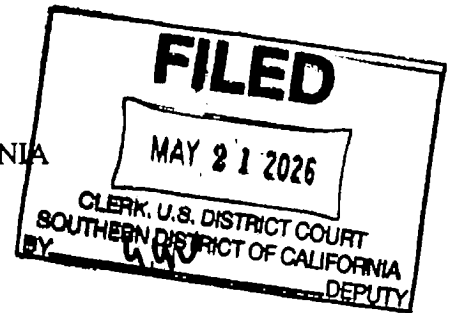


UNITED STATES DISTRICT
COURT SOUTHERN DISTRICT OF CALIFORNIA



ALHASSANE DIALLO
Proceeding Pro Se,
Petitioner,

v.

_____, Warden, Otay Mesa Detention Center;
_____, Field Office Director, ICE San Diego
Field Office; TODD M. LYONS, Acting Director,
United States Immigration and Customs
Enforcement; MARKWAYNE MULLIN, Secretary of
Homeland Security; TODD BLANCHE, Acting
United States Attorney General, in their official
capacities,

Respondents.

Civil Action No.: '26CV3177 CAB SBC

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

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

INTRODUCTION

Petitioner ALHASSANE 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).

Petitioner is an exceptionally vulnerable 18-year-old asylum seeker from Guinea with no criminal history. Fleeing a history of family trauma, abandonment, and destitution, he sought safety in the United States. He was detained on May 2, 2026. In a shocking rush to judgment that denied any meaningful opportunity to present his case, an Immigration Judge ordered him removed just three days later, on May 5, 2026. A timely appeal to the Board of Immigration Appeals (BIA) is now

pending.

Petitioner's detention is arbitrary and inhumane. He suffers from a persistent foot problem for which he has not received adequate medical care. He is a young man who has endured the loss of his father and was expelled from his home by his uncle at the age of 13. He is indigent, without documents, and completely alone.

The Government has failed to provide Petitioner with any individualized custody determination, ignoring his youth, his clean record, his pending appeal, his medical needs, and his extreme vulnerability. This failure violates the Immigration and Nationality Act (INA) and the Due Process Clause of the Fifth Amendment.

Freedom from arbitrary physical restraint is a cornerstone of the liberty protected by the Constitution. Detaining a traumatized 18-year-old with a pending appeal, no criminal record, and a documented medical need, without a proper bond hearing, is a fundamental violation of due process. Because Petitioner's detention is statutorily and constitutionally infirm, habeas relief is necessary. Petitioner respectfully requests that this Court grant the writ and order his immediate release, or, in the alternative, order an immediate individualized bond hearing before a neutral decision-maker where the Government bears the burden of justifying his continued detention.

CUSTODY

Petitioner is in the physical custody of Respondents at the Otay Mesa Detention Center, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154. He is under the direct control of:

- Warden, Otay Mesa Detention Center;
- Field Office Director, ICE San Diego Field Office;
- Acting Director, United States Immigration and Customs Enforcement;

- Secretary, Department of Homeland Security;
- Acting Attorney General, United States.

JURISDICTION

This Court has subject-matter jurisdiction under 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 2241 (writ of habeas corpus).

1. Personal jurisdiction attaches to the named respondents in their official capacities.
2. 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 San Diego, California;
- The Facility and the Respondents' custodial officers are located in this District.

PARTIES

Party	Description
Petitioner	I, Alhassane Diallo, A-Number  , citizen of Guinea, presently detained at the Otay Mesa Detention Center.
Respondent 1	Warden, Otay Mesa Detention Center, named in official capacity.
Respondent 2	Field Office Director, ICE San Diego Field Office, named in official capacity.
Respondent 3	TODD M. LYONS, Acting Director, United States Immigration and Customs Enforcement, named in official capacity.
Respondent 4	MARKWAYNE MULLIN, Secretary, Department of Homeland Security, named in official capacity.

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

STATEMENT OF FACTS

1. Petitioner ALHASSANE DIALLO is a native and citizen of Guinea, 
 He is 18 years old.
2. He entered the United States on or about March 30, 2026, seeking protection from persecution in his home country.
3. Petitioner was detained on May 2, 2026. Just three days later, on May 5, 2026, an Immigration Judge ordered him removed. He has a timely appeal of that decision pending before the Board of Immigration Appeals (BIA).
4. His asylum claim is based on a profound history of trauma and vulnerability. His father abandoned the family and later died. When Petitioner was approximately 13 years old, his paternal uncle forcibly expelled him, his mother, and his brother from their home, seizing the family's assets and leaving them destitute.
5. Petitioner has no criminal history in any country. He has never been convicted of any crime and has no history of violence. He is not a danger to the community.
6. Petitioner suffers from a persistent medical problem with his foot and has not received adequate medical attention while in ICE custody. His condition will worsen if he remains detained or is removed to Guinea, where he has no access to care.
7. Petitioner is indigent and does not have possession of any identity documents, such as a passport or birth certificate. He has provided a sworn affidavit explaining that these documents were lost during his journey or are otherwise outside his control.
8. His mother and brother remain in a vulnerable situation in Guinea, and he fears for their

safety and his own if he is forced to return. He has no home, no family support, and no financial resources in Guinea.

9. He is not a flight risk. He is an asylum seeker with a pending appeal who is actively seeking to vindicate his rights through the U.S. legal system.
10. The Government has not afforded Petitioner a meaningful, individualized bond hearing to assess whether his detention is necessary, particularly in light of his young age, lack of criminal record, pending BIA appeal, medical condition, and extreme personal vulnerability.
11. His continued detention has caused him significant stress, anxiety, and fear, compounding the trauma he has already endured.

LEGAL FRAMEWORK

1. **Statutory Basis for Detention.** Petitioner's detention is governed by 8 U.S.C. § 1226. Because Petitioner has not been convicted of any crime, he is not subject to mandatory detention under § 1226(c). Instead, his custody is governed by § 1226(a), which provides for discretionary release on bond and requires an individualized custody determination. Respondents' failure to provide such a hearing is a violation of the statute.
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. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). This protection applies to all individuals within the United States, regardless of their immigration status.
3. **Bond-Hearing Requirement.** The Ninth Circuit has held that due process requires the government to provide individualized bond hearings where it must prove by clear and convincing evidence that a non-citizen is a flight risk or a danger to the

community. *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). The hearing must include consideration of the detainee's individual circumstances, including vulnerability and medical needs.

4. Vulnerability of Youth. Federal courts recognize that special care must be taken when detaining young people. At 18, Petitioner is barely an adult and carries the trauma of a difficult childhood. His de facto status as an unaccompanied youth, his lack of family support, and his history of abandonment are all powerful factors weighing against his continued detention. An individualized custody determination must weigh these significant humanitarian factors.
5. *Mathews v. Eldridge* Balancing. Applying the three-part test from *Mathews v. Eldridge*, 424 U.S. 319 (1976), confirms that Petitioner's detention violates due process. First, Petitioner has a fundamental private interest in his liberty and his health. Second, the risk of erroneous deprivation is extremely high, as he was rushed to a removal order in three days and has since been denied a meaningful hearing to present evidence of his vulnerability, his lack of dangerousness, and his pending appeal. Third, the governmental interest in providing a proper hearing is minimal compared to the severe and potentially irreversible harm to this vulnerable young man.

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 being detained without a bond hearing under the incorrect legal standard. As he has not been convicted of any crime, his detention is governed by 8 U.S.C. § 1226(a).
3. Section 1226(a) and its implementing regulations (8 C.F.R. § 236.1, § 1003.19) require

that Petitioner be afforded a prompt and individualized bond hearing where his eligibility for release can be assessed.

4. Respondents have detained Petitioner since May 2, 2026, without such a hearing, in direct violation of the INA.
5. Accordingly, Petitioner is entitled to an order requiring Respondents to provide him with an immediate bond hearing consistent with the statutory framework.

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, including a hearing before a neutral decision-maker. *Zadvydas*, 533 U.S. at 690.
3. Detaining Petitioner, an 18-year-old with a history of trauma, a medical condition, no criminal record, and a pending BIA appeal, without a bond hearing where the Government demonstrates that he poses a flight risk or a danger, constitutes arbitrary and indefinite detention.
4. Petitioner has therefore suffered an unconstitutional deprivation of his liberty and is entitled to relief.

PRAYER FOR RELIEF

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

1. Issue an immediate Temporary Restraining Order enjoining Respondents from transferring, removing, or deporting Petitioner pending resolution of this application.
2. Assume jurisdiction over this matter.

3. Order Respondents to show cause why a writ of habeas corpus should not be granted, within three (3) days, and set a hearing on this petition within five (5) days of the return, as required by 28 U.S.C. § 2243.
4. Declare that Petitioner's continued detention without an individualized bond hearing that properly considers his youth, vulnerability, and medical needs violates 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment.
5. Grant a writ of habeas corpus ordering Respondents to immediately release Petitioner from the Otay Mesa Detention Center.
6. In the alternative, order Respondents to provide Petitioner with an immediate bond hearing before an Immigration Judge, at which the Government must prove by clear and convincing evidence that his continued detention is necessary, and at which the Immigration Judge must consider his lack of criminal history, his extreme vulnerability, his medical needs, and alternative conditions of release.
7. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, and 28 U.S.C. § 2412.
8. Grant such further relief as this Court deems just and proper.

VERIFICATION

I, Alhassane 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 19, 2026.

/s/ Alhassane Diallo
Alhassane Diallo
Pro Se