FILED
MAY 29 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

AYUSH THAKUR
NAME
[redacted]
PRISON NUMBER

Imperial regional detention Center
PLACE OF CONFINEMENT

1572 Gateway Rd Calexico Ca, 92231
ADDRESS

United States District Court
Southern District Of California

AYUSH THAKUR,
(FULL NAME OF PETITIONER)
Petitioner

v.

JEREMY CASEY,
(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.

Civil No. '26CV3315 BJC JLB
(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:
DHS

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: Immigration Court in Imperial 2409 La Brucherie Road Imperial Ca, 92251
(b) Case number, docket number or opinion number (if you know [redacted]
(c) Decision or action you are challenging (for disciplinary proceedings, [illegible] imposed):
(d) Date of the decision or action:

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: _____

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 5 was "No,"explain why you did not appeal: I did not file an appeal because it would be futile.

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: I did not file an appeal because it would be futile.

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 have being detained For over six month Court in the ninth circut have recognised the six month bright rule.

(a) **Supporting FACTS** (state *briefly* without citing cases or law) I have been currently detained for over six months in imperial regional detention center Calexico California. I,m filled a habeas petition on november 2025 to ask to Court realese me or minimum give me a Constitutionally bond hearing. The Court grant my petition on 12th december and give order respondent to provide me a bond hearing in seven days before an I.J. I held a bond hearing on 18th December where the I.J denied my bond to simply say you have a flight risk. The I.J ruling was erroneous and unsupported by the records and missaplied the burden of proof. The I.J violates my rights under the due process Clause as well as the administrative act

procedure act. (AYUSH THAKUR v. SOTO Case No.-25-17269(MAS)

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

☐ Yes ■ No

GROUND TWO: My detention becoming unreasonably prolonged.

(a) Supporting FACTS (state *briefly* without citing cases or law): After detained me the DHS expedite my removal hearing. They set my individual hearing after one month of my detention on 12th January where my lawyer asking for more time to add some supportive documents regarding my asylum application But the immigration Judge didn't give me a opportunity to be hear me and simply denied my application of asylum, withholding of removal or Cat. The immigration Judge has not been afforded due process in ~~my~~ removal hearing because I was not given sufficient time to prepare my case. Here the IJ violate my due process and fifth ameadment also. I, m Cuurently appealed the IJ decision in BIA on february 2026 But my appeal still pending in BIA. The BIA Time frame on any asylum decision appeal is unknown or very long now a days. For that reason my detention becomes more prolonged.

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

☐ Yes ■ No

GROUND THREE: Fifth Amendment (Due process)

(a) Supporting FACTS (state *briefly* without citing cases or law): It is well settled that the fifth amendment entitles aliens to due process in deportation proceding the due process clause applies to all persons within the U.S. including aliens whether their presence here is lawful unlawful temporary or permanent more then decade ago in the zadvydas decision the U.S Supreme Court signaled its Concerns about the Constitutionally of statutory scheme that ostensibly authorized indefinite detention of non-citizen two years later when the Court upheld the Constitutionally of 8.U.S.C.S§1226(c) in the demore decision it emphasized that for detention under the state to be reasonable it must be for a brief period of time Justice's kennedy explained in his Concurrence in the demore decision that were there to be an unreasonable delay by the immigration and naturalization service in pursuing and Completing deportation proceding it Could become necessary then to inquire whether the detention is not facilitate deportation or to protect against risk of flight or danger-ousness but to incorcerate for other reason.

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

■ Yes ☐ No

GROUND FOUR: _____

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

(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:

I have never had an opportunity to present them federal or State Court.

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 N/a

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

Wherefore, petitioner prays that the Court grant petitioner relief to which he may be entitled in this proceeding. I Pray that Court orders my release or in the alternative grant a new bond hearing in front of the neutral immigration Judge.

SIGNATURE OF ATTORNEY (IF ANY)

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

05/26/2026
(DATE)

[redacted]
SIGNATURE OF PETITIONER