

UNITED STATES DISTRICT COURT

for the

Southern District of Illinois

Petitioner
(the name under which you were convicted)

v.
LAROSE

Respondent
(authorized person having custody of Petitioner)

Case: 1:26-cv-01767
Assigned To : Friedrich, Dabney L
Assign. Date : 5/6/2026
Description: Habeas/2255 (G-DECK)

Angela D. Jaeger, Clerk
U.S. District Court, Southern District of Illinois

MAY 06 2026

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

Personal Information

1. (a) Your full name: OSCAR CHAVEZ SALDIVAR
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: OTAY MESA DETENTION CENTER
(b) Address: OTAY MESA DETENTION CENTER, P.O. BOX 439049, SAN DIEGO, CA-92143
(c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
ICE
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: _____
(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),
OTAY MESA DETENTION CENTER, SAN DIEGO, CA
(b) Docket number, case number, or opinion number: _____
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: MARCH 20, 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 _____

8. **Second appeal**

After the first appeal, did you file a second 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 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

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: MARCH 20, 2026
- (b) Date of the removal or reinstatement order: NONE
- (c) Did you file an appeal with the Board of Immigration Appeals?
☐ Yes ☒ No

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: _____

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.

GROUND ONE: PROLONGED DETENTION WITHOUT PAROLE ON MEDICAL GROUNDS OR RELEASE
VIOLATES THE PRINCIPLE OF DUE PROCESS ENSHRINED IN THE FIFTH AMENDMENT
TO THE U.S. CONSTITUTION

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 Do not cite cases or law.):*

ON FEBRUARY 16, 2023, I ARRIVED AT UNITED STATES AT OR SAN YSIDRO, CALIFORNIA, I DON'T HAVE
ANY CRIMINAL RECORD, I HAVE SPONSOR IN U.S. I DO NOT HAVE ANY FLIGHT RISK
MARCH 20, 2026, I WAS ARRESTED ON THE STREET WITHOUT WARRANT.
I HAVE BEEN IN DETENTION FOR OVER 30 DAYS WITHOUT RELEASE

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

☐ Yes ☒ No

GROUND TWO: DETERIORATING HEALTH DUE TO DETENTION

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

DURING MY DETENTION, DUE TO THE LACK OF PROPER MEDICAL CARE, MY PHYSICAL AND
PSYCHOLOGICAL HEALTH SIGNIFICANTLY DETERIORATED

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

☐ Yes

☒ No

GROUND THREE: BAD CONDITIONS AT DETENTION CENTER

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

TERRIBLE DETENTION OFFICER ATTITUDES

TERRIBLE DIET

STRESS DUE TO LACK OF COMMUNICATION WITH OUTSIDE WORLD

DEPRESSION, ANXIETY FOR NOT BEING RELEASED IN UNITED STATES OF AMERICA

LAST CONCERNS ABOUT POSSIBLE EXECUTION BY THE MEXICAN GOVERNMENT IF RETURNED
TO MEXICO DUE TO POLITICAL VIWES

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

☐ Yes

☒ No

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: I RESPECTFULLY ASK THE FEDERAL COURT IMMEDIATELY
RELEASE ME FROM CUSTODY. AND I REQUEST A PRO-BONO LAWYER TO ASSIST ME IN CONSIDERING
THIS PETITION, SINCE I DO NOT HAVE THE FUNDS TO PAY FOR AN ATTORNEY.

THANK YOU.

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: 04/27/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Otay Mesa Detention Center – San Diego

04/22/2026

U.S. DISTRICT COURT OF WASHINGTON, DC

HABEAS CORPUS

I **OSCAR CHAVEZ SALDIVAR** declare under penalty of under the laws of **United State of America** that the following statement of mine is true: ON FEBRUARY 16, 2023, I ARRIVED AT UNITED STATES AT OR SAN YSIDRO, CALIFORNIA

MARCH 20, 2026, I WAS ARRESTED ON THE STREET WITHOUT WARRANT, then I was sent to Otay Mesa Detention Center where I remain to this day, for more than 30 days now.

I believe that my constitutional rights are violated because:

1. Due to the long period of isolation, confinement became overly punitive and I developed severe emotional distress and depression.
2. I conscientiously comply with all immigration procedures and respect the rules of detention at OMDC.
3. During this long period of time, I was given the opportunity to release myself under a parole.
4. My time in Otay Mesa Detention Center had a detrimental impact on my health (as evidenced by the Otay Mesa Detention Center medical report attached to the petition). The Otay Mesa detention Center medical service failed to provide adequate medical care, resulting in my developing a dependence on medication.
5. Being in detention has a negative impact on my mental health (brief information about this is in the extract from the medical service attached).
6. An ICE officer hasn't contacted me due to medical reasons, and my attempts to contact an ICE officer have either gone unanswered or received incorrect responses. My request to the ICE officer for medical parole has still not been approved. I was advised to apply for a bond, which I am not entitled to under U. S. law.
7. My request to a religious services representative was denied.

8. It's so cold in OMDC that I constantly catch colds and get sick. The floor in OMDC is concrete, which makes my knees hurt all the time. The walls in OMDC are painted white. The lights in the room and unit are never turned on. They glow which hurts my eyes and has worsened my vision.
9. The food in the dinning room isn't well-balanced and lacks essential vitamins. As a result, I've lost a lot of weight and my nails have become weak.

Relief Requested

For the fore going reasons , I am respectfully request that this court:

1. My request medical parole, immediate release from custody or ordered bond hearing.
2. **I request a pro-bono layer to assist me in considering this petition, since I do not have the funds to pay for an attorney.**
3. I would also like to respectfully request that when I am released, please do not use GPS trackers on my body as this is considered a stigmatizing device.
4. Protect me from being transferred to the other Detention Facilities out of jurisdiction of the Federal court of San Diego (9th circuit).

OSCAR CHAVEZ SALDIVAR


Stay Mesa Detention Center
P.O. BOX 439049
San Diego-CA 92143-9049
Pod: F, 209E