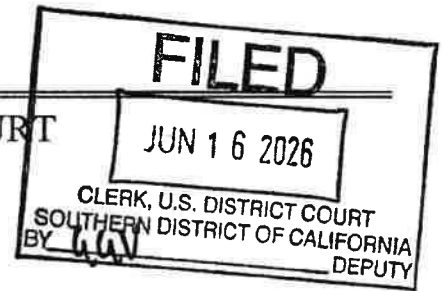


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Southern District of California



David Alexander Obando Padilla
Petitioner

v.

Christopher Larose, Senior Warden Otay Mesa D.C.;
Todd Lyons, Director ICE, Markwayne Mullin Secretary
of Homeland Security
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. '26CV3578 JES BJW
(Supplied by Clerk of Court)

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

Personal Information

1. (a) Your full name: David Alexander Obando Padilla
- (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: 
3. Are you currently being held on orders by:
☐ Federal authorities ☐ State authorities ☒ Other - explain:
DHS-ICE Custody
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)

- ☐ 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: [REDACTED]

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

1 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. 2 UNLAWFUL DETENTION BECAUSE REMOVAL IS NOT REASONABLY FORESEEABLE. 3 CHRONIC MEDICAL CONDITIONS DETERIORATING HEALTH DUE TO DETENTION IN O T M D C. VIOLATIONS OF EIGHT AMENDMENTS RIGHT AS DETAINEE TO HUMAN AND CONSTITUTION STANDARDS. 4 REQUEST EMERGENCY HUMANITARIAN PAROLE. 5 BAD CONDITIONS AND SANITARY HEALTH EMERGENCY AT OTAY MESA DETENTION CENTER. 6 I AM A MEMBER OF THE LGBTQ COMMUNITY AND SURVIVOR OF SEVERAL TRAUMAS IN ECUADOR AND UNITED STATES DETENTIONS CENTERS. 7 I AM VICTIM OF HOMOPHOBIA AND ATTEMPTED PHYSICAL ASSAULT DUE TO MY SEXUAL ORIENTATION IN OTAY MESA DETENTION CENTER, VIOLATING MY SAFETY AND WELL-BEING RIGHTS.

(d) Date of the decision or action: NOVEMBER 14, 2025

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: UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW OTAY MESA IMMIGRATION COURT

(2) Date of filing: 03/04/2026

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

(4) Result: DENIED

(5) Date of result: 03/04/2026

(6) Issues raised: The Petitioner's request for a change in custody status is hereby ordered, Denied, because DHS argument, Danger to the community and significant flight risk. (LEGAL STANDARD) Pursuant to 8 C.F.R. § 1003.19, an alien must first demonstrate, by clear and convincing evidence, that their release would not pose a danger to other persons, or to property. The Petitioner would not pose a danger to other persons, or property. Petitioner has no criminal convictions in Ecuador or any other country. In the United States the Florida case against Petitioner was dismissed. No plea was entered. The prosecution did not proceed to trial. A single dismissed allegation does not establish dangerousness. The Petitioner has no intention of fleeing from immigration authorities if he is released from detention prior to the resolution of removal proceedings.

(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: UNITED STATES DEPARTMENT OF JUSTICE EXECUTIVE OFFICE FOR IMMIGRATION REVIEW BOARD OF IMMIGRATION APPEALS

(2) Date of filing: March 25, 2026, Mr. Obando Padilla timely submitted his appeal.

(3) Docket number, case number, or opinion number: 

(4) Result: Respectfully moves the Board of Immigration Appeals to permit withdrawal of his custody redetermination appeal. 04/20/2026

(5) Date of result: Not confirmed the date because, It takes long time to redetermination in BIA. Maybe it will take than 6 months or 1 year.

(6) Issues raised: Petitioner Mr. Obando Padilla, by and through undersigned counsel, respectfully moves the Board of Immigration Appeals to permit withdrawal of his custody redetermination appeal. The Board has long recognized that an appellant may withdraw a pending appeal where such withdrawal is knowing and voluntary. No prejudice will result to either party from the withdrawal of this appeal, and judicial economy favors allowing the Board to remove this matter from its docket. Moreover, Mr. Obando Padilla reserves the right to pursue any alternative forms of relief or to seek custody redetermination before the Immigration Court, if appropriate, at a later time. The reason why this decision is being made is because of the long wait that the resolution of this appeal in the BIA, could take and because of the complicated health situation that, I currently present in OTMDC, that dose not allow me to wait this time in custody. I'm already 8 months in DHS CUSTODY.

(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: NOVEMBER 14, 2025. 7 MONTHS IN CUSTODY AT O.T.M.D.C.

(b) Date of the removal or reinstatement order: 06/03/2026

(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: PETITION UNDER 28 U.S.C. 2241 FOR WRIT OF HABEAS CORPUS

(b) Name of the authority, agency, or court: UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

(c) Date of filing: APRIL 13, 2026

(d) Docket number, case number, or opinion number: 3:26-CV-01459-RBM-JLB

(e) Result: DENIED WITHOUT PREJUDICE

(f) Date of result: APRIL 13, 2026

(g) Issues raised: DISMISSED WITHOUT PREJUDICE TO PETITIONER FILING AN AMENDED PETITION THAT FOLLOWS THE EXHAUSTION OF ADMINISTRATIVE REMEDIES.

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

UNLAWFUL DETENTION BECAUSE REMOVAL IS NOT REASONABLY FORESEEABLE.

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

Mandatory detention under INA § 236(c) applies only to specific categories of non-citizens, primarily those who are convicted of certain crime, involved in terrorist activities, or who fall within limited enumerated grounds. Petitioner was admitted in F-1 non-immigration student status. Moreover, there is no qualifying criminal conviction that would place the Petitioner within a mandatory detention category. Petitioner entered the United States on a F-1 student visa and filed his asylum application in November, 2023, which is pending before USCIS. petitioner also filed his defensive asylum application. Petitioner is Not a Danger. Importantly, it is not a conviction, admission of guilt, or a finding of wrongdoing. Immigration courts may consider arrest reports, but uncorroborated allegations carry limited weight. The prosecution's dismissal reflects insufficient evidence to prove guilt beyond a reasonable doubt.

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

☒ Yes ☐ No

GROUND TWO: CHRONIC MEDICAL CONDITIONS DETERIORATING HEALTH DUE TO DETENTION IN O.T.M.D.C, VIOLATIOS OF EIGHT AMENDMENTS RIGHT AS DETEINEE TO HUMAN AND CONSTITUTION STANDARDS. REQUEST EMERGENCY HUMANITARIAN PAROLE. BAD CONDITIONS AND SANITARY HEALTH EMERGENCY AT OTAY MESA DETENTION CENTER.

(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. ON APRIL 12, 2026, I WAS RUSHED TO THE HOSPITAL AFTER LOSING CONSCIOUSNESS DUE TO INTERNAL BLEEDING CAUSED BY THE NEGLIGENT PRESCRIPTION OF PAIN MEDICATION BY THE MEDICAL STAFF AT OTMDC. THIS RESULTED IN STOMACH ULCERS AND GASTRITIS, ALONG WITH THE TERRIBLE FOOD AND MEDICAL CARE AT THE OTMDC, I UNDERWENT EMERGENCY SURGERY AND WAS HOSPITALIZED. UPON MY RETURN TO OTMDC, I WASN'T EVEN GIVEN THE POST-OPERATIVE DIET RECOMMENDED BY THE DOCTOR DEMONSTRATING THEIR LACK OF CONCERN AND PROFESSIONALISM. THIS IS ONE OF SEVERAL INSTANCES OF MEDICAL NEGLIGENCE I HAVE SUFFERED, ENDANGERING MY HEALTH AND LIFE. PLEASE I REQUEST MY IMMEDIATE RELEASE ON MEDICAL PAROLE DUE TO A SERIOUS MEDICAL CONDITION, I ACQUIRED WHILE IN DETENTION.

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

☒ Yes

☐ No

GROUND THREE: PETITIONER IS A MEMBER OF THE LGBTQ COMMUNITY AND SURVIVOR OF SEVERAL TRAUMAS IN ECUDOR AND UNITED STATES DETENTIONS CENTERS [REDACTED]

PETITIONER IS A VICTIM OF HOMOPHOBIA AND ATTEMPTED PHYSICAL ASSAULT DUE TO HIS SEXUAL ORIENTATION IN OTAY MESA DETENTION CENTER, VIOLATING HIS SAFETY AND WELL-BEING RIGHTS.

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

Because of my gender and sexual orientation, i have been the victim of many homophobic attacks, harassment, and [REDACTED] during my time detained in correctional facilities and detention centers in the United States. On 03/10/2026, I was victim of physical threats and homophobic harassment from a detainee who entered unit. Around 6:00 pm this person insulted me and threatened to hit me in a homophobic manner. Throughout the day the harassment and threatened us with a sharp nail-cutting weapon because of our gender identity and sexuality, violating our constitutional and civil rights and violating our safety and mental health conditions in OTMDC. This attack was reported to OTMDC STAFF, could have been prevented but unfortunately, the negligence in classifying detainees with caution endanger our safety and physical and psychological integrity, making this detention center an unsafe place for members of the LGBTQ+ community who are detained at OTMDC. This attempted physical assault was reported to the Department of Homeland Security via telephone to the DHS Office of the Inspector General in Washington D.C, and the vents are still under investigation.

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

☒ Yes

☐ No

GROUND FOUR: 1PETITIONER IS NOT A DANGER TO THE COMMUNITY, 2 PETITIONER IS NOT A FLIGHT RISK, 3 EQUITIES

FAVOR PETITIONER'S RELEASE. 4 I AM A SURVIVOR OF PERSECUTION, PHYSICAL AND PSYCHOLOGICAL ABUSE, [REDACTED] TORTURE AND VIOLENCE DUE TO MY SEXUAL ORIENTATION, FACTORS THAN QUALIFY FOR IMMIGRATION PROTECTION IN THE UNITED STATES.

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

1 Petitioner demonstrates steady employment history, no history of violence, compliance with court proceedings, and no prior drug convictions. The government cannot meet its burden to demonstrate that the Petitioner poses a danger to the community. 2 The Applicant will reside at [REDACTED] with his U.S. Citizen friend [REDACTED]. Moreover, his U.S. Citizen friend [REDACTED] will be responsible for making sure the Petitioner attends to all his proceedings, which incentives them to ensure that the Petitioner will not be a flight risk. 3 Petitioner's favor as he does not pose a danger to property or persons and, due to his community ties, is highly likely to appear for future proceedings. The aforementioned equities as well as his lawful entry make him a strong candidate for asylum, withholding of removal, and Convention Against Torture.

(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: All grounds were represented at my custody redetermination hearing.

Request for Relief

15. State exactly what you want the court to do: Based on the emerging factors out lined in this petition, which threaten my integrity and health as well as my rights, I respectfully request this honorable court to grant me immediate release from custody under any possible alternative (immediate release or parole humanitarian for emergency relief, prompt and individualized bond hearing) so that I may continue my legal proceedings in an environment more suitable to my current physical and mental health condition.

I also request the assistance of a pro-bono attorney for the presentation and defense of this petition before this honorable and impartial court as, I do not currently have the financial resources to hire one.

If the court dose not immediate release, I ask under the alternatives that I am released under the ADA PROGRAM (ankle monitor, GPS or phone screening). I believe there is no reason for my continued detention at O.T.M.D.C.

I pose no flight risk, i am not a criminal person and I have two 3 U.S. citizen sponsors who has agreed to support me financially and insure I am present at future hearings, more over, I want to adjudicate my ongoing immigration case.

I can proof this with those persons affidavit, I am the first to want to continue my immigration process safely and without incident.

I also pose no risk dangerous to the community or to the safety and security of any other individual, on the contrary the charges previously brought against me were unfounded, unproven in trial and the fact that these pending matters (dismissed - no action - not acted upon) do not excuse the pain, suffering, and abuse to which I have been exposed during these long time at custody, during which my physical and psychological well-being has been devastated.

I respectfully request that the Judge release me so that I can better manage my case. being detained is very difficult and very detrimental to my defense, since my deportation and return to Ecuador could cost me my life due to the persecution I am suffering.

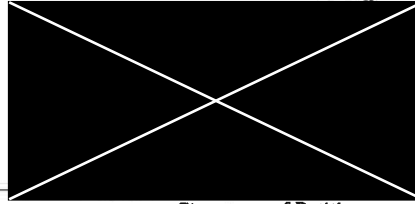
I am very grateful to this honorable and impartial court in advance for their time in reviewing this petition, memorandum and evidence. my greatest and most extensive thanks.

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: 06-12-2026

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