

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

FILED

JUN 15 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY CJW DEPUTY

ILIJAS DUKA

Petitioner

v.

Christopher Larose, Warden Otay Mesa Detention
Center; Markwayne Mullin US Secretary
of Homeland Security;

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. '26CV3564 AGS DEB
(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: ILIJAS DUKA
- (b) Other names you have used: N/A
2. Place of confinement:
 - (a) Name of institution: OTAY MESA DETENTION CENTER
 - (b) Address: 7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA, 92154
- (c) Your identification number: [REDACTED]
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
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)

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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: OTAY MESA IMMIGRATION COURT, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CALIFORNIA, 92154.

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

(c) Decision or action you are challenging (*for disciplinary proceedings, specify the penalties imposed*):
UNCONSTITUTIONALC AND ILLIGAL DETENTION , STATE OF CONFINEMENT

(d) Date of the decision or action: 12/09/2025

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: _____

(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 appeal: _____

N/A

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☒ No

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(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: _____

N/A

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: _____

N/A

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

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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: _____

N/A

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes

☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 12/09/2025

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☒ Yes

☐ No

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If "Yes," provide:

(1) Date of filing: 05/12/2026

(2) Case number: Pending

(3) Result: Pending

(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:

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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. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I'M CURRENTLY IN APPEAL PROCESS OF MY IMMIGRATION CASE AND THAT
PROCESS COULD TAKE LONG TIME, AP TO ONE YEAR OR MAYBE MORE.
ILLEGAL DETENTION AND VIOLATION OF MY FIFTH AMEDMENT RIGHT TO DUE PROCESS.

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

My immigration case is currently in the appeal process, which means I'm in detention definitely, as there is no specific date or tame frame. I'm asking Honorable Federal Court to my case with circumstances be reviewed expeditiously due to my unlawful prolonged detention.

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

☒ Yes

☐ No

GROUND TWO: HEALTH PROBLEMS

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

As result of my continued detention, I has suffered significant emotional, physical harm for almost 6 months in Otay Mesa Detention Center. Civil immigration detention is intended to ensure appearance at proceedings and protect the public, not for function as punishment.

Also I would like to ask Honorable Federal Court, to provide me Pro-bono Lawyer to assist me in considering the petition, since I don't have funds to pay for an Attorney.

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

☒ Yes

☐ No

GROUND THREE: DETENTION SEPARATES FAMILY UNIT UNNECESSARILY, VIOLATING HUMANITARIAN NORMS.

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

Outside in the United States of America I have my cousin Kadri Kumani, who is currently in process to be Permanent Resident of United States, and his wife, Jenny Duarte Flores is U.S. Citizen. They live in Los Angeles California state. And once I will get release I'll stay at there house, they are my sponsor for housing, and all other needs. I have no criminal history, poses no danger, and does not present a flight risk. I respectfully requests that this Court grant the petition for Writ of Habeas Corpus and order my immediately release from ICE custody.

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

☒ Yes

☐ No

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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: ALL GROUNDS WERE PRESENTED

Request for Relief

15. State exactly what you want the court to do: I, Petitioner, request that this Honorable Court;

1) Grant my Habeas Corpus Petition.

2) Order Respondents to immediately release me from custody or grant me parole to be release.

Or Order Respondents to provide Individualized Bond Hearing before a fair, neutral, and open-minded IJ.

3) I request Pro-bono Lawyer to assist me in considering the petition, since I don't have funds to pay for an Attorney.

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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: 06/11/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any