FILED
JUL 10 2026
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

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

TJEN LUKAS KRISTIANO

Petitioner

v.

CHRISTOPHER J.LAROSE WARDEN; OTAY MESA DETENTION CENTER

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

Case No. '26CV4001 CAB AHG
(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: TJEN LUKAS KRISTIANO
   (b) Other names you have used:
2. Place of confinement:
   (a) Name of institution: OTAY MESA DETENTION CENTER
   (b) Address: 7488CALZADA DE LA FUENTE SAN DIEGO CA 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)

☐ 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)*:
Petitioner is challenging his prolonged and excessive detention with out an individualized bond hearing. petitioner is requesting his immediate release from the custody or an alternative bond hearing.

(d) Date of the decision or action:

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:

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: 04/01/2025

(b) Date of the removal or reinstatement order:

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

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 05/22/2026

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

GROUND ONE: PROLONGED AND EXCESSIVE DETENTION IN VIOLATION OF DUE PROCESS.

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 Do not cite cases or law.)*:

I have been subjected to prolonged and excessive immigration and detention violation of the due process clause c clause of the UNITED STATES CONSTITUTION. Although immigration detention is civil and not intended to be punitive. MY detention has far exceeded any reasonable purpose. As a result, my detention has become excessive, arbitrary and unconstitutional.

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

☐ Yes ☑ No

GROUND TWO: I DO NOT POSE DANGER TO THE COMUNITY AND CONTINUED DETENTION IS INJUSTIFI

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 Do not cite cases or law.)*:

PLEASE SEE ATACHMENT CONTINUATION OF GRUND TWO

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

☐ Yes ☑ No

GROUND THREE: MY CONTINUED DETENTION IS PUNTITIVE, EXCESSIVE AND NO LONGER SERVES A LI CIVIL IMMIGRATION PURPOUSE

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 Do not cite cases or law.)*:

please see attachment of continuation of ground three

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

☐ Yes ☐ No

GROUND FOUR: I AM NOT FLIGHT OF RISK AND CONTINUED DETENTION IS INJUDSTIFIED

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
please see attachment continuation of ground four

(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

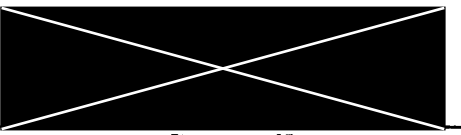
15. State exactly what you want the court to do:
I respectfully requesting this Court with a write of habeas corpus to take jurisdiction to immediate release me from detentionin or an aleternative to a bond hearing.Finally,I would request a PUBLIC DEFENDER since i have been detained for an extended time and i dont have the resouce to pay one.

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: 7/7 2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

INDEX OF ATTACHMENTS AND EXHIBITS

Petitioner: TJEN LUKAS KRISTIANO

A-Number: [redacted]

Detention Facility:Otay Mesa Detention Center

- Petition for Writ of Habeas Corpus (AO 242)
- Attachment A-Respondents
- Attachment B-Ground Two:No Danger to the community
- Attachment C-Ground Three:Continued Detention Is Punitive and Excessive
- Attachment D-Ground Four:Not A Flight Risk
- Attachment E:-Declaration of **TJEN LUKAS KRISTIANO**
- Attachment F-Detention Records and Disciplinary History
- Certificate Of Service

Respectfully Submitted,

TJEN LUKAS KRISTIANO

A: [redacted]

Petitioner,Pro

Date: 7/7 2026

ATTACHMENT A
Respondents

Patrick Divver
Regional Director of Enforcement and Removal Operations(ERO)
San Diego Field Office
U.S. Immigration and Customs Enforcement(ICE)

MARK WAYNE MULLIN
Secretary
U.S. Department of Homeland Security(DHS)

TODD LYONS
Acting director immigration and custom enforcement

SERGIO ALBARRAN
acting director ICE SAN FRANCISCO FIELD OFFICE

ATTACHMENT B

GROUND TWO

Petitioner Does Not Pose a Danger to the Community and Continued Detention is Unjustified

I respectfully assert that i do **not pose a danger to the community,** and the government lacks any sufficient or individualized justification for my continued and prolonged detention.

I have **never received any military, paramilitary or combat training,** and i have **no history of violence.** During the approximately **15 months** that i have been detained,i have maintained a **clean and disciplinary-free record.**The Court may verify my detention record directly from the detention facility,which will confirm that i have complied with all institutional rules and requirements.

Less restrictive alternatives to detention are both **available and appropriate** in my case.I am fully willing to comply with any conditions of release imposed by the Court, including supervision,reporting requirements and electronic monitoring. These alternatives would adequately address any governmental
concerswhile respecting my liberty interests.

Under these circumstances,continued detention is **excessive,unnecessary and unsupported by the record,** and it violates fundamental principles of **liberty and due process** guranteed under the Constitution.

ATTACHMENT C

GROUND THREE

Continued Detention is Punitive,Excessive, and No Longer Serves a Legitimate Civil Immigration Purpose

I respectfully assert that my continued detention has become **punitive rather than civil in nature.**I have been detained for an extended and unreasonable period of time **without any individualized determination** that continued physical detention is necessary to serve a legitimate immigration purpose.

At no point have I caused any unreasonable delay in immigration proceedings.I have fully complied with all requirements imposed upon me by the government and the Immigration court. Nevrtheless,I remain detained **without sufficient justification,** despite the clear availability of **less restrictive alternatives,** including release under supervision,reporting requirements or electronic monitoring.

The government's continued decision to detain me, rather than employ these reasonable alternatives,renders my detention **excessive and unnecessary,** and no longer reasonably related to its civil immigration objectives.

Furthermore,during my prolonged detention, I have developed **multiple medical conditions** and continue to suffer from ongoing **physical health problems,**as well as **significant mental and emotional distress** resulting from extended confinement.My health has deteriorated as a direct consequence of prolonged detention,which has imposed severe hardship beyond what is constitutionally permissible in a civil immigration context.

I have been confined in Immigration detention for approximately **15 months.**Under these circumstances,continued detention is **unreasonably harsh,excessive and punitive,** and violates the fundamental principle that immigration detention must remain civil—not punitive—in nature.

Accordingly,my continued detention no longer serves any legitimate civil immigration purpose and weighs strongly in favor of relief.

ATTACHMENT D

GROUND FOUR

Petitioner Is Not A Flight Risk and Continued Detention is Unjustified

I respectfully assert that i m **not a fligh risk for the community,** and the government lacks any sufficient or individualized justification for my continued and prolonged detention.

I have **never received any military, paramilitary or combat training,** and i have **no history of violence.** During the approximately **15 months** that i have been detained,i have maintained a **clean and disciplinary-free record.**The Court may verify my detention record directly from the detention facility,which will confirm that i have complied with all institutional rules and requirements.

Less restrictive alternatives to detention are both **available and appropriate** in my case.I am fully willing to comply with any conditions of release imposed by the Court, including supervision,reporting requirements and electronic monitoring. These alternatives would adequately address any governmental
concerswhile respecting my liberty interests.

Under these circumstances,continued detention is **excessive,unnecessary and unsupported by the record,** and it violates fundamental principles of **liberty and due process** guranteed under the Constitution.

PETITIONER DECLARATION

- I been on detention for already **15** months .
- I was detain on April 1,2025.
- I been living in the united states for 19 years.
- I have a **SEVERAL HEALTH PROBLEMS.**
- The water provided is insufficient and not treated correctly damage my intestinal flora
- I requesting my release due to I suffer anxiety,
- depression sadness,spinal pain, gastritis,
- muscular problems due to the terrible bed condition on the detention
- prolonged detention with ice.
- Is getting worse due to the harsh conditions of residing in detention.
- The living conditions in the detention center are very terrible.
- the medical attention is very low.
- the showers are unsanitary to which you have high risk of an infection.
- **I have now been incarcerated for 15 months and my BIA appeal is still pending.** I respectfully requesting this Court with a writ of habeas corpus to take jurisdiction to immediate **release me from detention or in an alternative to a bond hearing. I am ready to comply with ice on any kind of supervision also.**
- Finally,I would request a PUBLIC DEFENDER since i have been detained for an extended time and i don't have the resources to pay for one.

Thank you.