FILED
JUL 13 2026
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: ODE DEPUTY

UNITED STATES DISTRICT COURT

for the

Southern District of California

NTANGKU DESMOND AKUOH

Petitioner

v.

Christopher Larose.
Warden, Otay Mesa Detention Center

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

Case No. '26CV4026 JLS SBC
(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: NTANGKU DESMOND AKUOH,
   (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 fluente,San Diego, CA 92154
   (c) Your identification number: [redacted]
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: OTAY MESA DETENTION CENTER
7488 Calzada de la fluente , San Diego, CA 92154

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I have been detained since 10/17/2025 and it's slightly 9 months without bond hearing or Parole and violate the fifth Amendment's due process Right. Due to the current posture of legal case, with an appeal at the BIA, i stand to face significant indefinite future detention.

(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: 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

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: 10/17/2025

(b) Date of the removal or reinstatement order: 03/23/2026

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

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: 03/30/2026

(2) Case number: [redacted]

(3) Result: Pending at BIA

(4) Date of result:

(5) Issues raised: 1. The DHS file a motion to pretermit my application for Asylum precluded my merits hearing to sent me to a third country-(Uganda).under an Asylum Cooperative Agreement(ACA)

2. The IJ Granted and closed my case,i have appeal the IJ decision and its pending before BIA.

3. I appeal to argued the error the IJ who Grants DHS Motion Made.

4. Uganda is not my home country and i have no family,friends or community support in Uganda

(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 DETENTION WITHOUT BOND HEARING- VIOLATION OF MY FIFTH AMENDMENT RIGHT TO DUE PROCESS.

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 Do not cite cases or law.)*:

I have been detained for slightly 9 months without given a bond hearing where the Government bears the burden of proof that i am a flight risk or danger and that my continued detention is necessary. This is in clear Violation of my fifth Amendment due process rights and i should be given a fair bond hearing. My unreasonably continued prolonged stay in detention without a bond hearing has become rather punitive in nature. Please let this court joint other courts to see my prolonged detention unreasonable and violate due process.

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

☐ Yes ☑ No

GROUND TWO: DENIAL OF MY INITIAL PETITION FOR HABEAS CORPUS DUE TO INSUFFICIENT ANALYSIS TO REACH A VERDICT.

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

The Hon. Judge who ruled on my initial petition for Habeas Corpus did not consider other similar Cases before reaching a verdict. He did not analyze the situation of my case thoroughly before denying my petition. The Hon. Judge ruled that i am lawfully and mandatory detained under §1225(b). That asylum seekers has no due process right,without considering my duration in detention, and the current posture of my legal case. He left me with no room for constitutional rights. whereby other courts has seen prolonged detention at some point unconstitutional.

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

☐ Yes ☑ No

GROUND THREE: VIOLATION OF MY EIGHT AMENDMENT RIGHT AS A DETAINEE TO HUMANE CONSTITUTIONAL STANDARDS AND DETENTION IN SANITARY AND SAFE CONDITIONS-EIGHT AMENDMENT PROHIBITION ON CRUEL AND USUAL PUNISHMENT.

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

The inability to provide proper housing and sanitary conditions result in deterioration of my medical health putting my health at risk. I am experiencing all that enjoined with my prolonged detention, insufficient of vitamins and so many other affects my mental and physical health. This facility and it's policies were not designed for keeping detainees in custody for such a long time. this clearly violate my eight Amendment right as a detainee.

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

☐ Yes ☑ No

GROUND FOUR: INDEFINITE DETENTION AND LESS RESTICTIVE ALTERNATIVES TO DETENTION.

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

No Decision about my ongoing pending Immigration appeal case has been made yet, my case is still pending with the BIA. No exact timeline as of when a decision will be made which means my detention is effectively indefinite, which is unconstitutional. I am willing to comply with any conditions of release, including supervision or parole. Continued detention is not the least restrictive means of ensuring compliance.

I am married, I and wife have no Criminal records. We are not a flight risk and neither a danger to the community. We have a sponsor (my Cousin) ready support and house us in United States.

(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 Presented

Request for Relief

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

1)Please Grant my petition for writ of Habeas Corpus

2)Please Order Respondents to Immediately release me or in Alternative, a prompt bond hearing before neutral Grounds

3)Please Appoint me counsel to Assist with my Habeas Corpus Petition.

4)Please Grant any other relief deem Just and proper. Thank You.

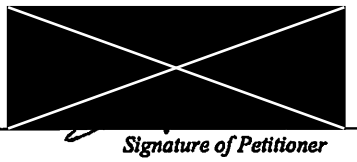
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

7-8-2026

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: 7-8-2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT CALIFORNIA

NTANGKU DESMOND AKUOH)
)
Petitioner, Pro se)
V.)
)
CHRISTOPHER J. LAROSE,.)
Warden, Otay Mesa Detention)
Center, ET AL,)
Respondents.)

[redacted]

MEMORANDUM OF UNDERSTANDING OF HABEAS CORPUS

INTRODUCTION:

I Ntangku Desmond Akuoh, pro se, filing a second petition of habeas Corpus under 28 U.S.C. § 2241, after my first petition was denied. The Hon. Judge denied my first petition stating in the records that I am lawfully and mandatory detained under 8 U.S.C.§ 1225(b). That there is nothing in the statutory text imposes any limit on the length of detention, neither § 1225(b)(1) nor § 1225(b)(2) says whatsoever about Bond hearing and that asylum seeker has no due process right. Leaving me, a migrant fleeing persecution with no room for constitutional rights. Whereby other courts in this district have found prolonged detention unreasonable and unconstitutional. Please I am not criminal, I whip and cry today because i dont know why my result was different, I have seen and watch hundreds of detainees with similar cases in my same Unit here in detention get their petitions granted from this district court by different Judges (See Examples below) and they all got bond and was release from custody.

I was not asking the court to engage in some kind of legal gymnastics, Instead, I am simply asking the court to be faithful to the statutory text of § 1225(b)(1) and to accurately assess the current legal posture of my legal Case. The current posture of my legal case is not my doing but rather the government sidestepping and filing a motion to pretermit my application for asylum precluded my merit hearing, to sent me to a third country-Uganda under an **Asylum Cooperative Agreement ("ACA").** I am not asking this court to halt removal

proceedings, reverse the issuance of the Notice to Appear, or interfere with the government's prosecutorial discretion. I seek review of whether my ongoing detention comports with the Constitution.

I have been detained now for slightly **9 months** and stand to face indefinte future prolonged detention because as per the Hon. Judge ruling, despite having no criminal recods or immigration violation, and have never been found to pose danger to the community or to be likely to flee if release. I still have no room for due process or constitutional rights under 8 U.S.C. § 1225(b) .

The Judge did not analyze the situation of my case thoroughly before denying my petition and also did not consider other similar cases before reaching a verdict, whereby my continued prolonged detention absent of a bond hearing has become rather punitive in nature. Since that ruling, circumstances have materially changed. My detention has continued to lengthen, my appeal remain pending before the BIA, with no exact time line as of when it will be resolves. As detention lengthens, due process become a concern.

In -*Mingzhi Gao v. Larose*, No.25-cv-2084-RSH-SBC (S.D. CAL. Sept 26, 2025) (Citation) The court likewise agrees with those district courts that interpret Thuraissigiam as circumscribing an arriving alien's due process rights to admission, rather than limiting that person's ability to challenge detention. See A.L v. Oddo, 761 F. Supp. 3D 822, 825 (W.D. Pa 2025). ("Nowhere in [Thuraissigiam] did the Supreme court suggest that arriving alien's being held under § 1225(b), may be held indefinitely and unreasonably with no due process implication, or that such aliens have no due process right whatsoever.").

I am pleading with this court to join the majority of courts in this district to see my continous detention has become **unreasonable** and **violate my Fifth Amendment right to due process.**

BACKGROUND

I am a native and citizen of Cameroon, I was born [redacted] in Bamenda. I am married to Wokiefiewe Tata Patricia Ching, who is also currently detained. We fled our home

2/11

country due to ongoing Anglophone crises that let to political persecution and torture. Arriving at the U.S. - Mexico border on October 17, 2025. I was not at a port of entry and crossed near San Ysidro California where I saw Border Patrol. I attracted the attention of Border Patrol agents immediately after crossing and was apprehended with my wife. We were placed into expedited removal proceedings. We have been in immigration detention ever since at Otay Mesa Detention Center.

Upon entering immigration custody, I requested asylum based on a fear of persecution in Cameroon. I proceeded to a credible fear interview where I provided my history. As confirmed in the Notice to Appear, dated **October 28, 2025**, the asylum officer "found that I have demonstrated a credible fear of persecution or torture," and placed in removal proceedings see [Ex. 1.] That set a **November 10, 2025** hearing date before the immigration judge.

On **November, 10, 2025** I proceeded to the hearing and IJ instructed my attorney to prepare and submit my I-589 Application for Asylum, withholding of removal and CAT on my Master hearing. My Attorney submitted the application and I proceeded to the Master hearing on **December 10, 2025.** There, the IJ read My declaration, confirmed my application for asylum, and instructed my attorney to submit evidence of my asylum claim before a merits hearing scheduled for **April 8, 2026. (which was slightly 4 months from my last master hearing).**

But before I could proceed with a merits hearing on my asylum claim, the government subsequently filed a Motion to pretermit my application for asylum under an **Asylum Cooperative Agreement ("ACA")** and order me removed to a third country-Uganda. I never received a merits hearing. Instead, the Judge granted the government's motion to pretermit and ordered me removal to Uganda on **March 23,2026**, a country I have never visited and have no family,friends, Social or Community support. See [Ex. 2.] I timely appealed the decision to the Board of Immigration Appeals on **March 30, 2026** and the appeal is pending. See [Ex. 3] Meanwhile, I am kept in jail-like conditions at the Otay Mesa Detention Center.

On April 9,2026, I filed a petition for relief contenting my prolonged detention without bond hearing or parole and that violate the fifth Amendment due process rights. On April 14, 2026, I received a letter from my assigned Judge (**Hon. Linda Lopez).** Appointing me a

3/11

counsel and setting briefing. See [Ex. 4.] I was appointed Counsel who filed an Amended Petition on May 4,2026, the Government file it Return on May 8,2026, and my counsel file a traverse on May 13,2026.

Upon waiting for the Court decision, I learned from my counsel that my Judge was change to **Hon. Andrew G. Schopler**, for reasons even my counsel don't understand. I did not get any updates on my Case until June after nearly a month that my counsel told me the Judge have scheduled a hearing for June 9,2026 at 11am , which was later changed to June 11,2026 3pm. At that hearing, on my behalf my counsel presented three arguments: (1) That I was being deprived substantive due process (physical Liberty) because the government had not first established a legitimate immigration-ralated interest for mandatory detention; (2) Mezei was distinguishable and therefore inapplicable to this Case, and (3) Mandatory detention no longer applied because the pretermission of my application for asylum removed his case from § 1225(b)(1) and that mandatory detention therefore no longer applied.

The Judge rulled against me in first 2 arguments and requested a supplementory brief filing from both my counsel and government by June 18, and 25, 2026 respectively, with a hearing scheduled on June 29,2026, 11am. On that hearing the Judge **Denied** my petition stating i am deatined lawfully and mandatory under 8 U.S.C.§ 1225(b)(1). That there is nothing in the statutory text imposes any limit on the length of detention, and neither § 1225(b)(1) nor § 1225(b)(2) says whatsoever about Bond hearing.

Recently, like most courts , this court should find that sufficiently prolonged detention violates the **Due process Clause**. See e.g.,

1. -*Islamov v.Doe* No. 26-cv-01528-JES-VET,2026 at (S.D. CAL. April 30, 2026) nearly 6months Granted
2. -*Nche v.Divver*, No. 26-cv-2449-JES-DDL at (S.D. CAL. May 1, 2026) slighly Over 6months Granted.
3. -*Hasaballah v. Christoper Larose*, No. 26-cv-1172-DMS-DDL at (S.D. CAL. April 7, 2026) over 7months Granted.

4/11

4. -Alizadeh v. Mullin, No. 26-cv-2924-JLS-MMP at (S.D. CAL. June 5, 2026) 6months Granted.
5. -*Kwalar v. Warden*, 2026, No. 26-cv-2447-JES-BLM at (S.D. CAL. May 1, 2026) 4months Status report by 6months.
6. -Balcha v. Noem, No. 26-cv-1494-LL-SBC at (S.D. CAL. April 13, 2026) 12months Granted.
7. *Kalayu v. Mullin*, 2026, No. 26-cv-2394-LL-VET at (S.D. CAL. June 1, 2026) Granted Over 9months.
8. -*Ardic v. Larose*, No. 26-cv-1828-DMS-SBC at (S.D. CAL. May 22, 2026) Nearly 9months Granted.
9. -*Cong v. Noem*, No. 25-cv-3730-GPC-DEB,2026 at *3(S.D. CAL. Jan 9, 2026) 9months Granted.
10. *Haftekiros v. Christopher Larose*,2026, No. 26-cv-03658-RBM-SBC at (S.D. CAL. July, 7, 202)
11. *Cabrel v. LaRose*, No 26-cv-00526-RBM-BJW at (S.D. CAL. April 1, 2026) 11months Granted
12. *Abbasov v. Casey*, 2026, No. 26-cv-1867-BJC-DDL at (S.D. CAL. June 29, 2026) Granted over 12months
13. -*Roka v. Neom* 2026, No. 26-cv-00788-JES-MMP at (S.D. CAL. April 6, 2026) 14months Granted.
14. -*Changhua Chen v. Mullin*, No. 26-cv-2158-BJC-VET at (S.D. CAL. June 24, 2026) 13months Granted.
15. -*Gebremedn v. Casey*,2026, No. 26-cv-1711-BJC-BLM (June 23, 2026) 11months Granted.
16. -*Mingzhi Gao v. Larose*, No.25-cv-2084-RSH-SBC (S.D. CAL. Sept 26, 2025), over 12months Granted.
17. -*Atanga v. Larose*, No 26-cv-02312-BAS-MSB at (S.D. CAL. May 1, 2026) 13months Granted.
18. -*Abdul Kadir v. Larose*, No. 25-cv-1045-LL-MMP 2025, at *3(S.D. CAL. Oct 15, 2025) Granted.

5/11

19. -*Amado v.United States Dep't of Just.*, No. 25cv2687-LL-DDL,2025 WL 3079052, at *5(S.D.Cal. Nov. 4, 2025). Granted
20. *Mardian v. Mayorkas*, 25-cv-3467-JLS,2025. Granted.
21. *Raeva v. Mayorkas*, No. 25-cv-3175-JO,2025. Granted.
22. *Hussain v.Larose*, 2026 No. 26-cv-00194-RBM-MSB at (S.D. CAL. Jan 27, 2026) Granted

Etc.....

Just to name a few out of Similar hundreds cases, I am pleading that this court should join the majority here in my case.

From the above mentioned petitioners, 9 of them where in the same unit with me at Otay Mesa detention center. I watch them all get bonds and was release from custody, they all got Justice from different Judges in this district but today i whip and cry because my result was different.

The Cases

But what are the limits of statutory language that appears on its face to permit the indefinite detention of a human being without due process? Does the statute truely allow the Government to deny even an opportunity for an asylum seeker to proceed to a bond hearing so that I can establish I am neither a flight risk nor danger? There are cases suggesting limits to such indefinite detention.

The first in this line was *Zadvydas v. Davis*, where the Supreme Court indicated that indefinite immigration detention raises serious due process concerns. *533 U.S. 678 (2001).*

But The Supreme Court held that if the statute "permit[ed] indefinite detention of an alien, it would raise a serious constitutional problem" because

> t]he Fifth Amendmend's Due process Clause forbids the Government to "depriv[e]" any person...of...liberty...without due process of Law. Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the librety that Clause protects. See *Foucha v. Louisiana,*

6/11

504 U.S. 71, 80 (1992). and this court has said that government detention violates that clause unless the detention is ordered in a criminal proceeding with adequate procdural protections, See *United States v. Salerno, 481 U.S. 739, 746 (1987).*

Several years later, the Ninth Circuit addressed § 1225(b) and borrowed from the reasoning in *Zadvydas* to hold that statute did not permit limitless detention. *Rodriguez v Robbins, 804 F.3d 1060, 1085 (9th Cir. 2015).* As in Zadvydas, the court avoided confronting the contitutional question by "mandatory provisions of § 1225(b) simply expire at six months...." *Id.* At *1082.*

The Supreme Court then overruled *Robbins* in *Jennings v. Rodriguez,* holding § 1225(b) does not entitle detainees to bond hearings or otherwise impose "any limit on the length of detention." 583 U.S. 281, 297 (2018). But although Jennings held that § 1225(b) imposes no statutory limit on the length of detention, it did not adress whether prolonged, mandatory detention without bond hearings violates Constitutional due process. *Id.* At *312.*

Supreme court held in Demore v. Kim that at least some stautes madating detention during immigration proceedings do not automatically violate the Due Process Clause. 538 U.S. 510, 513 (2003). Demore addressed 8 U.S.C. § 1226(c), which mandates detention without a bond hearing for persons with certain criminal convictions.

The Application

In the wake of this line of cases, district courts have grappled with how to adress due process challenges to prolonged mandatory detention Under 8 U.S.C. § 1225(b) Banda, F. Supp. 3D at 1116. But after a full evaluation, "[n]early all district courts that have considered the issue agree that prolonged mandatory detention pending removal proceedings without a bond hearing, will – at some point – voilate the right to due process."

These Courts have relied on the due process concerns recognized in Zadvydas. See, e.g.,

Kydyrali, 499 F. Supp. 3D at 771; Banda, 385 F. Supp. 3D at 1116-18; Abdul Kadir v. Larose, No 25cv1045-LL-MMP,2025 WL 2932654, at *3 (S.D. CAL. Oct. 15,2025)

7/11

The Circumstance of my Case Demonstrate that my Detention is impermissibly Prolonged Under the Fifth Amendment.

Though courts agree that due process mandates a bond hearing when detention grows unreasonably prolonged, they disagree about how to assess whether a particular migrant's detention has reached that point. *Sanchez-Rivera v. Matuszewski,* No. 22-cv-1357-MMA-JLB,2023 WL 139801, at *5-6 (S.D. CAL Jan. 9, 2023) (Anello, J.) (surveying Various approaches). Some courts have "Conclude[d]...that detention becomes prolonged after six months and entitle [a petitioner] to a bond hearing." *Rodriguez v. Nielsen*, No 18-cv-4187-TSH, 2019 WL 7491555, at *6 (N.D. Cal. Jan. 7, 2019). In that case, I will automatically qualify, as I have been detained for slightly 9 months.

Other courts have adopted Various factors tests. See Sanchez-Rivera, 2023 WL 139801, at *5-6 (surveying Various approaches).

Courts generally agree that the relevant factors known as the ***Banda factor*** include:

(1) "the total length of detention to date",
(2) "the likely duration of future detention," and
(3) "the delays in the removal proceedings caused by the petitioner,".
(4) "the delays in the removal proceedings caused by the government.,"
(5) "the condition of detention," and
(6) "the likelihood that the removal proceedings will result in a different final order."

1. Length of Detention

First, the "most important factor," length of detention, favors me because I have been detained now for slightly 9 months. *Banda,* 385 F. Supp. 3d at 1118. In assessing this factor, "[i]t is important to bear in mind the context: the detention being examined here is the detention of a human being who has never been found to pose a danger to the community or be likely to flee if released"-*Islamov v.Doe* No. 26-cv-01528-JES-VET,2026 at (S.D. CAL. April

8/11

30, 2026); -*Amado v. United States Dep't of Just.*, No 25cv2687-LL-DDL,2025 WL 3079052, at *5(S.D.Cal. Nov. 4, 2025). With that context, "[c]ourts have found detention over seven months without a bond hearing weighs toward a finding that it is unreasonable." And I will have spent nearly 11 months in custody by the time date set to hear this petition. This factor weigh in petitioner favor of a a bond hearing.

2. Likely Duration of Future Detention

Second, given that I recently submitted my brief to support my appeal of IJ's removal order to a third country-Uganda on June 9, 2026, there will clearly be additional litigation in my case and those proceedings will take significant time -i.e., significant detention. It is unknown, neither me nor the government knows how long my appeal to the BIA will take to resolve but it is safe to say it will at least take many months. And I plans to appeal to Ninth Circuit if the BIA affirmed the IJ decision. [All told], "this process can take up to two years or longer" *Banda,* 385 F. Supp. 3d at 1119. Because "petitioner's future detention can last several more months or even years[,]" this factor weighs heavily in favor of petitioner requests. See *Abdul Kadir v. Larose*, No. 25-cv-1045-LL-MMP 2025, at *3(S.D. CAL. Oct 15, 2025)

3. Delay in the Removal Proceedings Caused by the Petitioner

Third, the delay factor favors petitioner. I have not delayed in any sense and has sought to proceed with my asylum claims as quickly as possible.

4. Delays in the Removal Proceedings Caused by the Government

fourth, the government strategy of avoiding my merits-based determination of asylum claim-in favor of moving the IJ to pretermit my case and send send me to a third country-precluded a merits hearing and will likely delay proceedings due to litigation over that tactic. But the addition of efforts to deny an asylum seeker his day in court and send him to a country where he has never lived and has no family will no doubt complicate matters and add to the time necessary to resolve BIA and Ninth Circuit appeals. Because the only delays are

9/11

attributable to the government, this factor fovors release.

5. Condition of Confinement

Fifth, the condition of confinement weight in favor of petitioner of a bond hearing. In considering the condition of detention, "[t]he more that the condition under which the [noncitizen] is being held resemble penal confinement, the stronger my argument that I am entitled to a bond hearing." *Banda,* 385 F. Supp. 3d at 1119. I am detained at Otay Mesa Detention Center- the same facility that houses many pretrial criminal detainees in this district. *Abdul Kadir,*2025 WL 2932654,at *5. Accordingly, "Petitioner's confinement at OMDC is 'indistinguishable from penal confinement'" Id. (quoting Kydyrali, 499 F.Supp. 3D at 773).

6. Likelihood that the Removal Proceedings will Result in a Different Final Order

sixth, This factor is difficult to resolve because the government's motion to pretrmit precluded any merits-based determination by the IJ. The IJ determination of the strength of asylum evidence is unknown. But there is a reasonable likelihood that either the BIA or Ninth Circuit will grant some form of relief from the pretermission of my asylum claim, which based solely on the government's desire to remove him to Uganda. This factor is neutral.

Under any test, then , petitioner is entitled to a bond hearing.

PRAYER FOR RELIEF

Petitioner Respectfully request that this Honorable Court;

1. Please Grants this Writ of Habeas Corpus petition
2. Order Respondent to Immediately Release petitioner from Detention
3. In Alternative Order Respondent to Provide a prompt Bond Hearing before a Neutral IJ, where the Government Bears the Burden to Proof that my Continued Detention is Necessary.
4. Grant any other Relief it Deems Just and Proper.

I declare under penalty of perjury under the law of the United States that the foregoing is true and correct to the best of my knowledge.

Respectfully Submitted

Date: 7-8-2026

Sig [redacted]

NTANGKU DESMOND AKUOH
[redacted]
Otay Mesa Detention Center
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