FILED
JUL 15 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

Artur Sorvanov

Petitioner

v.

Christopher Larose, Warden Otay Mesa Detention Center;
Field Office Director, ICE San Diego.

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

Case No. '26CV4069 BAS VET
(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: Artur Sorvanov
   (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 - CA - 92143-9040
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☑ Federal authorities ☐ State authorities ☐ Other - explain:
   N/A
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: N/A
   (b) Docket number of criminal case: N/A
   (c) Date of sentencing:
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*: N/A

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)*: N/A

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, Otay Mesa Detention Center, P.O. Box 439049, San Diego, CA 92143

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: Prolonged in Immigration Detention without possibility of release from custody in spite of Positive CFI and Granted asylum.

(d) Date of the decision or action: 08/14/2025

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: N/A

(2) Date of filing:

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not appeal: Exhaustion of administrative remedies is not required on constitutional claims under 28 U.S.C. § 2241 in Immigration detention cases.

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: N/A

(2) Date of filing:

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a second appeal: Same as above

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: N/A

(2) Date of filing:

(3) Docket number, case number, or opinion number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(b) If you answered "No," explain why you did not file a third appeal: Same as above

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: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(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: N/A

(2) Case number: N/A

(3) Date of filing:

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

(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: 08/14/2025

(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:

(2) Case number: N/A

(3) Result: N/A

(4) Date of result:

(5) Issues raised: N/A

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes ☑ No

If "Yes," provide:

(1) Name of court: N/A

(2) Date of filing:

(3) Case number: N/A

(4) Result: N/A

(5) Date of result:

(6) Issues raised: N/A

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: N/A

(b) Name of the authority, agency, or court: N/A

(c) Date of filing:

(d) Docket number, case number, or opinion number: N/A

(e) Result: N/A

(f) Date of result:

(g) Issues raised: N/A

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 a possibility of release from custody.

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

I entered via port of entry Otay Mesa on August 14, 2025 and applied for Asylum. On September 17, 2025 I received a positive decision from the CFI and on June 1, 2026 immigration Judge Granted me political Asylum. I poses no danger to the public. I have been in custody for more than 11 months.

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

☐ Yes ☑ No

GROUND TWO: Haven't been officially informed about the appeal.

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

Me and my immigration lawyer haven't received an notification about DHS appealing my case regarding the immigration Judge giving me a positive asylum decision. We only saw the appeal in the BIA system after 39 days

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

☐ Yes ☑ No

GROUND THREE: Prolonged Detention Impact my physical and psychological conditions

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

While being in detention for over 11 months I've been caused with physical problems. I'm taking medication in detention, but being here for such long period my physical and mental problems are getting worse.

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

☐ Yes ☑ No

GROUND FOUR: Inappropriate keeping conditions

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

Terrible sanitary conditions

(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: The grounds are Constitutional (due process) and are raised directly in Habeas. Exhaustion of administrative remedies is not required for Constitutional claims under 28 U.S.C. § 2241 in Immigration detention cases.

Request for Relief

15. State exactly what you want the court to do: I sincerely ask the court to order to release me immediately, if my detention is unfounded. Also protect me from being transferred to other detention facilities out of jurisdiction of the federal court of San Diego (9th circuit). And assign the federal defender.

Declaration Under Penalty Of Perjury

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

07/10/26

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: 07/10/26

[redacted]

Signature of Petitioner

Signature of Attorney or other authorized person, if any

MEMORANDUM OF POINTS AND AUTHORITES

IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS (28 U.S.C. § 2241)

I. JURISDICTION AND VENUE

This Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 2241 and 1331, and the Suspension Clause of the United States Constitution. Petitioner is in federal custody within the Southern District of California, detained at Otay Mesa Detention Center, and challenges the legality and constitutionality of that custody.

Venue is proper in this District because Petitioner is physically confined here, and his immediate custodian – the Warden of Otay Mesa Detention Center – is located within this District. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004).

Under 28 U.S.C. 2243, this Court has a mandatory duty to "summarily hear and determine the facts, and dispose of the matter as law and justice require."

II. PARTIES

Petitioner Artur Sorvanov is a civil immigration detainee held by U.S. Immigration and Customs Enforcement ("ICE").

Respondents include the Secretary of the Department of Homeland Security, ICE, and the Warden of Otay Mesa Detention Center, each of whom exercises legal or physical custody over Petitioner.

III. STATEMENT OF FACTS

Petitioner Artur Sorvanov, [redacted], is a 40-year-old citizen of Russia. Born [redacted] in USSR.

I am a citizen of Russia Who arrived in the United States and requested asylum because I have been persecuted by the Russian government for my political opinions and statements.

On August 14, 2025, I crossed the U.S. border through the Otay Mesa Port of Entry. I was detained by U.S. Border Patrol for approximately one day and then transferred to the Otay Mesa Detention Facility, where I remain detained to this day.

My psychological condition and physical health have been deteriorating continuously during my detention. My rights are being violated on a daily basis.

IV. LEGAL FRAMEWORK GOVERNING CIVIL IMMIGRATION DETENTION

Civil immigration detention is constitutionally permissible only so long as it remains non-punitive and reasonably related to its regulatory purpose. Zadvydas v. Davis, 533 U.S. 678, 690 (2001).

While Demore v. Kim, 538 U.S. 510 (2003), upheld brief mandatory detention in limited circumstances, the Supreme Court explicitly distinguished prolonged detention and emphasized that due process concerns intensify as detention lengthens.

In the Ninth Circuit, prolonged detention triggers a right to heightened procedural protections, including a meaningful bond hearing. Rodriguez v. Robbins; Singh v. Holder, 638 F.3d 1196 (9th Cir. 2011). At such hearings, the burden rests on the government, which must justify continued detention by clear and convincing evidence.

V. ARGUMENT

A. Procedural History and Prolonged Detention.

On September 4, 2025, I underwent a Credible Fear Interview (CFI). On September 17, 2025, I received a Positive CFI.

On the same day, my first Master Calendar Hearing was scheduled for September 29, 2025, before Immigration Judge P. Dixon.

At that hearing, a Second Master Calendar Hearing was scheduled for October 29, 2025, However, that hearing was later canceled without notice to me and for reasons beyond my control. For a period of time, my case was not reflected properly in the court system. A new Second Master Calendar Hearing was later scheduled for November 25, 2025, before Immigration Judge M. Hash. At that hearing, a third Master Calendar Hearing was scheduled for January 13, 2026, and the Judge was again changed, this time to Immigration Judge A. Anderson. Judge Anderson scheduled my Individual (final) Hearing for April 23, 2026, but informed me that another Judge would ultimately conduct the final hearing. I later learned that the new judge assigned is Immigration Judge O. Tia. Lately after that I have discovered that they've changed my date for the final and assigned another new Immigration Judge again. The data of the final was changed from April 23, 2026 to April 20, 2026, and the Immigration Judge who would conduct a hearing was changed from O. Tia to O. Ferdinand, but even this hearing was not held and was transferred to May 20, 2026. And that hearing was transferred as well again to June 1, 2026. (on that date my detention period total 291 days). At that day I've proved to the Immigration Judge that my case deserves trust and approved, so the Immigration Judge granted me Asylum. On the 29th day after the final court, DHS made an appeal of my case in the BIA system.

Based on the repeated delays, judge substitutions, and procedural uncertainty, I reasonably believe that my case may be further delayed while awaiting for the decision of the DHS appeal from BIA, my detention could continue for years.

My detention has therefore become unreasonably prolonged without a final resolution of my immigration proceedings.

B. Lack of Bond Hearing.

As an arriving alien, I have been denied access to bond jurisdiction entirely. As a result, I remain detained without any meaningful opportunity to challenge my Prolonged Detention. Despite of my unlawful prolonged detention, the federal Judge ordered to provide me a bond hearing 3:26-cv-01339-

JES-BJW, while the Immigration Judge took the position of the DHS, leaving my evidences without any attention or consideration. After that, my bond got denied by the immigration judge in the detention and I was labeled as a person with "a flight risk"

C. Medical Issues and Lack of Adequate Care.

During my first week at the Otay Mesa Detention Facility, I and several other detainees became ill with COVID-19 we were only tested after two days of requests, and the results were positive. I was placed in medical isolation for eleven days.

During that period I did not receive adequate medical care. I developed a serious complication affecting my left ear, including severe pain and hearing loss. My hearing has not fully recovered.

Since my detention began, I have contracted COVID-19 three times and have spent approximately six weeks in quarantine.

In Addition:

1) My prior traumatic brain injury has not been properly evaluated on treated. I suffer from daily headaches and chronic sleep disruption.

2) I experience severe and persistent psychological distress, including anxiety, depression, apathy and emotional deterioration during detention.

3) I suffer recurring acute pain in the upper abdominal region, possibly related to gallbladder issues. Diagnostic evaluation has been significantly delayed due to lack of medical equipment.

D. Condition of Confinement.

The conditions at the Otay Mesa Detention Facility are unsafe, unsanitary, and punitive in nature, which is unconstitutional for civil immigration detention.

1) Worms emerge from the shower drains and crawl onto the walls, demonstrating serious sanitation violations.

2) The housing unit designed for approximately 128 individuals and violated this capacity by holding around 160 detainees. Cells that are intended to keep eight people housed ten.

3) Viral outbreaks occur regularly because newly arrived detainees are not properly screened or quarantined.

4) The indoor temperature is consistently low, which negatively affects health and immunity.

5) Food portions are small and often of poor quality, including spoiled potatoes and mold odors. The lack of fresh fruits and vegetables has caused digestive problems, including constipation and pain.

6) Civil detainees cannot constitutionally be subjected to conditions that amount to punishment.

7) The law library printer was inoperable for an extended period, preventing me from printing and sending legal documents to my attorney, which contributed to delays in my case.

8) I have experienced chronic neck pain throughout my detention because the mattress and pillow are not suitable for long-term use.

9) Constant noise at night, including officers shouting and loud walkies-talkie, causes sleep deprivation and worsens my health.

10) Previously used clothing, including underwear, is issued without proper sanitation, which caused me to develop a fungal infection that persists to this day.

VI. IRREPARABLE HARM AND NEED FOR IMMEDIATE RELIEF

Petitioner faces ongoing and irreparable harm each day he remains detained. His health continues to deteriorate, and no amount of post-hoc relief can remedy the damage caused by prolonged unconstitutional confinement.

VII. PRAYER FOR RELIEF

Petitioner respectfully requests that this Court:

1. Grant the Petitioner for Writ of Habeas Corpus;
2. Order respondents release me immediately from OMDC;
3. Protect me from being transferred to the other Detention Facilities out of jurisdiction of the Federal court of San Diego (9th circuit);
4. Assign the federal defender;

VIII. CONCLUSION

For all the foregoing reasons, Petitioner respectfully requests that this Court exercise its Habeas authority to remedy ongoing violations of the Constitution and order appropriate relief.

VERIFICATION

I declare under penalty of perjury that the foregoing is true and correct.

Artur Sorvanov
[redacted] unit-J 207
Otay Mesa Detention Center
P.O. Box 439049
San Diego, California 92143-9049

Date: 07/10/26

Signature: 