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

FILED

JUL 20 2026

CLERK U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

UNITED STATES DISTRICT COURT

for the

Eastern District of California

SAMUEL JOSE APARICIO PENA

Petitioner

v.

California City Detention Facility
ICE Field Office responsable: San Francisco Field Office.

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

Case No. 1:26-cv-5660-JLT-FJS
(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: APARICIO PENA SAMUEL JOSE
   (b) Other names you have used: APARICIO PENA SAMUEL JOSE
2. Place of confinement:
   (a) Name of institution: California City Detention FacilityICE Field Office responsable:San Francisco Field Offi
   (b) Address: 22844 Virginia Boulevard California City, CA 93505
   (c) Your identification number: A [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)*: I WAS DETAINED EVEN THOUGH MY DOCUMENTS WERE IN ORDER, AND THEY MISTOOK ME FOR MY BOSS ANDRES FELIPE PEREZ RIOS

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:

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
JUDGE'S DECISION DENYING BAIL

(d) Date of the decision or action: 05/13/2026

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 EXECUTIV OFFICE FOR IMMIGRATION REVIEW MIAMI KROME IMMGRATION COURT

(2) Date of filing: 06/22/2026

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

(4) Result: DENIED

(5) Date of result: 06/22/2026

(6) Issues raised: A request was made and appealed to the court for release on bail due to the health condition of Samuel Jose Aparicio Pena, specifically his malnutrition and poor health. The court denied the request, arguing that no material change in circumstances had been demonstrated A request was made and appealed to the court for release on bail due to the health condition of Samuel Jose Aparicio Pena, specifically his malnutrition and poor health. The court denied the request, arguing that no material change in circumstances had been demonstrated since the previous bail redetermination.

(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:

(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:

(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: Violation of the Fifth Amendment Due Process Clause

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 Do not cite cases or law.)*:

Petitioner's continued civil immigration detention violates the Fifth Amendment because his confinement has become unreasonable and punitive. Petitioner has been detained for several months without individualized findings establishing that continued detention is necessary to protect the community or ensure his appearance in immigration proceedings.

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

☑ Yes ☐ No

GROUND TWO: Lack of Dangerousness or Risk of Flight

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

Petitioner does not present a danger to the community or a flight risk.
He has no criminal convictions, no history of violence, and only minor traffic-related infractions
Petitioner lawfully entered the United States, maintained TPS, and complied with immigration procedures, including filing an affirmative asylum application with USCIS.

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

☑ Yes ☐ No

GROUND THREE: Failure to Provide Meaningful Constitutional Review of Continued Detention

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

The immigration bond proceedings failed to adequately consider the constitutional requirements governing prolonged civil detention. The denial of bond based solely on the absence of a material change in circumstances did not provide a meaningful individualized assessment of Petitioner's liberty interests under the Fifth Amendmen

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

☐ Yes ☑ No

GROUND FOUR: Humanitarian and Equitable Circumstances Require Release

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

Petitioner's continued detention causes severe hardship to his elderly parents,who suffer from serious cardiac conditions and depend on him for financial support and assistance, Given Petitioner's lawful conduct, strong family ties, and pending humanitarian immigration relief,continued detention is unnecessary and constitutionally unreasonable.

(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: because the appeal addressed only whether there was a material change in circumstance The present Petition raises an independent constitutional challenge under the fifth amendment and 28 U.S.C § 2241 regarding the legality and reasonableness of Petitioner's continued civil detention which requires federal judicial review.

Request for Relief

15. State exactly what you want the court to do: I respectfully request that this court: 1) Assume jurisdiction over this petition. 2) find that my detention is unlawful. 3)order my inmediate realse from ICE custody or in the alternative , 4) I ordered my release on bail due to my health condition and my parents' needs, in my capacity as provider for my household.

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: 07/13/2026

SAMUEL JOSE APARICIO PENA

Signature of Petitioner

Signature of Attorney or other authorized person, if any