FILED
JUL 31 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

GHIRMAI TSEHAYE

Petitioner

v.

CHRISTOPHER J. LAROSE
WARDEN, OTAY MESA DETENTION CENTER

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

Case No. '26CV4400 BAS MMP
(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: GHIRMAI TSEHAYE
   (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)

☐ 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: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*: PROLONGED DETENTION, VULNERABLE STATUS, LACK OF FLIGHT RISK AND DENIAL OF MEANINGFUL BOND HEARING, PAROLE OR IMMEDIATE RELEASE.

(d) Date of the decision or action: 03/04/2026

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: BOARD OF IMMIGRATION APPEALS (BOARD OR BIA)

(2) Date of filing: 03/09/2026

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

(4) Result: PENDING

(5) Date of result:

(6) Issues raised: PETITIONER IS APPEALED ON THE DENIED ASYLUM APPLICATION - WITHHOLDING REMOVAL UNDER INA § 241(B) (3) WAS, WITHHOLDING OF REMOVAL UNDER - THE CONVENTION AGAINST TORTURE.

(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

(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:

(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: N/A

(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: N/A

(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: N/A

(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: 11-28-2024

(b) Date of the removal or reinstatement order: 03-04-2026

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

☑ Yes ☐ No

If "Yes," provide:

(1) Date of filing: in process

(2) Case number: [redacted]

(3) Result: PENDING

(4) Date of result: in process

(5) Issues raised: PETITIONERS ASYLUM APPLICATION HAS BEEN DENIED,- WITHHOLDING REMOVAL UNDER INA § 241(B) (3) BEEN DENIED, WITHHOLDING OF REMOVAL - UNDER THE CONVENTION AGAINST TORTURE HAS BEEN DENIED.

(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:

(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: PETITION FOR RIGHT OF HABEAS.

(b) Name of the authority, agency, or court: U.S DISTRICT COURT - SOUTHERN DISTRICT OF - CALIFORNIA.

(c) Date of filing: 02/17/2026

(d) Docket number, case number, or opinion number: 26-CV-00919-CAB-SBC

(e) Result: COURT PARTIALLY GRANTED THE PETITION FOR WRIT OF HABEAS CORPUS.

(f) Date of result: 03/30/2026

(g) Issues raised: ON PREVIOUS HABEAS, GOVERNMENT RAISED THAT MY DETENTION IS NOT - UNCONSTITUTIONALLY PROLOGED. PETITIONER LAWFULLY DETAINED UNDER THE INA AND - MANDATORY DETAINED.THIS ISSUES VIOLATES PETITIONERS FIFTH AMENDMENT RIGHT TO DUE - PROCESS, PETITIONER IS IN DETENTION FOR MORE THAN 20 MONTHS AS CIVIL DETAINEE . - GRANTED HABEAS CORPUS AND THE COURT ORDER THE GOVERNMENT TO ISSUE A BOND - HEARING WHICH WAS DENIED BY THE IJ'S DECISION OF FLIGHT RISK.

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 DUE PROCESS(PROLONGED AND INDEFINITE DETENTION)

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

Petitioner been in detention for 20 months. Petitioners detention become punitive rather regulatory. Detention is only " regulatory" if there is " significant likelihood" of removal in the " reasonably foreseeable future". Because petitioner lost individual hearing and have appealed to BIA which will take 8-12 months or more to receive a response, adding to my current 20 months of prolonged detention, there is no foreseeable future that petitioner will be release from immigration custody. Petitioners continued detention is now indefinite.

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

☐ Yes ☑ No

GROUND TWO: MENTAL HEALTH (VULNERABLE STATUS, POST TRAUMATIC STRESS DISORDER - DUE TO WAR).

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

Due to my post traumatic disorder, it makes it severely difficult for me to remain in detention. I experience depression, anxiety , insomnia and the facility is unable to provide essential medical care and - Nutritious food that I urgently require. This constitutes " cruel and unusual punishment " and is a violation of due process. This medical neglect from - the facility puts me in a punitive environment .I require the help of a mental health professional.

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

☐ Yes ☑ No

GROUND THREE: LACK OF FLIGHT RISK AND DANGER.

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

The IJ and government failed to provide clear convincing evidence, that I am a flight risk or danger. Its sole justification was that i do not have immediate family member in the U.S. I have my cousin - a U.S. citizen – who is also my sponsor and has agreed to support me financially and my- sponsor has stable income and stable employment history . I do not have history of crime or failing to appear for court .

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

☐ Yes ☑ No

GROUND FOUR: DENIAL OF MEANINGFUL BOND HEARING.

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

THE IJ FAILED TO PROVIDE A FAIR HEARING, THE IJ REFUSED TO CONSIDER EVIDENCE THAT MY - COUSIN - A U.S. CITIZEN - AS IMMEDIATE FAMILY MEMBER, WITH STRONG COMMUNITY TIES AND - STABLE EMPLOYMENT HISTORY .

(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 GROUND PRESENTED.

Request for Relief

15. State exactly what you want the court to do: Petitioner respectfully ask Honorable Court :Grant the writ of HABEAS OR; release petitioner immediately from custody due to prolonged and indefinite detention, petitioner requisites to be - represented by federal attorney , order respondents to provide petitioner with a new bond hearing or Parole before an IJ - where the IJ must consider my cousin whose a U.S. Citizen as an immediate family member; and court must consider - that petitioner is not a danger to society or a flight risk due to lack of convincing evidence .

Declaration Under Penalty Of Perjury

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

07 - 27 - 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: 07 - 27 - 2026

Signature of Petitioner

Signature of Attorney or other authorized person, if any

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
   - you are a federal prisoner and you wish to challenge the way your sentence is being carried out *(for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits)*;
   - you are in federal or state custody because of something other than a judgment of conviction *(for example, you are in pretrial detention or are awaiting extradition)*; or
   - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
   - you are challenging the validity of a federal judgment of conviction and sentence *(these challenges are generally raised in a motion under 28 U.S.C. § 2255)*;
   - you are challenging the validity of a state judgment of conviction and sentence *(these challenges are generally raised in a petition under 28 U.S.C. § 2254)*; or
   - you are challenging a final order of removal in an immigration case *(these challenges are generally raised in a petition for review directly with a United States Court of Appeals)*.

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

6. **Required Filing Fee.** You must include the $5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

7. **Submitting Documents to the Court.** Mail your petition and 3 copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

   If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.