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August 4, 2026

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION

Ibrahim LAH,

Petitioner,

v.

Christopher J. LAROSE, in his official capacity as Warden of Otay Mesa Detention Center; Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director (FOD), Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO); Todd LYONS, in his official capacity as Acting Director of ICE; and Markwayne MULLIN, in his official capacity as Secretary of Homeland Security, Pamela BONDI, U.S. Attorney General; ICE; DEPARTMENT OF HOMELAND SECURITY (DHS),

Respondents.

File No: **'26CV4752 TWR MMP**

A# [redacted]

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Petitioner Ibrahim LAH ("Mr. LAH") is a 38-year-old Malian national who last entered the United States on September 3, 2025, near San Diego, California. The government conducted the first significant intake step known as the Record of Sworn Statement (Form I-867A), on September 4, 2025.[1] Mr. LAH was given a credible fear interview on October 22, 2025, which was incomplete due to unavailability of Bambara interpreters for the Credible Fear Interview.[2]

2. Mr. LAH was issued a Notice to Appear ("NTA")[3] on November 12, 2025, charging Mr. LAH as an "alien present without being admitted or paroled, or who has arrived in the United States at any time or place other than as designated by the Attorney General" under 8 U.S.C. § 1226.

3. The government has not justified why Mr. LAH remains detained after more than eleven (11) months.[4]

4. Mr. LAH therefore seeks a writ of habeas corpus directing his immediate release, or in the alternative, a custody redetermination hearing in Immigration Court based on his prolonged detention.

5. Mr. LAH is represented here in Pro Bono by undersigned Counsel.

II. VENUE AND JURISDICTION

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28

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[1] Exhibit A: Record of Sworn Statement (Form I-867A), dated 9/04/2025.
[2] Exhibit B: Credible Fear Interview, dated 10/22/2025.
[3] Exhibit C: DHS Form I-862, "Notice to Appear", dated 11/12/2025 (filed as evidence with Immigration Court on 11/13/2025).
[4] *Id.*

U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the Constitution (Suspension Clause), as Mr. LAH is presently in custody under the authority of the United States and challenging his detention as in violation of the Constitution, laws, or treaties of the United States.

7. The federal district courts have jurisdiction under Section 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See* *Jennings v. Rodriguez*, 583 U.S. 281, 290-92 (2018).

8. Venue is proper because Mr. LAH is detained in the Otay Mesa Detention Center, within the San Diego Division, and Christopher J. LAROSE, in his official capacity as Warden of Otay Mesa Detention Center; and Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director (AFOD), as his immediate custodians. *See* 28 U.S.C. §§ 2241(d), 1391(e).

III. PARTIES

9. Petitioner, Mr. LAH, is a 38-year-old Malian national being held in San Diego, California. He is currently detained by Respondents at the Otay Mesa Detention Center in San Diego, California, pending removal proceedings.

10. Respondent Christopher J. LAROSE is the Warden of Otay Mesa Detention Center. Respondent LAROSE is responsible for the operation of the Detention Center where Mr. LAH is detained. As such, Respondent LAROSE has immediate physical custody of the Petitioner. He is being sued in his official capacity.

11. Daniel A. BRIGHTMAN, in his official capacity as San Diego Field Office Director, ICE-ERO. Respondent BRIGHTMAN is responsible for the oversight

of ICE operations at the Otay Mesa Detention Center. Respondent BRIGHTMAN is being sued in his official capacity.

12. Respondent Todd Lyons is the Acting Director of ICE. Respondent Lyons is responsible for the administration of ICE and the implementation and enforcement of the immigration laws, including immigrant detention. As such, Respondent Lyons is a legal custodian of Mr. LAH and is being sued in his official capacity.

13. Respondent Markwayne MULLIN is the Secretary of the Department of Homeland Security ("DHS"). As Secretary of DHS, Secretary MULLIN is responsible for the general administration and enforcement of the immigration laws of the United States. Respondent Secretary MULLIN is being sued in his official capacity.

IV. EXHAUSTION OF REMEDIES

14. No statutory exhaustion requirement applies. *See* 8 § U.S.C. 2241; *Laing v. Ashcroft*, 370 F.3d 994, 998 (9th Cir. 2004). Therefore, exhaustion is not jurisdictionally required.

15. Therefore, Mr. LAH has exhausted his administrative remedies to the extent required by law, and his only remedy is by way of this judicial action.

V. STATEMENT OF FACTS

16. DHS detained Mr. LAH under 8 U.S.C. § 1226(a) / INA 236(a) – as alien present without being admitted or paroled, or who has arrived in the United States at a time or place other than as designated by the Attorney General.

17. Mr. LAH's lack of criminal history demonstrates he poses no reasonable risk to public safety.

18. Mr. LAH has 1) no prior Immigration Violations, 2) has a viable asylum claim, and 3) he poses no risk of absconding given that he has a strong form of relief, which is incentive to appear for his Immigration Court proceedings in the future.

19. This prolonged detention has caused Mr. LAH an extreme decline in his mental health. Mr. LAH suffers from severe psychological distress, including pervasive anxiety, nightmares, intrusive memories, and persistent sadness. He is haunted by memories of [redacted] and the constant threat to his safety.

VI. LEGAL FRAMEWORK FOR RELIEF SOUGHT

20. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show he is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement).

21. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall ... dispose of the matter as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553 U.S. 723, 779–80 (2008). "[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief,

including, if necessary, an order directing the prisoner's release." *Id.* at 787.

VII. CAUSES OF ACTION

COUNT ONE
(PROCEDURAL DUE PROCESS)

22. Petitioner incorporates paragraphs 1 through 22 as if fully set out herein.

23. The Fifth Amendment forbids deprivation of liberty without notice and a meaningful opportunity to be heard before a neutral decision-maker. Due process protects "all 'persons' within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent." Zadvydas v. Davis, 533 U.S. 678, 698 (2001); Trump v. J. G. C., 604 U.S. 670, 673 (2025)("The Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.").

24. Applying Zadvydas v. Davis, 533 U.S. 678, 698 (2001), Petitioner's liberty interest is paramount; the risk of deprivation of Mr. LAH's interest is extreme considering the lack of a non-independent adjudicator here, the ten-month detention, and the anticipated further delays caused by appeals.

25. While the government has discretion to detain individuals, this discretion is not "unlimited" and must comport with constitutional due process. *See Zadvydas*, 533 U.S. at 698.

COUNT TWO
(SUBSTANTIVE DUE PROCESS)

26. Petitioner restates, realleges, and incorporates by reference each and

every allegation in the paragraphs above as if fully set forth herein.

27. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

28. The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be ... deprived of life, liberty, or property, without due process of law." U.S. CONT. amend. V. Freedom from bodily restraint is at the core of the liberty protected by the Due Process Clause. This vital liberty interest is at stake when an individual is subject to detention by the federal government.

29. Due process requires that government action be rational and non-arbitrary. See U.S. v. Trimble, 487 F.3d 752, 757 (9th Cir. 2007).

30. Under the civil-detention framework set out in Zadvydas v. Davis, 533 U.S. 678 (2001), and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

31. Given that government filings with the Immigration Court show Mr. LAH has no criminal history, no prior immigration violations, and no indications he will abscond, the Government's continued detention here serves no legitimate purpose. Thus, continued confinement bears no reasonable, non-punitive relationship to any legitimate aim and is unconstitutionally arbitrary and capricious.

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PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;

2) Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release him from custody, under reasonable conditions of supervision;

3) Order Respondents to refrain from transferring Petitioner out of the jurisdiction of this court during the pendency of these proceedings and while the Petitioner remains in Respondents' custody;

4) Order Respondents to file a response within 3 business days of the filing of this petition;

5) Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing with an Immigration Judge under 8 U.S.C. § 1226(a) within seven days wherein the government bears the burden to show why Petitioner should not be released;

6) Grant any other and further relief which this Court deems just and proper.

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

Respectfully submitted this 4th day of August, 2026.

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