FILED

SEP 28 2026

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

UNITED STATES DISTRICT COURT

for the

Eastern District of California

Gul Naz Akbari

Petitioner

v.

Warden of California City Detention Facility
Director of ICE
Attorney General

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

Case No. 1:26CV07992 DC-SCR
(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: Gul Naz Akbari
   (b) Other names you have used: _____
2. Place of confinement:
   (a) Name of institution: California City Detention Facility
   (b) Address: 22844 Virginia Boulevard, California City, CA 93505
   (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:
Department of Homeland Security and Executive Office for Immigration Review

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

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
I am challenging the immigration agencies' decisions to detain me, and my continued detention.

(d) Date of the decision or action: On or about 05/21/2025

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:

(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:
See attached.

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:

See attached.

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:

See attached.

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: On or about 05/21/2025

(b) Date of the removal or reinstatement order: 2025

(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:

See attached for all grounds, supporting facts, and legal memorandum.

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 Do not cite cases or law.)*:

See attached.

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

☐ Yes ☐ No

GROUND TWO:

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 Do not cite cases or law.)*:

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

Yes No

GROUND THREE:

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 Do not cite cases or law.)*:

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

☐ Yes ☐ No

GROUND FOUR:

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 Do not cite cases or law.)*:

(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:

See attached.

Request for Relief

15. State exactly what you want the court to do:

See attached.

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: 9/17/2026

[redacted]

Signature of Petitioner

_____

Signature of Attorney or other authorized person, if any

Addendum to Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

AO 242, Section: Your Earlier Challenges of the Decision or Action

There is no statutory exhaustion requirement for habeas petitions challenging the lawfulness or constitutionality of immigration detention. *Montano v. Texas*, 867 F.3d 540, 542 (5th Cir. 2017). Also, requiring exhaustion is not appropriate when the petitioner could suffer irreparable harm, or when it would be futile. *McCarthy v. Madigan*, 503 U.S. 140, 144-49 (1992). Continued unlawful detention is an irreparable harm – especially given that appeals to the Board of Immigration Appeals regularly take months or years. It would be futile to raise appeals about the constitutionality of detention before the Department of Homeland Security (DHS) or the Executive Office for Immigration Review (EOIR), including the immigration courts and the Board of Immigration Appeals.

AO242, Section: Grounds for Your Challenge in This Petition

GROUND ONE

My detention violates the substantive and procedural due process requirements of the Fifth Amendment of the U.S. Constitution. The government has failed to provide me adequate medical care, in violation of the Fifth Amendment of the U.S. Constitution.

Supporting Facts

The information below is included to the best of my knowledge.

Background Information

My name is Gul Naz Akbari. I live in California, and my country of origin is Afghanistan.

Immigration Process

I have attended all my immigration check-ins, hearings, and appointments. If I am released, I plan to follow U.S. laws. I have applied for asylum, withholding of removal, and/or protection under the Convention Against Torture in the U.S.

Medical Emergency

I am having a medical emergency in detention.

Throughout my detention, I have been suffering serious and ongoing harm due to the conditions of my continued confinement. My physical health has significantly deteriorated. I have experienced substantial weight loss, ongoing medical issues including high blood pressure, and difficulty
obtaining necessary medications and adequate medical care. I have been to the emergency room multiple times. Since being in detention, I have been diagnosed with paresthesia, fatigue, weakness, panic attacks, tooth problems, headaches, vaginal discharge, anxiety, heartburn, rash, allergies, PTSD, daily stomach pain, eye problems, and stress. I have been to the emergency room many times without proper treatment.

Problems with Detention
I am being held in immigration detention unfairly.

During my time in custody, I have endured severe mistreatment and degrading conditions of confinement that are inherently punitive, harmful, and inappropriate for civil immigration detention. The facility conditions are exceptionally harsh and unsanitary, creating an environment that exacerbates both my physical and emotional distress while severely limiting my ability to communicate with or support my loved ones. These conditions are compounded by the poor quality and inadequate nutrition of the food provided, which has directly contributed to my declining physical health, chronic fatigue, and ongoing sleep deprivation. Combined with systemic delays in medical care, strict limitations on basic hygiene, and acute isolation from my family and legal counsel, these factors constitute ongoing irreparable harm. Furthermore, my personal experiences are entirely consistent with widely reported concerns about the California City facility, including documented deficiencies in medical care, unsafe conditions, and restricted access to legal resources, as identified in both government oversight reports and active litigation.

Lack of Criminal History
I do not have any criminal charges, arrests, or convictions in the United States.

Presentation of Ground in Appeals
Not applicable. See exhaustion paragraph on page 1.

Legal Memorandum
The Fifth Amendment of the U.S. Constitution guarantees the right to due process to people in the United States, regardless of their immigration status. Under procedural due process, the government cannot deprive a person of their liberty without a fair process. *Mathews v. Eldridge*, 424 U.S. 319 (1976). Under substantive due process, the government must have a legitimate purpose for immigration detention – specifically, preventing flight risk or preventing danger to

the community. Immigration detention is not supposed to be a form of punishment. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

When the government detains someone, it has a duty under the Constitution to provide conditions of reasonable health and safety, including adequate medical care. *DeShaney v. Winnebago Cty. Dep't of Soc. Servs.*, 489 U.S. 189, 199-200 (1989). When the government fails to do this, continued detention may no longer be justified under the Fifth Amendment.

GROUND TWO

I should be released because my detention has gone on for too long. My detention has become unconstitutionally prolonged, in violation of the Fifth Amendment of the U.S. Constitution and the Immigration and Nationality Act.

Supporting Facts
The information below is accurate to the best of my knowledge.

- I have been detained for around 1 year.
- I have been detained since on or around May 21, 2025.
- I have a final order of removal.
- I have not received a bond hearing.

See additional facts listed under Ground One.

Presentation of Ground in Appeals
Not applicable. See exhaustion paragraph on page 1.

Legal Memorandum
When detention becomes unreasonably prolonged, it violates the Fifth Amendment of the U.S. constitution and continued detention may no longer be justified.

In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that immigrants with a final order of removal cannot be detained indefinitely if their removal is not reasonably foreseeable. After six months, if an immigrant detained under 8 U.S.C. § 1231(a)(6) shows that there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing."

REQUEST FOR RELIEF

- Assume jurisdiction over this matter.
- Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- Issue an Order prohibiting the Respondents from transferring me from the district without the court's approval.
- Order my immediate release from detention.
- In the alternative, require Respondents to provide me with an individualized bond hearing before a neutral arbiter at which the government bears the burden of proof by clear and convincing evidence that my continued detention is necessary, and order that respondents consider alternatives to detention and my ability to pay when setting a monetary bond.
- Order that Respondents cannot re-detain me without notice and a pre-deprivation hearing before this Court where the government bears the burden of justifying re-detention by clear and convincing evidence.
- Order that Respondents return my property, including any identity documents, such as a passport, driver's license, or work permit.
- Grant any further relief as the Court deems just and proper.

Gulnaz Akbari
[redacted]

My name is Gulnaz Akbari and my A[redacted]
I was born [redacted] in Afghanistan
I respectfully Submit This personal declaration in Support of my request to be released form immigration detention while my immigration case continues.
I have been detained Since May/21/2025 (2025
I have now Spent more than a 14 monthes in immigration detention when I was first detenied I beleived that my case would move forward within a reasonable amount of time. Instead. I went to 16 times for my court hearing my first court was September/19/2025 after (4) months of detened and I have next date for my (3rd) final hearing October/13/2026
I have Spent a Significant amount of my life in detention away from my family and loved ones. I have not been able to work contiune building my life or live in a Stable environment.

I am not asking The Court end my immigration case or to avaid The legal process. Iam only asking for The opportunity to continue my case while living outside of deteantion.

Gulnaz Akbari

[redacted]

I understand that I have responibilities, and I am willing to follow all requirements and conditions of my release.

If I am released ~ next page

Gulnaz Akbari
[redacted]

If I am released I will attend every immigration court hearing appointment and check in that I am required to attend I will keep the immigration authorities informed of my address and will follow any conditions that are placed on my release I want to continue my case and follow the legal process until my case is resolved.

I also have people who care about me and are willing support me if I am released. I will have a stable place to stay, and I will have people who can help me transportation medical appointments daily needs. and my immigration court responsibilities.

Knowing that I will have this support gives me confidence that I can live responsibly and continue complying with my case.

I respectfully ask the court to consider the length of my detention. my health and personal circumstances my family and community support my stable place to live and my commiment to following the immigration process.

I am asking for the opportunity to live outsed of detention while continuing to parsue my immigration case I want to care of my health continue my education remain close to the people who support me and begin rebuilding my life while fully complying with my legal responsibilities.

Thank you so much for taking the time to listen to my circumstances and consider my request for release, I respectfully ask the Court to give me the opportunity to continue my case outsied of detention.

and ~ please release me I really miss my MoM

Respectfully :-

Gulnaz Akbari

[redacted]

Date = 9, 17, 2026

To: The Honorable Immigration Judge
From: Michelle Suarez
Subject: Letter of Sponsorship for Gul Naz Akbari [redacted]

Dear Honorable Immigration Judge,

I am writing this letter to formally express my commitment to sponsor Gul Naz Akbari and to provide her with my full support upon her release from detention.

I am deeply invested in Gul Naz Akbari's success and stability. Currently, I provide her with regular financial support via her commissary account to ensure her basic needs are met while in custody. I have also visited her at Otay to speak with her and see how she is doing and what she needs. We speak regularly over GettingOut.

I am working closely with her friends to coordinate local resources and community support to ensure that, upon her release, she has a stable environment and the necessary tools to reintegrate into her community. This includes enrolling in school upon her release, to fulfill her dream of being a dentist in San Diego.

As her sponsor, I am prepared to assist Gul Naz Akbari in attending all future court hearings and complying with any reporting requirements set by the Department of Homeland Security. I am confident that with my support and the resources we have organized, she will be a responsible and productive member of her community.

Thank you for your time and for considering this request. Please feel free to contact me if you require any further information.

Sincerely,

[redacted]

Michelle Suarez

[redacted]