

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

FILED

APR 16 2026

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY

BALEWA RANDOLF KWALAR
Petitioner

Warden, Otay Mesa Detention Center
Secretary of US Department of Homeland
Security
Attorney General of the United States
Respondent
(name of warden or authorized person having custody of petitioner)

Case No. '26CV2447 JES BLM
(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: BALEWA RANDOLF KWALAR
(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 92154
(c) Your identification number: A
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)

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- ☐ 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: UNITED STATES DEPARTMENT OF HOMELAND SECURITY, OTAY MESA DETENTION CENTER, San Diego, CA.
(b) Docket number, case number, or opinion number: A/ [REDACTED]
(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continuous detention by ICE without adequate justification while removal order is on appeal before the BIA.
(d) Date of the decision or action: 12/26/2025

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: BIA (Board of Immigration Appeals)
(2) Date of filing: 03/05/2026
(3) Docket number, case number, or opinion number: A/ [REDACTED]
(4) Result: Pending
(5) Date of result: N/A
(6) Issues raised: Appeal of the immigration judges order of removal.

(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

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(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

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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

12/26/2025
02/27/2026

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If "Yes," provide:

(1) Date of filing: 03/05/2026

(2) Case number: A [REDACTED]

(3) Result: N/A

(4) Date of result: Pending

(5) Issues raised: - The immigration Judge erred by allowing pre-termination without an individualized safety determination.

- Due-process violation errors related to designation of a 3rd country of removal without adequate legal and factual findings.

(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 due process.

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 Do not cite cases or law.):

Continuous detention without adequate safeguards violates the due process clause of the 5th amendment.

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

☐ Yes

☒ No

GROUND TWO: Failure to provide adequate bond process.

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

Petitioner has not received a sufficient determination that continuous detention is necessary.

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

☐ Yes

☒ No

GROUND THREE: Government failure to justify continuous detention.

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

The Government has not inform petitioner as to why his detention should continue.

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

☐ Yes

☒ No

GROUND FOUR:

Removal is not eminent

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

petitioner has a pending appeal before the BIA and therefore there is no final removal order.

(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:

Failure to consider alternative to detention including the use of bond or supervision. ~~This~~ This was not presented on appeal because it's not the proper vehicle.

Request for Relief

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

Grant petitioner release or an adequate bond hearing before an immigration Judge where the burden lies on the Government to demonstrate or to justify continued detention within seven days (7).
Grant such order reliefs as the court deems necessary.

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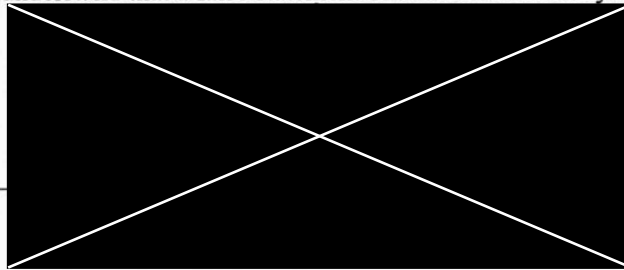
Declaration Under Penalty Of Perjury

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

04/10/2026

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: 04/10/2026



Signature of Attorney or other authorized person, if any