

A0242 (Rev. 09/17) Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241

*file me*

UNITED STATES DISTRICT COURT  
for the



Caldern, Jonathan Omar  
Petitioner

v.

Case No. 5:25-cv-01815-RGK-JP2  
(Supplied by Clerk of Court)

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

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

Personal Information

1. (a) Your full name: Jonathan Omar Caldern  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Adelanto Ice Processing Center West  
(b) Address: 16250 Rancho Road  
Adelanto CA 92301  
(c) Your identification number: AA [redacted]
3. Are you currently being held on orders by:  
☒ Federal authorities ☐ State authorities ☐ Other - explain:  
Department of Homeland Security
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: \_\_\_\_\_

(b) Docket number, case number, or opinion number: \_\_\_\_\_

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): \_\_\_\_\_

(d) Date of the decision or action: \_\_\_\_\_

#### 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: \_\_\_\_\_

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: 07/07/2025

(b) Date of the removal or reinstatement order: March 1, 2020

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

☐ Yes

☐ No

ACD-240 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

(1) Date of filing:

July  
March, 2008

(2) Case number:

A#

(3) Result:

Granted: Withholding of Removal

(4) Date of result:

March 17, 2010

(5) Issues raised:

I was released on March 17, 2010, I was given work permit, social security, license because the court found that I was not a threat to the U.S.A.

(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:



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**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: Fourth Amendment: Illegal Arrest by Ice Agent without Warrant

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 Do not cite cases or law.):

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

☐ Yes

☐ No

GROUND TWO: Fifth Amendment: There was not due process DHS policy or practiced or failing to afford this basic, minimal protections violates the Immigration and Nationality Act, The Forcing Affairs Reform and Restitution Act of 1998, the Due Process Clause of the Fifth Amendment, and the  
(a) Supporting facts (Be brief. Do not cite cases or law.):

treaty obligations of the United States. Indeed, the Office of the Solicitor General (OSG) recognized these legal obligations when it informed the Supreme Court in Johnson v. Guzman-Garcia, 594 U.S. 523 (2021)

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

☐ Yes

☐ No

GROUND THREE: Section 240 Removal Proceedings: In 1996, Congress enacted the Illegal Immigrant Reform and the Immigrant Responsibility Act (IIRIRA). The act generally retained prior procedures for removal hearings for all noncitizens - i.e., full

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

immigration court hearings, appellate review before the Board of Immigration Appeals, and federal court review. See 8 U.S.C. § 1229a; 8 U.S.C. § 1252(a). In these removal proceedings (commonly referred to as "Section 240" proceedings) the noncitizens is entitled to select a country of removal. 8 U.S.C. § 1231(b)(2).

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

☐ Yes

☐ No

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GROUND FOUR: This Court has jurisdiction pursuant to 28 U.S.C. § 1331, as the instant case is a civil action arising under the laws of the United States. For Plaintiffs in Immigration custody, 28 U.S.C. § 2241 also provides  
(a) Supporting facts (Be brief. Do not cite cases or law.):  
jurisdiction. The court may grant declaratory and injunctive relief pursuant to 5 U.S.C. §§ 705-06, 28 U.S.C. § 1651, 28 U.S.C. §§ 2201-02, 28 U.S.C. § 2241, and its equitable powers. The government has waived its sovereign immunity pursuant to 5 U.S.C. § 702

(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:

**Request for Relief**

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

Immediate Release from this unlawful detention



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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:

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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:

7/13/2025

Jonathan Olatunji

*Signature of Petitioner*

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*Signature of Attorney or other authorized person, if any*





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I came to Adelanto Ice Processing Center on Monday <sup>West</sup> 07/07/25 and on Wednesday 07/09/2025 I was back to Intake because I had a ice Interview. I never saw an Ice officer that day but I was given paperwork to sign. I was ~~told~~ that I have to sign it. It was a order to be deported to Mexico. The officer ~~said~~ me that It won't matter if I sign it or not; Either way I was gonna be deported to Mexico. So I sign one page. The next day Thursday 07/10/2025 I was taking to Intake again because I was deported to Mexico. I was taken and 8 other communists to Mexico. The mexicans cross over. The 9 people, included myself, were DENIED entry due to the fact that the proper documentation wasn't send. We came back to Adelanto Ice Processing Center again. The next day, Friday 07/11/2025 I was called again to Intake, me and the <sup>same</sup> other 8 detainees, we were send again to Van Ysidro and were DENIED entry again due to the fact that Ice did not ~~do~~ the right procedure. I was send back to Adelanto Ice Processing Center. <sup>West</sup> Executed on 7/13/2025 a statement that I said in this paper is true to my knowledge.

Jonathan O Calderon

Date: 7/13/2025

Jonathan O Calderon AH Kyron Sears AH Witness 



From: Jonathan O. Calderon AH ~~XXXXXX~~  
Adelanto Ice Processing Center West  
10250 Rancho Road  
Adelanto CA 92301  
~~XXXXXX~~

Legal Mail



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FIRST-CLASS MAIL  
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AH. EMERGENCY FILING

To: United States District Court  
Central District of California  
Office of the Clerk  
350 West 1st Street, Suite 434  
Los Angeles, CA 90012-4565

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