

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

Palina, DANILCHYK

Petitioner

v.

Markwayne Mullin, US Secretary of
Homeland Security, et all.

Respondent

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

Case No. '26CV2454 DMS MSB
(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: Palina, DANILCHYK
(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: [Redacted]
3. Are you currently being held on orders by:
[X] 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:
[X] 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: On 03/13/2026, Otay Mesa Immigration Court denied my motion for bond hearing stating I'm a subject to mandatory detention.
- (b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
My prolong detention for more than 180 days .
- (d) Date of the decision or action: 03/13/2026

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: _____
- (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: appropriate authority for appeal of Immigration Court decision is BIA which is under control of the Respondents. My more than 180 days detention makes me eligible to file Petition of Writ of Habeas Corpus with Federal Court to challenge my detention.

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

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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: _____

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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: Petitioner's detention violates the right to substantive and procedural due process guaranteed by the Fifth Amendment of the U.S. Constitution.

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 Do not cite cases or law.):*

On or about October 5, 2025, Petitioner applied for admission into the United States from Mexico at the San Ysidro Port of Entry. Since Petitioner has been detained by DHS and its subsidiaries.

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

Yes No

GROUND TWO: Petitioner's detention and denial of parole / bond is arbitrary, capricious, and an abuse of discretion, without observance of procedure required by law, and unsupported by substantial evidence, in violation of the Administrative Procedures Act, 5 U.S.C. §702 et seq

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 Do not cite cases or law.):*

Since December 2025, Petitioner filed for Parole with ICE DHS numerous times. However, her requests have been unanswered. Also, on 03/13/2026, IJ denied her bond motion.

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

Yes No

GROUND THREE: Under Zadvydas v. Davis, the Respondent's detention is unlawful. Respondent has been detained for more than 180 days without significant likelihood or removal in the reasonably foreseeable future because

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

- the Respondent's parents have been non-detained and also applied for asylum from Belarus. They reside in Seattle metro area, WA.**
- Respondent has been persecuted in Belarus as well as her family.**
- No flight connections between US and Belarus.**

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

Yes No

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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:

Request for Relief

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

1. Issue an order to show cause pursuant to 28 U.S.C. 2243; 2. Declare unlawful Petitioner's detention; 3. Declare that Respondents have acted arbitrarily and capriciously in denying parole to Petitioner and constructively denying reconsideration of parole; 4. Order Petitioner's release from custody.

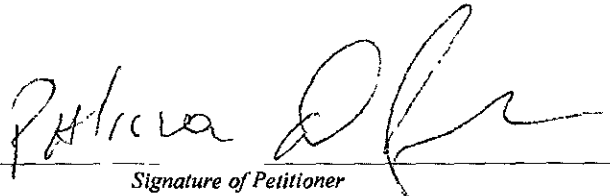
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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:
not applicable because my filings was mailed outside of detention.

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: 04/14/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any



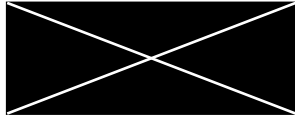
UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
OTAY MESA IMMIGRATION COURT

Respondent Name:

DANILCHYK, PALINA

To:

Druyan, B Martin



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

03/13/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

- Denied, because
Respondent is an applicant for admission, so she is subject to mandatory detention pursuant to INA section 235(b)(2)(A). Additionally, respondent was placed in expedited removal proceedings and the court lacks jurisdiction pursuant to Matter of MS, 27 I&N Dec. 509 (AG 2019).
- Granted. It is ordered that Respondent be:
 - released from custody on his own recognizance.
 - released from custody under bond of \$
 - other:
- Other:

Mark

Immigration Judge: SAMEIT, MARK 03/13/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved


Appeal Due: 04/13/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : DANILCHYK, PALINA | A-Number : 

Riders:

Date: 03/13/2026 By: Rosa Rodriguez, Court Staff

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

Respondent: PALINA DANILCHYK currently residing at:

OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO CA, 92154

619-661-4071

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of Belarus and a citizen of BELARUS;
3. You applied for admission at OTAY MESA CA on 2025-10-05;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235 3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

7488 CALZADA DE LA FUENTE, SAN DIEGO, CA, 92154

(Complete Address of Immigration Court, including Room Number, if any)

on 11/06/2025 at 8:00 AM to show why you should not be removed from the United States based on the

charge(s) set forth above.

R. Deng, SAO Supervisory Asylum Officer
(Signature and Title of Issuing Officer)

Date: 10/24/2025

SAN DIEGO, CA
(City and State)

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