

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Southern District of Florida



FILED BY Angela E. Noble D.C.

FEB 20 2025

ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - FT. LAUD.

ALEXEY SAMOKHIN

Petitioner

v.

WARDEN, BROWARD TRANSITIONAL CENTER
DIRECTOR, MIAMI FIELD OFFICE, THE U.S.
IMMIGRATION AND CUSTOMS ENFORCEMENT.

Respondent

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

Case No. _____

(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: ALEXEY SAMOKHIN
(b) Other names you have used: MAIER (LAST NAME)
2. Place of confinement:
(a) Name of institution: GEO, BROWARD TRANSITIONAL CENTER
(b) Address: 3900 N. POWERLINE ROAD POMPANO BEACH, FL 33073
(c) Your identification number: A [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): _____

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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: BROWARD TRANSITIONAL CENTER
3900 N.POWERLINE POMPANO BEACH, FL 33073

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

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

I AM CHALLENGING THE GOVERNMENT'S DECISION TO DETAIN ME WITHOUT A WARRANT OR
PROBABLE CAUSE. I AM ALSO SEEKING RELEASE FROM AN INDEFINITE DETENTION..
FINALLY, I AM CLAIMING INEFFECTIVE ASSISTANCE OF COUNSEL IN MY REMOVAL PROCEEDINGS.

(d) Date of the decision or action: 11/01/2024

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: _____

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(b) If you answered "No," explain why you did not appeal: MY ATTORNEY ADVISED ME NOT TO DO THAT

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: none

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: THERE WAS NO 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: _____

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(b) If you answered "No," explain why you did not file a third appeal: THERE WAS NO 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

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: _____

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- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: THERE IS NO CONVICTION

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 06/12/2024
(b) Date of the removal or reinstatement order: _____
(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: _____

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- (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: COMPLAINT
(b) Name of the authority, agency, or court: THE FLORIDA BAR / DIVISION OF LAWYER REGULATION
(c) Date of filing: 12/26/2024
(d) Docket number, case number, or opinion number: 850/561-560
(e) Result: none
(f) Date of result: _____
(g) Issues raised: INEFFECTIVE ASSISTANCE OF COUNSEL

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.

GROUND ONE: VIOLATION OF FOURTH AMENDMENT TO THE U.S. CONSTITUTION.
AN ICE OFFICER ARRESTED ME WITHOUT ISSUING A WARRANT OR HAVING A PROBABLE CAUSE.

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

ON OR ABOUT JUNE 9, 2024 I WAS ARRESTED BY FLORIDA HIGHWAY PATROL FOR ATTEMPTED DUI
INFLUENCE OF ALCOHOL OR DRUGS. THREE DAYS LATER I BAILED OUT FROM THE POLICE CUSTODY.
HOWEVER, THE LOCAL POLICE TRANSFERRED ME TO ICE CUSTODY, INSTEAD OF RELEASING ME.

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

☐ Yes

☒ No

GROUND TWO: FALSE ARREST / FALSE IMPRISONMENT

THE ICE OFFICER LACKED ANY LAWFUL AUTHORITY TO ARREST OR DETAIN ME.

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

SAME AS IN GROUND ONE.

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

☐ Yes

☒ No

GROUND THREE: VIOLATION OF SIX AMENDMENT DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL

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

ACCORDING TO IMMIGRATION COURT RECORDS MY ATTORNEY CONCEDED "THE FACTUAL
ALLEGATIONS CONTAINED IN THE NTA AND CONCEDED THE SOLE CHARGE OF REMOVABILITY."
HOWEVER, SHE NEVER ASKED ME AND I NEVER AUTHORIZED HER TO DO THAT. IN ADDITION TO THAT
SHE MADE A UNILATERAL DECISION TO SUBMIT MY PRIOR MILITARY RECORDS AS EVIDENCE IN MY
REMOVAL PROCEEDINGS, WHICH THE GOVERNMENT USED AGAINST ME BECAUSE MY ATTORNEY
ALSO TOOK IT UPON HERSELF TO TRANSLATE THOSE RECORDS FROM RUSSIAN LANGUAGE,
WHEREBY SHE MADE SOME FACTUAL ERRORS THAT A DHS PROSECUTOR USED AGAINST ME.

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

☒ Yes

☐ No

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GROUND FOUR: VIOLATION OF DUE PROCESS UNDER FIFTH AMENDMENT TO U.S. CONSTITUTION

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

THE GOVERNMENT IS HOLDING ME IN A DETENTION FACILITY FOR OVER EIGHT MONTHS WITHOUT CONDUCTING A BOND HEARING.

(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: because my counsel told me they would be futile.

Request for Relief

15. State exactly what you want the court to do: I respectfully request for the Court to (a) release me from the detention facility (b) punish those individuals, who were responsible for my arrest and incarceration (c) certify that I was a victim of a false imprisonment for the pupose getting a U visa (d) order those individuals, who were responsible for my arrest, to compensate me for the injuries I sustained from the false imprisonment and violation of my civil rights (e)declare provision of any law that allowed the government to detain, arrest and incarcerate me, without a warrant, to be unconstitutional.

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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:

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: 02.13.2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

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Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits);
 - you are in federal or state custody because of something other than a judgment of conviction (for example, you are in pretrial detention or are awaiting extradition); or
 - you are alleging that you are illegally detained in immigration custody.

2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (these challenges are generally raised in a motion under 28 U.S.C. § 2255);
 - you are challenging the validity of a state judgment of conviction and sentence (these challenges are generally raised in a petition under 28 U.S.C. § 2254); or
 - you are challenging a final order of removal in an immigration case (these challenges are generally raised in a petition for review directly with a United States Court of Appeals).

3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**

4. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.

5. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.

6. **Submitting Documents to the Court.** Mail your petition and ____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.

7. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

Extremely Urgent

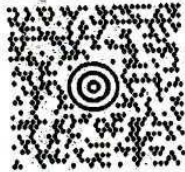
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THE UPS STORE #4432
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18850 COLLINS AVE
SUNNY ISLES BEA FL 33168-4291

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299 E BROWARD BLVD

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DWT: 12.10.2
DATE: 18 FEB 2025

FORT LAUDERDALE FL 33301-1922



FL 333 0-02



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