

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FILED BY CF D.C.

FEB 24 2025
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S.D. OF FLA. - W.P.B.

MARIA DOLORES NAVARRO MARTIN
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

ATTORNEY GENERAL OF US, Warden, B.T.C.
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: Maria Dolores Navarro Martin
(b) Other names you have used: Maria Navarro Martin
2. Place of confinement:
(a) Name of institution: Broward Transitional Center
(b) Address: 3900 N. Powerline Rd, 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:
IMMIGRATION AND CUSTOM ENFORCEMENT - DHS
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)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- ☐ 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: IMMIGRATION COURT, Broward Transitional Center
 (b) Docket number, case number, or opinion number: A - [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Order Denying Motion To Dismiss.

- (d) Date of the decision or action: February 12, 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: Board of Immigration Appeals.

(2) Date of filing: February 14, 2025

(3) Docket number, case number, or opinion number: N/A

(4) Result: "Pending of a decision"

(5) Date of result: _____

(6) Issues raised: The Respondent was not convicted as charged in the Notice To Appear. The Fla Statute 914.22(1)(a) was suppressed in the Notice To Appear, which deprived the respondent of her constitutional's right to the Due Process, and an opportunity of judicial review, which used a conviction under an Unconstitutional State Statute of Conviction 914.22(1)(a), and was not a categorically match to an offense relating to obstruction of justice under the section 8 USC 1101(a)(43)(S).

- (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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: December 30, 2024

(b) Date of the removal or reinstatement order: January 2, 2025

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

☒ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: Under the Due Process Clause, the Immigration Court violated the petitioner's Due process, acting without jurisdiction under the provisions of a State Statute of Conviction s. 914.22(1)(a) Fla Stat, which has been declared "Unconstitutionally Vague" by the U.S. Supreme Court in State v. CHEN, 565 S.2d 49 (Fl. 1990).

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

The deportation proceedings are "fundamentally unfair" and procedurally defective, since that (1) the petitioner's due process rights were violated, acting without jurisdiction under the provisions of our State Statute of Conviction, and (2) the petitioner suffered prejudice as result "nullified ambiguous provisions," See Sessions v. DiMaya, 584 US 120 4, 2008 S.Ct 1204, 2008 LEd2d 549 (2016).

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

☒ Yes

☐ No

GROUND TWO: Under the Due process Clause, the Immigration Court violated the petitioner's Constitutional rights, in a finding of deportability on a ground not alleged and charged, which was violated the petitioner's right to Notice and an opportunity to be heard and the petitioner suffered prejudice as a result of the defects.

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

The Service of the NTA, not alleged the Charges under the Section 914.22(1)(a) Fla St. There was not a clear and convincing evidence that petitioner was convicted "as charged". The petitioner was deprived of an "opportunity to judicial review". A Federal Court cannot permit a defendant to be tried on charges that are not made in the Indictment or "Notice to Appear".

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

☒ Yes

☐ No

GROUND THREE: Under the Due Process Clause, the Agency violated the petitioner's constitutional rights to the Due process when it depart from a prior policy, since that a violation of the "Accardi doctrine" constitute a "violation of the Fifth Amendment's Due Process Clause".

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

The Agency depart from a prior policy which established; that the petitioner must be charged in the NTA "with the provisions of law... under the alien is being charged." The Agency violated the claim-processing rules, and acted without jurisdiction under the provisions of our State Statute of Conviction, previously declared "Unconstitutionally Vague".

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

☒ Yes

☐ No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Under the Due Process Clause the Immigration Court violated the petitioner's Constitutional rights acting under the provisions of an "Unconstitutionally Vague" State's Statute of Conviction s. 914.22(1)(b) Fla. Stat. in Immigration Proceedings.

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

On February 12, 2025, the Immigration Court acted without jurisdiction under the provisions of the s. 914.22(1)(b) Fla. Statute; which had been declared "Unconstitutionally Vague" pursuant to *State v. GIBSON*, 568 S.2d 449 (Fl. 1990), denying a petitioner's Motion to Dismiss, rendering Null and Void all the Immigration proceedings.

(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: The Issuance of an Injunctive and declaratory relief, should be granted. pursuant the provisions of law and petitioner's Memorandum in Support for the Issuance of an injunctive and declaratory relief, as requested. (See Memorandum attached).

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

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

This petition was placed in the prison mail system on February 17, 2025

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: 02/17/2025


Signature of Petitioner

MARIA D. Navarro Martin
Signature of Attorney or other authorized person, if any

OATH

UNDER PENALTIES OF PERJURY, I, Maria Dolores Navarro Martin, declare that I have read the foregoing document, and I Understand its content; this document is filed in good faith and is timely filed, I understand its content in English, has potential merit, and that facts contained in the documents are true and correct.,

Date: February 17, 2025



Maria Navarro Martin
Pro se Petitioner
A#:
Broward Transitional Center
3900 N. Powerline Rd.
Pompano Beach Fl. 33073

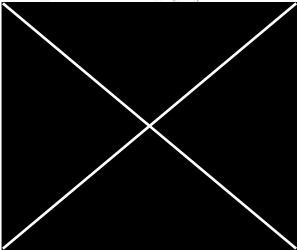
CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct original of the foregoing document has been furnished by U.S. Mail-postage prepaid to The Clerk of the District Court Southern Division. I Further Certify that the clerk can e-serve a copy of this document to The Clerk of the Immigration Court and Office of the Board of Immigration appeals. I Further Certify that the clerk can e-serve a copy of this document to Nelson Perez, Chief Counsel. Carlos Lopez, Deputy Chief Counsel. Michael J. Gross, Esq., Assistant Chief Counsel. Office of the principal Legal Advisor. Immigration and Custom Enforcement. Department of Homeland Security. Broward Transitional Center. 3900 N. Powerline Road, Pompano Beach, Fl 33073. ICE-District Director at 18201 SW 12th St. Miami F. 33194. To U.S. Attorney General at Dpt. of Justice, 950 Pennsylvania Av. NW. Washington DC. 20530-0001, and all the lawyer on record via e-filing court system, on this day February 17, 2025.

Respectfully Submitted:



Maria Navarro Martin
Pro se Petitioner
A#:
Broward Transitional Center
3900 N. Powerline Rd.
Pompano Beach Fl. 33073



U.S. DISTRICT COURT
Southern Division
CLERK OF COURT
701 Clematis ST. Room 202
West Palm Beach, FL. 33401

INSPECTED