

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



DAVRONBEK BURIEV

Petitioner

v.

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

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: DAVRONBEK BURIEV
(b) Other names you have used: NURALIEVICH (PATERNAL 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: 
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: NONE

(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 A NOTICE
I AM NOT SEEKING RELEASE FROM AN INDEFINITE DETENTION AT THIS MOMENT.

(d) Date of the decision or action: 11/15/2024

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: U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

(2) Date of filing: 12/12/2024

(3) Docket number, case number, or opinion number: NONE

(4) Result: NONE

(5) Date of result:

(6) Issues raised: UNLAWFUL DETENTION / RELEASE FROM CUSTODY

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(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

(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: IT IS FUTILE BECAUSE THE AGENCY DID EVEN RESPOND TO MY FIRST APPEAL. MOREOVER, ACCORDING TO ITS RULES I AM NOT ELEGIBLE FOR ANY TYPE OF RELEASE.

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:

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:

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☒ Yes ☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 11/16/2024
(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:

PETITION FOR U NONIMMIGRANT VISA

(b) Name of the authority, agency, or court:

U.S. CITIZENSHIP AND IMMIGRATION SERVICE

(c) Date of filing:

12/20/2024

(d) Docket number, case number, or opinion number:

A

(e) Result:

none

(f) Date of result:

(g) Issues raised:

FALSE ARREST/FALSE IMPRISONMENT/ CIVIL RIGHTS VIOLATIONS

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.

A CBP SUPERVISING OFFICER ARRESTED ME WITHOUT ISSUING A WARRANT.

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 Do not cite cases or law.)*:

On November 13, 2024 I along with my brother-in-law and his wife arrived at Cruz Bay, USVI on a private boat.

Upon our arrival, we went into a CBP station, which was adjacent to the private boat pier, for inspection.

At the CBP station, we encountered Officer Zammot, who checked our documents and statuses, then questioned the circumstances of our arrival. Upon his inspection, Officer Zammot released us on our own recognizance.

Three days later, a CBP supervisor had lured us into his station at Blyden Ferry Terminal, where he detained us.

At the end of day, he arrested me and my in-law's wife for being illegal in the country without issuing a warrant.

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

☒ Yes

☐ No

GROUND TWO: VIOLATION OF FIRST AMENDMENT.

THE SUPERVISORY CBP OFFICER RETALIATED AGAINST ME, BECAUSE MY IN-LAW CHALLENGED HIS AUTHORITY TO DEPORT ME AND HIS WIFE;

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

When we went into the CBP station at Blyden Port Terminal, its supervisor started questioning our immigration statuses. My in-law explained him that we were asylum seekers, who had already passed the CBP inspection and were admitted into the country by Officer Zammot. The CBP supervisor declined to discuss the circumstances of our arrival and focused on our entry documents only. Once he learned that we did not have any entry document except for passports, he concluded that we were illegal in the country and warned my in-law not to debate that matter anymore or else he said that I and my in-law's wife would face a hard consequence in the form of our deportation. My in-law challenged his authority to deport us and was immediately ordered to leave the building.

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

☒ Yes

☐ No

GROUND THREE: FALSE IMPRISONMENT.

THE CBP SUPERVISOR LACKED ANY LAWFUL AUTHORITY TO DETAIN OR ARREST ME.

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

Same as in GROUND THREE. In addition to that, when my in-law came back to the CBP station he showed its supervisor provisions of 8 U.S.C. 1158 pertaining to asylum seeker's right to remain in the country without a status. The CBP supervisor saw the statute, but did not do anything about it.

(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.

THE CBP SUPERVISOR ARRESTED ME WITHOUT GIVING ME A "NOTICE TO APPEAR" (that is Form I-862).

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

Same as in GROUND ONE. In addition to that, the CBP Supervisor did not give me a "Notice To Appear" before an immigration court.

(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: 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 the false imprisonment, as part of the U visa process (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: _____

Signature of Petitioner



Signature of Attorney or other authorized person, if any