

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case no. 25-cv-23037-JEM

SHAUN O'BRIAN COKE

Petitioner,

v.

E.K. CARLTON, Warden for FDC Miami
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT

Respondents.

**PETITIONER'S REPLY TO RESPONDENTS'
RESPONSE TO SHOW CAUSE ORDER**

Petitioner, by and through the undersigned counsel files this, Petitioner's Reply to Respondents' Response to Show Cause Order and in support states the following:

I. BACKGROUND

Petitioner arrived in the United States on June 3, 2015, at the Fort Lauderdale/Hollywood International Airport. He was admitted as a conditional lawful permanent resident. On May 27, 2017, the Petitioner divorces his U.S.C. spouse. On May 23, 2017, he submitted a petition to remove the conditions of his resident status and requested a waiver of the joint filing requirement. On April 14, 2020, the petition was denied by United States Citizenship and Immigration Services. On April 28, 2021, a Notice to Appear ("NTA") was filed with the Immigration Court. On October 23, 2020, his removal proceedings were closed due to a failure to prosecute. On April 3, 2025, Petitioner was arrested on a capias warrant out of Broward County, Florida. He was then taken into Respondent U.S. Immigration and Customs Enforcement custody on April 8, 2025.

On April 12, 2025, a NTA was filed, and his removal proceedings were initiated. On April 25, 2025, Petitioner appeared for his initial master calendar hearing in front of visiting Immigration Judge Rene Mateo. Petitioner requested a trial date to be set, but the Immigration Judge was unable to set the date. The case was reset for another master calendar hearing for May 23, 2025. The Immigration Judge also denied Petitioner's motion for custody redetermination on April 25, 2025. The Petitioner appealed the Immigration Judge's decision and the appeal remains pending at the Board of Immigration Appeals.

On May 23, 2025, Petitioner appeared in front of another visiting Immigration Judge Christian Pressman, at the Krome Detention Center. Petitioner requested that the immigration court scheduled him for his individual hearing. He was again told that one could not be set and instead his case was rescheduled for another master calendar hearing on June 23, 2025. On June 23, 2025, Petitioner appeared before Immigration Judge Romy Lerner at the Krome Detention Center. An expedited individual merits hearing date was scheduled for July 17, 2025, at 1:00 P.M. On June 7, 2025, Petitioner was transferred from the Krome Detention Center to the Miami Detention Center. Counsel was notified by Petitioner's girlfriend that he had been moved when another detainee at the Krome Detention Center called her after 5 pm on July 7, 2025.

II. ARGUMENT

This Court has jurisdiction to reach the merits of the 2241 Habeas Petition and grant the requested habeas relief.

Respondents' position that this Court cannot grant the Petitioner's requested relief is not supported by case law. In this current Petition, the Petitioner is seeking the requested relief in order attend his trial currently scheduled for July 17, 2025, and so that the Respondents do not transfer him again without notice. See *Kellici V. Gonzales*, 472 F. 3d 416, 420 (6th Cir. 2006)

(finding that a “district court, not court of appeals, had jurisdiction where plaintiffs’ habeas petitions challenged only the constitutionality of the arrest and detention, not the underlying administrative order of removal.”); See also *Velasco Lopez V. Decker*, 978 F. 3d at 855 (recognizing the equitable and flexible nature of habeas relief”). More recently in *Ozturk v. United States*, No. 25-CV-00374wks, D.Vt. (Apr. 18, 2025), the Court ordered that the Petitioner be returned to Vermont from Louisiana. The Court reasoned that “The flexibility inherent in “equitable procedure” enables courts to meet new situations that demand equitable intervention, and to accord all relief necessary to correct...particular injustices”. Id. at ¶ 67. Citing *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 248 (1944).¹

District Courts are well aware that Respondents U.S. Immigration and Customs Enforcement regularly transfer detainees between facilities, often multiple times. See *Khalil v. Joyce*, 2025 U.S. Dist. Lexis 50870*. Petitioner’s Deportation Officer, Juan H. Martinez, submitted a declaration stating that the Petitioner is located at Miami Federal Detention Center and will still have access to attend his removal proceedings virtually and have access to counsel. (ECF No. 4-1 at 1-2). However, Officer Martinez fails to ensure that the Petitioner will not be transferred again before his hearing scheduled on July 17, 2025. Therefore, the requested relief is necessary under the Due Process Clause. Petitioner will suffer irreparable harm if he is transferred outside the Southern District of Florida. His removal proceedings will be delayed, and he will face hardship meeting with counsel to prepare his deportation defense.

¹ See also *Thakker v. Doll*, No. 20-480-JEJ-MCC, ECF No. 205 at 3 (M.D. Pa. July 22, 2020) (enjoining transfers out of facilities in Pennsylvania without prior notice to counsel and opportunity to object. See also *Aamer V. Obama*, 742 F. 3d 1023, 1032 (D.C. Cir. 2014); See also *Ali v. Gibson*, 572, F. 2d 917, 975 n. 8 (3d Cir. 1978).

For these reasons, the Court should grant the requested relief in Petition including but not limited to transferring Petitioner back to the Krome Detention Center or an order enjoining the Respondents from transferring the Petitioner outside the Southern District of Florida.

Respectfully Submitted,

/s/Mariah R. Schiff

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