

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 Florida

FILED BY MCO D.C.

AUG 11 2025

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

MBUTHA ELVIS MULI

Petitioner

v.

IMMIGRATION CUSTOMS AND 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: MBUTHA ELVIS MULI
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: ICE KROME DETENTION CENTER
(b) Address: 18201 SW 12TH STREET
MIAMI, FLORIDA 33194
(c) Your identification number: A# 
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): _____

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: IMMIGRATION CUSTOMS AND ENFORCEMENT

18201 SW 12 STREET MIAMI, FLORIDA 33194

(b) Docket number, case number, or opinion number: _____

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

FOURTH AMENDMENT RIGHT VIOLATION FROM FALSE IMPRISONMENT WITHOUT PROBABLE CAUSE
 THROUGH ISSUANCE OF DETAINERS TO LOCAL ENFORCEMENT AGENCY THAT INDEPENDENTLY LACKED THE AUTHORITY TO ISSUE DETAINERS(OF MORE THAN 48 HOURS)

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **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: I WAS NOT AWARE THAT ICE WAS VIOLATING MY CONSTITUTIONAL RIGHTS BY ISSUANCE OF DETAINERS WITHOUT PROBABLE CAUSE

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: WASN'T AWARE THAT SUCH DETENTION EXCEEDED THE LIMITED CIRCUMSTANCES IN WHICH STATE OFFICER MIGHT ENFORCE IMMIGRATION LAW THUS VIOLATING THE SYSTEM THAT CONGRESS CREATED.

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: WASN'T AWARE THAT THE FULL EXTENT OF FEDERAL PERMISSION FOR STATE AND FEDERAL COOPERATION IN IMMIGRATION ENFORCEMENT DOESN'T EMBRACE DETENTION

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 Do not cite cases or law.)*:

AFTER MY FIRST APPEARANCE CONVICTION OF TIME SERVED FOR TRESPASSING, I WAS NOT RELEASED. UPON INQUIRING I WAS TOLD THAT ICE HAD A 48 HOUR DETAINER ON ME. WHEN I ASKED IF THERE WAS A PROBABLE CAUSE AS TO WHY I WAS BEING HELD BECAUSE I KNOW MY RIGHTS NONE GIVEN. I REMAINED IN CUSTODY FOR FIVE DAYS BEFORE IMMIGRATION CAME TO PICK ME UP IN VIOLATION OF MY FOURTH AMENDMENT CONSTITUTIONAL RIGHT

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

☐ Yes☒ No**GROUND TWO: FALSE IMPRISONEMENT**(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

I WAS ARRESTED FOR A TRESSPASS ON THE 24/02/2025, NEXT DAY I WENT TO FIRST APPEARANCE WHERE I WAS SENTENCED TIME SERVED, BUT THEN ICE ISSUED A DETAINER WHERE THE ORANGE COUNTY CORRECTIONS DEPARTMENT ORLANDO HELD ME FOR MORE THAN THE REQUIRED 48HRS WITHOUT A VALID PROBABLE CAUSE BEFORE ICE TO CAME PICK ME UP ON THE 28TH OF FEBRUARY, 2025 FIVE DAYS AFTER THE DETAINER WAS ISSUED.

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

☐ Yes☒ No**GROUND THREE: PROBABLE CAUSE**(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

DUE TO THE ISSUANCE OF A DETAINER WITHOUT PROBABLE CAUSE THAT TRIGGERED MY DETENTION I WAS TEMPORARILY DETAINED BY THE COUNTY JAIL WHO LACKED THE AUTHORITY TO DO SO, WHERE I WAS TEMPORARILY HELD FOR MORE THAN THE REQUIRED 48 HRS.

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

☐ Yes☒ No

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GROUND FOUR: DELIBERATE INDIFFERENCE

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

DUE TO THE INSUANCE OF A DETAINER WITHOUT PROBABLE CAUSE THE COUNTY JAIL ACTING UNDER THE COLOR OF STATE LAW, WAS FORCED TO ADHERE TO ITS PRACTICE AND POLICY OF HONORING DETAINERS WITHOUT A JUST CAUSE THAT I HAD COMMITTED A CRIMINAL OFFENSE THUS VIOLATING MY FOURTH AMENDMENT RIGHT WHICH LED TO FALSE THE UNCONSTITUTIONAL FALSE IMPRISONEMENT AND ME SPENDING UNWARRANTED DAYS IN JAIL WHEREAS I WAS SUPPOSED TO BE FREE.

(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: N/A

Request for Relief

15. State exactly what you want the court to do: IN LIEU OF THE ABOVE STATED FACTS I HERE BY REQUEST:

1. THAT THIS COURT ASSUME JURISDICTION OVER THIS MATTER
2. IMMEDIATE RELEASE FROM DETENTION AS CONTINUED DETENTION HAS CAUSED ME IRREPARABLE HARM
3. A TEMPORARY RESTRAINING ORDER & PRELIMINARY AND PERMANENT INJUNCTIVE RELIEF
4. THAT THIS COURT ISSUE A DECLARATORY JUDGEMENT STATING THAT I AM A LAWFUL PERMANENT RESIDENT ENTITLED TO PROTECTION OF THE DUE PROCESS CLAUSE AND THE FOURTH AMENDMENT RIGHT.
5. THAT THIS COURT ISSUE AN ORDER DIRECTING THE RESPONDENT TO BRING ME TO THIS COURT AT A TIME SPECIFIED AND EXPLAIN WHY I SHOULD NOT BE REALEASED FROM CUSTODY DUE TO THE VIOLATION OF MY FOURTH AMENDMENT RIGHT.

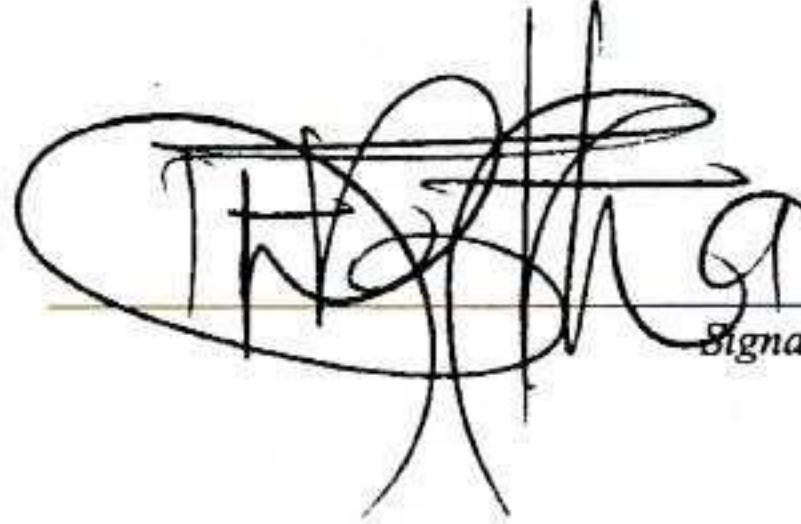
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Declaration Under Penalty Of Perjury

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: 08/03/2025


A handwritten signature in black ink, appearing to be 'THA' followed by a large, stylized flourish.

Signature of Petitioner

Signature of Attorney or other authorized person, if any



US POSTAGE
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OMAS ZIP 33194
08/05/2025
0368 0011830653

MBUTHA ELVIS MULI

ICE KROME SPC MIAMI
18201 SW 12TH STREET
MIAMI FLORIDA, 33194

REC'D BY _____ D.C.

AUG 11 2025
ANGELA E. NOBLE
CLERK U.S. DIST. CT.
S. D. OF FLA. - MIAMI

**TO: UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
OFFICE OF THE CLERK ROOM 8N09
400 NORTH MIAMI AVENUE
MIAMI, FLORIDA 33128-7716**