

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 cos D.C.

AUG 18 2025

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

(Supplied by Clerk of Court)

THWE THWE NYEIN

Petitioner

v.

Case No. _____

U.S. Attorney General, Warden BTC, et seq.

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: THWE THWE NYEIN
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: Broward Transitional Center
(b) Address: 3900 N. Powerline Rd. Pompano Beach, FL 33073
3. (c) Your identification number: A- [REDACTED]
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: BOARD OF IMMIGRATION Appeals
 (b) Docket number, case number, or opinion number: A - [REDACTED]
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____
 (d) Date of the decision or action: _____

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: _____

(b) If you answered "No," explain why you did not appeal: First Removal Order entered on July 14, 2025 by the Immigration Court of Pompano Beach, FL.

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: _____

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

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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: December 05, 2024

(b) Date of the removal or reinstatement order: July 14, 2025

(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: March 24, 2025
(2) Case number: A-~~XXXXXXXXXX~~
(3) Result: the appeal is dismissed
(4) Date of result: July 14, 2025
(5) Issues raised: The Immigration judge abused his discretion because he failed to make any credibility determinations, without a written order, this contention is belied by the Immigration judge's oral decision, depriving the petitioner of the due process of the law.

(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: the petitioner was deprived of a fair opportunity to contest the Immigration judge's oral determination on appeal where he did not provide any explanation, however brief a determination of Credibility.

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 Do not cite cases or law.):

See Memorandum in Support attach herein.

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

☒ Yes

☐ No

GROUND TWO: The petitioner's credibility arguments were not waived. The BIA erred finding petitioner "failed to make arguments"; because the appellant "argues that the immigration judge abused his discretion" in violation of the due process of the law.

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

See Memorandum in Support attach herein

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

☐ Yes

☒ No

GROUND THREE: The Immigration judge erroneously found that she failed to establish past-persecution on a statutory protected ground or a well-founded fear of future persecution for withholding of removal.

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

See Memorandum in Support attach herein

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

☒ Yes

☐ No

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GROUND FOUR: The Immigration judge erroneously dismissed the petitioner's CAT claim, without proper legal analysis, in violation of the due process of the law.

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

See Memorandum in Support attach herein.

(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: No

Request for Relief

15. State exactly what you want the court to do: Find as a matter of law, and: 1) Reverse the decisions of the BIA 2) Alternatively remand the case for a proper adjudication of the case, 3) This petition for Writ of Habeas Corpus should be granted, 4) Any other and all the appropriate relief that this Court deem just and proper.

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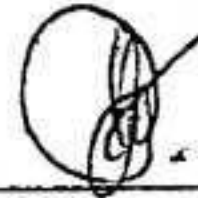
Declaration Under Penalty Of Perjury

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

Broward Transitional Center, 3900 N. Powerline Rd. Pompano Beach, FL.

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: August 11, 2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

