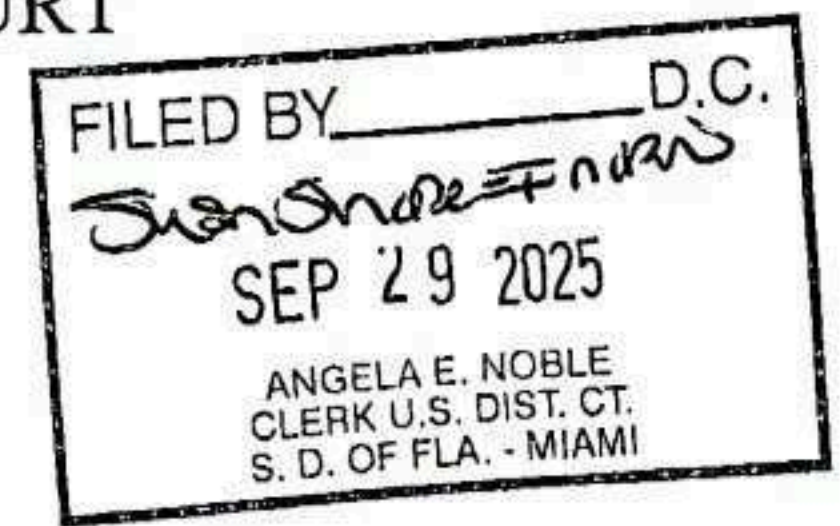


AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the



ROBERSON Flavio Santana
Petitioner

v.

U.S. DISTRICT COURT SOUTHERN
DISTRICT OF FLORIDA
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: ROBERSON FLAVIO SANTANA
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: KROME SPC
(b) Address: 18201 SW 12th Street
Miami - FL 33194
(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): _____

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 Court, Adelanto, CA. Judge: Steven Marcus

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

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

The Court held that Flavio was ineligible for Asylum and for Withholding of Removal.

(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: _____

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: 06/15/2020

(b) Date of the removal or reinstatement order: 01/06/2021


(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: 01/28/2021

(2) Case number: 

(3) Result: The BIA affirmed this decision.

(4) Date of result: 06/24/2021

(5) Issues raised: The BIA dismissed the appeal. Border Immigration appeal. In this time my lawyer appeals for 2 times (Replica and Treplica) before send to Ninth Circuit.


(d) Did you appeal the decision to the United States Court of Appeals?

☒ Yes☐ No

If "Yes," provide:

(1) Name of court: Ninth Circuit

(2) Date of filing: 04/20/2022

(3) Case number: 

(4) Result: Back to Judge Steven Marcus in Court Adelanto, CA

(5) Date of result: 01/26/2023

(6) Issues raised: The Board remanded the record back to this Court "To make any necessary factual determinations, and issue new decisions on the respondents applications for Withholding of Removal and Deferral of removal, "As well as to" permit the parties to update the record and hold additional hearings if necessary."

From this date (Jan. 2023 to Jan. 2025) the Judge keep decision and my lawyer appeal again to BIA and dismissed my case and actually its in Ninth Circuit.

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: Application

(b) Name of the authority, agency, or court: Board of Immigration Appeals. (BIA)

(c) Date of filing: 01/26/2024

(d) Docket number, case number, or opinion number: 215857658

(e) Result: The appeal is dismissed

(f) Date of result: 07/24/2024

(g) Issues raised: "We thefore discern to clear error in the Immigration Judge's finding that the respondent has not established a likelihood of torture and affirm his denial of the respondent's request for CAT protection."

Order: The appelal is dismissed.

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 is accused of a heinous crime in his home country, even though, within the terms of that country's law, he is entitled to a legitimate defense.

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

In attachment. EXHIBIT list (Resume) in "H" to understand better all situation.

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

☒ Yes

☐ No

GROUND TWO: The petitioner is target of both criminal's and corrupt government official, with evidence of threats of torture and death.

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

In attachment. EXHIBIT list (Resume) in "M" to understand better all situation.

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

☒ Yes

☐ No

GROUND THREE: The petitionaer is part of a social group of journalists and is the son of a state police officer.

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

In attachment. EXHIBIT list (Resume) in "L" to understand better all situation.

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

☒ Yes

☐ No

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GROUND FOUR: The petitioner has been in ICE custody for a long time. His survival instinct motivated him to fight, having endured five years of privation of liberty, including physical and psychological torture, medical neglect during the Covid19 pandemic, and long periods of hospitalization in psychiatric hospitals.

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

In attachment. EXHBIT list (Resume) in "Q" and "R" to understand better all situation.

(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 petitioner wishes to respond in freedom and with dignity, a lonside his family in the US, given tha his Immigration case has drasged on for a long time. He is a victim of injustice in his home country and meets the social critery for protection under the CAT. In 2022, the petitioner was release for a period time and complied with his immigration duties, proving that he does not pose a risk to society and does not intend to flee. The petitioner pleads for mercy because his intention is to obtain help from the US Authorities by adhering to their laws.

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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:

09/23/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any



PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Instructions

1. **Who Should Use This Form.** You should use this form if
 - you are a federal prisoner and you wish to challenge the way your sentence is being carried out (*for example, you claim that the Bureau of Prisons miscalculated your sentence or failed to properly award good time credits*);
 - you are in federal or state custody because of something other than a judgment of conviction (*for example, you are in pretrial detention or are awaiting extradition*); or
 - you are alleging that you are illegally detained in immigration custody.
2. **Who Should Not Use This Form.** You should not use this form if
 - you are challenging the validity of a federal judgment of conviction and sentence (*these challenges are generally raised in a motion under 28 U.S.C. § 2255*);
 - you are challenging the validity of a state judgment of conviction and sentence (*these challenges are generally raised in a petition under 28 U.S.C. § 2254*); or
 - you are challenging a final order of removal in an immigration case (*these challenges are generally raised in a petition for review directly with a United States Court of Appeals*).
3. **Preparing the Petition.** The petition must be typed or neatly written, and you must sign and date it under penalty of perjury. **A false statement may lead to prosecution.**
4. **Answer all the questions.** You do not need to cite law. You may submit additional pages if necessary. If you do not fill out the form properly, you will be asked to submit additional or correct information. If you want to submit any legal arguments, you must submit them in a separate memorandum. Be aware that any such memorandum may be subject to page limits set forth in the local rules of the court where you file this petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. All filings must be submitted on paper sized 8½ by 11 inches. **Do not use the back of any page.**
5. **Supporting Documents.** In addition to your petition, you must send to the court a copy of the decisions you are challenging and a copy of any briefs or administrative remedy forms filed in your case.
6. **Required Filing Fee.** You must include the \$5 filing fee required by 28 U.S.C. § 1914(a). If you are unable to pay the filing fee, you must ask the court for permission to proceed in forma pauperis – that is, as a person who cannot pay the filing fee – by submitting the documents that the court requires.
7. **Submitting Documents to the Court.** Mail your petition and _____ copies to the clerk of the United States District Court for the district and division in which you are confined. For a list of districts and divisions, see 28 U.S.C. §§ 81-131. All copies must be identical to the original. Copies may be legibly handwritten.

If you want a file-stamped copy of the petition, you must enclose an additional copy of the petition and ask the court to file-stamp it and return it to you.
8. **Change of Address.** You must immediately notify the court in writing of any change of address. If you do not, the court may dismiss your case.

FROM: Roberson Flavio Santana
No Alien

KROME NORTH SPC
18201 SW 12th Street
Miami, FL 33194.



U.S. OFFICIAL MAIL
PENALTY FOR
PRIVATE USE
\$300

OMAS
09/25/2025
036B 001183

USMS RECEIVED
BY

TO: U.S DISTRICT COURT SOUTHERN DISTRICT OF

9589 0710 5270 2958 5232 49

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL



9589 0710 5270 2958 5232 49

ATT: OFFICE OF
400
MI,

REC'D BY _____ D.C.

SEP 29 2025

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