

Case No.:1:25-cv-25604 (Civil Action)  
District Judge \_\_\_\_\_  
Magistrate Judge \_\_\_\_\_

United States District Court  
Southern District of Florida

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MIGUEL VICTOR CHACLAN VELASQUEZ,  
A# 

Petitioner,

v.

MITCHELL DIAZ,  
In his official capacity as Assistant Field Office Director,  
U.S. Immigration and Customs Enforcement  
And Removal Operations

CYNTHIA SWAIN,  
In her official capacity as Warden of the  
Broward Transitional Center, a for-profit detention facility  
operated by The GEO Group, Inc.

GARRETT RIPA,  
in his official capacity as Field Office Director of the  
Miami Field Office of the U.S. Immigration and Customs Enforcement  
And Removal Operations;

TODD LYONS,  
in his official capacity as Acting Director of the  
U.S. Immigration and Customs Enforcement;

KRISTI NOEM, Secretary,  
U.S. Department of Homeland Security, in her official capacity;

PAMELA BONDI, Attorney General of the  
United States, in her official capacity,

EXECUTIVE OFFICE for Immigration Review  
United States Department of Justice

Respondents.

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**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241  
AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF AND  
EMERGENCY MOTION FOR  
TEMPORARY RESTRAINING ORDER AND STAY OF REMOVAL**

Petitioner Miguel Victor Chaclan Velasquez (“Petitioner”), by and through undersigned counsel, files this Emergency Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241, Complaint for Declaratory and Injunctive Relief, and Emergency Motion for Temporary Restraining Order and Stay of Removal, and states as follows:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction over Petitioner’s claims pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), the Suspension Clause, U.S. Const. art. I, § 9, cl. 2, the Fifth Amendment to the United States Constitution, and the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202.

2. To the extent necessary to protect its jurisdiction and prevent irreparable constitutional injury, this Court also has authority under the All Writs Act, 28 U.S.C. § 1651(a), and Federal Rule of Civil Procedure 65.

3. The REAL ID Act channels direct review of final orders of removal to the courts of appeals, see 8 U.S.C. § 1252, but does not eliminate habeas jurisdiction over challenges to the legality of immigration detention and to the manner in which removal is carried out, including removal to an improper country and removal that would unlawfully extinguish access to meaningful review.

4. The Immigration Judge’s Order (**Exhibit “1”**) to deport Petitioner to Mexico, a country where he does not come from and is not a citizen of should be a sufficient basis for this Court to stop the deportation forthwith. In paragraph “24” hereof, Petitioner explains all of the problems and defects with the Order from the Immigration Judge (Exhibit “1”).

5. Venue is proper in this District under 28 U.S.C. §§ 1391(e) and 2241 because Petitioner is detained within the Southern District of Florida at Broward Transitional Center, a for-profit detention facility operated by The GEO Group, Inc., in Pompano Beach, Florida, and the immediate custodian responsible for his detention is located in this District.

6. It is respectfully submitted that District courts have the authority to grant writs of habeas corpus. *See* 28 U.S.C. § 2241(a). Habeas corpus is fundamentally "a remedy for unlawful

executive detention." *Munaf v. Geren*, 553 U.S. 674, 693, 128 S. Ct. 2207, 171 L. Ed. 2d 1 (2008) (citation omitted). A writ may be issued to a petitioner who shows that he is being held in custody in violation of the Constitution or federal law. *See* 28 U.S.C. § 2241(c)(3). The Court's jurisdiction extends to challenges involving immigration detention. *See Zadvydas v. Davis*, 533 U.S. 678, 687, 121 S. Ct. 2491, 150 L. Ed. 2d 653 (2001). *Boffill v Field Off. Director, Mia. Field Off.*, 2025 US Dist LEXIS 228852, at 5 (S.D. Fl. Nov. 20, 2025, No. 25-cv-25179-JB).

## II. PARTIES

7. Petitioner MIGUEL VICTOR CHACLAN VELASQUEZ is a native and citizen of Guatemala 39 years of age, born on [REDACTED] who entered the United States without inspection around September 2003 at age 17, and has resided primarily in West Palm Beach, Florida since that time. Petitioner is identified by Alien Registration Number A# [REDACTED]

8. Respondent MITCHELL DIAZ, as Assistant Field Office Director, U.S. Immigration and Customs Enforcement and Removal Operations and is sued in his official capacity.

9. Respondent CYNTHIA SWAIN, Warden of the Broward Transitional Center, a for-profit detention facility operated by The GEO Group, Inc., is Petitioner's immediate custodian and is sued in her official capacity.

10. Respondent GARRETT RIPA, Field Office Director of the Miami Field Office of the U.S. Immigration and Customs Enforcement And Removal Operations is responsible for immigration enforcement operations in this region, including Petitioner's detention and removal, and is sued in his official capacity.

11. Respondent TODD LYONS, Acting Director of the U.S. Immigration and Customs Enforcement is responsible for immigration enforcement operations in the United States, and is sued in his official capacity.

12. Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (DHS), the agency responsible for enforcing the immigration laws. She is sued in her official capacity.

13. Respondent PAMELA BONDI is the Attorney General of the United States and the head of the Department of Justice, which includes the Executive Office for Immigration Review (EOIR), United States Department of Justice. She is sued in her official capacity.

### III. Status of Petitioner

14. Petitioner has been held in detention since July 11, 2025 after a traffic stop, and should not be held in the Broward Transitional Center, a for-profit detention facility operated by The GEO Group, Inc., Pompano Beach, Florida, and should not be deported from the United States for the reasons set forth herein and should be given a bond hearing at a minimum, until his appeal of the Order is adjudicated.

15. Petitioner should be afforded to place a bond to be released from the Broward Transitional Center, a for-profit detention facility operated by The GEO Group, Inc., Pompano Beach, Florida during the pendency of this proceeding and the appeal to be taken at the Board of Immigration Appeals. 8 U.S.C. §1226(a); *Boffill v. Field Off. Dir., Mia. Field Off.*, 2025 U.S. Dist. Lexis 228852 (S.D. Fl., November 20, 2025, Judge Becerra); *J.L.R.R. v Warden, Stewart Dety. Ctr.*, 2025 U.S. Dist. Lexis 233070 (M.D. Ga. November 26, 2025); *J.S.A. v Warden, Stewart Dety. Ctr.*, 2025 U.S. Dist. Lexis 233094 (M.D. Ga. November 25, 2025); *Doe v. Facility*, 2025 U.S. Dist. Lexis 231699, S.D. Ga. November 25, 2025); *Garcia v. Immigr. & Customs Enf't Dept. of Homeland Sec.*, 2025 U.S. Dist. Lexis 228236 (M.D. Fl. November 20, 2025).

16. Petitioner first filed an Application for Asylum and for Withholding Removal, filed with the U.S. Citizenship and Immigration Services on or about October 20, 2016 (**Exhibit “8”** – INS Form I-589 – Application for Asylum and for Withholding Removal, **dated OCTOBER 20, 2016 and filed with the U.S. Citizenship and Immigration Services.**

17. Some 9 years have past since Petitioner filed his Application for Asylum and for Withholding Removal.

18. Had the Covid-19 pandemic not occurred, Petitioner would likely have been granted permanent residency in the United States by the issuance of a “green card”. However, due to the Covid-19 pandemic, hearings and other work necessary for the processing of applications with the **U.S. Citizenship and Immigration Services were delayed, and now, Respondent** U.S. Department of Homeland Security is seeking to deport Petitioner, and due to a defective order of an Immigration Judge as set forth below, which will be appealed, threatens Petitioner with deportation on or about December 3, 2025, hence the request for a temporary restraining order to enjoin his deportation at this time.

19. On November 3, 2025, an Immigration Judge denied Petitioner's application for Cancellation of Removal for Certain Nonpermanent Residents under INA § 240A(b)(1) and ordered Petitioner to be removed from the United States, and removed, **not to his home country of Guatemala, but to Mexico.** (See Exhibit "1" - the "Order" - see Order of Immigration Judge, page 11 of 12).

20. Petitioner has resided in the United States for his entire adult life between age 17 and his present age of 39. For the majority of this life, Petitioner has resided in the State of Florida, in the United States, where he married, had three children, and started an ongoing painting company.

21. The plethora of defects of the Immigration Judge will be appealed to the Board of Immigration Appeals, however, due to the threatened deportation to occur on or about December 3, 2025, this habeas corpus proceeding has been filed to temporarily enjoin Petitioner's deportation.

22. On November 3, 2025, Immigration Judge Nicholas A. Martz issued a written decision denying Respondent's application for Cancellation of Removal for Certain Non-Permanent Residents under INA § 240A(b)(1) and ordering Petitioner removed (**Exhibit "1"**).

23. The Order contains a mix of (1) clear clerical/legal errors, (2) internal inconsistencies and date problems, (3) misstatements of the governing hardship standard, (4) arguable analytical deficiencies in the hardship and corroboration analysis, and (5) numerous typographical and formatting issues.

**I. Clear clerical / legal errors in the dispositive orders**

a. **Wrong statutory subsection in the actual ORDER.** Throughout the decision, the application is correctly identified as non-LPR cancellation under INA § 240A(b)(1) (caption "APPLICATIONS" and the legal standard at Section III.B). However, in the "ORDERS" section, the Immigration Judge states: Respondent's application for Cancellation of Removal, "*pursuant to INA § 240A(a), is DENIED.*" § 240A(a) governs Lawful Permanent Resident ("LPR") cancellation, not non-Lawful Permanent Resident cancellation. **The dispositive order thus cites the wrong statutory provision.**

b. **Wrong country of removal in the final ORDER** – The Order states that the Petitioner will be removed to Mexico, when the Petitioner is a citizen of the Republic of

Guatemala, not Mexico. In the procedural history, the Immigration Judge sustains removability and designates Guatemala as the country of removal. **Respondent is repeatedly described as a native and citizen of Guatemala. Yet the final order directs that Respondent “be REMOVED... to MEXICO** pursuant to the charge of removability contained in the NTA.” **Nothing in the order suggests Mexican nationality or ties.** On its face this is a copy-and-paste error by the Immigration Judge and directly contradicts the earlier designation of Guatemala. **These two errors are facial, appear on the last page, and go directly to the substance of the formal order.**

### **II. Internal inconsistencies and timeline defects**

Inconsistent filing date for the EOIR-42B as Exhibit 3; The procedural history states that on June 9, 2025, Respondent filed an EOIR-42B, citing Exhibit 3. The evidence list describes Exhibit 3 as an application dated June 9, 2023. One of these dates must be wrong; the order itself does not clarify which, producing a clear internal inconsistency. Exhibit 3 is the cancellation application and Exhibit 4 is the supporting evidence, (Tabs A–D) and are both dated June 2023. Exhibits 5–8 are dated in August–September 2025, including an “Updated Application” at Exhibit 6 (Sept. 23, 2025). The order does not explain whether the 2023 exhibits were from an earlier round of filings or why they remained the operative exhibits at a 2025 merits hearing. This creates a murky procedural timeline about what evidence was considered “current” at the time of the decision.

### **III. Misstatement / ambiguity in the hardship standard**

In Section III.B, the Immigration Judge correctly recites that cancellation under § 240A(b)(1) requires a showing that removal would result in “*exceptional and extremely unusual hardship*” to a qualifying relative. The Immigration Judge used different hardship phrases in the actual conclusion. In the hardship conclusion on page 11, the Immigration Judge twice uses non-statutory phrasing: He states that the daughter’s mental-health issues have not been shown to worsen to the point that they rise to the level of “*extreme and exceptional hardship.*” He then states that Respondent has not met his burden to show “*exceptional and extreme hardship*” to qualifying relatives. **These are not the statutory words.** The statute and controlling precedent use “**exceptional and extremely unusual hardship.**” Standing alone, these could be considered as drafting errors, however, because they appear in the paragraph where the Immigration Judge actually applies the standard, they create real ambiguity about

whether the correct legal standard was applied by the Immigration Judge, **or whether it was unconsciously lowered toward the older “extreme hardship” formulation.**

**IV. Substantive / analytic deficiencies (arguable issues)**

The following are not typos, but they are errors in the Immigration Judge’s reasoning that will be developed on appeal before the Board of Immigration Appeals with the full record:

Relocation vs. separation analysis is internally inconsistent. In the credibility section, the Immigration Judge finds Respondent “partially credible” but does not credit his testimony that his U.S.-citizen children would accompany him to Guatemala, concluding that they will stay in the United States with their mother and grandmother. **Despite that finding, the Immigration Judge still faults Respondent for not providing country-conditions evidence from Guatemala about schools, assimilation, safety, and violence affecting the children—factors that matter most under a relocation theory.**

The decision does not clearly separate:

1. The hardship if the children stay in the U.S. and lose their father (separation), vs. hardship if they relocate with him (relocation).
2. The Immigration Judge’s hardship analysis is analytically muddled—penalizing Respondent for missing relocation evidence after explicitly finding relocation not credible.
3. Corroboration of daughter’s mental-health history. The Order acknowledges testimony that the middle daughter has significant mental-health issues, including a prior severe depressive episode, hearing voices, self-harm, and a three-day hospitalization. In the hardship analysis, the Immigration Judge emphasizes that Respondent “did not submit independent corroborating evidence” of her mental-health records or hospitalization and uses that absence to downplay the hardship. The Order, however, does not show: (i) whether the Immigration Judge advised during proceedings that medical or psychiatric records were required, (ii) whether Respondent offered any explanation for not producing them, or (iii) an explicit finding that such records were reasonably obtainable in light of the family’s resources and detention status.
4. Given that the Immigration Judge himself discusses REAL ID corroboration principles in the law section, this absence of on-the-record analysis is a likely legal error in the application of the corroboration rules, not just a factual finding. Treatment of key hardship evidence is thin / under-analyzed by the Immigration Judge.

5. The testimony describes multiple layered hardships: (i) Respondent as sole financial provider, (ii) three U.S.-citizen children (one in college), (iii) a paralyzed mother-in-law who depends on his wife's caregiving, and (iv) the daughter's past self-harm and current mental-health vulnerability. In the conclusion, the Immigration Judge acknowledges only some of these points and quickly characterizes the resulting economic and emotional harms as the sort that "*would normally be expected from a parent's deportation,*" relying heavily on cases like Gonzalez Galvan, Cortes, and Matter of Buri Mora (as set forth in the Order – Exhibit "1"). The order does not meaningfully explain how those precedents are factually similar or distinguishable from this case, particularly regarding:

- (i) a U.S.-citizen daughter with a history of self-harm and hospitalization,
- (ii) a disabled paralyzed grandmother's care falling entirely on the mother if the father is removed, and
- (iii) the son's testimony that he may have to leave college where he is currently attending Florida Atlantic University, to support the family.

6. The Immigration Judge treated negative precedent as a ceiling and failed to provide a sufficiently individualized, aggregate hardship analysis.

7. Partial credibility finding rests primarily on speculation. The Immigration Judge finds Respondent "partially credible" but rejects his testimony that the children would relocate based on the Immigration Judge's belief that Respondent would not uproot U.S.-citizen children, including one in college. The decision does not point to contradictory record evidence (e.g., statements from the children or spouse, written plans indicating they would stay) as the basis for that adverse finding. The Immigration Judge made an overly speculative credibility determination under the Immigration Judge's own cited standards, which require analysis of inconsistencies, demeanor, and record evidence—not just judicial intuition.

#### **V. Typographical, grammatical, and formatting errors**

The foregoing may not be independently reversible but shows that the Order is error-ridden and would support a motion to reconsider/correct:

- a. Name and caption errors. Respondent's surname appears correctly as "Chaclan Velasquez" in the caption, but his name is later spelled "Miguel Victor Velasquez" (missing the "q") in the testimony summary. One child's name is given as (M.C.B.) "██████████", while elsewhere the family name appears as Chaclan-Bravo.

b. The Order which affects the lives of Petitioner, his wife, his mother-in-law and his three United States Citizen children, of which they are minors, was written with many errors and not written in accordance with correct applicable law and statutes.

Exhibit description typos:

Exhibit 6 is described as “Updated Application... for Certain Nonpermanent Resident” (singular) instead of “Residents.”

Grammar issues in testimony summaries:

Examples include:

1. “financially without presence” – missing “his,” as in “without his presence.”
2. “schools in Guatemala lacks resources” – subject/verb disagreement.
3. “would be devastating to his United States citizen children” – misspelling.

Grammar / usage in legal analysis:

4. In the Gonzalez Recinas discussion, the order says “four of whom where United States citizens,” instead of “were.”
5. In the hardship conclusion, the Immigration Judge writes “to the point that is rises to the level...,” instead of “it rises.”

Citation / formatting glitches

**VI. Practical notes**

**a. The wrong subsection (240A(a)) and wrong country of removal (Mexico) are the clearest objective defects.**

**b. The misphrased hardship standard, combined with the relocation/separation and corroboration issues, provides colorable legal/analytic grounds for a Board of Immigration Appeals appeal arguing misapplication of the hardship standard and improper treatment of evidence.**

24. The Order is very deficient and full of errors, and should not be the basis to deport the Petitioner who has been in the United States for over 22 years, and has three United States Citizen children, is married, has a business, pays taxes, has a paralyzed mother in law for whom Petitioner’s wife must care for the three minor children and mother in law, and to do so, Petitioner needs to earn a living to pay for the wife, three minor children and mother in law. Petitioner first applied for Asylum in 2016 – more than 9 years ago. Petitioner applied for asylum and permanent residency during and through the presidencies of President O’Bama, President

Trump (first term), President Biden, and now, during the second presidency of President Trump, with a goal of the U.S. Department of Homeland Security to deport the illegal persons who crossed the US boarder during the Biden Presidency, Petitioner is caught up in politics of deportation because of the number of individuals who came into the United States during the Biden Presidency, and now the Trump Presidency wants to remove everyone who does not have a green card or citizenship.

**EXHIBITS ATTACHED HERETO**

25. The following exhibits are important to review for this petition, as the documents show that Petitioner should be permitted to remain in the United States and be released from detention. The exhibits show the *“exceptional and extremely unusual hardship”* of Petitioner’s children and wife, and the fact that Petitioner tried since 2016 to become a legal permanent resident of the United States:

1. **Exhibit “1”** – Immigration Judge Nicholas Martz’ Order dated November 3, 2025 deporting Petitioner to Mexico, although the Petitioner is a national from the Republic of Guatemala and Petitioner has been in the United States since September 10, 2003 (more than 22 years ago);

2. **Exhibit “2”** – Birth Certificate for Petitioner Miguel Victor Chaclan Velasquez issued for his birth on [REDACTED] by the Republic of Guatemala, not Mexico;

3. **Exhibit “3”** – Birth Certificate for Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] for birth on [REDACTED], 2008 issued by the State of Florida, Office of Vital Statistics. Son born in Florida and is a United States Citizen;

4. **Exhibit “4”** – Birth Certificate for Petitioner Miguel Victor Chaclan Velasquez’s daughter, B.M.B. [REDACTED] for birth on [REDACTED], 2010 at St. Mary’s Medical Center, West Palm Beach, Florida issued by the State of Florida, Office of Vital Statistics; Daughter born in Florida and is a United States Citizen.

5. **Exhibit “5”** – Marriage Certificate for Petitioner Miguel Victor Chaclan Velasquez and his wife, Magaly Bravo for their marriage on June 9, 2012 issued by the State of Florida, Department of Health, Office of Vital Statistics;

6. **Exhibit “6”** – Birth Certificate for Petitioner Miguel Victor Chaclan Velasquez’s daughter, A.E.B. [REDACTED] for birth on [REDACTED], 2013 at St. Mary’s Medical Center, West Palm Beach, Florida issued by the State of Florida, Office of Vital Statistics; Daughter born in Florida and is a United States Citizen.

7. **Exhibit “7”** – **Letter dated May 11, 2016** from Petitioner Miguel Victor Chaclan Velasquez filed with the United States Department of Justice in support of his Application for Asylum and for Withholding Removal; Petitioner stated that:

**“I was very young when I left my country looking for a refuge here in United States of America, because in the 2001 [REDACTED] wanted to force me to join them,**

[REDACTED]

and then they beat me very bad and they left me thrown in the road, for fifteen days I was with body pain, when I returned from my work I was very afraid, I thought that they were going to be there, I always trying to leave when there were more people, but when I was crossing the mountain my fear was returning, there were 20 minutes of way, walking in the [REDACTED] gang member appeared in my way and he pulled a knife and told me that if I did not accept [REDACTED] he was going to kill me, I answered that is ok, at the moment I accepted but I told him give me more time to join you, for one year I was trying not find them in my way, until I knew that I could immigrate to United States of America, my brother in law told me that if I wanted to go to United States, asked him how, he told me that I needed Q50,000 quetzales (Guatemalan Currency) to come here, without hesitation I told my mother that I wanted to immigrate to United States, we did a loan and I came to United States, now a have a quiet life here, without fear [REDACTED] I have the desire to stay here in United States without fear to return to my country and they kill me.”

8. Exhibit “8” – INS Form I-589 – Application for Asylum and for Withholding Removal, dated **OCTOBER 20, 2016** and filed with the U.S. Citizenship and Immigration Services;

9. Exhibit “9” – U.S. Social Security card issued on **MAY 8, 2017** for Petitioner Miguel Victor Chaclan Velasquez;

10. Exhibit “10” – U.S. Social Security card issued on **MAY 8, 2017** for Petitioner Miguel Victor Chaclan Velasquez’s daughter A.E.B. [REDACTED] issued on **APRIL 1, 2014**;

11. Exhibit “11” – U.S. Social Security card issued on **MAY 8, 2017** for Petitioner Miguel Victor Chaclan Velasquez’s daughter B.M.B. [REDACTED];

12. Exhibit “12” – Letter dated **JANUARY 24, 2019**, from the U.S. Department of Homeland Security, Miami Asylum Office, confirming that a Form I-589 – Application for Asylum and for Withholding Removal, filed with the U.S. Citizenship and Immigration Services;

13. Exhibit “13” – Letter from the U.S. Department of Homeland Security to Petitioner Miguel Victor Chaclan Velasquez to appear on **January 24, 2019** stating “You have just completed your interview with an Asylum Officer;

14. Exhibit “14” – Notice to Appear from the U.S. Department of Homeland Security to Petitioner Miguel Victor Chaclan Velasquez to appear on **March 8, 2019**;

15. Exhibit “15” – Notice of Action issued by the U.S. Department of Homeland Security, issued on **March 1, 2021** stating that Petitioner Miguel Victor Chaclan Velasquez’s Application for Employment Authorization – form I-765 was received on **February 23, 2021** by the U.S. Citizenship and Immigration Services office;

16. Exhibit “16” – Notice of Action dated **March 8, 2022** from the United States Department of Homeland Security, U.S. Citizenship and Immigration Services, stating “We have approved your application for employment authorization”;

17. Exhibit “17” – United States Passport Card for Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] issued on **SEPTEMBER 2, 2022**;

18. Exhibit “18” – INS Form EOIR-42B – Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents dated **JUNE 8, 2023** and filed with the U.S. Department of Justice;

19. Exhibit “19” – Notice of Action issued by the U.S. Department of Homeland Security, issued on **June 20, 2023** to Petitioner Miguel Victor Chaclan Velasquez stating that

“We have received the application or petition” – “Application to Register Permanent Residence or Adjust Status”;

20. **Exhibit “20”** – Notice of Action issued by the U.S. Department of Homeland Security, issued on **June 30, 2023** to Petitioner Miguel Victor Chaclan Velasquez stating making an appointment for a biometrics collection in connection with his “Application to Register Permanent Residence or Adjust Status”;

21. **Exhibit “21”** – Florida Driver’s License for Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] issued on **JANUARY 25, 2024**, replaced on February 20, 2025;

22. **Exhibit “22”** – Notice of Action issued by the U.S. Department of Homeland Security, issued on **January 31, 2024** to Petitioner Miguel Victor Chaclan Velasquez stating that “We have received your form and are currently processing the above case - “Application for Employment Authorization”;

23. **Exhibit “23”** – United States of America Employment Authorization for Petitioner Miguel Victor Chaclan Velasquez valid from **FEBRUARY 23, 2024** through FEBRUARY 22, 2029;

24. **Exhibit “24”** – Notice of Action issued by the U.S. Department of Homeland Security, issued on **February 24, 2024** to Petitioner Miguel Victor Chaclan Velasquez stating that “We have approved your application for employment authorization”;

25. **Exhibit “25”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] dated **July 22, 2025** submitted to Immigration Judge;

26. **Exhibit “26”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s wife, Magaly Bravo dated **July 22, 2025** submitted to Immigration Judge;

27. **Exhibit “27”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s business associate Patricia Reardon of Patricia Reardon Interiors Inc. dated **July 22, 2025** submitted to Immigration Judge;

28. **Exhibit “28”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s business associate / former employer, James Cooper of Cooper Interiors dated **July 22, 2025** submitted to Immigration Judge;

29. **Exhibit “29”** – Student Identification Card for Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] issued on **JULY 24, 2025**;

30. **Exhibit “30”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s daughter, B.M.B. [REDACTED] dated **September 10, 2025** submitted to Immigration Judge;

31. **Exhibit “31”** – Letter from Petitioner Miguel Victor Chaclan Velasquez’s daughter, A.E.B. [REDACTED] dated **September 10, 2025** submitted to Immigration Judge;

32. **Exhibit “32”** – Medical Letter for Petitioner Miguel Victor Chaclan Velasquez’s three children dated **September 10, 2025** filed under seal (minor child);

33. **Exhibit “33”** – Student transcript for Petitioner Miguel Victor Chaclan Velasquez’s son, M.C.B. [REDACTED] filed under seal (minor child);

34. **Exhibit “34”** – Student Identification Card for Petitioner Miguel Victor Chaclan Velasquez’s daughter, A.E.B. [REDACTED] from Howell L. Watkins Middle School filed under seal (minor child);

35. **Exhibit “35”** – Florida Certificate of Immunization for Petitioner Miguel Victor Chaclan Velasquez’s daughter, A.E.B. [REDACTED] filed under seal (minor child);

36. **Exhibit "36"** – Florida Certificate of Immunization for Petitioner Miguel Victor Chaclan Velasquez's son, M.C.B. [REDACTED] filed under seal (minor child);

37. **Exhibit "37"** – Medical Records for Petitioner Miguel Victor Chaclan Velasquez's mother-in-law, Elvira Morales who has been financially cared for by Petitioner Miguel Victor Chaclan Velasquez due to her auto accident which resulted in her being confined to a wheelchair as a paraplegic filed under seal (private information);

38. **Exhibit "38"** – Redacted Medical Records / psychological referral for Petitioner Miguel Victor Chaclan Velasquez's daughter, A.E.B. [REDACTED] filed under seal (minor child);

39. **Exhibit "39"** – Redacted Medical Records / psychological referral for Petitioner Miguel Victor Chaclan Velasquez's daughter, B.M.B. [REDACTED] filed under seal (minor child);

40. **Exhibit "40"** – Redacted Medical Records / psychological referral for Petitioner Miguel Victor Chaclan Velasquez's son, M.C.B. [REDACTED] filed under seal (minor child).

### HISTORY

26. Petitioner is a native and citizen of Guatemala who has lived in the United States for over twenty-two (22) years, since entering into the United States on September 10, 2003 and is presently detained by ICE at Broward Transitional Center, a for-profit detention facility operated by The GEO Group, Inc. in Pompano Beach, Florida.

27. For this purpose of this petition, this Court has jurisdiction to order that Petitioner not be removed from the United States until his appeal of the Order

28. Petitioner has lived an exemplary life in the United States for more than twenty two (22) years.

29. This petition is being filed on an emergency basis because Petitioner is scheduled to be deported on or about December 3, 2025.

30. Petitioner is married with three (3) children, living in the State of Florida. Petitioner's children are United States Citizens.

31. Petitioner owns and has operated a painting business, pays taxes, pays rent for a home for Petitioner and his family, and has never been arrested or convicted of any crimes. Petitioner is a person who should ultimately become a United States citizen.

32. On July 11, 2025, Petitioner was stopped for a traffic violation and has been detained in ICE custody since that date.

33. Approximately 2 ½ years ago, on or about June 8, 2023, Petitioner filed through an attorney Ernesto Varas, Esq., an Application for Cancellation of Removal and Adjustment of

Status for Certain Nonpermanent Residents (**Exhibit "18"**). Petitioner has taken the steps necessary to remain in the United States.

34. On February 24, 2024, the U.S. Department of Homeland Security granted Petitioner's Application for Employment Authorization (**Exhibit "24"**) to permit Petitioner to work in the United States.

35. The Immigration Judge made numerous errors, including citing the wrong statutory subsection (INA § 240A(a) instead of § 240A(b)(1)) and ordering Petitioner removed to Mexico rather than Guatemala, despite his Guatemalan nationality and lack of ties to Mexico."

36. Petitioner has three United States citizen children, all born in West Palm Beach, Florida. The children are 17 years of age (M.C.B. [REDACTED] d/o/b [REDACTED]/2008 – Birth Certificate **Exhibit "3"**), 15 years of age (B.M.B. [REDACTED] d/o/b [REDACTED]/2010 – Birth Certificate **Exhibit "4"**), and 12 years of age (A.E.B. [REDACTED] d/o/b [REDACTED] 2013 – Birth Certificate **Exhibit "6"**).

37. Petitioner's oldest son [REDACTED] is a college student with excellent grades at Palm Beach State College (**Exhibit "29"**); his middle daughter B.M.B. [REDACTED] [REDACTED] has a history of serious mental health struggles, including a very serious health issue and hospitalization as set forth in (**Exhibit "8" – under seal**); and his youngest child A.E.B. [REDACTED] [REDACTED] is in middle school.

38. Petitioner is the family's primary breadwinner and a crucial emotional support for his children and his wife, who also cares for her paralyzed mother (**Exhibit "37"**).

39. Petitioner fears that ICE will imminently execute his removal order (on or about December 3, 2025 based on the Order – **Exhibit "1"**), separating him from his U.S. citizen children and potentially sending him to a country of which he is not a citizen and where he has no ties (Mexico), in violation of the INA and his Fifth Amendment right to due process.

40. Based on the Order, our government plans to send Petitioner in Mexico, a country that he has no ties to, rather than leaving Petitioner to remain with his family in the United States. It is perplexing why the Immigration Judge ordered Petitioner to Mexico rather than Guatemala, or to remain in the United States.

41. Petitioner brings this action to (a) challenge the lawfulness of his detention and the threatened execution of his removal without constitutionally adequate process, and (b) request an immediate Temporary Restraining Order and stay of removal so that he may pursue

available administrative and judicial review, including review of the Immigration Judge's November 3, 2025 decision and Order (**Exhibit "1"**).

42. Petitioner does not ask this Court to directly review or "set aside" the removal order on the merits, but rather to enjoin Respondents from removing him and/or from removing him to any country other than Guatemala while he seeks the review Congress has provided and to remedy unlawful detention and process.

43. This Court has the jurisdiction to stop the imminent deportation of Petitioner and it is respectfully requested that the Court use its powers to stop the imminent deportation of Petitioner.

44. Removal proceedings against Petitioner began after DHS served him with a Notice to Appear on January 22, 2019 (**Exhibit "14"**), charging him as removable under INA § 212(a)(6)(A)(i) as an alien present without admission or parole.

45. Petitioner conceded removability and, among other relief, applied for Cancellation of Removal for Certain Nonpermanent Residents (Form EOIR-42B) under INA § 240A(b)(1) (**Exhibit "18"**).

46. On September 29, 2025, the Immigration Judge conducted an individual merits hearing, at which Petitioner, his wife Magaly Bravo Morales, his U.S. citizen son M.C.B. [REDACTED], and family friend Gary Rosen, Esq. (attorney in this case) testified about Petitioner's long residence in the United States, his U.S. citizen children, his role as primary breadwinner, his wife's caregiving responsibilities for her paralyzed mother, and his daughter B.M.B. [REDACTED]'s serious mental health history, including a prior hospitalization after a suicide attempt.

47. On November 3, 2025, Immigration Judge Nicholas A. Martz issued a written Decision and Order denying Petitioner's application for cancellation of removal on the ground that he had not demonstrated "exceptional and extremely unusual hardship" to his U.S. citizen children, and ordering that Petitioner be removed "to MEXICO".

48. Although Petitioner is immigrated to the United States from Guatemala, the Immigration Judge picked the County of Mexico to deport Petitioner to.

49. The Decision acknowledges that Petitioner has resided in the United States since 2003, has no criminal convictions, is the sole financial provider, that his wife cares for her

paralyzed mother, and that his middle daughter B.M.B. [REDACTED] previously suffered severe depression and attempted suicide.

50. However, the Immigration Judge discounted much of this hardship, found Petitioner only “partially credible” regarding whether his children would accompany him abroad, and concluded the family’s hardship was not “exceptional and extremely unusual.”

51. It is respectfully submitted that based on all of the facts, this is a particular case where Petitioner having been living in the United States, building a family and business, MVC Painting Corporation, a Florida corporation, here in the United States and he has a legitimate and lawful basis under the law to remain in the United States, become a legal resident and ultimately a United States Citizen, notwithstanding the individual Immigration Judge who decided otherwise.

52. The Immigration Judge’s decision reflects that Guatemala was designated as the country of removal, yet the final order states that Petitioner is to be removed to Mexico, where he has no nationality and no established ties.

53. Clearly, the Immigration Judge is not knowing all of the facts, or not paying attention to the facts, did not even know that Petitioner is from Guatemala and has no ties to Mexico, but the Immigration Judge must incorrectly believe that the Petitioner is Mexican.

54. Petitioner intends to file a timely appeal with the Board of Immigration Appeals within 30 days of the service of the Immigration Judge’s decision which was served on November 3, 2025.

55. If Petitioner is removed before the Board of Immigration Appeals and any court of appeals petition for review can be fully adjudicated, his right to meaningful review will effectively be destroyed.

56. ICE has informed Petitioner that he may be removed from the United States as early as December 3 2025, or at any time without further notice. The threat of imminent removal gives rise to this emergency Petition and Motion.

57. To the extent any statutory exhaustion requirement might apply to the constitutional and legal issues raised here, further exhaustion would be futile and inadequate because removal could occur before the administrative process is complete.

#### IV. FACTUAL BACKGROUND

##### Family and Community Ties

58. Petitioner has lived in the United States for over twenty years, since he was a young adult, and has built his entire family life here.

59. Petitioner and his wife Magaly Odonia Bravo Morales have been together for roughly twenty years and married since 2012. They have three United States citizen children: M.C.B. [REDACTED], B.M.B. [REDACTED], and A.E.B. [REDACTED], all born in West Palm Beach, Florida.

60. Petitioner founded and operates a small painting business, MVC Painting Corporation, and has served as the sole financial provider for his household for more than fifteen years.

61. Petitioner's wife does not work outside the home because she cares for their children and for her mother, who is paralyzed on one side and uses a wheelchair. Petitioner's wife provides daily intimate care, including tasks that hospital staff trained her to perform.

62. Petitioner has no criminal record. He testified—and the Immigration Judge did not find otherwise—that he has never been arrested, charged, or convicted of any crime.

63. Petitioner's eldest son M.C.B. [REDACTED] is a college student at Florida Atlantic University with an "A" average in architecture. Petitioner's middle daughter B.M.B. [REDACTED] is in high school; Petitioner's youngest daughter is in middle school.

64. Petitioner's daughter B.M.B. [REDACTED] has a history of serious health problems (**Exhibit "39" – under seal**).

65. Since Petitioner's detention, B.M.B. [REDACTED]'s condition has worsened. The family fears that removal of her father will trigger further deterioration and risk of self-harm. The Immigration Judge nevertheless discounted this hardship because Petitioner did not submit additional mental-health records and did not continue the hearing so that Petitioner could submit the additional mental-health records for his daughter B.M.B. [REDACTED] or any other documents so that the Immigration Judge could find the family's hardship was not "exceptional and extremely unusual."

66. Of the millions of individuals that walked into the United States through the open borders in the United States between January 20, 2021 and January 20, 2025, Petitioner was not

one of them, as Petitioner has been here for over twenty two (22) years, contributing to the United States in all good ways, having a family here, starting a successful business, paying taxes,

67. If Petitioner is removed, Petitioner's son M.C.B. [REDACTED] who is in college to become an architect fears he must interrupt or abandon his education to work and support the family, and the children's emotional and financial stability will be severely compromised. This Court can stop that, and keep Petitioner in the United States until the Immigration Judge's order is appealed. Also, based on the fact that Petitioner has a wife, three children all reside in Florida, and the children are citizens, Petitioner can be released from detention, and await the decision on an appeal of the Immigration Judge's decision and if he is not permitted to remain in the United States he will leave. But Petitioner has been incarcerated / detailed since July 11, 2025, nearly five (5) months ago.

**V. Threatened Removal to a Non-Home Country**

68. Petitioner is a Guatemalan citizen. The Immigration Judge recognized this, and DHS originally charged him and designated Guatemala as his country of removal. Yet the Immigration Judge's written order directs that Petitioner be removed "to MEXICO," a country of which he is not a national, contradicting the statutory scheme at INA § 241(b) and raising a serious risk that he will be sent to a country where he has no legal status or family ties.

69. It just shows that the Immigration Judge did not focus on this case because he completely disregarded the family's hardship was not "exceptional and extremely unusual" and wrongfully believed that the Petitioner is Mexican, not a Guatemalan. It was not that difficult for the Immigration Judge to know that Petitioner is Guatemalan, not Mexican.

70. Removal to Mexico or Guatemala will either separate Petitioner from his U.S. citizen children or force them to relocate and face dramatic disruptions in their education, mental health treatment, and economic security.

71. Removal will destroy what Petitioner has built over more than twenty-two (22) years and cause serious hardship to his three U.S. citizen children. The Government's legitimate interest in enforcing immigration laws is fully served by allowing Petitioner to remain in the United States while his appeal is adjudicated.

72. Petitioner did not commit any crimes and he came here more than two decades ago, and should be permitted to stay in the United States, and ultimately become a United States citizen like his children.

73. If Petitioner is removed from the United States, Petitioner will have extreme difficulty meaningfully participating in any further administrative or judicial proceedings, rendering his statutory right to appeal largely illusory.

74. There will be absolutely no prejudice or harm to the United States of America if this Court permits Petitioner to remain in the United States pending the appeal of the Immigration Judge's decision.

## **VI. CLAIMS FOR RELIEF**

### **COUNT I - (Habeas Corpus – Unlawful Detention and Execution of Removal in Violation of the Fifth Amendment and INA § 241)**

75. Petitioner re-alleges paragraphs 1–74 as though fully set forth herein.

76. Petitioner is “in custody” within the meaning of 28 U.S.C. § 2241 and the Suspension Clause because he is physically detained at Krome and subject to imminent removal.

77. The threatened execution of Petitioner's removal—particularly to Mexico, a country of which he is not a national—without affording him a meaningful opportunity to pursue and obtain review of the Immigration Judge's decision violates the Due Process Clause of the Fifth Amendment and the statutory framework governing removal, including INA § 241(b).

78. Removing Petitioner before he can pursue his administrative appeal and, if necessary, petition for review would unlawfully extinguish his right to meaningful review and render his statutory remedies inadequate.

79. Respondents' actions and threatened actions are arbitrary, capricious, contrary to law, and in excess of their statutory authority, and they warrant habeas relief and injunctive relief staying removal.

### **COUNT II - (Declaratory and Injunctive Relief – Due Process Violations)**

80. Petitioner re-alleges paragraphs 1–74 as though fully set forth herein.

81. By seeking to remove Petitioner imminently despite his long-term residence, his deep family ties, his U.S. citizen children (including a child with serious mental-health needs), and the erroneous designation of Mexico as his country of removal, Respondents are violating Petitioner's rights under the Fifth Amendment's Due Process Clause.

82. The Immigration Judge's decision—discounting unrefuted testimony regarding B.M.B. [REDACTED]'s mental health, failing to adequately consider the cumulative hardship to Petitioner's U.S. citizen children, and ordering removal to Mexico

contrary to Petitioner's nationality—raises serious constitutional and legal questions, demonstrating at least a substantial likelihood of success on the merits in forthcoming appellate review.

83. A declaratory judgment and corresponding injunctive relief are necessary to prevent irreparable harm and to clarify the parties' rights and obligations.

**COUNT III - (All Writs Act / Rule 65 – TRO and Stay of Removal)**

84. Petitioner re-alleges paragraphs 1–74 as though fully set forth herein.

85. Petitioner satisfies the standard for temporary and preliminary injunctive relief:

a. Likelihood of Success on the Merits: Petitioner has strong claims that his removal to Mexico would violate the INA, that removal before completion of his appeal process would deprive him of due process, and that the Immigration Judge's hardship analysis was legally flawed.

b. Irreparable Harm: If removed, Petitioner will be separated from his U.S. citizen children and wife, or they will be forced to relocate abroad, threatening his daughter's fragile mental health, disrupting his son's university education, and permanently altering the family's life. No monetary relief can remedy these harms.

c. Balance of Equities: The harm to Petitioner and his children from removal far outweighs any administrative burden to the government of a brief stay of removal while proper review occurs.

d. Public Interest: The public interest is served by ensuring that the government follows its own statutes, respects constitutional due process, and does not remove a long-time resident father to the wrong country while his legal challenges are pending.

86. Under the All Writs Act and Rule 65, this Court may and should temporarily restrain Respondents from removing Petitioner, or taking any steps to remove him, to any country (and especially to Mexico) while this Court considers the merits of this Petition and while Petitioner pursues available appellate remedies.

**VIII. PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Issue an immediate Temporary Restraining Order, without prior notice if necessary, prohibiting Respondents from removing Petitioner from the United States, and specifically from

removing him to Mexico or any other country, pending resolution of this Petition and Petitioner's administrative and judicial appeals;

C. Order Respondents to show cause why the writ of habeas corpus should not be granted;

D. After full consideration, issue a writ of habeas corpus declaring that Respondents' actions and threatened removal are unlawful and enjoining Respondents from removing Petitioner until he has had a full and fair opportunity to pursue and obtain review of his claims on appeal before the Board of Immigration Appeals or the United States Court of Appeals;

E. In the alternative, order Petitioner's release from custody under appropriate conditions of supervision pending the outcome of his immigration and federal court proceedings upon posting of a bond to be determined at a bond hearing; and

F. Grant such other and further relief as this Court deems just and proper.

After reviewing the facts and researching applicable legal principles, I certify that this motion in fact presents a true emergency due the December 3, 2025 date of potential deportation of Petitioner.

Date: December 1, 2025

Respectfully submitted,

Gary Rosen

Gary Rosen, Esq. - Florida Bar Number: 0190012

Rosen Law LLC

*Pro bono*

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Attorneys for Petitioner

MIGUEL VICTOR CHACLAN VELASQUEZ

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

MIGUEL VICTOR CHACLAN VELASQUEZ

Petitioner

v.

MITCHELL DIAZ, et.al.

Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 25-cv-25597

(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: MIGUEL VICTOR CHACLAN VELASQUEZ,
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: Broward Transitional Center
(b) Address: 3900 n. Powerline Road
Pompano Beach, Florida 33073
(c) Your identification number: A# [redacted]
3. Are you currently being held on orders by:
[checked] 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:
[checked] Being held on an immigration charge
[ ] Other (explain):

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**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: US Department of Justice, Executive Office for Immigration Review.
  - (b) Docket number, case number, or opinion number: ~~XXXXXXXXXX~~ REMOVAL PROCEEDINGS
  - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
ORDER OF NOVEMBER 3, 2025 FOR REMOVAL OF PETITIONER TO MEXICO BASED ON PLETHORA OF ERRORS IN THE DECISION AND SEEKING STAY PENDING APPEAL OF DECISION TO BOARD OF IMMIGRATION APPEALS.
  - (d) Date of the decision or action: 11/03/2025

**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: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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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: \_\_\_\_\_

(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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(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 or a Section 2254 to petition 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: \_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

Multiple horizontal lines for providing an explanation.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

(a) Date you were taken into immigration custody: 07/11/2025

(b) Date of the removal or reinstatement order: 11/03/2025

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

If "Yes," provide:

(1) Date of filing: 12/03/2025

(2) Case number:

(3) Result:

(4) Date of result:

(5) Issues raised:

Multiple horizontal lines for providing details for question (c).

(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:

Multiple horizontal lines for providing details for question (d).

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (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: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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:** SEE PETITION ATTACHED

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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

SEE PETITION ATTACHED

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

Yes  No

**GROUND TWO:** SEE PETITION ATTACHED

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

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

Yes  No

**GROUND THREE:** SEE PETITION ATTACHED

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

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

Yes  No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

**GROUND FOUR:**

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

(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: STAY AND TEMPORARY RESTRAINING ORDER TO STAY DEPORTATION. SEE PETITION FOR FACTS

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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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:

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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: 12/01/2025

\_\_\_\_\_  
*Signature of Petitioner*

/ GARY ROSEN ESQ.

*Signature of Attorney or other authorized person, if any*