

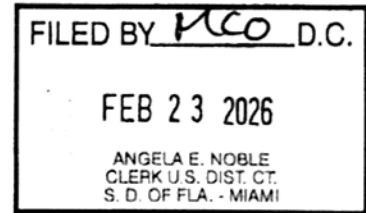
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 26-cv-60399-ALTMAN

EDUARDO ORTIZ FLORES,
Petitioner,

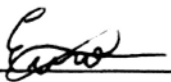
v.

WARDEN, BROWARD TRANSITIONAL CENTER, et al.,
Respondents.



AMENDED PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

-  _____

Eduardo Ortiz Flores
Petitioner, Pro Se
A-244-699-984
Broward Transitional Center
3900 N. Powerline Road
Pompano Beach, FL 33073

Date: 02/23, 2026

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.**

All questions must be answered clearly and concisely in the space on the form. If needed, you may attach additional pages or file a memorandum in support of the petition. If you attach additional pages, number the pages and identify which section of the petition is being continued. Note that some courts have page limitations. All filings must be submitted on paper sized 8½ by 11 inches. Do not use the back of any page.

No citation of authorities need be furnished. If a brief or additional argument is submitted. It should be submitted in the form of a separate memorandum of law, not to exceed 20 pages in length absent prior leave of Court.*

4. **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.
5. **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.
6. **Submitting Documents to the Court.** Mail your petition and one copy to the clerk of the United States District Court for the district and division in which you are confined (see below). All copies must be identical to the original. Copies may be legibly hand written. 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.*

Miami Division
Clerk, U.S. District Court
400 N. Miami Ave., #8N09
Miami, FL 33128

Fort Lauderdale Division
Clerk, U.S. District Court
299 E. Broward Boulevard
Fort Lauderdale, FL 33301

West Palm Beach Division
Clerk, U.S. District Court
701 Clematis Street
West Palm Beach, FL 33401

7. **Change of Address.** You must immediately advise the Court of any changes of address by filing a "Notice to the Court of Change of Address." This notice should contain the address change and the effective date and must be signed. **FAILURE TO NOTIFY THE COURT OF ANY CHANGE OF ADDRESS COULD RESULT IN THE DISMISSAL OF YOUR PETITION.**
8. Petitioner is advised that respondent is not required to respond to the petition unless ordered by the Court and that default is inappropriate in habeas corpus proceedings. Once the Court has ordered a response and counsel for respondent has appeared in the case, any documents you file with the Court must also be sent to counsel. All filings must include a certificate of service stating the date that a copy was served or mailed to counsel.
9. After receiving notice of your case number from the clerk, you must include the case number on all documents you file with the Court. You must keep a copy of every document you send to the Court as you are not entitled to free copies from the clerk even if you are proceeding in forma pauperis.

*#3, and #6-9 were modified or added to reflect FLSD procedures
**#10 Paragraph 10(h) modified

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

UNITED STATES DISTRICT COURT

for the
Southern District of Florida



Edoardo Ortiz Flores

Petitioner

v.

WARDEN, BROWARD TRANSITIONAL CENTER;
SECRETARY, U.S. DEPARTMENT OF HOMELAND
SECURITY


Respondent

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

Case No. 26-cv-60399-ALTMAN
(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: Edoardo Ortiz Flores
- (b) Other names you have used: None
2. Place of confinement:
 - (a) Name of institution: Broward Transitional Center.
 - (b) Address: 3900 N. Powerline Road.
Pompano Beach, FL 33073
 - (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): _____

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): Petitioner challenges his continued immigration detention without an individualized bond hearing in violation of the Fifth Amendment Due Process Clause. Date detention began: September 9, 2025.

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: U.S Department of Homeland Security (DHS) Immigration and Customs Enforcement (ICE), Miami Field Office (Florida)
- (b) Docket number, case number, or opinion number: Removal Proceedings - EDIR
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Continued immigration detention without individualized bond hearing.
- (d) Date of the decision or action: 09/09/2025

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: Board of Immigration Appeals (BIA)
- (2) Date of filing: 12/15/2025
- (3) Docket number, case number, or opinion number: _____
- (4) Result: Pending
- (5) Date of result: _____
- (6) Issues raised: Appeal of removal order.

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 appeal: The claim challenges the constitutionality of continued detention. The immigration courts and the Board of Immigration Appeals do not have authority to grant habeas relief or order a Federal constitutional custody hearing.

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: Appeals remains pending before the BIA.

(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: 09/09/2025

(b) Date of the removal or reinstatement order: 12/12/2025

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

Yes No

If "Yes," provide:

(1) Date of filing: 12/15/2025

(2) Case number: None

(3) Result: Pending

(4) Date of result:

(5) Issues raised:

Multiple horizontal lines for providing details for the appeal.

(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:

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: Petitioner has been detained at Broward Transitional Center since September 9, 2025 (See Exhibit A). He has never received an individualized bond hearing or custody determination. The government has made no finding that he is a danger or a flight risk.

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

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

An Immigration Judge issued a removal order on December 12, 2025 (See Exhibit B) but Petitioner timely appealed to the OIA (See Exhibit C). The appeal remains pending and detention continues based on that review. Because removal is not imminent and proceedings remain pending, even if initially authorized, continued detention without individualized review violates the Fifth Amendment Due Process Clause.

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

Yes No

GROUND TWO: Detention that may have been authorized at the outset has now become prolonged without individualized review violates due process.

Petitioner has not received a hearing at which the Government was required to justify continued detention.

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

He has no criminal history, poses no danger and has strong community ties within this District.

He is pursuing lawful immigration relief and proceedings remain pending. Continued detention is no longer reasonably related to its regulatory purpose.

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

Yes No

GROUND THREE: Petitioner has never received a custody determination before a neutral decision-maker regarding whether his detention should continue.

There has been no hearing at which evidence was presented, no opportunity to contest detention and no formal findings explaining why confinement

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

remains necessary.

Detention has continued automatically based solely on the existence of immigration proceedings. Without a neutral review mechanism petitioner's continued detention lacks the procedural safeguards required by due process.

No statutory provision eliminates the constitutional requirement of meaningful review when detention becomes prolonged.

(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:

These grounds challenge the constitutionality of Petitioner's continued detention under the Fifth Amendment. The Board of Immigration Appeals does not have authority to grant habeas relief or order a constitutional bond hearing. Therefore, these claims could not be resolved through administrative appeals.

Request for Relief

15. State exactly what you want the court to do: *Declare that Petitioner's continued detention without an individualized custody hearing violates the Due Process Clause of the Fifth Amendment, Order and individualized bond hearing before an Immigration Judge within ten (10) days. Required that, at such hearing, the Government bear the burden of proving by clear and convincing evidence that continued detention is necessary and grant such other and further relief as this Court deems just and proper.*

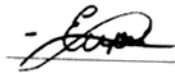
AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

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: 02/23/2026



Signature of Petitioner

Signature of Attorney or other authorized person, if any

EXHIBIT A - ICE DETAINEE LOCATOR



U.S. Immigration and Customs Enforcement



Search Results: 1

EDUARDO ORTIZ FLORES

Country of Birth : Cuba

A-Number:

Status : In ICE Custody

State: FL

Current Detention Facility: BROWARD TRANSITIONAL CENTER

** Click on the Detention Facility name to obtain facility contact information*

BACK TO SEARCH >



EXHBT B - EOIR REMOVAL ORDER



Court Decision and Motion Information

The immigration
judge ordered
REMOVAL.

DECISION DATE

December 12, 2025

COURT ADDRESS

3900 NORTH
POWERLINE ROAD
POMPANO BEACH, FL
33073

EXHIBIT C - BIA APPEAL STATUS



BIA Case Information

A case appeal was
received on
**December 15,
2025.** It is currently
pending.

ALIEN BRIEF STATUS

No brief due date
exists at this time.

DHS BRIEF STATUS

No brief due date
exists at this time.