

AO 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

OSMAN ADALID MURILLO ZELAYA

*Petitioner*

v.

CYNTHIA LAWSON-SWAIN, Warden, Broward  
Transitional Center (BTC), TODD M. LYONS, Acting  
Director, Immigration and Customs Enforcement (ICE)


*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: OSMAN ADALID MURILLO ZELAYA  
 (b) Other names you have used: None
2. Place of confinement:  
 (a) Name of institution: Broward Transitional Center  
 (b) Address: 3900 N Powerline Rd, 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)*: \_\_\_\_\_

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**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: A notice to appear has not been filed with EOIR as of today. Petitioner has been detained for two weeks.
- (b) Docket number, case number, or opinion number: \_\_\_\_\_
- (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: \_\_\_\_\_

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(b) If you answered "No," explain why you did not appeal: There has been no formal charges presented against Petitioner. No Notice to Appear (NTA) has been filed with Executive Office for Immigration Review(EOIR)

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: \_\_\_\_\_

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

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(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: 02/09/2026

(b) Date of the removal or reinstatement order: \_\_\_\_\_

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

Yes  No

If "Yes," provide:

(1) Date of filing: \_\_\_\_\_

(2) Case number: \_\_\_\_\_

(3) Result: \_\_\_\_\_

(4) Date of result: \_\_\_\_\_

(5) Issues raised: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Yes  No

If "Yes," provide:

(1) Name of court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Case number: \_\_\_\_\_

\_\_\_\_\_

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- (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:** Violation of the INA, 8 U.S.C. § 1226(a)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 Do not cite cases or law.):*

Petitioner is a noncitizen who has lived in the United States since July 20, 2005. He entered through Texas without inspection. He did not encounter immigration officials upon his entry. On February 9th, 2026, he was pulled over for an alleged broken license plate light. He was arrested for driving without a license and later transferred to ICE custody. To date, he has not been presented with any charges or a bond hearing. Petitioner is married to a U.S. citizen. He has an approved USCIS I-130 petition, and a pending I-601A petition. He is the father of 6 children, all with legal status. He has no criminal convictions making him deportable or inadmissible.

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

Yes  No

**GROUND TWO:** Violation of Bond Regulations 8 C.F.R. § 1236.1(d)(1)

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

Petitioner re-alleges and incorporates by reference the allegations of fact set forth in the preceding paragraph

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

Yes  No

**GROUND THREE:** Fifth Amendment of the Constitution, Substantive Due Process

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

Petitioner re-alleges and incorporates by reference the allegations of fact set forth in the preceding paragraph

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

Yes  No

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**GROUND FOUR:** Fifth Amendment of the Constitution, Procedural Due Process

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

Petitioner re-alleges and incorporates by reference the allegations of fact set forth in the preceding paragraph.

(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 charges have been presented against Petitioner and no forum has been provided to him to make his claims.

**Request for Relief**

15. State exactly what you want the court to do: Issue a Writ of Habeas Corpus requiring that Respondents' release Petitioner or, in the alternative, provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days; Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days; Order that Petitioner shall not be transferred outside of the Southern District of Florida while habeas petition is pending; Grant Petitioner any preliminary relief to which he shows himself entitled to; Award Petitioner attorney's fee under EAJA.

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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: 02/23/2026

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

*/s/ diane aburto*

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