

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
Baltimore Division**

\_\_\_\_\_  
Anner Ariel Cordon-Salguero,

c/o Murray Osorio PLLC  
4103 Chain Bridge Road, Suite 300  
Fairfax, Virginia 22030

*Petitioner,*

v.

Kristi Noem, *Secretary of Homeland Security,*

Secretary of Homeland Security  
Washington, DC 20508

Todd Lyons, *Acting Director, U.S. Immigration  
and Customs Enforcement,*

Nikita Baker, *ICE Baltimore Field Office  
Director,*

500 12th St., SW  
Washington, D.C. 20536

Pamela Bondi, *Attorney General,*

950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

*Respondents.*  
\_\_\_\_\_

Civil Action No. \_\_\_\_\_

**PETITION FOR WRIT OF HABEAS CORPUS**

In May 2018, Petitioner Anner Ariel Cordon-Salguero won an order from an immigration judge granting him a form of relief called withholding of removal, which prohibits Respondents from removing him to his native Guatemala. Should Respondents wish to remove Petitioner to Guatemala, the law sets forth specific procedures by which they can reopen the case and seek to

set aside the grant of withholding of removal. Should Respondents wish to remove Petitioner to any other country, they would first need to provide him with notice and the opportunity to apply for protection as to *that* country as well. Until they do either of these things, they cannot remove Petitioner from the United States. But Respondents have arrested and now appear to be seeking to deport Petitioner without observance of any legal procedures whatsoever, ripping him away from his family. Such conduct cries out for immediate judicial relief.

### **JURISDICTION AND VENUE**

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, the All Writs Act, and the Court's inherent equitable powers, as well as issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

3. Venue lies in this District because Petitioner is detained in the custody of U.S. Immigration and Customs Enforcement (ICE) in the Baltimore Field Office Hold Room, located within this division of this judicial district. Each Respondent is an officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1). In addition, Respondent Nikita Baker, ICE Baltimore Field Office Director, maintains her principal place of business in Baltimore, Maryland.

### **THE PARTIES**

4. Petitioner Anner Ariel Cordon-Salguero is a citizen and native of Guatemala who resides in Maryland. Respondents seek to deport him from the United States without any legal

process whatsoever, and in violation of an immigration judge order and a federal regulation prohibiting them from doing so.

5. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

6. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

7. Respondent Nikita Baker is the ICE Baltimore Field Office Director. She is the head of the ICE office that arrested Plaintiff, and such arrest took place under her direction and supervision. She is the immediate legal and physical custodian of Petitioner.

8. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees.

9. All government Respondents are sued in their official capacities.

### **LEGAL BACKGROUND**

10. Federal law prohibits the government from removing a noncitizen to a country where he is more likely than not to face persecution on account of a statutorily protected ground. 8 U.S.C. § 1231(b)(3)(A). This protection is usually referred to as “withholding of removal.”

11. For an immigration judge (serving as the designee of Defendant Bondi) to grant withholding of removal to a noncitizen, the noncitizen must prove that he is more likely than not to suffer persecution. “The burden of proof is on the applicant for withholding of removal [] to establish that his or her life or freedom would be threatened in the proposed country of removal

on account of race, religion, nationality, membership in a particular social group, or political opinion.” 8 C.F.R. § 1208.16(b).

12. If a noncitizen is granted withholding of removal, “DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021). No exceptions lie. However, withholding of removal is a country-specific form of relief, and an individual granted withholding of removal can still be deported to any other country.

13. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge, and then DHS will bear the burden of proof, by a preponderance of the evidence, that grounds for termination exist. 8 C.F.R. § 1208.24(e). After a grant of withholding of removal is terminated, there would be no impediment to removal.

14. However, withholding of removal is a country-specific form of relief. Should the government wish to remove an individual with a grant of withholding of removal to some *other* country, it must first provide that individual with notice and an opportunity to apply for withholding of removal as to *that* country as well, if appropriate. *D.V.D. v. U.S. Dep’t of Homeland Sec’y*, 2025 WL 1142968 (D. Mass., Apr. 18, 2025).

15. Pursuant to the *D.V.D.* preliminary injunction, Respondents may not remove a noncitizen to any third country without first: (1) providing written notice to the noncitizen and his counsel of the third country to which he may be removed, in a language he can understand; (2) providing meaningful opportunity for the noncitizen to raise a fear of return for eligibility for protection under the withholding of removal statute or the Convention Against Torture; (3) move to reopen the noncitizen’s prior immigration proceedings if he demonstrates “reasonable fear”; and

(4) if the noncitizen is not found to have demonstrated “reasonable fear,” provide meaningful opportunity, and a minimum of 15 days, for him to seek to move to reopen his prior immigration proceedings to challenge the potential third-country removal. *D.V.D.*, 2025 WL 1142968, at \*24.

### **FACTS**

16. Petitioner Anner Ariel Cordon-Salguero is a citizen of Guatemala and no other country.

17. On May 8, 2018, an immigration judge in Baltimore, Md. granted Petitioner withholding of removal as to Guatemala, pursuant to 8 U.S.C. § 1231(b)(3)(A). The government did not appeal, and the order became final. *See* Ex. A (Immigration Judge order); Ex. B (Executive Office for Immigration Review screenshot).

18. To date, the Department of Homeland Security has not filed a motion to reopen or rescind the grant of relief, and Petitioner has remained fully compliant with his Order of Supervision since his release from ICE custody in June 2019. *See* Ex. B.

19. On the morning of May 20, 2025, Petitioner dutifully appeared at his scheduled ICE check-in appointment at the Baltimore Field Office pursuant to the conditions of his Order of Supervision. Instead of allowing him to return home, ICE officers detained him at the Baltimore Hold Room without warning.

20. Prior to his detention, Petitioner had been in full compliance with all requirements imposed by ICE, including timely appearances at scheduled check-ins. Petitioner has not been arrested or charged with any crimes subsequent to his grant of withholding of removal.

21. Despite this consistent compliance over the course of several years, Petitioner was nonetheless taken into custody and now remains detained at the Baltimore Hold Room as of the filing of this habeas corpus petition.

22. ICE Offices have recently begun deporting individuals with valid grants of withholding of removal, in gross violation of the law. *See Abrego Garcia v. Noem*, Civ. No. 8:25-cv-951-PX, Dkt. No. 1 (D. Md., filed March 24, 2025). Petitioner is terrified that the same thing will happen to him.

23. Petitioner has exhausted all administrative remedies. No further administrative remedies are available to Petitioner.

**FIRST CAUSE OF ACTION:  
HABEAS CORPUS,  
28 U.S.C. § 2241**

24. Petitioner incorporates the foregoing paragraphs 1-23 by reference.

25. The writ of habeas corpus is available to any individual who is held in custody of the federal government in violation of the Constitution or laws or treaties of the United States.

26. As set forth herein, Respondents are currently detaining Petitioner in violation of the Constitution or laws or treaties of the United States, and intend to remove Petitioner to Guatemala in violation of the Constitution or laws or treaties of the United States.

27. Respondents presently have no legal basis to detain Petitioner in immigration custody, and the writ of habeas corpus should issue.

**SECOND CAUSE OF ACTION:  
VIOLATION OF THE WITHHOLDING OF REMOVAL STATUTE,  
8 U.S.C. § 1231(b)(3)(A)**

28. Petitioner incorporates the foregoing paragraphs 1-23 by reference.

29. The withholding of removal statute, 8 U.S.C. § 1231(b)(3)(A), prohibits Respondents from removing a noncitizen to any country from which he has been granted withholding of removal, unless such grant is formally terminated by lawful means.

30. As set forth above, Respondents intend to remove Petitioner to Guatemala, the country from which he had been granted withholding of removal, without formally terminating his grant of withholding of removal, thus violating this law.

**THIRD CAUSE OF ACTION:  
PROCEDURAL DUE PROCESS  
U.S. CONSTITUTION, AMENDMENT V**

31. Plaintiffs incorporate the foregoing paragraphs 1-23 by reference.

32. Petitioner has a procedural due process right not to be removed to Guatemala, the country from which he had been granted withholding of removal, without an immigration judge first carrying out the procedures set forth in federal regulations.

33. As set forth above, Respondents intend to remove Petitioner to Guatemala, the country from which he had been granted withholding of removal, without formally terminating his grant of withholding of removal, thus violating his procedural due process rights under the Fifth Amendment to the U.S. Constitution.

**FOURTH CAUSE OF ACTION:  
SUBSTANTIVE DUE PROCESS  
U.S. CONSTITUTION, AMENDMENT V  
(All Plaintiffs)**

34. Petitioner incorporates the foregoing paragraphs 1-23 by reference.

35. Petitioner has a substantive due process right under the Fifth Amendment to the U.S. Constitution not to be subjected to government conduct that shocks the conscience. For Respondents to deport Petitioner to near-certain torture in Guatemala, notwithstanding a judge's order that they not do so, as set forth above, would violate that right.

### REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;
- b) Preliminarily and permanently enjoining Respondents from removing Petitioner to Guatemala, unless and until his order of Withholding of Removal is terminated, including all appeals;
- c) Preliminarily and permanently enjoining Respondents from removing Petitioner to any other country without first providing him notice and offering him adequate opportunity to apply for withholding of removal as to that country;
- d) Preliminarily enjoining Respondents from removing Petitioner from the State of Maryland pending the outcome of this litigation;
- e) Issuing a writ of habeas corpus, and ordering that Petitioner be released from physical custody; and
- f) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

/s/ Simon Sandoval-Moshenberg  
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