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Attorney for Petitioner

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

**CARLOS ARMANDO
LOPEZ RUIZ (A# [REDACTED]),**

Petitioner,

v.

NIKITA BAKER, Acting Director of Baltimore
Field Office, U.S. Immigration and Customs
Enforcement;

KRISTI NOEM, Secretary of the U.S. Department of
Homeland Security; and

Respondents.

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Carlos Armando Lopez Ruiz ("Petitioner" or "Mr. Lopez Ruiz"), is a citizen and national of El Salvador who on February 14, 2023, was granted Withholding of Removal under the Convention Against Torture (the "Withholding of Removal Order") in the Hyattsville, Maryland Immigration Court. The Withholding of Removal Order prohibits his removal to El Salvador due to the likelihood of Mr. Lopez Ruiz suffering torture or death if he were to be removed to El Salvador. The Withholding of Removal

Order was entered without objections from the Department of Homeland Security (“DHS”) as a stipulated order given the overwhelming evidence supporting the Petitioner’s underlying claims.

2. Mr. Lopez Ruiz was unlawfully detained on June 10, 2025 on or about 10:00 am, after he reported to the Baltimore Field Office of Immigration and Customs Enforcement (“ICE”), Department of Homeland Security located at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201 (the “Baltimore ICE Facility”) as directed by his Order of Supervision (the “OSUP”) issued by ICE under 8 C.F.R. 241.4. Petitioner was required to report under the OSUP by ICE and has been lawfully complying with this requirement since arriving in the United States on April 20, 2019
3. The detention of Mr. Lopez Ruiz by ICE is unlawful for several reasons. First, ICE is prohibited by the Withholding of Removal Order from Removing Mr. Lopez Ruiz to El Salvador as such order is still in full effect. Additionally, ICE is prohibited from removing Mr. Lopez Ruiz to any other third country as no other country was ever designated for removal by the DHS during immigration proceedings and ICE has not initiated the proper legal proceedings to legally remove Mr. Lopez Ruiz to a third country other than his native El Salvador. Based upon information and belief, Mr. Lopez Ruiz was detained by ICE for the sole purpose of conducting an unlawful removal from the United States to either El Salvador or an unknown third country.
4. Absent an order from this Court, Petitioner will be transferred to an immigration detention facility outside the State of Maryland. Such transfer of Petitioner will lead to him losing all meaningful ability to properly defend his legal rights as he has no

meaningful ties outside of the State of Maryland and his legal counsel is located in the State of Maryland.

5. Consequently, the Petitioner will be removed either to his native country of El Salvador or to an unknown third country that has never been designated by the DHS for the removal of Mr. Lopez Ruiz.
6. Petitioner asks this Court to find that the detention of Mr. Lopez Ruiz by ICE is unlawful and order Mr. Lopez Ruiz to be released from its custody.

JURISDICTION

7. This action arises under the Constitution of the United States and the Immigration and Nationality Act (the “INA”), 8 U.S.C. § 1101 *et seq.*
8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (“habeas corpus”), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (the “Suspension Clause”).
9. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

10. Venue is proper because Petitioner is detained at Baltimore Field Office of ICE in Baltimore, Maryland, which is within the jurisdiction of this District. The detention of Petitioner in Baltimore, Maryland by ICE has been verified by under-signed counsel as of 8:43pm on Tuesday, June 10, 2025 with evidence of such verification attached as an exhibit to this Petition.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (“OSC”) to the respondents “forthwith,” unless the petitioner is not entitled to relief. See 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
12. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” See *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

13. Petitioner is a native and citizen of El Salvador who is a grantee of the Withholding of Removal Order under the Convention against Torture issued by EOIR on February 14, 2023. Petitioner is currently detained at Baltimore Field Office of ICE in the State of Maryland located at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201. Mr. Lopez Ruiz is in the custody, and under the direct control, of Respondents and their agents.
14. Respondent Nikita Baker is sued in her official capacity as the Acting Director of the Baltimore Field Office of ICE. Respondent Nikita Baker has immediate physical custody of the Petitioner and is a legal custodian of Petitioner and has the authority to release him.
15. Respondent Kristi Noem is sued in her official capacity as the Secretary of the DHS. In this capacity, Respondent Kristi Noem is responsible for the implementation and

enforcement of the INA, and oversees ICE, the component agency directly responsible for Petitioner's detention. Respondent Kristi Noem is a legal custodian of Petitioner.

STATEMENT OF FACTS

16. Mr. Lopez Ruiz is a 37-year-old citizen of El Salvador who arrived in the United States on April 20, 2019. Mr. Lopez Ruiz fled his native country of El Salvador as he feared for his life if he remained in El Salvador.
17. Upon arriving in the United States, Mr. Lopez Ruiz was detained and then released by the DHS under the OSUP. Mr. Lopez Ruiz was legally obligated to report to ICE under the OSUP every year and with appearing before the Executive Office for Immigration Review ("EOIR" or the "Immigration Court"). Mr. Lopez Ruiz has never failed to comply with the OSUP and appeared for all of his hearings before EOIR.
18. Mr. Lopez Ruiz applied for Asylum, Withholding of Removal and Protection under the Convention against Torture before the EOIR. Mr. Lopez Ruiz was granted the Withholding of Removal Order by stipulation with the DHS on February 14, 2023. The Withholding of Removal Order prohibits the DHS from removing Mr. Lopez Ruiz to El Salvador. Notably, no other third country was designated by the DHS or the EOIR for the lawful removal of Mr. Lopez Ruiz.
19. After being granted the Withholding of Removal Order, Mr. Lopez Ruiz has continued residing in the State of Maryland where he has been gainfully employed and has been in full compliance with all laws of the State of Maryland and the United States.
20. Mr. Lopez Ruiz contacted under-signed counsel on June 10, 2025 at 3:27 pm. Mr. Lopez Ruiz told under-signed counsel that he was located at the Baltimore ICE Facility and that

ICE had informed him that he was being detained pending review of his case for removal to an unknown country.

21. Mr. Lopez Ruiz communicated to under-signed counsel that ICE had indicated that they would not be releasing him at any point in the near future, only that he was being detained for removal and that he had not been informed of the country of removal. Mr. Lopez Ruiz informed under-signed counsel that he was fingerprinted and prevented from leaving the ICE facility.

LEGAL FRAMEWORK

22. Mr. Lopez Ruiz is being unlawfully detained by ICE for removal, either to his native country of El Salvador or to a third country that has not yet been communicated to Mr. Lopez Ruiz or under-signed counsel. Removal of Mr. Lopez Ruiz to El Salvador would be unlawful as the Withholding of Removal Order to El Salvador issued by the immigration judge on February 14, 2023 is still in full legal effect.
23. Removal of Mr. Lopez Ruiz to a third country other than El Salvador would be unlawful given that the DHS never designated any other country of removal for Mr. Lopez Ruiz and the immigration judge did not enter an alternate country of removal for Mr. Lopez Ruiz. As such, any removal to a non-designated country of removal without the DHS following the proper legal procedures would be unlawful.
24. Additionally, the DHS does not have any significant likelihood of legally removing Mr. Lopez Ruiz in the near future, which makes his current detention by ICE unlawful. Under Zadvydas v. Davis, 533 U.S. 678 (2001), individuals such as Mr. Lopez Ruiz cannot be detained post 180 days after the Withholding of Removal Order has been entered unless there is a significant likelihood of legally removing Mr. Lopez Ruiz in the near future.

There cannot be any significant likelihood of legally removing Mr. Lopez Ruiz in the near future to El Salvador given the previously detailed lack of legal procedure for legally overcoming the Withholding of Removal Order. There cannot be any significant likelihood of legally removing Mr. Lopez Ruiz to a country other than El Salvador due to the lack of designation of a third country for removal and the lack of any legal proceedings by DHS required by statute to remove Mr. Lopez Ruiz to such third country.

25. Additionally, Mr. Lopez Ruiz runs the risk of being indirectly removed to El Salvador via removal to a third country willing to accept him. The possibility of indirect removal to El Salvador would also be unlawful and is prohibited by the Withholding of Removal Order. The risk of indirect removal to El Salvador via a third country is more likely than not as there are currently no known third countries willing to accept citizens of El Salvador for removal with a grant of permanent residence that would allow them to reside permanent in such third country.
26. The detention of Mr. Lopez Ruiz by ICE, with the above stated intention to remove him unlawfully to either El Salvador or to an unknown third country, is also unlawful as it is in contravention of 8 C.F.R. § 241.4 which governs the legal procedures for release and detention of individuals such as Mr. Lopez Ruiz that are under an OSUP.
27. Under such regulation, ICE can only detain Mr. Lopez Ruiz for cause, as listed under such regulation, which include violations of the conditions of release or conduct by Mr. Lopez Ruiz. Upon information and belief, Mr. Lopez Ruiz has not engaged in any conduct listed under the implementing regulation that would warrant his detention by ICE. Additionally, ICE has not in any way followed the legal notice requirements of such regulation for the legal detention of Mr. Lopez Ruiz to legally enforce his removal.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

28. The allegations in the above paragraphs are realleged and incorporated herein.
29. The detention of Mr. Lopez Ruiz by ICE is a blatant violation of the Fifth Amendment of the Constitution of the United States as it is based solely with the purpose to unlawfully remove him from the United States.
30. ICE is prohibited from using the power of detention granted by Congress under the INA for unlawful purposes. In this case, ICE is detaining Mr. Lopez Ruiz for the sole purpose of removing him from the United States to either El Salvador or an unknown third country without proper legal process. The unlawful basis of this removal is easily deduced by the fact that ICE has not followed any of the required statutory and regulatory procedures for removing Mr. Lopez Ruiz either to El Salvador or to a third country.
31. Additionally, under-signed counsel entered his appearance electronically via the ICE electronic service portal on June 10, 2025 at 5:07 pm in order to ensure that ICE provides the required legal notices for the detention and removal of Mr. Lopez Ruiz. ICE has both the statutory and regulatory obligation to provide legal notices to under-signed counsel. Additionally, ICE is under a preliminary injunction issued in D.V.D. v. DHS, No. 1:25-cv-10676-BEM (D. Mass., filed Mar. 23, 2025). ICE is under court order to provide under-signed counsel with legal notices in cases where they are attempting to remove an individual granted withholding of removal to a third country upon entry of appearance. As of the filing of the instant Petition, no such notices has been received by under-signed counsel.

32. For these reasons, Petitioner's detention violates the Due Process Clause of the Fifth Amendment.

COUNT TWO
Violation of 8 U.S.C. § 1231 and Implementing Regulations

33. The allegations in the above paragraphs are realleged and incorporated herein.
34. The detention by ICE of Mr. Lopez Ruiz is also a violation of 8 U.S.C. § 1231 and 8 C.F.R. § 241.4 as there does not exist any legal reason to detain Mr. Lopez Ruiz and none of the procedures under both statute and regulation have been followed by ICE.
35. Under 8 C.F.R. § 241.4, ICE can detain Mr. Lopez Ruiz for cause, by following the proper procedures, if it is determined that (i) The purposes of release have been served; (ii) The alien violates any condition of release; (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate. See 8 C.F.R. § 241.4(l)(2).
36. ICE has not provided either under-signed counsel or Mr. Lopez Ruiz of any of the listed reasons for detaining Petitioner under 8 C.F.R. § 241.4(l)(2). Mr. Lopez Ruiz has also not violated any condition of his release or engaged in any conduct that would make his release inappropriate.
37. More importantly, ICE has not followed any of the procedures under the regulation to detain Mr. Lopez Ruiz. Specifically, Mr. Lopez Ruiz is entitled to notice as to the reason of revocation of his release by ICE and is to be afforded an opportunity to respond to the reasons for such revocation of release. See 8 C.F.R. § 241.4(l)(1).
38. For these reasons, Petitioner's detention violates 8 U.S.C. § 1231 and 8 C.F.R. § 241.4.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Mr. Lopez Ruiz's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1231 and/or 8 C.F.R. § 241.4
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;
- (5) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (6) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Michael E. Rosado
Michael E. Rosado, Esq.
Bar No. 17853
P.O. Box 1260
Laurel, Maryland 20725
(240) 641-8615

Attorney for Petitioner

Dated: June 10, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Carlos Armando Lopez Ruiz, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 10th day of June, 2025.

/s/Michael E. Rosado
Michael E. Rosado, Esq.
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P.O. Box 1260
Laurel, Maryland 20725
(240) 641-8615

Attorney for Petitioner

UNITED STATES DISTRICT COURT
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CERTIFICATE OF SERVICE

I, Michael E. Rosado, hereby declare that, pursuant to Federal Rule of Civil Procedure 4(i), on June 10, 2025, I caused to be served the following documents in the above-captioned matter:

- Petition for Writ of Habeas Corpus;
- Application for Order to Show Cause; and
- Civil Cover Sheet

I caused the aforementioned documents to be served by USPS certified mail, return receipt requested, at the following addresses:

U.S. Attorney's Office
36 S. Charles Street 4th Floor
Baltimore, MD 21201

Nikita Baker, Acting Director
Department of Homeland Security
Immigration and Customs Enforcement ERO
Baltimore Field Office
31 Hopkins Plaza, 6th Floor
Baltimore, Maryland 21201

Kristi Noem, Secretary of Homeland Security
Office of General Counsel
U.S. Department of Homeland Security 277
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on June 10, 2025 at Laurel, Maryland.

/s/ Michael E. Rosado
Michael E. Rosado, Esq.
Bar No. 17853
P.O. Box 1260
Laurel, Maryland 20725
(240) 641-8615

Attorney for Petitioner

Dated: June 10, 2025