

IN THE UNITED STATES DISTRICT COURT
OF MARYLAND FOR GREENBELT SOUTHERN DIVISION

GUADALUPE A. CARDONA Y CARDONA,

DANIEL A. PASCUAL,

PETITIONERS,

* CASE NO.

V.

KRISTI NOEM,

DHS SECRETARY,

& *

PAMELA BONDI,

ATTORNEY GENERAL, *ET AL.*, *

RESPONDENT(S).

SUPPLEMENT TO AMENDED EMERGENCY WRIT OF HABEAS CORPUS

Now come the Petitioners, by and through counsel and files the instant Supplemental Amended Emergency Habeas Corpus Petition under the All Writs Act, the Federal Code and the United States Constitution for the immediate stay of removal, retention in Maryland, and release from immigration detention of the Petitioner prior to their immediate removal out of State, and for good cause states:

FACTS

1. Since the court's last status conference on July 14, 2025, we hereby assert and inform the court, that upon information and belief, that DHS as of this date has not filed the NTA's with any immigration court of record.

2. That as of this writing, Thomas Corcoran, AUSA, has not filed or notified the undersigned of any NTA filing with any immigration court for the Petitioners.

3. That as of this writing, the DHS, ICE and Border Tzar and EOIR, as reported in the media, have allegedly routed a "memorandum" of guidance to all DHS counsel and through all judges at EOIR, that states that all undocumented immigrants that entered without inspection, are not eligible for a bond in immigration court and will remain in custody pending all immigration proceedings.

4. That based upon a recent communication with Guadalupe Cardona via telephone, he reported that the officer that arrested him and his c0-Petitioner, that the officer admitted the reason for the initial seizure and stop of their vehicle was to ascertain the validity of Kelvin Cardona's immigration paperwork (the driver) and not the owner under whose name the car was registered.

5. Cardona also indicates that the patrol car in which he was detained contained no visible computer connection to any MVA database, such that the ICE patrol car could identify the owner's registration from a license plate while the patrol car was moving.

6. Petitioner's thus further argue that even if the patrol car conducted by ICE personnel had such MVA search devices online inside the cruiser, that that would also be an illegal search without probable cause or reasonable suspicion.

APPLICABLE LAW ON NTA'S

7. Removal proceedings begin when the Department of Homeland Security files a Notice to Appear (Form I-862) with the immigration court after it is served on the alien. See 8 C.F.R. §§ 1003.13, 1003.14. This is because EOIR maintains an administrative control court list as a guide for where DHS may file charging documents and which immigration courts generally

have jurisdiction over particular DHS offices or detention locations. See Chapter 3.1(a)(1) (Administrative control courts). The Notice to Appear, or “NTA,” is a written notice to the alien which includes the following information:

- the nature of the proceedings
- the legal authority under which the proceedings are conducted
- the acts or conduct alleged to be in violation of the law
- the charge(s) against the alien and the statutory provision(s) alleged to have been violated
- the opportunity to be represented by counsel at no expense to the government
- the consequences of failing to appear at scheduled hearings
- the requirement that the alien immediately provide the Attorney General with a written record of an address and telephone number

8. The Notice to Appear replaces the Order to Show Cause (Form I-221), which was the charging document used to commence deportation proceedings, and the Notice to Applicant for Admission Detained for Hearing before an Immigration Judge (Form I-122), which was the charging document used to commence exclusion proceedings. See 8 C.F.R. § 1003.13.

9. As of this date, the Petitioners still don’t have verifiable information that the NTA’s have been filed.

10. For these additional reasons, we ask for Petitioner's immediate release.

CONCLUSION

WHEREFORE, for the above reasons, the Petitioners seek and asks the court:

1. To Stay their removal to a foreign state other than Maryland,
2. To Stay their removal to a foreign nation other than the United States,

3. To prevent their removal to CECOT in El Salvador, or Guantanamo Bay, Cuba;
4. To hold an immediate hearing via WEBEX or other online platform to determine the egregious basis of Petitioners' arrest by ICE, USCIS or DHS;
5. To determine a bond hearing pending proof by USCIS, ICE or DHS that Petitioner merits an NTA
6. To Suppress under the Fourth Amendment the immigration proceedings if the Court finds that the US Government engaged in "egregious misconduct"
7. And to pass any other lawful relief the Court deems necessary.

Respectfully submitted,

/s/ Abraham F. Carpio

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 13th day of July, 2025, a copy of the foregoing was mailed to EOIR, Office of Chief Counsel 31 Hopkins Plaza, Rm 1600, Baltimore, MD 21201, and to Thomas Corcoran, AUSA, via email at: Thomas.Corcoran@usdoj.gov

/s/ Abraham Fernando Carpio

Abraham F. Carpio, Esq.