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Attorney for Petitioner

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

**Edwin Koma AGEO**

A 

Petitioner,

V.

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

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

Respondents.

Case No. \_\_\_\_\_

# PETITION FOR WRIT OF HABEAS CORPUS

## INTRODUCTION

1. Petitioner Edwin Koma Ageo (“Petitioner” or “Mr. Ageo”), was born in a refugee camp in Kenya. He is not a citizen of Kenya, and by operation of law, is also not a citizen of Sudan. Mr. Ageo is a citizen of the Republic of South Sudan. On May 24, 2022, Mr. Ageo was granted Deferral of Removal under the Convention Against Torture (the “Deferral of Removal Order”) in the Baltimore, Maryland Immigration Court. The Deferral of Removal

Order prohibits his removal to South Sudan due to the likelihood of Mr. Ageo suffering torture or death if he were to be removed to South Sudan. The Deferral of Removal Order was agreed upon by the parties from the Department of Homeland Security (“DHS”) as a stipulated order given the overwhelming evidence supporting the Mr. Ageo’s underlying claims.

2. Mr. Ageo was transferred to ICE detention from State of Maryland Custody on or about Friday, July 11, 2025, after he completed his State of Maryland criminal sentence. Mr. Ageo was detained by the Baltimore Field Office of Immigration and Customs Enforcement (“ICE”) and transferred to the Department of Homeland Security located at 31 Hopkins Plaza, 6<sup>th</sup> Floor, Baltimore, Maryland 21201 (the “Baltimore ICE Facility”).
3. The detention of Mr. Ageo by ICE is unlawful for several reasons. First, ICE is prohibited by the Deferral of Removal Order from Removing Mr. Ageo to South Sudan as such order is still in full effect. Mr. Ageo continues to fear for his life and safety in South Sudan, citing the same concerns as his original application for relief under Asylum, Withholding, and Withholding of Removal under CAT. Additionally, ICE is prohibited from removing Mr. Ageo 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. Ageo to a third country other than his native South Sudan. Mr. Ageo was detained by ICE for the sole purpose of conducting an unlawful removal from the United States to either South Sudan or an unknown third country.
4. Absent an order from this Court, Mr. Ageo 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 in the State of Maryland.

5. Consequently, the Mr. Ageo will be removed either to South Sudan or to an unknown third country that has never been designated by the DHS.
6. Mr. Ageo asks this Court to find that the detention of Mr. Ageo by ICE is unlawful and to order him 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 the Baltimore Hold Room of the 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 Tuesday, July 15, 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 South Sudan who is a grantee of the Deferral of Removal Order under the Convention against Torture issued by EOIR on May 24, 2022. Petitioner is currently detained at the Baltimore Hold Room of the Baltimore Field Office of ICE in the State of Maryland located at 31 Hopkins Plaza, 6<sup>th</sup> Floor, Baltimore, Maryland 21201. Mr. Ageo 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. Ageo is a 25-year-old citizen of South Sudan who arrived in the United States on or about July 18, 2014, as a refugee.
17. Mr Ageo was issued a Notice to Appear ("NTA") on September 15, 2021. The NTA alleges that Mr. Ageo (1) was not a citizen or national of the United States; (2) was a native of Kenya and a citizen of Sudan; (3) entered the United States at Newark, NJ on or about July 28, 2014 as a refugee; (4) on May 9, 2016, Mr. Ageo's status was adjusted to a Lawful Permanent Resident RE8; (5) was, on November 15, 20218, convicted in the Circuit Court of Montgomery County, MD, for the offense of Armed Robbery, in violation of the Annotated Code of Maryland, CR 3-403; (6) was sentenced to a term of imprisonment of 20 years of imprisonment; (7) was, on November 15, 2018, convicted in the Circuit Court for Montgomery, MD, for the offense of Home Invasion, in violation of the Annotated Code of Maryland, CR 3-403; (8) was sentenced to a term of imprisonment of 25 years of imprisonment; (9) was, on November 15, 2018, convicted in the Circuit Court for Montgomery County, MD for the offense of Kidnapping, in violation of the Annotated Code of Maryland, CR 3-502; and (10) was sentenced to a term of imprisonment of 30 years of imprisonment.
18. Mr. Ageo applied for Asylum, Withholding of Removal and Protection under the Convention against Torture before the EOIR. Mr. Ageo was granted the Deferral of Removal Order by stipulation with the DHS on May 24, 2022. The Deferral of Removal Order prohibits the DHS from removing Mr. Ageo to South Sudan.

19. After being granted the Deferral of Removal Order, Mr. Ageo remained in criminal detention in State of Maryland, where he completed his criminal sentence on or about July 11, 2025. On or about July 14, 2025, Mr. Ageo was transferred to the custody of ICE.
20. ICE Baltimore informed undersigned counsel that Mr. Ageo would remain in ICE custody pending removal to a third country.

### **LEGAL FRAMEWORK**

21. Mr. Ageo is being unlawfully detained by ICE for removal, either to his native country of South Sudan or to a third country that has not yet been communicated to Mr. Ageo or under-signed counsel. Removal of Mr. Ageo to South Sudan would be unlawful as the Deferral of Removal Order to Mr. Ageo issued by the immigration judge on May 24, 2022, is still in full legal effect.
22. Removal of Mr. Ageo to a third country other than South Sudan would be unlawful given that the DHS never designated any other country of removal for Mr. Ageo and the immigration judge did not enter an alternate country of removal for the Petitioner. As such, any removal to a non-designated country of removal without the DHS following the proper legal procedures would be unlawful.
23. Additionally, the DHS does not have any significant likelihood of legally removing Mr. Ageo 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. Ageo cannot be detained post 180 days after the Deferral of Removal Order has been entered unless there is a significant likelihood of legally removing Mr. Ageo in the near future. There cannot be any significant likelihood of legally removing Mr. Ageo in the near future to South Sudan given the previously detailed lack of legal procedure for legally overcoming the Deferral of

Removal Order. There cannot be any significant likelihood of legally removing Mr. Ageo to a country other than South Sudan 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. Ageo to such third country.

24. Additionally, Mr. Ageo runs the risk of being indirectly removed to South Sudan via removal to a third country willing to accept him. The possibility of indirect removal to South Sudan would also be unlawful and is prohibited by the Deferral of Removal Order. The risk of indirect removal to South Sudan via a third country is more likely than not as there are currently no known third countries willing to accept citizens of South Sudan for removal with a grant of permanent residence that would allow them to reside permanent in such third country.
25. Under such regulation, ICE can only detain Mr. Ageo for cause, as listed under such regulation, which include violations of the conditions of release or conduct by the Petitioner. Upon information and belief, there have been no additional charges against Mr. Ageo since his arrest noted in his NTA that constitute 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. Ageo to legally enforce his removal.

### **CLAIMS FOR RELIEF**

#### **COUNT ONE**

#### **Violation of Fifth Amendment Right to Due Process**

26. The allegations in the above paragraphs are realleged and incorporated herein.

27. The detention of Mr. Ageo 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.
28. 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. Ageo for the sole purpose of removing him from the United States to either South Sudan, coercing him to leave on his own accord under the threat of transferring him for removal, or removing him 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. Ageo either to South Sudan or to a third country.
29. Additionally, under-signed counsel entered his appearance electronically via the ICE electronic service portal on July 14, 2025, to ensure that ICE provides the required legal notices for the detention and removal of Mr. Ageo. ICE has both the statutory and regulatory obligation to provide legal notices to under-signed counsel. As of the filing of the instant Petition, no such notices have been received by under-signed counsel.
30. 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**

31. The allegations in the above paragraphs are realleged and incorporated herein.
32. The detention by ICE of Mr. Ageo 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. Ageo and none of the procedures under both statute and regulation have been followed by ICE.



33. Under 8 C.F.R. § 241.4, ICE can detain Mr. Ageo 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).
34. ICE has not provided either under-signed counsel or Mr. Ageo of any of the listed reasons for detaining Petitioner under 8 C.F.R. § 241.4(l)(2). Mr. Ageo has also not violated any condition of his release or engaged in any conduct that would make his release inappropriate since the allegations noted in his NTA.
35. More importantly, ICE has not followed any of the procedures under the regulation to detain Mr. Ageo. Specifically, the Petitioner 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).
36. 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. Ageo'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 Mr. Ageo 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/ Edward W. Neufville, III  
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Email: edward@neufvillelaw.com

Attorney for Petitioner

Dated: July 15, 2025

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

I represent Petitioner, Mr. Edwin Koma Ageo, 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 15th day of July, 2025.

/s/ Edward W. Neufville, III  
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Attorney for Petitioner

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Petitioner,

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# PETITION FOR WRIT OF HABEAS CORPUS

## CERTIFICATE OF SERVICE

I, Edward W. Neufville, III, hereby declare that, pursuant to Federal Rule of Civil Procedure 4(i), on July 15, 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, 6<sup>th</sup> 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 July 15, 2025 at Silver Spring, Maryland.

/s/ Edward W. Neufville, III  
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Attorney for Petitioner

Dated: July 15, 2025