


UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

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FIDEL LEAL-HERNANDEZ,)	
A )	
<i>Petitioner</i>)	
)	
v.)	Case No. 1:25-CV-2428
)	
KRISTI NOEM, U.S. Secretary of)	
Homeland Security; TODD M. LYONS, in)	
his official capacity as Acting Director, U.S.))	
Immigration and Customs Enforcement;)	
NIKITA BAKER, in her official capacity)	PETITION FOR WRIT OF HABEAS
as Field Office Director of the ICE)	CORPUS PURSUANT TO 28 U.S.C. § 2241
Baltimore Field Office; VERNON)	
LIGGINS, in his official capacity as)	
Deputy Field Office Director of the ICE)	
Baltimore Field Office,)	
)	
<i>Respondents</i>)	
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INTRODUCTION

1. Petitioner Fidel Leal-Hernandez (“Mr. Leal-Hernandez”), a native and citizen of Mexico, challenges his detention in the custody of Immigration and Customs Enforcement (“ICE”) to be an unconstitutional and unjustified deprivation of his physical liberty, and seeks immediate relief from this Court.
2. Mr. Leal-Hernandez is being unlawfully subjected to mandatory detention by Respondents, despite living more than two decades in the United States.

JURISDICTION AND VENUE

3. Mr. Leal-Hernandez is detained at the ICE Baltimore Holding Cells which is within the District of Maryland.¹

4. This action arises under the Suspension Clause, the Due Process Clause of the Fifth Amendment, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*

5. This Court has subject-matter jurisdiction under U.S. CONST. art. 1, § 9, cl. 2 (Suspension Clause), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1346 (civil actions against the United States), 28 U.S.C. § 1651 (All Writs Act), and 28 U.S.C. §§ 2201-02 (declaratory relief), as Mr. Leal-Hernandez is presently held in custody under or by color of the authority of the United States. His detention by Respondents is a “severe restraint” on his individual liberty “in custody in violation of the . . . laws . . . of the United States.” *See Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).

6. In addition to the habeas protections in the Constitution and Immigration and Nationality Act (“INA”), federal district courts have subject matter jurisdiction under 28 U.S.C. § 1331 (federal questions) to hear claims by individuals challenging the lawfulness of agency action.

7. Venue is proper because Mr. Leal-Hernandez is currently detained within the District.

PARTIES

8. Petitioner Fidel Leal-Hernandez is a native and citizen of Mexico. He is detained in ICE custody in Baltimore, Maryland.

¹ The ICE Online Detainee Locator does not show Mr. Leal-Hernandez being in custody, but he was detained this morning and his detention in Baltimore has been verified by his family and immigration counsel.

9. Respondent Kristi Noem is the Secretary of Homeland Security, and in that capacity is responsible for the Department of Homeland Security and all sub-cabinet agencies of DHS, including ICE and USCIS. She is sued in her official capacity.

10. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, responsible for ICE's detention and removal operations among all its other functions. He is sued in his official capacity.

11. Respondent Nikita Baker is the Field Office Director of the ICE Baltimore Field Office, and is responsible for ICE's operations in Maryland. Upon information and belief, she is the immediate custodian of Mr. Leal-Hernandez who is held in the Baltimore Holding Facility. She is sued in her official capacity.

12. Respondent Vernon Liggins is the Deputy Field Office Director of the ICE Baltimore Field Office, and is responsible for ICE's operations in Maryland. He is sued in his official capacity.

STATEMENT OF FACTS

13. Mr. Leal-Hernandez is a native and citizen of Mexico. He entered the United States more than 20 years ago.

14. On July 24, 2025, Mr. Leal-Hernandez was arrested by Respondents or others acting under their authority while on his way to work. He was taken into ICE custody and transported to the Baltimore ICE Holding Cells. He remains detained there.

15. Upon information and belief, despite decades in the United States, Mr. Leal-Hernandez is being detained and processed for expedited removal and/or treated as an applicant for admission not eligible for release on bond by an immigration judge.

CLAIMS FOR RELIEF

COUNT ONE: HABEAS

**Mr. Leal-Hernandez's Detention and Removal Violates His Right to Due Process
under the Fifth Amendment**

16. As a person living within the United States for more than 20 years, Mr. Leal-Hernandez is entitled to due process of law. U.S. Const. amend. V; *see generally Zadvydas*, 533 U.S. 678.

17. Mr. Leal-Hernandez is detained in violation of his right to due process.

COUNT TWO: IMMIGRATION AND NATIONALITY ACT

Mr. Leal-Hernandez's Detention under 8 U.S.C. § 1225 Violates the INA

18. 8 U.S.C. § 1225 authorizes the mandatory detention of “arriving aliens”, those noncitizens who cannot demonstrate they have “been physically present in the United States continuously for the 2-year period immediately prior[.]” 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

19. As noted above, Mr. Leal-Hernandez has lived in the United States for more than 20 years. However, upon information and belief, Respondents are detaining Mr. Leal-Hernandez as an arriving alien not eligible for bond and not processed through removal proceedings under 8 U.S.C. § 1229a.

20. Through this petition and complaint, Mr. Leal-Hernandez seeks an order from this court directing Respondents to hold a bond hearing for Mr. Leal-Hernandez under the INA.

PRAYER FOR RELIEF

Based on the foregoing, Mr. Leal-Hernandez requests that this Court:

- a. Assume jurisdiction over the matter;
- b. Issue an emergency order staying Petitioner's transfer outside the District of Maryland and his removal or deportation from the United States;

- c. Declare that the immigration detention of Mr. Leal-Hernandez violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- d. Order Respondents to hold a bond hearing for Mr. Leal-Hernandez at the appropriate immigration court to determine whether Mr. Leal-Hernandez should remain detained, or otherwise order him released from Respondents' custody;
- e. Award Petitioner all costs incurred in maintaining this action, including attorneys' fees under the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412; and on any other basis justified by law; and
- f. Grant any other and further relief this Court deems just and proper.

Respectfully submitted,

/s/ Joseph Moravec
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