

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

Mauricio Alexander Orellana Quintanilla,  
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

1. In 2019, an immigration judge found that Petitioner **Mauricio Alexander Orellana Quintanilla** (A ) would more likely than not be persecuted or tortured if he were returned to his native El Salvador, and granted him protection from removal to that country. Now, several years later, the government has re-detained Petitioner, ostensibly to remove him to a third country, but without knowing whether that third country will even accept Petitioner for removal.

Unless and until a significant likelihood of removal in the reasonably foreseeable future exists, however, Petitioner is not subject to detention, and there is presently no lawful basis to detain Petitioner. Furthermore, Petitioner was arrested at his place of work, and his Order of Supervision revoked, without observance of required formalities pursuant to federal regulations.

### **JURISDICTION AND VENUE**

2. 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).

3. 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.

4. 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**

5. Petitioner Mauricio Alexander Orellana Quintanilla is a citizen and native of El Salvador who resides in Olney, Maryland. He is married to a U.S. citizen wife and has three U.S. citizen children, the youngest of whom is only ten months old.

6. 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.

7. 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.

8. 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.

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

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

### **LEGAL BACKGROUND**

11. Certain forms of immigration relief such as withholding of removal and deferral of removal are specific to one country only. Should the government wish to remove an individual with a grant of country-specific relief 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. “[T]he prohibition on removal to a country where a noncitizen would face persecution or torture remains absolute. And precisely because withholding of removal is country-specific, as the government says, if a noncitizen who has been granted withholding as to one country faces removal to an alternative country, then she must be given notice and an opportunity to request withholding of removal to *that* particular country.” *Guzman Chavez v. Hott*, 940 F.3d 867, 879 (4th Cir. 2019), *rev’d on other grounds*, *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021), citing

*Kossov v. INS*, 132 F.3d 405, 409 (7th Cir. 1998).

12. For individuals with a removal order but who cannot be removed (because there is no country designated to which they can lawfully be removed, or because logistical or practical considerations prevent execution of an otherwise lawfully executable order), 8 U.S.C. §1231(a) permits the government to detain noncitizens during the “removal period,” which is defined as the 90-day period during which “the Attorney General shall remove the alien from the United States.” 8 U.S.C. §1231(a)(1)(A). In this case, pursuant to 8 U.S.C. § 1231(a)(2)(B)(i), the removal period began when Petitioner’s removal order became administratively final, May 16, 2019. The “removal period” therefore expired on August 14, 2019.

13. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that the government shall release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

14. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.”)

15. The purpose of detention during and beyond the removal period is to “secure[] the alien’s removal.” *Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

16. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because “the need to detain the noncitizen to ensure the noncitizen’s availability for future removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when “necessary to bring about that alien’s removal.” *See id.* at 689.

17. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

18. Where a petitioner has provided “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701.

### **FACTS**

19. Petitioner Mauricio Alexander Orellana Quintanilla is a citizen of El Salvador and no other country. He holds no lawful immigration status in any other country, nor has any other country has ever expressed willingness to receive Petitioner.

20. On January 3, 2019, Petitioner was granted relief from removal in the form of an order from an Immigration Judge that he may not be removed to El Salvador, after the Immigration Judge agreed that he had established it was more likely than not that he would be persecuted or tortured there. The government waived appeal of this order. To date, the Department of Homeland Security has not filed a motion to reopen or rescind the grant of relief.

21. One week after winning his immigration case, Petitioner was released from ICE custody and placed on an Order of Supervision pursuant to 8 U.S.C. § 1231(a)(3), and was issued a work permit under 8 U.S.C. § 1231(a)(7). *See* Exs. B, C hereto. The reason that Petitioner was released from ICE custody was that Respondents determined that there was no country on earth to which they could remove him. That fact has not changed.

22. Petitioner has remained fully compliant with his Order of Supervision. *See* Ex. C hereto. Petitioner has not been arrested or charged with any crimes subsequent to January 2019. *See* Ex. A hereto.

23. Petitioner was scheduled to attend his next regularly scheduled ICE check-in appointment on August 7, 2025. *See* Ex. A hereto. However, on July 31, 2025, ICE officers (under the direction of Respondent Baker) came to his place of employment in Maryland, and arrested him by surprise and without any forewarning. The stated reason for the arrest was that ICE now wants to deport Petitioner to a third country other than El Salvador.

24. Upon information and belief, no such third country has agreed to issue travel documents to Petitioner, nor do Respondents have any articulable basis to believe that a significant likelihood exists that any third country will issue travel documents to Petitioner in the reasonably foreseeable future.

25. Upon information and belief, Respondent's Order of Supervision was revoked by a low-level ICE officer, signing on behalf of Respondent Baker, but without Respondent Baker's personal involvement, and without Respondent Baker making a finding that revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.

26. Upon information and belief, the ICE officers who arrested Petitioner did so without a warrant, and also without reason to believe that Petitioner was likely to escape before a warrant could be obtained.

27. Despite his consistent compliance over the course of more than half a decade, Petitioner was nonetheless taken into custody by surprise and was detained at the Baltimore Hold Room as of the filing of this habeas corpus petition.

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

**FIRST CLAIM FOR RELIEF:  
Violation of 8 U.S.C. § 1231(a)(6)**

29. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-28.

30. Petitioner's continued detention by the Respondent violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have long since passed.

31. No significant likelihood of removal in the reasonably foreseeable future exists.

32. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.

**SECOND CLAIM FOR RELIEF:  
Violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution**

33. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-28.

34. Petitioner's detention during the removal period is only constitutionally permissible when there is a significant likelihood of removal in the reasonably foreseeable future. Respondent has rearrested and re-detained Petitioner on the hope that a third country will accept Petitioner for removal, but lacks articulable basis to show that any such country will issue travel documents within the reasonably foreseeable future.

35. Respondent continues to detain Petitioner without evidence that they will be able to remove him imminently, to El Salvador or any other country.

36. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

**THIRD CAUSE OF ACTION:  
Habeas corpus, 28 U.S.C. § 2241**

37. Petitioner incorporates the foregoing paragraphs 1-32 by reference.

38. 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.

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

**FOURTH CAUSE OF ACTION:  
Violation of regulations/*Accardi* doctrine**

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

41. As set forth above, Respondents cancelled Petitioner's release on supervision and re-arrested him without any advance or contemporaneous explanation of the legal or factual basis for re-detention. The Order of Supervision was revoked by a Deportation Officer, with no showing, finding, or reason to believe that circumstances did not permit referral of the case to the Executive Associate Commissioner. Petitioner was not afforded an initial informal interview to respond to



the reasons for revocation stated in the notification. And no permissible reason existed to revoke the Order of Supervision.

42. Accordingly, the revocation of the Order of Supervision violated 8 C.F.R. § 241.4(*I*), a regulation designed to protect the Fifth Amendment due process rights of noncitizens like Petitioner; and violated Petitioner's Fifth Amendment due process rights.

43. Furthermore, in arresting Petitioner at his workplace without a warrant and without reason to believe Petitioner would escape before any such warrant can be issued, Respondents violated 8 C.F.R. § 287.8(b)(2)(C), a regulation designed to protect the Fifth Amendment due process rights of noncitizens like Petitioner; and violated Petitioner's Fifth Amendment due process rights.

44. In arresting and re-detaining Petitioner, Respondents violated important substantive and procedural rules designed to protect his due process rights, and arrest and the revocation of the Order of Supervision should be deemed void under the *Accardi* doctrine.

#### **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) Finding that Respondents' present detention of Petitioner violates 8 U.S.C. § 1231(a)(6);
- c) Finding that Respondents' revocation of Petitioner's Order of Supervision violated 8 C.F.R. § 241.4(*I*);

- d) Finding that Respondents' warrantless workplace arrest of Petitioner violated 8 C.F.R. § 287.8(b)(2)(C);
- e) Restoring Petitioner to his prior Order of Supervision, and releasing him from custody thereupon;
- f) Issuing a writ of habeas corpus, and ordering that Petitioner be released from physical custody; and
- g) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

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