

INTRODUCTION

1. Mr. Carlos Julio MEDINA GARCIA is a citizen and national of Colombia and was granted Withholding of Removal under the Convention Against Torture by a Maryland Immigration Judge on October 9, 2024. DHS did not appeal that decision, and so it is a final order. (A copy of the order of the immigration judge is attached hereto and made a part hereof as Exhibit 1).
2. Today, on October 16, 2025, Mr. MEDINA GARCIA reported to ICE in Baltimore. Upon reporting he was detained by ICE. Petitioner MEDINA GARCIA is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201.
3. Petitioner Carlos Julio MEDINA GARCIA petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy his unlawful detention by ICE. 28 U.S.C. § 2241. It is likely that ICE will quickly remove him to another state, likely Louisiana or Texas, today or soon.
4. Mr. MEDINA GARCIA has a United States Citizen sister, has no criminal record, and was just granted Withholding of Removal under the Convention Against Torture.

CUSTODY

5. Petitioner is in the physical custody of Respondents and the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). Petitioner is detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (APA), 5 U.S.C. § 701, et seq. 4. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in custody under alleged color of authority of the United States, and such custody is in violation of the Constitution, laws, and/or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.
7. Venue is proper in the District of Maryland because that is where Petitioner is detained and that is where Petitioner resides. *See* 28 U.S.C. § 1391(b); *Kholyavskiy v. Achim*, 443 F.3d 946 (7th Cir. 2006).

THE PARTIES

8. Petitioner Carlos Julio MEDINA GARCIA, is a citizen and national of Colombia who, upon information and belief, was granted Withholding of Removal pursuant to the Convention Against Torture on October 9, 2024.
9. Defendant Krisiti Noem, Secretary of the Department of Homeland Security in Washington, D.C. Ms. Noem is responsible for the enforcement of the U.S. immigration laws, including those governing the admissibility of foreign nationals in the U.S. Ms. Noem and agents acting under her direction are at present detaining the Petitioner. Ms. Noem is being sued in her official capacity only.
10. Defendant Todd Lyons, Acting Director of Immigration and Customs Enforcement in Washington D.C. Mr. Lyons is responsible for the enforcement of the U.S. immigration

laws, and the agents holding Mr. MEDINA GARCIA are under his direction. Mr. Lyons is being sued in his official capacity only.

11. Defendant Nikita Baker is the current Acting Deputy Director of the ICE Baltimore Field Office, the facility where Petitioner is currently detained. Ms. Baker is responsible for ICE operations in the Maryland area. Mr. MEDINA GARCIA is held by ICE agents under Ms. Baker's direction. Ms. Barker is being sued in her official capacity only.

FACTUAL ALLEGATIONS

12. Petitioner is a national and citizen of Colombia and was granted Withholding of Removal pursuant to the United Nations Convention Against Torture by a Maryland immigration court on October 9, 2024.
13. On October 16, 2025, when Petitioner appeared for his annual reporting with ICE, he was unlawfully detained. Petitioner understands that he is likely to be transferred to another facility out of state imminently.
14. Petitioner has no criminal record and has many family and community ties in the United States, including a U.S. Citizen sister and employment.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

15. The Fifth Amendment to the U.S. Constitution provides limits on detention. As the Supreme Court has noted, "[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Hyung Joon Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of liberty" that the Due Process Clause protects. *Zadvydas*

v. Davis, 533 U.S. 678,690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. *See id.* at 721 (Kennedy, J., dissenting) (“(B)oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious.”). Under these due process principles, detention must “bear [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)).

16. Due process, therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention—to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.
17. Following *Zadvydas* and *Demore*, most circuit courts to confront the issue have protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reidy v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins (Rodriguez III)*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir.2003).
18. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness: (1) how long the detention will likely continue in the absence of judicial relief; (2) the nature and extent of removal proceedings, including whether any

delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order. *See Jamal*, 358 F. Supp. 3d at 859-60.

B. Withholding of Removal

19. Withholding of removal under the Convention Against Torture (“CAT”) is a mandatory form of protection governed by 8 C.F.R. § 208.16(c). To qualify, an applicant bears the burden of establishing that it is *more likely than not* that they would be subjected to torture if removed to the proposed country of removal. In making this determination, adjudicators must consider all relevant evidence, including past instances of torture, the possibility of internal relocation, evidence of gross or systematic human rights violations, and other country conditions. See 8 C.F.R. § 208.16(c)(3). “Torture” is defined as the intentional infliction of severe physical or mental pain or suffering by, or with the consent or acquiescence of, a public official or person acting in an official capacity. 8 C.F.R. § 208.18(a)(1). Once it is determined that an applicant meets this standard and is not subject to mandatory denial, the adjudicator must grant withholding of removal under CAT. 8 C.F.R. § 208.16(d)(1).

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION

20. Petitioner re-alleges and incorporates by reference the paragraphs above.
21. Petitioner’s detention violates substantive and procedural due process guarantees of the U.S. Constitution, as there is no legal basis for detaining someone granted withholding of removal pursuant to the Convention Against Torture and not subject to imminent removal.

22. The Due Process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. Amend. V.
23. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [non-U.S. citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas, supra* at 693 (2001). For this reason, even “removable and inadmissible [non-U.S. citizens] are entitled to be free from detention that is arbitrary and capricious,” *Id.* at 721 (Kennedy, J., dissenting). That Constitutional protection is unaffected by the government’s authority to make rules for “admission” that regulate the immigration status of noncitizens. *See* 8 U.S.C. § 1101(a)(13)(A) (defining admission as “the lawful entry of the alien”).
24. “A statute permitting indefinite detention of a [non-U.S. citizen] would raise a serious constitutional problem” under the Fifth Amendment’s Due Process Clause. *Id.* at 690. That serious constitutional problem is raised by the government’s reading of § 1225(b). It apparently interprets the statute to permit the indefinite detention of a noncitizen whom the government has not found to be removable or inadmissible, but instead granted the right to remain in the United States indefinitely.
25. In *Zadvydas, supra*, the Supreme Court rejected the government’s argument that its immigration powers permit it to indefinitely detain noncitizens after the conclusion of removal proceedings. *Id.* at 695. Since then, the government has repeated that same argument to justify prolonged, indefinite detention pending removal proceedings.
26. A person like Petitioner, granted withholding of removal pursuant to CAT, by an immigration judge, is entitled to be free from arbitrary and capricious detention under the Due Process Clause.

27. Petitioner's detention is unreasonable based on the facts and circumstances of petitioner's case, including his current protected status pursuant to the grant of withholding of removal, lack of criminal record, or ongoing removal proceedings. *Sopo*, 825 F.3d at 1217-19 (outlining factors that govern when mandatory detention becomes prolonged).
28. Finally, this Court "cannot ignore the conditions of confinement." *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015). Where "the facility for the civil immigration detention is [not] meaningfully different from a penal institution for criminal detention[.]" prolonged immigration detention is more likely to be unreasonable. *Sopo*, 825 F.3d at 1218 (citing *Chavez-Alvarez*, 783 F.3d at 478; *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003)).
29. Under either a bright-line rule or the facts and circumstances of this case, Petitioner's detention is unreasonable. This Court should therefore order Immigration and Customs Enforcement to release Habeas Petitioner.
30. Further, preventive detention is only constitutional when "subject to strong procedural protections." *Zadvydas, supra* at 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71 (1992) (striking down civil commitment statute for placing the burden on the detainee)). The BIA's assignment of the burden to detainees in *Matter of Guerra* is therefore unconstitutional.

SECOND CLAIM FOR RELIEF

VIOLATION OF 28 U.S.C. § 1361 (Writ of Mandamus)

31. Petitioner re alleges and incorporates by reference the paragraphs above.

32. ICE has a non-discretionary duty to recognize and honor the grant of withholding of removal pursuant to the CAT, granted by an immigration judge and to release individuals not subject to removal.
33. Petitioner's detention despite having been granted withholding of removal pursuant to the CAT is an abuse of discretion and unlawful.
34. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner Carlos Julio MEDINA GARCIA, from detention based on his current protected status as a withholding of removal recipient with no criminal record and strong family and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his ties here in the community.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- 1) Assume jurisdiction over this matter;
- 2) Grant a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, on reasonable conditions of supervision if necessary;
- 3) Order Respondents to show cause, returnable within three days pursuant to 28 U.S.C. §2243, as to why the relief requested in this petition should not be granted;
- 4) Declare the Petitioner's continued detention is unlawful and violates, inter alia, Due Process;
- 5) Award Petitioner costs and reasonable attorneys' fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, other statutes; and
- 6) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Richey

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