

INTRODUCTION

1. Ms. Cristin Roxana AMAYA CORNEJO is a 47-year-old native and citizen of El Salvador. Petitioner AMAYA CORNEJO entered the United States with a B-2 Visa on or about March 29, 2007, in Virginia. Petitioner has an upcoming master (preliminary) hearing on November 21, 2025, at 8:00 A.M. in Hyattsville, Maryland. On that day, she will likely be scheduled for a final hearing where she will present her meritorious Cancellation of Removal Application. (A screenshot of the EOIR Automated Case Information System showing Petitioner's upcoming Master Hearing is attached hereto and made a part hereof as Exhibit 1).
2. On November 4, 2025, Petitioner was driving in the Washington, D.C. area, when she was followed by two vehicles. Upon stopping, ICE arrested, detained, and transferred her to Baltimore. Petitioner is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.
3. Petitioner AMAYA CORNEJO petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy her unlawful detention by ICE. 28 U.S.C. § 2241. She fears her imminent transfer to another state and/or removal from the United States.
4. Ms. AMAYA CORNEJO has very strong family and community ties in Maryland, including her twelve-year-old U.S. citizen son and sister. To our knowledge and belief, she has no criminal record.

CUSTODY

5. Petitioner is in the physical custody of Respondents. 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 Cristin Roxana AMAYA CORNEJO is a female citizen and national of El Salvador who has been present in the United States since 2007.
9. Defendant Krisiti Noem is the 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 is the 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 Ms. AMAYA CORNEJO 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. Ms. AMAYA CORNEJO is held by ICE agents under Ms. Baker's direction. Ms. Baker is being sued in her official capacity only.

FACTUAL ALLEGATIONS

12. Petitioner is a national and citizen of El Salvador who entered the United States on or about June 28, 2007, with a valid B-2 visa.

13. On November 4, 2025, Petitioner was driving in Washington, D.C., when she was followed by two vehicles. Upon stopping, ICE arrested, detained, and transferred her to Baltimore. Petitioner is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.

14. Ms. AMAYA CORNEJO was only placed in removal proceedings by ICE when they picked her up on November 4, 2025. Moreover, Petitioner has an upcoming master hearing before the Hyattsville Immigration Court on November 21, 2025. On or before her upcoming master hearing, Petitioner will present her meritorious claim for cancellation of removal and adjustment of status.

15. Petitioner has a twelve-year-old U.S. citizen son, sister, niece, and brother-in-law in the United States.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

16. 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)).
17. 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.

18. Following *Zadvydas, supra* and *Demore, supra*, 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); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins (Rodriguez Ill)*, 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).
19. 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.

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 who has no criminal convictions, has a meritorious claim for cancellation of removal before the immigration court, employment, and has strong family and community ties in Maryland.
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.
25. A person like Petitioner, with a meritorious claim for cancellation soon to be pending before the immigration court and an upcoming master hearing before a Maryland immigration court, is entitled to be free from arbitrary and capricious detention under the Due Process Clause.
26. Petitioner’s detention is unreasonable based on the facts and circumstances of Petitioner’s case, including her qualification for cancellation of removal, physical presence in the United States for approximately 18 years, strong family and community ties, and lack of criminal record. *Sopo*, 825 F.3d at 1217-19 (outlining factors that govern when mandatory detention becomes prolonged).
27. 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)). Petitioner is being held in inhumane and deplorable conditions, including no bed or blanket, no meaningful food, and no shower facilities.

28. 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.
29. 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)).

SECOND CLAIM FOR RELIEF

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

30. Petitioner re-alleges and incorporates by reference the paragraphs above.
31. Petitioner's detention despite having over 18 years in the United States, a U.S. citizen child, employment, family and community ties, and no criminal record, is an abuse of discretion and unlawful.
32. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner AMAYA CORNEJO from detention based on her upcoming Hyattsville Immigration Court hearing, her eligibility for cancellation of removal, and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to her ties here in the community. Petitioner's minor U.S. citizen son depends on her for his well-being and stability.

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 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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