

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Cristin Roxana AMAYA CORNEJO *

Petitioner *

v. *

Kristi Noem, et. al *

* Case Number: 8:25-cv-03670-LKG

Respondent *

**PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO MOTION FOR
TEMPORARY RESTRAINING ORDER REGARDING DETENTION PENDING
REMOVAL PROCEEDINGS**

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I. Introduction

On November 7, 2025, Petitioner filed her Petition for a Writ of Habeas Corpus and Motion for Temporary Restraining Order and Memorandum in Support thereof, seeking an order restraining Respondents from removing her from the state of Maryland and from the United States and requesting her immediate release. After this was filed with this Federal Court, Respondents transferred the Petitioner to Richwood, Louisiana. This had the effect of separating her from her young U.S. citizen son, who, in addition to the Petitioner, caused irreparable harm to him. Moreover, contrary to Respondents' assertion in their opposition (ECF No. 10), the immigration judge does not have exclusive authority over Petitioner's detention.

Further, Petitioner's detention is not "plainly warranted," in that she has no criminal convictions, she entered the United States lawfully with a B-2 visitor's visa on March 29, 2007, she has a twelve-year-old U.S. citizen son, and it appears that Respondent ICE based her arrest and detention on "racial profiling." For these reasons, inter alia, her detention is not warranted. She is neither a danger to the community nor is she likely to abscond.

Moreover, on November 14, 2025, an immigration judge at the Hyattsville Immigration Court granted a bond of \$9,000, which we believe is excessive. (A copy of the immigration judge's order granting Petitioner bond is attached hereto and a part hereof as Exhibit 1).

II. Argument

Petitioner will likely succeed on the merits of her claims. First, Respondents quickly transferred Petitioner even though this Court had jurisdiction upon Petitioner filing her Petition for Habeas Corpus and Motion for TRO. Second, this Court has jurisdiction over her detention as previously noted in our Petition for Habeas Corpus and Motion for TRO. Third, her removal from the U.S. is not imminent.

Contrary to Respondents' opposition motion, this Court does have jurisdiction over Petitioner's claims, as 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. Petitioner did not assert that this Court had jurisdiction over whether Petitioner could be placed in removal proceedings or not; that is not an issue before this Honorable Court. The only real issue is whether it is appropriate for the Petitioner to be detained where she is not a danger to society and is not likely to abscond.

Moreover, the arrest and detention of Petitioner by Respondents was in violation of, *inter alia*, her due process rights. She had not committed a crime prior to or upon the time of her arrest and detention by Respondents. Her continued detention and transfer have caused her and her U.S. citizen son irreparable injury.

Respondents did not issue a Notice to Appear for Petitioner until after they had arrested

her and taken her into custody. Thereafter, they issued her a Notice to Appear, placing her in removal proceedings. Contrary to Respondents' assertion, she was not detained after the initiation of her removal proceedings but before the initiation of removal proceedings.

Based on the inappropriate arrest and detention of Petitioner, we believe that the *Winter* factors tip in favor of the granting of relief for Petitioner.

Further, even though Petitioner is currently detained in Louisiana, she is still scheduled for a master/preliminary hearing before Hyattsville Immigration Court on November 21, 2025. (A screenshot of the EOIR case portal showing Petitioner's hearing date is attached hereto and made a part hereof as Exhibit 2).

III. Conclusion

For the reasons set forth above and in Petitioner's Petition for a Writ of Habeas Corpus and Motion for Temporary Restraining Order and Memorandum in Support thereof, this honorable court should grant Petitioner's Petition for a Writ of Habeas Corpus and Motion for Temporary Restraining Order.

Dated: November 17, 2025

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th of November 2025, a copy of the foregoing PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION TO MOTION FOR TEMPORARY RESTRAINING ORDER REGARDING DETENTION PENDING REMOVAL PROCEEDINGS was served electronically on all parties and counsel receiving service via CM/ECF in this case.

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