

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

_____)	
LYDIENNE YONDO ESSIBENG)	
)	
<i>Petitioner,</i>)	
)	
v.)	Civil Action No. <u>8:25-cv-03690</u>
)	
KRISTI NOEM, <i>et al.</i>)	
)	
<i>Respondents.</i>)	
_____)	

Motion to Enforce

Pursuant to Fed. R. Civ. P. 70(a), Petitioner moves this Court to enforce its Order of December 8, 2025 (Dkt. No. 10). In support of this motion, Petitioner respectfully represents as follows:

Procedural History

1. This action was filed on November 10, 2025. Dkt. No. 1. The Petition for Writ of Habeas Corpus complains that Respondents are erroneously detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), which does not allow her to request release on bond from an Immigration Judge, rather than 8 U.S.C. § 1226(a), which does allow her to request release on bond from an Immigration Judge. *Id.*

2. Respondents’ memorandum filed on December 4, 2025, concedes that Petitioner is currently detained pursuant to 8 U.S.C. § 1226(a), and argues that her re-detention was appropriate and permissible under 8 U.S.C. § 1226(b). Dkt. No. 7.

3. Accordingly, on December 8, 2025, the parties¹ entered into a stipulation. Dkt. No.

¹ Attorney General Pamela Bondi is one of the Respondents in this case. Immigration Judges serve as her designees in carrying out bond hearings. 8 C.F.R. § 1003.10(a), (b); 8 C.F.R. § 1003.19(a).

7. The stipulation provides, in relevant part:

The parties are in agreement that: (i) Petitioner's detention is discretionary pursuant to 8 U.S.C. § 1226, not 8 U.S.C. § 1225; (ii) Petitioner's release on Alternatives to Detention (ATD) was permissibly revoked pursuant to 8 U.S.C. § 1226(b); and (iii) 8 U.S.C. § 1226 and 8 C.F.R. § 236.1(d) provide that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) with an Immigration Judge considering the application for bond under the factors of *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006).

4. On December 8, 2025, the Court approved the parties' stipulation and entered it as an Order. Dkt. No. 10.

5. Pursuant to the stipulation, Petitioner's immigration attorney filed a bond motion before the Executive Office for Immigration Review, attaching the December 8, 2025 Order as an exhibit thereto.

6. Nonetheless, on December 22, 2025, the Immigration Judge in El Paso, Texas (who has jurisdiction over the location of Petitioner's detention) ignored the parties' stipulation and violated this Court's order, denying bond solely on the basis of "No Jurisdiction[.]" *See* Ex. A.

7. Petitioner, by counsel, brought this matter to the attention of counsel for Respondents, but Respondents were not willing to voluntarily rectify the violation. *See* Ex. B.

8. Petitioner is currently scheduled for her next hearing in immigration court in El Paso on January 26, 2026. *See* Ex. C.

Relief Requested

9. Accordingly, Petitioner respectfully requests that this Court order Respondents to effectuate the stipulation and order by carrying out a bond hearing "under 8 U.S.C. § 1226(a) with an Immigration Judge considering the application for bond under the factors of *Matter of Guerra*, 24 I. & N. Dec. 37 (BIA 2006)."

10. In a similar case in this District presenting comparable facts and the same legal

issue, *Yat Salam v. Noem*, Civ. No. 1:25-cv-3240-LKG, Dkt. No. 14 (Dec. 18, 2025), Judge Griggsby ordered as follows:

- a. The Respondents are **ENJOINED** from detaining the Petitioner pursuant to 8 U.S.C. § 1225(b) . . . ;
- b. **On or before January 2, 2026**, the Respondents shall return the Petitioner to the Baltimore Field Office of U.S. Immigration and Customs Enforcement (“ICE”) located at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201 (the “ICE Baltimore Field Office”) for an initial determination by an immigration officer on the Petitioner’s bond or detention under 8 U.S.C. § 1226(a);
- c. If the immigration officer does not release the Petitioner on a bond, the Respondents shall arrange for the Petitioner to receive, **on or before January 2, 2026**, a bond hearing before an immigration judge, at which she can be represented by her present counsel, at the Immigration Court in either Baltimore, Maryland or Hyattsville, Maryland.
- d. The bond hearing shall be conducted under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1, 1003.19, and 1236.1, and the Respondents shall provide the Petitioner with any other process due to her under these provisions.
- e. During any ICE detention following the immigration officer’s determination and before any bond hearing to occur in accordance with this Order, the Petitioner shall be detained in a state immediately adjacent to Maryland.
- f. If the Petitioner is not released on bond by an immigration officer, or provided with a bond hearing before an immigration judge, **on or before January 2, 2026**, the Respondents shall release the Petitioner from custody from the ICE Baltimore Field Office. If released, the Petitioner may be subject to conditions, including a requirement that she appear at a bond hearing at the Immigration Court in Baltimore, Maryland or Hyattsville, Maryland.

See Ex. D at 1-2.

11. Likewise, in another a similar case in this District presenting comparable facts and the same legal issue, *Salazar Monge v. Noem*, Civ. No. DLB-25-3826, Dkt. No. 15 (Dec. 23, 2025), Judge Boardman ordered that a bond hearing take place by a date certain, and furthermore ordered that if the bond hearing did not take place by that date, the respondents shall release the petitioner from custody. See Ex. E at 3.

12. Petitioner respectfully requests that this Court order the same relief as did Judge Griggsby: a bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a) and the traditional *Matter of Guerra* factors, on or before January 23, 2026—the last business day before

Petitioner's next scheduled hearing in immigration court—with mandatory release from custody if the bond hearing is not properly carried out by that date.

13. A Proposed Order is attached hereto.

Respectfully submitted,

//s// Simon Sandoval-Moshenberg
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Date: January 7, 2026

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants.

Respectfully submitted,

Date: 1/7/2026

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