

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LYDIENNE YONDO ESSIBENG,

Petitioner,

v.

KRISTI NOEM, *et al.*

Respondents.

Case No. 8:25-cv-03690-SAG

RESPONSE TO MOTION TO ENFORCE

Respondents, United States Department of Homeland Security (“DHS”) Secretary Kristi Noem, United States Immigration and Customs Enforcement (“ICE”) Acting Director Todd M. Lyons, ICE Baltimore Field Office Director Jeremy Bacon¹, and United States Attorney General Pamela Bondi (collectively, “Respondents”), by and through undersigned counsel, hereby respond to the Motion to Enforce (ECF No. 11) filed by Petitioner Lydienne Yondo Essibeng.

1. DHS Secretary Kristi Noem, ICE Acting Director Todd Lyons, and ICE Baltimore Field Office Acting Director Jeremy Bacon are the only proper respondents in this habeas action because habeas actions may only be brought against “the person who has custody over” the petitioner. 28 U.S.C. § 2242; *see also Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004) (“The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is the person who has custody over the petitioner. . . . This custodian, moreover, is the person with the ability to produce the prisoner’s body before the habeas court. We summed up the plain

¹ Pursuant to Federal Rule of Civil Procedure 25(d), upon the departure of a public officer sued in their official capacity, “[t]he officer’s successor is automatically substituted as a party.” FED. R. CIV. P. 25(d). Jeremy Bacon is now Acting Field Office Director for the ICE Baltimore Field Office. Thus, he is automatically substituted as the respondent for former Acting Field Office Director Nikita Baker.

