

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Jayson Tikum MBABID A 

Petitioner,

v.

NIKITA BAKER, Acting Director of the U.S. Immigration and Customs Enforcement Baltimore Field Office; MATTHEW ELLISTON, Deputy Assistant Director for Field Operations, Eastern Division, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No: 8:25-cv-3505

PETITION FOR WRIT OF HABEAS CORPUS

This is a petition for a writ of habeas corpus filed on behalf of Mr. Jayson Tikum Mbabid (“Mr. Mbabid”) seeking relief to remedy his unlawful detention. Respondents are detaining Mr. Mbabid in violation of his constitutional due process rights. Further, by subjecting Mr. Mbabid to indefinite detention, Respondents also violate his Eighth Amendment rights by inflicting cruel and unusual punishment.

Mr. Mbabid has fully cooperated with Respondents in their pursuit of his arrest and detention. Mr. Mbabid is not a flight risk or a danger to the community. Prior to his detention, Mr. Mbabid had been attending all of his immigration court hearings and ICE check-ins. Mr. Mbabid has no criminal convictions.

On or about October 23, 2025, Mr. Mbabid went to his scheduled ICE check in. Upon arriving and completing the check in, ICE officers detained Mr. Mbabid. He was subsequently transferred to the ICE Enforcement and Removal Operations (“ERO”) field office in Baltimore, Maryland where he is currently being held.

Approximately one month before Mr. Mbabid’s detention he was experiencing active tuberculosis symptoms. He was previously diagnosed with tuberculosis. Mr. Mbabid sought medical care and was instructed to isolate and prescribed six months of oral medication for treatment. His detention presents an immediate risk to his health.

Recent Board of Immigration Appeals (“BIA”) precedent, namely *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), strips Mr. Mbabid of the opportunity to receive an individualized custody review by a neutral arbiter. His only statutory mechanism for release is discretionary parole under 8 U.S.C. § 1182(d)(5). Recent executive orders and agency memos have restricted the availability of parole.¹ Thus, Mr. Mbabid’s detention could be indefinite if he pursues all forms of relief from removal available to him. In effect, Mr. Mbabid’s indefinite detention creates a chilling effect to deter Mr. Mbabid from pursuing all forms of relief from removal, as litigating his case may take years. His continued detention also hinders his ability to work with his counsel to mount a zealous defense against removal.

Petitioner submits that his prolonged detention is in violation of his constitutional rights. His detention is not justified under the Constitution. Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering Respondents to hold a bond hearing or release Petitioner on parole or his own recognizance.

CUSTODY

1. Petitioner is in physical custody of Respondents Matthew Elliston, Field Office Director

¹ Exec. Order No. 14159, 90 Fed. Reg. 8443, 8446 (Jan. 20, 2025); Exec. Order No. 14165, 90 Fed. Reg. 8467, 8467–68 (Jan. 20, 2025).

for Detention and Removal, DHS-ICE, DHS generally, and Nikita Baker, Acting Director of the U.S. ICE Baltimore Field Office located in Baltimore, Maryland. At the time of the filing of this petition, Petitioner is detained at the U.S. ICE Baltimore Field Office in Baltimore, Maryland. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

2. This action arises under the Constitution of the United States. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as Mr. Mbabid is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

4. Venue is proper in the United States District Court for the District of Maryland, the judicial district in which Respondents, Matthew Elliston and Nikita Baker reside and where Mr. Mbabid is detained. 28 U.S.C. § 1391(e).

PARTIES

5. Petitioner is a national and citizen of Cameroon who resides in Prince George's County, Maryland. Respondents have detained him pursuant to 8 U.S.C. § 1225, which permits DHS to detain certain noncitizens pending a decision on whether the noncitizen is removable from the United States.

6. Respondent Baker is sued in her official capacity as the Acting Director of the U.S. ICE Field Office of Baltimore, Maryland, and she has immediate physical custody of Petitioner pursuant to the agency's authority to detain noncitizens. She is a legal custodian of Petitioner.

7. Respondent Ellis is sued in his official capacity as the Deputy Assistant Director for Field

Operations, Eastern Division, for Enforcement and Removal Operations within ICE. Respondent Ellis is a legal custodian of Petitioner and has authority to release him.

8. Respondent Kristi Noem is sued in her official capacity as the Secretary of U.S. DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

9. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review ("EOIR"), which administers the immigration courts and the Board of Immigration Appeals ("BIA"). Respondent Bondi is a legal custodian of Petitioner.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. Petitioner has exhausted his administrative remedies to the extent required by law.

11. Mr. Mbabid has fully cooperated with Respondents and has not delayed or obstructed his detention.

12. Even if Respondents contend that Petitioner has not exhausted his administrative remedies because he did not file a parole request, the Court should waive the exhaustion requirement as he raises serious constitutional concerns and there is no section in the INA requiring exhaustion of administrative remedies. *See Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) ("[W]here Congress had not clearly required exhaustion, sound judicial discretion governs") (quoting *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)); *see also Guitard v. U.S. Secretary of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when ... a plaintiff has raised a 'substantial constitutional question'").

13. Further, Petitioner's detention is causing him irreparable harm, and the administrative agency

has predetermined the issue that Petitioner would appeal, making his pursuit of this remedy futile. *See McCarthy v. Madigan*, 503 U.S. 140, 146-48 (noting exceptions to the exhaustion requirement include “irreparable harm” to the petitioner, where there is “some doubt as to whether the agency was empowered to grant effective relief,” or where it would be futile because “the administrative body is shown to be biased or has otherwise predetermined the issue before it”).

14. On May 15, 2025, the Board of Immigration Appeals (“BIA”) published *Matter of Q. Li*, which held that the detention of a noncitizen who is detained and arrested at or near the border and placed into expedited removal proceedings is not governed by § 1226(a) but rather by § 1225(b). 29 I&N Dec. 66, 69 (BIA 2025). Individuals detained under § 1225(b) do not have a statutory or regulatory right to a bond hearing before an immigration judge.

15. In *Matter of Q. Li*, the BIA also held that a noncitizen who is initially arrested under § 1225(b) and subsequently paroled into the United States under § 1182(d)(5), continues to be subject to detention under § 1225(b) if their parole grant is terminated. *Id.*

16. The sole statutory mechanism available to Petitioner for release is discretionary parole. 8 U.S.C. § 1182(d)(5).

17. President Trump and DHS have issued several executive orders and agency memos that dramatically alter long-standing parole policies, effectively rendering it unavailable.

18. Petitioner’s only remedy is by way of this judicial action.

STATEMENT OF FACTS

19. Petitioner is a national and citizen of Cameroon who entered the United States in October of 2024.

20. On October 10, 2024, Petitioner was paroled into the United States pursuant to § 1182(d)(5) and referred for § 1229(a) removal proceedings.

21. On or about October 23, 2025, Respondents’ agents arrested Petitioner during his regularly

scheduled ICE check in. The agents did not provide Petitioner with a reason for his detention or a warrant for his arrest. He was later transferred to the Baltimore ERO field office.

22. Petitioner is being held at the Baltimore ICE Office in Baltimore, Maryland.

23. Petitioner is not a danger to the community or a flight risk. He has no criminal convictions. Petitioner also has a strong interest in remaining in the area to pursue relief in immigration court, which if granted, would eventually permit him to pursue permanent residence status.

24. Petitioner was diligently attending his regular ICE check-ins when he was detained and attending all of his immigration court hearings. Petitioner is scheduled for an individual hearing on the merits of his asylum application on May 14, 2026.

25. Approximately one month before his detention, Petitioner was diagnosed with a tuberculosis recurrence and prescribed medication to manage the infection.

26. Prior to his arrest, Petitioner was unemployed and isolating to prevent inadvertently spreading tuberculosis to his family members.

27. After his detention, Petitioner's brother brought his tuberculosis medication to the Baltimore ERO field office. Petitioner's brother requested that Petitioner be isolated out of concern for his health.

28. Respondents' decision to detain Petitioner is not legally justifiable and is capricious and arbitrary. There is no better time for the Court to consider the merits of Petitioner's request for release.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Procedural and Substantive Due Process

29. Petitioner incorporates by reference all preceding paragraphs.

30. Petitioner's detention under 8 U.S.C. § 1225 violates his procedural and substantive due process rights under the Fifth Amendment to the United States Constitution as it subjects him to arbitrary detention.

31. “Government detention violates the Fifth Amendment “unless the detention is ordered in a *criminal proceeding* with adequate procedural protections or, in certain special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas v. Davis*, 553 U.S. 678, 690 (2001) (internal citations and quotations omitted).

32. Here, there is no “special justification” which allows the Respondents to deny Petitioner the liberty to which he is entitled. Respondents have not alleged any “special justification” to support Petitioner’s continued detention.

33. The parole process available to individuals detained under 8 U.S.C. § 1225 does not satisfy due process requirements because it does not include a hearing or an individualized review by a neutral arbiter.

34. Petitioner’s ongoing detention without an individualized review is unconstitutional because he was paroled into the United States after establishing that he has a credible fear of persecution and is pursuing asylum in § 1229(a) removal proceedings.

35. Detention for the duration of removal proceedings is only proper when the noncitizen (1) has been convicted of certain enumerated offenses or (2) presents national security concerns, neither of which apply to Petitioner. *See* 8 U.S.C. § 1226(c).

36. Petitioner’s continued detention grossly deprives the Petitioner of his procedural due process rights. This court applies the three-factor balancing test set out in *Matthews v. Eldridge* in the context of civil immigration detention. *See, e.g., Leal-Hernandez v. Noem*, 2025 WL 2430025 (D. Md. Aug. 24, 2025). The three factors are (1) “the private interest that will be affected by the official action”; (2) “the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the government’s interest, including the function involved and the fiscal and administrative burdens that the additional or

substitute procedural requirement would entail.” *Matthews v. Eldridge*, 424 U.S. 319, 335 (1976).

37. Here, the factors weigh heavily in favor of the petitioner. First, the Petitioner has a significant private interest at stake. Freedom from bodily restraint “lies at the heart of the liberty that [the Due Process] Clause protects.” *Zadvydas*, 533 at 630. The petitioner is being detained away from his family and without access to counsel.

38. As to the second factor, there is an enormous risk of the erroneous deprivation of Petitioner’s liberty interest. In fact, it has already occurred.

39. Regarding the third *Matthews* factor, the government does not have a significant interest at stake in Petitioner’s detention pursuant to termination of his parole. Petitioner is not a danger to the community or a flight risk. Petitioner has every incentive to show up to his immigration court proceedings as he is seeking asylum and fears returning to his home country. In contrast to the enormous interest at stake for the Petitioner, the government’s interest is miniscule. On balance, the *Matthews v. Eldridge* factors weigh heavily in favor of the Petitioner.

40. Substantive due process also affords Petitioner “a right to adequate food, shelter, clothing, and medical care . . . [and to] safety and freedom from bodily restraint.” *See Youngberg v. Romeo*, 457 U.S. 307, 315-18 (1982).

41. Petitioner’s detention is not reasonably related to a legitimate government interest. He was paroled into the United States after a credible fear review and in the process of seeking asylum before the Hyattsville Immigration Court at the time of his detention.

42. Moreover, at the time of his detention, Petitioner was actively being treated for tuberculosis. His detention presents an urgent threat to his health because it is necessary for him to take his medications exactly as prescribed so that he does not become more unwell and so the TB germs do not become drug resistant.²

² *About Active Tuberculosis Disease*, CDC.gov, <https://www.mayoclinic.org/diseases-conditions/tuberculosis/symptoms-causes/syc-20351250>

43. Due process requires that Petitioner receive a constitutionally adequate bond hearing before an Immigration Judge.

44. Without federal court action, Petitioner will likely remain detained for months.

COUNT THREE

Violation of Eighth Amendment Right to Protection from Cruel and Unusual

Punishment

45. Petitioner incorporates all preceding paragraphs by reference.

46. The Eighth Amendment to the U.S. Constitution prohibits the government from inflicting cruel and unusual punishment on individuals.

47. To state a cognizable claim under the Eighth Amendment, Petitioner must allege acts or omissions sufficiently harmful to show deliberate indifference to his needs. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976).

48. Even if no harm has occurred, the lack of safety in Petitioner's detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993) (explaining that the Supreme Court and Courts of Appeals have recognized a remedy for unsafe conditions where a tragic event has not yet occurred, i.e. one need not wait for a traffic event to occur to file a claim for future harm under the Eighth Amendment).

49. Petitioner's continued unlawful detention also constitutes cruel and unusual punishment under the Eighth Amendment because Petitioner is subject to mandatory, indefinite detention based solely on Respondents' erroneous interpretation of 8 U.S.C. § 1225(b)(2).

50. Detainees may challenge their confinement's unconstitutional conditions through writs of habeas corpus, an avenue which the U.S. Supreme Court has never explicitly foreclosed. *See Preiser v. Rodriguez*, 411 U.S. 475, 499-500 (1973) (stating that when "a prisoner is put under additional and unconstitutional restraints during his lawful custody, it is arguable that habeas corpus will lie to remove

the restraints making the custody illegal.”).

51. Respondents’ continued custody of Petitioner has transformed civil immigration detention into cruel and unusual punishment. Petitioner has no criminal record in this country. He is also eligible for relief from removal yet is indefinitely held in detention solely due to his manner of entry into the United States.

52. Respondents’ continued custody of Petitioner will also impact his ability to continue to manage and treat his tuberculosis, potentially endangering his life.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;
2. Issue an order directing Respondents to show cause why the writ should not be granted;
3. Issue an order prohibiting Respondents from moving Petitioner outside of this Court’s jurisdiction during the pendency of adjudication of this petition;
4. Issue a writ of habeas corpus ordering Respondents to release Petitioner on his own recognizance or under parole, a low bond, or reasonable conditions of supervision;
5. Alternatively, mandate that Respondents provide Petitioner with a bond hearing;
6. Grant any other relief which this Court deems just and proper.

Respectfully submitted,

/s/ Alexis Turner-Lafving
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Dated: October 27, 2025

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Jayson Tikum Mbabid, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 27 day of October 2025.

/s/ Alexis Turner-Lafving