

INTRODUCTION

1. Mrs. Mobolaji Olufunmilayo AOKO is a 60-year-old native and citizen of Nigeria. On May 1, 1991, Petitioner AOKO lawfully entered the United States with a valid B-2 visitor's visa. Thereafter, she was placed in removal proceedings for remaining in the United States beyond the period authorized by her visa. Petitioner AOKO was ordered deported on August 9, 2010, and the Board of Immigration Appeals dismissed her appeal on May 2, 2012.
2. Yesterday, on November 26, 2025, Petitioner AOKO hand-filed to the Board of Immigration Appeals, a motion to reopen based on a change in circumstances/country conditions, FGM victim, or, in the alternative, change in law (*Niz-Chavez*, Cancellation of Removal, and/or Adjustment of Status) and/or the Board's Sua Sponte Authority. This motion to reopen was primarily based on the fact that Petitioner AOKO is [REDACTED]
[REDACTED]
[REDACTED] which is included in her Motion to Reopen, attached hereto and made a part hereof as Exhibit 1) [REDACTED]
[REDACTED] As well as the motion to reopen, Petitioner AOKO also filed a stay of removal with the Board of Immigration Appeals. (Petitioner's Motion to Reopen and Motion for a Stay of Removal are attached hereto and made a part hereof as Exhibit 1).
3. Today, November 26, 2025, Petitioner AOKO arrived, with counsel, to report to ICE as requested. Petitioner provided ICE with a copy of the filed Motion to Reopen and Motion for a Stay of Removal, but she was still arbitrarily arrested without a warrant and detained.

Petitioner is now being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.

4. Petitioner AOKO 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.
5. Mrs. AOKO has very strong family and community ties in Maryland, including her lawful permanent resident husband, two U.S. citizen children, stable employment, and local counsel. (See Petitioner's husband's LPR card and U.S.C children's birth certificates, Ex. 1). Petitioner AOKO is a Registered Nurse and has long worked in the nursing profession, providing essential care and support to vulnerable members of the community. (See Petitioner's Nursing License, Ex. 1). Importantly, Petitioner AOKO suffers from lumbar stenosis and had surgery within the year. (See Petitioner's Medical Records, Ex 1). Petitioner is in constant immense pain and requires medication, which she does not have with her. Moreover, Petitioner has no criminal record in the United States or anywhere in the world.

CUSTODY

6. Petitioner is in the physical custody of Respondents. Petitioner is detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201.

JURISDICTION AND VENUE

7. 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.

8. 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

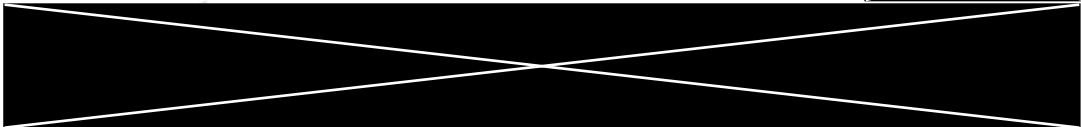
9. Petitioner AOKO is a citizen and national of Nigeria who has a pending motion to reopen and motion for a stay of removal before the Board of Immigration Appeals.
10. Defendant Krisiti Noem is the Secretary of the Department of Homeland Security in Washington, D.C. Ms. Noem is responsible for the enforcement 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.
11. 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 Mrs. AOKO are under his direction. Mr. Lyons is being sued in his official capacity only.
12. 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. Mrs. AOKO is being held by ICE agents under Ms. Baker's direction. Ms. Baker is being sued in her official capacity only.


FACTUAL ALLEGATIONS

13. Petitioner is a national and citizen of Nigeria who entered the United States on or about May 1, 1991, with a valid B-2 visitor's visa. Thereafter, she was placed in removal proceedings for remaining in the United States beyond the period authorized by her visa. Petitioner was ordered deported on August 9, 2010, and the Board of Immigration Appeals dismissed her appeal on May 1, 2012.

14. Petitioner AOKO merits the reopening of her proceedings as she now qualifies for asylum under the changed circumstances/country conditions exception, a change in law exception (Niz-Chavez)(Cancellation of Removal). Moreover, Petitioner AOKO has an approved I-140 Petition and is eligible to adjust her status under INA §245(i).

15. Yesterday, on November 26, 2025, Petitioner AOKO hand filed to the Board of Immigration Appeals, a motion to reopen based on a change in circumstances/country conditions,  or, in the alternative, change in law (Niz-Chavez)(Cancellation of Removal, and/or Adjustment of Status) and/or the Board's Sua Sponte Authority. This motion to reopen was primarily based on the fact that Petitioner AOKO is 



 As well as the motion to reopen, Petitioner AOKO also filed a stay of removal with the Board of Immigration Appeals.

16. Today, November 26, 2025, Petitioner AOKO arrived for her ICE check-in, with counsel, where she was immediately arrested without a warrant and detained by ICE officials. Petitioner is now being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.

17. Mrs. AOKO has very strong family and community ties in Maryland, including her lawful permanent resident husband, two U.S. citizen children, stable employment, and local counsel. Petitioner AOKO is a Registered Nurse and has long worked in the nursing profession, providing essential care and support to vulnerable members of the community. Importantly, Petitioner AOKO suffers from lumbar stenosis and requires consistent medical treatment. Additionally, Petitioner's legal permanent resident husband suffers from inter alia diabetes and relies on Petitioner for daily care and support.
18. Petitioner AOKO has no criminal record and lives with her legal permanent resident spouse in Millersville, MD.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

19. 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)).

20. 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.
21. 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 III)*, 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).
22. 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

23. Petitioner re-alleges and incorporates by reference the paragraphs above.
24. Petitioner's detention violates substantive and procedural due process guarantees of the U.S. Constitution, as there is no reasonable basis for detaining someone with a pending Motion to Reopen and Motion for a Stay of Removal.
25. 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.
26. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law and prohibits arbitrary, warrantless seizures unsupported by any legitimate governmental purpose. U.S. Const. Amend. V.
27. "[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").
28. "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.

29. A person like Petitioner, with a pending Motion to Reopen, a Motion for a Stay of Removal, and meritorious claims for asylum, cancellation of removal, and adjustment of status, is entitled to be free from arbitrary and capricious detention under the Due Process Clause.
30. Petitioner's detention is unreasonable based on the facts and circumstances of Petitioner's case, including her current pending motion to reopen, 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).
31. 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)).
32. 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.
33. 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 THE FOURTH AMENDMENT OF THE U.S. CONSTITUTION

34. The Fourth Amendment prohibits arbitrary, warrantless seizures unsupported by any legitimate governmental purpose. U.S. Const. amend. IV. A warrantless arrest is per se unreasonable unless the government establishes that it was justified by probable cause based on specific, articulable facts, not speculation or conclusory assertions.
35. Here, when Petitioner reported to ICE/TSAP as required, she was immediately arrested without a warrant, without probable cause, and without any individualized showing of necessity, in direct violation of the Fourth Amendment. Respondents presented no evidence to justify the warrantless seizure, nor any exigent circumstances that would permit it. An arrest under these circumstances, during a routine check-in, with no ongoing investigation and no indication of danger or flight risk, constitutes an arbitrary and unreasonable seizure, offending both the Fourth Amendment and fundamental principles of due process.

THIRD CLAIM FOR RELIEF

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

36. Petitioner re-alleges and incorporates by reference the paragraphs above.
37. Petitioner's detention despite having a pending motion to reopen and a motion for a stay of removal is an abuse of discretion and unlawful.
38. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner AOKO from detention based on her pending motion to reopen, lack of criminal record, and strong family and community ties within the United States and Maryland. She is not a danger to the community, nor is she likely to abscond due to his ties here in the community. Petitioner's husband and children greatly depend on her for their 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 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, the Fourth and Fifth Amendments;
- 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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