

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Greenbelt Division)

MOBOALJI OLUFUNMILAYO AOKO, \*

Petitioner, \*

Case No. 8:25-cv-03901-JRR

v. \*

KRISTI NOEM, *et al.*, \*

Respondents. \*

\* \* \* \* \*

**REPLY IN SUPPORT OF RESPONSE TO PETITION  
FOR WRIT OF HABEAS CORPUS AND MOTION TO DISMISS**

Respondents, United States Department of Homeland Security (“DHS”) Secretary Kristi Noem, Acting Director of United States Immigration and Customs Enforcement (“ICE”) Todd Lyons, and Acting Field Office Director for the ICE Baltimore Field Office Vernon Liggins<sup>1</sup> (collectively, “Respondents”), by and through undersigned counsel, Kelly O. Hayes, United States Attorney for the District of Maryland, and Megan L. Micco, Assistant United States Attorney for that District, submit this Reply in support of their Response to Petition for Writ of Habeas Corpus and Motion to Dismiss (the “Motion”) (ECF No. 16) and in response to Petitioner Moboalji Olufunmilayo Aoko’s “Reply to Respondents’ Response to Petition for Habeas Corpus and Motion to Dismiss” (the “Opposition”) (ECF No. 17).

<sup>1</sup> 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). Vernon Liggins has recently been named Acting Field Office Director for the ICE Baltimore Field Office. Thus, he is automatically substituted as the respondent for former-Acting Field Office Director Jeremy Bacon.

I. **ARGUMENT**

A. **Petitioner's Opposition Is Untimely.**

On December 1, 2025, the Court set the briefing schedule for Petitioner's Petition for Writ of Habeas Corpus, which directed that "Petitioner shall reply (if she chooses) [to Respondents' Motion] no later than **December 17, 2025.**" ECF No. 10 (emphasis in original). The Court further directed that "[a]ll papers shall be filed no later than **12:00 p.m.** on their respective due dates." *Id.* (emphasis in original). However, Petitioner did not file the Opposition until December 29, 2025, twelve days after the established deadline, at 1:55 PM. Petitioner offers no explanation for the untimeliness of the Opposition.

B. **Petitioner Is Properly Detained Under 8 U.S.C. § 1231(a)(6) and *Castaneda v. Perry*, 95 F.4th 750 (4th Cir. 2024), and Her Fifth Amendment Due Process Argument Fails.**

In the Motion, Respondents contend that Petitioner's detention is lawful pursuant to 8 U.S.C. § 1231(a)(6) because she has been deemed inadmissible under 8 U.S.C. § 1182(a)(6)(C)(i) and is subject to a final order of removal, ICE has demonstrated a significant likelihood of removal of Petitioner to Nigeria in the reasonably foreseeable future, and Petitioner's voluntary efforts to reopen her removal proceedings and stay her removal order are insufficient to demonstrate that her removal is not reasonably foreseeable as held by the Fourth Circuit in *Castaneda v. Perry*, 95 F.4th 750 (4th Cir. 2024). ECF No. 16 at 8–14. In the Opposition, Petitioner makes various arguments in opposition, including that her detention violates her due process rights because she was not afforded a pre-deprivation hearing and *Castaneda* is distinguishable. ECF No. 17 at 2–3, 4.

As to the due process argument, Petitioner takes issue with ICE's arrest of her at a check-in, for which she voluntarily presented, without any pre-deprivation hearing. *Id.* at 2–3. However, Petitioner's argument is devoid of any relevant, applicable legal authority. *Id.* Petitioner cites no

authority providing that ICE is required to afford an individual who has been deemed inadmissible and is subject to a final order of removal some sort of notice or a hearing before they are detained under 8 U.S.C. § 1231. *See id.* Petitioner cites various authorities for the general statement that “[n]o greater Due Process protection exists than the right to LIBERTY or freedom from unlawful detention,” but no authority demonstrating that she was entitled to some sort of process before she was detained. *See id.*<sup>2</sup>

Petitioner’s due process argument also overlooks the text of 8 U.S.C. § 1231(a)(6), which plainly provides that ICE may continue detention beyond the removal period for “[a]n alien ordered removed who is inadmissible under [8 U.S.C. § 1182],” 8 U.S.C. § 1231(a)(6), and “does not specify a time limit on how long DHS may detain an alien in the post-removal period,” *Castaneda*, 95 F.4th at 755–56 (quoting *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021)). Her argument further overlooks the language in *Zadvydas v. Davis*, 533 U.S. 678 (2001), which provides that a post-removal order detention period of six months is “presumptively reasonable,” and that after the six-month period, the Government must show evidence that there is a significant likelihood of removal in the reasonably foreseeable future. 533 U.S. at 701. Even if Petitioner had been detained for six months, which is not the case, Respondents have shown that they are

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<sup>2</sup> Petitioner cites a habeas case that is currently pending before Judge Hurson, *Ngha v. Noem*, Case No. 8:25-cv-04055-BAH. ECF No. 17 at 2. Upon review of the docket in that case, it appears that the petitioner is presently in removal proceedings and was recently detained after previously being released on ICE’s Alternatives to Detention Intensive Supervision Appearance Program. *See Ngha v. Noem*, Case No. 8:25-cv-04055-BAH, at ECF No. 8. On December 10, 2025, Judge Hurson granted the petitioner’s motion for a temporary restraining order, directed the release of the petitioner, and ordered that the Government may not re-detain the petitioner until an Immigration Court hearing conducted under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1, 1003.19, and 1236.1 is held. *Id.* at ECF No. 10. *Ngha* is distinguishable from and inapplicable to the instant case given that this case is a third country removal case in which Petitioner has been deemed inadmissible, ordered removed, and is detained under 8 U.S.C. § 1231, an entirely different statutory scheme than is at issue in *Ngha*.

prepared to remove Petitioner back to her home country of Nigeria imminently. *See* ECF No. 11-3. Petitioner offers no persuasive argument to rebut Respondents' showing.

In addition to the due process argument, Petitioner contends that *Castaneda* is distinguishable because "it involved a different posture and does not resolve the constitutional question presented by Petitioner's allegations." ECF No. 17 at 4. Petitioner's focus on irrelevant factual differences in *Castaneda* disregards the overall holding, which does, in fact, resolve the constitutional question presented by Petitioner in this case. As discussed at length in the Motion, *Castaneda* stands for the proposition that an individual's voluntary initiation of immigration proceedings during post-removal period detention does not make removal unforeseeable because those proceedings are finite and, therefore, continued detention while those proceedings take place does not implicate the sort of indefinite detention that was at issue in *Zadvydas*. *See Castaneda*, 95 F.4th at 757–58. That is precisely the circumstance presented here. Petitioner has voluntarily sought to reopen her removal proceedings and stay her removal order, but those efforts "alone are insufficient to demonstrate that removal is no longer reasonably foreseeable," *id.* at 758, and any proceedings that may result from Petitioner's efforts will be finite. As such, her continued detention is lawful.

**C. Petitioner's Fourth Amendment Claim Lacks Merit and Legal Support.**

Notwithstanding the fact that ICE arrested Petitioner pursuant to a signed Warrant of Removal/Deportation, Form I-205, *see* ECF No. 11-4, Petitioner continues to assert in the Opposition that her arrest violated the Fourth Amendment. According to Petitioner, the Form I-205 is not constitutionally sufficient because it is "an agency document; it does not establish that the seizure complied with the Fourth Amendment's core requirement of reasonableness in light of the circumstances here, namely, a routine check-in by a non-dangerous individual with deep ties,

ongoing compliance, and pending legal proceedings.” ECF No. 17 at 4–5. Not only does Petitioner fail to cite any authority for her proposition that a Form I-205 is insufficient under the Fourth Amendment, *see id.*, but such proposition is contrary to case law.

In *Kidd v. Mayorkas*, 734 F. Supp. 3d 967 (C.D. Cal. 2024), the United States District Court for the Central District of California considered whether administrative warrants, such as ICE’s Form I-205, serve as a sufficient basis for ICE officers to enter the constitutionally protected areas of an individual’s home. 734 F. Supp. 3d at 979. While answering that question in the negative, the *Kidd* Court observed that “8 U.S.C. §§ 1226(a) and 1231(a) . . . authorize the arrest of noncitizens with an administrative warrant and mandate that noncitizens be taken into custody for removal.” *Id.* That is what occurred here. Petitioner was detained during a check-in at ICE’s office pursuant to a signed I-205, Warrant of Removal/Deportation, for purposes of removal, which is permitted under 8 U.S.C. § 1231(a). *See id.*

The only legal authority Petitioner offers on the Fourth Amendment claim is *Escobar Molina v. U.S. DHS*, 1:25-cv-03417-BAH (D.D.C. Dec. 2, 2025). *See* ECF No. 17 at 5. However, *Escobar Molina* does not apply to this case. As Judge Gallagher recently found in *Chavez de Vasquez v. Baker*, No. SAG-25-03657, 2025 WL 3713773 (D. Md. Dec. 23, 2025), in which the habeas petitioner made a similar warrantless arrest/Fourth Amendment claim, “*Escobar Molina* . . . is distinguishable on both its facts and in its legal posture.” 2025 WL 3713773, at \*2. Judge Gallagher reasoned as follows:

[*Escobar Molina*] was brought on behalf of a class of citizens who were subject to unanticipated “field arrests” during the immigration crackdown in Washington, D.C. The members of the class described in the opinion were stopped in public places and arrested. Petitioner, by contrast, reported to her required check-in appointment at the ICE office, where she was then served with an NTA and warrant and arrested. She is therefore unable to establish as a factual matter that her arrest was “warrantless” in the same manner as the arrests of the class members in

Escobar Molina, because the issuance of the warrant was essentially contemporaneous with her being taken into custody.

*Id.* Judge Gallagher further observed that “the courts that have recently adopted the ‘warrantless arrest’ theory as a basis for relief have done so in the context of class actions challenging statewide or districtwide agency action pursuant to the Administrative Procedure Act, not in individual habeas petitions.” *Id.* (citing *Escobar Molina v. U.S. Dep’t of Homeland Security*, \_\_\_ F. Supp. 3d \_\_\_, 2025 WL 3465518 (D.D.C. Dec. 2, 2025); *Ramirez Ovando v. Noem*, No. 25-cv-03183-RBJ, 2025 WL 3293467 (D. Colo. Nov. 25, 2025)).

Judge Gallagher’s analysis applies here. Similar to the petitioner in *Chavez de Vasquez*, Petitioner was arrested by ICE pursuant to a signed Form I-205 during a check-in appointment at the ICE office, and the issuance of the Form I-205 was issued “essentially contemporaneous with her being taken into custody.” *Id.*; *see also* ECF No. 11-4. Given these facts, Petitioner is “unable to establish as a factual matter that her arrest was ‘warrantless’ in the same manner as the arrests of the class members in *Escobar Molina*.” *Chavez de Vasquez*, 2025 WL 3713773, at \*2. Accordingly, her Fourth Amendment claim fails.

## II. CONCLUSION

For all the reasons stated above and in Respondents’ Motion (ECF No. 16) and the accompanying memorandum of law (ECF No. 16-1), the Court should dismiss the Petition for a Writ of Habeas Corpus (ECF No. 1).

Dated: January 7, 2026

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 7th day of January, 2026, a copy of the foregoing Reply in Support of Response to Petition for Writ of Habeas Corpus and Motion to Dismiss was served via CM/ECF on all parties and counsel receiving electronic notice in this case.

/s/ Megan L. Micco  
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