



INTRODUCTION

1. Ms. PEREZ-AYQUIPA is a 46-year-old native and citizen of Peru and 
 Petitioner PEREZ-AYQUIPA entered the United States on April 21, 2023. She was subsequently granted parole on May 15, 2023. (See Petitioner's Interim Notice Authorizing Parole, which is attached hereto and made a part hereof as Exhibit 1). On April 26, 2024, Petitioner filed her asylum application with the Hyattsville Immigration Court, it is still pending. Moreover, the immigration judge has determined that a mental competency hearing should be held; it is scheduled for December 22, 2025. (See a screenshot of the EOIR Case Portal showing Petitioner's upcoming hearing date, which is attached hereto and made a part hereof as Exhibit 2).
2. Petitioner was reporting annually to ICE/ISAP. Today, December 4, 2025, Petitioner arrived for her annual check-in at the ICE Baltimore Field Office, where she was immediately arrested without a warrant and detained by ICE officials. Petitioner is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.
3. Petitioner PEREZ-AYQUIPA 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 continued detention and removal from the United States.
4. Ms. PEREZ-AYQUIPA has very strong family and community ties in Maryland, including her siblings and local counsel. Moreover, Petitioner has no criminal record in the United States or anywhere in the world.

CUSTODY

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

JURISDICTION AND VENUE



6. 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.
7. Venue is proper in the District of Maryland because that is where Petitioner became 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

8. Petitioner PEREZ-AYQUIPA is a citizen and national of Peru who has a pending asylum application before the Hyattsville Immigration Court.
9. 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.

10. 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 Ms. LOPEZ are under his direction. Mr. Lyons is being sued in his official capacity only.
11. 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. Ms. LOPEZ is held by ICE agents under Ms. Baker's direction. Ms. Baker is being sued in her official capacity only.

FACTUAL ALLEGATIONS

12. Petitioner is a national and citizen of Peru who entered the United States on or about April 21, 2023, and was subsequently granted parole.
13. Petitioner filed her asylum with the Hyattsville Immigration Court, after suffering through inter alia, 

14. Petitioner's asylum application is currently pending before the Hyattsville Immigration Court. Petitioner has an upcoming mental competency hearing before the immigration court on December 22, 2025.
15. Petitioner was reporting annually to ICE/ISAP. Today, December 4, 2025, Petitioner arrived for her annual check-in at the ICE Baltimore Field Office, where she was immediately arrested without a warrant, and detained by ICE officials. Petitioner is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable conditions.
16. Petitioner has no criminal record and lives in Gaithersburg, Maryland.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

17. 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)).
18. 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.

19. 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 Ill)*, 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).
20. 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

21. Petitioner re-alleges and incorporates by reference the paragraphs above.
22. Petitioner's detention violates substantive and procedural due process guarantees of the U.S. Constitution. Upon information and belief, Petitioner complied with all ICE reporting requirements, including reporting every year as instructed. On December 4, 2025, Petitioner arrived for her annual check in with ICE. ICE arrested her without a warrant, detained, and transferred her upon her arrival. It is a violation of due process and unjustified for Respondents to have arrested and detained Petitioner without a warrant

when she presented herself as directed, and where Respondents had not obtained an arrest warrant in violation of due process.

23. 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.
24. “[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”).
25. “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.
26. A person like Petitioner, with a meritorious claim for asylum pending before USCIS, withholding of removal, and protection under CAT, and who is not presently in removal proceedings, is entitled to be free from arbitrary and capricious detention under the Due Process Clause.
27. Petitioner’s detention is unreasonable based on the facts and circumstances of Petitioner’s case, including her current pending asylum application, 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).

28. 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)).
29. 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 the Habeas Petitioner.
30. 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

31. 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.
32. Here, when Petitioner reported to ICE/ISAP 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. DHS 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)

33. Petitioner re-alleges and incorporates by reference the paragraphs above.
34. Petitioner's detention despite having a pending meritorious asylum claim before the immigration court is an abuse of discretion and unlawful.
35. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner PEREZ-AYQUIPA from detention based on her pending asylum application, lack of criminal record, local counsel and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to her ties here in the community.

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 Fourt and Fifth Amendment of the Constitution;

- 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

Ronald D. Richey, Esq.
MD Bar# 0906240005
Law Office of Ronald D. Richey
19785 Crystal Rock Dr., Ste. 307
Germantown, MD 20874
T: (301) 738-2338
info@immigrationlawrichey.com
Attorney for Petitioner