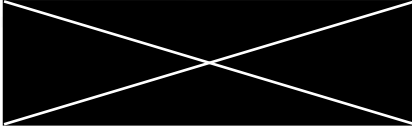


**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

Felix Amilcar AYALA HERNANDEZ



Petitioner,

v.

Kristi Noem, Secretary of DHS  
2707 Martin Luther King Jr Ave, SE  
Washington, DC 20528-0525

Pam Bondi, U.S. Attorney General  
U.S. Department of Justice  
950 Pennsylvania Ave, NW  
Washington, DC 20530-0001

Todd Lyons, Acting Director  
Immigrations and Customs Enforcement  
500 12<sup>th</sup> Street SW  
Washington, DC 20536

Nikita Baker, Acting Director  
ICE Baltimore Field Office  
31 Hopkins Plaza #630  
Baltimore, MD 21201

Respondents.

No.

PETITION FOR WRIT OF  
HABEAS CORPUS

**PETITION FOR A WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1. Mr. Felix Amilcar AYALA HERNANDEZ is a 58-year-old native and citizen of El Salvador. Petitioner entered the United States on or about March 1997 and has lived in the United States ever since. Petitioner has five United States citizen children, ages 25, 22, 21, 17, and 13. Petitioner is eligible for, inter alia, cancellation of removal.
2. On December 17, 2025, at around 6:30 A.M, Petitioner stepped outside of his apartment to warm up his car before leaving for work. As he was inside the vehicle, not yet driving, ICE officials jammed his front door/window and forcibly removed Petitioner from his vehicle. Petitioner was immediately arrested without a warrant, detained, and transferred to Baltimore. 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 AYALA HERNANDEZ petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy his unlawful detention by ICE. 28 U.S.C. § 2241. He fears his imminent transfer to another state and/or removal from the United States.
4. Mr. AYALA HERNANDEZ has very strong family and community ties in Maryland, including his five U.S. citizen children, stable employment, and local counsel. (Petitioner's U.S.C. children's birth certificates are attached hereto and made a part hereof as Exhibit 1). Moreover, Petitioner has serious medical conditions, including thyroid issues, high blood pressure, and significant obesity.

**CUSTODY**

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201. Petitioner is under the direct control of Respondents and their agents.

**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 the 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 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**

8. Petitioner Felix Amilcar AYALA HERNANDEZ is a male citizen and national of El Salvador who has been present in the United States since 1997.
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 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 Mr. AYALA HERNANDEZ 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. Mr. AYALA HERNANDEZ 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 El Salvador who entered the United States in or about March 1997.
13. On December 17, 2025, at around 6:30 A.M, Petitioner stepped outside of his apartment to warm up his car before leaving for work. As he was inside the vehicle, not yet driving, ICE officials jammed his front door/window and forcibly removed Petitioner from his vehicle. Petitioner was immediately arrested without a warrant, detained, and transferred to Baltimore. 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.
14. Mr. AYALA HERNANDEZ has not yet been placed in removal proceedings. However, if he is, he will be eligible for cancellation of removal. Moreover, Petitioner's U.S.C children will also be filing an I-130 petition on his behalf.

15. Petitioner has five U.S. Citizen children. He works very hard to support both of his minor children, as well as their mother. All of his children depend on him greatly.

### **LEGAL BACKGROUND**

#### **A. Statutory and Constitutional Limits for Immigration Detention**

16. 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)).
17. 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.

18. 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).
19. 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**

1. Petitioner re-alleges and incorporates by reference the paragraphs above.
2. Petitioner's detention violates substantive and procedural Due Process guarantees of the U.S. Constitution. On December 17, 2025, Petitioner was outside of his apartment complex when he was forcibly removed from his vehicle and questioned by ICE officials. ICE arrested him without a warrant, detained him, and transferred him. It is a violation of due process and unjustified for Respondents to have arrested and detained Petitioner

without a warrant when he was merely outside of his apartment complex, not yet driving, and where Respondents had not obtained an arrest warrant in violation of due process.

3. 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.
4. “[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”).
5. “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.
6. Before depriving Petitioner of his liberty interest, he should at least be afforded an opportunity to be heard. Procedural due process requires, at a minimum, an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Applying the Mathews factors, courts consistently find that: (a) the private interest in freedom from physical restraint is “the most elemental of liberty interests”; (b) the risk of erroneous deprivation is high where detention occurs without a hearing; and (c) the government’s interest in immediate detention without process is minimal. *See P.T. v. Hermosillo*, No. 2;2025cv02259 (W.D.W.A) (applying Mathews and

finding detention unconstitutional where ICE failed to provide pre-deprivation process); *see also Ngha v. Noem*, No. 8:25-C-V-04055-BAH, 2025 (D. Md. Dec. 11, 2025).

7. A person like Petitioner, with strong family and community ties in Maryland and the United States, who is eligible for cancellation of removal and will soon be the beneficiary of an I-130 petition, and who is not a flight risk nor a danger to society, is entitled to be free from arbitrary and capricious detention under the Due Process Clause. Petitioner's detention is unreasonable based on the facts and circumstances of Petitioner's case. *Sopo*, 825 F.3d at 1217-19 (outlining factors that govern when mandatory detention becomes prolonged).
8. 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)).
9. 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.
10. 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**

11. 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.
12. Here, when Petitioner exited his apartment building to warm up his car, he was 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, 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)**

13. Petitioner re-alleges and incorporates by reference the paragraphs above.
14. Petitioner's detention despite having over 28 years of presence in the United States, five U.S. citizen children, employment, family, and community ties, is an abuse of discretion and unlawful.
15. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention based on violations of, inter alia, his Fourth and Fifth Amendment rights, his eligibility for cancellation of removal, and strong family

and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his ties here in the community. Petitioner's five U.S. citizen children depend on him greatly for support.

**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, returnable within three days pursuant to 28 U.S.C. §2243, 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, Due Process;
- 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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