

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Carla Vanessa VIDAL-VEGA



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 12th 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. Ms. Carla Vanessa VIDAL VEGA is a female, citizen and national of Guatemala, who was granted withholding of removal pursuant to the Convention Against Torture (CAT) by a Baltimore Immigration Judge on December 13, 2024, along with her minor child. (A screenshot of the EOIR Case Portal showing her grant of CAT Withholding of Removal attached hereto and made a part hereof as Exhibit 1). Moreover, Petitioner has a minor U.S. citizen child. (A copy of her U.S. citizen child's birth certificate is attached hereto and made a part hereof as Exhibit 2).
2. After being granted withholding of removal pursuant to the Convention Against Torture (CAT), Ms. VIDAL VEGA was regularly reporting to ICE/ISAP. Today, January 7, 2026, Petitioner appeared for her scheduled appointment, where she was immediately arrested without a warrant and detained. 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 VIDAL VEGA 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 removal from the United States to a third country, likely Mexico, Honduras, Guatemala, or El Salvador.
4. Ms. Carla Vanessa VIDAL VEGA has very strong family and community ties in Maryland, including her U.S. citizen son, minor child, and her partner, who depend on her for their well-being, stable employment, and local counsel. Further and importantly, Petitioner has no criminal record.

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 Carla Vanessa VIDAL VEGA is a citizen and national of Guatemala who was granted CAT Withholding of Removal on December 13, 2024, by a Baltimore immigration judge.
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 Ms. VIDAL VEGA 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. VIDAL VEGA 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 Guatemala and was granted withholding of removal pursuant to CAT, along with her minor child, on December 13, 2024.
13. After being granted CAT withholding of removal, Petitioner was regularly reporting to ICE/ISAP. Today, January 7, 2026, Petitioner arrived for her scheduled reporting appointment in Baltimore. Thereafter, Petitioner 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.
14. Petitioner VIDAL VEGA is being held in deplorable and inhumane conditions. Although she has only recently arrived, she has already witnessed, and counsel has previously been informed by other similarly-situated clients of extremely inhumane and degrading treatment at the ICE facility in Baltimore. There are no beds or showers available.

15. Petitioner currently lives with her minor U.S. Citizen son, child, and partner. Petitioner works very hard to support her family both financially and emotionally. She is the primary caregiver for her two minor children. Moreover, Petitioner has no criminal record and is the primary caregiver and provider for her minor children.

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 January 7, 2026, when Petitioner arrived for her ICE/ISAP appointment, she was immediately arrested by ICE officials without a warrant, detained, and transferred to ICE in Baltimore. It is a violation of due process and unjustified for

Respondents to have arrested and detained Petitioner without a warrant when she was merely showing up for her scheduled reporting and had been previously granted CAT Withholding of Removal.

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 her liberty interest, she 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, who has already been granted CAT withholding of removal, who has two minor children (one of whom is a U.S. citizen) who depend on her, with strong family and community ties in Maryland and the United States, has no criminal record, 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. Moreover, Petitioner has been at liberty in the United States for many years and has been protected from removal to her country since December 2024. Respondents have not demonstrated any evidence as to why they are disrupting the status quo. Respondents maintain the burden to show why they are violating Petitioner VIDAL-VEGA's constitutional, *inter alia*, rights.
9. 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)).
10. 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 Petitioner.

11. 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

12. 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.
13. Here, when Petitioner arrived at her regularly scheduled ICE/ISAP appointment, she 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)

14. Petitioner re-alleges and incorporates by reference the paragraphs above.
15. Petitioner’s detention, despite having been granted withholding of removal pursuant to CAT, many years of presence in the United States, two minor children(one being a U.S.

citizen), employment, no criminal record, family, and community ties, is an abuse of discretion and unlawful.

16. 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, her grant of CAT withholding of removal, 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 his ties here in the community. Petitioner's minor children depend on her greatly for her well-being and 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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