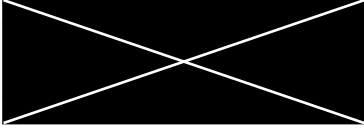


**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Werner Ottoniel SANCHEZ-PEREZ



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. Mr. Werner Ottoniel SANCHEZ-PEREZ is a 38-year-old native and citizen of Guatemala. Petitioner entered the United States in or about 2004 and has lived in the United States ever since. Petitioner has four United States citizen children, ages 1, 5, 13, and 16. (A copy of Petitioner's U.S. Citizen children's birth certificates is attached hereto and made a part hereof as Exhibit 1). Petitioner is eligible for, inter alia, cancellation of removal.
2. On January 7, 2026, while Petitioner was on his way to work, he was abruptly stopped by ICE officials, 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 SANCHEZ-PEREZ 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. SANCHEZ-PEREZ has very strong family and community ties in Maryland, including his four U.S. citizen children, partner, stable employment, and local counsel. Moreover, Petitioner has no criminal record and was not previously in removal proceedings.

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 Werner Ottoniel SANCHEZ-PEREZ is a male citizen and national of Guatemala who has been present in the United States since 2004.
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. SANCHEZ-PEREZ 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. SANCHEZ-PEREZ 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 who entered the United States in or about 2004.
13. On January 7, 2026, Petitioner was abruptly stopped by ICE officials while on his way to work. 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. SANCHEZ PEREZ has not yet been placed in removal proceedings. However, if he is, he will be eligible for cancellation of removal.
15. Petitioner has four minor U.S. Citizen children and no criminal record. He works very hard to support all of his minor children, as well as their mother. His family depends on him greatly for financial, emotional, and psychological support.

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 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).
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, while Petitioner was on his way to work, 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 driving to work, 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, 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. 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 was merely driving to work, 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 20 years of presence in the United States, four minor 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 four U.S. citizen children and partner depend on him greatly for support.

PRAAYER 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

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