

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Jelldis Odili GOMEZ-ZEPEDA



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

Vernon Liggins, 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. Mrs. Jelldis Odili GOMEZ ZEPEDA is a citizen and national of Honduras and was granted Withholding of Removal by a New York Immigration Judge on April 2, 2018. (A copy of the order of the immigration judge is attached hereto and made a part hereof as Exhibit 1). Moreover, Petitioner's Motion for TRO and Petition for a Writ of Habeas Corpus was previously granted by this Honorable Court in November of 2025. (A copy of the orders entered by the Honorable U.S. District Judge Deborah L. Boardman is attached hereto and made a part hereof as Exhibit 2).
2. Today, January 16, 2026, Mrs. GOMEZ ZEPEDA reported to ICE. Upon reporting, she was detained by ICE without a warrant. ICE has articulated no change in circumstances since Petitioner's previous release ordered by this Court. Undersigned counsel has been Petitioner's counsel since 2024. Undersigned counsel was not notified of any change in circumstances leading to Petitioner's re-detention. Petitioner is being held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201.
3. Petitioner Jelldis Odili GOMEZ ZEPEDA petitions this Court to issue a second Writ of Habeas Corpus seeking relief to remedy her unlawful detention by ICE. 28 U.S.C. § 2241. It is likely that ICE will quickly remove her to another state, likely Louisiana or Texas, today or soon.
4. Mrs. Jelldis Odili GOMEZ ZEPEDA is the primary caregiver for her minor United States Citizen daughter, who suffers from autism spectrum disorder. (A copy of Petitioner's U.S.C. daughter's birth certificate and a medical letter diagnosing Petitioner's daughter with autism are attached hereto and made a part hereof as Exhibits 3 and 4, respectively).

Furthermore, Petitioner is currently pregnant. (A copy of Petitioner's medical records are attached hereto and made a part hereof as Exhibit 5). Petitioner has no criminal convictions and was granted Withholding of Removal.

CUSTODY

5. Petitioner is in the physical custody of Respondents and the Department of Homeland Security (DHS), United States Immigration and Customs Enforcement (ICE). 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 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 Jelldis Odili GOMEZ-ZEPEDA is a native and citizen of Honduras who has been present in the U.S. for many years. Petitioner's Motion for TRO and Petition for Habeas Corpus were granted by this Honorable Court in November of 2025 .
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 Mr. GOMEZ-ZEPEDA are under his direction. Mr. Lyons is being sued in his official capacity only.
11. Defendant Vernon Liggins is the current Acting Deputy Director of the ICE Baltimore Field Office, the facility where Petitioner is currently detained. Mr. Liggins is responsible for ICE operations in the Maryland area. Mrs. GOMEZ-ZEPEDA is held by ICE agents under Mr. Liggins's direction. Mr. Liggins is being sued in her official capacity only.

FACTUAL ALLEGATIONS

12. Petitioner is a national and citizen of Honduras and was granted Withholding of Removal by a New York immigration court on April 2, 2018.
13. Petitioner was previously detained by ICE/ISAP in Baltimore on November 4, 2025. Subsequently, in November of 2025, her TRO and petition for a writ of habeas corpus were granted.

14. Today, January 16, 2026, when Petitioner again appeared for her reporting with ICE in Baltimore, she was unlawfully arrested without a warrant and detained. ICE has articulated no change in circumstances for her re-detention. Petitioner understands that she is likely to be transferred to another facility out of state imminently.
15. Petitioner is pregnant, has no criminal convictions, and has many family and community ties in the United States, including her minor, U.S. Citizen daughter, who has been diagnosed with autism spectrum disorder, and employment.

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 mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.

18. Following *Zadvydas* and *Demore*, 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); *Reidy 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.

B. Withholding of Removal

20. Withholding of removal is a mandatory form of protection governed by 8 C.F.R. § 208.16(c). To qualify, an applicant bears the burden of establishing that it is *more likely than not* that they would be subjected to torture if removed to the proposed country of removal. In making this determination, adjudicators must consider all relevant evidence,

including past instances of torture, the possibility of internal relocation, evidence of gross or systematic human rights violations, and other country conditions. See 8 C.F.R. § 208.16(c)(3). Once it is determined that an applicant meets this standard and is not subject to mandatory denial, the adjudicator must grant withholding of removal under CAT. 8 C.F.R. § 208.16(d)(1).

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, as there is no legal basis for detaining someone granted withholding of removal pursuant to the Convention Against Torture and not subject to imminent removal. Petitioner was previously detained on November 4, 2025. Just two days later, the Honorable Judge Boardman found that Petitioner established the *Winter* factors in her favor and granted Petitioner's Motion for TRO. Thereafter, Petitioner's Petition for Habeas Corpus was granted. On January 16, 2026, when Petitioner arrived for her monthly check-in with ICE/ISAP in Baltimore, she was immediately arrested by ICE officials without a warrant and detained. It is a violation of due process and unjustified for Respondents to have arrested and detained Petitioner without a warrant when she was attending her monthly reporting appointment as required. Moreover, Petitioner had always been attending her monthly reporting appointments and was previously ordered released by this Honorable Court.
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. Specifically, Petitioner’s due process rights were procedurally violated in that when she reported on January 16, 2026, for her monthly check-in with ICE/ISAP in Baltimore, she was immediately arrested and detained without any just cause or change in circumstances. 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).

Applying the three *Mathews* factors to Petitioner’s facts shows: 1) Petitioner invokes “the most significant liberty interest there is—the interest in being free from imprisonment,” and a “person’s liberty interest cannot be abridged without adequate procedural protections;” 2) the risk of erroneous deprivation is high because no determination was made prior to, or at the time of, Petitioner’s arrest, and the Government has alleged no change in circumstances to justify detention; and 3) the Government’s interest is minimal, particularly where continued detention is not supported by individualized findings or adequate procedural safeguards. *See Artiga v. Genalo*, No. 25-CV-5208, Mem. & Order at 19 (E.D.N.Y. Oct. 5, 2025). Due to Petitioner’s unique circumstances, including her pregnancy, a U.S. citizen daughter, who has been diagnosed with Autism spectrum disorder, for which she is the sole caregiver and provider, and no criminal record, her *Mathews* factors support that she should be entitled to be free from arbitrary and capricious detention under the due process clause.

27. Additionally, Respondents’ arrest and detention of Petitioner violates her substantive due process rights. The Supreme Court in *Zadvydas v. Davis*, 522 U.S. 678 (2001), held that detention where removal cannot occur within the reasonably foreseeable future is unconstitutional and found that a six-month period is a presumptive maximum period of reasonable detention. Here, Petitioner’s removal is not reasonably foreseeable. Because detention no longer bears a reasonable relationship to effectuating removal, Petitioner’s continued custody exceeds statutory authority and violates due process.

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)). Petitioner is detained in a non-regular immigration detention center; it is only a holding center that consists of deplorable conditions, including no beds, no opportunity for showers, and unsatisfactory food.

29. Petitioner should be released or at least be allowed a hearing regarding the alleged change in circumstances or any other reasons for why she was unexpectedly arrested and detained on January 16, 2026.
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

1. 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.
2. Petitioner's arrest was unlawful because ICE effected a warrantless civil immigration arrest while she was voluntarily appearing for a scheduled ICE check-in, without probable cause to believe she was likely to escape before a warrant could be obtained, as required by 8 U.S.C. § 1357(a)(2). As Judge Howell, in the DC District Court, held in *Escobar Molina et al. v. DHS*, warrantless civil immigration arrests are unlawful where immigration officers fail to make an individualized, pre-arrest determination that the noncitizen poses

an escape risk, particularly where the individual is complying with ICE supervision and appearing as directed. *See Escobar Molina*, Civ. Action No. 25-3417 (D.D.C. Dec. 2, 2025) (granting class action injunction in DC against warrantless arrests lacking escape-risk probable cause). Arresting Petitioner while she was affirmatively reporting to ICE, rather than evading authorities, demonstrates the absence of any plausible escape risk and renders the warrantless arrest statutorily and constitutionally unlawful.

THIRD CLAIM FOR RELIEF

VIOLATION OF 28 U.S.C. § 1361 (Writ of Mandamus)

3. Petitioner re-alleges and incorporates by reference the paragraphs above.
4. Petitioner's detention despite being pregnant, being the sole provider and caregiver to her minor U.S. citizen daughter with autism, having many years of presence in the United States, and being granted withholding of removal.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT

5. Petitioner re-alleges and incorporates by reference the paragraphs above.
6. Under the APA, a court shall "hold unlawful and set aside agency action" that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An agency action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

7. Here, ICE's decision to detain and attempt to transfer Petitioner, who was previously granted habeas relief and there was no change in circumstances, was complying with ICE supervision requirements, no criminal record, and has strong family and community ties in Maryland, is arbitrary and capricious. Despite this, Respondents abruptly arrested and detained Petitioner without articulating any change in real factual circumstances, legal authority, or public-safety justification.
8. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention and/or order a bond hearing based on violations of, inter alia, her Fourth and Fifth Amendment rights, her current pregnancy, her minor U.S. citizen daughter with autism spectrum disorder, 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. Petitioner's minor U.S. citizen daughter with autism spectrum disorder depends on her wholly for her well-being and care.

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, and/or order Respondents to conduct a bond hearing within seven days;
- 3) Order Respondents to show cause, returnable within seven 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, her Fourth and Fifth Amendment Rights, the APA, and the INA; and

5) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Richey

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