

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Greenbelt Division)

Gladis Eugenia Alvarez De Leon De Xec,

*

Petitioner,

*

Case No. 1:26-cv-00277-DLB

v.

*

Warden, Baltimore Ice Detention, et al.,

*

Respondents.

*

* * * * *

RESPONDENTS' RESPONSE TO THE FEBRUARY 26, 2026 ORDER

Respondents, by and through undersigned counsel, Kelly O. Hayes, United States Attorney for the District of Maryland, Beatrice C. Thomas, Assistant United States Attorney, and Kristy A. Burkhardt, Special United States Attorney for said district, pursuant to the Court's February 26, 2026 Order, hereby submit the following Response and in support thereof, state the following:

1. On February 23, 2026, the Immigration Judge ("IJ") granted Petitioner Voluntary Departure. ECF No. 14-1, p. 4. The Immigration Judge granted Voluntary Departure "under safeguards." *Id.*
2. According to 8 C.F.R. § 1240.26(b)(3)(i), an Immigration Judge who grants voluntary departure is permitted to "impose such conditions as he or she deems necessary to ensure the alien's timely departure."
3. Pursuant to *Matter of M-A-S-*, "[t]he term 'voluntary departure with safeguards' is commonly used to characterize the requirement that a [noncitizen] remain in custody until he or she departs from the United States." 24 I&N Dec. 762, 766 (BIA 2009).
4. As understood in *Matter of M-A-S-*, the "Immigration Judge's use of the term 'under

safeguards' solely mean[s] continued detention, because the Immigration Judge did not reference or impose any other limitations on the [Petitioner's] voluntary departure." *Matter of M-A-S-*, 24 I. & N. Dec. at 765. Such is the case here. The Immigration Judge declined to impose any additional conditions on Petitioner's voluntary departure. This Court should likewise decline to add conditions and deny Petitioner's request for immediate release.

5. WHEREFORE, Respondents request that Petitioner's request for immediate release be denied, and the Petitioner remain detained until they have voluntarily departed the United States, in accordance with the Immigration Judge's February 23, 2026 Order.

Dated: March 3, 2026

Respectfully submitted,

Kelly O. Hayes
United States Attorney

By: /s/ Beatrice C. Thomas
Beatrice C. Thomas (Bar No. 21969)
Assistant United States Attorney
U.S. Attorney's Office, District of Maryland
36 S. Charles Street, Suite 400
Baltimore, Maryland 21201
Telephone: (410) 209-4800
Beatrice.Thomas@usdoj.gov
Counsel for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 3rd day of March, 2026, a copy of the foregoing *Response* was served via CM/ECF on all parties and counsel receiving electronic notice in this case.

/s/ Beatrice C. Thomas
Beatrice C. Thomas (Bar No. 21969)
Assistant United States Attorney