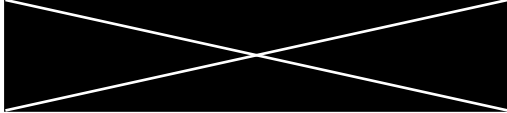


**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

Oscar David CRUZ-SANCHEZ



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

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. Ms. Oscar David CRUZ-SANCHEZ is a 35-year-old native and citizen of Honduras. On or about July 3, 2023, Petitioner was apprehended by CBP at the U.S. border. CBP decided to release him and his three children into the U.S. He has lived with his family in the U.S. since that time without any incident. She has been attending his removal hearings and attended his asylum merits hearing on July 25, 2025. Therefore, Petitioner timely filed an appeal of the immigration judge's removal decision on August 25, 2025. (A screenshot of the EOIR Case Portal showing Petitioner's timely filed appeal is attached hereto and made a part hereof as Exhibit 1). That appeal is pending before the BIA. Thus, he does not have a final administrative order of removal. Petitioner has committed no crimes and has been reporting to ICE as requested. There has been no real change in his circumstances since the time of his release at the border.
2. Petitioner is the father of three minor children. Petitioner is the primary caregiver of his minor children and supports them both financially and emotionally.
3. Petitioner was required to report to ICE/ISAP in Baltimore on a monthly basis, and he consistently did so. However, on January 23, 2026, when Petitioner arrived at Baltimore ICE/ISAP for his monthly reporting appointment, he was abruptly arrested by ICE officials without a warrant and detained without explanation or just cause. Petitioner is held at the Immigration and Customs Enforcement Baltimore Field Office at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201, in deplorable and inhumane conditions.
4. Petitioner Oscar David CRUZ-SANCHEZ petitions this Honorable Court to issue a Writ of Habeas Corpus seeking relief to remedy his arbitrary, capricious, and unlawful detention by ICE. 28 U.S.C. § 2241.

5. Petitioner CRUZ SANCHEZ has very strong family and community ties in Maryland, including his three minor children, who completely depend on him for their well-being and financial stability, friends, stable employment, and local counsel. Further, and importantly, Petitioner has no criminal record.

#### **CUSTODY**

6. 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/or their agents.

#### **JURISDICTION AND VENUE**

7. 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.
8. 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**

9. Petitioner Oscar David CRUZ SANCHEZ is a male citizen and national of Honduras who has been present in the U.S. since July 3, 2023.

10. 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.
11. 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. CRUZ SANCHEZ are under his direction. Mr. Lyons is being sued in his official capacity only.
12. 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. Mr. CRUZ SANCHEZ is held by ICE agents under Mr. Liggins's direction. Mr. Liggins is being sued in his official capacity only.

#### **FACTUAL ALLEGATIONS**

13. Petitioner is a national and citizen of Honduras who was apprehended by CBP at the border on or about July 3, 2023, and then released by CBP into the United States with three of his children.
14. On January 23, 2026, Petitioner reported for his monthly check-in with ICE/ISAP. Shortly after arrival, Petitioner was arrested by ICE officers without a warrant and without being informed of the reasons for his sudden arrest and detention, where no change in circumstances existed. 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.

15. Mr. CRUZ SANCHEZ does not have a final administrative order of removal, but is in the midst of his removal proceedings. Petitioner timely filed an appeal of the immigration judge's decision with the Board of Immigration Appeals; it is currently pending. At present, the Board is taking between three and five years to issue a decision on a pending appeal.
16. Petitioner resides with his three minor children. He is the primary caregiver and financial provider for these three minor children. Petitioner's children have been suffering greatly since his detention.

### **LEGAL BACKGROUND**

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

17. 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)).
18. 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.

19. 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).
20. 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.
21. Importantly, the INA draws a clear statutory distinction between noncitizens detained at the time of arrival under 8 U.S.C. § 1225 and those detained after they are already present in the United States under 8 U.S.C. § 1226. Section 1225 governs "applicants for admission" encountered at or near the border and mandates detention during expedited or initial admission proceedings, while § 1226(a) is the "default rule" governing

detention of noncitizens already inside the country pending removal proceedings and expressly authorizes release on bond or conditional parole. *Jennings v. Rodriguez*, 583 U.S. 281, 289, 303 (2018). In *Said v. Noem*, the court held that although the petitioner was initially apprehended at the border and processed under § 1225, DHS’s subsequent issuance of a Notice to Appear placing him in standard removal proceedings under INA § 240 and classifying him as “present in the United States without admission or parole” triggered detention authority under § 1226(a) going forward. *Said v. Noem*, No. 3:25-cv-00938-MOC, 2025 LX 592150 (W.D.N.C. Dec. 17, 2025). The court emphasized that DHS may not retroactively “rebrand” a noncitizen as an arriving alien subject to mandatory detention after allowing him to reside in the United States on parole and proceed through § 240 removal proceedings, as such recharacterization conflicts with the statutory distinction between noncitizens “on the threshold of entry” and those who have effected entry into the country. *Id.* at 12–14 (citing *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)). Accordingly, the court concluded that a noncitizen apprehended at the border, later released, and subsequently detained at a routine check-in appointment is subject to discretionary detention under § 1226(a), not mandatory detention under § 1225. *Id.* at \*14–16.

22. Further, 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. 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. *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).

23. Finally, 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)).

### **FIRST CLAIM FOR RELIEF**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION**

24. Petitioner re-alleges and incorporates by reference the paragraphs above.
25. Petitioner’s detention violates the substantive and procedural Due Process guarantees of the United States Constitution. Petitioner entered the United States in July 2023 and was initially apprehended at the border. DHS thereafter issued a Notice to Appear placing him in standard removal proceedings and designated him as a noncitizen “present in the United States without admission or parole.” After releasing Petitioner into the United States, DHS subjected him to re-detention during a routine check-in appointment. Because DHS elected to proceed under regular removal proceedings and treated Petitioner as already present in the United States, his subsequent detention is governed by the discretionary framework of 8 U.S.C. § 1226(a), not the mandatory detention provisions of 8 U.S.C. § 1225. Petitioner’s

re-detention without an individualized bond hearing, therefore, violates both substantive and procedural due process. *See Said, supra: Velasquez v. Noem*, Civil Action No. GLR-25-3215, 2025 LX 400577 (D. Md. Oct. 27, 2025); *Maldonado de Leon v. Baker*, Civil Action No. 25-3084-TDC, 2025 LX 473505 (D. Md. Oct. 21, 2025).

1. 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. “[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).
2. Before depriving Petitioner of his liberty interest, he should at least be afforded an opportunity to be heard before a neutral decision maker. 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 factors to Petitioner’s facts show: 1) Petitioner CRUZ SANCHEZ 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 Petitioner was not afforded a hearing before a neutral decision maker, before or at the time of, Petitioner’s arrest; and 3) the Government’s interest in immediate detention without process is minimal. *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 his minor children, for whom he is the primary caregiver, and no criminal record, his *Mathews* factors support that he should be entitled to be free from unlawful, arbitrary, and capricious detention under the inter alia due process clause.

3. Additionally, Respondents’ arrest and detention of Petitioner violates his 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, as he is currently still in immigration proceedings and is entitled to pursue and is eligible for relief. Thus, Petitioner’s continued custody exceeds statutory authority and violates due process.
4. 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 currently being held at the ICE Baltimore Field Office, where there are no beds or blankets, and little to no food.

5. Petitioner should be released or at least be permitted an immigration bond hearing regarding the alleged change in circumstances or any other reasons for why he was unexpectedly arrested and re-detained on January 16, 2026, because she falls under 8 U.S.C. § 1226(a).

### **SECOND CLAIM FOR RELIEF**

#### **VIOLATION OF THE FOURTH AMENDMENT OF THE U.S. CONSTITUTION**

6. 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.
7. Petitioner's arrest was unlawful because ICE effected a warrantless civil immigration arrest while he 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. *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 he 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)**

8. Petitioner re-alleges and incorporates by reference the paragraphs above.
9. Petitioner's detention despite having many years of presence in the United States, three minor children, employment, family, and community ties, is an abuse of discretion, arbitrary, capricious, and unlawful.

**FOURTH CLAIM FOR RELIEF**

**VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

10. Petitioner re-alleges and incorporates by reference the paragraphs above.
11. 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)).
12. Here, ICE's decision to detain and attempt to transfer Petitioner, who does not have a final removal order, 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.

13. 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, his Fourth and Fifth Amendment rights, his pending appeal before the Board of Immigration Appeals, 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 minor children, two of whom are U.S. citizens, wholly depend on him for their 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, Due Process; and
- 5) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Richey

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