UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Martin VASQUEZ SANCHEZ, *Petitioner* v. Vernon LIGGINS, Field Office Director, Immigration and Customs Enforcement Baltimore Field Office Kristi NOEM, Secretary of Homeland Security, DEPARTMENT OF HOMELAND SECURITY, Pamela BONDI, Attorney General of the United States, EXECUTIVE OFFICE FOR IMMIGRATION REVIEW, *Respondents*	**Case No.: 8-26-cv-331**

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner Martin Vasquez Sanchez seeks a writ of habeas corpus. Respondents have custody of him at the Immigration and Customs Enforcement Field Office in Baltimore, Maryland.

JURISDICTION AND VENUE

2. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by DHS. *See, e.g.*, *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas); 28

U.S.C. § 1331 (federal question); and Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause).

3. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

4. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Maryland, the judicial district in which Mr. Vasquez Sanchez is currently detained.

5. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

6. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless Mr. Vasquez Sanchez is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

7. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

8. Petitioner Martin Vasquez Sanchez was detained by the Department of Homeland Security (DHS) on January 22, 2026, and remains in DHS custody.

9. Respondent Vernon Liggins is the Field Office Director for the Baltimore Field Office of Immigration and Customs Enforcement (ICE). Petitioner is currently detained at the Baltimore Field Office and Respondent Liggins is Petitioner's immediate custodian.

10. Respondent Kristi Noem is the Secretary of DHS. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Mr. Vasquez Sanchez's detention. Secretary Noem has ultimate custodial authority over Mr. Vasquez Sanchez.

11. Respondent Department of Homeland Security is the federal agency with custodial authority over Mr. Vasquez Sanchez.

12. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA).

13. Respondent EOIR is a component of DOJ which exercises the Attorney General's delegated authority to adjudicate matters relating to the detention and removal of noncitizens. Immigration judges (IJs) within EOIR exercise the Attorney General's authority under 8 U.S.C. § 1226 to detain or release noncitizens and determine the amount of bond under which noncitizens may be released. *See* 8 C.F.R. § 1236.1(d)(1).

14. All government official Respondents are sued in their official capacities.

FACTS

15. Mr. Vasquez Sanchez is a Peruvian national who has resided in the United States since December 26, 2022. He entered the United States near the California border on December 26, 2022, and was released on parole the following day, December 27, 2022.

16. Following his release, Mr. Vasquez Sanchez filed an asylum application on December 7, 2023, well within the one-year filing deadline. He was issued a receipt notice on December 27, 2023, and appeared for his biometrics appointment on January 18, 2024. His asylum application remains pending with U.S. Citizenship and Immigration Services ("USCIS").

17. On June 4, 2024, Mr. Vasquez Sanchez was issued an employment authorization document premised on his pending asylum application, valid through June 3, 2029. The United States government also issued him a Social Security number.

18. While living in the United States and prior to his detention by ICE, he has complied with the terms of his parole. Mr. Vasquez Sanchez was gainfully employed and has no criminal history.

19. In December 2025, Mr. Vasquez Sanchez, along with his wife and son, received notice from the Baltimore Immigration and Customs Enforcement ("ICE") Enforcement and Removal Office ("ERO") directing them to report for an ICE check-in at the Baltimore Field Office.

20. In compliance with this notice, Mr. Vasquez Sanchez reported for a check-in on January 22, 2026. During this check-in, ICE arrested and detained Mr. Vasquez Sanchez but did not detain his wife or son.

21. Mr. Vasquez Sanchez has remained detained at the Holding Room of the Baltimore Field Office since his arrest.

LEGAL FRAMEWORK

22. The INA prescribes three primary detention authorities applicable to most noncitizens in removal proceedings.

23. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. See 8 U.S.C. § 1229a. Individuals detained under § 1226(a) are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens arrested, charged with, or convicted of certain crimes are subject to mandatory detention under § 1226(c). Discretionary detention under § 1226(a) has been described as the "default" detention authority in standard removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018). Under § 1226(a), "[e]xcept as provided in subsection (c)," the Attorney General "may release" a noncitizen on "bond" or "conditional parole." Id. (internal citation omitted).

24. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1), as well as certain other recent arrivals seeking admission under § 1225(b)(2).

25. Third, the INA authorizes detention of noncitizens who have been ordered removed, including individuals in reinstatement or withholding-only proceedings. 8 U.S.C. § 1231(a)–(b).

26. This case concerns the detention provisions set forth at 8 U.S.C. §§ 1226(a) and 1225(b).

27. District courts have repeatedly addressed whether individuals who were previously granted parole are entitled to custody redetermination under § 1226(a).

28. In *Hernandez Lugo v. Bondi*, Judge George L. Russell III held that a noncitizen who had been paroled into the United States and resided here for more than two years was not an

"applicant for admission" and therefore could not be subject to expedited removal nor mandatory detention under § 1225(b)(1). 2025 WL 3280772 (D. Md. Nov. 25, 2025); see also *Bautista Villanueva v. Bondi*, CV-25-4152-ABA, n.1 (D. Md. Jan. 14, 2026); *Qasemi v. Francis*, No. 25-CV-10029 (LJL), 2025 WL 3654098, at *7 (S.D.N.Y. Dec. 17, 2025).

29. This Court and others have also rejected Respondents' theory that individuals who were previously granted parole and later arrested in the interior are subject to mandatory detention under § 1225(b)(2) and therefore ineligible for bond hearings under § 1226(a). See *Afghan v. Noem*, CV-SAG-25-04105 (D. Md. Dec. 23, 2025); *Rueda Torres v. Francis*, No. 25 CIV. 8408 (DEH), 2025 WL 3168759, at *4 (S.D.N.Y. Nov. 13, 2025) (rejecting argument that "because Ms. Rueda Torres was initially released on humanitarian parole, she will always remain" under § 1225(b)); *Qasemi v. Francis*, No. 25-CV-10029 (LJL), 2025 WL 3654098, at *11 (S.D.N.Y. Dec. 17, 2025) (finding Qasemi's re-detention after parole expired was under 1226(a)); *Munoz Materano v. Arteta*, No. 25 CIV. 6137 (ER), 2025 WL 2630826, at *11 (S.D.N.Y. Sept. 12, 2025) (granting on both statutory and constitutional claims for person who was initially paroled then re-detained).

30. Section 1225 is captioned "Inspection by immigration officers; expedited removal of inadmissible arriving aliens; referral for hearing." By its plain terms and structure, it applies to noncitizens encountered at or near the time of arrival—not to individuals who have resided within the United States for years. See *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000). Read in context, § 1225(b)(2)'s reference to "an alien who is an applicant for admission" is properly limited to individuals encountered during inspection at the border. *Afghan v. Noem*, CV-SAG-25-04105 (D. Md. Dec. 23, 2025).

31. On July 8, 2025, ICE, in coordination with the Department of Justice, announced a new policy that departed from this long-standing statutory interpretation.

32. That policy—"Interim Guidance Regarding Detention Authority for Applicants for Admission"—asserts that all individuals who entered without inspection are subject to detention under § 1225(b)(2)(A) without eligibility for bond, regardless of how long they have resided in the United States. DHS acknowledged that this policy represents a marked deviation from prior practice.

33. On September 5, 2025, the Board of Immigration Appeals adopted this position in *Matter of Yajure-Hurtado*, holding that noncitizens who entered without admission or parole are subject to detention under § 1225(b)(2)(A) and ineligible for bond hearings.

34. Since Respondents adopted these policies, the overwhelming majority of federal district courts have rejected ICE's interpretation of the INA and declined to follow *Matter of Yajure-Hurtado*.

35. District of Maryland Judge Stephanie A. Gallagher has likewise stated that she agrees with her hundreds of judicial colleagues in finding that the BIA is not entitled to *Skidmore* deference. *Yajure-Hurtado* represents a sharp departure from the agency's longstanding—and statutorily grounded—position that noncitizens who have been present in the United States for more than two years are governed by § 1226(a). Under *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), courts must exercise independent judgment in evaluating whether agency interpretations are persuasive. The BIA's interpretation conflicts with the plain language and structure of the INA. *Afghan v. Noem*, CV-SAG-25-04105 (D. Md. Dec. 23, 2025); *Maldonado de Leon v. Baker*, Civ. No. 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025).

36. Section 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

37. Accordingly, § 1225(b)(2)(A) does not apply to individuals like Mr. Vasquez Sanchez, who had already entered and was residing in the United States at the time of his arrest.

38. Where detention under § 1225(b) is unauthorized and inconsistent with statutory and constitutional requirements, immediate release or a bond hearing is an appropriate remedy. *Afghan v. Noem*, CV-SAG-25-04105 (D. Md. Dec. 23, 2025).

CLAIMS FOR RELIEF

COUNT I
Violation of the INA and the APA

39. The preceding paragraphs are incorporated by reference

40. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are present without having been admitted or paroled. By its very terms, it applies only to those noncitizens who are apprehended while they are applying for admission near the border or at a port of entry. As relevant here, it does not apply to those who are alleged to have previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

41. Since Mr. Vasquez Sanchez is not an applicant for admission "seeking admission" or "an arriving alien" subject to § 1225(b) and has no disqualifying criminal arrests or convictions subject to § 1226(c), he is entitled to a bond hearing by an immigration judge pursuant to § 1226(a). The application of § 1225(b)(2) to Mr. Vasquez Sanchez unlawfully mandates his continued

detention and violates the INA by depriving him of the rights he should be afforded under § 1226(a). To the extent that DHS asserts that *Matter of Yajure-Hurtado* nevertheless requires his mandatory detention, the BIA's interpretation in that case is ultra vires and in conflict with the careful balance of factors clearly established in the INA with regard to bond eligibility, and not subject to deference. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Such an agency action also violates the Administrative Procedure Act, as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)–(C).

COUNT II
Violation of Due Process

42. Mr. Vasquez Sanchez repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

43. The Due Process Clause prohibits the government from infringing upon certain "fundamental" liberty interests, "unless the infringement is narrowly tailored to support a compelling government interest." *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

44. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

45. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Mr. Vasquez Sanchez bond based on *Matter of Yajure Hurtado* violates procedural due process for several reasons, including but not limited to:

a. Mr. Vasquez Sanchez has a substantial liberty interest in freedom from physical restraint, as he is currently incarcerated after living in the United States for more than two years.

b. The risk of erroneous deprivation of liberty is exceptionally high because Respondents' interpretation categorically denies Mr. Vasquez Sanchez any opportunity to demonstrate—through an individualized hearing, as contemplated by the INA—that he is neither a flight risk nor a danger to the community.

c. The burden on the Government is minimal, as until DHS's very abrupt re-interpretation of the INA in *Matter of Yajure Hurtado*, IJs regularly conducted bond hearings for people like Mr. Vasquez Sanchez, and IJs weighed individualized risks appropriately as required by the INA. The Government's burden to do what it has always done does not justify any additional weight given to this factor.

46. Mr. Vasquez Sanchez has a fundamental interest in liberty and being free from arbitrary official restraint. The government's detention of Mr. Vasquez Sanchez without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order, under the All Writs Act, 28 U.S.C. § 1651, that Petitioner shall not be transferred outside of this jurisdiction while this habeas petition is pending;

c. Issue an Order requiring Respondents to show cause within three days why this Petition should not be granted;

d. Declare that Petitioner's detention is unlawful, and he is not an applicant for admission, "seeking admission," or "an arriving alien" subject to 8 U.S.C. § 1225(b);

e. Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights;

f. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);

g. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

h. Issue appropriate injunctive relief; and

i. Grant any other and further relief that this Court deems just and proper.

Date: January 26, 2026

/s/ Bradley Jenkins

Bradley Jenkins (Bar No. 21415)
Amica Center for Immigrant Rights
1025 Connecticut Avenue NW, Suite 701
Washington, DC 20036
bradley@amicacenter.org
(202) 599-3464