

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

Solange Abei Tewan,



Petitioner,

v.

Kristi Noem, *Secretary of Homeland Security,*

245 Murray Lane, SW
Washington, DC 20528

Todd Lyons, *Acting Director, U.S.
Immigration and Customs Enforcement,*

500 12th Street, SW
Washington, DC 20536

Nikita Baker, *ICE Baltimore Field Office
Director,*

500 12th Street, SW
Washington, D.C. 20536

Pamela Bondi, *Attorney General,*

950 Pennsylvania Avenue, NW
Washington, DC 20530

Respondents.

Case No. [TO BE ASSIGNED]

**PETITION FOR WRIT OF HABEAS CORPUS; CERTIFICATION PURSUANT TO
SECOND AMENDED STANDING ORDER 2025-01**

1. Petitioner-Plaintiff Solange Abei Tewan¹ (“Solange” or “Petitioner”) is a Cameroonian national seeking withholding of removal and relief under the Convention Against Torture (“CAT”) in the United States. Solange is currently in immigration custody at the Baltimore Field Office Hold Room and is threatened with imminent removal, almost certainly to a country where her life and safety would be immediately threatened.

2. On August 8, 2024, the government released Solange, having found that she had passed her credible fear interview and vacating detention order under section 235(b)(1). However, because the immigration court did not have her notice to appear in its files, her scheduled court date of January 8, 2025 did not proceed as scheduled, and removal proceedings against her were dismissed due to failure to prosecute by the government. Solange has remained in full and complete compliance with ICE directives at all times since being released from her initial detention.

3. On January 29, 2026, Solange was detained by Respondents-Defendants (“Respondents”) when she appeared, as instructed, for an in-person check-in under the Intensive Supervision Appearance Program (“ISAP”).

4. The notice for her January 28, 2026 check-in scheduled with U.S. Immigration and Customs Enforcement (“ICE”) pursuant to ISAP did not state that Solange’s Order of Supervision (“OSUP”) would be revoked, or that she would be detained.

5. Prior to her January 29 detention, Solange had steadfastly complied with requirements of her supervised release.

¹ Due to Cameroon naming conventions, Petitioner is sometimes referred to as Tewan Abei Solange.

6. Solange was unlawfully imprisoned, detained, and deprived of her liberty by Respondents because the detention was contrary to the statutory and constitutional protections to which Solange is entitled. Solange's detention is unlawful because it violates her statutory and constitutional rights, as described below.

7. Accordingly, Solange, through her undersigned counsel, respectfully requests that the Court order her immediate release from detention, or, in the alternative, order that an individualized determination, at a constitutionally-adequate hearing, must be made to determine the appropriateness of her continuous detention—and any other relief as specified herein and consistent herewith.

JURISDICTION AND VENUE

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act ("INA"), 8 U.S.C. Sec. 1101 *et seq.*

9. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary, and permanent injunctive relief pursuant to 28 U.S.C. §§ 2201 *et seq.*; the All Writs Act, 28 U.S.C. § 1651; and the Court's inherent equitable powers, as well as to issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

10. Venue lies in this District because Petitioner is detained in the custody of U.S. Immigration and Customs Enforcement in the Baltimore Field Office Hold Room, located within this division of this judicial district. Each Respondent is an officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1). In addition, Respondent Nikita Baker, ICE Baltimore Field Office Director, maintains her principal place of business in Baltimore, Maryland.

THE PARTIES

11. Petitioner Solange Abei Tewan is a 34-year-old woman, who is a native of Cameroon and resides in Maryland. Her Alien Registration Number is 

12. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

13. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

14. Respondent Nikita Baker is the ICE Baltimore Field Office Director. She is the head of the ICE office that arrested Petitioner, and such arrest took place under her direction and supervision. She is the immediate legal and physical custodian of Petitioner.

15. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and applications for relief from removal do so as her designees.

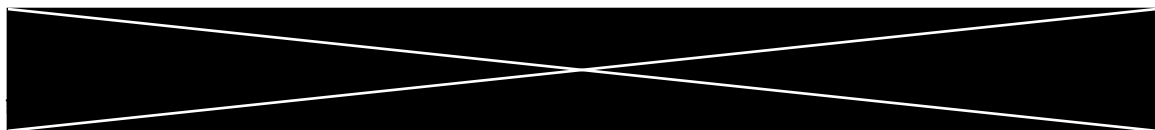
16. All government Respondents are sued in their official capacities.

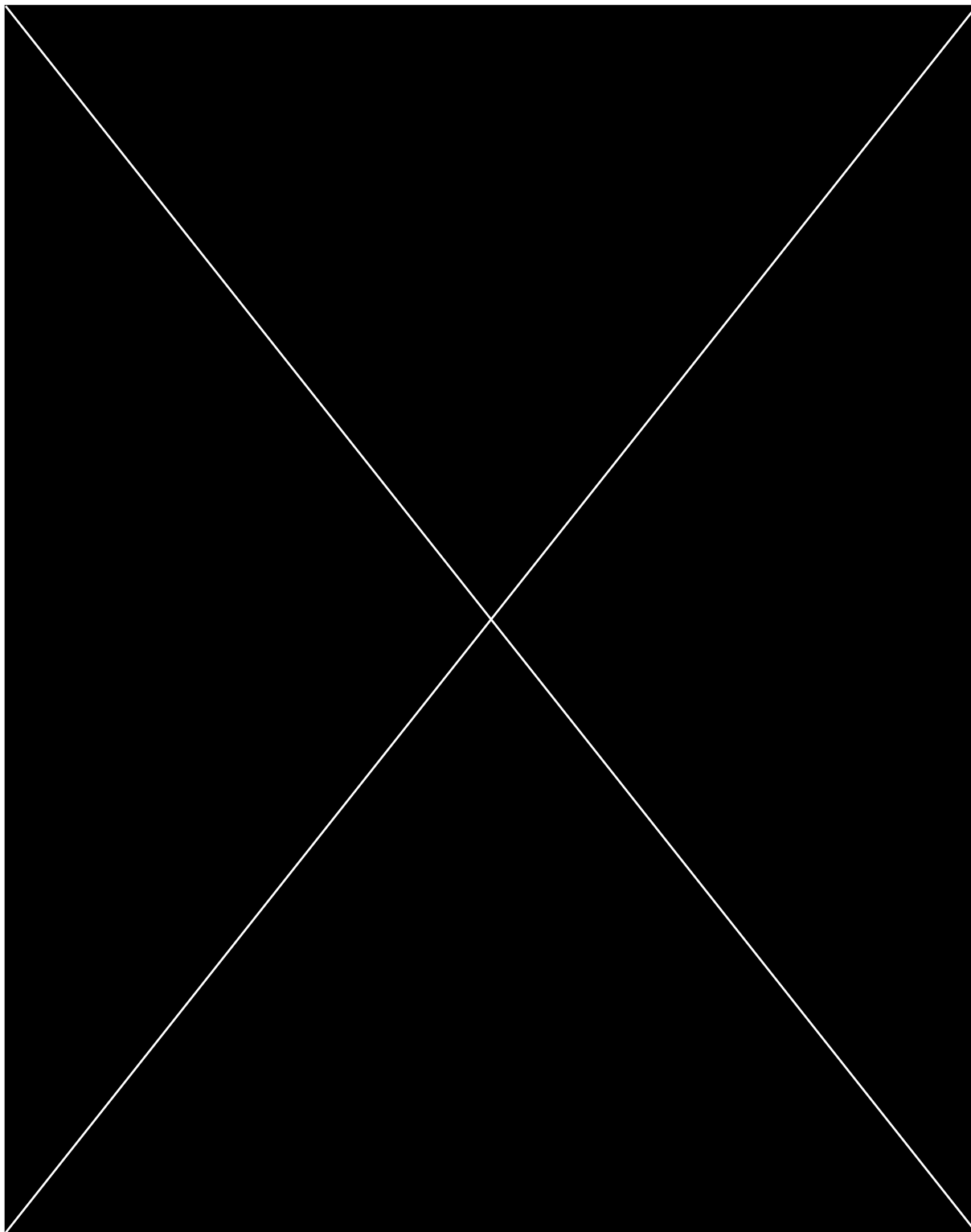
FACTS

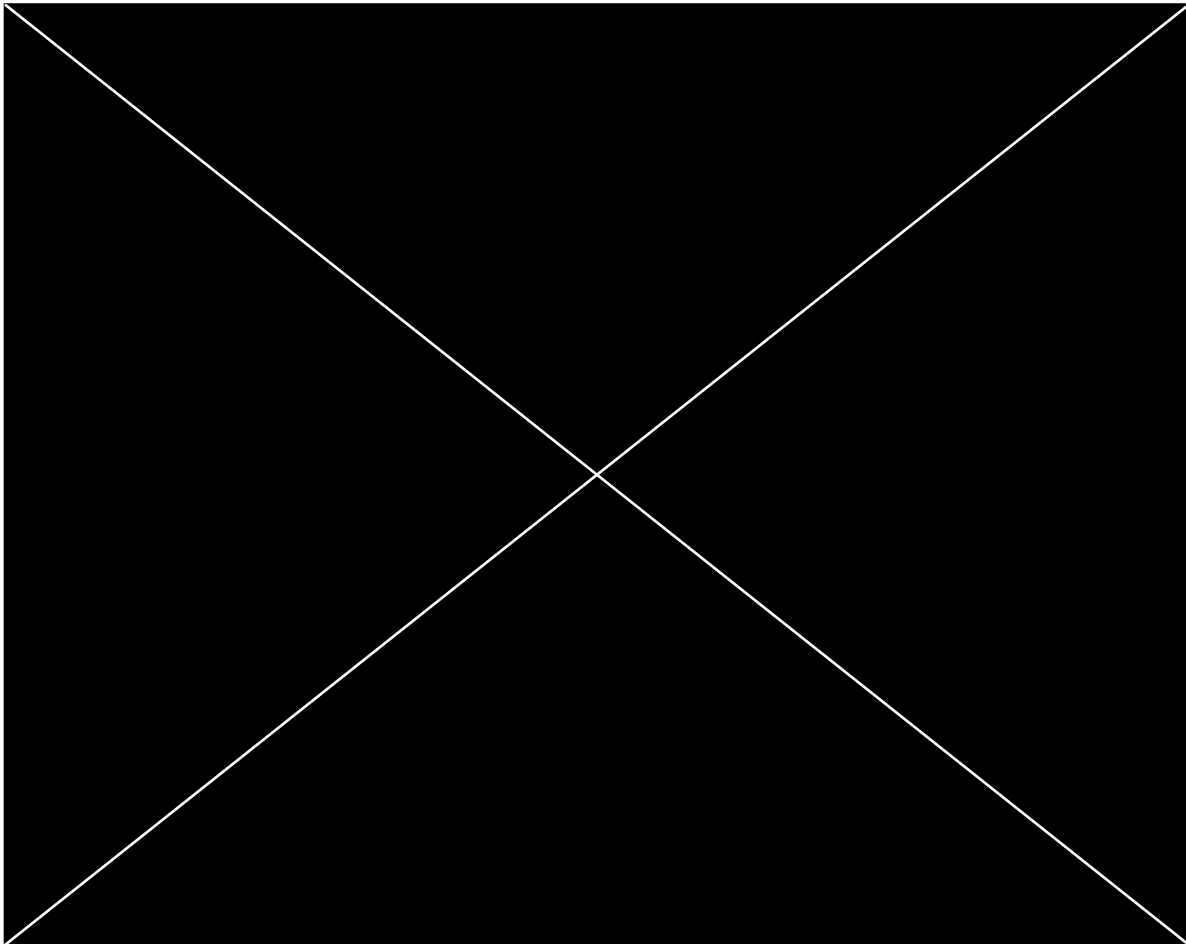
17. Petitioner Tewan Abei Solange was born on  in Ekondo Titi, Southwest Region, Cameroon.

PERSECUTION IN CAMEROON

18. Petitioner enrolled for her masters degree at the University of Buea in September 2017.





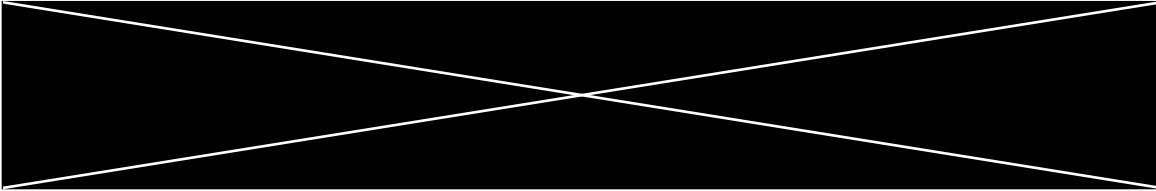


30. An old classmate helped Petitioner travel through Mexico. Petitioner arrived at the United States border in California on September 8, 2024, and presented herself to immigration authorities requesting asylum.

CURRENT IMMIGRATION PROCEEDINGS AND DETENTION

31. Petitioner has filed an Application for Asylum and for Withholding of Removal (Form I-589) with U.S. Citizenship and Immigration Services. Her A-number is . She is seeking asylum based on political opinion, membership in a particular social group, and protection under the Convention Against Torture.

32. Petitioner's asylum claim is based on her well-founded fear of persecution if returned to Cameroon. 



33. On August 8, 2024, the government released Petitioner on her own recognizance, having found that she had passed her credible fear interview and vacating detention order under section 235(b)(1). However, because the immigration court did not have her notice to appear in its files, her scheduled court date of January 8, 2025 did not proceed as scheduled, and removal proceedings against her were dismissed. Petitioner has remained in full and complete compliance with ICE directives at all times since being released from her initial detention.

34. Petitioner reported to the ICE Office on January 28, 2026 for a check-in. The notice on the office door stated that the office was closed and to report back on Thursday, January 29, 2026.

35. Petitioner reported back to the ICE Office on January 29, 2026 to complete her check-in. Instead, she was taken into custody.

36. As of the time of filing this habeas corpus petition, Petitioner is still detained in the ICE Baltimore Hold Room.

37. Petitioner has exhausted all administrative remedies.

LEGAL FRAMEWORK

38. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

39. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. 8 U.S.C. § 1229a. Individuals in discretionary

§ 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. 8 C.F.R. §§ 1003.19(a), 1236.1(d). On the other hand, noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. 8 U.S.C. § 1226(c). Discretionary detention under § 1226(a) has been described as the “default” immigration detention provision in standard removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018).

40. Under § 1226(a), “[e]xcept as provided in subsection (c) of this section,’ the Attorney General ‘may release’ [a noncitizen] detained under § 1226(a) ‘on . . . bond’ or ‘conditional parole.’” *Id.* (internal citation omitted).

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

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

43. This case concerns the detention provisions at § 1226(a).

44. For decades, Respondents’ practice was to afford § 1226(a) discretionary bond hearings to individuals who entered without inspection and were encountered neither at a port of entry nor while seeking admission into the United States, unless their criminal history rendered them bond-ineligible under 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

45. Under § 1226(a), an individual may be released if he does not present a flight risk or is not a danger to the public. *Zadvydas*, 533 U.S. at 690–91; *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). Such decisions are individualized and are tied to the facts of the case.

46. The decision to detain Solange may also be vacated if found to be “arbitrary, capricious, an abuse of discretion and not in accordance with the law.” 5 U.S.C. § 706(2)(A), (E). Absent this Court’s intervention, Solange does not have any “remedy” to challenge the decision of Respondents. *See Torres-Jurado v. Biden*, 2023 WL 7130898, *4 (S.D.N.Y. Oct. 29, 2023) (finding that “[a]lthough procedural requirements can seem like a mere formality, they promote ‘agency accountability’ and ensure that the parties—and where relevant, the public—can respond fully and in a timely manner to an agency’s exercise of authority.”) (citing *Dept. of Homeland Sec. v. Bd. of Regents of Univ. of Calif.*, 591 U.S. 1, 22–23 (2020)).

47. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. Because Solange’s detention on January 29, 2026 lacked the procedural protections that such a significant deprivation of liberty requires under the Due Process Clause of the Fifth Amendment to the U.S. Constitution, her continued detention is unlawful. *See Mathews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived. *See Bd. of Regents of State Colleges v. Roth*, 408 U.S. 564, 569–70 (1972).

48. The revocation of Solange’s release does not satisfy the minimum requirements of due process because that revocation is not the product of any individualized review and alleges no

relevant change in circumstances altering the original assessment of her risk of flight. *See Santamaria Orellana v. Baker*, 2025 WL 2444087, at *7 (D. Md. Aug. 25, 2025).

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of INA)

49. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1–48.

50. 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 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.

51. Since Solange—who entered the United States in September 2024—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), she is entitled to a bond hearing by an immigration judge pursuant to § 1226(a). Any attempted application of § 1225(b)(2) to Solange unlawfully mandates her continued detention and violates the INA by depriving her of the rights she should be afforded under § 1226(a).

SECOND CAUSE OF ACTION

(Violation of APA)

52. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1–51.

53. Under the APA, a court “shall . . . hold unlawful . . . agency action” that is “not in accordance with law;” “contrary to constitutional right;” “in excess of statutory jurisdiction,

authority, or limitations;” or “without observance of procedure required by law.” 5 U.S.C. § 706(2)(A)-(D).

54. It is a well-established administrative principle that “agency action taken without lawful authority is at least voidable, if not void ab initio.” *L.M.-M. v. Cuccinelli*, 442 F. Supp. 3d 1, 35 (D.D.C. 2020), citing *SW General, Inc. v. NLRB*, 796 F.3d 67, 79 (D.C. Cir. 2015); *see also Hooks v. Kitsap Tenant Support Servs., Inc.*, 816 F.3d 550, 555 (9th Cir. 2016) (invalidating agency action because it was taken by unauthorized official).

55. On information and belief, Respondents have detained Petitioner as a result of a categorical policy prepared by and implemented by unidentified government officials in Washington, not through the individual exercise of discretion required by law or by the individuals enumerated by regulation to do so.

56. Because Petitioner’s detention has been made or was categorically directed by government officials not authorized by law to make this determination, Respondents’ detention of Petitioner is not in accordance with law and in excess of statutory authority.

THIRD CAUSE OF ACTION

(Violation of due process)

57. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1–56.

58. To comport with due process, detention must bear a reasonable relationship to its two regulatory purposes: to ensure the appearance of noncitizens at future hearings and to prevent danger to the community pending the completion of removal. *Zadvydas*, 533 U.S. at 690-691.

59. Petitioner is neither a danger nor a flight risk. The detention of Petitioner is arbitrary on its face.

60. Petitioner has dutifully complied with every condition of her release, and no change in circumstances exists to warrant the revocation of her OSUP.

61. Respondents' civil detention of Petitioner does not bear any reasonable relation to a legitimate government purpose and is punitive in purpose and effect, and thus violates the Due Process Clause.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that this Court enter an order:

- a) Exercising jurisdiction over this matter;
- b) Preliminarily enjoining Respondents from detaining Petitioner more than 200 miles from this courthouse;
- c) Finding that Respondents' present detention of Petitioner violates due process, INA, and APA;
- f) Issuing a writ of habeas corpus, and ordering that Petitioner be released from physical custody; and
- g) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

Date: February 1, 2026

/s/ Jonathan G. Cooper

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Counsel for Petitioner

CERTIFICATION PURSUANT TO SECOND AMENDED STANDING ORDER 2025-01

Pursuant to Second Amended Standing Order 2025-01, Petitioner Solange Abei Tewan, Alien Registration No.  is presently detained in Maryland, emergency relief is necessary, and the Court has subject-matter jurisdiction over the Petition.

Date: February 1, 2026

/s/ Jonathan G. Cooper

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