

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ERICK JOSEPH MACHADO-MEZA,

Petitioner,

v.

Case No: 1:26-cv-0424

PAMELA BONDI, Attorney General
of the United States,
KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security
TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement.
Baltimore Field Office

**VERNON LIGGINS, Acting Field Office
Director**

ICE Enforcement and Removal Operations, George
H. Fallon Federal Building
31 Hopkins Plaza, 6th Floor
Baltimore, MD 21201

A# 

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

This is a petition for a writ of habeas corpus filed on behalf of Erick Joseph Machado Meza (A# , a 40-year-old man from Honduras who has built a stable life in the United States over the last two decades . Mr. Machado Meza is a devoted father to U.S. citizen children and the beneficiary of an approved I-130 petition filed by his wife, a lawful permanent resident .

On January 24, 2026, despite having no criminal record and violating no laws, the Petitioner was subjected to a violent, warrantless seizure by ICE . In a display of overwhelming force, seven ICE vehicles surrounded his car as he drove his family home for dinner, striking the windows inches away from his terrified 14-year-old child. Despite his full compliance and lack of any flight risk or danger, he was handcuffed and dragged away without explanation.

Respondents continue to detain the Petitioner in violation of his Fifth Amendment due process rights and the Eighth Amendment's prohibition on cruel and unusual punishment . This detention is particularly egregious because it is based on an administrative process that has been rendered **illusory** through institutional manipulation, including the systematic removal of independent judges and the imposition of \$25,000 "ransom" bonds that function as de facto detention orders.

The Petitioner seeks an order from this Court declaring his continued detention unlawful and ordering his **immediate release** under an Order of Supervision, as the administrative bond hearing remedy has become a pointless exercise

CUSTODY

1. The Petitioner is in physical custody of Respondents Todd Lyon, Acting Director, U.S. Immigration and Customs Enforcement, and Vernon Liggins, Field Office Director, ICE Enforcement and Removal Operations.
2. At the time of the filing of this petition, the Petitioner is detained at the Baltimore Holding Room located in Baltimore, Maryland. The Facility is operated by DHS to detain noncitizens like the Petitioner.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction over this habeas action under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et. seq.*, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), as the Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.
4. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
5. Venue is proper in this District because the Petitioner is detained at Baltimore Holding Room, within this District and because a Respondent with immediate custody is located here.

III. PARTIES

6. The Petitioner, whose A Number is  is a native and citizen of Honduras, currently detained at Baltimore Holding Center, Maryland.
7. Respondent Todd Lyons is the Acting Director, ICE ERO with responsibility for field operations relevant to Petitioner’s detention. Respondent is a legal custodian with the authority to release him.
8. Respondent Vernon Liggins is the Field Office Director, ICE ERO, with responsibility for field operations relevant to Petitioner’s detention

9. Respondent Kristi Noem is the Secretary of DHS and is responsible for policies and practices concerning detention and removal.
10. Respondent Pamela Bondi is the Attorney General of the United States.

IV. STATEMENT OF FACTS

11. Erick Joseph Machado Meza is a 40-year-old man from Honduras. He entered the United States in 2005 and has lived here for more than twenty years. Before January 24, 2026, ICE had never detained him.
12. On Saturday, January 24, 2026, at approximately 4:00 p.m., Erick was driving in Baltimore, Maryland with his wife and their minor child. The family had just purchased takeout food and was returning home to eat dinner together. Erick was not suspected of any crime. He did not violate traffic laws. He did not attempt to flee.
13. Without warning, seven ICE vehicles suddenly surrounded and blocked Erick's car. The vehicles boxed the family in and prevented any movement. ICE officers in uniform exited their vehicles and rushed toward the car.
14. One ICE officer struck the driver-side window with force. Another officer approached the passenger side, where Erick's wife was seated, and shouted at Erick to produce documents. Their 14-year-old child was seated in the rear passenger seat. An ICE officer then struck the rear window loudly, inches from where the child was sitting.
15. Erick told the officers that his child was in the back seat and asked why they were hitting the car. An ICE officer responded by shouting at Erick and accusing him of

trying to run away. Erick stated that he was sitting still in his car and was not attempting to flee.

16. Erick complied with every command. He handed ICE his valid driver's license and valid car insurance. ICE officers took the documents. The documents were lawful and current. ICE did not identify any violation or offense.
17. ICE officers ordered Erick out of the car. Fearing he would be shot, Erick exited with his hands raised. ICE officers immediately placed him in handcuffs. They dragged him away from his vehicle and forced him into another car. ICE officers did not explain why they were arresting him.
18. Erick's wife demanded to know why ICE was taking her husband. She told the officers that he had never been in trouble and had done nothing wrong. ICE officers did not respond. They walked away and left her at the scene with their terrified child.
19. The child had been asleep when the stop began. He awoke to shouting, pounding on glass, and armed officers surrounding the car. Since that day, the child has suffered nightmares every night. He wakes up crying and panicked. This behavior did not exist before the ICE arrest.
20. Erick remains in ICE custody. ICE seized him without a warrant, without explanation, and without identifying any lawful cause at the scene. His detention continues despite his compliance, family ties, and lack of danger.
21. Erick has lived in the United States since 2005. He has worked, raised a family, and built a stable life over two decades. He has never been detained by ICE before this incident.

22. Erick is married to a lawful permanent resident. His wife filed an I-130 petition on his behalf, and the petition was approved. Erick is the father of U.S. citizen children, including a 17-year-old child. He supports his family and is a present and active parent.
23. At the time of his arrest, Erick was doing nothing more than driving his family home for dinner. He posed no risk. He followed every instruction. His detention has shattered a settled household, separated a father from his children, and inflicted ongoing harm on a minor child who witnessed his arrest.
24. Erick's continued confinement serves no protective purpose. The facts show a man taken from his family without warning, without cause, and without necessity—and held while his family bears the full cost of that decision.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

25. The Court should waive the exhaustion requirement because seeking administrative relief through EOIR bond litigation would be futile, as the outcome is foreordained against the Petitioner. Under the BIA's controlling decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), Immigration Judges are stripped of jurisdiction to grant bond to any noncitizen present without inspection—regardless of their length of residence or the location of their encounter with authorities—because such individuals are now classified as subject to mandatory detention under 8 U.S.C. § 1225(b)(2) rather than the discretionary provisions of § 1226(a). Consequently, filing for bond and appealing a certain denial would result in an intolerable delay with a predetermined result, making this judicial action the Petitioner's only adequate remedy.

Statutory Framework

26. On September 5, 2025, BIA issued *Matter of Yajure Hurtado*, establishing that any noncitizen present in the United States without having been inspected and admitted is subject to detention under 8 U.S.C. § 1225(b)(2), rather than 8 U.S.C. § 1226(a), regardless of how long they have resided in the United States and where they were encountered by immigration authorities. 29 I&N Dec. 216 (BIA 2025).

Relevant Sections of the Immigration and Nationality Act

27. 8 U.S.C. § 1225 (INA § 235): Applies to "applicants for admission," historically defined as noncitizens arriving at the border or those unable to establish two years of continuous physical presence. Section 1225(b)(2)(A) mandates detention for those not clearly entitled to admission during the pendency of their removal proceedings.
28. 8 U.S.C. § 1226(a) (INA § 236(a)): Serves as the "default rule" for noncitizens already present in the United States. It authorizes the Attorney General to arrest and detain individuals on a warrant and provides for discretionary release on bond.
29. 8 U.S.C. § 1357(a) (INA § 287(a)): Permits warrantless arrests only in limited circumstances, such as when an officer has "reason to believe" a noncitizen is likely to escape before a warrant can be obtained.

Longstanding Interpretation and the Shift in Policy

30. For nearly three decades, federal courts and the BIA maintained that § 1225(b) applied only to a narrow subset of "arriving aliens" or those recently encountered at the border, while § 1226(a) served as the "catch-all" for interior arrests. The Supreme Court reaffirmed this in *Jennings v. Rodriguez*, noting § 1225 primarily concerns

those seeking entry at the nation's borders. However, in July 2025, DHS issued a novel policy alert—upheld by the BIA in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025)—holding that *any* noncitizen present without admission is subject to mandatory detention under § 1225(b)(2), regardless of their length of residency or the location of their arrest. This decision effectively stripped Immigration Judges of jurisdiction to conduct bond hearings for non-admitted individuals.

Chevron Overruled – Independent Statutory Interpretation Required

31. Following the Supreme Court's decision in *Loper Bright Enterprises v. Raimondo*, which overruled *Chevron* deference, this Court is no longer required to defer to the BIA's interpretation of ambiguous statutes. Instead, the Court must exercise its "independent judgment" to determine the best interpretation of the law. Given the Petitioner's twenty-year residence and interior arrest, the BIA's expansion of § 1225(b)(2) to cover his detention is a departure from the statute's plain text and must be rejected in favor of the discretionary framework of § 1226(a).

VI. THE INADEQUACY OF THE BOND HEARING REMEDY AND THE NECESSITY OF IMMEDIATE RELEASE

32. Even if this Court were to order a bond hearing under 8 U.S.C. § 1226(a), that remedy has been rendered **illusory** through systematic institutional manipulation.
33. The bond hearing remedy has been rendered a "pro forma" exercise with predetermined outcomes. On January 15, 2026, veteran Immigration Judges—Judges Choi and Donoso-Stevens—were abruptly removed from the regional detained docket after they began questioning the government's blanket detention positions. Their replacements have consistently denied bond in post-habeas cases by

treating minor or non-existent criminal history as proof of "danger" and citing the mere fact of removal proceedings as a "flight risk".

34. In instances where bond is technically granted, anecdotal evidence from the Maryland immigration bar indicates that bond amounts have surged to an average of **\$25,000**. Setting a bond at a level the government knows a working family cannot pay is not an exercise of discretion; it is a "*de facto*" detention order. As the Ninth Circuit emphasized in *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017), the failure to consider financial ability to pay or alternative conditions of release transforms a bond into a tool of indefinite detention, violating the core tenets of the Fifth Amendment.
35. By treating entry without inspection as dispositive of flight risk or dangerousness, the Immigration Court has replaced the constitutionally required inquiry with a foregone conclusion. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), detention is only permissible if it is "tailored" to its civil purpose. A categorical bar based on entry status is, by definition, not tailored to the Petitioner's specific risk profile. In *Dubon Miranda v. Barr*, 403 F. Supp. 3d 442 (D. Md. 2019), this District held that due process is violated when the government relies on "boilerplate" rationales rather than "meaningful" individualized hearings. And in *Portillo v. Hott*, 322 F. Supp. 3d 698 (E.D. Va. 2018), the government must provide a "constitutionally adequate" hearing where the IJ actually weighs evidence rather than relying on the "mere fact of removal proceedings" or entry status as an automatic flight risk.
36. As the Third Circuit noted in *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 468 (3rd Cir. 2015), as detention persists, reliance on a static entry factor becomes

"punitive" rather than regulatory. Using "categorical" assumptions to deny liberty replaces the "meaningful opportunity" to be heard with an administrative "end-run" around federal habeas orders, as criticized in *Pensamiento v. McDonald*, 315 F. Supp. 3d 684 (D. Mass. 2018).

37. Ordering another bond hearing will not vindicate Petitioner's rights; it will only allow the government to claim technical compliance while continuing an unlawful detention. When the administrative process is "systematically undermined" and the outcome is "predetermined," a bond hearing becomes a "pointless remedy". Because the government has weaponized both legal precedent and financial barriers to ensure indefinite detention, **immediate release under an Order of Supervision** is the only outcome that satisfies the requirements of due process

VII. CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

38. The Petitioner incorporates all preceding paragraphs as if fully set forth herein.
39. The Petitioner's current detention under 8 U.S.C. § 1225 constitutes a direct violation of the Fifth Amendment, as it subjects him to arbitrary and indefinite physical restraint without a valid, non-punitive government purpose. As established in *Zadvydas v. Davis*, government detention is inherently unconstitutional unless it is justified by "special and narrow nonpunitive circumstances" where a specific justification outweighs the individual's fundamental interest in liberty. Respondents have failed to identify any "special justification" to support Petitioner's continued confinement.

40. The government's reliance on *Matter of Yajure-Hurtado* creates a procedural vacuum by stripping Immigration Judges of jurisdiction to conduct bond hearings for noncitizens who entered without inspection. This interpretation forces a 20-year resident into a category of mandatory detention, ignoring the Petitioner's substantive right to be free from bodily restraint—a liberty interest that remains "constitutionally protected."
41. Furthermore, the procedural due process afforded to the Petitioner is **illusory**. Even if a hearing were ordered, the systemic removal of independent judges and the imposition of \$25,000 "ransom" bonds—an amount more than 16 times the statutory minimum—functions as a *de facto* detention order. As established in *Dubon Miranda v. Barr* and *Portillo v. Hott*, due process is violated when the government replaces meaningful individualized inquiry with boilerplate rationales or prohibitive financial barriers that render the bond process a "pointless remedy."
42. This combination of arbitrary statutory interpretation, institutional manipulation of the judiciary, and systemic delay renders Petitioner's detention a violation of both substantive and procedural due process.

COUNT TWO

VIOLATION OF EIGHT AMENDMENT RIGHT TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT

43. The Petitioner incorporates all preceding paragraphs by reference.
44. ICE subjected Petitioner to treatment that functions as punishment, not civil detention. Officers violently seized him without warning, blocked his vehicle with seven cars, struck the windows while a minor child sat inside, shouted accusations, and handcuffed and dragged him away despite full compliance. ICE offered no

explanation and identified no wrongdoing. The manner of seizure imposed fear, humiliation, and force wholly unnecessary to any civil objective.

45. Petitioner's continued confinement compounds that punishment. He is a long-time resident, a husband to a lawful permanent resident, the father of U.S. citizen children, and the beneficiary of an approved I-130. He posed no danger, did not resist, and cooperated at every step. Detaining such a person after a violent, warrantless seizure serves no nonpunitive purpose and instead inflicts ongoing hardship on him and his family.
46. The severity of the government's actions is grossly disproportionate to Petitioner's peaceful conduct. He was driving home with his family, returning from buying food for dinner. ICE responded with overwhelming force, public restraint, and prolonged custody. The impact extended beyond Petitioner to a child who now suffers nightly nightmares and to a spouse left without answers. This level of harm far exceeds any conceivable administrative need.
47. Civil detention may not be used to punish, terrorize, or break a family. Here, the government chose force, secrecy, and continued confinement where none were required. The result is needless suffering that shocks the conscience and crosses the line into cruel and unusual punishment.
48. Respondents have transformed civil immigration detention into unconstitutional, cruel, and unusual punishment by imposing physical restraint on a non-violent, compliant individual who poses no threat or flight risk. Petitioner's detention is strictly punitive; despite twenty years of steady work and residence in Maryland without a single criminal encounter, the government chose the most severe response—custodial detention—without demonstrating a legitimate need for punishment or

deterrence. This detention, predicated on an erroneous interpretation of 8 U.S.C. § 1225(b)(2), inflicts excessive and disproportionate harm, including shattering a settled household and causing relentless emotional distress . Under the **Eighth Amendment**, which prohibits the government from inflicting such severe suffering, this Court must intervene to address the deliberate indifference to Petitioner's needs and remove the unconstitutional restraints that have made his custody illegal.

VIII. PRAYER FOR RELIEF

WHEREFORE, the Petitioner respectfully requests that this Court grant the following relief:

- A. Assume jurisdiction over this matter.
- B. Issue an order directing Respondents to Show Cause why the Writ should not be granted.
- C. Enjoin Respondents from transferring Petitioner outside this District during this action or in a way that would strip this Court's jurisdiction.
- D. Order immediate release on reasonable conditions.
 - 1. Order that Petitioner is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A);
 - **Any appeal shall not automatically stay the release order;**
- E. Grant any other relief which this Court deems just and proper.

DATED: February 2, 2026

Respectfully submitted,
Petitioner

By: _____/s/
Jorge E. Artieda, Esq.
Counsel for Petitioner

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 2, 2026

/s/
Jorge E. Artieda, Counsel for Petitioner

CERTIFICATION PURSUANT TO LOCAL STANDING ORDER 2025-01

I, the undersigned, hereby certify pursuant to Fed. R. Civ. P. 11, as follows: (1) I understand the Petitioner to be presently detained in Maryland, based on the fact that Petitioner was arrested by ICE in Maryland two days ago and the fact that Petitioner recently called a friend/family member from the ICE Baltimore Hold Room to inform him he was there; (2) **emergency relief is necessary**, because Petitioner is at risk of unlawful removal from the United States; and (3) this Court has subject-matter jurisdiction over the Petitioner pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention and unlawful removal.

DATED: February 2, 2026

Respectfully submitted,
Petitioner

By: _____/s/
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CERTIFICATE OF SERVICE

I hereby certify that on February 2, 2026, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

The Honorable Kristi Noem

Secretary of Homeland Security
U.S. Department of Homeland Security
Office of the Executive Secretary
Mail Stop 0525
Washington, DC 20528

The Honorable Pamela Bondi

Attorney General of the United States
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/s/

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