

UNITED STATES DISTRICT COURT
For the
DISTRICT OF MARYLAND

JOSE FREDY PEREZ SAAVEDRA
DHS Alien No. [REDACTED]
(Filed by attorney Leonel Vasquez
in behalf of Jose Fredy Perez Saavedra

Petitioner

v.

-TODD M. LYONS, acting Director of ICE,
U.S. Immigration and Customs Enforcement

-(Publicly not disclosed name), Director of
ICE ERO U.S. Immigration and Customs
Enforcement, Baltimore Office, Maryland

-KRISTI NOEM, Secretary
U.S. Department of Homeland Security, DHS

-PAM BONDI, Attorney General
U.S. Department of Justice

-KELLY O. HAYES, U.S. Attorney for the
District of Maryland
All of them in their Official Capacity and their
Successors and assigns

Respondents

(name of warden or authorized person having custody of petitioner)

Case No. 1:26-cv-00425

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Jose Fredy Perez Saavedra.
(b) Other names you have used: (none).
2. Place of confinement:
3. (a) Name of institution: Baltimore ICE ERO Field Office, Maryland
(b) Address: 31 Hopkins Plaza, 6th Floor,
Baltimore, Maryland 21201
(c) Your identification number: U.S. Citizenship & Immigration Services issued Employment
Authorization Document Card [REDACTED] Honduran passport No. [REDACTED]

4. Are you currently:
- ☒ Suddenly held, probably pursuant to a new DHS interpretation of 8 U.S.C § 1225(b)(2) as an immigration charge.
- ☒ Other: suddenly detained at the Baltimore, Maryland ICE ERO after being summoned for what appeared another routine in person checking in at that office after release on recognizance in 2018.

Decision or Action You Are Challenging

5. What are you challenging in this petition:
- ☒ Immigration detention.
6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency: the action of U.S. ICE ERO U.S. Immigration and Customs Enforcement Baltimore Office, Maryland. Located at 31 Hopkins Plaza, Baltimore, Maryland 21201, 7th floor.
- (b) Case number: ICE ERO file pertaining to Petitioner Jose Fredy Perez Saavedra, with Alien No. 
- (c) Decision or action you are challenging:
- The detention of Petitioner Jose Fredy Perez Saavedra at ICE ERO Baltimore Office when he appeared in person at that office, after 1 or 2 days before he had received a text message advising him to report on Saturday, January 31, 2026, at 9 A.M, at that ICE ERO Baltimore Office at 31 Hopkins Plaza, Baltimore, Maryland 21201, 7th floor.
- A detention ignoring the Baltimore Immigration Court's dispositions on removal proceedings that Petitioner should appear for a merits hearing regarding his asylum application on February 8, 2027; proceedings arising from DHS immigration charges filed on October 2, 2018 and after DHS release of Petitioner on October 4, 2018, pursuant to "part 236 of title 8, Code of Federal Regulations."
- (d) Date of the decision or action: January 31, 2026

Your Earlier Challenges of the Decision or Action

7. **First Appeal.**
- There is no earlier challenges.
- Why there is no challenges: it would be futile to file appeal or other challenges; as the detention of Petitioner on January 31, 2026, reflects that DHS continues its posture of interpreting 8 U.S.C. § 1225(b)(2) as mandatory provision for the detention of any alien who entered the country without inspection or parole, and DHS does not honor Maldonado Bautista v. Noem judgment on December 18, 2026 that individuals detained under 8 U.S.C § 1226(a) are not subject to mandatory detention, and DHS does not honor the granting of class certification on November 25, 2025. And the Department of Justice, DOJ-EOIR, which controls and decide on the appeals of the subordinated the Immigration Courts's decisions, it is of the same posture through its Board of Immigration, BIA, decision on Matter of Yajure Hurtado, Respondent, 29

I&N Dec. 216 (BIA 2025), which support their posture that DOJ-EOIR Immigration Courts lack jurisdiction to decide on motions for custody redetermination or release on bond.

8. **There is no second appeal;** for the reasons stated above.
9. **There no third appeal;** for the reasons stated above.
10. **Motion under 28 U.S.C. § 2255.** Not applicable, because there is no conviction or sentence.
 - (a) Not applicable.
 - (b) Not applicable.
 - (c) Not applicable.
11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☒ Yes (exclusively DHS-ICE-ERO administrative actions).

If "Yes," provide:

 - (a) Date you were taken into immigration custody: ICE ERO detained Petitioner on Saturday, January 31, 2026
 - (b) Date of removal or reinstatement order: No Immigration Court has ordered Petitioner removed from the country.
 - (c) Did you file an appeal with the Board of Immigration Appeals?

☒ No.
 - (d) Did you appeal the decision to the United States Court of Appeals?

☒ (because there is no lower immigration court's decision to be Appealed. It would be futile to do it, as explained in paragraph 7, above.).
12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☒ No. (it would be futile to file a custody redetermination or bond hearing, as explained in paragraph 7, above.

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Petitioner Jose Fredy Perez Saavedra has been unlawfully detained by immigration personnel, US Department of Homeland Security-Immigration Customs and Enforcement, ICE ERO, Baltimore Field Office on Saturday, January 31, 2026, in violation of the Constitution, the Fourth Amendment protection against unreasonable seizure, or laws or treaties of the United States.

- (a) Supporting facts: Petitioner Jose Fredy Perez Saavedra was unlawfully detained at about 10:00 A.M. on January 31, 2026 at the US DHS-ICE-ERO office at 31 Hopkin Plaza, 7th

Floor, Baltimore, Maryland 21201, when he appeared at that place after receiving an ICE-ERO's text message that he had to report in person on that day and place.
A detention in violation of INA laws, and ignoring that Petitioner is under the Baltimore Immigration Court's removal proceedings, Case file ~~XXXXXXXXXX~~ with next hearing, on the merits, scheduled for February 2027; and without any restriction on the liberty of the person of Petitioner during those proceedings.

- (b) Did you present Ground One in all appeals that were available to you?
[No] (because it is futile to file a motion for release on custody redetermination or bond hearing, later to be appealable, as explained in paragraph 7, above).

GROUND TWO: Petitioner Jose Fredy Perez Saavedra has been unlawfully detained without the opportunity to seek release on bond, in violation of the Constitution, the Fifth Amendment, rights to procedural and substantive due process, or laws or treaties of the United States, the Immigration and Nationality Act, 8 U.S.C. § 1226(a) and relating and implementing regulations.

- (a) Supporting facts: Petitioner Jose Fredy Perez Saavedra was unlawfully detained at about 10:00 A.M. on January 31, 2026 at the US DHS-ICE-ERO office at 31 Hopkins Plaza, 7th Floor, Baltimore, Maryland 21201, when he appeared at that place after receiving an ICE-ERO's text message that he had to report in person on that day and place.

A detention about which DHS-ICE-ERO usually argues it is supported by its particular interpretation of INA laws that individuals who entered the country without inspection or parole are subject to mandatory detention without a right to a custody redetermination or bond hearing, and as a result it argues Immigration Judges do not have jurisdiction to decide on bond motions.

- (b) Did you present Ground Two in all appeals that were available to you?
[No] (because it is futile to file a motion for release on custody redetermination or bond hearing, later to be appealable, as explained in paragraph 7, above).

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: There is no ground for an appeal, as explained in paragraph 7, above.

Request for Relief

15. Petitioner Jose Fredy Perez Saavedra requests the U.S. District Court, in application of the above mentioned U.S. Constitutional guaranties and laws, to order the immediate release from DHS-ICE-ERO, successors or assigns, detention.

In the alternative, Petitioner requests the U.S. District Court, under precedents as that of Gurveer Singh v. Todd M. Lyons et al, 1:25-cv-016060-AJT-WBP (E.D. Va. Oct 14, 2025), to order:

Petitioner be provided with a bond hearing by an immigration judge;

That Respondents be enjoined from denying bond hearing on the basis the Petitioner is is detained pursuant to 8 U.S.C. Section 1225(b)(2);

That Respondents file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the reasons for that denial; and

That in the event Petitioner is released on bond, Respondents are enjoined from rearresting Petitioner, unless he has committed a new violation of any federal, state, or local law, or has failed to attend any properly notices immigration or court hearing, or is subject to detention pursuant to a final order of removal.

Declaration Under Penalty of Perjury

-Petitioner is illegally detained by an immigration enforcement agency, he is not detained under a prison order which may be related to a prison mail system.

I, declare under penalty of perjury that I am representing Petitioner Jose Fredy Perez Saavedra for purposes of this Habeas Corpus petition and its processing. I review this petition, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: February 2, 2026



Petitioner Jose Fredy Perez Saavedra, as represented by attorney Leonel Vasquez, Esq, who signs on Petitioner's behalf.
U.S. District Court of Maryland Bar
Registration No. 18524

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FOR THE DISTRICT OF MARYLAND

JOSE FREDY PEREZ SAAVEDRA

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-TODD M. LYONS, acting Director of ICE,
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CERTIFICATE OF SERVICE

I hereby certify that on February 2nd, 2026, a copy of the Motion for a Writ of Habeas Corpus, which was electronically filed in this case on _____, was mailed via certified mail, postage prepaid, to:

-TODD M. LYONS, acting Director of ICE,
U.S. Immigration and Customs Enforcement
500 12th Street SW, Washington, DC 20536

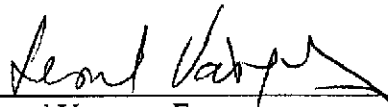
-The Director of ICE ERO U.S. Immigration and
Customs Enforcement, Baltimore Field Office, Maryland
31 Hopkins Plaza, 6th Floor, Baltimore, MD 21201

-KRISTI NOEM, Secretary, U.S. Department of Homeland Security, DHS
2727 Martin Luther King Jr. Ave, SE, Washington, DC 20528-0525

-PAM BONDY, Attorney General U.S. Department of Justice
950 Pennsylvania Ave., NW, Washington DC, 20530-0001

-KELLY O. HAYES, U.S. Attorney for the District of Maryland
36 S. Charles Street, 4th Floor, Baltimore, MD 21201

February 2, 2026
Date


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