

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

Pragnaben Hardikkumar Patel



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. Mrs. Pragnaben Hardikkumar PATEL is a 43-year-old native and citizen of India. She entered the United States on or about July 21, 2023, with her husband and minor daughters. Petitioner and her family were apprehended at the border and subsequently released under supervision. Petitioner has an upcoming final asylum hearing on June 26, 2026, at 8:00 A.M., where she will present her meritorious claims for asylum, withholding of removal, and protection under CAT. (A screenshot of the EOIR Case Status showing Petitioner's upcoming hearing is attached hereto and made a part hereof as Exhibit 1).
2. Petitioner consistently reported to ICE/ISAP via their mobile application every Thursday. However, Petitioner then received notification that she was to report to ICE/ISAP in Baltimore every 8 weeks, starting on February 4, 2026. Upon reporting as instructed, Petitioner was arrested by ICE officials without a warrant and detained. Petitioner is currently being held at the Immigration and Customs Enforcement Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland.
3. Petitioner PATEL petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy his unlawful detention by ICE. 28 U.S.C. § 2241. She fears her continued detention.
4. Mrs. PATEL has very strong family and community ties in Maryland, including her partner and two minor daughters, who depend on her for their well-being. Petitioner also has stable employment and local counsel. Further and importantly, Petitioner has no criminal record.

**CUSTODY**

5. 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 their agents.

**JURISDICTION AND VENUE**

6. 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.
7. 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); *Kholavskiy v. Achim*, 443 F.3d 946 (7th Cir. 2006).

**THE PARTIES**

8. Petitioner Pragnaben Hardikkumar PATEL is a forty-three-year-old female citizen and national of India, who was apprehended at the border and subsequently released in 2023.
9. 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.

10. 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 Ms. PATEL are under his direction. Mr. Lyons is being sued in his official capacity only.

11. 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. Ms. PATEL is held by ICE agents under Mr. Liggins's direction. Ms. Baker is being sued in her official capacity only.

#### **FACTUAL ALLEGATIONS**

12. Petitioner is a national and citizen of India who entered the United States on or about July 21, 2023. Petitioner and her family were apprehended at the border and subsequently released under supervision.

13. Petitioner consistently reported to ICE/ISAP via their mobile application every Thursday. However, Petitioner then received notification that she was to report to ICE/ISAP in Baltimore every 8 weeks, starting on February 4, 2026. Upon reporting as instructed, Petitioner was arrested by ICE officials without a warrant and detained. Petitioner is currently being held at the Immigration and Customs Enforcement Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland.

14. Mrs. PATEL has an upcoming final asylum hearing on June 26, 2026, at 8:00 A.M., before the Baltimore Immigration Court, where she will present her meritorious claim for asylum, withholding of removal, and protection under CAT. (See Exhibit 1).

15. Petitioner currently lives with her husband and her two minor children. Petitioner works very hard to support her family both financially and emotionally. They are suffering without her presence.

### **LEGAL BACKGROUND**

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

16. 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)).
17. 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.

18. 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).
19. 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.
20. 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.

21. 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).

22. 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**

23. Petitioner re-alleges and incorporates by reference the paragraphs above.

24. Petitioner’s detention violates the substantive and procedural Due Process guarantees of the United States Constitution. Petitioner entered the United States in July of 2023 and was initially apprehended at the border. DHS thereafter issued a Notice to Appear placing her in standard removal proceedings and designated her as a noncitizen “present in the United States without admission or parole.” After releasing Petitioner into the United States, DHS subjected her 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, her 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).

25. 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).
26. Before depriving Petitioner of her liberty interest, she 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 PATEL 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 her two minor daughters, whom depend on her for financial and emotional support, her pending asylum application, and no criminal record, her *Mathews* factors support that she should be entitled to be free from unlawful, arbitrary, and capricious detention under the inter alia due process clause.
27. Additionally, Respondents' arrest and detention of Petitioner violates her 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 she 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.
28. 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.
29. 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 she 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**

30. 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.
31. Petitioner's arrest was unlawful because ICE effected a warrantless civil immigration arrest while she was reporting to ICE as requested, 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). Here, while Petitioner reported to ICE as requested, she was arrested without a warrant, without probable cause, and without any individualized showing of necessity, in direct violation of the Fourth Amendment. Respondents presented no evidence to justify the warrantless seizure, nor any exigent circumstances that would permit it. An arrest under these circumstances, with no ongoing investigation and no indication of danger or flight risk,

constitutes an arbitrary and unreasonable seizure, offending both the Fourth Amendment and fundamental principles of due process.

### **THIRD CLAIM FOR RELIEF**

#### **VIOLATION OF 28 U.S.C. § 1361 (Writ of Mandamus)**

32. Petitioner re-alleges and incorporates by reference the paragraphs above.
33. Petitioner's detention despite having consistently reported to ICE/ISAP, her upcoming final asylum hearing, her minor daughters and partner who depend on her, employment, family, and community ties, is an abuse of discretion and unlawful.
34. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention based on violations of, inter alia, her Fourth and Fifth Amendment rights, her pending asylum application, and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to his ties here in the community. Petitioner's minor daughters and partner depend on her greatly for their emotional support and well-being.

### **FOURTH CLAIM FOR RELIEF**

#### **VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT**

35. Petitioner re-alleges and incorporates by reference the paragraphs above.
36. 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)).

37. Here, ICE's decision to detain Petitioner, where she was reporting to ICE as requested of her, has an upcoming final asylum hearing, 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.
38. 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, her Fourth and Fifth Amendment rights, her eligibility for relief, and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to his ties here in the community. Petitioner's minor son and partner are suffering without her presence.

#### **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 arrange a bond hearing before an immigration judge 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, the Fourth and Fifth Amendments, and the APA.

5) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Richey  
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