

UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND
GREENBELT DIVISION

Anieta Victoria Henry,

Petitioner,

v.

NIKITA BAKER, Field Office Director, Baltimore
Field Office, United States Immigration and
Customs Enforcement; TODD M. LYONS, Acting
Director, United States Immigration and Customs
Enforcement; KRISTI NOEM, Secretary of
Homeland Security; PAMELA JO BONDI, United
States Attorney General, *in their official capacities,*

Respondents.

Civil Action No.:

**PETITION FOR WRIT OF HABEAS
CORPUS AND REQUEST FOR TRO**

ANIETA VICTORIA HENRY
PETITION FOR A WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. § 2241

INTRODUCTION

1. Petitioner Anieta Victoria Henry, a Jamaican national and citizen, respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241. She is currently being held at ICE ERO's holding cell at 31 Hopkins Plaza, 6th Floor, Baltimore, MD 20101. Petitioner was paroled into the United States on or about DATE and timely filed an I-589 application for Asylum, Withholding, and Convention Against Torture ("CAT") protection. Petitioner was

issued an I-765 Employment Authorization Document in category C08 – “Asylum application pending filed on/after Jan. 4, 1995.” Petitioner’s case was favorably terminated from the Executive Office of Immigration Review on or about DATE after the U.S. Department of Homeland Security failed to file her I-213 within the 45-day deadline set by the Court.¹ by the U.S. Department of Homeland Security and she was required to continue mandatory annual check-ins with Immigration and Customs Enforcement (ICE), which she was mandated to do upon her parole into the United States. Petitioner fully complied with all required ICE check-ins. Nevertheless, on or about January 3, 2026, ICE detained Petitioner during a scheduled check-in without any prior notice. As a result, Petitioner was unable to make arrangements for her minor daughter, who was at school at the time, and was required to leave her vehicle and personal belongings behind when she was not permitted to exit the ICE facility as she had anticipated. Petitioner possesses a well-founded, good-faith fear of return to her native country, Jamaica, as demonstrated by her previously filed Form I-589 application for Asylum, Withholding of Removal, and protection under the Convention Against Torture. This fear was further recognized by the government’s issuance of an employment authorization document based on the pendency of that protection application. She is also the fiancée of a United States citizen, and the couple had concrete plans to marry within weeks prior to her detention. Despite this, ICE now threatens her deportation to Jamaica and prolonged detention, in clear violation of U.S. law, constitutional protections, and binding international treaty obligations.

2. Petitioner challenges her detention as a violation of the Immigration and Nationality Act (INA)

¹ Specifically, the Immigration Judge stated the following: “On March 20, 2025, the Court issued a second order providing the DHS with “one last opportunity” to file the I-213 and to respond to the Respondent’s written pleadings. The Court set a deadline of April 3, 2025, for the DHS to do so and noted that, if the DHS failed to do so, “proceedings may be terminated without prejudice.” It is now April 7, 2025, and the DHS has not filed the I-213 or other evidence to establish removability and has filed no response to the Respondent’s pleadings. As such, removability has not been established. Proceedings are terminated without prejudice. *Forthcoming as an exhibit.*”

and the Due Process Clause of the Fifth Amendment; and supporting case law stating, “A federal court may grant habeas relief only on the ground that the petitioner is in custody in violation of the Constitution or law or treaties of the United States.” *Torrence v. Lewis*, 60 F.4th 209, 213 (4th Cir. 2023) (internal citations omitted).

3. Petitioner respectfully requests that this Court grant her a Writ of Habeas Corpus and order Respondents to release her from custody. Petitioner seeks habeas relief under 28 U.S.C. 2241, which is the proper vehicle for challenging civil immigration detention. *See Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004) (“Challenges to immigration detention are properly brought directly through habeas”) (citing *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001)).

CUSTODY

4. Petitioner is in the physical custody of Respondents. ICE is currently holding Petitioner at 31 Hopkins Plaza, 6th Floor, Baltimore, MD 20101. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION

5. This Court has jurisdiction to entertain this habeas petition under 28 U.S.C. 2241; the Due Process Clause of the Fifth Amendment, U.S. Const. amend. V; and the Suspension Clause, U.S. Const. art. I, § 2.

VENUE

6. Venue is proper in this District under 28 U.S.C. 1391 and 28 U.S.C. 2242 because at least one Respondent is in this District, Petitioner is detained in this District, Petitioners’ immediate physical custodian is located in this District, and a substantial part of the events giving rise to the claims in this action took place in this District. *See generally Rumsfeld v. Padilla*, 542 U.S.

426, 434 (2004) (“the proper respondent to a habeas petition is ‘the person who has custody over the petitioner’”) (citing 28 U.S.C. 2242) (cleaned up).

PARTIES

7. Petitioner Anieta Victoria Henry is currently being held by Respondents at 31 Hopkins Plaza, 6th Floor, Baltimore, MD 21201, an immigration holding facility until Respondent relocates her to a detention facility, the location of which is presently unknown. She has been in ICE custody since on or about January 3, 2026, when she was arrested during an ICE mandatory call-in.
8. Respondent Nikita Baker is the Field Office Director responsible for the U.S. Immigration and Customs Enforcement (ICE) Baltimore Field Office of ICE with administrative jurisdiction over Petitioner’s immigration case. She is a legal custodian of Petitioner and is named in her official capacity.
9. Respondent Todd M. Lyons is the Acting Director of ICE. He is a legal custodian of Petitioner and is named in his official capacity.
10. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS). She is a legal custodian of Petitioner and is named in her official capacity.
11. Respondent Pamela Jo Bondi is the Attorney General of the United States Department of Justice. She is a legal custodian of Petitioner and is named in her official capacity.

STATEMENT OF FACTS

12. Petitioner turned 32 years-old on February 2, 2026, one day prior to her detainment. She is a native and citizen of Jamaica who has resided in the United States since on or about August 16, 2022. Petitioner was initially paroled into the United States and timely filed an application for asylum, withholding of removal, and protection under the Convention Against Torture using

Form I-589, citing, among other things, the persecution and murders of several of her siblings. That application remained pending for a significant period of time and formed the basis for the issuance of an employment authorization document by the government. Her matter was eventually terminated from Immigration Court because the government failed to file her I-213 Record of Deportability by the extended deadline provided by the Immigration Judge.

13. During her time in the United States, Petitioner has consistently complied with all requirements imposed by the Department of Homeland Security. She has attended every scheduled ICE check-in as directed, often telephonically, and has never failed to report as instructed.
14. On or about January 3, 2026, Petitioner appeared for a routine, scheduled check-in at the Baltimore Enforcement and Removal Operations office of U.S. Immigration and Customs Enforcement with the expectation that she would be permitted to return home, as had occurred at all prior check-ins. Instead, without prior notice or warning, Petitioner was taken into custody.
15. Because the detention was unexpected, Petitioner was unable to make arrangements for her minor daughter, who was at school at the time. Petitioner was also required to leave her vehicle, house keys, and personal belongings behind, as she was not permitted to exit the ICE facility once detained.
16. Petitioner has since been held in custody at the Baltimore ICE facility with minimal communication with her family. Her minor daughter was left without her primary caregiver and required emergency assistance from extended family members to retrieve her from school and access the home.
17. Petitioner is lawfully employed pursuant to a valid employment authorization document and has been financially supporting herself and her child. She has no history of criminal conduct and has lived peacefully in the community.

18. Petitioner possesses a well-founded, good-faith fear of return to Jamaica, as evidenced by her previously filed Form I-589 application. The government's prior issuance of employment authorization recognized the bona fide nature of that protection claim.
19. Petitioner is also the fiancée of a United States citizen, and the couple had concrete plans to marry within weeks prior to her detention.
20. Petitioner's detention occurred despite her full compliance with all ICE reporting requirements, her long residence in the United States, her role as sole caregiver to a minor child, and her significant humanitarian equities.
21. She remains detained solely as a result of appearing for a scheduled check-in as directed by the government.

LEGAL FRAMEWORK

22. ICE's continued detention of Petitioner following her routine check-in, despite years of full compliance under an Order of Supervision and the absence of any final order of removal, violates the following legal principles:

- **Violation of Due Process under 8 U.S.C. §1226(a)** – Petitioner is being detained without any individualized custody determination despite qualifying for discretionary release and having previously been deemed appropriate for supervision.
- **Violation of Zadvydas principles** – Detention must bear a reasonable relation to removal; here, removal is neither imminent nor legally foreseeable given Petitioner's pending protection claims and long-standing supervised release.
- **Violation of Fundamental Fairness** – Detaining a non-criminal individual at a scheduled check-in after years of compliance is arbitrary governmental action.
- **Violation of the APA** – ICE's abrupt reversal from supervised release to detention, without

changed circumstances or explanation, is arbitrary and capricious agency action.

23. Petitioner's detention violates the Due Process Clause of the Fifth Amendment. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

24. Petitioner's detention violates the Fifth Amendment's protection for liberty for at least three related reasons. First, immigration detention must always "bear[] a reasonable relation to the purpose for which the individual was committed." *Demore v. Kim*, 538 U.S. 510, 527 (2003). Here, Petitioner has a well-founded, good-faith fear of return to Jamaica, as evidenced by her previously filed Form I-589 application for asylum, withholding of removal, and protection under the Convention Against Torture, which served as the basis for the government's issuance of employment authorization. Because Petitioner's protection claims remain unresolved and removal is not imminent, continued detention no longer bears any reasonable relation to its intended purpose.

25. Second, at a minimum, the Due Process Clause protects individuals from unlawful or arbitrary detention. *See Zadvydas*, 533 U.S. at 718 (Kennedy, J., dissenting) ("the Due Process Clause includes protection against unlawful or arbitrary personal restraint or detention"). Petitioner was previously released by DHS on an Order of Supervision after a determination that detention was unnecessary. She complied fully with all reporting requirements for years. ICE's sudden decision to detain her at a scheduled check-in, without any violation, changed circumstance, or individualized custody review, renders her detention arbitrary and unconstitutional.

26. Third, Petitioner is detained under 8 U.S.C. § 1226(a), which is discretionary detention authority that expressly contemplates release on bond or supervision. Unlike mandatory detention under §1226(c) or post-order detention under §1231, §1226(a) requires meaningful procedural protections and individualized custody determinations. Petitioner has received none.

27. Courts within the Fourth Circuit have recognized that detention under § 1226(a) without proper procedural safeguards violates due process. *See Miranda v. Garland*, confirming that individuals detained under § 1226(a) are entitled to constitutionally adequate custody review procedures. Petitioner has been afforded no such review. 34 F.4th 338 (4th Cir. 2022).

28. The circumstances of Petitioner's detention are particularly troubling because she was detained while complying with ICE's own reporting requirements. Detaining an individual for appearing at a scheduled check-in punishes compliance and manufactures a perceived flight risk where none exists. Such action is fundamentally inconsistent with principles of fairness and due process.

29. Petitioner is a non-criminal individual, the primary caregiver of a minor child, lawfully employed pursuant to government-issued authorization, and the fiancée of a United States citizen. These equities further demonstrate that detention serves no legitimate governmental purpose.

30. Because Petitioner's detention is no longer reasonably related to removal, was imposed without individualized review, contradicts DHS's prior determination that supervision was sufficient, and punishes compliance rather than misconduct, her continued detention violates the Fifth Amendment and constitutes arbitrary agency action subject to habeas relief.

PRAYER FOR RELIEF

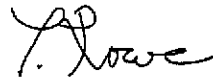
WHEREFORE, Petitioners pray that this Court grant the following relief:

1. Issue a Writ of Habeas Corpus directing Respondents to immediately release Petitioner from custody, as her continued detention violates the Fifth Amendment and exceeds lawful authority under 8 U.S.C. § 1226(a);
2. In the alternative, order Respondents to provide Petitioner with an immediate, individualized custody hearing before a neutral decisionmaker at which the government bears the burden of justifying continued detention by clear and convincing evidence;

3. Enjoin Respondents from removing or transferring Petitioner from the District pending resolution of this matter;
4. Declare that Petitioner's detention following years of full compliance under an Order of Supervision, and without any changed circumstance or custody determination, is arbitrary, capricious, and in violation of the Due Process Clause of the Fifth Amendment;
5. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
6. Grant such other and further relief as this Court deems just and proper.

Dated: February 4, 2026

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Rowe".

Tedeisha Rowe, Esq.
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Rowe International Law Group, LC
240.669.7596|filings@rilawg.com
Counsel for Petitioner

Verification by Someone Acting on Petitioner's Behalf Pursuant to 28 U.S.C. 2242

I am submitting this verification on behalf of Petitioner, Anieta Victoria Henry, because I am his attorney. I have discussed with Petitioner the events described in this Petition. I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus, including the statements regarding Petitioner's Order of Supervision, termination of removal proceedings due to DHS's failure to file an I-213 in her matter by the EOIR-mandated deadline, continued fear of persecution if returned to Jamaica, are true and correct to the best of my knowledge.

/s/ Tedeisha Rowe, Esq.

Date: February 4, 2026