

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

LUCILA RAMIREZ-MENDOZA,
Petitioner,

v.


PAMELA BONDI, Attorney General of
the United States, et at
Respondents.

Case No: 1:26-cv-0481

A# 

**AMENDED PETITION
FOR WRIT OF HABEAS CORPUS**

I. INTRODUCTION

This is a petition for a writ of habeas corpus filed on behalf of Lucila Ramírez-Mendoza (A# ) a native and citizen of Mexico who has lived in the United States for over two decades. She is the devoted mother of four U.S. citizen children, ages 21, 16, 12, and 4, who depend on her daily care, guidance, and support.

On January 4, 2026, while returning home after taking her youngest child to a babysitter, Petitioner was stopped by a police officer without stated legal reason. The officer asked if she was Hispanic and, after she confirmed, removed her from her car and placed her in handcuffs. Multiple ICE vehicles surrounded her vehicle, and ICE agents took her into custody without a warrant or explanation. Petitioner was fully compliant, posed no flight risk, and was engaged in a routine family errand.

Upon information and belief, the government does not dispute that Petitioner is properly detained under 8 U.S.C. § 1226(a)—the discretionary detention statute

requiring individualized custody determinations and bond eligibility—rather than § 1225(b)(2)’s mandatory detention framework. This means Petitioner was detained under the wrong statute from day one, creating a legal void requiring immediate release.

The government’s proposal of a bond hearing is inadequate for three reasons: (1) detention under an inapplicable statute lacks valid statutory authority—the remedy is immediate release, not belated compliance; (2) the sudden seizure without pre-deprivation process violated her right to individualized assessment under § 1226(a), which post-deprivation proceedings cannot cure; and (3) bond hearings in Maryland result in wealth-based detention, as Immigration Judges routinely set bonds at levels indigent detainees cannot afford.

Petitioner seeks an order declaring her detention unlawful and directing her immediate release.

CUSTODY

1. Petitioner is in physical custody of Respondents Todd Lyons, Acting Director, U.S. Immigration and Customs Enforcement, and Vernon Liggins, Field Office Director, ICE Enforcement and Removal Operations.
2. Petitioner is detained at the Baltimore Holding Room in Baltimore, Maryland, a facility operated by DHS.

II. JURISDICTION AND VENUE

3. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and U.S. Const. art. I, § 9, cl. 2 (Suspension Clause), as

Petitioner is in custody under color of authority of the United States in violation of the U.S. Constitution, laws, or treaties.

4. This Court may grant relief under 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 because Petitioner is detained in this District and a Respondent with immediate custody is located here.

III. PARTIES

6. Petitioner, A# [REDACTED] is a native and citizen of Mexico, 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 and authority to release her.
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, responsible for detention and removal policies.
10. Respondent Pamela Bondi is the Attorney General of the United States.

IV. STATEMENT OF FACTS

11. Petitioner is a native and citizen of Mexico who entered the United States without inspection in 2002. She has resided in the United States for approximately twenty-four years.

12. On January 4, 2026, at 8:00 a.m., Petitioner drove her youngest child to a babysitter and headed home. A police officer stopped her vehicle without giving any traffic reason and asked if she was Hispanic. She confirmed and presented her valid driver's license.
13. The officer ordered her out of the car and placed her in handcuffs without explanation. The stop rested on her ethnicity, not on any observed violation or threat.
14. Multiple ICE vehicles (approximately four) arrived and surrounded her car. ICE officers took her into custody without showing a warrant or stating any legal basis for the arrest.
15. Petitioner did not flee, resist, or act aggressively. She was stopped during a routine family task and posed no danger or flight risk.
16. The government has not indicated the detention is based on any recent conduct. The detention does not rely on present risk, danger, or misconduct.
17. Petitioner is the mother of four U.S. citizen children, ages 21, 16, 12, and 4, who depend on her daily care. Her daughter describes her as a devoted parent who meets her children's needs and holds the family together.
18. She attends her children's school events, games, and activities, and provides steady care. Her sudden detention removed a central parent from a stable home without warning.

19. Petitioner works Monday through Saturday as a nurse at “How Sweet It Is” in Maryland. She lives with her partner and maintains a stable home. Her record reflects good moral character, deep community ties, and no risk to public safety.
20. Petitioner has a scheduled removal hearing under 8 U.S.C. § 1229a, the statutory framework for individuals in the United States.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

21. Administrative exhaustion is excused because no administrative remedy exists for the relief Petitioner seeks. *McCarthy v. Madigan*, 503 U.S. 140, 148 (1992). Petitioner seeks immediate release, not a bond hearing. Immigration Judges lack authority to order unconditional release and may only set bond amounts under § 1226(a).
22. An Immigration Judge cannot determine whether ICE’s arrest was lawful, whether § 1225(b)(2) applies to someone who has resided here for two decades, or whether continued detention violates the Fourth and Fifth Amendments. These constitutional questions are reserved for Article III courts through habeas review.
23. When detention rests on a fundamentally invalid statutory theory, immediate judicial intervention is appropriate. *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

VI. STATUTORY FRAMEWORK

24. Congress created two detention frameworks: § 1225(b)(2) mandates detention for noncitizens “present without having been admitted or paroled,” while § 1226(a) authorizes discretionary detention with bond eligibility for noncitizens present in the United States. *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).
25. In *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA held that noncitizens present without inspection are subject to § 1225(b)(2), regardless of residence length or arrest location. However, after *Loper Bright Enters. v. Raimondo*, 144 S. Ct. 2244 (2024), eliminated Chevron deference, this Court must exercise independent judgment in interpreting the statute.
26. Upon information and belief, the government does not dispute that § 1226(a) applies to Petitioner. Her twenty-four-year residence, interior arrest, § 1229a removal proceeding, and deep community ties distinguish her from the typical “arriving alien” to whom § 1225(b)(2) has historically applied.
27. If § 1226(a) applies, Petitioner was detained under the wrong statute from January 4, 2026, through the present. Government authority to detain derives strictly from specific statutory provisions. *Demore v. Hyung Joon Kim*, 538 U.S. 510, 523-24 (2003). When the claimed basis no longer applies, detention authority expires. *Zadvydas*, 533 U.S. at 689.

VII. DETENTION UNDER WRONG STATUTE CREATES LEGAL VOID REQUIRING IMMEDIATE RELEASE

28. Every day Petitioner has remained in custody has been without valid statutory authority. Detention lacking statutory authorization violates due process “regardless of what procedures are provided.” *Id.* at 690.
29. The government cannot bypass § 1226(a)’s requirements—warrant, individualized custody determination, bond consideration—then claim retroactive compliance. The constitutional violation occurred January 4, 2026. Petitioner was seized without the individualized assessment § 1226(a) requires. This pre-deprivation violation cannot be cured by post-deprivation proceedings. *Zinerman v. Burch*, 494 U.S. 113, 132 (1990); *Propert v. District of Columbia*, 948 F.2d 1327 (D.C. Cir. 1991) (absent an “extraordinary situation” or an “emergency,” the government cannot seize first and ask questions later).
30. Federal courts consistently order immediate release when detention lacks statutory foundation: *Abrego Garcia v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 11, 2025); *Casas-Castrillon v. Dep’t of Homeland Sec.*, 535 F.3d 942, 951 (9th Cir. 2008); *Gonzalez Centeno v. Lowe*, 2026 WL 94642, at *4 (M.D. Pa. Jan. 13, 2026); *Omar v. McHugh*, 646 F.3d 13 (D.C. Cir. 2011) (judges may fashion a remedy like an Order of Supervision if unconditional release is not granted).

VIII. FOURTH AMENDMENT VIOLATIONS REQUIRE IMMEDIATE RELEASE

A. The Traffic Stop Violated the Fourth Amendment

31. The Fourth Amendment protects noncitizens from unreasonable seizures. *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990). Petitioner was stopped without stated legal basis—the only reason was her ethnicity. Ethnicity alone cannot justify a traffic stop. *United States v. Brignoni-Ponce*, 422 U.S. 873, 886-87 (1975).
32. A traffic stop cannot be prolonged beyond its mission absent reasonable suspicion. *Rodriguez v. United States*, 575 U.S. 348 (2015). Here, no traffic mission existed. The stop was pretextual, designed to facilitate ICE arrest. *United States v. Guijon-Ortiz*, 660 F.3d 757 (4th Cir. 2011); *United States v. Hill*, 852 F.3d 377 (4th Cir. 2017).

B. The Warrantless Arrest Violated the Fourth Amendment

33. Under 8 U.S.C. § 1357(a)(2), warrantless arrests require belief the alien “is likely to escape before a warrant can be obtained.” ICE had no such basis. Petitioner lived openly in Maryland for twenty-four years, maintained regular employment six days weekly, resided with her partner and four children, and was engaged in routine conduct. The government had ample time to obtain a warrant. *Suri v. Noem*, No. 1:25-cv-00088 (E.D. Va. 2025).

C. All Subsequent Detention Is Fruit of the Poisonous Tree

34. The unlawful traffic stop led directly to the unlawful warrantless arrest, producing the Notice to Appear and all subsequent detention. Every element

derives from constitutional violations. *Immigration & Naturalization Serv. v. Lopez-Mendoza*, 468 U.S. 1032, 1050-51 (1984) (Fourth Amendment protections apply in immigration proceedings where arrests are egregiously unlawful); *Martinez v. Sessions*, 893 F.3d 167 (4th Cir. 2018); *Oliva v. Lynch*, 807 F.3d 53 (4th Cir. 2015)(searches or seizures motivated by racial profiling or conducted in bad faith are central to the "egregiousness" inquiry).

35. The Fourth Amendment violation is ongoing—every day in custody is confinement flowing from unlawful seizure. *Gerstein v. Pugh*, 420 U.S. 103, 114 (1975). Petitioner has been held over one month without judicial determination that her arrest was lawful. A bond hearing cannot cure this violation. *Portillo-Argueta v. Simon*, No. 1:25-cv-02285 (E.D. Va. Jan. 23, 2026); *Yanez-Marquez v. Lynch*, 789 F.3d 434 (4th Cir. 2015) (if the initial seizure was a "gross" violation of the Fourth Amendment, the resulting "Notice to Appear" (NTA) and subsequent custody can be challenged).

IX. PRE-DEPRIVATION PROCESS VIOLATIONS REQUIRE IMMEDIATE RELEASE

36. If § 1226(a) applies, Petitioner was entitled to pre-deprivation process before seizure. The Fifth Amendment requires "notice and opportunity for hearing appropriate to the nature of the case" before depriving liberty. *Mullane v. Cent. Hanover Bank & Tr. Co.*, 339 U.S. 306, 313 (1950). Petitioner received no notice, hearing, or individualized assessment before arrest.

37. This violation cannot be cured by post-deprivation proceedings. When “deprivation of liberty is effected without an opportunity for a hearing, the procedures violate the Due Process Clause.” *Zinermon*, 494 U.S. at 132. Post-deprivation remedies are inadequate where pre-deprivation process was feasible. *Id.* at 132-33; *Propert*, 948 F.2d 1327 (providing a hearing after a seizure does not cure the failure to provide one before if an emergency did not exist).
38. Pre-deprivation process was entirely feasible. Petitioner lived in Maryland for twenty-four years with steady employment, four U.S. citizen children, and predictable routines. The government had no emergency requiring immediate action. Courts recognize sudden detention of long-term residents cannot be remedied by post-deprivation bond hearings. *Alfaro Herrera v. Baltazar*, 2026 WL 91470, at 13 (*D. Colo. Jan. 13, 2026*); *Qasemi v. Francis*, 2025 WL 3654098, at 14 (S.D.N.Y. Dec. 17, 2025); *Sciolino v. City of Newport News*, 480 F.3d 642 (4th Cir. 2007) (when a deprivation is predictable and the government has the means to provide a hearing beforehand, it must do so).

X. BOND HEARINGS ARE INADEQUATE REMEDY

39. Under 28 U.S.C. § 2241, this Court has broad authority to order discharge from custody. *Zadvydas*, 533 U.S. at 687; *Bowrin v. U.S. INS*, 194 F.3d 483, 485 (4th Cir. 1999). Release is the traditional remedy for unlawful detention. The “essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and the traditional function of the writ is to secure release from illegal custody.” *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973); *Tasimi v. Quarantillo*, 671 F.3d 403, 409 (4th Cir. 2012) (concluding that federal courts retain

jurisdiction to review "purely legal" questions regarding the statutory framework governing a noncitizen's detention).

40. A bond hearing is inadequate where initial detention was unlawful. Petitioner's constitutional rights were violated the moment ICE arrested her without a warrant on January 4, 2026. "Post-deprivation process does not remedy a pre-deprivation constitutional violation." *Zinerman*, 494 U.S. at 132. The Fourth Circuit requires notice and hearing before depriving liberty absent extraordinary circumstances. *Propert*, 948 F.2d 1327; *Abrego Garcia v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 11, 2025) (granting immediate release from ICE custody where a long-term Maryland resident's ongoing detention without a valid statutory basis was "constitutionally infirm").
41. Immigration Judges lack authority to declare ICE's warrantless arrest violated the Fourth Amendment, rule the traffic stop was unconstitutional, or find detention lacking statutory authority violates substantive due process. These constitutional questions are reserved for Article III courts.
42. Moreover, a bond hearing is an inadequate remedy because it frequently results in wealth-based detention. Immigration Judges in Maryland routinely set bonds at \$25,000 without considering a detainee's ability to pay. This Court has previously recognized that such a process can be an inadequate remedy when it results in "arbitrary" detention by setting bonds beyond a petitioner's financial means, effectively transforming a discretionary release into a de facto detention order. *Dubon Miranda v. Barr*, 463 F. Supp. 3d 632, 647 (D. Md. 2020). While the government may rely on *Miranda v. Garland*, 34 F.4th 338 (4th Cir. 2022),

that case addressed the procedural requirements of a standard hearing, not the equitable remedy required to cure the egregiously unlawful Fourth Amendment violations and the "legal void" present here. As other courts have concluded, "it can't be the case that people are being detained simply for being poor." *Celestin v. Decker*, No. 17-cv-2419 (S.D.N.Y. June 14, 2017); *see also Hernandez v. Sessions*, 872 F.3d 976, 990 (9th Cir. 2017)

43. The only remedy capable of ending this ongoing constitutional violation is Petitioner's immediate release. The Fourth Circuit has long recognized that "the loss of liberty for even a few days" constitutes a profound and irreparable harm. *Ross v. Meese*, 818 F.2d 1132, 1135 (4th Cir. 1987). This Court possesses broad authority under 28 U.S.C. § 2241 to order discharge from custody—either unconditionally or under an Order of Supervision—as part of the "equitable nature of the habeas remedy." *Omar*, 646 F.3d 13. Ordering a mere bond hearing would "fail to remedy the statutory violation" that has persisted since Petitioner's unauthorized warrantless arrest. *See M.K. v. Arteta*, 2025 WL 3720779, at 9 (S.D.N.Y. Dec. 23, 2025). *Indeed, this District has recently exercised its equitable power to order the immediate release of long-term residents whose detention was found to be "constitutionally infirm" or lacking valid statutory foundation. Abrego Garcia v. Noem*, No. 8:25-cv-02780-PX (D. Md. Dec. 11, 2025). *Because Petitioner's detention has been unlawful ab initio, her immediate release is required to restore the status quo ante.*

COUNT ONE: VIOLATION OF FIFTH AMENDMENT DUE PROCESS

44. Petitioner incorporates all preceding paragraphs.

45. Petitioner's detention violates substantive due process because, if § 1226(a) applies, the government lacks statutory authority to confine her under § 1225(b)(2). "In our constitutional system, the liberty of the person must yield to properly constituted authority only when that authority has statutory or decisional law as its source." *Zadvydas*, 533 U.S. at 695. Every day of continued detention is without lawful justification. Government detention without statutory authorization violates the Constitution regardless of procedures provided. *Id.* at 690.
46. Petitioner's detention violates procedural due process. She was stopped based solely on ethnicity, then arrested without warrant, probable cause, or the exigency required by 8 U.S.C. § 1357(a)(2). She received no notice, hearing, or individualized assessment before arrest. This pre-deprivation violation cannot be cured by post-deprivation proceedings. *Zinerman*, 494 U.S. at 132.
47. Petitioner's prolonged detention without meaningful process violates due process. She poses no flight risk—she lived in Maryland for twenty-four years, works steadily, supports four U.S. citizen children, and has no criminal history. There is no legitimate government interest justifying physical confinement. When administrative processes produce predetermined outcomes or unaffordable bonds, they cease to satisfy due process.
48. The detention serves no legitimate non-punitive purpose and is punitive in effect. The government arrested her through a coordinated operation with multiple ICE units—a massive show of force against a compliant individual engaged in routine childcare. She has been held over one month without bond despite twenty-four

years of peaceful residence. Such punitive detention violates substantive due process. *Zadvydas*, 533 U.S. at 690.

COUNT TWO: VIOLATION OF FOURTH AMENDMENT

49. Petitioner incorporates all preceding paragraphs.
50. The traffic stop violated the Fourth Amendment. Petitioner was stopped without stated legal basis—the only reason was her ethnicity. Ethnicity alone cannot justify a stop. *Brignoni-Ponce*, 422 U.S. at 886-87. The stop was pretextual, designed to facilitate ICE arrest. *Rodriguez*, 575 U.S. 348; *Guijon-Ortiz*, 660 F.3d 757.
51. The warrantless arrest violated the Fourth Amendment. Under § 1357(a)(2), warrantless arrests require belief the alien “is likely to escape.” ICE had no such basis. Petitioner lived openly for twenty-four years, maintained employment, resided with family, and was commuting for childcare. The government had time to obtain a warrant. The decision to arrest without judicial authorization was a choice, not a necessity. *Suri*, No. 1:25-cv-00088.
52. All subsequent detention is fruit of the poisonous tree. The unlawful stop led to the unlawful arrest, producing all subsequent detention. *Immigration & Naturalization Serv.*, 468 U.S. at 1050-51; *Osorio-Martinez*, 893 F.3d 153. The violation is ongoing. *Gerstein*, 420 U.S. at 114. The only remedy is immediate release.

XII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests:

- A. This Court 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 or the United States during this action.
- D. Declare that Petitioner's detention under § 1225(b)(2) is unlawful because: 1. The applicable statute is § 1226(a), which authorizes discretionary detention with bond eligibility; 2. Detention under § 1225(b)(2) when § 1226(a) applies lacks valid statutory authority; 3. Every day of detention under an inapplicable statute is without lawful justification.
- E. Declare that Petitioner's arrest on January 4, 2026, violated the Fourth Amendment because: 1. The traffic stop lacked reasonable suspicion and was based solely on ethnicity; 2. ICE arrested Petitioner without a warrant and without demonstrating she was likely to escape; 3. All subsequent detention is fruit of the poisonous tree.
- F. Declare that Petitioner's continued detention violates the Fifth Amendment because: 1. If § 1226(a) applies, the government lacks valid statutory authority to detain without bond eligibility; 2. Petitioner was deprived of liberty without pre-deprivation notice or hearing; 3. Post-deprivation bond proceedings cannot cure the constitutional violation; 4. The detention serves no legitimate non-punitive civil purpose; 5. Administrative bond

proceedings are inadequate where IJs lack authority to remedy constitutional violations and routinely set unaffordable bonds.

G. Order Respondents to immediately release Petitioner from custody, either: 1. Unconditionally; or 2. Under an Order of Supervision with reasonable conditions tailored to Petitioner's circumstances.

H. Grant any other relief which this Court deems just and proper.

DATED: February 7, 2026

Respectfully submitted,
Petitioner

By: _____/s/_____
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242I

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 7, 2026

_____/s/_____
Jorge E. Artieda,
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 7, 2026, I electronically filed the foregoing CERTIFICATION with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,
Petitioner

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