

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

Yansy Carolina Blanco de Villatoro
(A# )

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General;
KRISTI NOEM, Secretary of the U.S.
Department of Homeland Security;
TODD M. LYONS, in his official capacity as
Acting Director of U.S. Immigration and
Customs Enforcement;
Vernon Liggins, in his official capacity
as Acting Field Office Director in charge of
ICE Baltimore Field Office.

Respondents.

Case No.:

**PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

1. Petitioner Yansy Carolina Blanco de Villatoro (“Ms. Blanco de Villatoro”), a native and citizen of El Salvador, challenges her continued custodial detention by the Department of Homeland Security Immigration and Customs Enforcement (“ICE”) since February 5, 2026, as an unconstitutional and unjustified restraint and deprivation of her physical liberty, and seeks immediate relief from this Court.
2. Ms. Blanco de Villatoro is being unlawfully subjected to continued custodial detention by Respondents without the ability to pursue substantive administrative remedies with the Department of Justice Executive Office for Immigration Review (“EOIR”).
3. Ms. Blanco de Villatoro’s continued detention by ICE, without any further meaningful mechanism to challenge her confinement, violates the U.S. CONST. Due Process Clause of the Fifth Amendment (the “Fifth Amendment”), the Immigration

and Nationality Act (the “INA”) and the Administrative Procedures Act, 5 U.S.C. § 702 (the “APA”).

4. Ms. Blanco de Villatoro petitions for a writ of habeas corpus to remedy her unlawful detention, and prays this Court will issue an order 1) declaring that the continued immigration detention of Ms. Blanco de Villatoro violates the Due Process Clause of the Fifth Amendment, the INA and the APA; 2) granting Ms. Blanco de Villatoro her immediate release from the custody of Respondents or, in the alternative, a bond hearing before an immigration judge under section 1226(a) of the INA where the burden is on Respondents to establish flight risk and/or danger to the community; and 3) preventing Respondents from once again taking Ms. Blanco de Villatoro into custody unless she is determined to be a flight risk and/or a danger to the community.

JURISDICTION AND VENUE


5. Ms. Blanco de Villatoro is currently detained by ICE at 31 Hopkins Plaza, Baltimore, Maryland 21201 (the “Baltimore ICE Facility”), which is within the jurisdiction of the United States District Court for the District of Maryland.
6. This action arises under the Due Process Clause of the Fifth Amendment, the INA and the APA.
7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (“Habeas Corpus”), the Suspension Clause of the United States Constitution, 28 U.S.C. § 1346 (civil actions against the United States), 28 U.S.C. § 1651 (“All Writs Act”), and 28 U.S.C. §§ 2201-02 (“Declaratory Relief”), as Ms. Blanco de Villatoro is presently held in custody under or by color of the authority of the United States. Her detention by Respondents is a “severe restraint” on her individual liberty “in violation of the...laws ... of the United States.” *See Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).
8. This Court has jurisdiction to hear Habeas Corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by U.S. immigration officials. *See, e.g., Jennings v. Rodriguez*, 138 S. Ct. 830,841 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687.

9. In addition to the habeas protections in the Constitution and INA, federal district courts have subject-matter jurisdiction under 28 U.S.C. § 1331 (“*Federal Questions*”) to hear claims by individuals challenging the lawfulness of agency action.
10. Venue is proper because Ms. Blanco de Villatoro is currently detained within the State of Maryland. At 5:00 p.m. Eastern Daylight Savings Time on February 5, 2026, Attorney Jared Jaskot, the attorney representing Ms. Blanco de Villatoro before the Executive Office of Immigration Review, personally confirmed to undersigned counsel that she is in Baltimore, Maryland and has been verified to be in ICE Custody. *See* Ex. 1 hereto.

PARTIES

11. Petitioner, Yansy Carolina Blanco de Villatoro, is a citizen and national of El Salvador. She is currently detained by the Respondents at the Baltimore ICE Facility, which is within the jurisdiction of the District of Maryland, since February 5, 2026.
12. Respondent Pamela Bondi is the U.S. Attorney General, and in that capacity is responsible for the EOIR which includes the Board of Immigration Appeals and immigration courts. She is sued in her official capacity.
13. Respondent Kristi Noem is the Secretary of Homeland Security, and in that capacity is responsible for the Department of Homeland Security (“DHS”) and all sub-cabinet agencies of DHS, including ICE. She is sued in her official capacity.
14. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for ICE’s detention and removal operations of non-citizens such as Petitioner, among all its other functions. He is sued in his official capacity.
15. Respondent Vernon Liggins is the Acting Field Office Director of the ICE Baltimore Field Office, and is responsible for ICE’s operations in the State of Maryland. Upon information and belief, he is the immediate custodian of Ms. Blanco de Villatoro. He is sued in her official capacity.

STATEMENT OF FACTS

16. Ms. Blanco de Villatoro, born in El Salvador on  last entered the United States on October 21, 2023. Ms. Blanco de Villatoro was stopped by ICE Officials at the time of her 2023 entry and apprehended by Respondents on a warrant

under section 1226(a) in Eagle Pass, Texas. *See* Ex. 2 hereto. Ms. Blanco de Villatoro was then placed in section 1229(a) removal proceedings. *See* Ex. 3 hereto.

17. Ms. Blanco de Villatoro was never placed in expedited removal proceedings under section 1225 of the INA, nor was she afforded a credible fear interview.
18. Ms. Blanco de Villatoro has never been convicted of any crimes either in her home country or in the United States. Ms. Blanco de Villatoro has continuously lived in the State of Maryland since 2023 with her two Children. Ms. Blanco de Villatoro is also gainfully employed.
19. Ms. Blanco de Villatoro was detained by ICE on February 5, 2026, in Baltimore, Maryland. Ms. Blanco de Villatoro was told that she would be detained without bond. She is still detained at the Baltimore ICE Facility as of 5:00 p.m. Eastern Daylight Savings Time on February 5, 2026. Ms. Blanco de Villatoro is being subjected to detention under either section 1225(b)(1) or section 1225(b)(2).
20. Respondents are presumably detaining Ms. Blanco de Villatoro under section 1225(b)(2) as a result of the BIA's decision in *Matter of Yajure-Hurtado*, 29 I. & N. 216 (BIA 2025). The BIA's interpretation of section 1225(b)(2) in *Matter of Yajure-Hurtado* has been found by dozens of Federal courts across the country as an unlawful interpretation of the INA. Ms. Blanco de Villatoro is unable to submit any evidence demonstrating that she is neither a flight risk nor a danger to the community to secure her release from custody by an immigration judge under the INA.

EXHAUSTION

21. The decision to detain Ms. Blanco de Villatoro is subject to challenge through a petition for a writ of habeas corpus, and Ms. Blanco de Villatoro need not exhaust additional administrative remedies which might be available to her before seeking this Court's review. *See e.g. McCarthy v. Madigan*, 503 U.S. 140, 147-48 (1992) ("[A]n administrative remedy may be inadequate [because] ... an agency, as a preliminary matter, may be unable to consider whether to grant relief because it lacks institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute" or "where the administrative body ... has otherwise pre-determined the issue before it."); *Janvier v. INS*, 174 F. Supp. 2d 430, 434 (E.D. Va. 2001) (noting that "§ 2241 is silent on exhaustion.").

22. Moreover, further exhaustion would be futile because Ms. Blanco de Villatoro will be pursuing a remedy to no avail. *See Janvier*, 174 F. Supp. 2d at 434 (recognizing that exhaustion is not necessary "where the pertinent administrative agency lacks the competence to reach a definitive resolution of the particular issue presented[.]" such as "where, as here, the administrative agency may consider constitutional claims, but lacks authority to rule dispositively on those claims, because "the final say on constitutional matters rests with the courts.""). In particular, under new BIA precedent, Ms. Blanco de Villatoro is no longer considered eligible for the bond and Respondents have exercised their authority to prevent any immigration judge from granting bond.
23. The detention of Ms. Blanco de Villatoro by ICE without the ability to challenge her detention is unconstitutional, and administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when ...a plaintiff has raised a substantial constitutional question.").

CLAIMS FOR RELIEF

COUNT ONE

Ms. Blanco de Villatoro's Detention Violates Her Right to Substantive Due Process Under the Fifth Amendment

24. Petitioner re-alleges and incorporates by reference the paragraphs above.
25. As a "person" within the meaning of the Fifth Amendment, Ms. Blanco de Villatoro is entitled to due process of law while in the United States, and certainly while in immigration custody. U.S. CONST. amend. V; *see Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.").
26. The Substantive Due Process Clause protects a person's freedom from arbitrary confinement. *See Zadvydas*, 533 U.S. at 693. The Supreme Court has recognized this protection applies regardless of a person's immigration status. *See id.*; *see also Mathews v. Diaz*, 426 U.S. 67, 77 (1976).

27. Civil detention, such as immigration detention, must be carefully limited to avoid due process concerns. *See e.g., Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action"); *Addington v. Texas*, 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection"); *see also United States v. Salerno*, 481 U.S. 739, 755 (1987) ("In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception").
28. The Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and prevent flight. *See Demore*, 538 U.S. at 528; *see also Matter of Patel*, 15 I. & N. Dec. 666 (BIA 1976) ("An alien generally is not and should not be detained or required to post bond except on a finding that he is a threat to the national security, or that he is a poor bail risk[.]" (internal citation omitted)). Additionally, a period of detention must "bear [a] reasonable relation to the purpose for which the individual was committed." *See Demore*, 538 U.S. at 516–17.
29. Ms. Blanco de Villatoro is being denied substantive due process as the Respondents continue to exercise their authority contrary to law by refusing her release under section 1226(a) of the INA without due process and preventing Ms. Blanco de Villatoro from seeking release under the INA under section 1226(a) of the INA. The EOIR, through the BIA, took the position in *Matter of Yajure-Hurtado* that an individual such as Ms. Blanco de Villatoro, over two years after her last entry to the United States, is subject to the mandatory detention provisions of Section 1225 of the INA.
30. Under Section 1226(a) of the INA, an immigration judge would be able to consider any relevant evidence submitted by Ms. Blanco de Villatoro demonstrating that she was not a flight risk or a danger to the community. The immigration judge would evaluate this evidence and determine, as a neutral fact-finder, whether Ms. Blanco de Villatoro was in fact a flight risk or a danger to the community. The Respondents have made applications for bond by Ms. Blanco de Villatoro under Section 1226(a) of

the INA futile by applying *Matter of Yajure-Hurtado* to cases with the same facts and circumstances as Ms. Blanco de Villatoro.

31. But for *Matter of Yajure-Hurtado*, Ms. Blanco de Villatoro would have the ability to demonstrate to a neutral fact-finder that she is not a flight risk as she has ample ties to the community through her family and employment. She would also have been able to demonstrate that she was not a danger to the community. No justification exists to deprive Ms. Blanco de Villatoro of her ability to present evidence to secure her liberty.

COUNT TWO

Ms. Blanco de Villatoro's Detention Violates Her Right to Procedural Due Process Under the Fifth Amendment

32. Petitioner re-alleges and incorporates by reference the paragraphs above.
33. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty" that the Fifth Amendment's Due Process Clause protects. *See Zadvydas*, 533 U.S. at 690.
34. To that end, due process demands "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.* (internal quotation marks omitted).
35. Given the gravity of the liberty deprivation when the government preventively detains individuals, due process requires the jailers bear the burden of proof. *See e.g., Salerno*, 481 U.S. at 751 (affirming legality of pre-trial detention where burden of proof was on the government); *see also Foucha*, 504 U.S. at 81-82 (holding unconstitutional a state "statute that place[d] the burden on the detainee to prove that he is not dangerous"). The Court has held that it is improper to ask an "individual to share equally with society the risk of error when the possible injury to the individual-deprivation of liberty-is so significant." *See Addington*, 441 U.S. at 427.
36. In *Mathews v. Eldridge*, the Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976). The *Mathews* factors apply here to determine if

Petitioner's procedural due process rights as a civil detainee have been violated by the Government's continued custodial detention.

37. Ms. Blanco de Villatoro has a substantial liberty interest her bodily freedom. Ms. Blanco de Villatoro is the primary economic provider for her family. The unlawful detention by Respondents is preventing Ms. Blanco de Villatoro her right to bodily freedom, a core liberty interest.
38. Ms. Blanco de Villatoro was not provided any process at all in the course of her arrest, processing, and detention by ICE through notice and an opportunity to respond that would reduce the risk of an erroneous deprivation of her interests. ICE deprived Ms. Blanco de Villatoro of adequate procedural protection in her substantial interest with respect to her liberty by taking her into custody with no regard to its own long-established practices, procedures and applicable regulations. Specifically, Respondents did not follow section 1226(b).

COUNT THREE

Ms. Blanco de Villatoro's Detention by ICE is in Violation of the INA

39. Section 1225 of the INA authorizes the mandatory detention of "arriving aliens" and those noncitizens who cannot demonstrate they have "been physically present in the United States continuously for the 2-year period immediately prior[.]" 8 U.S.C. § 1225(b)(1)(A)(iii)(II).
40. As noted above, Ms. Blanco de Villatoro has lived in the United States for over two years prior to being detained. Ms. Blanco de Villatoro was never processed as an arriving alien or placed in expedited removal proceedings under section 1225 of the INA. Applying section 1225 of the INA to Ms. Blanco de Villatoro over two years after her entry is contrary to the INA.
41. Respondents claim that Ms. Blanco de Villatoro is subject to mandatory detention under section 1225 and is not eligible for bond under section 1226(a) despite her presence in the United States for over two years and her initial detention and release under section 1226(a). Dozens of Federal courts have found this legal interpretation by DHS in cases similar to Petitioner's case erroneous.

COUNT FOUR

**Ms. Blanco de Villatoro's Detention by ICE is in Violation of the APA 5 U.S.C. §
702 (Unconstitutional, unlawful, arbitrary, and capricious actions)**

42. Petitioner re-alleges and incorporates by reference the paragraphs above.
43. The decision to deny Ms. Blanco de Villatoro's release under section 1226(a) and detain her without any opportunity to challenge her custody is arbitrary, capricious, and not in accordance with the INA, and contrary to Ms. Blanco de Villatoro's right to due process under the Fifth Amendment.
44. This Court may set aside agency action which is arbitrary, capricious, unlawful, or contrary to constitutional right, power, privilege, or immunity. *See* 5 U.S.C. §§ 706(2)(A), (B).
45. Ms. Blanco de Villatoro has lived over two years in the United States, after which she was arrested without any cause and has since been detained in immigration custody without further justification.
46. Additionally, the determination by ICE and EOIR that Ms. Blanco de Villatoro is subject to mandatory detention under Section 1225 of the INA is without any basis in law.
47. Such actions are arbitrary and capricious, and should be held unlawful and set aside.
48. As a result of the arbitrary, capricious, unlawful, and unconstitutional actions by Respondents, Ms. Blanco de Villatoro has suffered prejudice, actual and substantial hardship, and irreparable injury in fact.
49. Ms. Blanco de Villatoro has no other adequate remedy at law.

PRAYER FOR RELIEF

Based on the foregoing, Ms. Blanco de Villatoro requests that this Court:

- a. Assume jurisdiction over the matter;
- b. Declare that the continued immigration detention of Ms. Blanco de Villatoro violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, the INA and the APA;

- c. Issue a writ of habeas corpus ordering Respondents to immediately release Ms. Blanco de Villatoro from the custody of Respondents, or in the alternative, ordering a bond hearing before an immigration judge under section 1226(a) of the INA where the burden is on Respondents to establish flight risk and/or danger to the community;
- d. Issue an order preventing Respondents from once again taking Ms. Blanco de Villatoro into custody unless she is determined to be a flight risk and/or a danger to the community in accordance with the U.S. Constitution and applicable law;
- e. Award Ms. Blanco de Villatoro all costs incurred in maintaining this action; and
- f. Grant any other and further relief this Court deems just and proper

Respectfully Submitted,

February 5, 2026

/s/ Luis Carlos Diaz

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Attorney for Petitioner

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

I represent Petitioner, Yansy Carolina Blanco de Villatoro, and submit this verification on her 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 this 5th day of February, 2026.

/s/Luis Carlos Diaz

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