

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Reinaldo GUEVARA MARTINEZ,

Petitioner

v.

Vernon LIGGINS, Field Office Director,
Immigration and Customs Enforcement
Baltimore Field Office

Kristi NOEM, Secretary of Homeland
Security,

Pamela BONDI, Attorney General of the
United
States,


Respondents

Case No.:

PETITION FOR WRIT OF HABEAS CORPUS

1. Petitioner Reinaldo Guevara Martinez (“Mr. Guevara Martinez” or “Petitioner”),¹ a 45-year-old father and long-time Maryland resident, seeks a writ of habeas corpus ordering his immediate release from custody at the Baltimore ICE office, pending a bond hearing to occur within 14 days at the Hyattsville Immigration Court. *See, e.g., Vasquez Sanchez v. Noem*, 8:26-cv-331, Dkt. No. 11 (D. Md. Jan 30, 2026).

2. Mr. Guevara Martinez has lived in the United States since 2014, spending the vast majority of that time living and working in Baltimore. He currently works as a car mechanic and salesman. Mr. Guevara Martinez has no criminal history. He lives in Baltimore with his partner and his son.

¹ Petitioner’s recently assigned A number is 

3. While Mr. Guevara Martinez was driving to work with his son on February 7, 2026, unmarked vehicles surrounded his car while he was stopped at a traffic light. Masked officials wearing Immigration and Customs Enforcement (ICE) vests hopped out of their cars, demanded Mr. Guevara Martinez's identification, and questioned him about his legal status in the United States. After cursorily checking his Maryland driver's license, the officials claimed that he lacked lawful status in the United States and immediately handcuffed him in front of his son. On information and belief, ICE arrested Mr. Guevara Martinez without an administrative warrant and without probable cause that he was an escape risk, as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii).

4. Mr. Guevara Martinez is currently locked in a crowded cell at the Baltimore ICE office, which is the subject of an ongoing lawsuit in this Court. *See, e.g., D.N.N. v. Bacon*, 1:25-cv-1613, Dkt. No. 127-1 (D. Md. Dec. 23, 2025) (preliminary injunction motion describing overcrowding, filthy conditions, and grossly inadequate medical care at Baltimore ICE office). Absent intervention from this Court, ICE will send Mr. Guevara Martinez to a detention center far away from his family in Baltimore and deny him access to the bond hearing to which he entitled under 8 U.S.C. § 1226(a).

JURISDICTION AND VENUE

5. The federal district courts have jurisdiction to hear habeas corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by DHS. *See, e.g., Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). This Court has subject matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 (habeas); 28 U.S.C. § 1331 (federal question); and Article I, § 9, cl. 2 of the United States Constitution (the Suspension Clause).

6. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

7. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Maryland, the judicial district in which Mr. Guevara Martinez is currently detained.

8. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in this district.

REQUIREMENTS OF 28 U.S.C. § 2243

9. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless Mr. Guevara Martinez is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

10. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

11. Petitioner was detained by the Respondents on February 7, 2026, and remains in ICE custody at the Baltimore ICE office as of the time of this filing.

12. Respondent Vernon Liggins is the Field Office Director for the Baltimore Field Office of Immigration and Customs Enforcement (ICE). Petitioner is currently detained at the Baltimore Field Office and Respondent Liggins is Petitioner's immediate custodian.

13. Respondent Kristi Noem is the Secretary of DHS. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Secretary Noem has ultimate custodial authority over Petitioner.

14. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA).

15. All Respondents are sued in their official capacities.

FACTS

16. Mr. Guevara Martinez was born in El Salvador in 1980 and entered the United States in approximately 2014.

17. Upon entering the United States, Mr. Guevara Martinez came to live in Baltimore. Nearly all of his siblings, many of whom are U.S. citizens, live in Baltimore and the surrounding area. Mr. Guevara Martinez works at a body shop in the Baltimore area. He has no criminal history, besides a traffic citation for speeding.

18. Mr. Guevara Martinez met his partner, with whom he lives in Baltimore. In 2021, Mr. Guevara Martinez's son came to live with him and his partner in Baltimore. In 2023, Mr. Guevara Martinez petitioned for and obtained sole custody of his son, to protect him from the abandonment and neglect he suffered at the hands of his mother.

19. While Mr. Guevara Martinez was driving to work with his son on February 7, 2026, unmarked vehicles surrounded his car while he was stopped at a traffic light. Masked officials wearing ICE vests hopped out of their cars, demanded Mr. Guevara Martinez's identification, and questioned him about his legal status in the United States. After cursorily checking his Maryland driver's license, the officials claimed that he lacked lawful status in the United States and immediately handcuffed him in front of his son. The ICE officers did not explain why they had pulled over Mr. Guevara Martinez, did not present an arrest warrant, and did not evaluate whether he was an escape risk before arresting him.

20. Mr. Guevara Martinez has remained detained at the Baltimore ICE office since his arrest on February 7. His family received one call from him in the afternoon on February 7, but he has not been able to speak to his family since then. Mr. Guevara Martinez's brother, who is a U.S. citizen, went to the Baltimore ICE office to see him on February 7 but was denied entry.

LEGAL FRAMEWORK

21. The INA prescribes three primary detention authorities applicable to most noncitizens in removal proceedings.

22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. See 8 U.S.C. § 1229a. Individuals detained under § 1226(a) are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens arrested, charged with, or convicted of certain crimes are subject to mandatory detention under § 1226(c). Discretionary detention under § 1226(a) has been described as the "default" detention authority in standard removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018). Under § 1226(a), "[e]xcept as provided in subsection (c),"

the Attorney General “may release” a noncitizen on “bond” or “conditional parole.” *Id.* (internal citation omitted).

23. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1), as well as certain other recent arrivals seeking admission under § 1225(b)(2).

24. Third, the INA authorizes detention of noncitizens who have been ordered removed, including individuals in reinstatement or withholding-only proceedings. 8 U.S.C. § 1231(a)–(b).

25. This case concerns the detention provisions set forth at 8 U.S.C. §§ 1226(a) and 1225(b).

26. On July 8, 2025, ICE, in coordination with the Department of Justice, announced a new policy that departed from this long-standing statutory interpretation. That policy—“Interim Guidance Regarding Detention Authority for Applicants for Admission”—asserts that all individuals who entered the United States without inspection are subject to detention under § 1225(b)(2)(A) without eligibility for bond, regardless of how long they have resided in the United States. DHS acknowledged that this policy represents a marked deviation from prior practice.

27. On September 5, 2025, the Board of Immigration Appeals adopted this position in *Matter of Yajure Hurtado*, holding that noncitizens who entered without admission or parole are subject to detention under § 1225(b)(2)(A) and ineligible for bond hearings.

28. Since Respondents adopted these policies, the overwhelming majority of federal district courts have rejected ICE’s interpretation of the INA and declined to follow *Matter of Yajure Hurtado*. Every jurist in this Court to have addressed the issue has rejected *Matter of Yajure Hurtado* and held that non-citizens who entered the United States without inspection and who were subsequently arrested in the interior of the United States are entitled to a bond hearing under

language § 1226(a). *See, e.g., Villaneva Funes v. Noem*, No. 25-cv-3860-TDC, 2026 WL 92860, at *4 (D. Md. Jan. 13, 2026); *Afghan v. Noem*, CV-SAG-25-04105, 2025 WL 3713732 (D. Md. Dec. 23, 2025); *Hernandez-Lugo v. Bondi*, Civ. No. GLR-25-3434, 2025 WL 3280772 (D. Md. Nov. 25, 2025) *Maldonado de Leon v. Baker*, Civ. No. 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025).

29. Section 1225(b) applies only to people arriving to and seeking admission at the U.S. border. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Accordingly, § 1225(b)(2)(A) does not apply to individuals like Mr. Guevara Martinez, who had already entered and was residing in the United States at the time of his arrest.

30. In light of the overwhelming legal authority supporting these rulings and the government's increasingly arbitrary enforcement trends, this Court has recently remedied unlawful detention in these circumstances by ordering the petitioner *immediately released* from custody pending a bond hearing to occur in immigration court at a later time. *See, e.g., De Leon Rosales v. Liggins*, 8:26-cv-393, Dkt. No. 11 (D. Md. Feb. 3, 2026); *Vasquez Sanchez*, 8:26-cv-331, Dkt. No. 11; *Afghan*, 2025 WL 3713732, at *3.

CLAIMS FOR RELIEF

COUNT I

Violation of the INA and the APA

1. The preceding paragraphs are incorporated by reference
2. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are present without having been admitted or paroled. By its very terms, it applies only to those noncitizens who are apprehended while they are applying for admission near the border or at a port of entry. As relevant here, it does not apply to those who

are alleged to have previously entered the country and have been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

3. Since Mr. Guevara Martinez is not an applicant for admission “seeking admission” or “an arriving alien” subject to § 1225(b) and has no disqualifying criminal arrests or convictions subject to § 1226(c), he is entitled to a bond hearing by an immigration judge pursuant to § 1226(a). The application of § 1225(b)(2) to Mr. Guevara Martinez unlawfully mandates his continued detention and violates the INA by depriving him of the rights he should be afforded under § 1226(a). To the extent that DHS asserts that *Matter of Yajure-Hurtado* nevertheless requires his mandatory detention, the BIA’s interpretation in that case is ultra vires and in conflict with the careful balance of factors clearly established in the INA with regard to bond eligibility, and not subject to deference. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Such an agency action also violates the Administrative Procedure Act, as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)–(C).

COUNT II
Violation of Due Process

4. Mr. Guevara Martinez repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

5. The Due Process Clause prohibits the government from infringing upon certain “fundamental” liberty interests, “unless the infringement is narrowly tailored to support a compelling government interest.” *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to “all

‘persons’ within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

6. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

7. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Mr. Guevara Martinez based on *Matter of Yajure Hurtado* violates procedural due process for several reasons, including but not limited to:

- a. Mr. Guevara Martinez has a substantial liberty interest in freedom from physical restraint, as he is currently incarcerated after living in the United States for more than a decade.
- b. The risk of erroneous deprivation of liberty is exceptionally high because Respondents’ interpretation categorically denies Mr. Guevara Martinez any opportunity to demonstrate—through an individualized hearing, as contemplated by the INA—that he is neither a flight risk nor a danger to the community.
- c. The burden on the Government is minimal, as until DHS’s very abrupt re-interpretation of the INA in *Matter of Yajure Hurtado*, IJs regularly conducted bond hearings for people like Mr. Guevara Martinez, and IJs weighed individualized risks appropriately as required by the INA. The Government’s burden to do what it has always done does not justify any additional weight given to this factor.

COUNT III

Violation of 8 U.S.C. § 1357 and Accompanying Regulations

8. Respondents arrested Mr. Guevara Martinez without a warrant and without evaluating or possessing probable cause to believe he is an escape risk, as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii).

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue an Order requiring Respondents to show cause within three days why this Petition should not be granted;
- c. Declare that Petitioner's detention is unlawful, and that he is not "seeking admission" or "an arriving alien" subject to 8 U.S.C. § 1225(b);
- d. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);
- e. Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights and/or 8 U.S.C. § 1357;
- f. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner, pending a bond hearing pursuant to 8 U.S.C. § 1226(a) to occur within fourteen days in the Hyattsville Immigration Court;
- g. Issue appropriate injunctive relief; and
- h. Grant any other and further relief that this Court deems just and proper.

Date: February 8, 2026

/s/ Ian Austin Rose
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I 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 8, 2026

Respectfully submitted,

s/ Ian Austin Rose

Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for a Writ of Habeas Corpus and all attachments using the CM/ECF system.

Dated: February 8, 2026

Respectfully submitted,

s/ Ian Austin Rose

Pro Bono Counsel for Petitioner