

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

JAN CARLOS LANDA-JUAREZ,

Petitioner,

v.

PAMELA BONDI, Attorney General
of the United States,
KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security
TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement.
Baltimore Field Office
VERNON LIGGINS, Acting Field Office
Director
ICE Enforcement and Removal Operations, George
H. Fallon Federal Building
31 Hopkins Plaza, 6th Floor
Baltimore, MD 21201

Respondents.

Case No: 1:26-cv-0620

A# 

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

Petitioner seeks habeas corpus relief from unlawful immigration detention. Respondents detain Petitioner in violation of the Fifth Amendment's due process guarantee, the Eighth Amendment's prohibition on cruel and unusual punishment, and beyond the lawful limits of 8 U.S.C. § 1225(b)(2). Petitioner is subject to 8 U.S.C. § 1226(a), is entitled to a bond hearing, and requests an order declaring continued detention unlawful and directing Respondents to release Petitioner or promptly conduct a custody redetermination hearing.

Jan Carlos Landa-Juarez is a citizen of Mexico who entered the United States on January 6, 2023. He was not detained at entry and lived openly in the community, working in roofing, landscaping, and as a Walmart delivery driver. He paid taxes, lived in Maryland and Delaware, and supported his domestic partner, their infant child, and his partner's older child.

On February 10, 2026, Mr. Landa-Juarez drove to a Walmart in Salisbury, Maryland. After noticing ICE vehicles in the parking lot, he attempted to leave. ICE agents immediately pursued him, surrounded his moving car with multiple vehicles, struck his bumper, and forced him to stop. Agents removed him from the vehicle and took him into custody without presenting a warrant or providing an explanation. He has remained in ICE custody since that date and is currently detained in Baltimore, Maryland.

CUSTODY

1. Petitioner is in physical custody of Respondents Vernon Liggins, Acting Field Office Director, ICE ERO, and is detained at the Baltimore Holding Room, Baltimore, Maryland, a DHS-operated facility.


JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause). Petitioner is in custody under color of federal authority in violation of the Constitution and laws of the United States. Relief is also available under 28 U.S.C. § 2201 *et seq.* (Declaratory Judgment Act) and 28 U.S.C. § 1651 (All Writs Act).

VENUE

3. Venue is proper in this District because Petitioner is detained at Baltimore Holding Room within this District and a Respondent with immediate custody is located here.

PARTIES

4. Petitioner (A# ) is a native and citizen of Mexico, currently detained at Baltimore Holding Center, Maryland.
5. Respondent Vernon Liggins is Acting Field Office Director, ICE ERO, Baltimore. He is a legal custodian with authority to release Petitioner.
6. Respondent Kristi Noem is the Secretary of DHS, responsible for detention and removal policies.
7. Respondent Pamela Bondi is the Attorney General of the United States.
8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

9. Exhaustion is excused as futile. The BIA's decision in *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), forecloses any bond relief in immigration court for noncitizens present without admission, rendering EOIR proceedings an inadequate remedy. *See Shalala v. Ill. Council on Long Term Care, Inc.*, 529 U.S. 1, 13 (2000). Petitioner's only remedy is by way of this judicial action. *See infra* §§ Statutory Framework (discussing *Yajure-Hurtado* in detail).

STATUTORY FRAMEWORK

10. On September 5, 2025, the BIA issued *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), departing from three decades of statutory interpretation and holding that any noncitizen present in the United States without inspection or admission is subject to mandatory detention under § 1225(b)(2), irrespective of length of residence or where encountered. This petition challenges that interpretation.

Relevant Provisions of the Immigration and Nationality Act

11. **8 U.S.C. § 1225 / INA § 235** governs inspection, expedited removal, and referral for removal hearings. Section 1225(a)(1) defines an applicant for admission, "*for purposes of this chapter,*" as a noncitizen present in the United States who has not been admitted or who arrives in the United States.
12. **8 U.S.C. § 1225(b)(1)** subjects to expedited removal arriving aliens and those who cannot establish two years of physical presence in the United States. 8 U.S.C. § 1225(b)(1)(A)(i), (iii).
13. **8 U.S.C. § 1225(b)(2)(A)** mandates DHS custody for applicants for admission not clearly entitled to be admitted, pending non-expedited § 1229A removal proceedings. Section 1225(b)(2) applies to arriving aliens and certain individuals stopped shortly after entry.
14. **8 U.S.C. § 1226(a) / INA § 236(a)** permits the Attorney General to arrest and detain noncitizens *already in the country* pending removal, with discretionary bond. Congress stated when enacting IIRIRA that § 1226 "restates the current

provisions" authorizing detention and release on bond of noncitizens not lawfully present. H.R. Rep. No. 104-469, pt. 1, at 229.

15. **8 U.S.C. § 1226(c)** creates mandatory detention for criminal and terrorist noncitizens. The Laken Riley Act added § 1226(c)(1)(E), requiring detention of noncitizens arrested, charged, or convicted of certain crimes who are also inadmissible.
16. **8 U.S.C. § 1357(a)** permits warrantless arrest where an officer sees entry in violation of law, has reason to believe the noncitizen is unlawfully present and likely to escape, or has reason to believe a felony was committed. The BIA equates the "reason to believe" standard with probable cause. *Matter of Mariscal-Aguilar*, 28 I&N Dec. 666 (BIA 2022).

Longstanding Interpretation of §§ 1225 and 1226

17. Since 1996, courts and the BIA consistently recognized that § 1225(b) covers only a narrow subset of noncitizens—primarily those at the border—while § 1226(a) serves as the "default rule" and "catch-all" governing those already present in the interior. *Jennings v. Rodriguez*, 583 U.S. 281, 288, 297, 301 (2018). Courts may consult longstanding agency practice as evidence of statutory meaning. *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 386 (2024).
18. In *DHS v. Thuraissigiam*, the Supreme Court noted that DHS historically treated noncitizens as applicants for admission only when encountered within 14 days of entry and within 100 miles of the border, and that the broad § 1225 definition of "applicant for admission" applies only for purposes of those subject to expedited removal. 591 U.S. 121, 124, 134 n.2 (2020).

19. The BIA itself acknowledged in *Matter of Akhmedov*, 29 I&N Dec. 166 (BIA 2025), that noncitizens arrested in the interior and served a Notice to Appear are detained under § 1226(a), giving immigration judges bond jurisdiction. *Matter of Q. Li*, 29 I&N Dec. 66, 69 (BIA 2025), confirmed that § 1225(b) governs only those detained at or near the border in expedited proceedings.

Matter of Yajure-Hurtado and DHS Policy

20. In July 2025, DHS issued a policy alert asserting that § 1225(b)(2) requires mandatory detention of all noncitizens present without admission—a novel interpretation unsupported by prior precedent. The BIA upheld this position in *Matter of Yajure-Hurtado*, stripping immigration judges of bond jurisdiction over any noncitizen who entered without inspection, regardless of how long they have resided in the United States. 29 I&N Dec. at 218, 223.
21. Respondents apply this flawed interpretation to subject Petitioner to what is effectively mandatory, indefinite detention without any individualized determination. This Court is not bound by the BIA's interpretation.

Post-Chevron Independent Statutory Interpretation

22. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024), the Supreme Court overruled *Chevron* and held that courts must exercise independent judgment in determining whether an agency has acted within its statutory authority. Courts owe respectful consideration—but not deference—to agency interpretations. This Court must therefore independently determine whether § 1225(b)(2) or § 1226(a) governs Petitioner's detention.

STATEMENT OF FACTS

23. Jan Carlos Landa-Juarez is a citizen of Mexico. He entered the United States on January 6, 2023. He was not detained by immigration officers at the time of entry. He remained in the community without incident until February 10, 2026.
24. On February 10, 2026, Mr. Landa-Juarez drove to a Walmart in Salisbury, Maryland. As he attempted to park, he observed multiple vehicles he recognized as ICE vehicles in the parking lot. He did not receive any verbal commands or explanations from officers at that time.
25. Mr. Landa-Juarez began to exit the parking lot in his vehicle. ICE agents immediately pursued him. Several official vehicles surrounded his car while it was moving. Agents used their vehicles to block his path and force him to stop. During this maneuver, officers struck the bumper of his car. After the stop, agents removed Mr. Landa-Juarez from his vehicle. They prevented him from re-entering the car. Officers did not present a warrant or explain the legal basis for the stop at the scene. They placed him into custody at that time. He was taken into ICE detention.
26. Mr. Landa-Juarez has remained in ICE custody since February 10, 2026. He is currently detained in Baltimore, Maryland. His detention followed a parking lot stop rather than a traffic violation, workplace action, border arrest, or home arrest. The stop involved multiple vehicles, physical contact with his car, and immediate restraint without prior notice or explanation.
27. Mr. Landa-Juarez has strong family and community ties in the United States. He lives with his domestic partner, who is a recipient of Deferred Action for Childhood Arrivals. They share a seven-month-old infant, who is likely a United States citizen.

He also helps care for his partner's eleven-year-old child. Since entering the United States, Mr. Landa-Juarez has worked consistently. He has been employed in roofing and landscaping and has also worked as a delivery driver for Walmart. He pays taxes each year. He lived in Maryland for one year and in Delaware for two years. In Salisbury, Maryland, he has close family support, including a brother and sister-in-law who are lawful permanent residents. He regularly attends church and maintains a stable home life centered on work and family.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

28. Petitioner incorporates by reference all preceding paragraphs.
29. Petitioner's detention under § 1225(b)(2) violates his substantive due process rights under the Fifth Amendment. "Government detention violates [due process] unless the detention is ordered in a criminal proceeding with adequate procedural protections or, in certain special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 553 U.S. 678, 690 (2001).
30. Respondents have not alleged, and cannot establish, any special justification for denying Petitioner the liberty to which Petitioner is entitled. The BIA's holding in *Yajure-Hurtado* purports to strip immigration judges of bond jurisdiction over any

noncitizen who entered without inspection—subjecting Petitioner to effective mandatory detention. 29 I&N Dec. at 228.

31. Substantive due process further affords Petitioner rights to adequate food, shelter, clothing, medical care, and freedom from bodily restraint. *Youngberg v. Romeo*, 457 U.S. 307, 315–18 (1982). Immediate relief is necessary to prevent prolonged unlawful detention.

COUNT TWO

VIOLATION OF EIGHTH AMENDMENT RIGHT TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT

32. Petitioner incorporates all preceding paragraphs by reference.
33. The government's actions impose punishment rather than civil detention. Officers seized Petitioner in a retail parking lot without a warrant, explanation, or prior notice. Multiple ICE vehicles surrounded his moving car, struck his bumper, and forced him out of the vehicle. This level of force was not needed to detain a peaceful person who was not committing a crime and posed no threat. The manner of arrest reflects coercion and restraint, not routine administrative processing.
34. Petitioner's continued detention is excessive and grossly disproportionate to any legitimate civil purpose. He was not detained at entry, lived openly in the community, worked steadily, and paid taxes. Despite this, he has remained in custody since February 10, 2026, following a noncriminal encounter. The government responded to peaceful conduct with pursuit, physical force, and prolonged confinement that separates him from his infant child and family. The

severity of this response bears no reasonable relationship to his conduct and operates as punishment rather than civil regulation

35. This relentless mental and emotional pain, coupled with the indefinite nature of Petitioner's confinement, heightens the cruelty of the detention and underscores the punishment's unusual severity.
36. The Eighth Amendment prohibits the government from inflicting cruel and unusual punishment. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976). Even absent completed harm, the lack of safety in detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993).
37. Petitioner's mandatory, indefinite detention based solely on Respondents' erroneous interpretation of § 1225(b)(2) constitutes cruel and unusual punishment.
38. Detainees may challenge unconstitutional conditions of confinement through habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 499–500 (1973). Respondents' continued custody has transformed civil immigration detention into cruel and unusual punishment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. 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 during this action;
- D. Order immediate release on reasonable conditions if a timely hearing is not held;
- E. If bond is ordered: (1) declare that Petitioner is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2)(A); (2) direct Respondents to provide Petitioner a bond hearing before an immigration judge within 10 days, with the following safeguards: (a) the government bears the burden by clear and convincing evidence; (b) Petitioner shall have the opportunity to present evidence and witnesses; (c) the immigration judge shall issue written findings of fact and conclusions of law; and (d) any appeal shall not automatically stay the release order;
- F. Grant any other relief this Court deems just and proper.

DATED: February 14, 2026

Respectfully submitted,
Petitioner

By: _____/s/
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Counsel for Petitioner
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CERTIFICATION PURSUANT TO LOCAL STANDING ORDER 2025-01

I, the undersigned, hereby certify pursuant to Fed. R. Civ. P. 11, as follows: (1) I understand the Petitioner to be presently detained in Maryland, based on the fact that Petitioner was arrested by ICE in Maryland two days ago and the fact that Petitioner recently called a friend/family member from the ICE Baltimore Hold Room to inform him he was there; (2) **emergency relief is necessary**, because Petitioner is at risk of unlawful removal from the United States; and (3) this Court has subject-matter jurisdiction over the Petitioner pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention and unlawful removal.

DATED: February 14, 2026

Respectfully submitted,
Petitioner

By: _____/s/
Jorge E. Artieda, Esq.
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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 14, 2026

_____/s/
Jorge E. Artieda
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2026, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Office of the Executive Secretary
Mail Stop 0525
Washington, DC 20528

The Honorable Pamela Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Todd Lyons, Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW, Mail Stop 5900
Washington, DC 20536-5900

Christopher Tyler Director
Wicomico County Detention Center
411 Naylor Mill Road
Salisbury, MD 21801

_____/s/_____

Jorge E. Artieda