




AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): \_\_\_\_\_

6. Provide more information about the decision or action you are challenging:
- (a) Name and location of the agency or court: ICE Baltimore Field Office  
31 Hopkins Plaza, 6th Floor, Baltimore, MD 21201
  - (b) Docket number, case number, or opinion number: : Pending Asylum Case
  - (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):  
Unlawful warrantless detention of Petitioner beginning on February 11, 2026, and the arbitrary assessment of a \$5,130 'apprehension fee' under the OBBBA, which serves as a punitive barrier to release and legal counsel.
  - (d) Date of the decision or action: 02/11/2026

**Your Earlier Challenges of the Decision or Action**

7. **First appeal**
- Did you appeal the decision, file a grievance, or seek an administrative remedy?
- Yes       No
- (a) If "Yes," provide:
- (1) Name of the authority, agency, or court: \_\_\_\_\_
  - (2) Date of filing: \_\_\_\_\_
  - (3) Docket number, case number, or opinion number: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) If you answered "No," explain why you did not appeal: \_\_\_\_\_
- \_\_\_\_\_

8. **Second appeal**
- After the first appeal, did you file a second appeal to a higher authority, agency, or court?
- Yes       No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes  No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Docket number, case number, or opinion number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal: \_\_\_\_\_

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes  No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes  No

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If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
  - (2) Case number: \_\_\_\_\_
  - (3) Date of filing: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
  - (2) Case number: \_\_\_\_\_
  - (3) Date of filing: \_\_\_\_\_
  - (4) Result: \_\_\_\_\_
  - (5) Date of result: \_\_\_\_\_
  - (6) Issues raised: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**11. Appeals of immigration proceedings**

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_
- (b) Date of the removal or reinstatement order: \_\_\_\_\_
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes  No

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If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_
- (2) Case number: \_\_\_\_\_
- (3) Result: \_\_\_\_\_
- (4) Date of result: \_\_\_\_\_
- (5) Issues raised: \_\_\_\_\_

(d) Did you appeal the decision to the United States Court of Appeals?

Yes  No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_
- (2) Date of filing: \_\_\_\_\_
- (3) Case number: \_\_\_\_\_
- (4) Result: \_\_\_\_\_
- (5) Date of result: \_\_\_\_\_
- (6) Issues raised: \_\_\_\_\_

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes  No

If "Yes," provide:

- (a) Kind of petition, motion, or application: \_\_\_\_\_
- (b) Name of the authority, agency, or court: \_\_\_\_\_
- (c) Date of filing: \_\_\_\_\_
- (d) Docket number, case number, or opinion number: \_\_\_\_\_
- (e) Result: \_\_\_\_\_
- (f) Date of result: \_\_\_\_\_
- (g) Issues raised: \_\_\_\_\_

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**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

**GROUND ONE: Due Process**

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner was detained without an individualized bond hearing during a routine ICE appointment on February 11 2026. She has no criminal record and has a years-long of perfect compliance with all supervision requirements. The government has failed to provide a hearing before a neutral magistrate to prove that her continued detention is the least restrictive means necessary to prevent flight risk or danger, violating her Fifth Amendment Due Process rights.

(b) Did you present Ground One in all appeals that were available to you?

Yes  No

**GROUND TWO: Violation of Family Integrity / Arbitrary Detention**

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner is the primary source of emotional and financial support for her family unit, including her son Miguel (21) and nephew Joseph (21), both of whom hold legal SIJ status. Petitioner resides in a stable, lawful household with her daughter and her daughter's husband, who is a United States Citizen. The Supreme Court recognizes family integrity as a fundamental liberty interest; detaining the pillar of a household that is integrated with U.S. citizens and legal status holders causes irreparable harm and serves no legitimate government purpose.

(b) Did you present Ground Two in all appeals that were available to you?

Yes  No

**GROUND THREE: Punitive Financial Assessment (Abuse of Discretion) 'apprehension fee' against Petitioner,**

(a) Supporting facts (Be brief. Do not cite cases or law.):

Upon detention on February 11, 2026, Respondents assessed a mandatory \$5,130 identical fees for her son and nephew, totaling \$15,390. This exorbitant sum is being assessed against a household primarily supported by Petitioner's son-in-law, a United States Citizen. these OBBBA fees are not merely administrative; they are being applied punitively to bankrupt a family and create an unconstitutional financial barrier to Petitioner's liberty and her Sixth Amendment right to access legal counsel.

(b) Did you present Ground Three in all appeals that were available to you?

Yes  No

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**GROUND FOUR:**

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

Yes  No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: Petitioner was detained on February 11, 2026. No administrative process exists to challenge the separation of a family unit or the harm caused to legal SIJ holders and their U.S. Citizen relatives within this 48-hour window. Exhaustion of administrative remedies is not required where the harm—the destruction of family integrity—is immediate and irreparable.

**Request for Relief**

15. State exactly what you want the court to do: 1. Grant a Writ of Habeas Corpus and order the immediate release of Petitioner. ; 2. In the alternative, order an immediate individualized bond hearing before a neutral magistrate;  
3. Issue an emergency stay of removal to prevent deportation while this petition is pending;  
4. Order a stay on the collection of the \$5,130 OBBBA apprehension fee pending the resolution of this case;  
5. Grant any other relief this Court deems just and proper.

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**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

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I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 02/13/2026

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*Signature of Petitioner*

Emilie MS  
*Signature of Attorney or other authorized person, if any*

Emilie Massiell Baltodano Saavedra.  
(Next friend)  
Lawful permanent resident.