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

UNITED STATES DISTRICT COURT

FEB 13 2026

for the

AT BALTIMORE  
CLERK, U.S. DISTRICT COURT  
DISTRICT OF MARYLAND

BY DEPUTY

Joseph Emmanuel Juarez Saavedra )

Petitioner )

v. )

Matthew Elliston, Field Office Director, ICE ERO )  
Baltimore )


Respondent )

(name of warden or authorized person having custody of petitioner)

Case No. TDC 26cv610  
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Joseph Emmanuel Juarez Saavedra
- (b) Other names you have used:
2. Place of confinement:
  - (a) Name of institution: ICE Baltimore Field Office
  - (b) Address: 31 Hopkins Plaza, Baltimore, MD 21201
- (c) Your identification number: 
3. Are you currently being held on orders by:
 

Federal authorities     State authorities     Other - explain:  
ICE Civil Immigration Detention.
4. Are you currently:
 

A pretrial detainee (waiting for trial on criminal charges)  
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

  - (a) Name and location of court that sentenced you:
  - (b) Docket number of criminal case:
  - (c) Date of sentencing:

Being held on an immigration charge  
 Other explain:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 

How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- 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): Unlawful OBBBA Fees

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: ICE ERO Baltimore Field Office, 31 Hopkins Plaza, Baltimore, MD 21201
- (b) Docket number, case number, or opinion number: [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Warrantless detention beginning Feb 11, 2026, and the arbitrary assessment of a \$5,130 'apprehension fee' 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: \_\_\_\_\_

II. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes  No

If "Yes," provide:

- (a) Date you were taken into immigration custody: 02/11/2026
- (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 Violation**

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

Petitioner (age 21) was detained on Feb 11, 2026, without a bond hearing. He has a pending asylum claim, legal SIJ status, and no criminal record. He resides in a stable household with his U.S. Citizen relative-in-law. Detention without a hearing is arbitrary.

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

Yes  No

**GROUND TWO: Violation of Family Integrity**

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

Petitioner (21) holds legal SIJ status and resides in a stable, unified household with his cousin(Miguel), aunt, cousin (a legal permanent resident), and his cousin's husband, who is a United States Citizen. His detention disrupts this protected family unit and serves no legitimate government purpose while causing irreparable harm to his legal permanent resident and citizen relatives.

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

Yes  No

**GROUND THREE: Punitive Financial Assessment**

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

Respondents assessed a \$5,130 fee against Petitioner, part of a \$15,390 total against his family unit. This exorbitant fee is a punitive barrier to liberty and interferes with Petitioner's 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 appeal process exists to challenge warrantless detention or the assessment of OBBBA fees within this 48-hour window. Exhaustion is not required for emergency constitutional claims where the administrative remedy is inadequate to prevent irreparable harm to the family unit.

**Request for Relief**

15. State exactly what you want the court to do: 1. Issue a Writ of Habeas Corpus ordering Petitioners immediate release;  
2. Alternatively, order an individualized bond hearing;  
3. Grant a Stay of Removal to prevent deportation;  
4. Issue a Stay on the assessment/collection of the \$5,130 'apprehension fee' as it is a punitive barrier to liberty.

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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*

*Em MB*

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

Emilie Battodano Saavedra.  
(Next friend)

**CERTIFICATE OF SERVICE**

**UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND**

**Petitioner:** Joseph Emmanuel Juarez Saavedra

v.

**Respondent:** Matthew Elliston, et al.

I hereby certify that on this **13th day of February, 2026**, a true and correct copy of the foregoing **Petition for Writ of Habeas Corpus, Memorandum of Law, Next Friend Statement, and Supporting Exhibits** was served via **Certified Mail, Return Receipt Requested** (or hand-delivery where applicable) to the following parties:

1. **Matthew Elliston** Field Office Director, ICE ERO Baltimore 31 Hopkins Plaza Baltimore, MD 21201
2. **Civil Process Clerk** United States Attorney's Office 36 S. Charles Street, 4th Floor Baltimore, MD 21201
3. **U.S. Attorney General** U.S. Department of Justice 950 Pennsylvania Avenue, NW Washington, DC 20530

**Signature:** EmMB  
**Printed Name:** Emillie Massiell Baltodano Saavedra  
**Status:** Lawful Permanent Resident (Next Friend)  
**Date:** February 13, 2026