


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: 
 - (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: Petitioner was detained on February 11, 2026. There is no administrative appeal process available that can provide immediate relief from warrantless detention or challenge the automatic assessment of OBBBA fees within this 48-hour window.

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: 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 legal SIJ status, and no criminal record. He resides in a stable household with his U.S. Citizen brother-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 is a 21-year-old SIJ status holder who resides in a permanent, stable household with his mother, cousin, sister, and U.S. Citizen brother-in-law. His detention disrupts a protected family unit and causes irreparable harm to his U.S. Citizen and SIJ 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. 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 48 hours ago. No administrative process exists to challenge warrantless detention or OBBBA fees in this timeframe. Exhaustion is not required for constitutional claims of immediate harm.

Request for Relief

15. State exactly what you want the court to do: 1. Issue a Writ of Habeas Corpus ordering Petitioner's immediate release under reasonable conditions of parole; 2. Alternatively, order an individualized bond hearing before an immigration Judge where the burden is on the government to justify detention; 3. Grant a Temporary Restraining Order (TRO) or Stay of Removal to prevent deportation while this petition is pending; 4. Issue a Stay on the assessment and collection of the \$5,130 'apprehension fee', as it constitutes a punitive and unconstitutional barrier to Petitioner's 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:

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

Signature of Petitioner

Emilie MB

Signature of Attorney or other authorized person, if any

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

TDC 26-CV-612

AR
FILED _____ ENTERED _____
LOGGED _____ RECEIVED _____

FEB 13 2026

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

CERTIFICATE OF SERVICE

UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND

Petitioner: Miguel Jafet Baltodano 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: Emilie MB
Printed Name: Emilie Massiell Baltodano Saavedra
Status: Lawful Permanent Resident (Next Friend)
Date: February 13, 2026