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**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
NORTHERN DIVISION**

**SELVIN ALEXI MORALES MENDEZ** )

Petitioner, )

V. )

**NIKITA BAKER**, Acting Director of Baltimore )  
Field Office, U.S. Immigration and Customs )  
Enforcement; and )

**CIVIL CASE NO: 1:26-cv-643**

**KRISTI NOEM**, Secretary of the Department of )  
Homeland Security; and )

**PAMELA BONDI**, U.S. Attorney General )

Respondents )  
\_\_\_\_\_ )

**PETITION FOR WRIT OF HABEAS CORPUS**

UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND  
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SELVIN ALEXI MORALES MENDEZ )

A# - [REDACTED] )

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V. )

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Respondents )  
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**PETITION FOR WRIT OF HABEAS CORPUS**

SELVIN ALEXI MORALES MENDEZ (“Petitioner” or “Mr. Morales Mendez”) petitions this Court for a Writ of Habeas Corpus, pursuant to 28 USC § 2241 and the Administrative Procedure Act, 5 U.S.C. § 701, et seq., to remedy her continued unlawful detention by Respondents. Petitioner hereby requests that an immediate hearing be set on this matter. Petitioner also requests that she be released during the pendency of this Petition. In support of this Petition, Petitioner alleges as follows:

**I. INTRODUCTION**

1. Petitioner was born on [REDACTED] He is a 26-year-old citizen of Guatemalan who fled his home country due to the dangerous conditions he faced there. He arrived in the United States on or about October 2016.

2. Petitioner's Alien Registration number is A [REDACTED]

3. Petitioner is currently in custody at the Baltimore Immigration and Customs Enforcement (ICE) detention facility located at 31 Hopkins Plaza, Baltimore, Maryland 21201, following his detention by ICE on February 16, 2026, when he was stopped by ICE on his way to work. See *Exhibit 1 – Online ICE Locator*.

4. Respondents' decision to detain Petitioner was not based on his personal circumstances or individualized facts, but on Respondents' categorical determination that, the Fifth Amendment notwithstanding, noncitizens are not entitled to due process. Respondents' decision also deviates from their own policy to re-detain noncitizens only after a material change in circumstances. Instead, under Respondents' new policy, they arrogate to themselves the unilateral authority to revoke release without regard to whether anything has occurred that has converted Petitioner into a flight risk or danger to the community, and without involving any neutral arbiter.

5. But respondents cannot place themselves above the law they claim to enforce. Neither the U.S. Constitution or the Immigration and Nationality Act authorize respondents' actions. Neither the U.S. Constitution or the Immigration and Nationality Act authorize respondents' actions.

6. To vindicate petitioner's rights, this court should grant the instant petition for a writ of habeas corpus. Petitioner asks this court to find that respondents' continuous detention of petitioner is in violation of the law, and to seek relief from continued arbitrary detention.

## II. CUSTODY

7. Mr. Morales Mendez is in the physical custody of Nikita Baker, Acting Director Baltimore Field Office, U.S. Immigration and Customs Enforcement (USICE), and the

Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is detained at the Baltimore Hold Room of the Baltimore Field Office of ICE.

### III. JURISDICTION AND VENUE

8. This Court has subject matter jurisdiction over the claims alleged in this Petition pursuant to 28 U.S.C. § 1331, as they arise under federal statutes, 28 U.S.C. § 2201 (Declaratory Judgment Act); and 28 U.S.C. § 2241 (habeas corpus), and the Immigration and Nationality Act.

9. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Respondents’ continued detention of Petitioner up to and past the 90-day removal period has adversely and severely affected Petitioner’s liberty and freedom.

10. Venue is proper in United States District Court for the Maryland, Northern Division because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

11. Venue is also proper under 28 U.S.C. § 2241 because Mr. Morales Mendez is detained at the Baltimore Hold Room of the Baltimore Field Office in Baltimore, MD which is within the jurisdiction of this district.

### IV. PARTIES

12. Petitioner Mr. Morales Mendez is a citizen of Guatemala who last entered the United States on or about October 2016. He is currently in the custody of the Department of Homeland Security (DHS) since February 16, 2026.

13. Respondent Nikita Baker is sued in her official capacity as the Acting Director of the Baltimore Field Office of Immigration Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. Respondent has immediate physical custody of the Petitioner and is a legal custodian of Petitioner and has the authority to release him.

14. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for implementation and enforcement of the INA, and oversees ICE, which is responsible for Mr. Morales Mendez's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

15. Respondent Pamela Bondi is the U.S. Attorney General. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all Immigration Judges and the Board of Immigration Appeals (BIA). She is sued in her official capacity.

16. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

17. Respondent reserves the right to substitute any parties who are incorrectly named in this petition.

#### V. STATEMENT OF FACTS

18. Petitioner, Mr. Morales Mendez is a citizen of Guatemala who arrived the United States on or around October 2016. He is detained by respondents Holding Room of the Baltimore Field Office and is currently in removal proceedings under 8 U.S.C. § 1229a. He is not subject to a final order of removal.

19. Mr. Morales Mendez is married to a Legal Permanent Resident who on February 2, 2026, had her US citizenship application recommended for approval after attending her interview. He has a pending Form I-130, Petition for Alien Relative. Upon approval, he intends

to File Form I-601 provisional waiver which requires gathering extensive documentation, coordinating with his and subsequently consular processing to ultimately obtain his immigrant visa and Legal Permanent Resident status. *Exhibit 2 – I-130 Receipt Notice.*

20. Mr. Morales Mendez has no criminal history, no pending charges, and no history of non-compliance with immigration authorities.

21. On February 16, 2026, Mr. Morales Mendez was forcefully detained by ICE Officers while on his way to work.

22. Mr. Morales Mendez's continued detention prevents him from completing his I-601A provisional waiver filing, communicating effectively with counsel and continuing his cooperation with law enforcement officers.

23. Mr. Morales Mendez is not a danger to the community or a flight risk. He has no pending criminal cases. Additionally, he has deep roots in this community. He has a sponsor who is willing to accept him upon his release.

24. Petitioner is the father of US citizen daughter, H [REDACTED] ("H [REDACTED]"), born [REDACTED]. His daughter and wife depend entirely on Petitioner for emotional, financial, and daily support.

25. Separation from his wife and daughter would cause exceptional and extremely unusual hardship to them. There is no other person available to provide for their basic needs, stability, or well-being.

26. Respondents' detention of petitioner is not justifiable; it is arbitrary and capricious.

## VI. LEGAL FRAMEWORK

27. The Supreme Court has long recognized that the "integrity of the family unit" is a fundamental liberty interest protected by the Due Process Clause. See *Stanley v. Illinois*, 405

U.S. 645, 651 (1972). Government action that arbitrarily disrupts family unity violates substantive due process. *Moore v. City of East Cleveland*, 431 U.S. 494, 503–04 (1977).

28. Petitioner's detention deprives his spouse and newborn child of their sole caregiver, directly infringing upon this constitutionally protected interest.

29. Petitioner has a pending I-130 and intends to file a Form I-601A waiver immediately upon approval. The I-601A process requires extensive hardship documentation, attorney coordination, and family participation. Petitioner's detention prevents him from preparing this application, gathering evidence, and assisting counsel.

30. Courts have recognized that hardship determinations must consider medical vulnerability, emotional dependence, and the absence of alternative caregivers. *Maldonado v. Holder*, 763 F.3d 155, 164 (2d Cir. 2014). The loss of a primary caregiver constitutes significant hardship, particularly where no alternative caregiver exists. *Singh v. Holder*, 591 F.3d 1190, 1198 (9th Cir. 2010).

31. Petitioner's spouse is in a fragile postpartum period and depends entirely on Petitioner for mobility, childcare, and daily functioning. Their newborn child likewise depends on Petitioner for basic care and stability. Petitioner's detention therefore causes extreme and unusual hardship to his U.S. citizen family members.

32. Federal Courts have repeatedly held that immigration detention may not obstruct a noncitizen's ability to pursue congressionally created humanitarian relief. See *Santos v. Smith*, 260 F. Supp. 3d 598, 611 (W.D. Va. 2017) (granting habeas relief where detention interfered with access to humanitarian immigration protections).

33. Petitioner's continued detention would result in extreme and unusual hardship to his wife and newborn child. In Petitioner's absence, there is no alternative caregiver available to assume responsibility for the children, placing them at serious risk of neglect, instability, and emotional harm.

34. Separation from his wife and newborn child would cause profound hardship, including disruption of their housing, education, emotional well-being, and lawful permanent resident stability. Such harm is precisely the type Congress intended immigration courts to consider when adjudicating I-601A provisional waivers.

35. Immigration detention that prevents Petitioner from meaningfully pursuing immigration benefit by limiting access to counsel, evidence, and family-based hardship documentation undermines the statutory scheme and violates due process.

36. Due process therefore requires that the government provide bond hearings to noncitizens facing detention. Indeed, “[t]he Due Process Clause foresees eligibility for bail as part of due process” because “[b]ail is basic to our system of law.” *Jennings v. Rodriguez*, 138 S. Ct. 830, at 862 (2018) (Breyer, J., dissenting) (internal quotations and citations omitted). It also requires “adequate procedural protections” to ensure that the government’s asserted justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” See *Zadvydas v. Davis*, 533 U.S. 678 at 690.

37. In immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Jennings*, 138 S. Ct. at 862. The government may not detain a noncitizen based on any other justification. See *Demore v. Kim*, 538 U.S. 510 at 528 (2003).

38. Thus, where the government detains a noncitizen where the noncitizen pursues a substantial defense to removal or claim to relief, due process requires an individualized hearing before a neutral decisionmaker to determine whether such significant deprivation of liberty is reasonably related to its purpose. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring) (stating that an “individualized determination as to [a noncitizen’s] risk of flight and dangerousness” may be warranted “if the continued detention became unreasonable or unjustified”); *cf. Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires additional safeguards).

39. 8 U.S.C. § 1226(a) provides the general process for arresting and detaining aliens who are present in the United States and eligible for removal. Under this rule, a noncitizen may be arrested and detained “[o]n a warrant issued by the Attorney General” if their removal proceedings are pending, 8 U.S.C. § 1226(a). Detention pursuant to 8 U.S.C. § 1226(a) is not mandatory. If the noncitizen was not charged with, arrested for, or convicted of certain criminal offenses enumerated in 8 U.S.C. § 1226(c), the government has discretion to release them on “bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or ... conditional parole.” 8 U.S.C. § 1226(a)(2)(A)–(B).

40. Until recently, DHS has applied 8 U.S.C. § 1226(a) and its discretionary release and review of detention “to the vast majority of noncitizens allegedly in this country without valid documentation” a practice codified by regulation. *Salcedo Aceros v. Kaiser*, 2025 WL 2737503, at 3. The Government now contends that people like the respondent are subject to mandatory detention under 8 U.S.C. § 1225.

41. Several district courts have held that the Government’s new, and more expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect on the basis that this reading of the statute would render 1226(c) inoperable or moot. See, e.g., *Rodriguez Vasquez v. Bostock*, et al. 3:25-CV-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2737503.

42. Mr. Morales Mendez’s detention is unreasonable or unjustifiable and highly prejudicial to his ability to pursue the immigration reliefs for which he is eligible. The deprivation of his liberty severely impedes his ability to prepare and file his I-601 provisional waiver application with USCIS and maintain meaningful communication with his attorney, steps that are essential to obtaining Legal Permanent Resident status in the US.

43. The Constitution protects Mr. Morales Mendez, and every other person present in this country from arbitrary deprivations of his liberty and guarantees his due process of law. The government’s power over immigration is broad, but as the Supreme Court has declared, it “is subject to important constitutional limitations.” *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001).

“Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary government action”. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

44. Petitioner, Mr. Morales Mendez, respectfully seeks a writ of habeas corpus ordering the government to immediately release him from ongoing, unlawful detention so that he may pursue the immigration reliefs that he is eligible for and to care for his spouse and newborn child.

45. To preserve this Court’s jurisdiction, Petitioner also requests an order prohibiting Respondents from transferring him outside this District or removing him from the United States during the pendency of this proceeding.

### **CLAIMS FOR RELIEF**

#### **FIRST CLAIM FOR RELIEF**

##### **HABEAS CORPUS**

46. Mr. Morales Mendez realleges and incorporates by reference the paragraphs above. As set forth above, Respondents are holding Mr. Morales Mendez in federal custody, in violation of federal statutes, and in the U.S Constitution.

47. Accordingly, Petitioner Mr. Morales Mendez seeks a writ of habeas corpus compelling Respondents to release him to the custody and care of his sponsor.

#### **SECOND CLAIM FOR RELIEF**

##### **CONSTITUTIONAL CLAIM**

48. Mr. Morales Mendez realleges and incorporates by reference the paragraphs above.

49. Mr. Morales Mendez’s continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

##### **PRAYER FOR RELIEF**

Therefore, Petitioner respectfully requests this Court to grant the following relief:

- a. Issue an Order directing Respondents to show cause why the writ should not be granted within 3 days;
- b. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, including 8 U.S.C. § 1226(a); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- c. Order Petitioner's immediate release;
- d. Alternatively, review Petitioner's custody under the standard articulated in ICE policy, or order ICE to review Petitioner's custody accordingly
- e. Grant any other further relief this Court deems just and proper.

Dated: February 17, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

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**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT  
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 17, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

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Liset Collazo Dingle, Esquire  
*Attorney for Petitioner*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments via electronic means, and using the CM/ECF system to each of the following individuals:

Nikita Baker, Acting Field Office Director  
Department of Homeland Security  
Immigration and Customs Enforcement ERO  
Baltimore Field Office  
31 Hopkins Plaza 6th Floor  
Baltimore MD 21201

Kristi Noem, Secretary  
U.S. Department of Homeland Security  
c/o DHS Office of the General Counsel  
2707 Martin Luther King Jr. Ave, SE

Washington, DC 20528-0485

Pamela Bondi, Attorney General  
U.S. Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Dated: February 17, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

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Liset Collazo Dingle, Esquire  
*Attorney for Petitioner*