

UNITED STATES DISTRICT COURT
For the
DISTRICT OF MARYLAND

GERSON JOSUE HERNANDEZ SANDOVAL)
DHS Alien No. [REDACTED])
(Filed by attorney Leonel Vasquez)
on behalf of Gerson Josue Hernandez Sandoval)

-----)
Petitioner)

Case No. 1:26-cv-00654

v.)

-TODD M. LYONS, acting Director of ICE,)
U.S. Immigration and Customs Enforcement)

-(Publicly not disclosed name), Director of)
ICE ERO U.S. Immigration and Customs)
Enforcement, Baltimore Office, Maryland)

-KRISTI NOEM, Secretary)
U.S. Department of Homeland Security, DHS)

-PAM BONDI, Attorney General)
U.S. Department of Justice)

-KELLY O. HAYES, U.S. Attorney for the)
District of Maryland)

All of them in their Official Capacity and their)
Successors and assigns)

-----)
Respondents)

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

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

Personal Information

1. (a) Your full name: Gerson Josue Hernandez Sandoval.
(b) Other names you have used: (none).
2. Place of confinement:
3. (a) Name of institution: Baltimore ICE ERO Field Office, Maryland.
(b) Address: 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201.
(c) Your identification number: DHS-Citizenship & Immigration Services, USCIS, Employment Authorization Document Card [REDACTED]; valid from 08/02/2022 to 05/09/2026
4. Are you currently:
 Detained on Saturday, February 14, 2026, presumably due to DHS recent interpretation of 8 U.S.C § 1225(b)(2), as an immigration related charge.

[X] Other: detained by DHS-ICE-ERO personnel in the area of Langley Park, Maryland, near or within Prince George's County or Montgomery County, while he was driving his vehicle.


Decision or Action You Are Challenging

5. What are you challenging in this petition:

[X] Gerson Josue Hernandez Sandoval's unreasonable detention without a warrant when he was peacefully driving his vehicle in the public space in Maryland, by DHS-ICE-ERO personnel who took him to DHS-ICE-ERO in Baltimore, Maryland; keeping him without a right to custody redetermination or bond hearing.

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

(a) Name and location of the agency: DHS-ICE-ERO Immigration and Customs Enforcement Baltimore Office, Maryland. Located at 31 Hopkins Plaza, Baltimore, Maryland 21201, 7th floor.

(b) Case number: There is not case number concerning Petitioner's detention provided by DHS-ICE-ERO to petitioner's attorney. Petitioner for many years keeps Alien No 

(c) Decision or action you are challenging:

The unreasonable detention without a warrant of Petitioner Gerson Josue Hernandez Sandoval by DHS-ICE-ERO Baltimore Office when Petitioner was peacefully driving his vehicle in the public space in Maryland about noon on Saturday, February 14, 2026.

Actions probably supported by recent DHS-ICE-ERO, and US Department of Justice, allegations that 8 U.S.C. § 1225(b)(2) authorizes mandatory detention of any alien, who entered the country without inspection, without a right to custody redetermination or bond hearing.

(d) Date of the action: Saturday, February 14, 2026

Your Earlier Challenges of the Decision or Action

7. **First Appeal.**

-There is no appeal regarding Petitioner's detention, because at this time there is no jurisdictional agency's initial decision to be appealed.

- The undersigned attorney, on behalf of Petitioner, initiated yesterday, Sunday, February 15, 2026, release on bond proceedings with the Baltimore Immigration Court; although it is known DHS and DOJ (directing Immigration Courts) alleges that pursuant to 8 U.S.C. § 1225(b)(2) there is mandatory detention of any alien who entered the country without admission or inspection and the Immigration Court lack jurisdiction to hear custody redetermination or bond hearings.

Then, this Habeas Corpus petition, besides seeking Petitioner release of the unreasonable detention, seeks that the U.S. District Court, pursuant several judicial precedents, order the Baltimore Immigration Court, to provide Petitioner the opportunity to a bond hearing, pursuant to Section 236 (a) of the Immigration and Nationality Act, 8 U.S.C. § 1226 (a).

8. **There is no second appeal;** for the reasons stated above.
9. **There no third appeal;** for the reasons stated above.
10. **Motion under 28 U.S.C. § 2255.** Not applicable, because there is no conviction or sentence.
 - (a) Not applicable.
 - (b) Not applicable.
 - (c) Not applicable.

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes (DHS-ICE-ERO administrative actions involving unreasonable seizure of the person), and eventual denial of right to a custody redetermination or bond hearing within the proceedings for release on bond hearing the undersigned attorney initiated yesterday, Saturday, February 15, 2026 before the Baltimore Immigration Court. It is the case that Immigration Courts recently started to denied release on bond petitions stating their lack of jurisdiction, pursuant to DHS and DOJ posture of mandatory detention and no right to bond hearing pursuant to 8 U.S.C. § 1225(b)(2).

If "Yes," provide:

- (a) Date you were taken into immigration custody: ICE ERO detained Petitioner on Saturday, February 14, 2026
- (b) Date of removal or reinstatement order: No Immigration Court has ordered Petitioner removed from the country.
- (c) Did you file an appeal with the Board of Immigration Appeals?
 No applicable.
- (d) Did you appeal the decision to the United States Court of Appeals?
 No. (There is no Board of Immigration Appeals's decision to be Appealed.

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?

No. Exception the motion for custody redetermination or bond hearing with the Baltimore Immigration Court, as mentioned above.

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, 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: Petitioner Gerson Josue Hernandez Sandoval has been unlawfully detained by immigration personnel, US Department of Homeland Security-Immigration Customs and Enforcement, US ICE ERO, Baltimore Field Office, on Saturday, February 14, 2026, in violation of the Constitution, the Fourth Amendment protection against unreasonable seizure, or laws or treaties of the United States.

Supporting facts: Petitioner Gerson Josue Hernandez Sandoval was unlawfully detained, without a warrant, when he was peacefully driving his vehicle in the area of Langley Park, Maryland, at about noon on Saturday, February 14, 2026, and taken to the US DHS-ICE-ERO office at 31 Hopkin Plaza, 7th Floor, Baltimore, Maryland 21201. Petitioner is detained without a right to release on bond, given the known interpretation of DHS and DOJ regarding 8 U.S.C. § 1225(b)(2) (a), that aliens who entered without inspection could maintained in custody and without a right to release on bond.

(a) Did you present Ground One in all appeals that were available to you?
[No]

GROUND TWO: Petitioner Gerson Josue Hernandez Sandoval has been unlawfully detained without the opportunity to seek release on bond, in violation of the Constitution, the Fifth Amendment, rights to procedural and substantive due process, or laws or treaties of the United States, the Immigration and Nationality Act, 8 U.S.C. § 1226(a) and relating and implementing regulations.

(a) Supporting facts: Petitioner Gerson Josue Hernandez Sandoval was unlawfully detained at about noon on Saturday, February 14, 2026 when he peacefully driving his vehicle in the area of Langley Park, Maryland and taken to US DHS-ICE-ERO office at 31 Hopkins Plaza, 7th Floor, Baltimore, Maryland 21201, when he is kept detained without a right to release on bond pursuant to the Immigration and Nationality Act, 8 U.S.C. § 1226(a), because the known posture of US DHS and DOJ alleging that aliens who entered without inspection or parole are subject to mandatory detention, without a right to custody redetermination or bond hearing and immigration courts lack jurisdiction to decide on bond hearing petitions, based on those agencies recent interpretation of 8 U.S.C. § 1225(b)(2).

(b) Did you present Ground Two in all appeals that were available to you?
[No] (because at this time there is no procedural stage upon which to file an appeal).

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: [No]. There is no ground to file an appeal at this time.

Request for Relief

15. Petitioner Jose Fredy Perez Saavedra requests the U.S. District Court, in application of the above mentioned U.S. Constitutional guaranties and laws, to order the immediate release from DHS-ICE-ERO, successors or assigns, detention.

In the alternative, Petitioner requests the U.S. District Court, under precedents as that of Gurveer Singh v. Todd M. Lyons et al, 1:25-cv-016060-AJT-WBP (E.D. Va. Oct 14, 2025), to order:

Petitioner be provided with a bond hearing by an immigration judge;

That Respondents be enjoined from denying bond hearing on the basis the Petitioner is detained pursuant to 8 U.S.C. Section 1225(b)(2);

That Respondents file a status report with this Court within 3 days of the bond hearing, stating whether Petitioner has been granted bond, and, if his request for bond was denied, the

reasons for that denial; and

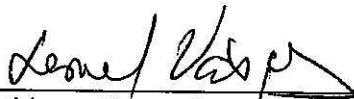
That in the event Petitioner is released on bond, Respondents are enjoined from rearresting Petitioner, unless he has committed a new violation of any federal, state, or local law, or has failed to attend any properly notices immigration or court hearing, or is subject to detention pursuant to a final order of removal.

Declaration Under Penalty of Perjury

-Petitioner is illegally detained by an immigration enforcement agency, he is not detained under a prison order which may be related to a prison mail system.

I, declare under penalty of perjury that I am representing Petitioner Gerson Josue Hernandez Sandoval for purposes of this Habeas Corpus petition and its processing. I review this petition, 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: February 17, 2026


Petitioner Gerson Josue Hernandez Sandoval
represented by attorney Leonel Vasquez, Esq.
who signs on Petitioner's behalf.
U.S. District Court of Maryland Bar
Registration No. 18524

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-PAM BONDI, Attorney General)	
U.S. Department of Justice)	
)	
-KELLY O. HAYES, U.S. Attorney for the)	
District of Maryland)	

CERTIFICATE OF SERVICE

I, hereby certify that on February, 17, 2026, a copy of the Motion for a Writ of Habeas Corpus, which was electronically in this case of Habeas petition, was mailed via certified mail, postage prepaid to:

- TODD M. LYONS, acting Director of ICE,
U.S. Immigration and Customs Enforcement
500 12th Street, SW, Washington, DC 20536
- Director of ICE ERO U.S. Immigration and Customs
Enforcement, Baltimore Office, Maryland
31 Hopkins Plaza, 6th Floor, Baltimore, MD 21201
- KRISTI NOEM, Secretary, US Department of Homeland Security DHS
2727 Martin Luther King Jr. Ave., SE, Washington, DC 20528-0525
- PAM BONDI, Attorney General U.S. Department of Justice
950 Pennsylvania Ave., NW, Washington, DC 20530-0001
- KELLY O. HAYES, U.S. Attorney for the District of Maryland
36 S. Charles Street, 4th Floor, Baltimore, MD 21201

February 17, 2026


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