

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Daniela Michelle ZELAYA-HERNANDEZ,

Petitioner,

v.

VERNON LIGGINS, Field Officer Director,
Immigration and Customs Enforcement,
Baltimore Field Office, *et al.*,

Respondents.

Case No. 26-cv-00674-TDC

NOTICE

On behalf of Petitioner Daniela Michelle Zelaya-Hernandez (“Petitioner” or “Ms. Zelaya-Hernandez”), I write to clarify Petitioner’s position regarding the appropriate remedy in this case.

Ms. Zelaya-Hernandez filed the instant habeas petition on February 18, 2026. Shortly thereafter, while Ms. Zelaya-Hernandez was still detained in Maryland, she moved for bond in the Hyattsville, Maryland immigration court. After Ms. Zelaya-Hernandez filed the petition, DHS transferred her to Richwood Correctional Center in Richwood, Louisiana. On February 22, 2026, the Hyattsville Immigration Court scheduled Ms. Zelaya-Hernandez for a bond hearing to occur on February 27, 2026, at 8:30am. *See* Ex. A, Hearing Notice.

Ms. Zelaya-Hernandez now seeks release pending the completion of her bond hearing. The Court’s authority to grant release pending an already-scheduled or soon-to-be-scheduled bond hearing in the immigration court is well-established. *See, e.g., De Leon Rosales v. Liggins*, 8:26-cv-393-BAH, Dkt. No. 11 at 2 (D. Md. Feb. 3, 2026) (noting that “[t]o the extent [Petitioner] can attend his hearing remotely, Petitioner’s transfer to another facility—likely out of state—would interfere with his ability to prepare for his hearing and to consult with counsel”), attached hereto

as Ex. B; *Vasquez Sanchez v. Noem*, 8:26-cv-331, Dkt. No. 11 at 1 (D. Md. Jan. 30, 2026) (finding that “transporting [Petitioner] to a remote detention facility simply impairs his ability to consult with counsel before his pending bond hearing”), attached hereto as Ex. C; *Afghan v. Noem*, CV-SAG-25-04105, 2025 WL 3713732, at *2 (D. Md. Dec. 23, 2025) (ordering release of petitioner detained in Georgia when petitioner’s counsel was in Washington, DC, and petitioner’s “history of reporting as directed to comply with the immigration process” showed that he was likely to attend any Maryland bond hearing). In the alternative, Respondents could transfer Ms. Zelaya-Hernandez to a facility in Maryland or immediately adjacent to Maryland, so her DC-based legal counsel may visit her and prepare her for the hearing. *See Guevara Martinez v. Liggins*, 1:26-cv-520-TDC, Dkt. No. 8 at 3–4 (D. Md. Feb. 10, 2026) (recognizing the importance of bond hearing in Maryland and ordering Respondents to continue to detain the petitioner in Maryland, transfer the petitioner to a state immediately adjacent to Maryland, or release the petitioner pending a bond hearing), attached hereto as Ex. D.

Practically speaking, however, it will be significantly more challenging for Ms. Zelaya-Hernandez and for her legal counsel to prepare for the bond hearing on Friday if Ms. Zelaya-Hernandez remains detained in Louisiana *or* if she is transferred back to the Baltimore Hold Rooms pending the bond hearing. Ms. Zelaya-Hernandez was able to have a 30-minute legal call with counsel this afternoon, but given the short time until her hearing, 30 minutes of communication with counsel (her first communication with counsel since she was detained a week ago) is not enough time for Ms. Zelaya-Hernandez and counsel to adequately prepare for Friday’s hearing. Even if counsel is able to have a second 30-minute call with Ms. Zelaya-Hernandez, the truncated timeline makes it impossible for Ms. Zelaya-Hernandez’s counsel to obtain necessary documents

and prepare Ms. Zelaya-Hernandez to testify without Ms. Zelaya-Hernandez's in-person participation.

If the Court orders Ms. Zelaya-Hernandez transferred back to Maryland, the only place where ICE could detain her is at the Baltimore Hold Room, which has *severely* limited detainees' access to counsel and where Ms. Zelaya-Hernandez is unable to receive proper treatment for her diabetes. And ICE likely would not bring her physically to the Hyattsville Immigration Court even if she was transferred back to the Baltimore Hold Rooms, but would rather have her appear virtually from there, *See Guevara Martinez v. Liggins*, 1:26-cv-520-TDC, Dkt. No. 9 (noting that Mr. Guevara Martinez appeared virtually for his bond hearing from the Baltimore ICE office and counsel was unable to speak with him outside of a 15-minute phone call the day before), attached hereto as Ex. E. Therefore, the only feasible way to ensure Ms. Zelaya-Hernandez both has time to prepare for her bond hearing and is able to be physically present at the bond hearing is to order her immediate release pending the hearing.

Finally, Ms. Zelaya-Hernandez is a member of the certified class in *Orantes Hernandez v. Smith*, 685 F. Supp. 1488 (C.D. Cal. 1988). That permanent injunction creates additional obligations for DHS for "[a]ll citizens and nationals of El Salvador eligible to apply for political asylum under 8 U.S.C. § 1158 who . . . have been or will be taken into custody pursuant to 8 U.S.C. § 1357 by agents of the Immigration and Naturalization Service." *See id.* at 1491. Under paragraph 11(b) of the injunction, for counseled Salvadoran asylum-seekers like Ms. Zelaya-Hernandez, a "class member must be returned to the district in which venue is set sufficiently in advance of any [immigration] proceeding in order to allow the detainee adequate time to consult with counsel." *Orantes-Hernandez v. Gonzales*, No. 82-cv-01107, Dkt. No. 855 at 6 (C.D. Cal. Nov. 26, 2007), attached hereto as Ex. F. Ms. Zelaya-Hernandez alerted her deportation officer and counsel for

Respondents of her *Orantes* class membership before her transfer to Louisiana. Though Ms. Zelaya-Hernandez does not ask this Court to enforce the *Orantes* injunction, Ms. Zelaya-Hernandez notes that the injunction requires Respondents to return her to Maryland in advance of the Friday bond hearing.

For these reasons, Ms. Zelaya-Hernandez requests that the Court order her release from Richwood pending her Friday bond hearing. If the Court orders release, undersigned counsel will assist to facilitate Ms. Zelaya-Hernandez's return to Maryland.

Respectfully submitted,

/s/ Susanna Booth
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CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petitioner's Notice using the CM/ECF system, which will send a Notice of Electronic Filing to all counsel of record.

DATED: February 24, 2026

Respectfully submitted,

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