

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)

INGRID VANESSA ZETINO JACO,	*	
	*	Case No. 1:26-cv-00694-MJM
Petitioner,	*	
v.	*	
KRISTI NOEM, <i>et al.</i> ,	*	
	*	
Respondents.	*	
* * * * * * * * * * * *		

JOINT NOTICE

Petitioner, Ingrid Vanessa Zetino Jaco, and Respondents, United States Department of Homeland Security Secretary Kristi Noem, United States Immigration and Customs Enforcement (“ICE”) Acting Director Todd Lyons, ICE Baltimore Field Office Acting Field Office Director Vernon Liggins, and United States Attorney General Pamela Bondi, by and through their respective undersigned counsel, submit this Joint Notice and state:

Respondents submit that the factual and legal issues presented in the instant habeas petition regarding which statute governs Petitioner’s detention (8 U.S.C. § 1225 or 8 U.S.C. § 1226) have been fully briefed by Respondents and do not differ in any material fashion from the issues presented in *Velasquez v. Noem*, No. GLR-25-cv-3215, ___ F. Supp. 3d, ___, 2025 WL 3003684 (D. Md. Oct. 27, 2025), *Villanueva Funes v. Noem*, No. 25-cv-3860-TDC, 2026 WL 92860 (D. Md. Jan. 13, 2026), and *Leal-Hernandez v. Noem*, 803 F. Supp. 3d 409, 421–23 (D. Md. 2025). Those cases assessed, *inter alia*, whether a noncitizen who is present in the United States without admission is properly subject to mandatory detention (*i.e.*, detention without the prospect of release on bond) pursuant to 8 U.S.C. § 1225(b) during the pendency of administrative removal

proceedings, or instead, discretionary detention pursuant to 8 U.S.C. § 1226(a). Respondents hereby incorporate their arguments in *Velasquez*, *Villanueva Funes*, and *Leal-Hernandez*, including their arguments regarding jurisdiction and statutory construction raised in those cases, into the record of this habeas action.

Additionally, on February 6, 2026, the United States Court of Appeals for the Fifth Circuit, in *Buenrostro-Mendez v. Bondi*, No. 25-20496, ___ F.4th ___, 2026 WL 323330 (5th Cir. Feb. 6, 2026), held, 2-1, that the Department of Homeland Security can charge individuals they initially encounter, no matter how long they have been in the United States, under 8 U.S.C. § 1225(b)(2), stating:

After reviewing carefully the relevant provisions and structure of the Immigration and Naturalization Act, the statutory history, and Congressional intent, we conclude that the government's position is correct. We REVERSE the district courts' orders to provide petitioners with bond hearings or release them and REMAND for further proceedings consistent with this opinion.

2026 WL 323330, at *1. The Parties acknowledge that *Buenrostro-Mendez* is not binding on this Court.

In addition, several of the Judges in this District have recently asked parties to address the application of *Maldonado Bautista v. Noem*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). Respondents do not believe that the Central District of California's decision is binding on this Court. Nevertheless, several Judges in this District have found that, even if *Maldonado Bautista* is not binding or controlling, they may adopt and incorporate the reasoning in that case in deciding the merits of claims like those made by Petitioner here.

Given the opinions from this District referenced above, the holding in *Maldonado Bautisa*, and notwithstanding the Fifth Circuit decision in *Buenrostro-Mendez*, Respondents' position is

that no further briefing is necessary, and that the Petition can be decided without a hearing. Petitioner agrees.

Therefore, should the Court conclude that it will order a bond hearing under 8 U.S.C. § 1226, the Parties respectfully request that such Order contain the following terms:

1. Petitioner is detained under 8 U.S.C. § 1226(a) and Respondents are enjoined from detaining Petitioner under 8 U.S.C. § 1225(b);
2. Petitioner is entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19 and 1236.1(d), and a bond hearing shall be held within 10 days of Petitioner's filing of a motion with the Immigration Court;
3. If bond is granted and Petitioner is released, nothing in this Court's order precludes ICE from imposing reasonable conditions of release;
4. The Parties shall provide the Court with a Joint Status Report within 20 days of the date of the Court's Order; and
5. Any request for attorney's fees and costs is denied.

Dated: February 27, 2026

Respectfully submitted,

/s/ David Gagnidze
David Gagnidze, Esq.
D. Md. Bar no. 32034
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
Telephone: 703-352-2399
Facsimile: 703-763-2304
dgagnidze@murrayosorio.com

Counsel for Petitioner

Kelly O. Hayes
United States Attorney

By: /s/ Kristy A. Burkhardt
Special Assistant United States Attorney
Megan L. Micco (Bar No. 20936)
Assistant United States Attorney
U.S. Attorney's Office, District of Maryland
36 S. Charles Street, Suite 400
Baltimore, Maryland 21201
Telephone: (410) 209-4800
Kristy.Burkhardt@usdoj.gov
Megan.Micco@usdoj.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of February, 2026, a copy of the foregoing Joint Notice was served electronically on all parties and counsel receiving service via CM/ECF in this case.

/s/ Kristy A. Burkhardt
Kristy A. Burkhardt
Special Assistant United States Attorney