**UNITED STATES DISTRICT COURT**
**FOR THE DISTRICT OF MARYLAND**
**Baltimore Division**

Harmel Granuel Dereck,

*Petitioner*,

v.

Civil Action No. _____

Kristi Noem, *Secretary of Homeland Security*,

Todd Lyons, *Acting Director, U.S. Immigration and Customs Enforcement*,

Vernon Liggins, *Acting Director, Baltimore Field Office, U.S. Immigration and Customs Enforcement*,

Pamela Bondi, *Attorney General*,

*Respondents.*

**PETITION FOR WRIT OF HABEAS CORPUS**

1. Petitioner Harmel Granuel Dereck (A[redacted] is a noncitizen who was granted withholding of removal under the Convention Against Torture ("CAT"), which prohibits Respondents from removing him to Honduras. Should Respondents wish to remove Petitioner to Honduras, the law sets forth specific procedures by which they can reopen the case and seek to set aside the grant of withholding of removal. Should Respondents wish to remove Petitioner to any *other* country, they would first need to provide him with notice and opportunity to apply for protection as to that country as well. Unless they do either of these things, they cannot remove Petitioner from the United States. But on February 19, 2026, Respondents arrested Petitioner

without warning and without observance of procedures required by regulation. He was detained without prior notice or explanation, despite having no criminal history since his grant of withholding of removal. Petitioner is currently detained at the ICE Baltimore Field Office. Continued detention is unlawful, unnecessary, and causing extreme hardship to him and his U.S. citizen family members. Such conduct cries out for immediate judicial relief.

**JURISDICTION AND VENUE**

2. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials or their agents. 28 U.S.C. § 1346(a)(2).

3. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials or their agents. 28 U.S.C. § 1346(a)(2).

4. Venue lies in this District because Petitioner is currently detained in the custody of U.S. Immigration and Custom Enforcement (ICE) at the ICE Baltimore Field Office, within the District of Maryland; and each Respondent is an officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

**THE PARTIES**

5. Petitioner Harmel Granuel Dereck (A[redacted]) is a native of Honduras. He is currently detained by Respondents in Baltimore, Maryland.

6. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). She is the cabinet-level secretary responsible for all immigration enforcement in

the United States.

7. Respondent Todd Lyons is the Acting Director of ICE. He is the head of the federal agency responsible for all immigration enforcement in the United States.

8. Respondent Pamela Bondi is the Attorney General of the United States. The immigration judges who decide removal cases and applications for relief from removal do so as her designees.

9. Respondent Vernon Liggins is the Field Office Accting Director of the Baltimore ICE Field Office located in Baltimore, MD. He is responsible for overseeing ICE operations pertaining to noncitizens within the office's territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. He is the head of the ICE office that unlawfully arrested Petitioner, and such arrest took place under his direction and supervision. He is Petitioner's immediate legal and physical custodian.

10. All government Respondents are sued in their official capacities.

**FACTUAL ALLEGATIONS**

11. Petitioner Harmel Granuel Dereck was born in 1990, in Honduras, and has no claim to citizenship or legal immigration status in other country. He entered the United States in or about November 2014 across the U.S.-Mexico border. He was immediately apprehended by immigration officers who took him into custody at that time and placed him in removal proceedings.

12. Upon information and belief, in or about January 2015, after about 2 months of detention, Petitioner was released on bond while he continued his ongoing removal proceedings.

13. Petitioner then established a peaceful life in Maryland. He currently resides in Waldorf, Maryland, with his U.S.-citizen wife.

14. On August 16, 2018, an immigration judge ordered Petitioner removed to Honduras but also granted him withholding of that removal under the Convention Against Torture, prohibiting his removal to Honduras. *See* Ex. 1, Grant of CAT withholding of removal. DHS did not appeal the decision. To date, Respondents have not taken any steps to reopen or rescind the grant of withholding of removal.

15. The reason Petitioner was granted CAT withholding of removal was because he feared torture [redacted]

16. Upon information and belief, after the Immigration Court granted Petitioner CAT withholding of removal, DHS issued Petitioner a document requiring Petitioner to report to a local ICE office for check-ins. Petitioner has dutifully complied with the reporting requirement. Petitioner has no criminal arrests or convictions since he was issued that document and has not disobeyed any orders from immigration authorities. Petitioner had been given no reason to believe that he would be taken into custody, as he was in full compliance with his immigration case.

17. Petitioner has repeatedly been issued "Category A10" Employment Authorization Document (EAD). *See* Ex. 2, I-765 approval receipt notice. This category was based on his grant of CAT withholding of removal. Petitioner's last EAD is valid until October 13, 2029. Each time the agency issued Petitioner an EAD, it necessarily first determined that he "cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien[.]" 8 U.S.C. § 1231(a)(7)(A).

18. Petitioner's most recent ICE check-in was scheduled for February 19, 2026. There, ICE officers arrested him and put him in custody without any forewarning. Respondents lacked any articulable basis to believe that Honduras, or any other country on earth, will accept Petitioner for removal.

19. Petitioner is currently detained at the Baltimore ICE Field Office, located in Baltimore, Maryland.

20. To date, Respondents have made no indication that it has identified any third country willing to accept Petitioner. Therefore, Respondents currently lack any factual or legal basis to detain Petitioner, since Respondents cannot establish that that Petitioner will likely be removed from the United States in the reasonably foreseeable future. He possesses no claim to citizenship or residence in any other country, and there is no third country on earth generally willing to accept non- nationals for deportation from the United States.

21. Nonetheless, Petitioner anticipates that Respondents will attempt to remove him to Mexico, based on Respondents' usual practices. Petitioner has already stated a fear of removal to Mexico.

22. Petitioner has exhausted all administrative remedies. No further administrative remedies are available to Petitioner.

## LEGAL BACKGROUND

### A. Immigration Detention Legal Framework

23. Withholding of removal under the Convention Against Torture ("CAT withholding of removal") prohibits the government from removing a noncitizen to a country where it is more likely than not, he would be tortured. See 8 C.F.R. § 1208.16(c)(1)-(2). This form of relief is mandatory if the applicant meets the standard and is distinct from asylum in that it does not lead to permanent residency.

24. For an immigration judge (serving as the designee of Respondent Bondi) to grant CAT withholding of removal to a noncitizen, the noncitizen must prove that he is more likely than not to suffer torture, by or at the acquiescence of a public official. "The burden of proof is on the

applicant for withholding of removal under [the CAT] to establish that it is more likely than not that he or she would be tortured if removed to the proposed country of removal." 8 C.F.R. § 1208.16(c)(2).

25. The government may not remove an individual with a valid withholding order to that country unless the order is formally terminated following the procedures set forth in the regulations. See 8 C.F.R. § 1208.24(b), (f).

26. If a noncitizen is granted withholding of removal, "DHS may not remove the alien to the country designated in the removal order unless the order of withholding is terminated." *Johnson v. Guzman Chavez*, 594 U.S. 523, 531 (2021). No exceptions lie.

27. Federal regulations provide a procedure by which a grant of withholding of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge and must prove, by a preponderance of the evidence, that the individual would no longer face persecution or torture. 8 C.F.R. § 1208.24(f). Only after termination may removal to that country proceed.

28. However, withholding of removal is a country-specific form of relief. Should the government wish to remove an individual with a grant of withholding of removal to some other country, it must first provide that individual with notice and an opportunity to apply for withholding of removal as to that country as well, if appropriate. 8 U.S.C. § 1231(b)(3)(A) (prohibiting the Government from removing a noncitizen to a country where more likely than not, he would be persecuted). *See also Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999) ("Failing to notify individuals who are subject to deportation that they have the right to apply for . . . withholding of deportation to the country to which they will be deported violates both [legacy-]INS regulations and the constitutional right to due process"); *Kossov v. INS*, 132 F.3d 405, 408-

09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att'y Gen.*, 149 F. App'x 947, 953 (11th Cir. 2005) (per curiam) (permitting removal to a third country only where individuals received "ample notice and an opportunity to be heard").

29. Finally, for individuals with a removal order but who cannot be removed (because there is no country designated to which they can lawfully be removed, or because logistical or practical considerations prevent execution of an otherwise lawfully executable order), 8 U.S.C. § 1231(a) permits the government to detain noncitizens during the "removal period," which is defined as the 90-day period during which "the Attorney General shall remove the alien from the United States." 8 U.S.C. § 1231(a)(1)(A).

30. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that the government shall release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be "released" if "subject to the terms of supervision" set forth in 8 U.S.C. § 1231(a)(3).

31. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). "[W]here detention's goal is no longer practically attainable, detention no longer 'bear[s][a] reasonable relation to the purpose for which the individual [was] committed.'" *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or pro forma findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 ("But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like suspected terrorists] and subject to strong procedural protections.").

32. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because "the need to detain the noncitizen to ensure the noncitizen's availability for future removal proceedings is "weak or nonexistent." *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when "necessary to bring about that alien's removal." *See id.* at 689.

33. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a "reasonable period of detention" for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months detention could be deemed a "presumptively reasonable period of detention," after which the burden shifts to the government to justify continued detention if the noncitizen provides a "good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future." *Id.* at 701.

34. When the petition has provided "good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future," the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701.

35. As discussed above, the government must detain an individual once the order of removal becomes final for 90 days, referred to as the "removal period." 8 U.S.C. § 1231(a)(3). After 90 days, an individual may be released from detention on an order of supervision. *Id.* See also 8 C.F.R. §§ 241.4(j); 241.5.

36. Criteria for release include: "travel documents for the alien are not available or in the opinion of the Service, immediate removal, while proper, is not otherwise practicable or not in the public interest;" nonviolence, in detention or on release; likelihood to comply with conditions of release; and not a significant flight risk if released. *See* 8 C.F.R. § 241.4(e).

37. Conditions of supervised release include: reporting to an immigration officer; making "efforts to obtain a travel document and assist the [government] in obtaining a travel document"; reporting for physical and mental examinations; obtaining advance approval of travel; and providing ICE with written notice of any address changes. *See* 8 C.F.R. § 241.5(a).

38. An order of supervision may be revoked under two circumstances. First, it may be revoked for violations of conditions of release. *See* 8 C.F.R. § 241.4(*l*)(1). Second, it may be revoked if the Service makes one of the four determinations: "(i) the purposes of release have been served; (ii) the alien violates any condition of release; (iii) it is appropriate to enforce a removal order or to commence removal proceedings against an alien; or (iv) the conduct of the alien, or any other circumstance indicates that release would no longer be appropriate." *See* 8 C.F.R. § 241.4(*l*)(2).

39. If the order of supervision is revoked upon a determination by the Service, only the Executive Associate Commission is authorized to make such a determination. *See* 8 C.F.R. § 241.4(*l*)(2). That authority can be delegated to the district director but only when "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner." *Id.*

40. Additionally, the regulation provides that "[t]he alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification." 8 C.F.R. § 241.4(*l*)(1).

41. Further, if following the informal interview the noncitizen is not released, the HQPDU Director is required to "schedule the review process in the case of an alien whose previous release … has been or is subject to being revoked." 8 C.F.R. § 241.4(*l*)(3). This custody

review affords the noncitizen an opportunity to contest any facts and otherwise respond to the reasons for the revocation. *Id.*

42. Following release on an order of supervision, the noncitizen is only eligible for work authorization if the immigration officer specifically determines that "(1) [t]he alien cannot be removed in a timely manner; or (2) [t]he removal of the alien is impracticable or contrary to public interest." 8 C.F.R. § 241.5(c); *see also* 8 C.F.R. § 274a.12(c)(18) ("An alien against whom a final order of deportation or removal exists and who is released on an order of supervision under the authority contained in [8 U.S.C. § 1231(a)(3)] may be granted employment authorization in the discretion of the district director only if the alien cannot be removed due to the refusal of all countries designated by the alien or under [8 U.S.C. § 1231] to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest").

**FIRST CLAIM FOR RELIEF:**
**Violation of 8 U.S.C. § 1231(a)(6)**

43. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-42.

44. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period and six-month presumptively reasonable period for continued removal efforts have long since passed.

45. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.

**SECOND CALIM FOR RELIEF:**
**Due Process/Detention**

46. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-42.

47. Petitioner's detention during the removal period is only constitutionally permissible under the Due Process Clause when there is a significant likelihood of removal in the reasonably

foreseeable future. Although Respondents arrested and detained Petitioner randomly, they are now attempt to justify his continued detention based on the assumption that Petitioner will be removable to a third country; however, they have no factual basis to believe that such third-country removal will ever become practicable and legally permissible.

48. Furthermore, the evidence indicates that even DHS itself believes that removal is not likely in the reasonably foreseeable future. Petitioner's current EAD is valid until October 13, 2029. *See* Ex. 2. Pursuant to 8 U.S.C. § 1231(a)(7), "No alien ordered removed shall be eligible to receive authorization to be employed in the United States unless the Attorney General makes a specific finding that—(A) the alien cannot be removed due to the refusal of all countries designated by the alien or under this section to receive the alien, or (B) the removal of the alien is otherwise impracticable or contrary to the public interest." Because a category A10 EAD is meant to be valid for the duration of Petitioner's grant of CAT withholding of removal, *see* 8 C.F.R. § 274a.12(a)(10), Respondents apparently believe that it would be not possible or practicable to remove Petitioner from the United States to Honduras or another country until at least late 2030.

49. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

**THIRD CLAIM FOR RELIEF:**
**Habeas Corpus, 28 U.S.C. § 2241**

50. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-42.

51. The writ of habeas corpus is available to any individual who is held in custody of the federal government in violation of the Constitution or laws or treaties of the United States.

52. Respondents presently have no legal basis to detain Petitioner in immigration custody, and the writ of habeas corpus should issue.

**FOURTH CLAIM FOR RELIEF:**
**Violation of Regulations/Accardi doctrine**

53. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-42.

54. Petitioner's supervised release was revoked in violation of the substantive and procedural requirements of 8 C.F.R. § 241.4(*l*), and was revoked by an individual who lacked the authority to do so under that regulation.

55. Section 241.4 is a regulation designed to protect the due process rights of noncitizens like Petitioner and – as this regulation pertains to continued detention, conditions for release, and revocation of release – it directly impacts Petitioner's individual liberty interest.

56. Second, Petitioner was arrested by an ICE officer without a warrant, however 8 C.F.R. § 287.8(c)(2)(ii) requires the immigration officer to obtain a warrant unless there is "reason to believe that the person is likely to escape before a warrant can be obtained." There is no evidence that such a determination was made at the time of Petitioner's arrest. As this subsection pertains to the authority to execute an arrest, it directly impacts Petitioner's liberty interest.

57. Third, even if Petitioner's warrantless arrest complied with general enforcement procedures, the arresting officer is required to comply with the procedures for a warrantless arrest under 8 C.F.R. § 287.3. *See* 8 C.F.R. § 287.8(c)(2)(iv). Section 287.3 lays out who has the authority to examine the individual under warrantless arrest, which is not the arresting officer unless an exception applies. *See* 8 C.F.R. § 287.3(a). Next, there must be a determination of what process should be afforded to the individual. 8 C.F.R. § 287.3(b). The individual must then be afforded notice, both of the reasons for his arrest and the process he is due. 8 C.F.R. § 287.3(c). Last, barring one exception not applicable here, a custody determination must be made regarding the individual within 48 hours of the arrest. 8 C.F.R. § 287.3(d). Outside of an oral communication from an ICE officer, Petitioner has not been provided notice of the reasons for his arrest or process he is now

due. And it is not clear if a custody determination has been made, including consideration of release on "recognizance," as he was on an order of supervision. As Section 287.3 pertains to arrest procedures, access to immigration process, and custody determinations, it directly impacts Petitioner's individual liberty interest.

58. Accordingly, these violations of required procedures also violated Petitioner's due process rights under the Fifth Amendment to the U.S. Constitution.

59. Under the *Accardi* doctrine, "when an agency fails to follow its own procedures or regulations, that agency's actions are generally invalid." *Nader v. Blair*, 549 F.3d 953, 962 (4th Cir. 2008), citing *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). Several federal district courts have held that where ICE revokes an Order of Supervision without following the procedures set forth in these regulations, such revocation violates due process and the post-removal-period statute. *See, e.g.*, *Saqib v. Andrews*, 2026 WL 350830 at *4 n.5 (E.D. Cal. Feb. 9, 2026) (finding that DHS unlawfully revoked the petitioner's order of supervision when it failed to follow the regulations governing the revocation of such orders). *See also Ceesay v. Kurzdorfer*, 2025 WL 1284720, at *20-*21 (W.D.N.Y. May 2, 2025) (finding violations of statute, regulations, and due process where ICE revoked Order of Supervision and detained noncitizen without advance notice and opportunity to be heard); *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017) (same).

**FIFTH CLAIM FOR RELIEF:**
**Violation of Due Process/Fear Interview Review**

60. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-42.

61. Should Respondents attempt to remove Petitioner to a third country, which Petitioner expects Respondents to do, Respondents' policy on third-country deportations allows a

noncitizen to be deported to a third country based on generalized assurances from that country's government that the noncitizen will not be tortured in that country. Petitioner has a procedural due process right to an individualized determination as to whether he will be persecuted or tortured in any country of removal to which he claims a fear of removal.

62. Even where Respondents carry out an individualized determination of persecution or torture in a third country of removal, Respondents' policy on third-country deportations provides only for an interview by a single immigration officer, with no further right of review by an immigration judge. Petitioner has a procedural due process right not to be removed to any country in which he fears persecution or torture, without an immigration judge first reviewing his claim of fear of removal. Due process requires that the immigration judge conduct this initial screening review at the "reasonable possibility" standard, not the more-likely-than-not standard; and that the immigration judge take into account the likelihood of refoulement to persecution or torture, not just persecution or torture in the country of direct removal.

63. Respondents' procedures for third-country removal do not include the right of review of a fear claim before an immigration judge. To deny Petitioner an immigration judge review of a denied fear Interview violates Petitioner's right to due process under the Fifth Amendment to the U.S. Constitution.

**REQUEST FOR RELIEF**

64. Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;

b) Preliminarily and permanently enjoining Respondents from removing Petitioner to Honduras unless and until his order of Withholding of Removal is terminated, including all appeals;

c) Preliminarily and permanently enjoining Respondents from removing Petitioner to any other country without first providing him notice and offering him adequate opportunity to apply for withholding of removal as to that country, including but not limited to review by an Immigration Judge, and any appeals therefrom;

d) Issuing a writ of habeas corpus, and ordering that Petitioner be released from physical custody forthwith;

e) Restoring Petitioner to his prior Order of Supervision; and

f) Granting such other relief at law and in equity as justice may require.

**Certification Pursuant to Local Standing Order 2025-01**

I, the undersigned, hereby certify pursuant to Fed. R. Civ. P. 11, as follows: (1) I understand the Petitioner to be presently detained in Maryland, based on a check of the ICE Detainee Locator immediately prior to filing this habeas petition; (2) emergency relief is necessary, because Petitioner has a final removal order; and (3) this Court has subject-matter jurisdiction over the Petitioner pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention and unlawful removal.

Respectfully submitted,

Date: February 20, 2025

*/s/ Simon Sandoval-Moshenberg*
Simon Sandoval-Moshenberg, Esq.
D.Md. Bar no. 30965
Counsel for Plaintiff
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
Telephone: 703-352-2399
Facsimile: 703-763-2304
ssandoval@murrayosorio.com

**List of exhibits**

Ex. 1) IJ Grant of CAT Withholding of Removal.

Ex. 2) I-765 Approval Receipt Notice

**Certificate of Service**

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
U.S. Attorney's Office for the District of Maryland
36 S. Charles Street, 4th Fl.
Baltimore, MD 21201

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Pamela Bondi, Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Respectfully submitted,

Date: February 20, 2025

*/s/ Simon Sandoval-Moshenberg*
Simon Sandoval-Moshenberg, Esq.
D.Md. Bar no. 30965
Counsel for Plaintiff
Murray Osorio PLLC
4103 Chain Bridge Road, Suite 300
Fairfax, Virginia 22030
Telephone: 703-352-2399
Facsimile: 703-763-2304
ssandoval@murrayosorio.com