


2. This Court also has 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 review of a final agency action may proceed, absent a special statutory review proceeding, by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction.” 5 U.S.C. § 703.

3. Venue lies in this District because Petitioner is currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agency or 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

4. Petitioner Johanna Monserrate Mero Zambrano (A# ) is a citizen and native of Ecuador and is currently detained by Respondents at the Baltimore ERO-ICE Field Office Hold Room, in Baltimore, MD within the territorial jurisdiction of this Court.

5. 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.

6. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

7. Respondent Vernon Liggins is the Director of the Baltimore ICE ERO Field Office, where Petitioner is unlawfully detained. As the local ICE official overseeing enforcement operations in the region, he is responsible for Petitioner’s continued detention and any actions

related to their removals. He is therefore the Petitioner's immediate legal and physical custodian for the purpose of habeas jurisdiction.

8. Respondent Pamela Bondi is the Attorney General of the United States. She is the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Court judges, who decide removal cases and applications for bond as her designees.

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

FACTS

10. Petitioner is a citizen of Ecuador who entered the United States on or about May 6, 2024, without inspection and between ports of entry along the U.S.–Mexico border. *See* Ex. A (Notice to Appear).

11. Petitioner was placed into credible fear proceedings before the Department of Homeland Security (“DHS”) pursuant to 8 C.F.R. § 208.30, and then—after she passed her credible fear interview—she was placed into full removal proceedings in front of an Immigration Judge (“IJ”). *See* Ex. A.

12. On June 28, 2024, DHS chose to release Petitioner from detention on parole pursuant to 8 U.S.C. § 1182(d)(5)(A). *See* Ex. B (Interim Notice Authorizing Parole). DHS required Petitioner to attend regular supervision appointments.

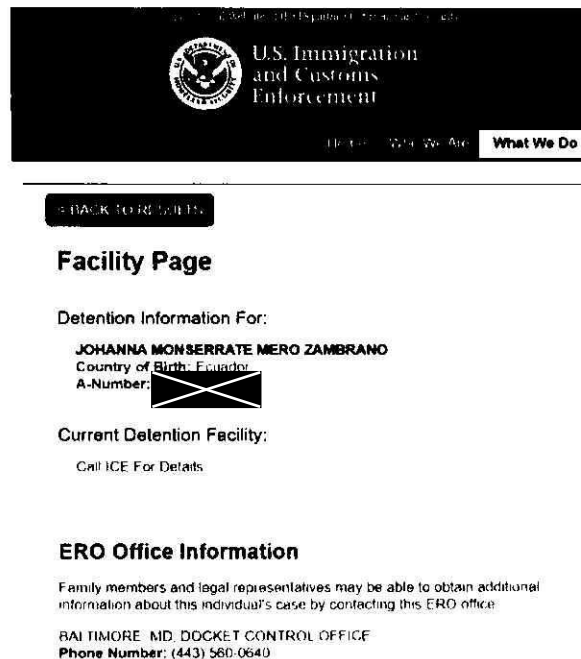
13. Petitioner then made her way to Riverdale, Md., where she established a life. Petitioner is the mother of a 17-year-old U.S. citizen son. (The child obtained U.S. citizenship through his father.)

14. Upon information and belief, Petitioner timely filed an application for asylum within one year of arriving in the United States pursuant to 8 U.S.C. § 1158.

15. Petitioner's parole expired on June 28, 2025, but Petitioner remained in the United States thereafter.

16. Petitioner has not missed any supervision appointments, and has had no criminal arrests.

17. On February 18, 2025, Petitioner attended a regularly scheduled check-in and was detained by ICE, by surprise, with no forewarning. As of the date of filing this habeas corpus petition, Petitioner is currently detained in the ICE Baltimore Hold Room, as is evidenced by this screenshot of the ICE Detainee Locator taken less than an hour prior to filing this habeas corpus petition:



18. Petitioner remains in removal proceedings. Her Master Calendar Hearing is scheduled for March 17, 2026. She is not subject to a final order of removal. *See* EOIR Automated Case Information, *available at* <https://acis.eoir.justice.gov/en/caseInformation> (last visited on February 20, 2026):

← ↻ ↺ acis.eoir.justice.gov/en/caseinformation 🔍 📄 ⭐ 🗑️ 📄 📄

Name: MERO ZAMBRANO, JOHANNA | A-Number:  | Docket Date: 7/9/2024

Next Hearing Information

Your upcoming MASTER hearing is on March 17, 2026 at 1:00 PM.

JUDGE
Igoe, Alison

COURT ADDRESS
3311 TOLEDO ROAD, SUITE 105
HYATTSVILLE, MD 20782

Court Decision and Motion Information

This case is pending.

BIA Case Information

No appeal was received for this case.

Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

COURT ADDRESS
3311 TOLEDO ROAD, SUITE 105
HYATTSVILLE, MD 20782

PHONE NUMBER
(301) 955-3600

19. As a result of Petitioner’s detention, her seventeen-year-old U.S. citizen son has experienced significant emotional distress. Petitioner is the primary caregiver in the household and is responsible for maintaining the home and providing daily supervision, guidance, and support to her son. Her sudden absence has disrupted the stability and structure of the household, leaving her son without her daily presence and care. Petitioner also takes prescribed medication, and her detention raises concerns regarding her ability to maintain her health and treatment.

20. Respondents intend to keep Petitioner detained throughout the pendency of her removal proceedings, and will not allow her to seek release on bond.

21. No administrative remedies are available to Petitioner.

FIRST CLAIM FOR RELIEF:

No-Bond Detention in Violation of 8 U.S.C. § 1226(a)

22. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-21.

23. Petitioner is not subject to any mandatory detention statute, because she was paroled into the United States in 2024, and following the expiration of that parole in 2025 she became merely an individual “present without having been admitted.” Petitioner is neither an arriving alien subject to 8 U.S.C. § 1225(b)(1), nor an applicant for admission “seeking admission” subject to 8 U.S.C. § 1225(b)(2). Petitioner has no disqualifying criminal arrests or convictions subject to 8 U.S.C. § 1226(c). Petitioner’s removal proceedings are pending, she does not have a final order of removal, and cannot be subject to 8 U.S.C. § 1231. As such, she is entitled to a bond redetermination hearing by an immigration judge pursuant to 8 U.S.C. § 1226(a).

24. Accordingly, Petitioner is only properly detained pursuant to § 1226(a) today. Respondents’ actions, as set forth herein, violate Petitioner’s statutory right to a bond redetermination hearing in front of an immigration judge.

**SECOND CLAIM FOR RELIEF:
Detention in Violation of Due Process**

25. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-21.

26. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community.

27. After entering the United States unlawfully, Petitioner went on to develop ties to the community. Petitioner is therefore a “person” within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and has a liberty interest in freedom from physical restraint.

28. Respondents’ actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives Petitioner of her rights without due process of law.

REQUEST FOR RELIEF

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) Enjoin Respondents from holding Petitioner subject to mandatory detention and denying her a bond hearing on that basis;
- c) Order Petitioner's immediate release from custody;
- d) Order, in the alternative, that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 7 days;
- e) Retain jurisdiction over this matter to ensure Respondents' compliance with the Court's orders;
- f) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, or upon payment of the bond as ordered by the Immigration Judge; and
- g) Grant any other relief that this Court deems just and proper.

Date: February 21, 2026

Respectfully submitted,

/s/ Simon Y. Sandoval-Moshenberg
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ssandoval@murrayosorio.com
Counsel for Petitioner

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 Eastern
District of Virginia
2100 Jamieson Ave
Alexandria, VA 22314

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

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

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

Date: February 21, 2026

Respectfully submitted,

//s/ Simon Y. Sandoval-Moshenberg
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