

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

MARIA J. BARAHONA INTERIANO)

(A ))

Petitioner)

v.)

Case No. 1:26-cv-723

KRISTI NOEM, in her official capacity as)
U.S. Secretary of Homeland Security;)

PAMELA JO BONDI, in her official)
capacity as Attorney General of the United)
States;)

**EMERGENCY MOTION FOR
TEMPORARY RESTRAINING ORDER
AND PRELIMINARY INJUNCTION**

VERNON LIGGINS, in his official capacity)
as Field Office Director, Baltimore, Maryland)
Field Office, Immigration and Customs)
Enforcement)

Respondents.)

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

On February 20, 2026, Petitioner Maria Barahona Interiano (“Ms. Barahona”) was detained during a routine check-in with Immigration and Customs Enforcement (“ICE”). She was promptly taken to ICE’s Baltimore holding cells where she remains as of the filing of this motion. That same day she filed a habeas petition with this Court raising the same issue that this Court has decided in countless previous cases—that her continued detention without a bond hearing violates the Immigration and Nationality Act (“INA”) and the Due Process Clause. ICE responded one day later by falsely claiming to the immigration court that Ms. Barahona had been transferred to Louisiana, prompting the immigration court to transfer her removal proceedings from Hyattsville

where she had an individual hearing scheduled for March 20, 2026, to Louisiana where it would be heard by a Department of Defense detailee rather than an immigration judge. Beyond the transfer, Respondents accelerated her individual hearing by two weeks to March 4, 2026—a fact she only learned after a visitor at the holding cells checked the Executive Office of Immigration Review’s (“EOIR”) Hotline. The transfer of her removal proceedings based on Respondents’ material misrepresentations and the acceleration of those proceedings with no notice—giving her just one week to prepare for a hearing 1,500 miles away that will determine whether she gets to remain in the country she has called home for the past two and a half years—only compound the due process violations raised in her Petition. Rather than let these additional constitutional violations stand, Ms. Barahona respectfully requests that the Court issue a temporary restraining order and/or a preliminary injunction ordering her outright release from detention or, at a minimum, barring her transfer to Louisiana for an expedited removal proceeding.

FACTUAL AND PROCEDURAL BACKGROUND

Ms. Barahona is a forty-five-year-old citizen and national of Honduras. ICE previously enrolled Ms. Barahona in its Intensive Supervision Appearance Program (“ISAP”), which requires her to attend periodic check-ins with ICE. On February 20, 2026, Ms. Barahona dutifully appeared for her scheduled check-in at the Silver Spring ISAP Office. ICE detained her at that check-in appointment and transferred her that same day to its holding cells in Baltimore, Maryland. Ms. Barahona promptly filed a habeas petition the same day, seeking her release from custody or in the alternative a bond hearing to challenge her continued detention. *See generally* Pet., ECF No. 1. At the time of filing, Ms. Barahona was in removal proceedings and scheduled for an individual hearing on March 20, 2026, at the Hyattsville Immigration Court in Maryland. Exh. 1, January 20, 2026 Hearing Notice.

One day after Ms. Barahona filed her habeas petition, the Department of Homeland Security filed a Form I-830, Notice to EOIR: Alien Address, with the Hyattsville Immigration Court falsely claiming Ms. Barahona was “[d]etained by ICE and transferred on ...February 21, 2026,” to the “South Louisiana ICE Proc Ctr [sic]” located in Basile, Louisiana. *See* Exh. 2, Form I-830 filed with Hyattsville Immigration Court. Yet as of the filing of this motion, Ms. Barahona remains in the Baltimore Holding cells—three days after DHS reported that she had been transferred to Louisiana. *See* Ex. 3, Decl. of Kathryn D’Adamo.

The filing of a false Form I-830 is not some minor administrative error of no consequence. On May 9, 2025, the Executive Office for Immigration Review (“EOIR”), which is part of the Department of Justice, issued an “Addendum to Policy Memorandum 25-30.” Exh. 4, Addendum to Policy Memorandum 25-30. That addendum states that “[w]hen DHS detains an alien with pending proceedings on a non-detained docket, EOIR may clerically transfer the alien’s proceedings to the Immigration Court with jurisdiction over the relevant detained docket,” which is usually where the person is detained. *Id.* The document states that “Immigration Courts may clerically transfer proceedings upon receipt of a Form I-830, Notice to EOIR: Alien Address” filed by the Department of Homeland Security. *Id.* at 1 n. 2.

On February 24, 2026, relying on DHS’s false Form I-830, EOIR not only changed the venue of Ms. Barahona’s removal proceedings from Maryland to the Oakdale Immigration Court in Louisiana to be heard by a Department of Defense detailee, it moved up her individual hearing to March 4, 2026, just five business days from the date the hearing was noticed. *See* Exh. 5, February 24, 2026 Hearing Notice. Further, Ms. Barahona was not provided notice of the transfer or the new hearing date and only learned of it after a visitor checked the EOIR hotline. Exh. 3, Decl. of Kathryn D’Amato ¶ 5.

Respondents' submission of a false document in Ms. Barahona's removal proceedings a day after she filed her habeas petition amplifies the grave constitutional concerns raised in her Petition for Writ of Habeas Corpus. *See* Pet. ¶¶ 73-75, ECF No. 1; Decl. of Lawrence Burman, ECF No. 1-4; Decl. of George Pappas, ECF No. 1-5; Am. Immigration Lawyer's Assoc. Practice, ECF No. 1-6. Further, the convenient timing of DHS's false filing, one day after Ms. Barahona filed her habeas petition, the choice of Louisiana as a venue, and rapid acceleration of her individual hearing smacks of forum shopping and a race to obtain a final decision in her removal proceedings that may preclude the grant of habeas relief or hinder her prospects for release should the Court order a bond hearing.

LEGAL ARGUMENT

DHS's filing of a materially false form to secure a change in venue and the immigration court's advancement of Ms. Barahona's hearing date by two weeks with no notice present serious due process concerns beyond those already highlighted in her Petition. Accordingly, Ms. Barahona moves the Court for a Temporary Restraining Order and Preliminary Injunction requesting her immediate release from custody pending adjudication of her habeas petition. Alternatively, Ms. Barahona requests an order prohibiting Ms. Barahona's transfer outside of Maryland or Virginia pending the adjudication of her habeas petition.

I. Motion for Temporary Restraining Order and Preliminary Injunctive Relief.

To obtain a temporary restraining order or a preliminary injunction, the movant "must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008). "When the government is the nonmovant, the last two factors merge." *Miranda v. Garland*, 34 F.4th 338, 365

(4th Cir. 2022). Each factor tips in favor of preliminary relief in this case.

A. Ms. Barahona Will Likely Succeed on the Merits of Her Habeas Petition.

The issues raised in Ms. Barahona's habeas petition are not novel. Respondents insist that Ms. Barahona is "seeking admission" to a country she has lived in for two and a half years and therefore subject to mandatory detention under 8 U.S.C. § 1225(b)(2). This Court and other district courts throughout this circuit and beyond have overwhelmingly rejected Respondents' novel statutory interpretation and concluded that the detention of noncitizens like Ms. Barahona without the opportunity to seek release on bond violates the Immigration and Nationality Act and due process. *Velasquez v. Noem*, No. 25-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Maldonado Merlos v. Noem*, No. 1:25-cv-1645 (E.D. Va. Oct. 9, 2025); *Singh v. Noem*, No. 1:25-cv-1525 (E.D. Va. Oct. 7, 2025); *Ortiz Ventura v. Noem*, No. 1:25-cv-01429-MSN-WBP (E.D. Va. Oct. 2, 2025); *Quispe-Ardiles v. Noem*, No. 1:25-cv-01382-MSN-WEF (E.D. Va. Sept. 30, 2025); *Hasan v. Crawford*, 1:25-cv-01408-LMB-IDD, 2025 WL 2682255 (E.D. Va. Sept. 19, 2025). *See also Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 WL 2691828 (W.D. Tex. Sept. 22, 2025); *Alvarez-Martinez v. Noem*, No. 5:25-CV-01007-JKP, 2025 WL 2598379 at *4 (W.D. Tex., Sept. 8, 2025); *Leal-Hernandez v. Noem*, 803 F. Supp. 3d 409, 421 (D. Md. 2025); *Benitez v. Francis*, - F. Supp. 3d --, 2025 WL 2371588 (S.D.N.Y. Aug. 8, 2025); *Martinez v. Hyde*, No. 25-cv-11613, 2025 WL 2084238 (D. Mass. July 24, 2025). Given the broad consensus among district judges in this district, Ms. Barahona will almost certainly prevail on the merits of her claim.

II. *The Petitioner will Suffer Irreparable Harm Absent an Injunction*

Second, because Ms. Barahona's continued detention without a bond hearing violates her right to due process, the irreparable harm factor is satisfied. *See Leaders of a Beautiful Struggle v. Baltimore Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021); *Mills v. District of Columbia*, 571 F.3d

1304, 1312 (D.C. Cir. 2009) (“It has long been established that the loss of constitutional freedoms, ‘for even minimal periods of time, unquestionably constitutes irreparable injury.’”) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Indeed, irreparable harm is virtually presumed in cases like this one where an individual is detained without due process. *Torres-Jurado v. Biden*, No. 19 CIV. 3595 (AT), 2023 WL 7130898, at *4 (S.D.N.Y. Oct. 29, 2023). (“[B]efore the Government unilaterally takes away that which is sacred, it must provide a meaningful process.”).

Further, to allow Respondents to transfer Ms. Barahona’s removal proceedings to a venue where she has never resided and is not detained following a material misrepresentation made by DHS on the Form I-130 it submitted to the immigration court and to expedite her individual hearing before an immigration judge detailed from the Department of Defense with no notice and only a week to prepare only compound the due process violations raised in her petition. Absent an order of release or alternatively, an order prohibiting her transfer to Louisiana, these due process violations will be permitted to stand.

III. Balance of the Equities and Public Interest

Finally, Ms. Barahona’s unlawful detention and the myriad constitutional violations raised in her petition and this motion tip the balance of the equities and the public interest in her favor. The “public interest is best served by ensuring the constitutional rights of persons within the United States are upheld.” See *Opulent Life Church v. City of Holly Springs*, 697 F.3d 279, 295 (5th Cir. 2012) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)). Respondents’ denial of any opportunity to seek release on bond violates Ms. Barahona’s detention without bond of the Petitioner violates her constitutional right to due process and neither the government nor the public has any “interest in the perpetuation of unlawful agency action.” *League of Women Voters of United States v. Newby*, 838 F.3d 1, 12 (D.C. Cir. 2016). Conversely, “there is a substantial public interest in having

governmental agencies abide by the federal laws that govern their existence and operations.” *Id.*

IV. *The Court Has Authority to Grant Petitioner’s Request for Immediate Release.*

As a general matter, writs of habeas corpus are used to request release from unlawful custody. *Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005). A habeas court has “the power to order the conditional release of an individual unlawfully detained—though release need not be the exclusive remedy and is not the appropriate one in every case in which the writ is granted.” *Boumediene v. Bush*, 553 U.S. 723, 779 (2008) (noting that at “common-law habeas corpus was, above all, an adaptable remedy”). Therefore, this Court has the power to release the Petitioner as a remedy to prevent Respondents’ ongoing violation of her due process rights. It should do so here as Ms. Barahona’s petition highlights the erosion of due process protections in immigration courts generally and in bond hearings specifically. Indeed, Respondents—regardless of any federal court order—have so eroded due process in immigration courts that Ms. Barahona will almost certainly lose any request for release from custody conducted by the immigration court. *See* ECF No. 1 at ¶¶ 77-78.

Alternatively, this Court should order that Ms. Barahona not be transferred outside of Maryland or Virginia pending adjudication of her habeas petition and any bond hearings that this Court may order.

CONCLUSION

For the foregoing reasons, the Court should grant the instant Emergency Motion for a Temporary Restraining Order.

Dated: February 24, 2026

Respectfully submitted,

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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 counsel of record.

Dated: February 24, 2026

Respectfully submitted,
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