

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Saul Juarez Sanchez,

A 

Petitioner,

-against-

Matthew Elliston, in his official capacity as Acting
Field Office Director of Baltimore, Maryland Field
Office of ENFORCEMENT AND REMOVAL
OPERATIONS, IMMIGRATION AND CUSTOMS
ENFORCEMENT, et al.,

Respondents.

Civil Action No. 1:26-cv-00742

**MODIFIED MOTION FOR
TEMPORARY RESTRAINING
ORDER OR EXPEDITED
PRELIMINARY INJUNCTION**

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PRELIMINARY INJUNCTION**

Petitioner Saul Juarez Sanchez files this Modified Motion for Temporary Restraining Order or Expedited Preliminary Injunction pursuant to Federal Rule of Civil Procedure 65, requesting that Respondents be required to transfer Mr. Juarez Sanchez within three calendar days to a detention facility with adequate housing and medical care within a two-hour drive of Baltimore, Maryland. If Respondents are unable to meet these criteria, Mr. Juarez Sanchez requests in the alternative that Respondents be ordered to release him in Natchitoches, Louisiana, which is the nearest town with reasonable transportation options to his current detention location, so that he may return to the state of Maryland by other means.

Consistent with the Joint Notice filed by the parties on February 26, 2026 (ECF No. 13), Mr. Juarez Sanchez files this modified motion to update the Court as to relevant changed circumstances and newly discovered information, and to revise the relief he requested last week. To recap events, Mr. Juarez Sanchez was detained on February 19, 2026, without probable cause

or any precipitating event. Since that date, Mr. Juarez Sanchez and his family have been attempting to gather information about the basis for his detention and to secure his release so he may return to supporting his family. He was detained in Salisbury, Maryland, then transferred to ICE's field office in Baltimore. On February 23, 2026, Mr. Juarez Sanchez filed a petition before this Court seeking a writ of habeas corpus (ECF No. 1). Two days later, Mr. Juarez Sanchez filed an Emergency Motion for Temporary Restraining Order seeking to enjoin Respondents from transferring him out of the state (ECF No. 9), though ICE had already started transporting him to the Winn Correctional Center in Winnfield, Louisiana (see ECF No. 10), where he remains detained today. This modified motion follows.

Mr. Juarez Sanchez is entitled to this relief because (1) his release should be imminent because his habeas petition is likely to succeed on the merits, given the absence of authority for his arrest and continued detention, his extremely low flight risk, lack of probable cause for his present detention, and prior exceptional behavior during release while his asylum application has been pending; (2) he is suffering irreparable and ongoing harm in the absence of relief from being transferred more than a thousand miles away from both home and his counsel, which has severely curtailed his ability to confer with counsel and participate meaningfully in the proceedings before this Court; (3) the balance of equities tip in his favor; and (4) equitable relief is in the public interest, as it will preserve essential Constitutional rights to due process to which all individuals are entitled in the United States, as well as conserving judicial and administrative resources. *See Frazier v. Prince George's Cnty.*, 86 F.4th 537, 543 (4th Cir. 2023) (citing *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008)) (enumerating factors for preliminary relief).¹

¹ The undersigned conferred with counsel for Respondents on February 26, 2026, who represented that they oppose the relief sought.

ARGUMENT

A. Mr. Juarez Sanchez is likely to succeed on the merits of his habeas petition.

Mr. Juarez Sanchez's petition is likely to result in a grant of a writ of habeas corpus because his detention violates the Constitution and laws of the United States. 28 U.S.C. § 2241. There was no legal basis for his detention on February 19, and every day of continued detention conflicts with applicable statutory authority and the Constitution. His release from detention, although it appears it will require an order of this Court, should be imminent. He thus is likely to succeed in obtaining the relief he seeks on a preliminary basis through this motion.

Mr. Juarez Sanchez is likely to succeed in showing that ICE cannot detain him under auspices of 8 U.S.C. § 1225. He has been in this country for just over two years, having fled Mexico in 2024 with his young daughter to escape [REDACTED]

[REDACTED] Upon entry to the United States, he was issued a Notice to Appear for removal proceedings in Baltimore and released on his own recognizance; ICE thus saw no reason in 2024 to detain Mr. Juarez Sanchez pursuant to 8 U.S.C. § 1225(b)(2), even though it was fully aware that he had entered the United States without authorization. Accordingly—as the overwhelming majority of courts to have considered this issue have ruled—Mr. Juarez Sanchez cannot *now* be detained pursuant to Section 1225(b)(2), years after his entry into this country. Yet, Respondents' position (articulated in the briefing incorporated by reference in ECF No. 13) is that, contrary to the law, they may detain Mr. Juarez Sanchez without a warrant, without probable cause, without a bond hearing, and without due process, under that provision. Not so.

[REDACTED]

Mr. Juarez Sanchez is also likely to succeed in showing his arrest and continued detention are not authorized by 8 U.S.C. § 1226. Since his arrival in 2024, Mr. Juarez Sanchez has been an exemplary member of the Salisbury, Maryland community, enrolling his child in school, caring for his family, and striving to create a life of safety and hard work. The only things to have changed since ICE released Mr. Juarez Sanchez on his own recognizance are: (1) he has now filed an application for asylum, which provides authority for him and his family to remain in the United States until that application (which is still pending) has been adjudicated; and (2) he has now established ties to this community and a history of compliance with immigration processes. Both of these developments only serve to *deepen* the rationale behind permitting Mr. Sanchez Juarez to remain released on his own recognizance—there is absolutely nothing indicating he is a flight risk, a danger to the community, or provides any other reason for detention now. The Constitution does not permit such capricious deprivations of liberty; the pending habeas petition is likely to succeed on that basis alone. *See Lopez v. Noem*, No. 25-cv-3662, 2025 WL 3496195 at *4 (D. Md. Dec. 5, 2025) (“[E]ven when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody [he] has a protected liberty interest in remaining out of custody.” (quoting *J.S.H.M. v. Wofford*, No. 25-cv-1309, 2025 WL 2938808 at *14 (E.D. Cal. Oct. 16, 2025))). Respondents’ refusal to provide a bond determination and/or bond hearing pursuant to 8 U.S.C. § 1226 (enumerating the process for seeking detention once an alien has *already entered* the country) is completely contrary to the law and justifies habeas relief.

Respondents’ actions in this case underscore the lack of authority to arrest (or in turn detain) him under Section 1226. Since filing this case, the undersigned have been diligently working to learn more about the circumstances of Mr. Juarez Sanchez’s arrest and detention; each

new revelation has only reinforced that his detention has been legally (and fatally) flawed from its inception. Mr. Juarez Sanchez was afforded no due process during his arrest.³ Instead, three unmarked vehicles followed him through his neighborhood as he drove his daughter to school. To be clear, at the time of the stop, Mr. Juarez Sanchez was obeying traffic laws and no non-pretextual basis existed for ICE or any other law enforcement to pull him over. When ICE did pull Mr. Juarez Sanchez over (doorbell camera video reviewed by counsel shows him pulling over promptly), he counted seven ICE officers, all wearing masks. Mr. Juarez Sanchez cooperated, informing the agents that he has a pending application for asylum which permitted him to remain in the country while that application is pending. The agents stated to Mr. Juarez Sanchez that they only needed to fingerprint him; instead, they handcuffed and chained him, and placed him into an indefinite detention with no information about *why* he had been detained, *how* he could proceed, or even *where* he was going.

On top of the absence of statutory authority, this process by which Mr. Juarez Sanchez was detained fails every test for constitutionally permissible deprivations of liberty, which require that official restraint be narrowly tailored to serve a legitimate regulatory purpose, and even then, only when accompanied by meaningful procedural safeguards. *Jennings v. Rodriguez*, 583 U.S. 281, 290-91 (2018). Here, the due process violations exhibited during Mr. Juarez Sanchez's arrest provide another, independent ground for immediate habeas relief in this case. Accordingly, the likelihood of success factor weighs in favor of granting this motion and directing Respondents to return Mr. Juarez Sanchez to the state of Maryland promptly.

³ What follows is a recitation of facts given by Mr. Juarez Sanchez during brief meetings with counsel at the ICE field office in Baltimore and then at the detention facility in Winnfield, Louisiana; this narrative is proffered here on the basis of that conversation, and Mr. Juarez Sanchez is prepared to speak further to these events under oath at an evidentiary hearing. Counsel can also pursue obtaining a written declaration from Mr. Juarez Sanchez for submission to the Court if helpful.

B. Mr. Juarez Sanchez will suffer irreparable harm if relief is not granted.

Mr. Juarez Sanchez suffers irreparable harm by being held out of state while his petition is pending review. Already, this transfer has impeded his communications with counsel (as discussed below) and is likely to create unnecessary delay in resolving the urgent proceeding before this Court. *See Cruz-Gamez v. Bondi*, No. 25-cv-2154, 2025 WL 3063253 at *2 (W.D. Wash. Nov. 3, 2025) (impediment to communications with counsel constitutes likelihood of irreparable harm); *L.A.E. v. Wamsley*, No. 25-cv-1975, 2025 WL 3037856, at *5 (D. Or. Oct. 30, 2025) (“Given the labyrinthine nature of immigration law and the harms of an erroneous deportation, abridging access to legal representation in the context of removal proceedings is a particularly concrete and irreparable harm.”); *Arroyo v. U.S. Dep’t of Homeland Sec.*, No. SACV19815JGBSHKX, 2019 WL 2912848, at *22 (C.D. Cal. June 20, 2019) (transferring detainees to new immigration facilities would cause irreparable harm by burdening detainees’ ability to interact with retained counsel). It is beyond dispute that an unlawful detention visits irreparable harm, and that harm is compounded where the means by which a person may exit that unlawful detention (*i.e.*, the ability to participate in his own habeas proceedings) are limited. *Miranda v. Garland*, 34 F. 4th 338, 365 (4th Cir. 2022); *see also Abrego Garcia v. Noem*, No. 25-cv-2780, 2025 WL 3558125 at *2 (D. Md. Dec. 12, 2025) (irreparable harm factor was “easily met” where ICE sought to detain individual without probable cause).

Limited access to counsel is not a theoretical harm in this case. Before his transfer, communication between counsel and client at the Fallon Building in Baltimore was already difficult enough because of long wait times for attorney consultation rooms, and the uncertainty of whether their clients will be able to meet when counsel seeks to meet with them. This was the case on February 25, when a member of Mr. Juarez Sanchez’s counsel team waited for several

hours to see Mr. Juarez Sanchez, only to learn that Respondents had already transported him away from the facility and boarded him on a flight to Louisiana.⁴ Now that Mr. Juarez Sanchez is in Louisiana, counsel must make a trip that takes a full day each way to conduct meaningful, confidential meetings with their client in person. Last week, counsel spent two full days in transit to and on site in Louisiana in order to secure an hour's conversation with Mr. Juarez Sanchez. Remote consultations are offered but are an insufficient substitute for in-person client meetings, particularly where review of documents and real-time translation of complex discussions is required. Furthermore, undersigned counsel have been informed that in-person attorney meetings at the Winn facility are scheduled according to availability of a limited number of specialty meeting rooms, and that those rooms frequently are booked up weeks ahead of time. Functionally, transferring Mr. Juarez Sanchez to Louisiana has deprived him of the opportunity to confer with counsel and participate meaningfully in pursuing his own liberty interest.

Additional irreparable harms have resulted from transferring Mr. Juarez Sanchez out of the state, including loss of the opportunity to see his wife and child, who reside in Maryland and do not have the means to relocate to Louisiana or travel there on short notice, especially during the school year. Mr. Juarez Sanchez is harmed with every passing day that he cannot participate in his own defense or rely on the comfort and support of his family; accordingly, this factor weighs in favor of granting this motion.

⁴ To be clear, Mr. Juarez Sanchez does not seek return to the Fallon Building, where conditions are so poor and access to counsel so unreliable that they are the subject of an ongoing class action lawsuit for which argument will be heard in this District next Tuesday. Respondents have an obligation to provide basic human needs to all detainees, and must be required to assure this Court that Mr. Juarez Sanchez will be transferred to a location where those needs will be met.

C. Equities and public interest both weigh in Mr. Juarez Sanchez's favor.

“When a government entity is a party to the case, the third and fourth factors [for preliminary relief] merge.” *PFLAG, Inc. v. Trump*, 766 F. Supp. 3d 535, 550 (D. Md. 2025) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). Here, the public has an overpowering interest in barring arbitrary and capricious agency action towards vulnerable undocumented immigrants such as Mr. Juarez Sanchez. *Lin v. Nielsen*, No. 18-cv-3548, 2018 WL 11314073 at *2-3 (D. Md. Nov. 19, 2018). Reversing the transfer of Mr. Juarez Sanchez out of the state, where he cannot communicate as readily with counsel or his family, and where he has no resources or connections to aid in securing his release from unlawful detention is the very definition of an equitable public interest.

This Court has recognized the utility and equity of bringing detainees back to this state for further proceedings. *See, e.g., Ayala Banegas v. Noem*, D. Md. Dkt. No. 25-cv-03524, ECF No. 14 (ordering respondents to return petitioner to Baltimore); *Vasquez Diaz v. Bondi*, D. Md. Dkt. No. 25-cv-03603, ECF No. 13 (same); *Yat Salam v. Noem*, D. Md. Dkt. 25-cv-03240, ECF No. 14 (same). Indeed, in at least one instance, the Court has even ordered that return be conducted by the petitioner's own means (rather than in custody of Respondents), where Respondents' transportation options were unsatisfactory and the petitioner had a proven record of reporting as directed, as Mr. Juarez Sanchez does here. *Afghan v. Noem*, No. 25-cv-04105, 2025 WL 3713732 (D. Md. Dec. 23, 2025). Observing that same procedure here and permitting him to return to the state of Maryland for further proceedings would be consistent with this Court's practice and the principles of equitable due process, as well as being in the best interests of the public.

CONCLUSION

In light of the foregoing, Mr. Juarez Sanchez respectfully requests that this Court GRANT his Motion for Temporary Restraining Order or Expedited Preliminary Injunction, and require

Respondents to return him to a suitable facility within two hours drive from Baltimore, Maryland within three days, or to release him to return to the state of Maryland using independent means.

Respectfully submitted,

March 2, 2026

By: /s/ Kathleen Cooperstein
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CERTIFICATE OF SERVICE

I certify that the foregoing Modified Motion for Expedited Temporary Restraining Order and Preliminary Injunction was electronically filed via CM/ECF, which provides service to all counsel of record in this matter.

Dated: March 2, 2026

/s/ Kathleen C. Cooperstein
Kathleen C. Cooperstein
Counsel for Petitioner