UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Saul Juarez Sanchez,
A[redacted]

Petitioner,

v.

Vernon LIGGINS, in his official capacity as Acting Field Office Director of Baltimore, Maryland Field Office of ENFORCEMENT AND REMOVAL OPERATIONS, IMMIGRATION AND CUSTOMS ENFORCEMENT;

Kristi NOEM, Secretary, U.S. Department of Homeland Security;

U.S. DEPARTMENT OF HOMELAND SECURITY;

Pamela BONDI, U.S. Attorney General;

EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:26-cv-00742-LKG

Petitioner's Consolidated Reply in Support of Petition for Writ of Habeas Corpus [ECF No. 1] and Modified Motion for Temporary Restraining Order or Expedited Preliminary Injunction [ECF No. 14]

TABLE OF CONTENTS

INTRODUCTION

Petitioner Saul Juarez Sanchez remains entitled to immediate release for the same reasons set forth in his Petition for a Writ of Habeas Corpus (ECF No. 1) ("Petition") and his Amended Motion for a Temporary Restraining Order or Expedited Preliminary Injunction (ECF No. 14) ("TRO Motion"). Respondents have invoked two statutory provisions to justify Mr. Juarez Sanchez's arrest and continued detention. One did not, and still does not, authorize his arrest or detention at all. The other did not authorize his arrest under the circumstances presented here and, in any event, does not permit his continued confinement without a bond hearing.

Respondents' Consolidated Opposition to Petitioner's Petition and TRO (ECF No. 16) ("Respondents' Opposition") largely repackages arguments that courts in this District and across the country have repeatedly rejected. Although the Government insists that Mr. Juarez Sanchez is subject to mandatory detention under the Immigration and Nationality Act ("INA") provisions currently codified at 8 U.S.C. § 1225(b), and that this Court lacks jurisdiction to review his confinement, those contentions fail as a matter of statutory text, Supreme Court precedent, and fundamental principles governing habeas review.

Mr. Juarez Sanchez does not seek review of a removal order. No such order exists. He challenges only his ongoing detention without statutory authorization and without the bond process that Congress has required. Courts have long recognized that claims of this kind lie at the core of habeas jurisdiction. These claims do not evaporate when the Government labels detention as an incident to removal proceedings, nor are they barred by the jurisdiction-stripping provisions Respondents invoke.

Most fundamentally, Respondents lack statutory authority to detain Mr. Juarez Sanchez under 8 U.S.C. § 1225(b). He was arrested inside the United States after residing here, at the same address, for more than two years. He was not arriving at the border, not undergoing inspection,

and not seeking admission within the meaning of the provision it appears Respondents believe applies here, § 1225(b)(2). That provision does not apply.

The only one that plausibly does is 8 U.S.C. § 1226(a), which authorizes detention pursuant to a warrant and affords the detainee the opportunity to seek release on bond. No warrant has been produced in this case. And Respondents have proffered no facts that would support one, which would be difficult in any event given Mr. Juarez Sanchez's exemplary behavior while in the United States. Yet Respondents pursued Mr. Juarez Sanchez in multiple unmarked vehicles, apprehended him with seven masked, armed agents, and transported him halfway across the country without due process. If Mr. Juarez Sanchez had not had a family at home awaiting his arrival, prepared with contact information for attorneys, he may have languished in federal custody with no recourse to challenge his unlawful arrest and detention. Mr. Juarez Sanchez has received neither a lawful bond determination nor a bond hearing. His detention therefore violates both the INA and the Due Process Clause of the Fifth Amendment.

ICE and the other Respondents nonetheless continue to press the same arguments to justify Mr. Juarez Sanchez's confinement that have already been rejected by this Court, by other judges in this District, and by courts across the country. The arguments were unavailing in prior cases, they are unavailing here, and they will remain unavailing in the many similar cases that continue to arise.

Relief is therefore warranted here. Mr. Juarez Sanchez should be immediately released from custody, with as many detained, granular directions and restrictions included in the order as may be needed to ensure Mr. Juarez Sanchez is not dumped off in Louisiana without property or a plausible way to get home—or re-arrested under an essentially *ex post* warrant. If the Court instead determines that a bond determination and/or hearing is the appropriate remedy, that hearing

should take place before an immigration judge in Maryland, with Mr. Juarez Sanchez returned to the state and detained in suitable conditions pending that determination.

BACKGROUND

Petitioner Saul Juarez Sanchez is a citizen of Mexico [redacted] the United States in February 2024 with his young daughter and wife. Upon entry, Customs & Border Protection agents issued him a Notice to Appear for removal proceedings in Baltimore, Maryland. Mr. Juarez Sanchez was then released on his own recognizance, which permitted him to reside with his family in Salisbury, Maryland, while his immigration case proceeded. He complied with all reporting obligations, enrolled his daughter in school, maintained stable housing, and established strong ties to the community. ECF No. 14 at 3–4.

In August 2025, Mr. Juarez Sanchez filed an application for asylum, which remains pending, with a hearing set for November 2026. That application authorizes him and his family to remain in the United States while the claim is adjudicated. Nothing about his status or conduct during this period suggests that he poses a flight risk or a danger to the community. ECF No. 14 at 4.

On February 19, 2026, without any intervening misconduct or precipitating event, ICE arrested Mr. Juarez Sanchez in Salisbury right after he had dropped his daughter off at school. He was followed by unmarked vehicles, stopped without any traffic violation, and surrounded by multiple masked officers. He was told only that officers needed to fingerprint him. Then he was handcuffed, chained, and taken into custody. He was not shown a warrant, given any explanation for his arrest, or told where he was being taken. ECF No. 14 at 1, 5. Neither his family nor his immigration counsel received notice from ICE that Mr. Juarez Sanchez had been detained. ICE initially detained Mr. Juarez Sanchez at its holding facility in Baltimore.

On February 23, 2026, he filed the Petition challenging the legality of his arrest and detention. ECF No. 1. Two days later, he filed the TRO Motion seeking to prevent his transfer out of Maryland while the Petition was pending. ECF No. 9.

That same day, February 25, ICE transferred Mr. Juarez Sanchez to Louisiana. Neither Mr. Juarez Sanchez's family nor his counsel received advance notice of the transfer. Counsel sought to meet with Mr. Juarez Sanchez at the Baltimore holding facility that morning. While waiting, counsel finalized and an initial Motion for Temporary Restraining Order. But by that time, ICE had already transported Mr. Juarez Sanchez and others to BWI Airport for a flight to Alexandria, Louisiana; after landing, he was taken to the Winn Correctional Center in Winnfield, Louisiana. ECF Nos. 10, 14 at 2, 6.

On February 26, 2026, the parties filed a Joint Notice addressing the procedural posture of the case and acknowledging their disagreement over the legality of Mr. Juarez Sanchez's detention and the appropriate relief. ECF No. 13. Mr. Juarez Sanchez then filed the TRO Motion on March 2, 2026, to update the Court on changed circumstances and to seek relief tailored his transfer to Louisiana. ECF No. 14.

As set forth in that motion, the transfer has imposed severe and ongoing harms. Detention more than a thousand miles from Maryland has curtailed Mr. Juarez Sanchez's ability to communicate with counsel and to participate in his habeas proceedings. In-person meetings now require full days of travel each way for his counsel and can be constrained by availability of attorney meeting space at the facility. Remote meetings are at best a partial substitute, particularly when interpretation and document review are required. ECF No. 14 at 6–7.

The transfer has also effectively severed Mr. Juarez Sanchez from his family. His wife and child reside in Maryland and lack the means to travel to Louisiana. The separation has caused acute

hardship, particularly for his school-aged daughter, who depended on him for daily care and stability. ECF No. 14 at 7.

Respondents' failure to observe Mr. Juarez Sanchez's rights has continued during his detention. Following his arrival in Louisiana, and presumably knowing that Mr. Juarez Sanchez was represented by counsel with both the Petition and TRO Motion pending, ICE officers offered Mr. Sanchez Juarez a plane ticket to Mexico and a cash payment of approximately $2,500 if he would agree to waive his rights to contest this unlawful detention and to return home to Maryland.[1] ICE officers presented Mr. Juarez Sanchez with documents for his signature (which, to date, have still not been provided for counsel's review), but did not advise Mr. Juarez Sanchez of the consequences of signing them. Mr. Juarez Sanchez declined to sign without first consulting with counsel. This interaction is illustrative of precisely the concrete risk that continued confinement, particularly far from counsel, will be used to pressure him into relinquishing statutory and constitutional rights. It further illustrates why immediate judicial intervention is necessary.

Mr. Juarez Sanchez remains detained at the Winn Correctional Center in Louisiana as of the date of this filing. He has not received a bond determination or a bond hearing, and Respondents have asserted that his detention is mandatory and unreviewable. ECF No. 14 at 3; ECF No. 16. This reply follows.

ARGUMENT

I. This Court Has Jurisdiction over Mr. Juarez Sanchez's Petition.

Respondents advised the Court that their arguments on jurisdiction and statutory construction "do not differ in any material fashion" from those raised in earlier cases in this District

[1] Facts set forth in this brief were recounted 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 those conversations, and Mr. Juarez Sanchez is prepared to speak further to these events under oath at an evidentiary hearing.

and therefore incorporated those arguments by reference rather than repeating them here. ECF No. 13 at 1; ECF No. 16 at 3. Those arguments have already been rejected in each of the cases incorporated by Respondents. *Villanueva Funes v. Noem*, No. 25-3860, 2026 WL 92860, at *1–4 (D. Md. Jan. 13, 2026) (finding jurisdiction); *Velasquez v. Noem*, No. 25-cv-3215, 2025 WL 3003684, at *2 (D. Md. Oct. 27, 2025) (same); *Leal-Hernandez v. Noem*, 803 F. Supp. 3d 409, 417–21 (D. Md. 2025) (same). That result, likewise, also should not differ in any material fashion here.

Indeed, courts in this District, including this Court, have repeatedly rejected Respondents' flawed jurisdictional arguments. *See, e.g., Ayala Hernandez v. Noem*, No. 25-cv-4179, ECF No. 12 (D. Md. Jan. 30, 2026); *Yat Salam v. Noem*, No. 25-cv-3240, ECF No. 14 (D. Md. Dec. 18, 2025); *Ayala Banegas v. Noem*, No. 25-cv-3524, ECF No. 14 (D. Md. Nov. 25, 2025); *Vasquez Diaz v. Bondi*, No. 25-cv-3603, ECF No. 13 (D. Md. Nov. 21, 2025). And in one of those cases (*Ayala Hernandez*), this Court's order indicated that the Government had relied on the same three cases Respondents incorporate by reference here—neatly tying together the Government's failure to articulate an argument against jurisdiction that has prevailed in this District.

Respondents' incorporating the same arguments by reference did not improve what courts have already rejected.[2] This lack of any new argument alone should be sufficient to reject Respondents' challenge to jurisdiction here, and indeed, counsel's reliance on arguments rejected so many times by this Court borders on frivolous. Nonetheless, for completeness, Mr. Juarez Sanchez addresses this Court's jurisdiction as set forth below.

[2] The Government's motions to dismiss in those cases are not accessible on the public docket, but counsel for Mr. Juarez Sanchez surmise the Government's arguments in those cases mirror those incorporated by reference here.

This Court has jurisdiction under 28 U.S.C. § 2241 to adjudicate petitions seeking the writ of habeas corpus. Article III courts have recognized their jurisdiction over petitions brought by foreign nationals who challenge the legality of their detention by U.S. immigration officials. *See Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 915 (E.D. Va. 2024) ("The federal habeas corpus statute gives a district court jurisdiction to review immigration-related detention cases.").

Respondents' arguments to the contrary largely conflate jurisdiction with the merits. Their position is that the Court lacks jurisdiction because Mr. Juarez Sanchez's detention is mandatory under 8 U.S.C. § 1225(b). But whether § 1225 or § 1226 authorizes Petitioner's detention is precisely the question presented by the Petition. Under settled principles, courts must not collapse the jurisdictional inquiry into a merits determination. *Sinochem Int'l Co. Ltd. v. Malaysia Int'l Shipping Corp.*, 549 U.S. 422, 430–31 (2007). If Respondents' theory were correct, courts could never exercise jurisdiction over habeas petitions from detainees in Mr. Juarez Sanchez's position because the Government could always assert that the detention was mandatory. That is not the law.

The remainder of Respondents' arguments borrowed from *Villanueva Funes*, *Velasquez*, and *Leal-Hernandez* fare no better. Because Respondents have not specified which arguments they believe apply to Mr. Juarez Sanchez's petition, we address those that appear most salient.

First, 8 U.S.C. § 1252(e)(3)(A) does not apply.[3] That provision concerns systemic challenges to the implementation of § 1225(b), such as claims that a statute, regulation, policy, or procedure governing expedited removal is unconstitutional or inconsistent with the INA. *See*

[3] Argument to this effect appears in the Government's *Villanueva Funes* brief. *See Villanueva Funes*, ECF No. 9 at 5–6.

8 U.S.C. § 1252(e)(3)(A). Congress directed that those types of challenges be brought in the United States District Court for the District of Columbia. But Mr. Juarez Sanchez does not challenge any statute, regulation, or nationwide policy implementing § 1225. His petition instead asserts that § 1225 does not govern his detention at all and that the applicable detention authority, if any, is § 1226. Because the Petition's premise is that the Government has asserted authority under the wrong statutory provision, § 1252(e)(3)(A) does not strip this Court of jurisdiction. Courts in this District have rejected the same argument in materially identical cases. *See Leal-Hernandez*, 803 F. Supp. 3d at 418.

Second, 8 U.S.C. § 1252(g) does not foreclose jurisdiction.[4] That provision removes jurisdiction only over claims arising from the Attorney General's decision to "commence proceedings, adjudicate cases, or execute removal orders." 8 U.S.C. § 1252(g). The Supreme Court has emphasized that the statute applies only to those "three discrete actions." *Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Mr. Juarez Sanchez challenges none of those actions here. The Petition does not contest the Government's decision to initiate removal proceedings, the adjudication of his immigration case, or execution of a removal order (as there is not one to execute). Instead, he challenges his continued detention without authorization and without a bond hearing. Courts have consistently held that such detention claims fall outside the limited scope of § 1252(g). *See Leal-Hernandez*, 803 F. Supp. 3d at 418.

Third, Respondents' reliance on 8 U.S.C. § 1252(b)(9) is misplaced.[5] That provision channels review of questions "arising from" removal proceedings into petitions for review of final removal orders. But by its own terms the subsection applies only "[w]ith respect to review of an

[4] Argument to this effect appears in the Government's *Villanueva Funes* brief. *Id.* at 6–7.

[5] Argument to this effect does appear in Respondents' brief filed in this case. *See* ECF No. 16 at 5.

order of removal." 8 U.S.C. § 1252(b). Mr. Juarez Sanchez does not seek review of a removal order via the Petition because no such order exists. The Petition instead challenges only his present detention. Custody determinations are "separate and apart from" removal proceedings by regulation. 8 C.F.R. § 1003.19(d). Further, the Supreme Court rejected an expansive interpretation of § 1252(b)(9) that would cover claims challenging detention. *See Jennings v. Rodriguez*, 583 U.S. 281, 292–95 (2018). As the Court explained, interpreting § 1252(b)(9) that broadly would produce "staggering results," including the elimination of meaningful judicial review of immigration detention. *Id.* at 293. Courts therefore consistently hold that habeas challenges to immigration detention fall outside § 1252(b)(9)'s reach. *See Leal-Hernandez*, 803 F. Supp. 3d at 419–20.

Respondents' cited cases do not change the analysis. *El Gamal v. Noem* is an out-of-circuit district court decision adopting the kind of overinclusive "arising from" interpretation that Jennings warned against. *See El Gamal v. Noem*, 790 F. Supp. 3d 551, 558 (W.D. Tex. 2025); *see also Jennings v. Rodriguez*, 138 S. Ct. 830, 841–42 (2018) (declining to read jurisdiction-stripping provisions to bar claims that do not directly challenge the validity of removal proceedings). Nor do Respondents' citations of *Nielsen v. Preap*, 586 U.S. 392, 402 (2019) and *Department of Homeland Security v. Thuraissigiam*, 591 U.S. 103, 108 (2020) do the work they claim. *Preap* is not a holding that detention challenges are categorically unreviewable under § 1252(b)(9), and *Thuraissigiam* addresses review of expedited removal and the availability of review of a removal order, not whether a detainee may invoke habeas to challenge ongoing custody and the denial of bond process in the absence of any final order.

Fourth, 8 U.S.C. § 1226(e) does not apply to the discretionary judgments, or lack of them, at issue here.[6] Subsection 1226(e) specifies: "The Attorney General's discretionary judgment regarding the application of [8 U.S.C. § 1226] shall not be subject to review. No court may set aside any action or decision by the Attorney General under [§ 1226] regarding the detention of any alien or the revocation or denial of bond or parole." 8 U.S.C. § 1226(e). Mr. Juarez Sanchez does not challenge a discretionary custody determination because he has never received one. Instead, he challenges the Government's claim that it may detain him without a bond hearing in the first place. The Supreme Court has made clear that § 1226(e) does not bar suits challenging the statutory framework governing detention rather than a particular discretionary decision. *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Jennings*, 583 U.S. at 296.

In short, none of the INA provisions invoked by Respondents divests this Court of habeas jurisdiction. This Court therefore has authority under 28 U.S.C. § 2241 to adjudicate Mr. Juarez Sanchez's challenge to his continued detention.

II. Mr. Juarez Sanchez's Arrest and Detention Lack a Statutory Basis and Violate His Fifth Amendment Due Process Rights

A. Respondents Lacked Authority to Arrest and Detain Mr. Juarez Sanchez Under 8 U.S.C. § 1225(b)(2)

Respondents principally contend that Mr. Juarez Sanchez is subject to mandatory detention under 8 U.S.C. § 1225(b)(2).[7] That position rests on a sweeping interpretation of § 1225 that courts across the country, including courts in this District, have repeatedly rejected. Properly construed, § 1225(b)(2) governs the inspection and detention of individuals who are seeking admission to the

[6] Argument to this effect appears in the Government's *Leal-Hernandez* brief. *See Leal-Hernandez*, ECF No. 16 at 16–17.

[7] Mr. Juarez Sanchez presumes that Respondents are relying on § 1225(b)(2) even though Respondents' brief in this case cites § 1225(b)(1) at one point, *see* ECF No. 16 at 5, because the brief does not attempt to assert that the circumstances of Mr. Juarez Sanchez's arrest met any statutory criteria that might allow § 1225(b)(1) to apply.

United States at or near the border. It does not apply to individuals who have already entered the country and established residence before being apprehended in the interior.[8]

The statutory text confirms this limitation. Section 1225(b)(2)(A) applies "in the case of an alien who is an applicant for admission" when an immigration officer determines that the alien "seeking admission" is not clearly entitled to be admitted. 8 U.S.C. § 1225(b)(2)(A). The operative phrase "seeking admission" necessarily refers to individuals attempting to obtain lawful entry through inspection. *See* 8 U.S.C. § 1101(a)(13)(A) (defining "admission" as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer"). As courts interpreting the statute have recognized, reading § 1225(b)(2) to apply to individuals who were already living in the United States at the time of arrest (like Mr. Juarez Sanchez) would render the "seeking admission" language meaningless. *See, e.g., Bautista Villanueva v. Bondi*, No. 25-CV-4152, 2026 WL 100595, at *1–2 (D. Md. Jan. 14, 2026).

Section 1225 governs only the inspection of applicants for admission, a process that occurs at the border or a port of entry. *See Jennings*, 583 U.S. at 287 (describing § 1225(b) as governing detention of noncitizens encountered at the Nation's borders). Mr. Juarez Sanchez was not "seeking admission" when ICE arrested him. He had been living in Maryland for more than two years and was detained well into the interior of the country after dropping his daughter off at school. His detention occurred far from any port of entry and long after any border inspection process had concluded. Under its plain language, § 1225(b)(2) does not apply.

Interpreting § 1225 as Respondents now urge would create a strange circumstance wherein an alien is continuously "seeking admission" regardless of where they are within the United States,

[8] The arguments presented here in support of the merits of the Petition equally support the immediate grant of the TRO Motion, as they demonstrate the likelihood of success on Mr. Juarez Sanchez's underlying claims.

what they are doing, or how long they have been there. Section 1226, by contrast, governs the arrest of noncitizens already present in the United States and detention of them pending removal proceedings. *See* 8 U.S.C. § 1226(a). Much of § 1226 would be rendered surplusage if, as Respondents urge, § 1225(b)(2) mandates detention of every noncitizen, nationwide, who has not been admitted.[9]

Consistent with this statutory structure, courts around the country have rejected the Government's recent attempt to extend § 1225(b) to long-term residents apprehended in the interior. *See, e.g., Gomes v. Hyde*, 804 F. Supp. 3d 265 (D. Mass. 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475 (S.D.N.Y. 2025); *Maldonado v. Olson*, 795 F. Supp. 3d 1134 (D. Minn. 2025); *Arrazola-Gonzalez v. Noem*, No. 25-cv-01789, 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025). Courts in this District have reached the same conclusion. *See Leal-Hernandez*; *Villanueva Funes*.[10] In short, Section 1225(b)(2) does not apply to individuals who were not arriving in the United States or "seeking admission" in the present tense when they were detained. Mr. Juarez Sanchez fits into neither category, and accordingly his detention pursuant to that authority is invalid, warranting habeas relief.

B. Respondents Also Lacked Authority to Arrest Mr. Juarez Sanchez Under 8 U.S.C. § 1226.

Respondents cannot fall back on § 1226 to justify Mr. Juarez Sanchez's arrest and detention because the statutory requirements for arrest under that provision were not satisfied.

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[9] As an example, § 1226(c) mandates detention of noncitizens deemed inadmissible (and thus, necessarily, not yet admitted) under certain circumstances—provisions that would be unnecessary if § 1225(b)(2) already required their detention without opportunity for bond hearings.

[10] Respondents' reliance on the Board's decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), does not alter the analysis. Courts addressing that decision have declined to defer to it because the statute's meaning is clear. *See Afghan v. Noem*, No. 25-cv-4105, 2025 WL 3713732, at *2 (D. Md. Dec. 23, 2025) (declining to afford deference and exercising independent judgment after *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024)). As these courts have concluded, the Board's interpretation conflicts with the text and structure of the INA and therefore cannot justify mandatory detention.

Section 1226(a) authorizes arresting and detaining a noncitizen "on a warrant issued by the Attorney General." 8 U.S.C. § 1226(a). The warrant requirement is a central feature of the statute and reflects Congress's intent to impose procedural limits on the Government's arrest authority. *See* 8 C.F.R. § 236.1.

Here, a warrant is absent from the record. Respondents assert that Mr. Juarez Sanchez was arrested and then issued an administrative warrant. ECF No. 16 at 2. But no such warrant has been provided to Mr. Juarez Sanchez, to his counsel, or to this Court. Nor have Respondents provided any other basis, aside from a single sentence in a brief, for this Court to conclude a warrant was issued at all, much less issued before Mr. Juarez Sanchez's arrest..

Also absent from the record is any proffer from Respondents of dangerousness, risk of flight, illegal activity, or any other basis that could possibly justify the dispatch of seven masked, armed officers driving unmarked vehicles to apprehend Mr. Juarez Sanchez. This is because no such justification exists. To the contrary, Respondents concede in their Opposition that Mr. Juarez Sanchez was arrested as part of an operation the purpose of which was simply to arrest subjects in Salisbury who were "illegally present in the United States." *Id.* While mere status may be sufficient under § 1225(b)(2) to trigger detention of individuals "seeking admission," more is required when proceeding under § 1226.

A warrant depriving a human person of their liberty cannot be supported by such flimsy reasoning. *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-01309, 2025 WL 2938808, at *14 (E.D. Cal. Oct. 16, 2025)). Respondents' failure to comply with the statutory warrant

requirement renders this arrest unlawful. Section 1226 authorizes arrest "on a warrant," and nothing in the statute permits officers to disregard that requirement absent exigent circumstances (none of which have been proffered by Respondent here). *See* 8 U.S.C. § 1226(a). Courts have therefore recognized that § 1226 applies only when the Government has exercised the authority it grants in the manner the statute prescribes. *See Bautista Villanueva*, 2026 WL 100595, at *1 n.1 (noting that the petitioner was arrested based on a warrant issued pursuant to § 1226).

Moreover, even assuming there was a warrant for Mr. Juarez Sanchez's arrest § 1226, the deprivation of his liberty under § 1226 still remains unlawful. The statute authorizes only discretionary detention pending removal proceedings and expressly permits release on bond. 8 U.S.C. § 1226(a)(1)–(2). Under applicable regulations, individuals detained under § 1226(a) are entitled to request a bond hearing before an immigration judge. *See* 8 C.F.R. §§ 236.1(d), 1003.19. Mr. Juarez Sanchez has received no such hearing, and Respondents have disclaimed any possibility for him to receive one.

Respondents therefore cannot justify Mr. Juarez Sanchez's detention under § 1226 either. If § 1226 applies, then the Government had to have either provided a bond hearing or released him already—but even such a hearing at this late date would not remedy the due process violations inherent in his arrest and detention, which also call out for habeas relief here.

C. Continued Detention Under Either § 1225 or § 1226 Violates the Fifth Amendment

Even apart from the statutory violations described above, Respondents' arrest and continued detention of Mr. Juarez Sanchez violate the Due Process Clause of the Fifth Amendment. The Supreme Court has repeatedly recognized that "[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty" protected by the Due Process Clause. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Further, the Due Process

Clause "applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Id.* at 679.

Even if statutory ambiguity existed—and it does not—detaining Mr. Juarez Sanchez without individualized findings of danger to the community or flight risk violates due process. Courts in this District have condemned blanket detention without case-specific justification. *See Leal-Hernandez*, 2025 WL 2430025, at *12–15; *Hernandez-Lugo v Bondi*, No. 25-cv-3434, 2025 WL 3280772, at *7 (D. Md. Nov. 25, 2025). Civil immigration detention is permissible only when it is reasonably related to legitimate regulatory purposes and accompanied by adequate procedural safeguards. *See Jennings*, 583 U.S. at 290–91 (2018). Mr. Juarez Sanchez's detention advances neither of the recognized purposes of detention (ensuring appearance at immigration proceedings or protecting the community from danger), *id.*, and the events here show that no procedural safeguards were in place to protect his liberty (or any other) interest here. ICE agents followed him in unmarked vehicles during a routine school drop-off, stopped him without any non-pretextual justification, and approached him with multiple masked officers. When he cooperated and explained that he had a pending asylum application, agents told him they only needed to fingerprint him. Then they handcuffed and shackled him, provided no meaningful explanation for the arrest, and placed him into custody without notice of the legal basis for his detention. Seizing a person without stating any legal authority, and continuing to withhold that information, is exactly the kind of arbitrary deprivation the Due Process Clause is meant to prevent. *See Zadvydas*, 533 U.S. at 690. Instead, Respondents rely on a categorical, but unlawful, rule that denies bond hearings to individuals who entered the country without inspection. Courts have repeatedly held that such blanket detention regimes raise serious constitutional concerns. *See Jennings*, 583 U.S. at 301; *Zadvydas*, 533 U.S. at 690. Under the balancing framework set forth in *Mathews v. Eldridge*, 424

U.S. 319, 335 (1976), the constitutional deficiency is clear. The Court must weigh (1) the private interest affected, (2) the risk of erroneous deprivation under the procedures used and the probable value of additional safeguards, and (3) the Government's interest, including administrative burdens.

The first factor weighs heavily in Mr. Juarez Sanchez's favor. His interest in freedom from physical restraint "is the most elemental of liberty interests." *Hamdi*, 542 U.S. at 529. Noncitizens who are physically present in the United States and develop ties here are entitled to due process protections, even if their initial entry was unlawful. *Landon v. Plasencia*, 459 U.S. 21, 33 (1982); *Shaughnessy v. United States ex rel. Mezei*, 345 U.S. 206, 212 (1953). When, as here, a noncitizen has previously been released and complied with immigration supervision, that release carries with it a liberty interest entitled to full due-process protection. *See Ramirez Tesara v. Wamsley*, 800 F. Supp. 3d 1130, 1136 (W.D. Wash. 2025).

The second factor also weighs strongly in Petitioner's favor. The risk of erroneous deprivation is acute when detention proceeds without individualized findings, without notice of the legal basis for custody, and without a meaningful opportunity to be heard. Courts consistently hold that the absence of individualized assessments of flight risk or danger creates a high risk of error. *See Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022); *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972); *see also Barrios v. Shepley*, No. 1:25-cv-00406-JAW, 2025 WL 2772579, at *11 (D. Me. Sept. 29, 2025); Zumba v. Bondi, No. 25-cv-14626, 2025 WL 2753496, at *10 (D.N.J. Sept. 26, 2025). That risk is magnified where, as here, the Government's actions have actively impeded access to counsel and judicial review. Respondents' attempt to convince Mr. Juarez Sanchez without counsel present to agree to deportation underscore the injustice of these circumstances.

The third factor, the Government's interests in this case, does not favor detention, either. While the Government has a legitimate interest in enforcing immigration laws and ensuring appearance at removal proceedings, those interests are not undermined by providing basic procedural safeguards, including an individualized bond hearing. *Zadvydas,* 533 U.S. at 690; *Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1208 (9th Cir. 2022). Administrative convenience does not justify continued detention that lacks lawful authority and meaningful process, particularly when detention itself interferes with the ability to challenge its legality.

Here, the private interest is profound, the risk of erroneous deprivation is severe, and the Government's interests can be fully served through less restrictive means. All three *Mathews* factors therefore weigh decisively in Mr. Juarez Sanchez's favor.

If Respondents' interpretation of § 1225 were accepted, individuals like Mr. Juarez Sanchez could be arrested without reason or warning, held in detention facilities for months or years without any opportunity to demonstrate that they are neither dangerous nor a flight risk, and afforded no due process with respect to the detention. Such a regime would impose severe deprivations of liberty without the procedural protections the Constitution requires. The fact that precisely these types of immigration arrests and detention have become routine enforcement tools does not dilute these constitutional limits. Constitutional protections do not erode through repetition.

III. Respondents Do Not Have Unreviewable Discretion to Transfer Petitioner or to Detain Him in a Manner That Defeats Habeas Review.

Respondents contend that the Court lacks authority to grant any relief related to Mr. Juarez Sanchez's transfer or place of detention because ICE has "exclusive discretion" to determine where a noncitizen is held during removal proceedings. ECF No. 16 at 6–8. That argument overstates the scope of agency discretion and ignores both the posture of this case and the limits that the

Constitution and habeas jurisprudence impose on detention practices that interfere with judicial review.

To be sure, ICE generally has discretion to determine appropriate places of detention in the ordinary course of removal proceedings. But that discretion is not absolute, and it is not shielded from judicial review when the Government's actions limit access to counsel, frustrate pending habeas proceedings, or compound an otherwise unlawful detention. *See Leal-Hernandez*, 803 F. Supp. 3d at 419 (finding that noncitizen detainee was entitled to judicial review of detention when the government had unlawfully misused regulatory automatic stay provision to continue petitioner's detention after immigration judge ordered his release on bond); *Duarte Escobar v. Perry*, 807 F. Supp. 3d 564, 573 (E.D. Va. 2025) (finding that noncitizen detainee was entitled to judicial review of detention when there was no final removal order and detainee had unlawfully been denied a bond hearing); *Hasan v. Crawford*, 800 F. Supp. 3d 641, 650 (E.D. Va. 2025) (finding that noncitizen detainee was entitled to judicial review of detention where his detention violated his Fifth Amendment due process rights). Courts have consistently rejected the notion that transfer authority may be exercised in a way that effectively insulates detention from judicial scrutiny.

This case is a prime example. Mr. Juarez Sanchez filed his habeas petition on February 23, 2026, challenging the legality of his arrest and detention. ECF No. 1. Two days later, he sought emergency relief to prevent his transfer out of Maryland while the Petition was pending. ECF No. 9. Despite that filing, and despite counsel's efforts to meet with him at the Baltimore facility, ICE transferred Mr. Juarez Sanchez out of state that day, boarding him on a flight to Louisiana before counsel could see him. ECF No. 14 at 2, 6. Neither Mr. Juarez Sanchez nor his counsel received advance notice of the transfer.

Respondents now characterize that transfer as an ordinary exercise of detention discretion. It was not. The transfer occurred after this Court's habeas jurisdiction had attached and had the predictable effect of impairing Mr. Juarez Sanchez's ability to confer with counsel and to participate meaningfully in the proceedings before this Court. As set forth in the TRO Motion, in-person attorney access at the Winn Correctional Center requires full days of travel each way, on top of constraints such as the availability of attorney meeting rooms and limits on meeting times. ECF No. 14 at 6–7. Remote meetings are not an adequate substitute when language translation, document review, and preparation of sworn submissions are required. *Id.*

Courts have repeatedly recognized that transfers which substantially burden access to counsel or interfere with the prosecution of pending legal claims constitute irreparable harm and are subject to judicial intervention. ECF No. 14 at 6–7 (collecting cases). That is particularly true where, as here, the underlying detention itself is being challenged as unlawful. *See Sanchez v. Noem*, No. 26-cv-67, 2026 WL 483475, at *1 (S.D. W. Va. Feb. 20, 2026) (granting habeas relief to wrongfully detained noncitizen where there was "little reason to believe that those who are detained will have access to counsel"); ICE may not invoke transfer discretion to place a habeas petitioner beyond practical reach of counsel and then argue that the resulting barriers are legally irrelevant. *See Suri v. Trump*, 785 F. Supp. 3d 128, 146 (E.D. Va. 2025) (denying government's motion to transfer venue for habeas petition where it appeared "that Respondents' goal in moving Petitioner was to make it difficult for Petitioner's counsel to file the [habeas] petition and to transfer him to the Government's chosen forum"); *D.N.N. v. Bacon*, No. 25-CV-01613, 2025 WL 3525042, at *14 (D. Md. Dec. 9, 2025) (allegations that ICE denied noncitizen detainees "the ability to communicate with their counsel through the mail, unreasonably restrict[ed] their ability to meet with attorneys," and denied them "the ability to make private telephone calls" were

sufficient to state a claim for due process violation); *Perdomo v. Noem*, 790 F. Supp. 3d 850, 879 (C.D. Cal. 2025) ("The government cannot impose restrictions on access to counsel that undermine the immigrant's opportunity to obtain one.").

Respondents' reliance on cases recognizing ICE's general authority to determine detention locations does not change this analysis. Those cases do not stand for the proposition that ICE may transfer detainees in a manner that defeats habeas review or exacerbates unlawful detention. Nor do they hold that courts are powerless to order interim relief necessary to preserve their jurisdiction and the petitioner's ability to obtain meaningful judicial review. *See Munoz-Saucedo v. Pittman*, 789 F. Supp. 3d 387, 394 (D.N.J. 2025) (finding that a noncitizens transfer during the course of a habeas filing was not determinative over habeas jurisdiction, "that habeas jurisdiction cannot depend solely on a petitioner's knowledge of his location, particularly when the government controls his movements and may deliberately obscure his whereabouts or restrict his ability to communicate."); *see also, Price v. Johnston*, 334 U.S. 266, 269 (1948) (recognizing the processing of habeas petitions must not flounder into a "procedural morass.").

Indeed, this Court has repeatedly ordered relief tailored to address precisely these concerns, including directing Respondents to return detainees to Maryland or to nearby jurisdictions where access to counsel and courts can be maintained. *See, e.g., Ayala Banegas*, ECF No. 14; *Vasquez Diaz v. Bondi*, No. 25-cv-3603, ECF No. 13; *Yat Salam v. Noem*, No. 25-cv-3240, ECF No. 14 (D. Md. Dec. 18 2025). In at least one instance, the Court has ordered release rather than continued detention where ICE's asserted logistical constraints were incompatible with lawful custody. *Afghan*, 2025 WL 3713732.

Respondents' position would permit ICE to transfer habeas petitioners across the country at will, regardless of pending litigation, and then invoke that same transfer as a reason to deny

effective judicial review. That result is inconsistent with the purpose of habeas corpus and with the Court's inherent authority to ensure that its jurisdiction is not rendered meaningless by executive action.

Because Mr. Juarez Sanchez's detention is unlawful and because his transfer has materially impaired his ability to pursue relief in this Court, Respondents' assertion of exclusive, unreviewable discretion over his place of detention fails. The Court has both the authority and the obligation to order relief sufficient to restore meaningful access to counsel and to prevent continued harm while this case is adjudicated.

That relief should start with Mr. Juarez Sanchez's return to Maryland (or its vicinity) and end with his immediate release. The remedy of immediate release is appropriate even if one assumes the Respondents had a basis to arrest and detain Mr. Juarez Sanchez under § 1226. Although Respondent asserts that the vast majority of courts order bond hearings rather than immediate release, *see* ECF No. at 6, they fail to see that the tide is turning. Judges around the country are growing concerned as bond hearings increasingly appear to afford no real chance at relief, such that the appropriate remedy is for the district judge to order release. *See, e.g.*, *Picado v. Hyde*, No. 1:26-cv-65-JJM-PAS, ECF No. 7 (D.R.I. Feb. 9, 2026); *Lozhkina v. Noem*, No. 6:26-cv-3001-MDH, ECF No. 14 (W.D. Mo. Feb. 10, 2026); *A.D. v. Oddo*, No. 3:25-cv-460-SLH-MPK, ECF No. 40 (W.D. Pa. Feb. 12, 2026); *Chavez Ochoa v. Mason*, No. 2:26-cv-130, ECF No. 20 (S.D.W.V. Feb. 26, 2026); *Trigueros v. Guadian*, No. 1:26-cv-205 (AJT-WPB), ECF No. 13 (E.D. Va. Feb. 18, 2026). The same result should obtain here.

If this Court is instead inclined to permit Respondents to offer a bond hearing, cases around the country indicate that the entire process should be superintended closely because the Government is developing an extensive track record of noncompliance with applicable laws

generally and with myriad court orders. In *M-J-M-A v. Wamsley.*, the District of Oregon described the Government's approach as a "blitz approach to immigration enforcement" that operates outside the bounds of lawful arrests and treats enforcement as a "numbers game," at the cost of "debasing the rule of law." No. 25-cv-2011, ECF No. 88 at 50 (D. Ore. Feb. 27, 2026). In the District of New Jersey, the court ordered a detainee's immediate release after finding that the Government had "frustrated" efforts to "protect detainees' rights to such a degree that its continued conduct could only be deemed intentional." *Cartagena Hueso v. Soto*, No. 26-1455, ECF No. 9 at 6 (D.N.J. Feb. 26, 2026). In the District of Minnesota, the court observed that it had repeatedly been forced to threaten civil contempt to secure ICE's compliance with orders, noting that it was "unaware of another time in the Nation's history when federal courts had to threaten contempt again and again to compel the United States government to follow court orders." *Tobay Robles v. Noem*, No. 26-CV-107, ECF No. 12 at 5 (D. Minn. Feb. 26, 2026). And in the Southern District of West Virginia, the court warned that if officials could "repeat practices already determined to be unconstitutional and require each affected person to begin litigation anew, constitutional adjudication would become provisional and judicial power would be reduced to commentary." *Dominguez Izaguirre v. Mason*, No. 26-cv-00121, ECF No. 18 at 9 (S.D.W. Va. Feb. 27, 2026). Respondents have done little since arresting Mr. Juarez Sanchez to give comfort that his experience will be any different.

CONCLUSION

Mr. Juarez Sanchez is not an outlier. He is one example of a pattern that has become disturbingly familiar. Like many others, he came to the United States expecting to live in a country governed by law. Instead, he has encountered something else entirely. Federal agents now routinely arrest people they should know they lack statutory authority to arrest or detain. Those individuals who are fortunate enough to secure counsel challenge detentions that plainly lack any basis in the

INA or the Constitution. Government counsel then defend those arrests by repeating arguments that have already been rejected, often repeatedly, by courts in this District and across the country. Courts grant relief in individual cases, even as they may reasonably worry that case-by-case adjudication will not halt the broader pattern of unlawful enforcement. The cycle then begins again with the next arrests.

This is assembly-line injustice. It erodes confidence in the rule of law, imposes grave human costs, and places courts in the untenable position of repeatedly correcting conduct that should never have occurred in the first place. Habeas corpus exists precisely to stop this kind of unlawful confinement. It is not a technicality. It is a constitutional command.

The facts here are straightforward. Mr. Juarez Sanchez was arrested without statutory authority, transferred far from his home and counsel while his habeas petition was pending, not offered a bond determination, and held on a theory of mandatory detention that the text, structure, and purpose of the statute do not support. Each day of continued detention compounds the injury. No amount of post hoc justification can supply authority that Congress did not give.

For these reasons, and for the reasons set forth above, Mr. Juarez Sanchez's Petition and his TRO Motion should be granted. The Court should order his immediate release back to Maryland. The Court should also provide clear and specific directions to ensure that the release is prompt, effective, and not subject to further administrative evasion. Only relief of that kind will restore Mr. Juarez Sanchez's liberty, protect the integrity of these proceedings, and reaffirm that the rule of law still governs here.

DATED this 6th day of March, 2026.

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