

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAURO ANTONIO FLORES ROQUE,)
 (A#)
 Petitioner,)
)
 v.)
)
 VERNON LIGGINS, in his official capacity)
 as Acting Field Office Director of the Immigration)
 and Customs Enforcement, Enforcement and)
 Removal Operations Baltimore Field Office;)
 KRISTI NOEM, in her official capacity as)
 Secretary of the U.S. Department of Homeland)
 Security; PAMELA BONDI, in her official)
 Capacity as Attorney General of the United States,)
 Respondents.)

Case No. _____

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR
DECLARATORY AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Petitioner, Mauro Antonio Flores Roque, has been residing in the United States since approximately 2006.
2. On February 21, 2026, he was apprehended by Immigration and Customs Enforcement (“ICE”) while driving to work in Baltimore, Maryland. He is currently detained at ICE’s Baltimore field office.
3. The basis for Petitioner’s detention is his presence in the United States without admission or parole. *See* 8 U.S.C. § 1182(a)(6)(A)(i). He remains in unlawful detention, without the opportunity for a bond hearing, under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

4. *Matter of Yajure Hurtado*, 29 I&N Dec. 216 articulates a new Executive Office for Immigration Review (“EOIR”) policy that all persons who entered the United States without inspection, regardless of how long they have lived in the United States or how far they were apprehended from the border, are detained pursuant to 8 U.S.C. § 1225(b)(2)(A) and are thus ineligible for a discretionary bond hearing under § 1226(a).
5. This Board of Immigration Appeals (“BIA”) decision further reflects an ICE memorandum, issued in July 2025, that instructs its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject custody redetermination hearings for applicants who arrived in the United States without documents.¹
6. The agencies’ reading of the Immigration and Nationality Act’s (“INA’s”) detention provisions is a violation of the statute and due process. As this Court has previously concluded in numerous cases, § 1225(b)(2)(A) does not apply to individuals like Petitioner, who have been present in the United States for years. *See Hernandez-Lugo v. Bondi*, No. GLR-25-3434, 2025 U.S. Dist. LEXIS 231129 (D. Md. Nov. 25, 2025); *Velasquez v. Noem*, No. GLR-25-3215, 2025 U.S. Dist. LEXIS 210601 (D. Md. Oct. 27, 2025); *Maldonado de Leon v. Baker*, No. 25-3084-TDC, 2025 U.S. Dist. LEXIS 207581 (D. Md. Oct. 21, 2025). Instead, such individuals are subject to detention under a different statute, § 1226(a), and are eligible for release on bond.

¹ See “ICE declares millions of undocumented immigrant ineligible for bond hearings,” *The Washington Post* (Jul. 15, 2025) <https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/>.

7. Accordingly, Petitioner seeks an order of declaratory and injunctive relief and set aside relief under the Administrative Procedure Act (“APA”) requiring that he is released or provided a bond redetermination hearing before an immigration judge (“IJ”).

JURISDICTION & VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); and United States Constitution Article I, Section 9 (Suspension Clause).
9. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018), the Supreme Court again upheld the federal courts’ jurisdictions to review such claims.
10. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district.

THE PARTIES

11. Petitioner is a citizen of El Salvador who entered the United States in or around 2006. He is currently detained at the ICE Baltimore Field Office in Baltimore, Maryland.
12. Respondent, Vernon Liggins is the Acting Field Office Director for Immigration and Customs Enforcement’s Baltimore Field Office and is the federal agent charged with overseeing all ICE detention centers in Maryland. Mr. Liggins is a legal custodian of Petitioner. He is sued in his official capacity.

13. Kristi Noem is the Secretary of the U.S. Department of Homeland Security. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity.
14. Pamela Bondi is the Attorney General of the United States. She oversees the immigration court system, which is housed within EOIR and includes all IJs and the Board of Immigration Appeals (“BIA”). She is sued in her official capacity.

LEGAL BACKGROUND

I. OVERVIEW OF THE INA’S DETENTION FRAMEWORK

15. Relevant to this case, the INA includes two provisions that primarily govern the detention of noncitizens.
16. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
17. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred under § 1225(b)(2).
18. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended by the Laken Riley Act, Pub. L. No. 119–1, 139 Stat. 3 (2025).

19. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
20. Thus, in the decades that followed, most people who entered without inspection, unless they were subject to some other detention authority, received bond hearings.
21. This practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply restated the detention authority previously found at § 1252(a)).

II. Respondent has enacted a policy that violates INA’s statutory scheme

22. In July 2025, ICE released a memorandum instructing its attorneys to coordinate with EOIR to reject bond hearings for applicants who arrived in the United States without documents.
23. Thereafter, on September 5, 2025, the BIA published *Matter of Yajure Hurtado*, 29 I&N Dec. 216, which confirms that EOIR is taking the position that noncitizens who entered the United States without admission or parole are ineligible for IJ bond hearings.
24. As *Matter of Yajure Hurtado* is binding on IJs, it represents the widespread position that EOIR is applying across the United States.
25. EOIR’s interpretation defies the INA.

26. The plain text of the provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.
 27. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.”
 28. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to 8 U.S.C. § 1182(a)(6)(A)(i) makes clear that, by default, such people are afforded a bond hearing under subsection (a). Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.
 29. On the contrary, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the title of § 1225(b) indicates that it specifically applies at the point of “inspection for applicants for admission.”
 30. Moreover, Respondent’s interpretation of the INA’s detention framework contradicts Supreme Court precedent. *See Hernandez-Lugo*, 2025 U.S. Dist. LEXIS 231129, *18 (citing *Jennings*, 583 U.S. 289).
 31. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner.
- III. *Maldonado Bautista* Rejected Respondent’s Detention Policy and Ordered that Nationwide Class Members Are Entitled to Bond Hearings**
32. On November 20, 2025, the Central District of California issued an order granting partial summary judgment (“MSJ Order”) in *Lazaro Maldonado Bautista et al. v. Ernesto*

Santacruz Jr. et al., which rejected Respondents' policy governing Petitioner's continued detention. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 U.S. Dist. LEXIS 233085, *29 (C.D. Cal. Nov. 20, 2025).

33. Shortly thereafter, the *Maldonado Bautista* court granted a nationwide class certification covering all noncitizens in the United States without lawful status who: (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time DHS makes an initial custody determination. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 U.S. Dist. LEXIS 231977, *26 (C.D. Cal. Nov. 25, 2025).
34. The court concluded that class members are detained under 8 U.S.C. § 1226(a) and must be afforded a bond hearing before an IJ. *Id.* at *25 (“Respondents have failed, on a systemic basis, to provide Petitioners and putative class members with the necessary safeguards imbued by the INA in violation of their rights.”).
35. Following the *Maldonado Bautista* court's decisions, Respondent took the position that, because the MSJ Order was not final, it was merely an advisory opinion. *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 U.S. Dist. LEXIS 269220, *16 (C.D. Cal. Dec. 18, 2025).
36. Thus, on December 18, 2025, the *Maldonado Bautista* court granted the Plaintiffs' request to issue a clarifying decision and enter a final judgment. *Id.* at * 22. In doing so, the court declared Respondents' detention policy unlawful and, thus, vacated it under the APA. *Id.* The Court further clarified that, while the MSJ Order did not grant vacatur of *Matter of Yajure Hurtado* under the APA, the decision could not “be squared with the

MSJ Order.” *Id.* at *12. Accordingly, *Matter of Yajure Hurtado* is “no longer controlling; the legal conclusion underlying the decision is no longer tenable.” *Id.*

37. On February 18, 2026, the *Maldonado Bautista* court took one step further and expressly vacated *Matter of Yajure Hurtado*. See *Bautista v. Santacruz*, C.D. Cal. No. 5:25-cv-01873, Dkt. 116.
38. As Petitioner is a *Maldonado Bautista* class member, he is entitled to a bond hearing under 8 U.S.C. § 1226(a).

FACTS

39. Petitioner is a 44-year-old native and citizen of El Salvador who entered the United States without inspection on or about 2006. Petitioner has not had any contact with ICE since he entered the United States, other than his recent detention.
40. Petitioner is a devoted husband and father of three children, ages two, ten, and fifteen. He and his family reside in Baltimore, Maryland where they have lived continuously since their entry into the United States.
41. Petitioner has been employed as a private contractor offering construction services to private companies for about three years. He works early in the morning, often times beginning work around 5 am, to be able to assist his wife with picking up the children from school and taking care of them in the evenings while his wife works at night. On the weekends, Petitioner and his family attend church and devote their time to the church community.
42. Petitioner is deeply loved and supported by his family and community. His consistent employment, dedication to his family, and full compliance with all immigration

requirements demonstrate strong ties to the United States and a clear commitment to abiding by all legal obligations.

43. On October 10, 2024, Petitioner and his wife filed a Form I-130, petition for Alien Relative, to commence Petitioner's adjustment of status with U.S. Citizenship and Immigration Services ("USCIS"). This application is currently pending.
44. On February 21, 2026, Petitioner was detained while driving from Home Depot to his work. He is currently detained at the ICE Baltimore Field Office.
45. Any request for a bond hearing before the Immigration Court is futile.

CAUSES OF ACTION

COUNT ONE

Violation of 8 U.S.C. § 1226(a) Unlawful Denial of Bond Hearing

46. Petitioner repeats, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
47. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
48. The application of § 1225(b)(2) to bar Petitioner from receiving a bond hearing before an IJ violates the INA.

COUNT TWO

***Violation of the Administrative Procedure Act
Unlawful Denial of Bond Hearing***

49. Petitioner repeats, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
50. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.
51. The application of § 1225(b)(2) to bar Petitioner from receiving a bond hearing before an IJ is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. *See* 5 U.S.C. § 706(2).

COUNT THREE

***Violation of Procedural Due Process
Unlawful Denial of Bond Hearing***

52. Petitioner repeats, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
53. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas*, 533 U.S. at 690.
54. Petitioner has a fundamental interest in liberty and being free from official restraint. Respondent’s detention of Petitioner without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

COUNT FOUR

***Violation of Maldonado Bautista
Unlawful Denial of Bond Hearing***

55. Petitioner repeats, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
56. Petitioner is a member of the nationwide class certified in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, C.D. Cal. No. 5:25-cv-01873.
57. Respondents' detention of Petitioner without a bond hearing violates the *Maldonado Bautista's* court final order that class members are detained pursuant to § 1226(a) and should thus be afforded a bond hearing.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Order under the All Writs Act that Petitioner not be removed from this District while this petition is pending;
- (3) Issue an order requiring Respondents to show cause why this Petition should not be granted within three days;
- (4) Declare that 8 U.S.C. § 1225 does not govern Petitioner's detention by U.S. immigration authorities;
- (5) Declare that Petitioner is entitled to a bond hearing as a *Maldonado Bautista* class member;
- (6) Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);

- (7) Order that Respondents release Petitioner with all of his personal belongings immediately or, in the alternative, provide him with a bond hearing, where DHS bears the burden of establishing that he is a flight risk and a danger to the community, within 7 days;
- (8) If the Court orders Petitioner's release on the immigration judge's bond, order that ICE is precluded from automatically staying the immigration judge's bond order by filing a form EOIR-43;
- (9) If the Court orders Petitioner's release on the immigration judge's bond, order Respondents to release Petitioner immediately upon the posting of bond, notwithstanding any reservation for appeal by DHS; and
- (10) Order further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Ivan Yacub

Ivan Yacub

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MD. Bar No. 27628

Attorney for Petitioner

I affirm, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Afirmo bajo pena de perjurio que las declaraciones precedentes son verdades y correctas segun mi conocimiento, información y creencia.



Olinda L. Zetino Bonilla
Petitioner's Wife
Esposa del Peticionario

2/23/2026

Date

Fecha