

PETITION FOR WRIT OF HABEAS CORPUS

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION**

EMMANUELLA AGUH,

Plaintiff / Petitioner,

v.

DEPARTMENT OF HOMELAND SECURITY;
PAMELA BONDI, in her official capacity
as Attorney General of the United States;
KRISTI NOEM, in her capacity as
Secretary of the United States Department
of Homeland Security;
TODD M. LYONS, in his official capacity
as Acting Director of the United States
Immigration and Customs Enforcement.

Defendants / Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

Emmanuella Aguh (“Petitioner” or “Ms. Aguh”) petitions this Court for a Writ of Habeas Corpus, pursuant to 28 USC §2241 and the Administrative Procedure Act, 5 U.S.C. § 701, et seq., to remedy her continued unlawful detention by Respondents. Petitioner hereby requests that an immediate hearing be set on this matter. Petitioner also requests that she be released during the pendency of this Petition. In support of this Petition, Petitioner alleges as follows:

INTRODUCTION

1. Petitioner, Ms. Aguh is a twenty-nine year-old resident of Maryland, who was detained by Immigration and Customs Enforcement (“ICE”) on or about February 24, 2026, outside of her residence, located in Owings Mills, Maryland while leaving for work.

2. Petitioner is currently detained at 31 Hopkins Plaza, Baltimore, MD, 21201, in the custody of ICE.

3. On or about February 24, 2026, ICE detained Ms. Aguh without a judicial warrant, and detained her.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over the claims alleged in this Petition pursuant to 28 U.S.C. § 1331, as they arise under federal statutes, 28 U.S.C. § 2201 (Declaratory Judgment Act); and 28 U.S.C. § 2241 (habeas corpus).

5. Venue is proper in this Court because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

6. Venue is also proper under 28 U.S.C. § 2241 because Petitioner was and currently is detained within this district.

PARTIES

7. Petitioner Ms. Aguh is a resident of Owings Mills, Maryland. Petitioner graduated from Texas Tech University in 2024 and had an authorization under the Optional Practical Training for F-1 Students, while working at Johns Hopkins Hospital in Baltimore, Maryland.

8. Respondent Pamela Bondi is named in her official capacity as the U.S. Attorney General. Attorney General Bondi is involved in making policy directly impacting immigrants and refugees.

9. Respondent Kristi Noem is named in her official capacity as the Secretary of the United States Department of Homeland Security. DHS is a department of the executive branch of the U.S. government that is tasked with administering and enforcing the federal immigration laws. Secretary Noem is ultimately responsible for ICE's actions and policies.

10. Respondent Todd M. Lyons is named in his official capacity as the Acting Director of the United ICE. ICE is the agency within DHS that is specifically responsible for managing all aspects of the immigration enforcement process, including policies to effect arrests and to detain noncitizens for civil immigration enforcement. ICE is responsible for apprehension, incarceration, and removal of noncitizens from the United States, and directly oversees the operation of the detention centers in which Petitioner is held.

CLAIMS FOR RELIEF
FIRST CLAIM FOR RELIEF - HABEAS CORPUS

11. Petitioner incorporates the allegations set forth in Paragraphs 1 through 11, as if fully set forth herein.

12. As set forth above, Respondents detained Ms. Aguh without a judicial warrant, in violation of multiple federal statutes and the U.S. Constitution.

13. Accordingly, Petitioner seeks a writ of habeas corpus compelling Respondents to release Petitioner from custody.

**SECOND CLAIM FOR RELIEF - VIOLATION OF FIFTH AMENDMENT RIGHT TO
SUBSTANTIVE DUE PROCESS**

14. Petitioner incorporates the allegations set forth in Paragraphs 1 through 12, as if fully set forth herein.

15. The substantive component of the Due Process Clause of the Fifth Amendment to the United States Constitution protects Petitioner's liberty interests. Petitioner is suffering grave harm due to her unjustified and unlawful detention.

16. Respondents' policies and actions, as set forth above, have infringed upon Petitioner's substantive liberty interest in being free from confinement. These policies and actions have caused a period of confinement in detention facilities without any government need, resulting in grave harm to her.

THIRD CLAIM FOR RELIEF - VIOLATION OF FIFTH AMENDMENT RIGHT TO PROCEDURAL DUE PROCESS

17. Petitioner incorporates the allegations set forth in Paragraphs 1 through 16, as if fully set forth herein.

18. The procedural component of the Due Process Clause of the Fifth Amendment to the United States Constitution prevents the United States from depriving Petitioner of liberty without procedural protections. As the District Court for the Southern District of West Virginia recently concluded, "the government may not confine a person in a jail without promptly justifying that confinement". *Larrazabal-Gonzalez v. Mason, et al*, No. 2:26-cv-00049 (D. W.Va. January 28, 2026).

19. Respondents' policies and actions, as set forth above, have deprived Petitioner of freedom from confinement and her right to counsel, an opportunity to respond including an opportunity to present and confront evidence, a neutral decision-maker, a written decision, and a right of appeal.

PRAYER FOR RELIEF

Petitioner, Emmanuella Aguh, prays that the Court assume jurisdiction over this Petition and grant the following relief:

- I. Issue a Writ of Habeas Corpus compelling Respondents to release Petitioner;
- II. In the alternative, Issue an Order directing Respondents to provide her with a constitutionally adequate custody hearing before a neutral decisionmaker with authority to assess the necessity of detention to order release on appropriate conditions;
- III. A declaration that Respondents have violated Petitioner's constitutional and statutory rights;
- IV. An award of attorney's fees and costs to the extent permitted by law, including but not limited to the Equal Access to Justice Act, 5 U.S.C. § 504, 28 U.S.C. § 2412; and
- V. Any other relief the Court deems just and proper.

Dated: February 25, 2026

Respectfully Submitted,



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