

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

DAVID JONATAN GARCIA AGUIRRE)
JENA/LASALLE DETENTION FACILITY)
830 Pine Hill Road)
Jena, LA 71342)

Petitioner,)

v.)

VERNON LIGGINS, Director of Baltimore Field Office,)
U.S. Immigration and Customs Enforcement)
31 Hopkins Plaza)
6th Floor)
Baltimore MD 21021)

KRISTI NOEM, Secretary of the U.S. Department)
Homeland Security)
MS 0525 Department of Homeland Security)
2707 Martin Luther King, Jr. Ave, SE)
Washington DC 20528-0525)

and)

PAM BONDI,)
Attorney General of the United States,)
950 Pennsylvania Avenue, NW)
Washington DC 20530)

in their official capacities,)

Respondents.)

Case No. 1:26-cv-00815-LKG

PETITIONER'S NOTICE

NOTICE TO THE COURT

Petitioner and Respondents have conferred in the above referenced matter. The parties have agreement on the substance of this case and differ only in the appropriate order which this court should issue. The Petitioner submits this notice in lieu of further briefing.

The parties agree that the factual and legal arguments in this case regarding the question of which statute governs Petitioner's detention do not differ in any material fashion from the Respondents' arguments regarding jurisdiction and statutory construction raised in their briefs in *Velasquez v. Noem*, No. GLR-25-cv-3215, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Villanueva Funes v. Noem*, No. TDC-25-cv-3860, 2026 WL 92860 (D. Md. Jan. 13, 2026) and *Leal-Hernandez v. Noem*, No. JRR-25-cv-02428, 2025 WL 2430025 (D. Md. Aug. 24, 2025).

Additionally, on February 6, 2026, the Fifth Circuit held in *Buenrostro-Mendez v. Bondi*, that the Department of Homeland Security can charge individuals they initially encounter as inadmissible under 8 U.S.C. § 1225(b)(2) no matter how long they have been in the United States. 166 F.4th 494, 502-08 (5th Cir. Feb. 6, 2026). The parties acknowledge that this Fifth Circuit case is not binding on this District Court.

Given the opinions from this District referenced above and the holdings in *Maldonado Bautisa*, and notwithstanding the Fifth Circuit decision in *Buenrostro-Mendez*, the Respondents' position is that no further briefing is necessary, and that the Petition can be decided without further briefing or a hearing. Petitioner agrees.

The parties agree that the Court should issue an order that a bond hearing be held for the petitioner under 8 U.S.C. §1226. However, the parties diverge on what should happen between this Court's order and the Immigration Court's scheduling of a bond hearing. The Petition urges this court to adopt an order similar to this Court in *Lemuz Bruno v. Director, Baltimore Field Office*, No. 1:26-cv-00191-LKG (D. Md. January 23, 2026) and *Zelaya-Hernandez v. Liggins*, No. 1:26-cv-00815-TDC (D. Md. February 25, 2026). In those cases, the Court ordered the return of the Petitioners from out-of-state ICE detention facilities so that counsel could confer with their client to prepare for the bond hearing. The Court determined that this was necessary so that counsel

could meaningfully represent their clients. As in those cases, the ability of counsel to communicate with the Petitioner has been extremely challenging and limited.

In support of this Notice, undersigned counsel submits the following:

1. On Thursday, February 26, 2026, Petitioner's partner contacted undersigned counsel's firm to seek representation in this matter. On that same date of Thursday February 26, 2026, undersigned counsel's firm was retained for representation in Petitioner's habeas petition pending before this Court. At the time, Petitioner was being detained in the custody of Respondents in the Baltimore Holding Cell at 31 Hopkins Plaza, Baltimore, MD, 21201.
2. On the same date of Thursday, February 26, 2026, undersigned counsel filed the habeas petition currently pending before this Court. At the time of filing the petition, Petitioner was still detained at the Baltimore Holding Room at 31 Hopkins Plaza, Baltimore MD, 21201.
3. Given the lack of communication facilities at the Baltimore Holding Room, undersigned counsel and their legal team were unable to communicate in any way whatsoever with Petitioner. They were also unable to even request an attorney call with Petitioner during this time.
4. On the morning of Monday, March 2, 2026, undersigned counsel learned that Petitioner had been transferred from Baltimore, MD to the Jena/LaSalle Detention Facility in Jena, Louisiana over the weekend. Undersigned counsel was not notified by Respondents of his transfer. Undersigned counsel only learned of the transfer after being contacted by Petitioner's partner and checking the ICE Detainee Locator on Monday morning.

5. Upon learning of Petitioner's transfer, undersigned counsel and their legal team immediately sought to schedule a legal call with Petitioner, so that they could communicate with him for the first time since his detention. One thirty-minute legal call has been scheduled for Thursday, March 5, 2026. Undersigned counsel and their legal team will thus have gone one full week with no communication with Petitioner, due to his custody status.
6. If a bond hearing is scheduled, undersigned counsel will need at least four to five 30-minute legal calls with Petitioner in order to meaningfully represent him.
7. In light of this, undersigned counsel maintains that they will not be able to meaningfully represent him while he is detained in Louisiana.

Therefore, should the Court conclude that it will order a bond hearing under 8 U.S.C. § 1226, the Petitioner respectfully requests that such order contain the following terms:

1. Petitioner is detained under 8 U.S.C. § 1226(a) and Respondents are enjoined from detaining Petitioner under 8 U.S.C. § 1225(b);
2. Petitioner is entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19 and 1236.1(d), with a meaningful consideration of the applicable, relevant factors by the Immigration Judge; such hearing shall be held within 10 days of the Petitioner's filing of a motion with the Immigration Court;
3. In order to ensure that the Petitioner has meaningful access to counsel in advance of the hearing, Respondents shall transport Petitioner to a facility in Maryland or a state adjacent to Maryland so that he may prepare with counsel in advance of the bond hearing. Respondents shall do this no later than 24 hours before the bond hearing. Alternatively, in lieu of these procedures, Respondents may release Petitioner no later than 24 hours before

his scheduled bond hearing on the condition that he appear at the scheduled bond hearing.

4. Respondents' counsel shall immediately transmit a copy of this Order to an official with authority over the facility in which the Petitioner is detained in order to ensure compliance with the order.
5. Consistent with 8 C.F.R. § 1003.19, the bond hearing may be conducted by any Immigration Judge having jurisdiction over the Petitioner's detention or having administrative control over Petitioner's immigration case or removal proceeding and need not take place in Maryland;
6. The Petitioner shall file a status report with the Court if a bond hearing *is not held* by an Immigration Judge within 10 days of the filing of a motion for a bond hearing by Petitioner;
7. If a bond hearing *is held*, the parties shall file a status report with the Court within 7 days of the bond hearing, reporting the results;
8. Petitioner's request for attorney's fees and costs is denied.

WHEREFORE, the Petitioner agrees with the Respondents' request that the Court consider the Petition fully briefed and agree that no hearing is deemed necessary, and that, if relief in the form of a bond hearing under 8 U.S.C. § 1226 is ordered, the Petitioner respectfully requests inclusion of the terms above in the Court's Order.

Dated this 3rd day of March, 2026

Respectfully submitted,

/s/ Sarah Beth Pitney
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