

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ROSA ELENA RAMIREZ-ROJAS,

Petitioner,

v.

PAMELA BONDI, Attorney General
of the United States,
KRISTI NOEM, Secretary of the
U.S. Department of Homeland Security
TODD LYONS, Acting Director,
U.S. Immigration and Customs Enforcement.
Baltimore Field Office
VERNON LIGGINS, Acting Field Office
Director
ICE Enforcement and Removal Operations, George
H. Fallon Federal Building
31 Hopkins Plaza, 6th Floor
Baltimore, MD 21201

Respondents.


Case No: 1:26-cv-0838

A#



PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. This is a petition for a writ of habeas corpus filed on behalf of Rosa Elena Ramirez Rojas,  a 45-year-old national of Guatemala who has lived and worked in the United States since January 2019. On February 26, 2026, at approximately 11:00 a.m., Petitioner appeared for her routine annual ICE check-in in Baltimore, Maryland, as she had done each year. She presented her documents for review. An officer declined to stamp her paperwork but told her that everything was fine, that she could return

home, and that a judge would contact her. When Petitioner returned to clarify the missing stamp, officers directed her to a separate room and detained her without prior notice. Petitioner has no criminal record and has consistently complied with all ICE reporting requirements. Her asylum application, filed with her two children in 2019, remains pending with USCIS.

2. Petitioner seeks habeas relief from unlawful immigration detention. Respondents continue to detain her despite her full compliance, lack of criminal history, and pending asylum case. This detention violates the Fifth Amendment's guarantee of due process and the Eighth Amendment's prohibition on cruel and unusual punishment. Petitioner requests that this Court declare her continued detention unlawful and order her release or, in the alternative, direct Respondents to provide a prompt custody redetermination hearing before a neutral decision-maker.

CUSTODY

3. Petitioner is in physical custody of Respondents Vernon Liggins, Acting Field Office Director, ICE ERO, and is detained at the Baltimore Holding Room, Baltimore, Maryland, a DHS-operated facility.


JURISDICTION

4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the U.S. Constitution (Suspension Clause). Petitioner is in custody under color of federal authority in violation of the Constitution and laws of the United States. Relief is also available under 28 U.S.C. § 2201 et seq. (Declaratory Judgment Act) and 28 U.S.C. § 1651 (All Writs Act).

VENUE

5. Venue is proper in this District — Petitioner is detained at Baltimore Holding Room within this District and a Respondent with immediate custody is located here.

PARTIES

6. Petitioner () is a native and citizen of Guatemala, currently detained at Baltimore Holding Center, Maryland.

7. Respondent Vernon Liggins is Acting Field Office Director, ICE ERO, Baltimore. He is a legal custodian with authority to release Petitioner.

8. Respondent Kristi Noem is the Secretary of DHS, responsible for detention and removal policies.

9. Respondent Pamela Bondi is the Attorney General of the United States.

10. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

11. Exhaustion is excused as futile. On July 8, 2025, Acting ICE Director Todd Lyons issued a memorandum mandating detention under § 1225 for all unadmitted noncitizens. This policy was reinforced by Matter of Yajure-Hurtado, 29 I&N Dec. 216 (BIA 2025), which foreclosed bond relief in immigration court. Because EOIR proceedings offer no adequate remedy, Petitioner's only recourse is this judicial action. *See Shalala v. Ill. Council on Long Term Care*, 529 U.S. 1, 13 (2000).

STATUTORY FRAMEWORK

12. Yajure-Hurtado upended thirty years of interpretation by applying § 1225(b)(2)'s mandatory detention to all unadmitted noncitizens, regardless of residence or arrest site. This petition challenges that shift.

Relevant Provisions of the Immigration and Nationality Act

13. 8 U.S.C. § 1225 / INA § 235 governs inspection, expedited removal, and referral for removal hearings. Section 1225(a)(1) defines an applicant for admission, "for purposes of this chapter," as a noncitizen present in the United States who has not been admitted or who arrives in the United States.

14. 8 U.S.C. § 1225(b)(1) subjects to expedited removal arriving aliens and those who cannot establish two years of physical presence in the United States. 8 U.S.C. § 1225(b)(1)(A)(i), (iii).

15. 8 U.S.C. § 1225(b)(2)(A) mandates DHS custody for applicants for admission not clearly entitled to be admitted, pending non-expedited § 1229A removal proceedings. Section 1225(b)(2) applies to arriving aliens and certain individuals stopped shortly after entry.

16. 8 U.S.C. § 1226(a) (INA § 236(a)) authorizes the Attorney General to arrest and detain noncitizens pending removal, subject to discretionary bond. Section 1226(a) serves as the "default rule" and catch-all for those in the interior, as distinguished from the border-specific detention authority of § 1225(b).

17. 8 U.S.C. § 1226(c) creates mandatory detention for criminal and terrorist noncitizens. The Laken Riley Act added § 1226(c)(1)(E), requiring detention of noncitizens arrested, charged, or convicted of certain crimes who are also inadmissible.

Longstanding Interpretation of §§ 1225 and 1226

18. Since 1996, courts and the BIA have consistently applied § 1225(b) only to border encounters, while § 1226(a) serves as the "default rule" and "catch-all" for those in the interior. *Jennings v. Rodriguez*, 583 U.S. 281, 301 (2018). Under *Loper Bright*, this Court may consult such longstanding agency practice as evidence of statutory meaning. 603 U.S. at 386.

19. *Matter of Akhmedov* (2025) confirms § 1226(a) bond jurisdiction for interior arrests, while *Matter of Q. Li* (2025) restricts § 1225(b) to border-proximate expedited removals. 29 I&N Dec. 166; 29 I&N Dec. 66.

Matter of Yajure-Hurtado and DHS Policy

20. DHS's July 2025 policy alert introduced a novel interpretation of § 1225(b)(2) requiring mandatory detention. Per *Matter of Yajure-Hurtado*, this now denies bond hearings to all who entered without inspection, effectively ending judicial bond jurisdiction for long-term residents.

21. This Court is not bound by the BIA's interpretation, which Respondents use to subject Petitioner to mandatory, indefinite detention without individualized review.

Post-Chevron Independent Statutory Interpretation

22. Following Loper Bright, this Court must exercise independent judgment, rather than deference, to determine whether § 1225(b)(2) or § 1226(a) applies here.

STATEMENT OF FACTS

23. Rosa Elena Ramirez Rojas is a 45-year-old woman from Guatemala, A# 201 546 040. She entered the United States in January 2019. Since that time, she has complied with all requirements imposed by immigration authorities. On February 26, 2026, at approximately 11:00 a.m., she appeared for what was scheduled as her routine annual ICE check-in in Baltimore, Maryland. She attended the appointment with her cousin, as she had done in prior years. She presented her documentation for review, which officers customarily stamp with the next appointment date.

24. During this visit, the officer did not stamp her paperwork. When she asked about the missing stamp, the officer told her that everything was fine, that she could return home, and that a judge would contact her. Seeking to confirm that there was no mistake, she returned to ask again about the missing signature. Officers then directed her into a separate room. Once inside, officers detained her and did not allow her to leave. She received no prior notice that she would be taken into custody. She had no criminal record, no prior arrests, and no other contact with law enforcement aside from attending her scheduled ICE appointments.

25. Since her detention on February 26, 2026, she has remained in ICE custody. Before her detention, she had been applying for asylum with her two children since 2019. Her case remained pending with USCIS. She had not yet been placed in removal proceedings

before an immigration judge and was only required to attend regular ISAP check-ins. She fled Guatemala out of fear and sought protection in the United States.

26. Since arriving in the United States, Rosa has worked in the kitchen of a restaurant from Monday through Saturday. After her husband was deported, she became the head of her household and the sole financial provider for her children. She consistently attended her ICE check-ins and complied with all program requirements. She maintained stable residence with her children and remained active in their daily lives, including their schooling and extracurricular activities. She attended church with her family on Saturdays and Sundays and spent her free time with her children and extended relatives.

27. Her family members describe her as responsible, attentive, and devoted to her children. Her daughter states that Rosa has been her primary support since childhood and has never been separated from her for any extended period. Her aunt and nephew describe her as hardworking, dependable, and consistently willing to help others in need. They state that she fulfilled her work duties, cared for her children, and remained present in her family's life despite difficult circumstances, including her husband's deportation.

CLAIMS FOR RELIEF

COUNT ONE

VIOLATION OF FIFTH AMENDMENT RIGHT TO SUBSTANTIVE AND PROCEDURAL DUE PROCESS

28. Petitioner incorporates by reference all preceding paragraphs.

Substantive Due Process

29. Petitioner's detention under § 1225(b)(2) violates her substantive due process rights under the Fifth Amendment. "Government detention violates [due process] unless the detention is ordered in a criminal proceeding with adequate procedural protections or, in certain special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual's constitutionally protected interest in avoiding physical restraint." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

30. Respondents cannot establish a special justification for denying Petitioner's liberty. Under *Matter of Yajure-Hurtado*, the BIA purports to strip immigration judges of bond jurisdiction for all who entered without inspection, subjecting Petitioner to mandatory detention. 29 I&N Dec. at 228.

31. As a civil immigration detainee with no criminal history, Petitioner possesses a 'historic liberty interest' in freedom from bodily restraint and the right to basic human needs. *Youngberg v. Romeo*, 457 U.S. 307, 315–16 (1982). The Fourth Circuit mandates that for individuals in non-punitive government custody, the Due Process Clause requires—at a minimum—adequate food, shelter, clothing, and medical care. *Patten v. Nichols*, 274 F.3d 829, 837 (4th Cir. 2001). Because Petitioner's detention is civil rather than criminal, and she has maintained a record of lawful employment and community ties, any restraint on her liberty must be strictly 'tailored' to a compelling non-punitive justification. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Absent such justification, her continued confinement in the Baltimore Holding Room constitutes an unconstitutional 'punishment' without trial. *Id.* Immediate relief is necessary to prevent prolonged unlawful detention.

Procedural Due Process Requires Release Pending Bond Hearing

32. Even if Respondents concede that Petitioner is detained under 8 U.S.C. § 1226(a) and entitled to a bond hearing, due process requires release pending that hearing. The issue is not simply whether a hearing will occur, but whether it meets constitutional standards. Forcing Petitioner to remain detained while awaiting that hearing violates the Fifth Amendment.

33. Bond hearings have been undermined by institutional interference. Retired Immigration Judge Lawrence O. Burman states that in January 2026, Judges Raphael Choi and Karen Donoso-Stevens were abruptly removed from detained dockets mid-session and replaced with new judges. Burman Aff. ¶ 17. He further reports judges were terminated without notice and removed for their strong commitment to due process. Id. ¶¶ 18–19. He describes growing fear that rulings against the government may affect judicial tenure. Id. ¶ 20.

34. The result has been more bond denials and excessive bond amounts. Judge Burman notes bonds above \$15,000 were once rare because ability to pay was considered. Id. ¶ 14. Reports now show average bonds near \$25,000—far beyond what working families can afford. Setting bond at an amount a detainee cannot pay is a de facto denial of release. See *Hernandez v. Sessions*, 872 F.3d 976, 989–90 (9th Cir. 2017).

35. Judge Burman states that bond denials for flight risk were once rare where a person had a fixed address, job, relief claim, or family ties. Burman Aff. ¶ 13. Bond was not denied solely due to unlawful entry or failure to apply for relief before arrest. Id. ¶ 12.

Current practice treats entry without inspection as a categorical bar, replacing individualized review with a preset result.

36. Under *Zadvydas*, detention must be tailored to its civil purpose. 533 U.S. at 690. A categorical rule based on entry status is not tailored to Petitioner's actual risk. Courts have held due process is violated when hearings rely on boilerplate reasoning rather than individualized review. See *Dubon Miranda v. Barr*, 403 F. Supp. 3d 442, 449 (D. Md. 2019); *Portillo v. Hott*, 322 F. Supp. 3d 698, 704 (E.D. Va. 2018).

37. A future bond hearing is not enough. Due process requires a hearing at a meaningful time and in a meaningful manner. *Armstrong v. Manzo*, 380 U.S. 545, 552 (1965). When detention relies on static entry factors and categorical assumptions, it becomes punitive. *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 468, 478 (3d Cir. 2015). Evidence shows a system marked by intimidation and unaffordable bonds that function as detention orders. A compromised process cannot justify continued custody.

38. When the bond system is structurally flawed and outcomes are effectively predetermined, requiring detention pending that hearing deepens the due process violation. Courts recognize that detention cannot continue when the hearing itself lacks reliability. The proper remedy is release pending a constitutionally sound hearing.

39. Under *Matter of Guerra*, the noncitizen bears the burden to show she is not a flight risk. 24 I&N Dec. 37 (BIA 2006). Yet detention prevents her from maintaining work, gathering proof, and securing evidence of community ties. Requiring her to meet her burden while detained denies a meaningful hearing under *Armstrong*.

40. Courts in the Eastern District of Virginia have ordered release pending bond hearings in multiple cases, including *Gonzalez v. Bondi*, No. 1:26-cv-00039 (E.D. Va.), *Corado v. Noem*, No. 1:26-cv-00068 (E.D. Va.), *Hernandez v. Noem*, No. 1:26-cv-00156 (E.D. Va.), *Sharify v. Hott*, No. 1:26-cv-00216 (E.D. Va.), and *Vivas Gonzalez v. Lyons*, No. 1:26-cv-00257 (E.D. Va.). Those releases have worked. Petitioners appeared for hearings, no safety issues arose, and supervision protected the government's interests.

41. Continued detention cannot stand where (1) the bond system is compromised, (2) Petitioner has no criminal record and strong community ties, and (3) pre-hearing release has proven effective in this district. Ordering a hearing without release permits form over substance. The remedy must match the violation: immediate release pending a constitutionally adequate bond hearing

COUNT TWO

VIOLATION OF EIGHTH AMENDMENT RIGHT TO PROTECTION FROM CRUEL AND UNUSUAL PUNISHMENT

42. Petitioner incorporates all preceding paragraphs by reference.

43. The government's actions impose punishment in both purpose and effect. Rosa Elena Ramirez Rojas appeared voluntarily for a routine annual check-in, as she had done every year since 2019. She had no criminal record, no prior arrests, and no history of noncompliance. Officers told her she could return home and that everything was fine. When she sought clarification about the missing stamp on her document, officers directed her to a separate room and detained her without prior notice. Her continued confinement under these circumstances serves no evident regulatory function and instead operates as a sanction for conduct that was fully compliant.

44. Her detention is excessive in relation to any legitimate civil purpose. She had an asylum application pending with USCIS and had not yet been placed in removal proceedings before an immigration judge. She was subject only to routine ISAP check-ins, which she consistently attended. She presented herself to ICE as required and did not attempt to evade supervision. Detaining a compliant, noncriminal asylum applicant who reported as directed does not advance a clear need for custody and exceeds what is necessary to ensure appearance or compliance.

45. The severity of confinement is grossly disproportionate to her peaceful conduct. Rosa worked steadily, supported her children as the sole provider after her husband's deportation, and remained active in her family and church. She fled her home country out of fear and sought protection through lawful channels. Her detention separates her from her children and removes her from the community despite years of compliance and stable residence. Under these facts, the government's actions inflict needless harm and impose a level of restraint far beyond any civil objective.

46. This relentless mental and emotional pain, coupled with the indefinite nature of Petitioner's confinement, heightens the cruelty of the detention and underscores the punishment's unusual severity.

47. The Eighth Amendment prohibits the government from inflicting cruel and unusual punishment. *See Estelle v. Gamble*, 429 U.S. 97, 106 (1976). Even absent completed harm, the lack of safety in detention conditions is sufficient for judicial intervention. *See Helling v. McKinney*, 509 U.S. 25, 33 (1993).

48. Petitioner's mandatory, indefinite detention based solely on Respondents' erroneous interpretation of § 1225(b)(2) constitutes cruel and unusual punishment.

49. Detainees may challenge unconstitutional conditions of confinement through habeas corpus. *See Preiser v. Rodriguez*, 411 U.S. 475, 499–500 (1973). Respondents' continued custody has transformed civil immigration detention into cruel and unusual punishment.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Issue an order directing Respondents to Show Cause why the Writ should not be granted;
- C. Enjoin Respondents from transferring Petitioner outside the United States during this action or in a manner that would strip this Court's jurisdiction;
- D. Declare that Petitioner is detained under 8 U.S.C. § 1226(a), not 8 U.S.C. § 1225(b)(2);
- E. Order Petitioner's immediate release on an Order of Supervision or other reasonable conditions pending her bond hearing, including but not limited to: (1) regular reporting to ICE; (2) electronic monitoring if deemed necessary; (3) surrender of travel documents; (4) geographic restrictions; and (5) any other conditions this Court deems appropriate to ensure appearance;

F. Order Respondents to provide Petitioner a bond hearing before an Immigration Judge within ten (10) days of release, with the following procedural safeguards:

(1) The Immigration Judge shall issue written findings of fact and conclusions of law explaining the basis for any detention or bond determination;

(2) Any government appeal shall not automatically stay Petitioner's release; and

(3) The hearing shall be conducted by an Immigration Judge free from institutional pressure or predetermined outcomes;

G. In the alternative, if the Court declines to order pre-hearing release, order Petitioner's immediate release on reasonable conditions if a constitutionally adequate bond hearing is not held within seven (10) days;

H. Grant any other relief this Court deems just and proper.

DATED: February 16, 2026

Respectfully submitted,
Petitioner

By: _____/s/ _____
Jorge E. Artieda, Esq.
Counsel for Petitioner
Va. Bar # 82963
P.O. Box 343
Falls Church, VA 22040
(703) 388-6055 (telephone)
(703) 649-6491 (facsimile)
jorge@artiedalaw.com (email)

CERTIFICATION PURSUANT TO LOCAL STANDING ORDER 2025-01

I, the undersigned, hereby certify pursuant to Fed. R. Civ. P. 11, as follows: (1) I understand the Petitioner to be presently detained in Maryland, based on the fact that Petitioner was arrested by ICE in Maryland two days ago and the fact that Petitioner recently called a friend/family member from the ICE Baltimore Hold Room to inform him he was there; (2) emergency relief is necessary, because Petitioner is at risk of unlawful removal from the United States; and (3) this Court has subject-matter jurisdiction over the Petitioner pursuant to 28 U.S.C. § 2241, and no jurisdiction-stripping statute applies to prevent habeas corpus review of detention and unlawful removal.

DATED: February 27, 2026

Respectfully submitted,
Petitioner

By: _____/s/_____
Jorge E. Artieda, Esq.
Counsel for Petitioner
Va. Bar # 82963
P.O. Box 343
Falls Church, VA 22040
(703) 388-6055 (telephone)
(703) 649-6491 (facsimile)
jorge@artiedalaw.com (email)

VERIFICATION PURSUANT TO 28 U.S.C. § 2242I

represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: February 27, 2026

_____/s/_____
Jorge E. Artieda

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2026, I served a true and correct copy of the foregoing Petition on Respondents by USPS Certified Mail, Signature Required, to:

The Honorable Kristi Noem
Secretary of Homeland Security
U.S. Department of Homeland Security
Office of the Executive Secretary
Mail Stop 0525
Washington, DC 20528

The Honorable Pamela Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Todd Lyons, Acting Director
U.S. Immigration and Customs Enforcement
500 12th St. SW, Mail Stop 5900
Washington, DC 20536-5900

ICE Enforcement and Removal Operations, Baltimore Field Office
Vernon Liggins, Acting Field Office Director
George H. Fallon Federal Building
31 Hopkins Plaza, 6th Floor
Baltimore, MD 21201

/s/

Jorge E. Artieda