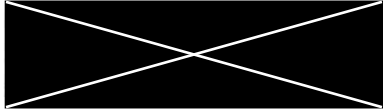


**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Lucas AYONG



Petitioner,

v.

Kristi Noem, Secretary of DHS
2707 Martin Luther King Jr Ave, SE
Washington, DC 20528-0525

Pam Bondi, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Ave, NW
Washington, DC 20530-0001

Todd Lyons, Acting Director
Immigrations and Customs Enforcement
500 12th Street SW
Washington, DC 20536

Vernon Liggins, Acting Director
ICE Baltimore Field Office
31 Hopkins Plaza #630
Baltimore, MD 21201

Respondents.

No.

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

1. Mr. Lucas AYONG is a 67-year-old native and citizen of Cameroon. He entered the United States on March 26, 2014, as a nonimmigrant B1/B2 visitor with authorization to remain in the U.S. for a period not to exceed September 25, 2014. On July 21, 2014, Petitioner affirmatively filed with USCIS applications for asylum, withholding of removal under the INA, and protection under the Convention Against Torture (CAT). On March 23, 2018, the asylum office referred Petitioner's applications to the immigration court.
2. Petitioner had his individual hearing on May 8, 2024, which was continued for a *Matter of M-A-M* (competency) hearing. On March 19, 2025, the immigration judge denied Petitioner's applications for asylum, for withholding of removal under the INA and under CAT, ordered Petitioner removed to Cameroon, and granted Petitioner's application for Deferral under CAT. Thereafter, Petitioner timely filed an appeal to the Board of Immigration Appeals (BIA), which is still pending.
3. On February 27, 2026, ICE officials arrested Petitioner by his home without a warrant. Petitioner is currently being held at the Immigration and Customs Enforcement Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland.
4. Petitioner AYONG petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy his unlawful warrantless arrest and detention by ICE. 28 U.S.C. § 2241. He fears his continued detention.
5. Mr. AYONG has major health issues. He is HIV positive. He also takes medication for a prostate problem.
6. Mr. AYONG has very strong family and community ties in Maryland, including a USC brother, sister and two adult children. He also has a wife and six children living in

Cameroon. Petitioner also has stable employment and local counsel. Further and importantly, Petitioner has no criminal record.

CUSTODY

7. Petitioner is in the physical custody of Respondents. Petitioner is detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act (APA), 5 U.S.C. § 701, et seq. 4. This Court has jurisdiction under 28 U.S.C. § 2241; Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause) and 28 U.S.C. § 1331, as Petitioner is presently in custody under the alleged color of authority of the United States, and such custody is in violation of the Constitution, laws, and/or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. § 2241, 5 U.S.C. § 702, and the All Writs Act, 28 U.S.C. § 1651.
9. Venue is proper in the District of Maryland because that is where Petitioner is detained and that is where Petitioner resides. *See* 28 U.S.C. § 1391(b); *Kholyavskiy v. Achim*, 443 F.3d 946 (7th Cir. 2006).

THE PARTIES

10. Petitioner Lucas AYONG is a sixty-seven-year-old male citizen and national of Cameroon, who lawfully entered the U.S. on March 26, 2014 on a visitor visa, was granted Deferral under CAT, and has an appeal pending before the BIA.

11. Defendant Krisiti Noem is the Secretary of the Department of Homeland Security in Washington, D.C. Ms. Noem is responsible for the enforcement of the U.S. immigration laws, including those governing the admissibility of foreign nationals in the U.S. Ms. Noem and agents acting under her direction are at present detaining Petitioner. Ms. Noem is being sued in her official capacity only.
12. Defendant Todd Lyons is the Acting Director of Immigration and Customs Enforcement in Washington, D.C. Mr. Lyons is responsible for the enforcement of the U.S. immigration laws, and the agents holding Mr. AYONG are under his direction. Mr. Lyons is being sued in his official capacity only.
13. Defendant Vernon Liggins is the current Acting Deputy Director of the ICE Baltimore Field Office, the facility where Petitioner is currently detained. Mr. Liggins is responsible for ICE operations in the Maryland area. Mr. AYONG is held by ICE agents under Mr. Liggins's direction. Mr. Liggins is being sued in his official capacity only.

FACTUAL ALLEGATIONS

14. Petitioner is a national and citizen of Cameroon who entered the United States on March 26, 2014 as a nonimmigrant B1/B2 visitor. On July 21, 2014, Petitioner affirmatively filed with USCIS applications for asylum, withholding of removal under the INA, and protection under the Convention Against Torture (CAT) with USCIS. On March 23, 2018, the asylum office referred Petitioner's applications to the immigration court.
15. Petitioner initially had his individual hearing on May 8, 2024, which was continued for a *Matter of M-A-M* (competency) hearing. On March 19, 2025, at the next individual hearing, the immigration judge denied Petitioner's applications for asylum, for withholding of removal under the INA and under CAT, ordered Petitioner removed to Cameroon, but

granted Petitioner's application for Deferral under CAT. Subsequently, Petitioner timely filed an appeal to the BIA, which is still pending.

16. On February 27, 2026, Petitioner was by his home when ICE officials arrested him without a warrant. Petitioner is currently being held at the Immigration and Customs Enforcement Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland.
17. Mr. AYONG has major health problems that include being HIV positive as well as prostate problems for which he takes medication.
18. Petitioner has two adult children in the U.S., as well as an U.S. citizen brother and sister. His wife and six other children reside in Cameroon. Petitioner works very hard to support his family both financially and emotionally. They are suffering without his presence.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

19. The Fifth Amendment to the U.S. Constitution provides limits on detention. As the Supreme Court has noted, "[i]t is well-established that the Fifth Amendment entitles [noncitizens] to due process of law in deportation proceedings." *Demore v. Hyung Joon Kim*, 538 U.S. 510, 523 (2003) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of liberty," that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678,690 (2001). This fundamental due process protection applies to all noncitizens, even if they are removable or inadmissible. *See id.* at 721 (Kennedy, J., dissenting) ("[B]oth removable and inadmissible aliens are entitled to be free from detention that is arbitrary or capricious."). Under these due process principles,

detention must “bear [a] reasonable relation to the purpose for which the individual [was] committed.” *Id.* at 690 (quoting *Jackson v. Cameroonna*, 406 U.S. 715, 738 (1972)).

20. Due process, therefore requires “adequate procedural protections” to ensure that the government’s asserted justification for physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Id.* at 690 (internal quotations omitted). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Demore*, 538 U.S. at 538.
21. Following *Zadvydus*, *supra* and *Demore*, *supra*, most circuit courts to confront the issue have protected the due process rights of people detained in civil immigration detention by requiring a custody hearing for noncitizens subject to unreasonably prolonged detention pending removal proceedings. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199 (11th Cir. 2016); *Reid v. Donelan*, 819 F.3d 486 (1st Cir. 2016); *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015); *Rodriguez v. Robbins (Rodriguez Ill)*, 804 F.3d 1060 (9th Cir. 2015); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011); *Ly v. Hansen*, 351 F.3d 263 (6th Cir.2003).
22. In addition to the amount of time in detention, courts weigh the following factors when assessing reasonableness: (1) how long the detention will likely continue in the absence of judicial relief; (2) the nature and extent of removal proceedings, including whether any delays are attributable to the government or the immigrant; (3) the conditions of detention; and (4) the likelihood that the proceedings and judicial review will end with a removal order.

23. Importantly, the INA draws a clear statutory distinction between noncitizens detained at the time of arrival under 8 U.S.C. § 1225 and those detained after they are already present in the United States under 8 U.S.C. § 1226. Section 1225 governs “applicants for admission” encountered at or near the border and mandates detention during expedited or initial admission proceedings, while § 1226(a) is the “default rule” governing detention of noncitizens already inside the country pending removal proceedings and expressly authorizes release on bond or conditional parole. *Jennings v. Rodriguez*, 583 U.S. 281, 289, 303 (2018). In *Said v. Noem*, the court held that although the petitioner was initially apprehended at the border and processed under § 1225, DHS’s subsequent issuance of a Notice to Appear placing him in standard removal proceedings under INA § 240 and classifying him as “present in the United States without admission or parole” triggered detention authority under § 1226(a) going forward. *Said v. Noem*, No. 3:25-cv-00938-MOC, 2025 LX 592150 (W.D.N.C. Dec. 17, 2025). The court emphasized that DHS may not retroactively “rebrand” a noncitizen as an arriving alien subject to mandatory detention after allowing him to reside in the United States on parole and proceed through § 240 removal proceedings, as such recharacterization conflicts with the statutory distinction between noncitizens “on the threshold of entry” and those who have effected entry into the country. *Id.* at 12–14 (citing *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001); *Leng May Ma v. Barber*, 357 U.S. 185, 187 (1958)). Accordingly, the court concluded that a noncitizen apprehended at the border, later released, and subsequently detained at a routine check-in appointment is subject to discretionary detention under § 1226(a), not mandatory detention under § 1225. *Id.* at *14–16.

24. Further, the Fourth Amendment prohibits arbitrary, warrantless seizures unsupported by any legitimate governmental purpose. U.S. Const. amend. IV. A warrantless arrest is per se unreasonable unless the government establishes that it was justified by probable cause based on specific, articulable facts, not speculation or conclusory assertions. As Judge Howell, in the DC District Court, held in *Escobar Molina et al. v. DHS*, warrantless civil immigration arrests are unlawful where immigration officers fail to make an individualized, pre-arrest determination that the noncitizen poses an escape risk. *See Escobar Molina*, Civ. Action No. 25-3417 (D.D.C. Dec. 2, 2025) (granting class action injunction in DC against warrantless arrests lacking escape-risk probable cause).
25. Finally, under the APA, a court shall “hold unlawful and set aside agency action” that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An agency action is arbitrary and capricious if the agency “entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

FIRST CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE OF THE U.S. CONSTITUTION

26. Petitioner re-alleges and incorporates by reference the paragraphs above.
27. Petitioner’s detention violates the substantive and procedural Due Process guarantees of the United States Constitution. Petitioner lawfully entered the United States on March 26, 2014 on a visitor visa. He affirmatively filed for asylum. After an individual hearing, the

immigration judge ordered Petitioner removed to Cameroon but granted Deferral under CAT. Petitioner timely appealed, which is pending before the BIA. Because Petitioner lawfully entered the U.S., his subsequent detention is governed by the discretionary framework of 8 U.S.C. § 1226(a), not the mandatory detention provisions of 8 U.S.C. § 1225. Petitioner's re-detention without an individualized bond hearing, therefore, violates both substantive and procedural due process. *See Said, supra; Velasquez v. Noem*, Civil Action No. GLR-25-3215, 2025 LX 400577 (D. Md. Oct. 27, 2025); *Maldonado de Leon v. Baker*, Civil Action No. 25-3084-TDC, 2025 LX 473505 (D. Md. Oct. 21, 2025).

28. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [non-U.S. citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas, supra*, at 693 (2001). For this reason, even “removable and inadmissible [non-U.S. citizens] are entitled to be free from detention that is arbitrary and capricious,” *Id.* at 721 (Kennedy, J., dissenting).
29. Before depriving Petitioner of his liberty interest, he should at least be afforded an opportunity to be heard before a neutral decision maker. Procedural due process requires, at a minimum, an opportunity to be heard “at a meaningful time and in a meaningful manner.” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). Applying the Mathews factors, courts consistently find that: (a) the private interest in freedom from physical restraint is “the most elemental of liberty interests”; (b) the risk of erroneous deprivation is high where detention occurs without a hearing; and (c) the government’s interest in immediate detention without process is minimal. *See P.T. v. Hermosillo*, No. 2:2025cv02259

(W.D.W.A) (applying *Mathews* and finding detention unconstitutional where ICE failed to provide pre-deprivation process); *see also Ngha v. Noem*, No. 8:25-C-V-04055-BAH, 2025 (D. Md. Dec. 11, 2025). Applying the three *Mathews* factors to Petitioner's facts show: 1) Petitioner AYONG invokes "the most significant liberty interest there is—the interest in being free from imprisonment," and a "person's liberty interest cannot be abridged without adequate procedural protections;" 2) the risk of erroneous deprivation is high because Petitioner was not afforded a hearing before a neutral decision maker, before or at the time of, Petitioner's arrest; and 3) the Government's interest in immediate detention without process is minimal. *See Artiga v. Genalo*, No. 25-CV-5208, Mem. & Order at 19 (E.D.N.Y. Oct. 5, 2025). Due to Petitioner's unique circumstances, especially his significant health conditions of being HIV positive and taking medication for his prostate problems, his *Mathews* factors support that he should be entitled to be free from unlawful, arbitrary, and capricious detention under the, *inter alia*, due process clause.

30. Additionally, Respondents' arrest and detention of Petitioner violates his substantive due process rights. The Supreme Court in *Zadvydas v. Davis*, 522 U.S. 678 (2001), held that detention where removal cannot occur within the reasonably foreseeable future is unconstitutional and found that a six-month period is a presumptive maximum period of reasonable detention. Here, Petitioner's removal is not reasonably foreseeable, as he is currently still in immigration proceedings and is entitled to pursue and is eligible for relief. Thus, Petitioner's continued custody exceeds statutory authority and violates due process.
31. Finally, this Court "cannot ignore the conditions of confinement." *Chavez-Alvarez v. Warden York Cty. Prison*, 783 F.3d 469, 476 (3d Cir. 2015). Where "the facility for the civil immigration detention is [not] meaningfully different from a penal institution for

criminal detention[,]” prolonged immigration detention is more likely to be unreasonable. *Sopo*, 825 F.3d at 1218 (citing *Chavez-Alvarez*, 783 F.3d at 478; *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003)). Petitioner is currently being held at the ICE Baltimore Field Office, where there are no beds or showers, and limited food.

32. Petitioner should be released or at least be permitted an immigration bond hearing regarding the alleged change in circumstances or any other reasons for why he was unexpectedly arrested and detained on February 27, 2026, because he falls under 8 U.S.C. § 1226(a).

SECOND CLAIM FOR RELIEF

VIOLATION OF THE FOURTH AMENDMENT OF THE U.S. CONSTITUTION

33. The Fourth Amendment prohibits arbitrary, warrantless seizures unsupported by any legitimate governmental purpose. U.S. Const. amend. IV. A warrantless arrest is per se unreasonable unless the government establishes that it was justified by probable cause based on specific, articulable facts, not speculation or conclusory assertions.
34. Petitioner’s arrest was unlawful because ICE effected a warrantless civil immigration arrest of Petitioner near his residence, without probable cause to believe he was likely to escape before a warrant could be obtained, as required by 8 U.S.C. § 1357(a)(2). As Judge Howell, in the DC District Court, held in *Escobar Molina et al. v. DHS*, warrantless civil immigration arrests are unlawful where immigration officers fail to make an individualized, pre-arrest determination that the noncitizen poses an escape risk. *Escobar Molina, supra*. Here, Petitioner was arrested without a warrant, without probable cause, and without any individualized showing of necessity, in direct violation of the Fourth Amendment.

Respondents presented no evidence to justify the warrantless seizure, nor any exigent circumstances that would permit it. An arrest under these circumstances, with no ongoing investigation and no indication of danger or flight risk, constitutes an arbitrary and unreasonable seizure, offending both the Fourth Amendment and fundamental principles of due process.

THIRD CLAIM FOR RELIEF

VIOLATION OF 28 U.S.C. § 1361 (Writ of Mandamus)

35. Petitioner re-alleges and incorporates by reference the paragraphs above.
36. Petitioner's detention, despite having been granted Deferral under CAT and having the order of removal on appeal to the BIA, his serious health problems, employment, family, and community ties, is arbitrary, capricious, an abuse of discretion, and unlawful.
37. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention based on violations of, inter alia, his Fourth and Fifth Amendment rights, his grant of Deferral under CAT and pending BIA appeal, his vital health concerns, and his strong family and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his deep ties here in the community.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT

38. Petitioner re-alleges and incorporates by reference the paragraphs above.
39. Under the APA, a court shall "hold unlawful and set aside agency action" that is arbitrary and capricious. 5 U.S.C. § 706(2)(A). An agency action is arbitrary and capricious if the agency "entirely failed to consider an important aspect of the problem, offered an

explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise.” *Nat’l Ass’n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)).

40. Here, ICE’s decision to arrest and detain Petitioner, where he was granted Deferral under CAT and has an appeal of his order of removal pending before the BIA, has major health concerns with being HIV positive and also taking medication for prostate problems, and has strong family and deep community ties in Maryland, is arbitrary and capricious. Despite this, Respondents abruptly arrested and detained Petitioner without articulating any change in real factual circumstances, legal authority, or public-safety justification.

41. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention and/or order a bond hearing based on violations of, inter alia, his Fourth and Fifth Amendment rights, his grant of relief and pending appeal, dire health concerns, and strong family and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his deep ties here in the community.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Honorable Court:

- 1) Assume jurisdiction over this matter;
- 2) Grant a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, on reasonable conditions of supervision if necessary, and/or order Respondents to arrange a bond hearing before an immigration judge within seven days;

- 3) Order Respondents to show cause, returnable within seven days pursuant to 28 U.S.C. §2243, as to why the relief requested in this petition should not be granted;
- 4) Declare the Petitioner's detention is unlawful and violates, inter alia, the Fourth and Fifth Amendments, and the APA.
- 5) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

/s/ Ronald D. Richey

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