

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOSSUE FRANCISCO RIVERA MORENO

A# [REDACTED]

Date of Birth: [REDACTED]

[REDACTED]

Petitioner,

v.

WARDEN BALTIMORE ICE DETENTION,
TODD LYONS,
*Acting Director, U.S. Immigration and Customs
Enforcement,*
PAMELA BONDI,
Attorney General of the United States, and
KRISTI NOEM,
Secretary of Homeland Security,
In their official capacities,



Respondents

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Jossue Francisco Rivera Moreno, respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to challenge her ongoing and unlawful detention.
2. Petitioner is a citizen of El Salvador who is currently detained in Baltimore, MD. Petitioner was unlawfully detained on February 28, 2026, at Jessup, MD, by unidentified masked agents claiming to be U.S. Immigration and Customs Enforcement (ICE).
3. Petitioner entered the United States without inspection in or about 2012.

4. The Petitioner has substantial family ties in the United States. The Petitioner's sister, Julia Rivera is a Legal Permanent Resident of the United States, she lives in 

5. Accordingly, to vindicate Petitioner's rights, this Court should grant the instant petition for a Writ of Habeas Corpus. Petitioner asks this Court to find that his detention is arbitrary and capricious and in violation of the law.

JURISDICTION

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (Habeas Corpus), 28 U.S.C. § 1331 (Federal Question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
8. This Court may grant relief under the Habeas Corpus statutes, 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

9. Venue is proper because the Petitioner is in Respondents' custody in Baltimore, MD. Venue is further proper because a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District, where Petitioner is now in Respondent's custody. 28 U.S.C. § 1391(e). See attached a printout of DHS's website showing that he is detained in Baltimore as of 2/6/2026

REQUIREMENTS OF 28 U.S.C. § 2243

10. The Court must grant the petition for Writ of Habeas Corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the Petitioner is not entitled to relief. 28 U.S.C. § 2243.
11. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

12. Petitioner is a citizen of El Salvador, and he is currently detained in Baltimore, MD. Petitioner is in the custody, and under the direct control, of Respondents and their agents.
13. Respondent, Warden of Baltimore ICE detention, has immediate physical custody of Petitioner.
14. Respondent, Todd Lyons, is the acting director of U.S. Immigration and Customs Enforcement, and he has authority over the actions of ICE in general. Respondent Lyons is a legal custodian of Petitioner.
15. Respondent, Pamela Bondi, is the Attorney General of the United States, and as such has authority over the Department of Justice and is charged with faithfully administering the immigration laws of the United States.
16. Respondent, Kristi Noem, is the Secretary of the Department of Homeland Security (DHS) and has authority over the actions of all other DHS Respondents in this case, as well as all

operations of DHS. Respondent Noem is a legal custodian of Petitioner and is charged with faithfully administering the immigration laws of the United States.

17. This action is commenced against all Respondents in their official capacities.

LEGAL FRAMEWORK

18. Immigration detention should not be used as a punishment and should only be used when, under an individualized determination, a noncitizen is a flight risk because they are unlikely to appear for immigration court or a danger to the community. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

19. Noncitizens in immigration proceedings are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

20. The Immigration and Nationality Act (INA) establishes various procedures through which individuals may be detained pending a decision on whether the noncitizen is to be removed. 8 U.S.C. § 1226(a).

21. Removal proceedings described in section 240 of the INA are used to determine whether individuals, such as Petitioner, should be removed from the United States. See 8 U.S.C. § 1229a.

22. Immigration detention is a form of civil confinement that “constitutes a significant deprivation of liberty that requires due process protection.” *Addington v. Texas*, 441 U.S. 418, 4253 (1979).

23. Custody determinations for individuals in 1229a removal proceedings are governed by 8 U.S.C. § 1226. Under § 1226(a), an individual may be released if he does not present a danger to persons or property and is not a flight risk. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

24. Custody determinations under § 1226(a) are individualized and based on the facts presented in those cases. Unlike § 1226(c), which can provide for categorical determinations for detention regardless of flight risk or safety risks, § 1226(a) requires a case-by-case review of the facts and circumstances.
25. Once a determination to release an individual from custody is made, the release order may be revisited when the facts or circumstances warrant revocation or reconsideration. 8 U.S.C. § 1226(b). For an individual who was once in custody, the Attorney General may take that individual back into custody by revoking the individual's release when the facts and circumstances warrant it.
26. Revocation and return to custody are authorized only based on the individualized facts and circumstances. 8 C.F.R. § 1236.1(c)(9). By regulation, revocation decisions are limited in nature and may only be made by certain authorized officials. 8 C.F.R. § 1236.1(c)(9).

STATEMENT OF FACTS

27. Petitioner is a 36-year-old citizen of El Salvador.
28. In or about 2012, the Petitioner entered the United States without inspection and has been living in the USA ever since.
29. On information and belief, Petitioner has no criminal history. Therefore, he is not subject to 8 U.S.C. § 1226(c).
30. On information and belief, Petitioner does not have a final order of removal. Therefore, he is not subject to 8 U.S.C. § 1231.
31. On or about February 28, 2026, the Petitioner was detained by the agents of the Respondents at Jessup, MD.

32. On information and belief, Respondents are detaining and seeking to transfer Petitioner regardless of the individual facts and circumstances of his case.
33. On information and belief, Respondents are using the immigration detention system, including extra-territorial transfer and detention, as a means to punish individuals.

CLAIM FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

34. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
35. The Due Process Clause of the Fifth Amendment to the U.S. Constitution prohibits the federal government from depriving any person of “life, liberty, or property, without due process of law.” U.S. Const. Amend. V. Due process protects “all ‘persons’ within the United States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693; accord *Flores*, 507 U.S. at 306.
36. While the government has discretion to detain individuals under 8 U.S.C. §1226(a) and to revoke custody decisions under 8 U.S.C. § 1226(b), this discretion is not “unlimited” and must comport with constitutional due process. See *Zadvydas*, 533 U.S. at 698.
37. Here, Petitioner entered the United States without inspection. The Petitioner is not subject to any mandatory detention provision.
38. For these reasons, Petitioner’s detention violates the Due Process Clause of the Fifth Amendment.

**COUNT TWO
VIOLATION OF 8 U.S.C §1226**

39. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
40. Here, by continuing to detain Petitioner as though he were subject to mandatory detention, Respondents are acting in contact to 8 U.S.C §1226 (a).
41. Respondents' misclassification exceeds their statutory authority, is not in accordance with law, and is arbitrary and capricious and in violation of INA.
42. For these reasons, Petitioner's detention violates 8 U.S.C §1226.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests this Court to grant the following:

- a. Assume jurisdiction over this matter;
- b. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- c. Issue a Writ of Habeas Corpus requiring that, Respondents release Petitioner;
- d. Alternatively, issue a Writ of Habeas Corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment.
- f. Grant any other and further relief that this Court deems just and proper.

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 information communicated to me by family members the day of the illegal arrest; (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.

Respectfully submitted,

//s// Jose Campos

Date: February 28, 2026

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