IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FATIMA CACERES-SOLARES A[redacted]	*	
Petitioner,	*	
v.	*	
PAMELA BONDI, U.S. Attorney General,	*	
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,	*	**Case No. 1:26-cv-929**
TODD M. LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement, and	*	
VERNON LIGGINS, in his official capacity as Acting Field Office Director of Baltimore Field Office, U.S. Immigration and Customs Enforcement.	*	
Respondents.	*	

* * * * * * * * * * * * *

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Fatima Caceres-Solares, by and through her undersigned counsel, and pursuant to 28 U.S.C. § 2241, respectfully files this Petition for a Writ of Habeas Corpus.

DETENTION LOCATION

1. Petitioner presently is being detained by Respondents and their agents at 31 Hopkins Plaza, 6th Floor, Baltimore, Maryland 21201. She was detained in Baltimore on March 4, 2026.

INTRODUCTION

2. Petitioner is a native and citizen of Guatemala. She petitions this Court for a Writ of Habeas Corpus, 28 U.S.C. § 2241, to challenge her continued custodial detention by the

United States Department of Homeland Security ("DHS"), through its component arm, U.S. Immigration and Customs Enforcement ("ICE").

3. Petitioner challenges the Respondents' mistaken assertion that she is subject to their mandatory detention under 8 U.S.C. § 1252(b)(2)(A). That assertion stems from the Respondents' July 2025 reinterpretation of the Immigration and Nationality Act's ("INA") detention provisions, including § 1225(b)(2)(A). See Martinez v. Hyde, 2025 U.S. Dist. LEXIS 141724, at *12 (D. Mass. Jul. 24, 2025) ("Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security ("DHS") . . . since July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had revisited its legal position").

4. Under Respondents' reinterpretation of this provision, any foreign national who is present in the United States without having been admitted or paroled is subject to mandatory detention.

5. Respondents' misguided reinterpretation of 8 U.S.C. § 1225(b)(2)(A) is contrary to law.

6. Petitioner's continued detention by Respondents without any mechanism to challenge her confinement violates the Due Process Clause of the Fifth Amendment to the United States Constitution and presents a federal question under 28 U.S.C. § 1331 though the INA, 8 U.S.C. §§ 1101, et seq. Petitioner seeks declaratory and injunctive relief under 28 U.S.C. § 1331 in conjunction with 28 U.S.C. § 2201, in the form of an Order: a) requiring her immediate release because she is not lawfully detained under § 1225(b)(2)(A); or, in the alternative, b) requiring that the Respondents provide her with a bond hearing before a neutral and impartial adjudicator.

JURISDICTION AND VENUE

7. Petitioner is detained in the Baltimore Hold Room in Baltimore, Maryland, which is within the jurisdiction of the United States District Court for the District of Maryland.

8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 ("habeas corpus"), 28 U.S.C. § 1651 ("All Writs Act"), 28 U.S.C. § 1331 ("Federal Question"), the INA, and U.S. CONST. amend. V (the "Due Process Clause").

9. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by U.S. immigration officials. See Reno v. Flores, 507 U.S. 292, 307 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); Rodriguez v. Perry, 747 F. Supp. 3d 911, 915 (E.D. Va. 2024) ("The federal habeas corpus statute gives a district court jurisdiction to review immigration-related detention cases") (citing 28 U.S.C. § 2241(c)(3)).

10. Venue is proper in the District of Maryland because it is the judicial district in which Petitioner currently is detained. Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493- 500 (1973).

11. Venue also properly lies in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees and officers of the United States acting in their official capacities and a) a substantial part of the events or omissions giving rise to the claims occurred in the District of Maryland, 28 U.S.C. § 1391(e)(1)(B); and b) Petitioner resides in the District of Maryland, 28 U.S.C. § 1391(e)(C).

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court "shall forthwith award the writ or issue an order directing the [Respondents] to show cause why the writ should not be granted, unless it appears from the application that the [Petitioner] is not entitled thereto." 28 U.S.C. § 2243. If an order to show

cause is issued, the Court should require respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." Id.

THE PARTIES

13. Petitioner is a native and citizen of Guatemala and is now detained by Respondents at the Baltimore Hold Room in Baltimore, Maryland. She is in the custody and under the direct control of Respondents and their agents.

14. Respondent Vernon Liggins is sued in his official capacity as Acting Field Office Director of Baltimore Field Office, U.S. Immigration and Customs Enforcement. He is responsible for the Baltimore Hold Room.

15. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement and supervises and oversees Respondent Liggins.

16. Respondent Kristi Noem is sued in her official capacity as the Secretary of the Department of Homeland Security. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency directly responsible for Petitioner's detention. See 8 U.S.C. § 1103(a). Respondent Noem is a legal custodian of Petitioner.

17. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. The Attorney General oversees the Executive Office for Immigration Review and, within the Executive Branch, is the arbiter of all questions of law pertaining to the Immigration and Nationality Act. See 8 U.S.C. § 1103(a)(1), 1103(g).

STATEMENT OF FACTS

18. Petitioner is a native and citizen of Guatemala. She hails from Guatemala City, Guatemala. She entered the United States on or about November 27, 2023 without being admitted or paroled. She was detained by border officials and placed into removal proceedings.

However, her Notice to Appear was not filed with EOIR. Therefore, she filed an affirmative asylum application with USCIS, based on her fear of being persecuted in Guatemala. That asylum application remains pending, as no interview has been scheduled in her case.

19. At approximately 9:30 a.m. on March 4, 2026, immigration officers detained Petitioner at her scheduled ISAP check-in, which she duly attended in Baltimore. She was transferred that same morning to the Baltimore Hold Room.

CLAIMS FOR RELIEF

COUNT ONE

Violation of 8 U.S.C. §§ 1225(b) and 1226(a),

20. Petitioner incorporates and realleges Paragraphs 1 through 19 above, as if fully set forth herein.

21. Respondents' theory that Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b) rests on their mistaken recent reinterpretation of the INA's detention provisions at 8 U.S.C. §§ 1225(b) and 1226(a). Respondents' interpretation is incorrect and is in conflict with the United States Supreme Court's opinion in Jennings v. Rodriguez, 583 U.S. 281 (2018), which provides that 8 U.S.C. § 1225(b) "applies primarily to aliens seeking entry into the United States ('applicants for admission' in the language of the statute)." Id. at 297. The Court in Jennings noted that Section 1226, on the other hand, "applies to aliens already present in the United States." Id. at 303. "Section 1226(a) creates a default rule for those aliens [already present in the United States] by permitting—but not requiring—the Attorney General to issue warrants for their arrest and detention pending removal proceedings." Id. "Section 1226(a) also permits the Attorney General to release those aliens on bond . . ." Id.

22. Petitioner has been in the United States for approximately 20 years. By any measure, she is "already present in the United States." Jennings, 583 U.S. at 303. Under these

circumstances, Jennings instructs that the Government's authority to detain Petitioner does not stem from 8 U.S.C. § 1252(b)(2)(A). The Respondents' reinterpretation of §§ 1225(b)(2)(A) and 1226(a) conflicts with Jennings and must therefore be rejected.

23. Third, the Respondents' reinterpretation of §§ 1225(b)(2)(A) and 1226(a) "conflict[s] with the statute's broader structure." Quispe-Ardiles v. Noem, 2025 U.S. Dist. LEXIS 194069, at *15 (E.D. Va. Sept. 30, 2025).

24. It is settled that a "statute should be construed so that effect is given to all its provisions, so that no part will be inoperative or superfluous, void or insignificant . . . ." Hibbs v. Winn, 542 U.S. 88, 101 (2004) (internal quotations omitted)). The Respondents' "theory of § 1225(b) — that the provision applies to all persons who have not been admitted into the United States — would render multiple provisions of § 1226 superfluous." Quispe-Ardiles, 2025 U.S. Dist. LEXIS 194069, at *16. "For instance, § 1226(c)(1)(A), (D), and (E) already require mandatory detention of certain categories of inadmissible noncitizens. Indeed, Congress added § 1226(c)(1)(E)—which requires detention for certain inadmissible noncitizens charged with crimes including burglary, theft, and larceny—just this year through the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025)." Quispe-Ardiles, 2025 U.S. Dist. LEXIS 194069, at *16. "If § 1225(b) already required mandatory detention of all noncitizens who have not been admitted, these provisions would be meaningless." Id.

25. Furthermore, the Respondents' reinterpretation of the detention provisions "would upend decades of practice. Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security ("DHS") . . . since July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had revisited its legal position" Martinez v.

Hyde, 2025 U.S. Dist. LEXIS 141724, at *12 (D. Mass. Jul. 24, 2025) (internal quotation omitted).

26. That Respondents' theory on immigration detention has been upended is underscored by the conflicting pronouncements of the theory by Respondents themselves. In an August 4, 2025 Order, Respondent Bondi determined that foreign nationals arrested in the interior of the United States (other than at a port of entry) are entitled to bond hearings and are detained under 8 U.S.C. § 1226. She did this by designating as precedent "in all proceedings involving the same or similar issues" the Board's decision in Matter of Akhmedov, 29 I. & N. Dec. 166 n.1 (BIA 2025).

27. In Akhmedov, the Board considered DHS's appeal of an Immigration Judge's grant of bond to a foreign national arrested in the interior of the United States. See 29 I. & N. Dec. at 166, 168. The Board's decision - as adopted by the Attorney General – could hardly be clearer: "The respondent's custody determination is governed by the provisions of section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2018)." Id. at 166.

28. Just like the foreign national in Akhmedov, Petitioner was arrested by immigration officers in the interior of the United States. Just like the foreign national in Akhmedov, Petitioner is, at a minimum, entitled to a bond hearing.

29. Under pertinent regulation, "[t]he Board shall be governed by the provisions and limitations prescribed by applicable law, regulations, and procedures, and by decisions of the Attorney General (through review of a decision of the Board, by written order, or by determination and ruling pursuant to section 103 of the Act)." 8 C.F.R. § 1003.1(d)(1)(i).

30. By statute, the Attorney General's determinations and rulings on all questions of law pertaining to the INA bind the Executive Branch. See 8 U.S.C. § 1103(a)(1).

31. On September 5, 2025, the Board of Immigration Appeals issued its decision in Matter of Yajure Hurtado, 29 I. & N. Dec. 216 (BIA 2025). In that case, the Board determined that a foreign national who has not been admitted to the United States is not entitled to a bond hearing and is detained under 8 U.S.C. § 1225(b)(2)(A). See id. at 220. Yajure Hurtado cannot be reconciled with the Attorney General's decision in Akhmedov (decided a month earlier) where the Attorney General determined that 8 U.S.C. § 1226(a) governs foreign nationals who enter the United States unlawfully and who are later encountered by immigration officers. See Akhmedov, 29 I. & N. Dec. at 166.

32. In Yajure Hurtado, the Board articulated no reasoning for its disagreement with the Attorney General other than to state its opinion that a foreign national's presence in the United States "does not somehow eviscerate or nullify section 235(b)(2)(A) of the INA, 8 U.S.C. § 1225(b)(2)(A), or vest the Immigration Judge with authority over the respondent's bond request." Id. at 226. But the Attorney General's decision controls the Board. See 8 U.S.C. § 1103(a)(1); 8 C.F.R. § 1003.1(d)(1)(i).

33. The Board's observation in Yajure Hurtado that 8 U.S.C. § 1225(b) was not before the Attorney General in Akhmedov does not give license to the Board to act contrary to both statutory and regulatory authority declaring that the Attorney General – and not the Board – speaks for the Executive Branch with respect to "all questions of law." 8 U.S.C. § 1103(a)(1); see 8 C.F.R. § 1003.1(d)(1)(i). Nor can it vitiate the Attorney General's determination that custody determinations of foreign nationals arrested in the United States interior are "governed by the provisions of section 236(a) of the Immigration and Nationality Act, 8 U.S.C. § 1226(a) (2018)."

COUNT TWO

Violation of U.S. Constitution, Fifth Amendment Right to Due Process

34. Petitioner incorporates and realleges Paragraphs 1-33 above as if fully set forth herein.

35. It is settled that the Fifth Amendment's Due Process Clause applies to all "persons" within the United States. See Matthews v. Diaz, 426 U.S. 67, 77 (1976). Petitioner is a "person" and has been in the United States for approximately twenty years.

36. The term "persons" includes foreign nationals such as Petitioner. See id.

37. It is equally well settled that freedom from confinement is a core liberty interest and violation of that liberty interest raises a colorable substantive due process claim. See, e.g., Zadvydas v. Davis, 533 U.S. 678, 690 (2001) (citing Foucha v. Louisiana, 504 U.S. 71, 80 (1992)); Reno v. Flores, 507 U.S. 292, 301 (1993) (collecting cases); see also Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004) (bodily freedom is the "most elemental of liberty interests").

38. As such, Petitioner also has a right to procedural due process. Immigration proceedings are civil and they are intended to be "nonpunitive in purpose and effect." Zadvydas, 533 U.S. at 690. Over a century of Supreme Court precedent instructs that the Fifth Amendment entitles foreign nationals to procedural due process. See Reno, 507 U.S. at 306 (citing The Japanese Immigrant Case, 189 U.S. 86, (1903). A failure to provide any process whatsoever contravenes over a century of Supreme Court precedent interpreting the Due Process Clause as applying to foreign nationals such as Petitioner. See, e.g., Matthews v. Eldridge, 424 U.S. 319, 335 (1976).

39. "To determine whether civil detention violates a detainee's Fifth Amendment procedural due process rights, courts apply the three-part test articulated in Matthews v.

Eldridge, 424 U.S. 319 (1976)." Quispe-Ardiles, 2025 U.S. Dist. LEXIS 194069, at * 22. "Under that test, courts must weigh (1) 'the private interest that will be affected by the official action'; (2) 'the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards'; and (3) 'the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.'" Id. (quoting Matthews, 424 U.S. at 335).

40. Petitioner invokes "'the most elemental of liberty interests'; '[t]he interest in being free from physical detention.'" Quispe-Ardiles, 2025 U.S. Dist. LEXIS 194069, at *17 (quoting Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)) (alterations in original). To be sure, the Respondents' refusal to provide any process whatsoever creates significant risk that Petitioner will be deprived of that interest.

41. The Government's interest in implementing its novel reinterpretation of 8 U.S.C. § 1225(b)(2)(A) is minimal. This new "approach attempts to upend decades of immigration practice." Hasan, 2025 U.S. Dist. LEXIS 184734, at *24. "Indeed, mandatory detention for all applicants has only been the official policy of the Department of Homeland Security ("DHS") . . . since July 8, 2025, when Acting Director of U.S. Immigration and Customs Enforcement, Todd M. Lyons, issued an internal memorandum explaining that the agency had "revisited its legal position. . . ." Martinez, 2025 U.S. Dist. LEXIS 141724, at *12. In contrast, the resumed application of decades of agency practice will satisfy the Government's interest in enforcement of the immigration laws.

42. In Petitioner's case, all three Matthews factors weigh heavily in favor of holding that the Respondents' refusal to provide her any process whatsoever violates her right to

procedural due process. The Court should grant the petition for a Writ of Habeas Corpus for this reason as well.

COUNT THREE

Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

43. Petitioner incorporates and realleges Paragraphs 1-42 above as if fully set forth herein.

44. On November 20, 2025, the U.S. District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); Maldonado Bautista v. Santacruz, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

45. The "Bond Eligible Class" is defined as follows:

> All noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.[1]

[1] Id. at Dkt. No. 93, *4. The requirement in section (2) speaks only to the instant detention, from which the noncitizen is seeking release. Therefore, a noncitizen who was detained upon first arrival to the United States, subsequently released, then detained again once already inside the United States, so long as they meet the other requirements, would be a member of the Bond Eligible Class. *See* NW. IMMIGRANT RTS. PROJECT, ET AL., PRACTICE ADVISORY: SEEKING BOND HEARINGS FOR MALDONADO BAUTISTA CLASS MEMBERS—THOSE WHO ENTERED WITHOUT INSPECTION AND ARE SUBJECT TO YAJURE-HURTADO 4 (Dec. 3, 2025).

46. The declaratory judgment held that the Bond Eligible Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). Maldonado Bautista, 2025 WL 3289861, at *11.

47. Nonetheless, the Executive Office for Immigration Review, and its subagency the Immigration Court, and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

48. Petitioner is a member of the Bond Eligible Class, because:

a. she does not have lawful status in the United States and is currently detained at the Baltimore Hold Room. She was apprehended by immigration authorities on March 4, 2026;

b. she entered the United States without inspection approximately three years ago, and her current apprehension was not while crossing the border; and

c. she is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

49. After apprehending Petitioner on March 4, 2026, DHS placed her in removal proceedings pursuant to 8 U.S.C. § 1229a. While a copy of the Notice to Appear is not yet available, Petitioner presumes that DHS has charged her as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who entered the United States without inspection.

50. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

51. The order granting partial summary judgment in Maldonado Bautista holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

52. The order granting class certification in Maldonado Bautista further orders that "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

53. On February 18, 2026, the District Court judge granted the Plaintiffs' motion to enforce the judgment and vacated Matter of Yajure-Hurtado under the Administrative Procedure Act. See 5 U.S.C. §§ 551–559. In so doing, with citations to Marbury v. Madison, 5 U.S. 137, 176 (1803) and to the Federalist Papers on the point of separation of powers, the U.S. District Judge Sykes emphatically scorned the government defendants for their recalcitrance towards the judiciary and for "choos[ing] to privilege an executive interpretation of law over the judiciary's." Maldonado-Bautista, No. 25-cv-01873, Dkt. No. 116 at *16.

54. Respondents are parties to Maldonado Bautista and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

55. By denying Petitioner a bond hearing under § 1226(a) and asserting that she is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in Maldonado Bautista.

PRAYER FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court grant the following relief:

A. Assume jurisdiction over this matter;

B. Require Respondents to show cause why this Petition should not be granted within three days;

C. Find that the Respondents' detention of Petitioner under 8 U.S.C. § 1225(b)(2)(A) is unlawful under the Immigration and Nationality Act, and in violation of the Due Process Clause of the Fifth Amendment;

D. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, alternatively, order that a neutral and impartial adjudicator conduct a bond hearing pursuant to 8 U.S.C. § 1226(a);

E. Issue an Order enjoining Respondents from transferring Petitioner outside of this district; and

F. Order such other and further relief as this Court deems just and proper.

Dated: March 5, 2026

Respectfully submitted,

/s/ Roberto N. Allen

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

I, Roberto N. Allen, represent Petitioner Fatima Caceres-Solares. On behalf of my client, I hereby swear, under penalty of perjury, that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

March 5, 2026
Burtonsville, Maryland

/s/ Roberto N. Allen
Roberto N. Allen