

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

ANGELA MARIA CHAN CUX

(A#)

Petitioner,)

v.)

PAMELA BONDI, U.S. Attorney General;)
KRISTI NOEM, Secretary of the U.S.)
Department of Homeland Security;)
TODD M. LYONS, in his official capacity as)
Acting Director of U.S. Immigration and)
Customs Enforcement;)
VERNON LIGGINS, in his official capacity)
as Acting Field Office Director in charge of)
ICE Baltimore Field Office.)

Respondents.)

Case No.: 26-cv-00940

PETITION FOR WRIT OF HABEAS
CORPUS

INTRODUCTION

1. Petitioner Angela Maria Chan Cux (“Ms. Chan”), a native and citizen of Guatemala, challenges her continued custodial detention by the Department of Homeland Security Immigration and Customs Enforcement (“ICE”) since March 4, 2026 as an unconstitutional and unjustified restraint and deprivation of her physical liberty, and seeks immediate relief from this Court. Ms. Chan requests that this Court finally put a stop to the continued unconstitutional and unlawful behavior of Respondents that led to her detention which has been unanimously been ruled against by every judge of this District.
2. Ms. Chan was unlawfully detained without any notice or cause by the Respondents as she was on her way to a doctor’s appointment. Additionally, Ms. Chan is being subjected to continued custodial detention by Respondents without the ability to

pursue substantive administrative remedies with the Department of Justice Executive Office for Immigration Review (“EOIR”).

3. The warrantless arrest of Ms. Chan without any notice or cause and the continued detention by Respondents, without any further meaningful mechanism to challenge her confinement, violates the U.S. CONST. Due Process Clause of the Fifth Amendment (the “Fifth Amendment”) and the Immigration and Nationality Act (the “INA”).
4. Ms. Chan petitions for a writ of habeas corpus to remedy her unlawful detention, and prays this Court will issue an order 1) declaring that the continued immigration detention of Ms. Chan violates the Due Process Clause of the Fifth Amendment, and the INA; 2) granting Ms. Chan her immediate release from the custody of Respondents; 3) Retaining jurisdiction over this matter to ensure compliance with any order and relief this Court may issue; 4) preventing Respondents from once again taking Ms. Chan into custody unless she is determined to be a flight risk and/or a danger to the community; and 5) Issue an order putting Respondents on Final Notice that continued detentions of individuals without individualized custody determinations, after this Court's repeated holdings that such detention violates the Fifth Amendment, will result in legal consequences.
5. Respondents cannot argue that this case presents different legal or factual questions than those raised in dozens of other cases in this District. Every single judge in this District has ruled the conduct exhibited by Respondents in this case is both unlawful and unconstitutional. These rulings are constitutional rulings governing the conduct of federal officers operating within the jurisdiction of this Court. *See Dominguez Izaguirre v. Mason*, 2:26-cv-00121 (S.D. W.V. Feb. 27, 2026), attached as Ex. 1 hereto. The continuous violations by Respondents of the U.S. Constitution and Federal statutes in this case are egregious as they continue to disrespect the authority of this Court and reduce the judicial power granted to this Court by the U.S. Constitution.

JURISDICTION AND VENUE


6. Ms. Chan is currently detained by ICE at 31 Hopkins Plaza, Baltimore, Maryland 21201 (the “Baltimore ICE Facility”) which is within the jurisdiction of the United States District Court for the District of Maryland.
7. This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA.
8. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 (“Habeas Corpus”), 28 U.S.C. § 1346 (civil actions against the United States), 28 U.S.C. § 1651 (“All Writs Act”), the Suspension Clause of the Constitution and 28 U.S.C. §§ 2201-02 (“Declaratory Relief”), as Ms. Chan is presently held in custody under or by color of the authority of the United States. Her detention by Respondents is a “severe restraint” on her individual liberty “in violation of the...laws ... of the United States.” See *Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).
9. This Court has jurisdiction to hear Habeas Corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by U.S. immigration officials. See, e.g., *Jennings v. Rodriguez*, 138 S. Ct. 830,841 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687.
10. In addition to the habeas protections in the U.S. Constitution and INA, federal district courts have subject-matter jurisdiction under 28 U.S.C. § 1331 (“Federal Questions”) to hear claims by individuals challenging the lawfulness of agency action.
11. Venue is proper because Ms. Chan is currently detained within the State of Maryland. At 3:14 p.m. Eastern Daylight Savings Time on March 5, 2026, Ms. Chan personally confirmed to undersigned counsel that she is in Baltimore, Maryland.

PARTIES

12. Petitioner Angela Maria Chan Cux is a citizen and national of Guatemala. She is currently detained by the Respondents at the Baltimore ICE Facility which is within the jurisdiction of the District of Maryland since March 4, 2026.
13. Respondent Pamela Bondi is the U.S. Attorney General, and in that capacity is responsible for the EOIR which includes the Board of Immigration Appeals and immigration courts. She is sued in her official capacity.

14. Respondent Kristi Noem is the Secretary of Homeland Security, and in that capacity is responsible for the Department of Homeland Security (“DHS”) and all sub-cabinet agencies of DHS, including ICE. She is sued in her official capacity.
15. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for ICE’s detention and removal operations of non-citizens such as Petitioner, among all its other functions. He is sued in his official capacity.
16. Respondent Vernon Liggins is the Acting Field Office Director of the ICE Baltimore Field Office, and is responsible for ICE’s operations in the State of Maryland. Upon information and belief, he is the immediate custodian of Ms. Chan. He is sued in his official capacity.

STATEMENT OF FACTS

17. Ms. Chan, born in Guatemala on  last entered the United States on or about 2008. Ms. Chan was not apprehended by Respondents upon her last entry and she has lived in the State of Maryland since arriving in the United States. She is married and has three (3) United States citizen children that live with her. *See Ex. 2.*
18. Ms. Chan has never been convicted of any crimes either in her home country or in the United States. Ms. Chan is gainfully employed as a food preparer at a restaurant.
19. Ms. Chan was detained by ICE on March 4, 2026 in the State of Maryland as she was on her way to a doctor’s appointment. Ms. Chan was arrested without a warrant or without any sort of legal cause or justification. She was not afforded any opportunity to challenge her detention as the Respondents are of the position that she is subject to mandatory detention.
20. Ms. Chan was told that she would be detained without bond pending proceedings before an immigration judge. She is still detained at the Baltimore ICE Facility as of 3:14 p.m. Eastern Daylight Savings Time on March 5, 2026.
21. Respondents unlawfully detained Ms. Chan and continue to justify her continued mandatory detention under section 1225(b)(2) of the INA. As such, Ms. Chan is unable to file a bond redetermination with the EOIR to challenge her custody that will be meaningfully considered as a result of the BIA publishing *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) on September 5, 2025. *Matter of Yajure*.

Hurtado deemed individuals such as Ms. Chan as subject to mandatory detention under Section 1225(b)(2) of the INA.

22. The BIA's decision in *Matter of Yajure Hurtado* has been found by dozens of Federal courts across the country as an unlawful interpretation of the INA. Ms. Chan is unable to submit any evidence demonstrating that she is neither a flight risk nor a danger to the community to secure her release from custody by an immigration judge under the INA.
23. Ms. Chan is filing this Petition to be immediately released from custody as a result of her unlawful arrest and to also be deemed to have the right to a bond redetermination request before EOIR considered by an immigration judge under section 1226(a) of the INA and with all due process afforded to her by the U.S. Constitution and the laws of the United States.

EXHAUSTION

24. The decision to detain Ms. Chan is subject to challenge through a petition for a writ of habeas corpus, and Ms. Chan need not exhaust additional administrative remedies which might be available to her before seeking this Court's review. *See, e.g., McCarthy v. Madigan*, 503 U.S. 140, 147-48 (1992) ("[A]n administrative remedy may be inadequate [because]...an agency, as a preliminary matter, may be unable to consider whether to grant relief because it lacks institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute" or "where the administrative body...has otherwise pre-determined the issue before it."); *Janvier v. INS*, 174 F. Supp. 2d 430, 434 (E.D. Va. 2001) (noting that "§ 2241 is silent on exhaustion.").
25. Moreover, further exhaustion would be futile because Ms. Chan will be pursuing a remedy to no avail. *See Janvier*, 174 F. Supp. 2d at 434 (recognizing that exhaustion is not necessary "where the pertinent administrative agency lacks the competence to reach a definitive resolution of the particular issue presented [.]" such as "where, as here, the administrative agency may consider constitutional claims, but lacks authority to make a dispositive ruling on those claims, because "the final say on constitutional matters rests with the courts."). In particular, under new BIA precedent, Ms. Chan is no longer considered eligible for bond under section 1226(a) of the INA

and Respondents have exercised their authority to prevent any immigration judge from granting bond.

26. The unlawful detention of Ms. Chan by Respondents, years after she last entered the United States, without any notice or cause and without the ability to challenge her detention is unconstitutional, and administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when ...a plaintiff has raised a substantial constitutional question.").

CLAIMS FOR RELIEF

COUNT ONE

Ms. Chan's Detention Violates Her Right to Substantive Due Process Under the Fifth Amendment

27. Petitioner re-alleges and incorporates by reference the paragraphs above.
28. As a "person" within the meaning of the Fifth Amendment, Ms. Chan is entitled to due process of law while in the United States, and certainly while in immigration custody. U.S. CONST. amend. V; *see Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.").
29. The Substantive Due Process Clause protects a person's freedom from arbitrary confinement. *See Zadvydas*, 533 U.S. at 693. The Supreme Court has recognized this protection applies regardless of a person's immigration status. *See id.*; *see also Mathews v. Diaz*, 426 U.S. 67, 77 (1976).
30. Civil detention, such as immigration detention, must be carefully limited to avoid due process concerns. *See, e.g., Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action"); *Addington v. Texas*, 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection"); *see also United States v. Salerno*, 481 U.S. 739, 755 (1987) ("In our

society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception”).

31. The Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and prevent flight. *See Demore*, 538 U.S. at 528; *see also Matter of Patel*, 15 I. & N. Dec. 666 (BIA 1976) (“An alien generally is not and should not be detained or required to post bond except on a finding that he is a threat to the national security, or that he is a poor bail risk[.]” (internal citation omitted)). Additionally, a period of detention must “bear [a] reasonable relation to the purpose for which the individual was committed.” *See Demore*, 538 U.S. at 516–17.
32. Ms. Chan is being denied substantive due process as the Respondents continue to exercise their authority contrary to law in order to prevent Ms. Chan from seeking release under the INA under section 1226(a) of the INA. The EOIR, through the BIA, took the position in *Matter of Yajure Hurtado* that an individual such as Ms. Chan, over seventeen years after her last entry to the United States, is subject to the mandatory detention provisions of Section 1225 of the INA.
33. Under Section 1226 of the INA, immigration authorities conduct an initial assessment of danger and flight risk that gives an opportunity to individuals to challenge their detention. Additionally, under section 1226 an immigration judge would be able to consider any relevant evidence submitted by Ms. Chan demonstrating that she was not a flight risk or a danger to the community. The immigration judge would evaluate this evidence and determine, as a neutral fact-finder, whether Ms. Chan was in fact a flight risk or a danger to the community.
34. Respondents have ceased to recognize the applicability of section 1226 to the detention of Respondent and other individuals similarly situated to her despite every single judge in this District finding that their deprivation of liberty of individuals under section 1225 of the INA without due process is unconstitutional.
35. The Respondents have further made applications for bond by Ms. Chan under section 1226(a) of the INA futile by applying *Matter of Yajure Hurtado* to cases with the same facts and circumstances as Ms. Chan and summarily dismissing for “lack of jurisdiction”. Ms. Chan is entitled to a bond hearing under section 1226(a) of the INA

before an immigration judge that is meaningfully considered and not denied for lack of jurisdiction under *Matter of Yajure Hurtado*.

36. But for *Matter of Yajure-Hurtado*, Ms. Chan would have the ability to demonstrate to a neutral fact-finder that she is not a flight risk as he has ample ties to the community through her family and employment. She would also have been able to demonstrate that she was not a danger to the community. No justification exists to deprive Ms. Chan the ability to present such evidence to secure her liberty.

COUNT TWO

Ms. Chan's Continued Detention Violates Her Right to Procedural Due Process Under the Fifth Amendment

37. Petitioner re-alleges and incorporates by reference the paragraphs above.
38. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty" that the Fifth Amendment's Due Process Clause protects. *See Zadvydas*, 533 U.S. at 690.
39. To that end, due process demands "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.* (internal quotation marks omitted).
40. Given the gravity of the liberty deprivation when the government preventively detains individuals, due process requires the jailers bear the burden of proof. *See, e.g., Salerno*, 481 U.S. at 751 (affirming legality of pre-trial detention where burden of proof was on the government); *see also Foucha*, 504 U.S. at 81-82 (holding unconstitutional a state "statute that place[d] the burden on the detainee to prove that he is not dangerous"). The Court has held that it is improper to ask an "individual to share equally with society the risk of error when the possible injury to the individual-deprivation of liberty-is so significant." *See Addington*, 441 U.S. at 427.
41. In *Mathews v. Eldridge*, the Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976). The *Mathews* factors apply here to determine if

Petitioner's procedural due process rights as a civil detainee have been violated by the Government's continued custodial detention.

42. Ms. Chan has a substantial liberty interest both in her bodily freedom and the ability to exercise her parental responsibilities with respect to her three (3) United States citizen children. The unlawful detention by Respondents is preventing Ms. Chan her right to bodily freedom and the exercise of her parental rights.
43. Ms. Chan was not provided any process at all in the course of her arrest, processing, and detention by ICE through notice and an opportunity to respond that would reduce the risk of an erroneous deprivation of her interests. ICE deprived Ms. Chan of adequate procedural protection in her substantial interest with respect to her liberty by taking her into custody without any sort of cause and with no regard to its own long-established practices, procedures and applicable regulations.
44. Additionally, Respondents have engaged in a pattern of conduct designed to undermine the due process of individuals before the Executive Office for Immigration Review ("EOIR"). Over one hundred immigration judges have been fired without cause of the last six months in an attempt to have the Executive Office for Immigration Review become an enforcement agency focused on the removal of individuals, rather than on the actual fair and impartial implementation of the INA.
45. The undermining of due process has extended to the determination of bond by immigration judges. Immigration practitioners have noted a pattern and practice of immigration judges denying bond on pre-textual reasons and without following the EOIR's own precedents. *See Ex. 3.*
46. This account by an immigration practitioner with years of experience representing both individuals and the government in immigration proceedings is corroborated by former immigration judge Lawrence Burman ("IJ Burman"), who retired on December 31, 2025. *See Ex. 4.* IJ Burman describes the erosion of due process at the EOIR and how this is affecting individuals seeking bond before the EOIR.
47. Petitioner's plea for immediate release is based on continued pattern and practice of the EOIR to undermine the due process rights of detained individuals and the continuous harm that this causes individuals such as the Petitioner when seeking release from unlawful custody.

48. The Board of Immigration Appeals (“BIA”) has also begun the process of implementing summary dismissals of appeals from rulings by immigration judges in a manner completely inconsistent with proper due process. *See* Ex. 5. Summary dismissal of appeals by the BIA will prevent Ms. Chan from obtaining proper administrative review of any orders by an immigration judge, exacerbating the denial of due process being implemented by Respondents on a systemic basis.

COUNT THREE

Ms. Chan’s Detention by ICE is in Violation of the INA

49. Section 1225 of the INA authorizes the mandatory detention of “arriving aliens” and those noncitizens who cannot demonstrate they have “been physically present in the United States continuously for the 2-year period immediately prior[.]” 8 U.S.C. § 1225(b)(1)(A)(iii)(II).
50. As noted above, Ms. Chan was detained and released under section 1226 of the INA and has lived in the United States for nearly five years prior to her most recent detention in full compliance of all conditions of her release. Ms. Chan is being detained by the Respondents without the ability to seek release under Section 1226 of the INA.
51. Respondents claim that Ms. Chan is not eligible for bond by characterizing her detention under Section 1225 of the INA despite her presence in the United States for over seventeen years and her detention not occurring at the border. Dozens of Federal courts have found this legal interpretation by DHS in cases similar to Petitioner’s case erroneous.

PRAYER FOR RELIEF

Based on the foregoing, Ms. Chan requests that this Court:

- a. Assume jurisdiction over the matter;
- b. Declare that the continued immigration detention of Ms. Chan violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, and the INA;
- c. Issue a writ of habeas corpus ordering Respondents to immediately release Ms. Chan from their custody;

- d. Retaining jurisdiction over this matter to ensure compliance with any order and relief this Court may issue;
- e. Issue an order preventing Respondents from once again taking Ms. Chan into custody unless she is determined to be a flight risk and/or a danger to the community in accordance with the U.S. Constitution and applicable law;
- f. Issue an Order putting Respondents on Final Notice that continued detentions of individuals without individualized custody determinations, after this Court's repeated holdings that such detention violates the Fifth Amendment, will result in legal consequences;
- g. Grant any other and further relief this Court deems just and proper

Respectfully Submitted,

March 5, 2026

/s/ Michael E. Rosado

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

I represent Petitioner, Angela Maria Chan Cux, and submit this verification on her 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 this 5th day of March, 2026.

/s/Michael E. Rosado

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