

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Ingris Cornejo Castro

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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.8:26-cv-00985-PX

**PETITION FOR WRIT OF HABEAS
CORPUS**

AMENDED PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

1. Ms. Ingris Cornejo Castro is a 35-year-old native and citizen of Honduras. Ms. Cornejo Castro previously entered the United States and was ordered removed on September 11, 2015. Due to persecution in Honduras, on or about July 13, 2018, Petitioner entered the U.S. with her minor daughters. Petitioner and her family were apprehended at the border, Petitioner's prior removal order was reinstated, but she was subsequently released under supervision. Petitioner subsequently submitted her Form I-589 Application for asylum, withholding of removal, and protection under the Convention Against Torture; it is currently pending with USCIS. Furthermore, Petitioner has a 4-year-old U.S. citizen son. Moreover, Petitioner is eligible for a U-Visa petition, as she was the victim of a serious crime in the U.S. She previously retained an attorney to file the U-Visa petition on her behalf, but the attorney has not yet done so.
2. Under her Order of Supervision, Petitioner consistently reported to ICE/ISAP in Silver Spring, Maryland, every month. On March 6, 2026, upon reporting as instructed, Petitioner was re-arrested by ICE officials without a warrant, re-detained, and transferred to the Baltimore ICE Field Office. Petitioner was held at the Immigration and Customs Enforcement Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland. Subsequently, Petitioner was transferred to Northwest Detention Center in Tacoma, Washington.
3. Petitioner Cornejo Castro petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy her unlawful arrest and detention by ICE pursuant to 28 U.S.C. § 2241. She and her minor son are suffering under her continued detention.
4. Ms. Cornejo Castro has very strong family and deep community ties in Maryland, including her partner and three minor children, one of whom is a U.S. citizen, who depend on her for

their emotional well-being. She is the primary caregiver to her children. Petitioner also has local counsel. Further, and importantly, Petitioner has no criminal record.

CUSTODY

5. Petitioner is in the physical custody of Respondents. Petitioner was first detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201. Petitioner was subsequently transferred to Northwest Detention Center in Tacoma, Washington. Petitioner is under the direct control of most Respondents and their agents.

JURISDICTION AND VENUE

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., 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.
7. Venue is proper in the District of Maryland because that is where Petitioner was first detained and that is where Petitioner resides. *See* 28 U.S.C. § 1391(b); *Kholiyavskiy v. Achim*, 443 F.3d 946 (7th Cir. 2006).

THE PARTIES

8. Petitioner Ingris Cornejo Castro is a thirty-five-year-old female citizen and national of Honduras, who reentered the U.S, was apprehended at the border, and subsequently released under an Order of Supervision in 2018.

9. 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.
10. 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 Ms. Cornejo Castro are under his direction. Mr. Lyons is being sued in his official capacity only.
11. 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. Ms. Cornejo Castro is held by ICE agents under Mr. Liggins's direction. Mr. Liggins is being sued in his official capacity only.

FACTUAL ALLEGATIONS

12. Petitioner Ingris Cornejo Castro is a native and citizen of Honduras. Petitioner previously entered the United States and was ordered removed on September 11, 2015. On or about July 13, 2018, Petitioner again entered the United States with her minor daughters due to the persecution they were experiencing in Honduras. Petitioner and her family were apprehended near the border, and DHS reinstated her prior removal order. Despite the reinstatement, DHS released Petitioner into the United States under an Order of Supervision, allowing her to reside in the community while complying with reporting requirements. Petitioner subsequently filed an application for asylum, withholding of removal, and protection under the Convention Against Torture (Form I-589) with USCIS, which remains pending. Petitioner is also the

mother of a four-year-old United States citizen son. Moreover, Petitioner is eligible for a U-Visa petition, as she is the victim of a serious crime. She previously retained an attorney to file the petition on her behalf, but has not yet done so.

13. While under her Order of Supervision, Petitioner consistently complied with all ICE reporting requirements. For years, she has regularly appeared for scheduled reporting appointments with ICE/ISAP. Petitioner never failed to report, has not violated the terms of her supervision, and has maintained full compliance with ICE directives. On March 6, 2026, Petitioner appeared for a routine reporting appointment as instructed. Instead of conducting the scheduled check-in, ICE officers suddenly rearrested Petitioner without a warrant, revoked her supervised release without notice and a hearing, and placed her into detention. Petitioner was immediately transferred to the Baltimore ICE Field Office.
14. Petitioner has strong family and deep community ties in Maryland. She resides with her partner and her three minor children, including her four-year-old United States citizen child, who depend on her for their emotional and financial well-being. Petitioner is the primary caregiver for her children, and they are suffering without her presence.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

15. 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. Indiana*, 406 U.S. 715, 738 (1972)).

16. 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.
17. Following *Zadvydas*, *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).
18. 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.

19. Importantly, federal courts have repeatedly recognized that when the government releases a noncitizen into the community under supervision (like the Petitioner), and the individual complies with those conditions, the government may not abruptly revoke that liberty and detain the individual without providing basic procedural safeguards. Numerous federal courts (including Maryland courts) have held that revocation of supervised release followed by detention without notice or an opportunity to be heard raises serious due process concerns. See, e.g., *Fabel v. Noem*, No. 8:26-cv-00606-DLB (D. Md. Mar. 5, 2026), *Funes v. Francis*, 2025 WL 3263896 (S.D.N.Y. Nov. 24, 2025); *Cherisme v. Moniz*, 2025 WL 3759531 (D. Mass. Dec. 30, 2025); *Santamaria Orellana v. Baker*, 2025 WL 2444087 (D. Md. Aug. 25, 2025); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017); *Ceesay v. Kurzdoerfer*, 781 F. Supp. 3d 137 (W.D.N.Y. 2025). These courts have recognized that once the government allows a person to live in the community under supervision, that person possesses a significant liberty interest protected by the Due Process Clause. As a result, before revoking supervised liberty and placing a person back into detention, the government must provide notice and a meaningful opportunity to be heard.
20. 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).

21. 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

22. Petitioner re-alleges and incorporates by reference the paragraphs above.
23. Petitioner’s detention violates the Fifth Amendment’s guarantees of both substantive and procedural due process. Petitioner entered the United States in July 2018 and, after being apprehended at the border, was released by DHS and allowed to reside in the United States under supervision. For nearly eight years, Petitioner complied with requirements imposed by ICE, including regularly appearing for scheduled reporting appointments with ICE/ISAP in Silver Spring, Maryland.
24. On March 6, 2026, Petitioner appeared at a routine ICE reporting appointment as instructed. Rather than conducting the scheduled check-in, ICE agents suddenly re-arrested and re-detained Petitioner without a warrant, without prior notice, and without providing any

explanation for the revocation of her supervised release. Petitioner was immediately taken into custody and transferred to the ICE Baltimore Field Office.

25. The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. It is well established that noncitizens present in the United States are entitled to due process protections regardless of their immigration status. See *Zadvydas, supra* at 693. Freedom from physical restraint is “at the heart of the liberty that the Due Process Clause protects.” *Id.* at 690.
26. The Fifth Amendment prohibits the government from depriving any person of liberty without due process of law. U.S. Const. amend. V. It is well established that noncitizens present in the United States are entitled to due process protections regardless of their immigration status. See *Zadvydas, supra*. Freedom from physical restraint is “at the heart of the liberty that the Due Process Clause protects.” *Id.* at 690.
27. Courts across the country have recognized that revocation of supervised release followed by redetention without procedural safeguards violates the Due Process Clause. Courts have repeatedly held that detaining a noncitizen at a routine ICE check-in after years of compliance, without providing notice and/or an opportunity to be heard, constitutes an unconstitutional deprivation of liberty. See, e.g., *Funes, supra*; *Cherisme, supra*; *Santamaria Orellana, supra*; *Rombot, supra*; *Ceesay, supra*.
28. In a recent decision from this Court, the court similarly recognized that noncitizens who have been living under ICE supervision cannot have that liberty revoked without due process. See *Fabel, supra*. Judge Boardman held that detention following a routine ICE check-in, where the government failed to provide notice or an opportunity to be heard before revoking supervision, likely violated the Fifth Amendment. *Id.* The court emphasized that noncitizens possess due

process rights regardless of their immigration status and that the government must provide procedural safeguards before depriving an individual of liberty. *Id.*

29. Petitioner's case presents the same constitutional problem. For nearly eight years, the government allowed Petitioner to live in the community while she complied with all ICE reporting requirements and pursued her pending asylum application. Petitioner has no criminal record, strong family and deep community ties in Maryland, and is the primary caregiver for her three minor children, including a four-year-old United States citizen child.
30. Despite Petitioner's long history of compliance, ICE abruptly revoked her supervised liberty and detained her when she appeared for a routine reporting appointment. ICE did not provide Petitioner with notice that her supervision would be revoked, did not offer her an opportunity to contest the decision, and did not present any evidence that she posed a danger to the community or a flight risk.
31. Applying the factors set forth in *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner's detention violates procedural due process. First, Petitioner's interest in freedom from physical restraint is "the most elemental of liberty interests." Second, the risk of erroneous deprivation is extremely high where ICE revokes supervision and detains an individual without any hearing or explanation. Third, the government's interest in dispensing with procedural safeguards is minimal, particularly where Petitioner had consistently complied with all ICE reporting requirements for years.
32. The constitutional violation is particularly severe given Petitioner's circumstances. Petitioner is the primary caregiver for her three minor children, one of whom is a United States citizen. Her detention has caused significant hardship to her and her family and has deprived her children of their primary source of care and support.

33. Respondents' actions, therefore, constitute an arbitrary deprivation of liberty in violation of the Fifth Amendment's Due Process Clause.

34. Accordingly, Petitioner is entitled to immediate release from detention.

SECOND CLAIM FOR RELIEF

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

35. 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.

36. Petitioner's arrest was unlawful because ICE effected a warrantless civil immigration re-arrest while she was reporting to ICE as requested, without probable cause to believe she 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, supra*, 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). Here, while Petitioner reported to ICE as requested, she was re-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. A re-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)

37. Petitioner re-alleges and incorporates by reference the paragraphs above.
38. Petitioner's re-detention despite having consistently reported to ICE/ISAP, her three minor children, one of whom is a U.S. citizen, and partner, who depend on her, family, and community ties, is an abuse of discretion and unlawful.
39. For these reasons, this Court should order Immigration and Customs Enforcement to immediately release Petitioner from detention based on violations of, inter alia, her Fourth and Fifth Amendment rights, her pending asylum application, and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to his ties here in the community. Petitioner's minor children and partner depend on her greatly for their emotional support and well-being.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT

40. Petitioner re-alleges and incorporates by reference the paragraphs above.
41. 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)).

42. Here, ICE's decision to detain Petitioner, where she was reporting to ICE as requested of her, has a pending asylum application, no criminal record, and has strong family and 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.
43. 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, her Fourth and Fifth Amendment rights, her eligibility for relief, and strong family and community ties within the United States. She is not a danger to the community, nor is she likely to abscond due to his ties here in the community. Petitioner's minor children, one of whom is a U.S. citizen, and partner are suffering without her presence.

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;
- 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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