

**UNITED STATES DISTRICT COURT  
DISTRICT OF MARYLAND**

Ingris Cornejo Castro

Petitioner,

v.

Kristi Noem, et. al

Respondents.

No. 8:26-cv-00985-PX

**PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER AND  
MEMORANDUM IN SUPPORT THEREOF**

## **MOTION AND MEMORANDUM OF LAW**

Petitioner Ingris Cornejo Castro respectfully moves this Honorable Court for an emergency temporary restraining order preventing her continued detention, in violation of, inter alia, her constitutional rights.

### **I. INTRODUCTION**

Petitioner is a 35-year-old native and citizen of Honduras who has resided in the United States for several years with her family. Petitioner previously entered the United States and was ordered removed on September 11, 2015. Due to persecution in, on or about July 13, 2018, Petitioner entered the United States with her minor daughters. She was apprehended near the border, her prior removal order was reinstated, but DHS subsequently released her under an Order of Supervision, allowing her to remain in the United States while complying with ICE reporting requirements.

Petitioner has a pending application for asylum, withholding of removal, and protection under the Convention Against Torture with USCIS. Additionally, Petitioner is eligible for a U-Visa as she was a victim of a serious crime. Petitioner hired an attorney to help her to prepare the petition, but he has not yet done so. Further, Petitioner also has three minor children, including a four-year-old United States citizen son. She resides in Maryland with her partner and children, who depend on her for emotional and financial support.

For years, Petitioner complied fully with her Order of Supervision, reporting regularly to ICE/ISAP. On March 6, 2026, when she appeared for a routine reporting appointment at the ICE Silver Spring office, ICE officers warrantlessly re-arrested her and placed her in detention, without prior written notice, without a pre-deprivation hearing, and without any individualized explanation as to why her long-standing supervised release was suddenly revoked.

Petitioner was transported to the Baltimore ICE Field Office, where she is currently detained.

As set forth in her Petition for Writ of Habeas Corpus, Petitioner challenges this unlawful re-arrest and re-detention on multiple grounds, including violations of the Fifth Amendment's Due Process Clause, the Fourth Amendment, the Administrative Procedure Act, and 28 U.S.C. § 1361.

Recent federal court decisions have granted relief to similarly situated noncitizens who were re-detained at routine ICE check-ins after years of compliance with supervision conditions without notice or hearing.

Petitioner therefore seeks an emergency temporary restraining order ("TRO") to halt her ongoing unlawful detention.

## **II. FACTUAL BACKGROUND**

### **A. Petitioner Cornejo Castro's background and case posture**

Petitioner Ingris Cornejo Castro is a thirty-five-year-old 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, she again entered the United States with her minor daughters after suffering persecution in Honduras. She was apprehended near the border, her prior removal order was reinstated, but she was subsequently released by DHS under an Order of Supervision.

Petitioner complied with the terms of her supervision for years. She regularly reported to ICE/ISAP in Silver Spring, Maryland, maintained a stable residence in Maryland with her partner and children, and complied with immigration reporting requirements. Petitioner also filed an application for asylum, withholding of removal, and protection under the Convention Against Torture, which remains pending. On March 6, 2026, Petitioner appeared for her scheduled ICE reporting appointment as instructed. Despite her compliance with supervision conditions and the absence of any change in circumstances, ICE officers rearrested her without a warrant and placed

her in detention. Petitioner was transported to the Baltimore ICE Field Office and then to Tacoma, Washington, where she remains detained.

Petitioner resides in Maryland with her partner and three minor children, including a four-year-old United States citizen child. Petitioner is the primary caregiver for her children, who rely on her for daily emotional and financial support.

Petitioner has no criminal history and has complied with all immigration supervision requirements for many years.

### **III. Executive Orders and Respondents' Blanket Policy**

On January 20, 2025, President Donald Trump signed several executive actions relating to immigration, including “Protecting the American People Against Invasion,” an executive order (“EO”) setting out a series of interior immigration enforcement actions. This EO instructs the DHS Secretary “to take all appropriate action to enable” ICE, CBP, and USCIS to prioritize civil immigration enforcement procedures “that protect the public safety and national security interests of the American people, including by ensuring the successful enforcement of final orders of removal.”

These actions have resulted in Respondents adopting a blanket policy, where ICE is currently arresting, detaining, and removing people like Petitioner, without an individualized consideration of their cases. Under these new policies, ICE/ERO has detained Petitioner.

### **IV. LEGAL STANDARDS**

The standard for issuing a TRO is the same as the standard for issuing a preliminary injunction. *See New Motor Vehicle Bd. of Cal. v. Orrin W. Fox Co.*, 434 U.S. 1345, 1347 n.2 (1977). A TRO is “an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 24 (2008).

The proper legal standard for preliminary injunctive relief requires a party to demonstrate (1) that he is likely to succeed on the merits, (2) that he is likely to suffer irreparable harm in the absence of preliminary relief, (3) that the balance of equities tips in his favor, and (4) that an injunction is in the public interest. *Dewhurst v. Century Aluminum Co.*, 649 F.3d 287, 290 (4th Cir. 2011).

As an alternative to this test, a preliminary injunction is appropriate if “serious questions going to the merits were raised and the balance of the hardships tips sharply in the plaintiff’s favor,” *Direx Israel, Ltd. v. Breakthrough Med. Corp.*, 952 F.2d 802, 813 (4th Cir. 1991).

## V. ARGUMENT

Petitioner’s Motion for a Temporary Restraining Order should be granted because she is likely to suffer irreparable harm in the absence of preliminary relief, she is likely to succeed on the merits, and the balance of the equities and public interest weigh in favor of emergency relief.

Alternatively, Petitioner has “raised serious questions going to the merits” and the “hardships tip sharply in the Plaintiff’s favor.” *See id.*

### A. Petitioner will likely suffer irreparable harm if not granted preliminary relief

If this Court does not grant a temporary restraining order, Petitioner will continue to be detained by ICE officials. Her continued detention will result in Petitioner not being able to support her three children, one of whom is a U.S. citizen.

Respondents’ actions already are and will continue to cause irreparable harm to Petitioner ( and her family) by unlawfully separating her from his family and community in the United States. If Petitioner remains detained, her minor children and partner, who depend on her for their emotional, psychological, and financial support, will suffer profound and unbearable hardship. Petitioner also plays a very essential and irreplaceable role in her minor children’s lives during their formative years, a critical period of emotional, cognitive, and social development. Her daily presence provides stability, guidance, and a sense of security that cannot be replicated in her

absence. Prolonged separation at this stage risks lasting emotional harm and disruption to the minor children's well-being. Such separation constitutes precisely the type of irreparable harm that warrants immediate judicial intervention. *See e.g., Int'l Refugee Assistance Project v. Trump*, 883 F.3d 233, 320 (4th Cir. 2018), *vacated on other grounds*, 138 S. Ct. 2710, 201 L. Ed. 2d 1094 (2018) (stating that "[p]rolonged and indefinite separation of parents, children, siblings, and partners create not only temporary feelings of anxiety but also lasting strains on the most basic human relationships" and therefore constitutes irreparable harm); *Leiva-Perez v. Holder*, 640 F.3d 962, 969-70 (9th Cir. 2011) (stating that "separation from family members, medical needs, and potential economic hardship" are important factors when assessing irreparable harm).

Additionally, Petitioner's continued detention will also deprive her of proximity to her friends, community support, distance her from access to her local counsel, and impede her ability to engage in these immediate judicial proceedings. *See Arroyo v. United States Dep't of Homeland Sec.*, 2019 WL 2912848, at \*17 (C.D. Cal. June 20, 2019) (observing that "a significant burden on the attorney-client relationship, without a showing of underlying prejudice to the removal proceedings, may be sufficient to establish a legal injury sufficient to justify injunctive relief"), citing *Comm. of Cent. Am. Refugees v. I.N.S.*, 795 F.2d 1434, 1439 (9th Cir.), amended on other grounds, 807 F.2d 769 (9th Cir. 1986); *see also Escobar-Grijalva v. I.N.S.*, 206 F.3d 1331, 1335 (9th Cir.), amended on other grounds, 213 F.3d 1221 (9th Cir. 2000) ("Deprivation of the statutory right to counsel deprives [a noncitizen] asylum-seeker of the one hope she has to thread a labyrinth almost as impenetrable as the Internal Revenue Code.").

As alleged in Petitioner's amended habeas petition, Respondents' actions also violate her Constitutional right to due process. It is well established "that a deprivation of a constitutional right, 'for even minimal periods of time, unquestionably constitutes irreparable injury.'" *Miranda v.*

*Garland*, 34 F.4th 338, 365 (4th Cir. 2022), quoting *Elrod v. Burns*, 427 U.S. 347, 373, 96 S. Ct. 2673, 49 L. Ed. 2d 547 (1976).

**B. Petitioner is likely to succeed on the merits of her habeas petition**

The Fifth Amendment protects all “persons” within the United States from deprivation of liberty without due process of law, including noncitizens, regardless of their immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Id.* at 690.

Petitioner was released by DHS under an Order of Supervision and complied fully with all reporting requirements for years. She maintained a stable residence in Maryland with her partner and children, regularly reported to ICE/ISAP as instructed, and has no criminal history. Despite this long history of compliance, ICE officers re-arrested her at a routine reporting appointment without prior written notice, without a pre-deprivation hearing, and without articulating any individualized change in circumstances justifying revocation of her supervised release.

Recent federal decisions confirm that such conduct raises serious constitutional concerns. In *Fabel v. Noem*, No. 8:26-cv-00606-DLB (D. Md. Mar. 5, 2026), this Court granted a temporary restraining order where ICE re-detained a noncitizen at a routine reporting appointment after years of compliance with supervision conditions, finding that detention without notice or an opportunity to be heard likely violated the Fifth Amendment. Numerous other federal 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., 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).

Further, under the balancing framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), Petitioner's re-detention violates procedural due process. First, Petitioner's private interest, freedom from civil detention, is the most fundamental liberty interest protected by the Constitution. Second, the risk of erroneous deprivation is extraordinarily high where ICE revokes supervised release without advance notice or a meaningful opportunity to be heard. Third, the government's interest in immediate detention without process is minimal where, as here, Petitioner complied with ICE supervision requirements for years, poses no danger to the community, and has strong family and community ties in the United States.

Petitioner's detention also raises serious substantive due process concerns. Civil immigration detention must bear a reasonable relation to its regulatory purpose and may not become arbitrary or excessive. *Zadvydas*, 533 U.S. at 690. Here, ICE abruptly revoked Petitioner's supervised liberty after years of compliance, without identifying any legitimate regulatory purpose or changed circumstances justifying detention. Such arbitrary revocation of liberty raises substantial constitutional concerns.

Petitioner is also likely to succeed on her Fourth Amendment claim. The Fourth Amendment prohibits unreasonable seizures. Warrantless civil immigration arrests are permissible only where officers have reason to believe the individual is in violation of immigration law and "is likely to escape before a warrant can be obtained." 8 U.S.C. § 1357(a)(2). Petitioner was re-arrested at a scheduled ICE reporting appointment, where she appeared voluntarily and in compliance with the terms of her supervision. ICE officers did not obtain a judicial warrant and made no individualized determination that Petitioner posed a risk of flight or would abscond before a warrant could be secured. Arresting a compliant individual at a routine reporting appointment without exigent circumstances constitutes an unreasonable seizure under the Fourth Amendment.

Finally, Petitioner is likely to succeed on her claim under the Administrative Procedure Act. Under 5 U.S.C. § 706(2)(A), courts must set aside agency action that is arbitrary and capricious. ICE abruptly revoked Petitioner's supervised release and detained her despite years of compliance, strong family ties, and the absence of any criminal history or public safety concern. Respondents have articulated no change in factual circumstances and no individualized justification for this abrupt departure from their prior course of conduct. An unexplained departure from longstanding agency practice and a failure to consider important aspects of the problem renders agency action arbitrary and capricious under *Motor Vehicle Mfrs. Ass'n v. State Farm*, 463 U.S. 29, 43 (1983).

For all of these reasons, Petitioner has demonstrated a strong likelihood of success on the merits of her habeas claims. The constitutional violations are substantial, the circumstances surrounding Petitioner's re-detention closely mirror those that have recently prompted federal courts to grant relief, and ICE's actions here raise serious due process concerns. This factor therefore weighs heavily in favor of granting emergency injunctive relief.

**C. The balance of the equities and public interest factors tip sharply in favor of preliminary relief.**

Petitioner has established that “the balance of the equities tip in [her] favor and that an injunction is in the public interest” because she is eligible for relief, she is not a flight risk, and she is not a danger to the community. *See Winter*, 555 U.S. at 20. When the federal government is a party, the balance of the equities and public interest factors merge. *See Nken v. Holder*, 556 U.S. 418, 435 (2009).

The balance of hardships tips substantially in favor of Petitioner. “[I]n addition to the potential hardships facing [Petitioner] in the absence of the injunction, the court ‘may consider . . . the indirect hardship to their friends and family members.’” *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017), quoting *Golden Gate Rest. Ass'n v. City & Cty. of San Francisco*, 512 F.3d

1112, 1126 (9th Cir. 2008).

Petitioner's continued detention would harm not only her, but also her minor children, one of whom is a U.S. citizen, partner, and community. Petitioner lives in Silver Spring, Maryland, has stable employment, and has local counsel. Without immediate intervention from this Court, Petitioner, her minor children, and her partner will suffer severe and irreparable harm. These circumstances constitute the very definition of irreparable injury warranting this Court's immediate intervention.

There is also a strong public interest in maintaining Petitioner's presence in her local community, where her minor children and partner reside, where her local counsel is, and where she is known as a compassionate and caring member of the community.

The merits of the due process violations that Petitioner has raised in her habeas petition further weigh for the public interest toward emergency relief. Moreover, "it is well-established that the public interest favors protecting constitutional rights." *Leaders of a Beautiful Struggle v. Balt. Police Dep't*, 2 F.4th 330, 346 (4th Cir. 2021). In addition, "the public interest also benefits from a preliminary injunction that ensures that federal statutes are construed and implemented in a manner that avoids serious constitutional questions." *Rodriguez v. Robbins*, 715 F.3d 1127, 1146 (9th Cir. 2013).

Even when considered from a fiscal perspective, the public interest in the efficient allocation of the government's fiscal resources weighs in favor of emergency relief here. As the Ninth Circuit has explained, "The costs to the public of immigration detention are "staggering": \$158 each day per detainee, amounting to a total daily cost of \$6.5 million. Supervised release programs cost much less by comparison: between 17 cents and 17 dollars each day per person." *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017). The interests of the general public will

not be served by Petitioner's continued detention, where she has no criminal record, has established a strong liberty interest, has a pending I-589 application, and is neither a flight risk nor a danger to the community.

By contrast, any public interest favoring Petitioner's continued detention is weak or non-existent. Respondents do not appear to have any legitimate reason to suspect that the public safety or national security may somehow be at risk if the motion for a temporary restraining order is granted. Any interest in effectuating Petitioner's continued detention is outweighed by Petitioner's exceptional qualities.

## **VI. CONCLUSION**

For the foregoing reasons, Petitioner Cornejo Castro respectfully requests that this Honorable Court grant her motion for a temporary restraining order to release Petitioner from detention.

Dated: March 12, 2026

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**ORDER**

Upon consideration of Petitioner's Motion for a Temporary Restraining Order and Memorandum in support thereof, it is on this \_\_\_\_ day of March 2026, by the United States District Court for the District of Maryland:

ORDERED that Petitioner's Motion for a Temporary Restraining Order BE and HEREBY IS GRANTED; and it is further

ORDERED that Respondents must immediately release Petitioner.

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United States District Judge