

**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 REPLY IN SUPPORT OF AMENDED PETITION FOR HABEAS  
CORPUS AND IN OPPOSITION TO RESPONDENTS' MOTION TO DISMISS**

Petitioner Ingris Cornejo Castro, by and through undersigned counsel, respectfully submits this Reply in support of her Amended Petition for Writ of Habeas Corpus and in Opposition to Respondents' Motion to Dismiss.

**I. Respondents Mischaracterize the Nature of this Case.**

Respondents' Motion to Dismiss rests on a fundamental mischaracterization of Petitioner's claims. They attempt to recast this case as a routine challenge to detention under 8 U.S.C. § 1231(a)(6), arguing that Petitioner's custody is statutorily authorized and therefore lawful. That framing ignores the core constitutional violation at issue.

Petitioner does not challenge the validity of her reinstated removal order, nor does she seek to disrupt the statutory scheme governing removal. Rather, she challenges the unlawful manner in which Respondents deprived her of her liberty, specifically, her warrantless re-arrest at a routine ICE check-in and the abrupt revocation of her long-standing Order of Supervision without adequate notice, without explanation, and without any meaningful opportunity to be heard.

This distinction is dispositive. Federal courts, including this District, retain jurisdiction under 28 U.S.C. § 2241 to review constitutional challenges to immigration detention. As in the closely analogous case of *Lemus Cardona v. Noem*, No. 8:26-cv-00606-DLB (D. Md. Mar. 5, 2026), Petitioner's claim is not about whether the Government may ultimately remove her, but whether the Constitution permits the Government to strip her of liberty in this manner. Respondents' attempt to collapse this case into a purely statutory detention framework fails to engage with that question.

## **II. Statutory Authority Does Not Override Constitutional Protections.**

Even assuming, *arguendo*, that Petitioner falls within the scope of § 1231(a)(6), that does not resolve the constitutional inquiry. The Supreme Court has made clear that immigration detention, though civil in nature, is subject to the limitations of the Fifth Amendment. Freedom from physical restraint lies at the heart of the liberty protected by due process, and the Government may not deprive an individual of that liberty in an arbitrary manner. *See Mathews v. Eldridge*, 424 U.S. 319 (1976)

Respondents' position would effectively grant ICE unfettered authority to re-detain any noncitizen previously released under supervision, at any time and for any reason, without procedural safeguards. That position cannot be reconciled with fundamental due process principles. The question before this Court is not whether ICE possesses statutory authority to detain certain

individuals, but whether it may revoke a long-standing grant of supervised liberty without affording even the most basic procedural protections.

**III. The Revocation of Petitioner's Supervised Release Without Adequate Notice or Hearing Violates Due Process.**

For nearly eight years, the Government permitted Petitioner to reside in the community under an Order of Supervision, during which she regularly complied with all reporting requirements. She consistently appeared for scheduled check-ins, maintained strong family and deep community ties, and presented no danger to the public.

Under these circumstances, Petitioner possessed a significant liberty interest in remaining free from physical restraint. Courts, including within this District, have recognized that once the Government grants supervised release and an individual relies on that liberty over a prolonged period, due process protections attach. *See Lemus Cardona*.

In *Lemus Cardona, supra*, Judge Boardman held that the Government's failure to provide adequate notice or an opportunity to be heard prior to revoking an order of supervision and re-detaining a noncitizen likely violated the Fifth Amendment. *Id.* The Court emphasized that noncitizens are entitled to due process regardless of status and that the Government must provide real procedural safeguards before depriving an individual of liberty.

Petitioner's case presents the same constitutional defect. She was taken into custody at a routine check-in **without any prior notice** that her supervision would be revoked, without any explanation for that decision, and without any meaningful opportunity to contest it. Respondents' reliance on a post-detention "informal interview" does not cure this violation. Due process requires meaningful procedural protections before, or, at a minimum, contemporaneous with, the deprivation of liberty, not **after** the fact.

Applying the framework set forth in *Mathews v. Eldridge, supra*, Petitioner's interest in freedom from detention is substantial, the risk of erroneous deprivation in the absence of procedural safeguards is extraordinarily high, and the Government's interest in dispensing with such safeguards is minimal, particularly where, as here, Petitioner demonstrated years of full compliance.

**IV. Respondents' Reliance on *Zadvydas v. Davis*, 533 U.S. 678 (2001) is Misplaced.** Respondents' invocation of *Zadvydas v. Davis*, 533 U.S. 678 (2001), does not defeat Petitioner's claims. *Zadvydas* addresses the permissible duration of post-removal-period detention and the circumstances under which such detention becomes constitutionally problematic due to its potentially indefinite nature. It does not address the threshold question presented here, whether the Government may re-detain a compliant individual **without due process** after years of supervised release.

Respondents attempt to shift the analysis to whether Petitioner can demonstrate that her removal is not reasonably foreseeable. That argument misses the point. Petitioner's claim arises from the arbitrary manner in which her liberty was revoked, not the length or foreseeability of her detention.

Accepting Respondents' position would permit the Government to effectuate unconstitutional arrests and deprivations of liberty so long as removal remains theoretically possible. Nothing in *Zadvydas* supports such a sweeping result.

Even assuming, *arguendo*, that the *Zadvydas* framework applies, Respondents' argument still fails. Petitioner's removal is not reasonably foreseeable. Although she is subject to a reinstated removal order, she has a pending Form I-589 application with USCIS and has affirmatively requested a credible fear interview. If USCIS determines that Petitioner has a credible fear of return to Honduras, she will be placed into withholding-only proceedings, where she will be entitled to

pursue Withholding of Removal and protection under the Convention Against Torture. During the pendency of those proceedings and any subsequent appeals, her removal cannot be effectuated.

Thus, far from being imminent, Petitioner's removal is contingent on multiple layers of adjudication that are neither immediate nor guaranteed. Under these circumstances, her detention is not meaningfully tied to the purpose of effectuating removal, but instead risks becoming the very type of indefinite and constitutionally suspect detention that *Zadvydas* prohibits.

**V. ICE's Unexplained Reversal of Course is Arbitrary and Capricious.**

Respondents also fail to justify ICE's abrupt reversal of its prior determination that Petitioner was suitable for supervised release. For nearly eight years, ICE permitted Petitioner to remain in the community under supervision.

Now, without identifying any change in circumstances, Respondents have reversed course and detained her. They do not allege that Petitioner became dangerous, that she violated any conditions of supervision, or that alternatives to detention are inadequate. Nor do they provide any reasoned explanation for this change in the status quo.

Such unexplained agency action disregards Petitioner's reliance interests and falls squarely within the type of arbitrary and capricious conduct prohibited by, inter alia, the Administrative Procedure Act. An agency may not simply change course in a manner that deprives an individual of liberty without a rational explanation grounded in the record.

**VI. Conclusion**

Respondents' Motion to Dismiss fails because it addresses a claim Petitioner does not present. This case is not about the general legality of detention under § 1231. It is about whether the Government may revoke a noncitizen's long-standing supervised liberty through a warrantless arrest and without any procedural safeguards.

Because Respondents deprived Petitioner of her liberty in violation of the Fifth Amendment, the Fourth Amendment, and the APA, the Petition states valid claims for relief.

For these reasons, Petitioner respectfully requests that this Court deny Respondents' Motion to Dismiss and grant such relief as the Court deems just and proper.

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