

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

Jhon Lester Garcia Barrientos

Petitioner,

v.

Nikita Baker, *et al.*,

Respondents.

Case No. 1:26-cv-00984-MJM

STATUS REPORT

Pursuant to the Court's March 12, 2026, request, the Respondents hereby notify the Court that:

Respondents submit that the legal issue presented in this case, regarding whether denial of review of an asylum officer's negative reasonable-fear determination by an Immigration Judge violates the Petitioner's Due Process rights, does not differ in any material fashion from the Court's decisions in: *Cruz Medina v. Noem*, 806 F. Supp. 3d 536 (D. Md. 2025); *Portela Hernandez*, 25-cv-01633-BAH, ECF NO. 41; and *Serrano Maldonado*, 1:26-cv-00041-JRR (no opinion). However, the Respondents note that in *Bojorquez v. Baker*, 1:25-cv-03107-DLB, the Court held that denial of review of an asylum officer's negative reasonable-fear determination by an Immigration Judge does not violate the Petitioner's Due Process rights. *Bojorquez*, is currently on 4th Circuit Appeal.

On March 12, 2026, undersigned counsel emailed Immigration and Customs Enforcement ("ICE") inquiring as to whether the Petitioner was being given their prescribed medications for kidney stones and depression. Later that day Respondent's counsel was informed at the time of the

Petitioners processing in Baltimore, the Petitioner claimed to have good health and stated he was not taking any medication.

When the Petition was filed on March 6, 2026, the Petitioner's health issues were flagged and Enforcement and Removal Operations ("ERO") immediately spoke to the Petitioner through an interpreter. The Petitioner informed the ERO officer that he had kidney stones and that his medication was at home. ERO allowed him to call his wife to bring the medication, but his wife discovered that the Petitioner had run out of that medication.

That evening the Petitioner was taken to St. Agnes Emergency Room for evaluation. The Petitioner received treatment and was subsequently discharged from the hospital. Discharge papers from the hospital state, "[y]ou have findings of kidney stones on both sides however they did not appear to be causing any blockages in the kidneys. There are no findings of infection at this time. Continue to stay well-hydrated and use anti-inflammatory medications like Advil, Motrin to help with pain." *Please see Exhibit A (Hospital Discharge Paperwork).*

On March 10, 2026, the Petitioner was moved to the Northwest ICE Processing Center. ICE informed Respondent's counsel that on March 11, 2026, the Petitioner received a physical examination from a medical provider. The Petitioner reported a history of bilateral kidney stones, having been seen in a hospital emergency department prior to transfer. The Petitioner denied pain at intake, but subsequently reported intermittent, moderate pain in both flanks, associated with hematuria (blood in urine) and a history of vomiting. The medical provider prescribed Ibuprofen and acetaminophen for pain control and placed a specialty referral to Urology for further evaluation of Petitioner's bilateral renal stones and to Radiology to characterize the kidney stones. Additionally, he has a pending visit with Behavioral Health for further evaluation of depression.

On the afternoon of March 12, 2026, Respondent's counsel reached out to ICE asking them to provide the date that the behavioral health evaluation was to take place. Further, Respondent's counsel informed ICE that the Petitioner needed a follow-up appointment for his kidney stones. Lastly, Respondent's counsel requested that ICE reach out to their person of contact at USCIS to try and get the credible fear interview scheduled.

On March 13, 2026, Petitioner's counsel informed Respondents that the Petitioner was receiving medication for kidney stones, but has not received medication for his depression. Respondent's counsel forwarded this information to ICE. ICE reached out to ERO and learned that the Petitioner had been referred to a specialist for his kidney stones and depression. ERO has not yet provided appointment dates, but Respondents counsel will inform Petitioner's counsel as soon as this information is received.

Given the Courts urgency counsels have conferred and confirmed an expedited briefing schedule. The response to the Petitioner's Amended Habeas Petition will be submitted on Monday, March 16, 2026. Petitioner's reply will be submitted Tuesday, March 17, 2026.

Respectfully Submitted.

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CERTIFICATE OF SERVICE

I certify that on this 13th day of March 2026 the foregoing Status report was e-filed using the Court's CM/ECF system and thereby served on counsel of record.

/s/ Kristy Burkhardt
Kristy A. Burkhardt
Special Assistant U.S. Attorney