

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**ANDRES GEOVANSI BAIRES LOPEZ,**  
**Petitioner,**

Case No. 26-1126


**v.**

**PETITION FOR WRIT OF  
HABEAS CORPUS**

**BENJAMINE HUFFMAN, Acting Secretary,  
U.S. Department of Homeland Security;  
PAMELA BONDI, U.S. Attorney General;  
TODD LYONS, Acting Director,  
Immigration and Customs Enforcement;  
VERNON LIGGINS, Deputy Field Office  
Director of the ICE Baltimore Field Office;**

**Respondents**

**INTRODUCTION**

1. Petitioner Andres Geovansi Baires (A ) Lopez brings this petition for a writ of habeas corpus to seek enforcement of his rights as member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in ICE custody in Baltimore.

2. The Petitioner faces unlawful detention because the Department of Homeland Security (DHS) and the Executive Office for Immigration Review (EOIR) refuse to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

3. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ---, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*

1 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.  
2 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible  
3 Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion  
4 for Partial Summary Judgment).

5 4. The declaratory judgment held that the Bond Denial Class members are detained  
6 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
7 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

8 5. On February 18, 2026, the district Court granted Plaintiffs' motion to enforce and  
9 issued an order vacating the Board's decision in *Matter of Yajure Hurtado*. *Maldonado Bautista*,  
10 at Dkt. No. 116).

11 6. Nonetheless, the Executive Office for Immigration Review and its subagency the  
12 Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to  
13 abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the  
14 opportunity to be released on bond.

15 7. Petitioner, Andres Geovansi Baires Lopez, is a member of the Bond Eligible Class,  
16 as he:

- 17 a. does not have lawful status in the United States and is currently detained at the  
18 Baltimore Holding Facility. He was apprehended by immigration authorities on  
19 March 17, 2025;
- 20 b. entered the United States without inspection on May 1999 and was not  
21 apprehended upon arrival; and
- 22 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

23 8. The Court should expeditiously grant this petition.

24 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
"force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue

1 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention  
2 despite his clear entitlement to consideration for release on bond as a Bond Eligible Class member.

3 10. Immigration judges have informed class members in bond hearings that they have  
4 been instructed by “leadership” and by the Chief Immigration Judge, Teresa L. Riley, that the  
5 declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members,  
6 and that instead IJs remain bound to follow the agency’s prior decision in *Matter of Yajure Hurtado*,  
7 29 I. & N. Dec. 216 (BIA 2025).

8 11. Because Respondents are detaining Petitioner in violation of the declaratory  
9 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,  
10 Respondent DHS must release Petitioner.

11 12. Alternatively, the Court should order Petitioner’s release unless Respondents  
12 provide a bond hearing under 8 U.S.C. § 1226(a) within 14 days.

13 **JURISDICTION**

14 13. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
15 Baltimore ICE Holding Cells in Maryland.

16 14. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.  
17 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the  
18 Suspension Clause).

19 15. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment  
20 Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

21  
22  
23  
24

1 VENUE

2 16. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
3 500 (1973), venue lies in the United States District Court for the Maryland the judicial district in  
4 which Petitioner currently is detained.

5 17. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
6 Respondents are employees, officers, and agencies of the United States, and because a substantial  
7 part of the events or omissions giving rise to the claims occurred in the Maryland.

8 PARTIES

9 18. Mr. Andres Geovansi Baires Lopez is detained at the ICE Baltimore Holding Cells  
10 which is within the District of Maryland. Petitioner has resided in the United States since 1999.  
11 After Petitioner was arrested in Maryland, while he was on his way to work, ICE did not set bond.  
12 He was taken into ICE custody and transported to the Baltimore ICE Holding Cells. He remains  
13 detained there.

14 19. Respondent Benjamine Huffman is the Acting Secretary of the Department of  
15 Homeland Security (“DHS”) and all sub-cabinet agencies of DHS, including ICE and USCIS. He  
16 is sued in his official capacity.

17 20. Respondent Pamela Bondi is the Attorney General of the United States. She is  
18 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
19 is a component of and operates the immigration court system. She is sued in her official capacity.

20 21. Respondent Todd Lyons is the Acting Director of Immigration and Customs  
21 Enforcement, responsible for ICE detention and removal operations among all its functions. He is  
22 sued in his official capacity.

23

24



1 28. Through this petition and complaint, Mr. Baires Lopez seeks an order from this  
2 court directing Respondents to hold a bond hearing for Mr. Baires Lopez pursuant to 8 U.S.C. §  
3 1226(a) the INA.

4 29. A request by the Petitioner for review of his custody by an Immigration Judge will  
5 be a futile exercise since the Executive Office of Immigration Review Judges have been instructed  
6 by “leadership” and its Chief Immigration Judge, Teresa L. Riley, that the declaratory judgment  
7 in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead  
8 Immigration Judges remain bound to follow the agency’s prior decision in *Matter of Yajure*  
9 *Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

10 **REQUIREMENTS OF 28 U.S.C. § 2243**

11 30. The Court should grant the petition for writ of habeas corpus “forthwith,” as the  
12 legal issues have already been resolved for class members in *Maldonado Bautista*.

13 31. Habeas corpus is “perhaps the most important writ known to the constitutional  
14 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
15 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
16 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
17 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
18 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

19 **CLAIM FOR RELIEF**  
20 **Violation of the INA:**  
21 **Request for Relief Pursuant to *Maldonado Bautista***

22 32. Petitioner repeats, re-alleges, and incorporates by reference each and every  
23 allegation in the preceding paragraphs as if fully set forth herein.

24 33. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
release on bond under 8 U.S.C. § 1226(a).

1 34. The order granting partial summary judgment in *Maldonado Bautista* holds that  
2 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
3 members.

4 35. The order granting class certification in *Maldonado Bautista* further orders that  
5 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
6 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

7 36. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
8 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
9 § 2201(a).

10 37. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is  
11 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory  
12 rights under the INA and the Court’s judgment in *Maldonado Bautista*. Furthermore, the Court  
13 vacated *Matter of Yajure Hurtado* and issued an order to enforce judgment on February 18, 2026  
14 which Respondents still resist to enforce.

15 **PRAYER FOR RELIEF**

16 **WHEREFORE**, Petitioner prays that this Court grant the following relief:

- 17 a. Assume jurisdiction over this matter;
- 18 b. Issue a writ of habeas corpus requiring that within one day, Respondents release  
19 Petitioner;
- 20 c. Alternatively, issue a writ of habeas corpus requiring Respondents to release  
21 Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within 14  
22 days;
- 23 d. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
24 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
law; and

1 e. Grant any other and further relief that this Court deems just and proper.

2 DATED this 17<sup>th</sup> of March of 2026.

3 Respectfully submitted,

4  
5  
6 /s/ Juan Carlos Silen, Esq.  
7 Juan Carlos Silen, Esq.  
8 MD Federal ID: 21392  
9 Silen & Associates, LLC  
10 P.O. Box 23016  
11 Baltimore, Maryland 21203  
12 (443) 629-3019  
13 Email: jsilen@silenabogados.com  
14 *Counsel for Petitioner*  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

1 **VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT**  
2 **TO 28 U.S.C. § 2242**

3 I am submitting this verification on behalf of the Petitioner because I am Petitioner's attorney.  
4 I, or my co-counsel, have discussed with the Petitioner the events described in this Petition. Based  
5 on those discussions, I hereby verify that the statements made in the attached Petition for Writ of  
6 Habeas Corpus are true and correct to the best of my knowledge.

7 **Dated: March 17, 2026**

8 Respectfully submitted,  
9 /s/ Juan Carlos Silen, Esq.

10 **CERTIFICATE OF SERVICE**

11 I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas  
12 Corpus and all attachments using the CM/ECF system, which will send a notice of electronic filing  
13 to all counsel of record. To all the parties below:

14 Benjamin Huffman, Acting Secretary  
15 U.S. Department of Homeland Security  
16 Office of the General Counsel  
17 2707 Martin Luther King Jr. Avenue SE  
18 Washington, DC 20528-0485

19 Pamela Bondi, Attorney General of the United States  
20 U.S. Department of Justice  
21 950 Pennsylvania Avenue NW  
22 Washington, DC 20530-0001

23 Todd Lyons, Acting Director  
24 U.S. Immigration and Customs Enforcement,  
500 12th St SW  
Washington, DC 20536

Vernon Liggins, Acting Field Office Director  
U.S. Immigration and Customs Enforcement, Baltimore Field Office  
31 Hopkins Plaza, 7th Floor  
Baltimore, MD 21201

**Dated: March 17, 2026**

Respectfully submitted,  
/s/ Juan Carlos Silen, Esq.  
Juan Carlos Silen, Esq.  
MD Federal ID: 21392  
Silen & Associates, LLC  
P.O. Box 23016  
Baltimore, Maryland 21203  
(443) 629-3019  
*Counsel for Petitioner*