

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Carlos Julio Medina Garcia

A 

Laurel, Maryland 20707

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.

PETITION FOR WRIT OF HABEAS
CORPUS

PETITION FOR A WRIT OF HABEAS CORPUS

INTRODUCTION

1. Mr. Carlos Julio MEDINA GARCIA is a fifty-six-year-old citizen and national of Colombia. Mr. MEDINA GARCIA entered the United States on August 21, 2022, and subsequently applied for asylum, withholding of removal, and protection under the Convention Against Torture. On October 9, 2024, Petitioner was granted Withholding of Removal by a Hyattsville Immigration Judge.
2. On October 16, 2025, Petitioner reported to ICE in Baltimore and was detained by ICE officials without a warrant. Petitioner subsequently filed a petition for a writ of habeas corpus. However, Petitioner was later released under supervision by ICE, and the habeas petition was voluntarily dismissed.
3. Under his Order of Supervision, Petitioner consistently complied with all reporting requirements. Petitioner reported to ICE/ISAP on Friday, March 27, 2026, and was also scheduled for a home visit on Wednesday, April 1, 2026. However, on March 30, 2026, Petitioner was contacted and instructed to report in person to ICE/ISAP on March 31, 2026. On March 31, 2026, upon reporting as directed and accompanied by counsel, Petitioner was re-arrested by ICE officials without a warrant and re-detained. Petitioner is currently being held at the ICE Baltimore Field Office, located at 31 Hopkins Plaza, Suite 630, Baltimore, Maryland.
4. Petitioner MEDINA GARCIA petitions this Court to issue a Writ of Habeas Corpus seeking relief to remedy his unlawful arrest and detention by ICE pursuant to 28 U.S.C. § 2241.
5. Petitioner MEDINA GARCIA has many family and community ties in the U.S., including his U.S. citizen sister. Importantly, Mr. MEDINA GARCIA has no criminal record and was previously granted Withholding of Removal.

CUSTODY

6. Petitioner is in the physical custody of Respondents. Petitioner is detained at 31 Hopkins Plaza, Suite 630, Baltimore, MD 21201. Petitioner is under the direct control of Respondents and their agents.

JURISDICTION AND VENUE

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

THE PARTIES

9. Petitioner Carlos MEDINA GARCIA is a fifty-six-year-old male citizen and national of Colombia, who was granted Withholding of Removal in October of 2024. Moreover, Petitioner was previously detained by ICE officials and released under an order of supervision.
10. 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.

11. 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 Mr. MEDINA GARCIA are under his direction. Mr. Lyons is being sued in his official capacity only.
12. 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. Mr. MEDINA GARCIA is held by ICE agents under Mr. Liggins's direction. Mr. Liggins is being sued in his official capacity only.

FACTUAL ALLEGATIONS

13. Petitioner Carlos Julio MEDINA GARCIA is a native and citizen of Colombia. Petitioner previously entered the United States on or about August 21, 2022. Subsequently, Petitioner was granted Withholding of Removal by a Hyattsville Immigration Judge. In October of 2025, Petitioner was previously detained by ICE officials and subsequently filed a petition for habeas corpus. Petitioner was later released under an order of supervision.
14. While under his Order of Supervision, Petitioner consistently complied with all ICE reporting requirements. He has regularly appeared for scheduled reporting appointments with ICE/ISAP. Petitioner reported to ICE/ISAP on Friday, March 27, 2026, and was also scheduled for a home visit on Wednesday, April 1, 2026. However, on March 30, 2026, Petitioner was contacted and instructed to report in person to ICE/ISAP on March 31, 2026. On March 31, 2026, upon reporting as directed and accompanied by counsel, ICE officers suddenly rearrested Petitioner

without a warrant, revoked his supervised release without notice and a hearing, and placed him into detention. Petitioner is being held at the Baltimore ICE Field Office.

15. Petitioner has strong family and deep community ties in Maryland, including his U.S. citizen sister, employment, and local counsel. He has no criminal record.

LEGAL BACKGROUND

A. Statutory and Constitutional Limits for Immigration Detention

16. 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)).
17. 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.

18. 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 III)*, 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).
19. 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.
20. 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., Lemus Cardona 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.

21. 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).
22. 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

23. Petitioner re-alleges and incorporates by reference the paragraphs above.
24. Petitioner's detention violates the Fifth Amendment's guarantees of both substantive and procedural due process. Petitioner entered the United States on August 21, 2022, and subsequently applied for asylum, withholding of removal, and protection under the Convention Against Torture. On October 9, 2024, an Immigration Judge in Hyattsville granted Petitioner withholding of removal. Thereafter, when Petitioner was detained and released under an Order of Supervision and consistently complied with all conditions imposed by ICE, including regularly appearing for scheduled reporting appointments with ICE/ISAP.
25. Today, March 31, 2026, Petitioner appeared at an 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 his supervised release. Petitioner was immediately taken into custody and is being held at the Baltimore ICE field office.
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* at 693. Freedom from physical restraint is "at the heart of the liberty that the Due Process Clause protects." *Id.* at 690.
27. 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.

28. 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.*
29. 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 Lemus Cardona, 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.*
30. Petitioner’s case presents the same constitutional problem. For many years, the government allowed Petitioner to live in the community under a grant of Withholding of Removal while also complying with all ICE reporting requirements. Petitioner has no criminal record and strong family and deep community ties in Maryland.
31. Despite Petitioner’s long history of compliance, ICE abruptly revoked his supervised liberty and detained him when she appeared for a reporting appointment. ICE did not provide Petitioner with notice that his supervision would be revoked, did not offer him an opportunity

to contest the decision, and did not present any evidence that he posed a danger to the community or a flight risk.

32. 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.
33. The constitutional violation is particularly severe given Petitioner's circumstances. His detention has caused significant hardship to him and his family.
34. Respondents' actions, therefore, constitute an arbitrary deprivation of liberty in violation of the Fifth Amendment's Due Process Clause.
35. Accordingly, Petitioner is entitled to immediate release from detention.

SECOND CLAIM FOR RELIEF

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

36. 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.
37. Petitioner's arrest was unlawful because ICE effected a warrantless civil immigration re-arrest while he was reporting to ICE as requested, without probable cause to believe he 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, he 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)

38. Petitioner re-alleges and incorporates by reference the paragraphs above.
39. Petitioner's re-detention despite having consistently reported to ICE/ISAP, his deep family and community ties, his grant of Withholding of Removal, local counsel, and employment, is an abuse of discretion and unlawful.
40. 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, his grant of Withholding of Removal, and strong family and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his ties here in the community.

FOURTH CLAIM FOR RELIEF

VIOLATION OF THE ADMINISTRATIVE PROCEDURES ACT

41. Petitioner re-alleges and incorporates by reference the paragraphs above.
42. 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)).
43. Here, ICE’s decision to detain Petitioner, where he was reporting to ICE as requested of her, was granted Withholding of Removal, 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.
44. 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, his Fourth and Fifth Amendment rights, his grant of Withholding of Removal, and strong family and community ties within the United States. He is not a danger to the community, nor is he likely to abscond due to his ties here in the community.

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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