IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

Maurilio Garcia Rodriguez,

Petitioner,

v.

Vernon LIGGINS, *in his official capacity as Field Office Director of the Immigration and Customs Enforcement, Enforcement and Removal Operations Baltimore Field Office*; MARKWAYNE MULLIN, *in his official capacity as Secretary of Homeland Security*; and PAM BONDI, *in her official capacity as Attorney General of the United States,*

Respondents.

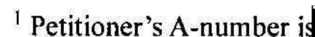
PETITION FOR A WRIT OF HABEAS CORPUS

Case No.

INTRODUCTION

1. Petitioner **Maurilio Garcia Rodriguez**[1] petitions this Court for a writ of habeas corpus ordering his immediate release from immigration custody or, at minimum, a bond hearing in immigration court. Mr. Garcia, a father to United States citizens—including a daughter with severe cardiological and neurological needs—was detained without explanation on his way to work.

2. On information and belief, Mr. Garcia is currently locked in a crowded cell at the Baltimore ICE office, which is the subject of an ongoing lawsuit in this Court. *See, e.g., D.N.N. v. Liggins*, 1:25-cv-1613, Dkt. No. 170 (D. Md. Mar. 6, 2026) (preliminary injunction describing and enjoining egregiously poor conditions, severe overcrowding, and complete lack of medical care at

[1] Petitioner's A-number is 

the Baltimore ICE office). Absent intervention from this Court, ICE will send Mr. Garcia to a detention center far away from his family and community in Maryland.

3. Mr. Garcia asks this Court to order his immediate release. In the alternative, Mr. Garcia requests a bond hearing in immigration court.

JURISDICTION & VENUE

4. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (the general grant of habeas authority to the district court); Art. I § 9, cl. 2 of the U.S. Constitution ("Suspension Clause"); and 28 U.S.C. § 1331 (federal question jurisdiction).

5. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3) and 28 U.S.C. § 1391(b)(2) and (e)(1) because Mr. Garcia is detained in Baltimore, Maryland.

PARTIES

6. Petitioner Maurilio Garcia Rodriguez is a 52-year-old father who is detained in the custody of the Department of Homeland Security.

7. Respondent Vernon Liggins is the Field Office Director for the Baltimore Field Office of Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations. On information and belief, Petitioner is currently detained at the Baltimore Field Office and Respondent Liggins is Petitioner's immediate custodian.

8. Respondent Markwayne Mullin is the Secretary of Homeland Security. As the head of the Department of Homeland Security (DHS), he supervises ICE, an agency within DHS that is responsible for the administration and enforcement of immigration laws. He has supervisory responsibility for and authority over the detention and removal of noncitizens throughout the

United States. Secretary Mullin is the ultimate legal custodian of Mr. Garcia. Respondent Mullin is sued in his official capacity.

9. Respondent Pam Bondi is the Attorney General of the United States. As the Attorney General and head of the Department of Justice (DOJ), she oversees the Executive Office for Immigration Review (EOIR), including the IJs and BIA, which conduct and review bond determinations. Respondent Bondi is sued in her official capacity.

STATEMENT OF FACTS

10. Mr. Garcia has lived in Maryland since 2003. Prior to his recent detention, Mr. Garcia resided in Annapolis, Maryland, where he raised his children. Mr. Garcia's daughter was born with severe cardiological issues and has required four heart surgeries in her twenty-one years of life. She is currently also being evaluated by Johns Hopkins Hospital for possible neurological issues after losing consciousness at nursing school, where she is training to become a pediatric nurse. Mr. Garcia is very active in helping his daughter manage her complex health needs.

11. At approximately 6:30am on March 31, 2026, Mr. Garcia was detained in Annapolis, Maryland on his way to work. His family was able to confirm that he had been taken to the Baltimore Field Office for Immigration and Customs Enforcement, where they spoke to immigration officials and retrieved the keys to his car.

12. On information and belief, Mr. Garcia is currently detained at the Baltimore Hold Rooms within the Baltimore ICE field office, a short-term detention facility that is the subject of a pending lawsuit alleging inhumane conditions.

13. On information and belief, prior to March 31, 2026, Mr. Garcia had never been placed in removal proceedings under 8 U.S.C. § 1229a or any other provision of the immigration laws.

14. On information and belief, DHS alleges that Mr. Garcia is present in the United States without being admitted or paroled. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

LEGAL FRAMEWORK

15. The INA prescribes three primary detention authorities applicable to most noncitizens in removal proceedings.

16. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge. See 8 U.S.C. § 1229a. Individuals detained under § 1226(a) are generally entitled to a bond hearing at the outset of their detention, see 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens arrested, charged with, or convicted of certain crimes are subject to mandatory detention under § 1226(c). Discretionary detention under § 1226(a) has been described as the "default" detention authority in standard removal proceedings. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018). Under § 1226(a), "[e]xcept as provided in subsection (c)," the Attorney General "may release" a noncitizen on "bond" or "conditional parole." Id. (internal citation omitted).

17. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1), as well as certain other recent arrivals seeking admission under § 1225(b)(2).

18. Third, the INA authorizes detention of noncitizens who have been ordered removed, including individuals in reinstatement or withholding-only proceedings. 8 U.S.C. § 1231(a)–(b).

19. This case concerns the detention provisions set forth at 8 U.S.C. §§ 1226(a) and 1225(b).

20. On July 8, 2025, ICE, in coordination with the Department of Justice, announced a new policy that departed from this long-standing statutory interpretation. That policy—"Interim

Guidance Regarding Detention Authority for Applicants for Admission"—asserts that all individuals who entered the United States without inspection are subject to detention under § 1225(b)(2)(A) without eligibility for bond, regardless of how long they have resided in the United States. DHS acknowledged that this policy represents a marked deviation from prior practice.

21. On September 5, 2025, the Board of Immigration Appeals adopted this position in *Matter of Yajure Hurtado*, holding that noncitizens who entered without admission or parole are subject to detention under § 1225(b)(2)(A) and ineligible for bond hearings.

22. Since Respondents adopted these policies, the overwhelming majority of federal district courts have rejected ICE's interpretation of the INA and declined to follow *Matter of Yajure Hurtado*. Every jurist in this Court to have addressed the issue has rejected *Matter of Yajure Hurtado* and held that non-citizens who entered the United States without inspection and who were subsequently arrested in the interior of the United States are entitled to a bond hearing under language § 1226(a). *See, e.g., Villaneva Funes v. Noem,* No. 25-cv-3860-TDC, 2026 WL 92860, at *4 (D. Md. Jan. 13, 2026); *Afghan v. Noem*, CV-SAG-25-04105, 2025 WL 3713732 (D. Md. Dec. 23, 2025); *Hernandez-Lugo v. Bondi*, Civ. No. GLR-25-3434, 2025 WL 3280772 (D. Md. Nov. 25, 2025) *Maldonado de Leon v. Baker*, Civ. No. 25-3084-TDC, 2025 WL 2968042 (D. Md. Oct. 21, 2025).

23. Section 1225(b) applies only to people arriving to and seeking admission at the U.S. border. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018). Accordingly, § 1225(b)(2)(A) does not apply to individuals like Mr. Garcia, who had already entered and was residing in the United States at the time of his arrest.

24. On information and belief, ICE has erroneously classified Mr. Garcia as an applicant for admission pursuant to the Board's decision in *Yajure Hurtado*.

25. In light of the overwhelming legal authority supporting these rulings and the government's increasingly arbitrary enforcement trends, this Court has recently remedied unlawful detention in these circumstances by ordering the petitioner *immediately released* from custody pending a bond hearing to occur in immigration court at a later time. *See, e.g., De Leon Rosales v. Liggins*, 8:26-cv-393, Dkt. No. 11 (D. Md. Feb. 3, 2026); *Vasquez Sanchez*, 8:26-cv-331, Dkt. No. 11; *Afghan*, 2025 WL 3713732, at *3.

CLAIMS FOR RELIEF

COUNT I
Violation of Substantive Due Process

26. The preceding paragraphs are incorporated by reference.

27. The Due Process Clause's guarantee to substantive due process prohibits the government from infringing upon certain "fundamental" liberty interests, "unless the infringement is narrowly tailored to support a compelling government interest." *Reno v. Flores*, 507 U.S. 292, 302 (1993). It applies to "all 'persons' within the United States, including [noncitizens], whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas*, 533 U.S. at 693.

28. The Government's interest in detaining a noncitizen during removal proceedings is limited to ensuring appearance and protecting the community. *See Demore v. Kim*, 538 U.S. 510, 531 (2003). Indefinite detention without an individualized determination is punitive and arbitrary, violating substantive due process. *Zadvydas*, 533 U.S. at 690. Here, Petitioners' detention is not based on any individualized finding of flight risk or dangerousness. It is based solely on an erroneous legal classification (as an "applicant for admission"). This blanket detention is not

"narrowly tailored to support a compelling government interest," *Flores*, 507 U.S. at 302, and is therefore substantively unreasonable and unconstitutional.

29. To that end, immediate release, with all personal property, would be an appropriate remedy for Respondents' constitutional violations in this case, including the lack of pre-deprivation notice or individualized review before Mr. Garcia's arrest, which cannot be remedied by a post-deprivation hearing. *See Alfaro Herrera v. Baltazar*, No. 1:25-CV-04014, 2026 WL 91470, at *13 (D. Colo. Jan. 13, 2026) (given that petitioner had been previously released to the community and holding a bond hearing would prolong his unlawful detention, "[r]espondents' violations of Petitioner's rights are best remedied by ordering Petitioner's immediate release from immigration detention."); *Qasemi v. Francis*, No. 1:25-CV-10029, 2025 WL 3654098 at *14, (S.D.N.Y. Dec. 17, 2025) (a bond hearing would not be an adequate remedy for the due process violations in petitioner's sudden arrest and detention); *Crespo Tacuri v. Genalo*, No. 1:25-CV-06896, 2026 WL 35569, at *7 (E.D.N.Y. Jan. 6, 2026) (ordering release, finding that post-deprivation review cannot remedy the due process violation of detaining petitioner with no process or individualized assessment); *Moctezuma Macias v. Henkey*, No. 1:25-CV-00741-BLW, 2026 WL 18809, at *5 (D. Idaho Jan. 2, 2026) (given that Government's repeated use of unlawful detention policies across the country caused petitioners to "sit in jail waiting for a judicial decision," ordering immediate release instead of causing additional delay with a bond hearing).

30. Though the INA entitles Mr. Garcia to a bond hearing under 8 U.S.C. § 1226(a), a bond hearing conducted by the immigration court would not provide him sufficient process to safeguard his significant liberty interests. As Jorge Artieda—a former ICE attorney and legal counsel to ICE National Headquarters—explained in a January 28, 2026 sworn declaration, IJs have recently demonstrated a predisposition to deny bond based on erroneous, unsupported legal

standards. Ex. 1, Sworn Declaration of Jorge Artieda. Mr. Artieda personally observed numerous IJ-conducted bond hearings over the past three weeks in which IJs denied bond for spurious reasons, such as finding individuals to be a "flight risk" for not having sought affirmative immigration relief before being detained, irrespective of their long-term residence, deep family ties, and clean records. *Id.* at 2–5. As Mr. Artieda explained, what he "ha[s] witnessed over the past three weeks appears to be a systematic effort to nullify the constitutional protections that federal courts have recognized and enforced through habeas corpus," evidencing "a deliberate campaign to render meaningless the bond hearings that this Court and others have ordered." *Id.* at 6.

31. Indeed, EOIR has reassigned several IJs who were granting bond or other relief. Mr. Artieda notes that "the abrupt reassignment of [IJs] who were granting bond and questioning government positions, the immediate and uniform shift to systematic denial of bond, and the reliance on a narrow set of rationales across multiple [IJs] and cases—suggests what appears to be a coordinated effort by the Executive Office for Immigration Review (EOIR) and the Department of Justice to undermine federal habeas relief." *Id.*

32. "[D]ue process requires a 'neutral and detached judge in the first instance.'" *See Concrete Pipe & Products of California, Inc. v. Construction Laborers Pension Tr. For Southern California*, 508 U.S. 602, 617 (1993) (quoting *Ward v. Village of Monroeville*, 409 U.S. 57, 61–62 (1972)). Several other courts have found that, given the concerted efforts of IJs to deny bond following the grant of habeas relief, the only proper remedy is release. *See, e.g.*, *Roshniashvili v. Allen*, No. 2:26-cv-93, 2026 WL 446657, at *8 (S.D. W. Va. Feb. 17, 2026) (finding due process violation and ordering release for noncitizen ICE detained after custody "redetermination" where ICE failed to explain basis for redetermination and conceded he was not a flight risk or danger); *Briceno Solano v. Mason*, No. 2:26-cv-45, 2026 WL 311624, at *20 (S.D. W. Va. Feb. 4, 2026)

(concluding, in similar case, that "a bond hearing would be futile" and crediting Mr. Artieda's declaration, because "there is little chance the Government would actually hold a bond hearing, and there is no chance any hearing that occurred would comport with due process"). This Court should order Mr. Garcia's immediate release.

COUNT II
Violation of Procedural Due Process

33. The preceding paragraphs are incorporated by reference.

34. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty that the Clause protects." *Zadvydas*, 533 U.S. at 690.

35. Respondents' policy, as implemented through *Matter of Yajure Hurtado* and the January 13, 2026, EOIR guidance categorically denies Petitioner a bond hearing. Respondents' outright refusal to provide any process whatsoever to determine the necessity of Petitioner's detention is a per se violation of procedural due process. *See, e.g., Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232 (3d Cir. 2011) ("At its core, procedural due process guarantees an opportunity to be heard at a meaningful time and in a meaningful manner.").

36. Under the framework of *Mathews v. Eldridge*, 424 U.S. 319 (1976), categorically denying Mr. Garcia bond based on *Matter of Yajure Hurtado* violates his procedural due process rights for several reasons, including but not limited to:

a. Mr. Garcia has a substantial liberty interest in freedom from physical restraint, as he is currently detained after living in the United States for over twenty years. He is a crucial support to his daughter and highly involved in his church, St. Juan Neumann, in Annapolis.

b. The burden on the Government is minimal, as until DHS's very abrupt reinterpretation of the INA in *Matter of Yajure Hurtado*, IJs regularly conducted bond hearings for people like Mr. Garcia, and IJs weighed individualized risks appropriately as required by the INA. The Government's burden to do what it has always done does not justify any additional weight given to this factor.

37. Due process requires a meaningful opportunity to be heard before a neutral decision-maker. To ensure that Mr. Garcia receives a fair bond hearing, he asks this Court order him immediately released pending a future bond hearing for which he can adequately prepare from outside detention. Release pending bond is particularly imperative in light of recent examples of ICE failing to timely produce non-citizens in their custody for bond hearings in accordance with this Court's orders. *See, e.g., Zelaya-Hernandez v. Liggins*, 1:26-cv-674, Dkt. No. 12 (D. Md. Feb. 26, 2026) (noting that ICE did not meet deadline to transfer petitioner back to Maryland for bond hearing and ordering additional measures to ensure her appearance); *Cruz Gomez v. Noem*, 1:26-cv-269, Dkt. No. 9 (D. Md. Feb. 6, 2026) (ordering petitioner's release where respondents failed to conduct bond hearing by Court's deadline).

COUNT III
Violation of the INA and the Administrative Procedure Act (APA)
8 U.S.C. § 1226(a); 5 U.S.C. § 706(2)(A)-(C)

38. The preceding paragraphs are incorporated by reference.

39. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are present without having been admitted or paroled. By its very terms, it applies only to those noncitizens who are apprehended while they are applying for admission near the border or at a port of entry. As relevant here, it does not apply to those who are alleged to have previously entered the country and have been residing in the United States prior

to being apprehended and placed in removal proceedings by Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to § 1225(b)(1), § 1226(c), or § 1231.

40. Since Mr. Garcia is not an applicant for admission "seeking admission" or "an arriving alien" subject to § 1225(b) and has no disqualifying criminal arrests or convictions subject to § 1226(c), he is entitled to a bond hearing pursuant to § 1226(a).

41. The application of § 1225(b)(2) to Mr. Garcia unlawfully mandates his continued detention and violates the INA by depriving him of the rights he should be afforded under § 1226(a). To the extent that DHS asserts that *Matter of Yajure-Hurtado* nevertheless requires his mandatory detention, the BIA's interpretation in that case is ultra vires and in conflict with the careful balance of factors clearly established in the INA with regard to bond eligibility, and not subject to deference. *See Loper Bright Enterprises v. Raimondo*, 603 U.S. 369 (2024). Such an agency action also violates the APA, as it is arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right. 5 U.S.C. § 706(2)(A)–(C).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

a. Assume jurisdiction over this matter;
b. Order that Respondents show cause within three days as to why the petition should not be granted;
c. Declare that Petitioner's detention without bond is unlawful, and that he is not "seeking admission" or "an arriving alien" subject to 8 U.S.C. § 1225(b);
d. Declare that Respondents may properly detain Petitioner, if at all, only pursuant to 8 U.S.C. § 1226(a);
e. Declare that Respondents' actions, as set forth herein, violate Petitioner's due process rights and/or 8 U.S.C. § 1226(a).

f. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner; or, in the alternative, release Petitioner pending a bond hearing pursuant to 8 U.S.C. § 1226(a).
g. Grant any other further relief this Court deems just and proper.

Dated: March 31, 2026

Respectfully submitted,

/s/ Rose Richardson
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Pro Bono Counsel for Petitioner

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

I represent Petitioner and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: March 31, 2026

Respectfully submitted,

/s/ Rose Richardson
Rose Richardson
Pro Bono Counsel for Petitioner

CERTIFICATION PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 11

I, undersigned counsel, hereby certify that Petitioner is presently detained in Maryland, that emergency relief is necessary, and that the Court has subject-matter jurisdiction over the Petition.

Dated: March 31, 2026

Respectfully submitted,

/s/ Rose Richardson
Rose Richardson
Pro Bono Counsel for Petitioner

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for a Writ of Habeas Corpus and all attachments using the CM/ECF system.

Dated: March 31, 2026

Respectfully submitted,

/s/ Rose Richardson
Rose Richardson
Pro Bono Counsel for Petitioner