

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

MAURILIO GARCIA RODRIGUEZ,

Petitioner,

v.

VERNON LIGGINS, *et al.*,

Respondents.

Civil Action No. 1:26-cv-01279-TDC

**RESPONDENTS' NOTICE**

Respondents, by and through undersigned counsel, hereby submit the following Notice to the Court regarding the Petition for Habeas Corpus (ECF No. 1), and state in lieu of further briefing:

1. This matter arises out of Petitioner's Petition for Writ of Habeas Corpus, which challenges Petitioner's detention under 8 U.S.C. §1225 (requiring mandatory detention) instead of under 8 U.S.C. § 1226 (providing for discretionary detention after a bond hearing). *See generally*, ECF No. 1.

2. Respondents agree that the factual and legal arguments presented in the instant habeas petition do not materially differ from those presented in many similar cases before this Court, including, for example, *Velasquez v. Noem*, No. 25-cv-3215-GLR, 2025 WL 3003684 (D. Md. Oct. 27, 2025); *Villanueva Funes v. Noem*, No. 25-cv-3860-TDC, 2026 WL 92860 (D. Md. Jan. 13, 2026); and, *Leal-Hernandez v. Noem*, No. 25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025). As in those cases, this Petition concerns whether Petitioner, a noncitizen who entered the United States without inspection and was detained is subject to mandatory detention

under 8 U.S.C. § 1225 or discretionary detention under § 1226(a) during the pendency of administrative removal proceedings

3. Given that the Respondents have previously briefed the question of mandatory or discretionary detention and any related jurisdictional issues in numerous cases, including those referenced above, Respondents hereby incorporate, and do not waive, the arguments raised in those cases in lieu of further briefing.

4. Additionally, on February 6, 2026, the Fifth Circuit, in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502-08 (5th Cir. Feb. 6, 2026), held, 2-1, that the Department of Homeland Security can charge individuals they initially encounter, no matter how long they have been in the United States, under 8 U.S.C. § 1225(b)(2), stating:

After reviewing carefully the relevant provisions and structure of the Immigration and Naturalization Act, the statutory history, and Congressional intent, we conclude that the government's position is correct. We REVERSE the district courts' orders to provide petitioners with bond hearings or release them and REMAND for further proceedings consistent with this opinion.

*Id.* at p. 3. Respondents acknowledge that this Fifth Circuit case is not binding in this District.

5. Moreover, on March 25, 2026, the Eighth Circuit in *Herrera Avila v. Bondi*, --F.4th ---, 2026 WL 819258 (8<sup>th</sup> Cir. Mar. 25, 2026), held, 2-1, that the Department of Homeland Security can charge individuals they initially encounter, no matter how long they have been in the United States, under 8 U.S.C. § 1225(a)(1), and they be detained under 8 U.S.C. § 1225(b)(2) during removal proceedings stating:

[W]e find that the district court erred in holding that the Government could not detain Avila without bond under § 1225(b)(2)(A) and in granting habeas relief on that basis.

Respondents acknowledge that this Eighth Circuit case is not binding in this District. However, this is the second appellate court to rule in favor of the Government on this issue.

6. The Fourth Circuit is scheduled to hear oral argument on the Government's appeal of the 1225/1226 issue in the consolidated appeals of *Lopez Garcia v Guadian*, 25-7044 and *Rivera v. Guadian*, 25-7050 on May 5, 2026.

7. Several Judges in this District have recently asked the parties in similar cases to address the application of the *Maldonado Bautista v. Noem* decision, 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). Respondents contend that *Maldonado* is not binding on this Court for reasons set forth in prior briefs, which are incorporated as if fully set forth herein, including in *Bautista Villanueva v. Bondi, et al.*, United States District Court for the District of Maryland, Case No.: 1:25-cv-4152-ABA, ECF No. 8, pp. 18-23, but recognize that several judges in this District have found that even if *Maldonado* is not binding or controlling, they would adopt and incorporate *Maldonado's* reasoning in deciding the merits of claims like Petitioner's.

8. As such, Respondents agree and assert that no further briefing is necessary and that the Petition can be decided without a hearing.

9. If the Court orders a bond hearing under 8 U.S.C. § 1226, Respondents request that the Court include the following in any such Order:

- a. Petitioner is detained under 8 U.S.C. § 1226 and Respondents are enjoined from detaining Petitioner under 8 U.S.C. § 1225(b);
- b. Petitioner is entitled to a bond hearing consistent with 8 C.F.R. §§ 236.1(d), 1003.19 and 1236.1(d), which shall be held within 14 days of the **Petitioner's filing of a motion with the Immigration Court** with meaningful consideration by the Immigration Judge of applicable, relevant factors;
- c. The bond hearing may be conducted by any Immigration Judge having jurisdiction or administrative control over Petitioner's detention or having administrative control over Petitioner's immigration case or removal proceedings and need not take place in Maryland; but, Petitioner must be present (in person or by video) and able to participate in the hearing;

- d. If bond is granted and Petitioner is released, then nothing in this Order precludes Respondents from imposing reasonable conditions of release;
- e. **Petitioner shall file a status report with this Court** if a bond hearing is not held by an Immigration Judge within 14 days of the filing of a motion for a bond hearing;
- f. **Petitioner shall file a status report** within 14 days of this Order.
- g. Any request for attorney's fees and costs is denied.

WHEREFORE, Respondents request that the Court consider the Petition fully briefed; that no hearing is necessary; and, that if the Court orders relief from a bond hearing under 8 U.S.C. § 1226, it include the aforementioned terms in any such order.

Dated: April 1, 2026

Respectfully submitted,

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