

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

**YELSIN FUENTES FUENTES** (A )  
*Petitioner,* )

v. )

Case No. \_\_\_\_\_

**VERNON LIGGINS**, in his official capacity )  
as Acting Field Office Director of the Immigration )  
and Customs Enforcement, Enforcement and )  
Removal Operations Baltimore Field Office; )  
**MARKWAYNE MULLER**, in his official capacity )  
as Secretary of the U.S. Department of Homeland )  
Security; **PAMELA BONDI**, in her official )  
Capacity as Attorney General of the United States, )  
*Respondents.* )

**PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR  
DECLARATORY AND INJUNCTIVE RELIEF**

**INTRODUCTION**

1. Petitioner, Yelsin Fuentes Fuentes, has been residing in the United States since approximately 2007.
2. On April 1, 2026, he was apprehended by Immigration and Customs Enforcement (“ICE”) while he drove to work in the state of Maryland.
3. The basis for Petitioner’s detention is his presence in the United States without admission or parole. *See* 8 U.S.C. § 1182(a)(6)(A)(i). He remains in unlawful detention, without the opportunity for a bond hearing, under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

4. *Matter of Yajure Hurtado* articulates a new agency policy that all persons who entered the United States without inspection, regardless of how long they have lived in the United States or how far they were apprehended from the border, are deemed applicants for admission under 8 U.S.C. § 1225(b)(2)(A) and thus ineligible for a discretionary bond hearing under § 1226(a).
5. This Board of Immigration Appeals (“BIA”) decision further reflects an ICE memorandum, issued in July 2025, that instructs its attorneys to coordinate with the Department of Justice, the agency housing EOIR, to reject custody redetermination hearings for applicants who arrived in the United States without documents.<sup>1</sup>
6. The agencies’ reading of the Immigration and Nationality Act’s (“INA’s”) detention provisions is a violation of the statute and due process. As this Court has previously concluded in numerous cases, § 1225(b)(2)(A) does not apply to individuals like Petitioner, who have been present in the United States for years. *See Hernandez-Lugo v. Bondi*, No. GLR-25-3434, 2025 U.S. Dist. LEXIS 231129 (D. Md. Nov. 25, 2025); *Velasquez v. Noem*, No. GLR-25-3215, 2025 U.S. Dist. LEXIS 210601 (D. Md. Oct. 27, 2025); *Maldonado de Leon v. Baker*, No. 25-3084-TDC, 2025 U.S. Dist. LEXIS 207581 (D. Md. Oct. 21, 2025). Instead, such individuals are subject to detention under a different statute, § 1226(a), and are eligible for release on bond.
7. Respondents’ continued detention of Petitioner without a bond hearing violates his right to due process. Accordingly, he requests this Court grant his habeas petition and order his immediate release from detention.

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<sup>1</sup> See “ICE declares millions of undocumented immigrant ineligible for bond hearings,” *The Washington Post* (Jul. 15, 2025) <https://www.washingtonpost.com/immigration/2025/07/14/ice-trump-undocumented-immigrants-bond-hearings/>.

8. Accordingly, Petitioner requests that the Court grants his habeas petition, and that it orders that he is immediately released from detention or provided a bond hearing before an immigration judge ("IJ").

#### **JURISDICTION & VENUE**

9. This Court has jurisdiction under 28 U.S.C. § 2241 (federal habeas statute); 28 U.S.C. § 1331 (federal question); 28 U.S.C. § 2201-2 (declaratory judgment); and United States Constitution Article I, Section 9 (Suspension Clause).
10. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678 (2001); *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 583 U.S. 281, 292-96 (2018), the Supreme Court again upheld the federal courts' jurisdictions to review such claims.
11. 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 Petitioner is detained within this district.

#### **THE PARTIES**

12. Petitioner is a citizen of Guatemala who entered the United States in or around 2007. He is currently detained at the ICE Baltimore Field Office in Baltimore, Maryland.
13. Respondent, Vernon Liggins is the Acting Field Office Director for Immigration and Customs Enforcement's Baltimore Field Office and is the federal agent charged with overseeing all ICE detention centers in Maryland. Mr. Liggins is a legal custodian of Petitioner. He is sued in his official capacity.
14. Markwayne Muller is the Secretary of the U.S. Department of Homeland Security. DHS oversees ICE, which is responsible for administering and enforcing the immigration laws.

Secretary Muller is the ultimate legal custodian of Petitioner. He is sued in his official capacity.

15. Pamela Bondi is the Attorney General of the United States. She oversees the immigration court system, which is housed within EOIR and includes all immigration judges (“IJs”) and the Board of Immigration Appeals (“BIA”). She is sued in her official capacity.

**REQUIREMENTS OF 28 U.S.C. § 2243**

16. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*
17. “Habeas is the exclusive remedy for a prisoner who seeks immediate or speedier release from confinement.” *Skinner v. Switzer*, 562 U.S. 521 (2011) (cleaned up); *see also Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103 (2020) (“Blackstone wrote that habeas was a means to ‘remov[e] the injury of unjust and illegal confinement.’”) (quoting 3 W. Blackstone, *Commentaries on the Laws of England* 137).
18. “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).
19. Petitioner requests the Court issue an Order to Show Cause and direct Respondents to file a response within three days, in light of the significant restraint on his liberty and clear Constitutional violations in this case.

**FACTS**

20. Petitioner is a thirty-two-year-old native and citizen of Guatemala who entered the United States without inspection in or about 2007. He was approximately fourteen years old at the time of entry and had no prior interaction with immigration authorities until his recent detention.
21. Petitioner is a devoted father who resides in Maryland with his long-term partner and their children at the home he purchased four years ago. He spends his free time with his family and is actively involved in his church community.
22. Petitioner has worked as a landscaper for most of his adult life and established his own landscaping company approximately four years ago. He dedicates significant time and effort to serving his clients and supporting his employees.
23. In addition to his work, Petitioner devotes his time to caring for his two young children, ages two years and three months, and to supporting his partner. The family attends church multiple times per week and is part of a large and supportive church community in Easton, Maryland.
24. Petitioner was diagnosed with epilepsy at approximately ten years of age and has remained in treatment since that time. He requires daily medication and attends regular medical appointments to manage his condition.
25. Petitioner is deeply loved and supported by his family and community. His consistent employment, dedication to his family, and compliance with all legal obligations demonstrate strong ties to the United States and a clear commitment to abiding by the law. His family is extremely concerned about his well-being in detention, particularly given his epilepsy diagnosis and need for daily medication.

26. On April 1, 2026, Petitioner was detained while driving to work in Easton, Maryland. He is was detained at the Salisbury, Maryland ICE facility under the jurisdiction of the Baltimore Field Office, before being transferred to the Baltimore facilities.
27. Any request for a bond hearing before the Immigration Court is futile.

### **LEGAL BACKGROUND**

#### **I. OVERVIEW OF THE INA'S DETENTION FRAMEWORK**

28. Relevant to this case, the INA includes two provisions that primarily govern the detention of non-citizens.
29. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard non-expedited removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
30. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred under § 1225(b)(2).
31. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (“IIRIRA”) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section 1226(a) was most recently amended by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).
32. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained

under § 1225 and were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

33. Thus, in the decades that followed, most people who entered without inspection, unless they were subject to some other detention authority, received bond hearings. This practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply restated the detention authority previously found at § 1252(a)).

## II. RESPONDENTS’ POLICY VIOLATES THE INA’S STATUTORY SCHEME

34. In July 2025, ICE released a memorandum instructing its attorneys to coordinate with EOIR to reject bond hearings for applicants who arrived in the United States without documents.
35. Thereafter, on September 5, 2025, the BIA published *Matter of Yajure Hurtado*, 29 I&N Dec. 216, which confirms that EOIR is taking the position that noncitizens who entered the United States without admission or parole are ineligible for IJ bond hearings. As *Matter of Yajure Hurtado* is binding on IJs, it represents the widespread position that EOIR is applying across the United States.
36. EOIR’s interpretation defies agency practice and the plain language of the INA.
37. Indeed, following the enactment of IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See*

Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

38. This practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply the detention authority previously found at § 1252(a)).
39. The plain text of the provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.”
40. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to 8 U.S.C. § 1182(a)(6)(A)(i) makes clear that, by default, such people are afforded a bond hearing under subsection (a).
41. On the contrary, § 1225(b) applies to people arriving at United States ports of entry or who recently entered the United States. The statute’s entire framework is premised on inspections at the border of people who are “seeking admission” to the United States. Even the title of § 1225(b) indicates that it specifically applies at the point of “inspection for applicants for admission.”
42. Moreover, EOIR’s interpretation of the INA’s detention framework contradicts Supreme Court precedent. *See Jennings v. Rodriguez*, 583 U.S. 281 (2018).
43. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to Petitioner.

### III. *MALDONADO BAUTISTA* LITIGATION

44. On November 25, 2025, the Central District of California, in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, granted a nationwide class certification covering all noncitizens in the United States without lawful status who: (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time DHS makes an initial custody determination. *Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 U.S. Dist. LEXIS 231977, \*26 (C.D. Cal. Nov. 25, 2025).
45. The *Bautista* court concluded that class members are detained under 8 U.S.C. § 1226(a) and must be afforded a bond hearing before an IJ. *Id.* at \*25 (“Respondents have failed, on a systemic basis, to provide Petitioners and putative class members with the necessary safeguards imbued by the INA in violation of their rights.”).
46. On December 18, 2025, the *Bautista* court granted the Plaintiffs’ request to enter a final judgment. *Bautista v. Santacruz*, No. 5:25-cv-01873, 2025 U.S. Dist. LEXIS 269220, \*22 (C.D. Cal. Dec. 18, 2025).
47. On February 18, 2026, the *Bautista* court took one step further and expressly vacated *Matter of Yajure Hurtado*. See *Bautista v. Santacruz*, C.D. Cal. No. 5:25-cv-01873, Dkt. 116.
48. As Petitioner is a *Bautista* class member, he is entitled to a bond hearing under 8 U.S.C. § 1226(a).<sup>2</sup>

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<sup>2</sup> Petitioner recognizes that, on March 6, 2026, the United States Court of Appeals for the Ninth Circuit issued a temporary administrative stay of the *Bautista* Court’s December 18, 2025 and February 18, 2026 decisions, pending the Ninth Circuit’s ruling on the Government’s motion for

**CAUSES OF ACTION**

**COUNT ONE**

***Violation of 8 U.S.C. § 1226(a)  
Unlawful Denial of Bond Hearing***

49. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
50. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c), or § 1231.
51. The application of § 1225(b)(2) to bar Petitioner from receiving a bond hearing before an IJ violates the INA.

**COUNT TWO**

***Violation of the Administrative Procedure Act  
Unlawful Denial of Bond Hearing***

52. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
53. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens who are subject to inadmissibility as being present in the United States without admission or parole. Such noncitizens are detained under § 1226(a), unless they are subject to another detention provision, such as § 1225(b)(1), § 1226(c) or § 1231.

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an emergency stay. 9th Circuit, No. 26-1044, Dkt. 5. Petitioner nevertheless raises these arguments to preserve them before this Court.

54. The application of § 1225(b)(2) to bar Petitioner from receiving a bond hearing before an IJ is arbitrary, capricious, and not in accordance with law, and as such, it violates the APA. See 5 U.S.C. § 706(2).

**COUNT THREE**

***Violation of Procedural Due Process  
Unlawful Denial of Bond Hearing***

55. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
56. 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.
57. Petitioner has a fundamental interest in liberty and being free from official restraint. Respondent’s detention of Petitioner without a bond hearing to determine whether he is a flight risk or danger to others violates his right to due process.

**COUNT FOUR**

***Violation of Maldonado Bautista  
Unlawful Denial of Bond Hearing***

58. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
59. Petitioner is a member of the nationwide class certified in *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, C.D. Cal. No. 5:25-cv-01873.

60. Respondents' detention of Petitioner without a bond hearing violates the *Maldonado Bautista*'s court final order that class members are detained pursuant to § 1226(a) and should thus be afforded a bond hearing.

**PRAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Order under the All Writs Act that Petitioner not be removed from this District while this petition is pending;
- (3) Issue an order requiring Respondents to show cause why this Petition should not be granted within three days;
- (4) Declare that 8 U.S.C. § 1225 does not govern Petitioner's detention by U.S. immigration authorities;
- (5) Declare that Petitioner is entitled to immediate release or issue a bond hearing as a *Maldonado Bautista* class member;
- (6) Set aside Respondents' unlawful detention policy under the APA, 5 U.S.C. § 706(2);
- (7) Order that Respondents release Petitioner with all of his personal belongings immediately or, in the alternative, provide him with a bond hearing, where DHS bears the burden of establishing that he is a flight risk and a danger to the community, within 7 days;
- (8) If the Court orders Petitioner's release on the immigration judge's bond, order that ICE is precluded from automatically staying the immigration judge's bond order by filing a form EOIR-43;

- (9) If the Court orders Petitioner's release on the immigration judge's bond, order Respondents to release Petitioner immediately upon the posting of bond, notwithstanding any reservation for appeal by DHS; and
- (10) Order further relief as this Court deems just and appropriate.

Respectfully submitted,

/s/ Ivan Yacub

**Ivan Yacub**

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*Attorney for Petitioner*

I affirm, under penalty of perjury, that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

*Afirmo bajo pena de perjurio que las declaraciones precedentes son verdades y correctas según mi conocimiento, información y creencia.*

**Sayda Miranda.**

**04/01/2026**

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**Sayda Miranda**  
Petitioner's Girlfriend  
*Novia del Peticionario*

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**Date**  
*Fecha*