

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

Ever ALVARENGA RIOS, in ICE custody at
Johns Hopkins Bayview Medical Center,
4940 Eastern Ave., Baltimore, MD 21224



Petitioner,

v.

VERNON LIGGINS, *in his official capacity as
Field Office Director for Detention & Removal,*
U.S. Immigration and Customs Enforcement, 31
Hopkins Plz., 6th Fl., Baltimore, MD 21201;

TODD LYONS, *in his official capacity as
Director,* U.S. Immigration and Customs
Enforcement, 500 12th St. SW, Washington, DC
20536;

MARKWAYNE MULLIN, *in his official capacity
as Secretary,* U.S. Department of Homeland
Security, Washington, DC 20528; and

TODD BLANCHE, *in his official capacity as
Acting Attorney General of the United States,* U.S.
Department of Justice, 950 Pennsylvania Ave.
NW, Washington, DC 20530,


Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Ever Alvarenga Rios, (hereinafter “Mr. Alvarenga Rios”) a native and citizen of Honduras, with Alien Registration Number A  petitions this Court for a Writ of Habeas Corpus, 28 U.S.C. § 2241, to challenge his unlawful incommunicado custodial detention by the United States Department of Homeland Security (“DHS”), through its component arm, United States Immigration and Customs Enforcement (“ICE”).
2. Mr. Alvarenga Rios challenges Respondents’ continued detention on the basis that his detention has, at all times, been in violation of his Fifth Amendment right to due process as his incommunicado detention has frustrated his access to counsel and his ability to avail himself of any process or procedure whatsoever.
3. Mr. Alvarenga Rios’s continued detention by Respondents without any mechanism to challenge his confinement violates the Due Process Clause of the Fifth Amendment to the United States Constitution and presents a federal question under 28 U.S.C. § 1331 through the INA. Petitioner seeks declaratory and injunctive relief under 28 U.S.C. § 1331 in conjunction with 28 U.S.C. § 2201, in the form of an order from this Court requiring his immediate release because he is not lawfully detained.

JURISDICTION AND VENUE

4. As of the time of this filing, Mr. Alvarenga Rios’s last known place of detention is Johns Hopkins Bayview Medical Center in Baltimore, Maryland, which is within the jurisdiction of the United States District Court for the District of Maryland.
5. On April 2, 2026, ICE agents apprehended Mr. Alvarenga Rios after they violently crashed into the back of the vehicle he was driving with their unmarked vehicle, causing him to suffer significant injuries to his head, chest, back and hands. *See* Exhibits A (Photo of the Collision) & B (Photos of Mr. Alvarenga Rios’s Injuries). He was immediately taken to

Johns Hopkins Bayview Hospital for medical treatment. He remains in the custody of ICE at Bayview Hospital.

6. On April 2, 2026, and again on April 3, 2026, attorneys representing the Petitioner attempted to visit Mr. Alvarenga Rios in the hospital. On both occasions, the Respondents denied Petitioner's attorneys any access to Petitioner.
7. At this time, the nature of the Petitioner's injuries and the extent of the medical care required remain unknown. The Respondents' denial of the Petitioner's access to legal counsel continues to thwart the Petitioner's ability to take necessary actions, in concert with his attorneys, in his underlying immigration matter.
8. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 ("habeas corpus"), 28 U.S.C. § 1651 ("All Writs Act"), 28 U.S.C. § 1331 ("federal question"), the INA, and the Fifth Amendment to the United States Constitution (the "Due Process Clause").
9. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by United States immigration officials. *See Reno v. Flores*, 507 U.S. 292, 307 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 915 (E.D. Va. 2024) ("The federal habeas corpus statute gives a district court jurisdiction to review immigration-related detention cases.") (citing 28 U.S.C. § 2241(c)(3)).
10. Title 8 U.S.C. § 1252(g) does not operate as a jurisdictional bar because that statute does not apply to actions taken to detain foreign nationals. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) ("Section 1252(g) 'applies only to three

discrete actions,’ i.e. commencement of removal proceedings, adjudication of removal cases, and execution of removal orders.”).

11. Title 8 U.S.C. § 1252(b)(9) does not preclude jurisdiction because that statute applies to review of removal orders. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) (quoting *Webster v. Doe*, 486 U.S. 592, 603 (1988)) (explaining that “‘where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear’”).

EXHAUSTION

12. Generally, a petitioner seeking habeas corpus under 28 U.S.C. § 2241 must exhaust administrative remedies. *See, e.g., Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 489-492 (1973); *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000). “The INA does not require a noncitizen to exhaust administrative remedies before asserting a constitutional challenge to immigration detention procedures.” *Maldonado*, 2025 WL 2968042, at *4 (citing *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022)). A petitioner need not “exhaust administrative remedies where the issue presented involves only statutory construction,” *Vasquez v. Strada*, 684 F.3d 431, 433-34 (3d Cir. 2012), because those cases evince that agencies have “predetermined the issue before [them]” or there is an “unreasonable or indefinite timeframe for administrative action.” *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992).
13. There are no applicable statutory exhaustion requirements and the issue in this case hinges entirely on the Respondents’ continued refusal to provide Mr. Alvarenga Rios the access to legal counsel that he is due, so Mr. Alvarenga Rios is not required to exhaust.

REQUIREMENTS OF 28 U.S.C. § 2243

14. The Court should grant this Petition for Writ of Habeas Corpus or issue an order to show cause to Respondents forthwith, unless Mr. Alvarenga Rios is not entitled to relief. *See* 28 U.S.C. § 2243. If an order to show cause is issued, the Court should require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

PARTIES

15. Mr. Alvarenga Rios has been detained since April 2, 2026. He is being denied access to legal counsel. He is in the custody and under the direct control of Respondents and their agents.

16. Respondent Vernon Liggins is sued in his official capacity as the ICE Field Office Director for Baltimore. He supervises and oversees the ICE Baltimore Hold Room.

17. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. He supervises and oversees Respondent Liggins.

18. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of DHS. In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the INA, and oversees ICE, the component agency directly responsible for Mr. Alvarenga Rios’s detention. *See* 8 U.S.C. § 1103(a). Respondent Mullin is a legal custodian of Petitioner.

19. Respondent Todd Blanche is sued in his official capacity as the Acting Attorney General of the United States. The Attorney General oversees the Executive Office for Immigration Review and, within the Executive Branch, is the arbiter of all questions of law pertaining to the INA. *See* 8 U.S.C. § 1103(a)(1), (g).

STATEMENT OF FACTS

20. Mr. Alvarenga Rios is a native and citizen of Honduras and a resident of the state of Maryland since June 2014.
21. Mr. Alvarenga Rios has remained in the United States since his last entry, for nearly 12 years. He has no know criminal arrests or convictions in the United States or anywhere else in the world.
22. Mr. Alvarenga Rios was apprehended by ICE on April 2, 2026. He remains in the custody of ICE at the Johns Hopkins Bayview Hospital while he receives medical treatment from injuries sustained during his apprehension and arrest by ICE.
23. Though the Respondents regularly maintain an online database to facilitate the location of individuals in their custody, Mr. Alvarenga Rios does not appear in that system.
24. Though the Respondents regularly maintain an online portal by which legal representatives can enter their appearance and coordinate legal visitation with detainees, Mr. Alvarenga Rios appears in that system as “non-detained.”

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment Right to Due Process

25. Mr. Alvarenga Rios incorporates and realleges the factual allegations above as if fully set forth here.
26. It is settled that the Fifth Amendment’s Due Process Clause applies to all “persons” within the United States. *See Matthews v. Diaz*, 426 U.S. 67, 77 (1976). Mr. Alvarenga Rios has been present in the United States for 12 years.
27. The term “persons” includes foreign nationals like Mr. Alvarenga Rios. *See id.*

28. It is equally well settled that freedom from confinement is a core liberty interest and violation of that liberty interest raises a colorable substantive due process claim. *See, e.g., Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)); *Reno v. Flores*, 507 U.S. 292, 301 (1993) (collecting cases); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (noting bodily freedom is the “most elemental of liberty interests”).
29. As such, Mr. Alvarenga Rios also has a right to procedural due process. Immigration proceedings are civil and they are intended to be “nonpunitive in purpose and effect.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). More than a century of Supreme Court precedent instructs that the Fifth Amendment entitles foreign nationals to procedural due process. *See Reno*, 507 U.S. at 306 (citing *The Japanese Immigrant Case*, 189 U.S. 86, (1903)). A failure to provide any process whatsoever contravenes no less than one hundred years of Supreme Court precedent interpreting the Due Process Clause as applying to foreign nationals such as Mr. Alvarenga Rios. *See, e.g., Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
30. “To determine whether civil detention violates a detainee’s Fifth Amendment procedural due process rights, courts apply the three-part test articulated in *Mathews v. Eldridge*, 424 U.S. 319 (1976).” *Quispe-Ardiles*, 2025 U.S. Dist. LEXIS 194069, at * 22. “Under that test, courts must weigh (1) ‘the private interest that will be affected by the official action’; (2) ‘the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards’; and (3) ‘the Government’s interest, including the function involved and the fiscal and administrative

burdens that the additional or substitute procedural requirement would entail.” *Id.* (quoting *Mathews*, 424 U.S. at 335).

31. Mr. Alvarenga Rios invokes “‘the most elemental of liberty interests’; ‘[t]he interest in being free from physical detention.’” *Id.* at *17 (quoting *Hamdi*, 542 U.S. at 529) (alterations in original). To be sure, the Respondents’ refusal to provide any process whatsoever and their outright denial of his right to counsel creates significant risk that Mr. Alvarenga Rios will continue to be deprived of that interest. At best, the Respondents’ interest in keeping Mr. Alvarenga Rios from seeing or speaking with his legal counsel is minimal, if not entirely illegal.
32. At a minimum, due process requires that Mr. Alvarenga Rios be entitled to access to legal counsel. More specifically, ICE’s own internal procedures require that Mr. Alvarenga Rios be granted access to legal counsel, including via in-person visits. *See* U.S. Immigr. & Cust. Enf’t, *National Detention Standards* 166-69 (2025) (explaining that ICE “shall permit legal visitation seven days a week, including holidays” and stating that “[d]etainees in either administrative or disciplinary segregation shall be allowed legal visitation”); *see also* *United States ex. Rel. Accardi v. Shaughnessy*, 347 U.S., 260, 268 (1954). Respondents continued detention and violation of Mr. Alvarenga Rios’s right to access to counsel further violates his due process rights.
33. Thus, in Mr. Alvarenga Rios’s case, all three *Mathews* factors weigh heavily in favor of holding that Respondents’ refusal to provide him any process whatsoever and denying him access to legal counsel in the immediate aftermath of his violent apprehension and arrest violates his right to procedural due process. The Court should grant the petition for a Writ of Habeas Corpus for this reason as well.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause as to why this petition should not be granted within three (3) days;
- (3) Declare that Petitioner's detention by Respondents is unlawful and in violation of the Due Process Clause of the Fifth Amendment;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or, in the alternative, order that Respondents provide Petitioner private, confidential and in-person access to legal counsel, and
- (5) Grant Petitioner any further relief this Court deems just and proper.

Dated: April 3, 2026

Respectfully submitted,

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