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**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
CIVIL DIVISION**

Ruben Walter PACHACAMA QUISPESIVANA)

Petitioner,)

v.)

Todd Blanche,)

Acting Attorney General of the United States)

Markwayne Mullin,)

Secretary of the Department of)

Homeland Security)

Todd Lyons,)

Acting Director, U.S. Immigration and Customs)

Enforcement, and)

Vernon Liggins,)

Acting Director, Baltimore Field Office, U.S.)

Immigration And Customs Enforcement,)

In their official capacities)

Respondents.)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner, Ruben Walter PACHACAMA QUISPESIVANA, Alien file number A 

 is a 58-year-old citizen and national of Peru. The Petitioner last entered the United States, without inspection on February 23, 2022. The Petitioner is a current resident of the state of Maryland where he lives with his Peruvian spouse and daughter. The Petitioner is

currently in custody of the Department of Homeland Security (“DHS”) in their holding facility located at 31 Hopkins Plaza, Baltimore, MD 21201.

2. The Petitioner was detained by officers of the DHS on April 10, 2026, while at the city of Baltimore, Maryland. The Petitioner was processed by the office of Immigration and Customs Enforcement (“ICE”) located at 31 Hopkins Plaza, Baltimore, Maryland, 21201, where he remains detained today
3. On April 10, 2026, the Petitioner was issued an immigration charging document (Notice to Appear) and was denied redetermination of his custody conditions.

JURISDICTION

4. This action arises under the U.S. Constitution; the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 *et seq.*; the Administrative Procedure Act (“APA”), 5 U.S.C. § 551 *et seq.*; and the Rehabilitation Act, 29 U.S.C. § 794.
5. This Court has subject matter jurisdiction under 28 U.S.C. § 1331 (federal question). The Court may grant relief pursuant to the U.S. Constitution, art. I, § 9, cl. 2 (Suspension Clause); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. §§ 2201-02 (Declaratory Judgment Act); 28 U.S.C. § 2241 (habeas corpus); and 5 U.S.C. §§ 702, 706 (judicial review of agency actions).

VENUE

6. Venue is proper because Petitioner is detained within the jurisdiction of this District at the ICE Baltimore Field Office at 31 Hopkins Plaza, Baltimore, MD 21201. Venue is also proper because Respondents are officers, employees, or agencies of the United States and Respondent Baker resides and conducts operations in this District, a substantial part of the

events giving rise to Petitioner's claims occurred in this District, and Petitioner resides in this district and no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

7. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).
8. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

PARTIES

9. Petitioner is a citizen and national of Peru. Petitioner is currently detained at 31 Hopkins Plaza, Baltimore, MD 21201. Petitioner is in the custody, and under the direct control, of Respondents and their agents.
10. Respondent Todd Blanche is sued in his official capacity as the Attorney General of the United States. In this capacity, he is responsible for the enforcement of U.S. immigration laws and oversees ICE, the component agency responsible for Petitioner's detention. As such, Respondent Mullin is a legal custodian of Petitioner and is authorized to release him.
11. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of the DHS. In this capacity, he is responsible for the enforcement of U.S. immigration laws and oversees

ICE, the component agency responsible for Petitioner's detention. As such, Respondent Mullin is a legal custodian of Petitioner and is authorized to release him.

12. Respondent Todd Lyons is sued in his official capacity as the Acting Director of ICE. In this capacity, he is responsible for the enforcement of U.S. immigration laws, including detention decisions, and oversees Respondent Liggins. As such, he is a legal custodian of Petitioner and has the authority to release him.
13. Respondent Vernon Liggins is sued in her official capacity as the Field Office Director for the ICE Baltimore Field Office. In this capacity, she has jurisdiction over the detention holding room at ICE headquarters in which Petitioner is being held. As such, she is a legal custodian of Petitioner and is authorized to release him.

STATEMENT OF FACTS

14. Petitioner, Ruben Walter PACHACAMA QUISPESIVANA, Alien file number A   is a 58-year-old citizen and national of Peru. The Petitioner entered the United States, without inspection on February 23, 2022. The Petitioner is a current resident of the state of Maryland where he lives with his Peruvian spouse and child. The Petitioner is currently in custody of the Department of Homeland Security ("DHS") in their holding facility located at 31 Hopkins Plaza, Baltimore, MD 21201.
15. Petitioner was first detained upon entry to the United States. Petitioner was placed in expedited removal proceedings pursuant to 8 USC § 1225. Petitioner was placed placed in Credible Fear Proceedings and was found not eligible by an Asylum Officer. on April 7, 2022, upon review by an Immigration Judge, the Asylum Officer's decision was overturned and the Immigration Judge ordered that the Petitioner be afforded an opportunity to be heard by the Executive Office of Immigration Review (EOIR) under INA § 240 proceedings. 8

U.S.C. 1229a. The Petitioner was released on parole on March 14, 2022, under INA § 212(d)(5)(A). 8 CFR §212.5.

16. The DHS did not file a charging document against the petitioner. In order to preserve his right for consideration as an applicant for asylum, the Petitioner filed his petition for asylum with the USCIS Asylum Office on September 26, 2022.
17. The Petitioner was detained by officers of the DHS on March 3, 2026, while attending a regular check-in with the office of Immigration and Customs Enforcement (“ICE”). The Petitioner was processed by the office of ICE located at 31 Hopkins Plaza, Baltimore, Maryland, 21201, where he remains detained today.
18. The Petitioner was detained without due process and was denied release.

LEGAL FRAMEWORK

19. Immigration detainees generally are imprisoned under three basic forms of detention authorized by the INA during the pendency of removal (deportation) proceedings under 8 U.S.C. § 1229a or, where the person receives a final removal order, to effectuate the person’s removal from the U.S.
20. First, 8 U.S.C. § 1226(a) authorizes the discretionary detention of noncitizens in § 1229a removal proceedings before an IJ. When ICE arrests a person pursuant to § 1226(a), they “may” be detained or immediately released and given a notice to appear in immigration court. If ICE instead elects to initially detain someone under § 1226(a), those individuals are then generally entitled to a “custody redetermination hearing” (also known as a bond hearing) before an IJ near the outset of their detention, unless they have been arrested for, charged with, or convicted of certain disqualifying crimes (that are enumerated at § 1226(c) and not relevant here). See 8 U.S.C. § 1226(a) & 8 C.F.R. §§ 1003.19(a), 1236.1(d). This is the “default”

detention authority, see *Jennings v. Rodriguez*, 582 U.S. 281 (2018), and for decades has been applied to people apprehended in the interior, rather than at or near the border or a port of entry.

21. Second, the INA provides for mandatory detention of noncitizens subject to an expedited removal order imposed pursuant to § 1225(b)(1) and for other noncitizen “applicants for admission” who are “seeking admission” to the U.S. who are apprehended at the border or port of entry, see 8 U.S.C. § 1225(b)(2), as well as for people facing certain criminal allegations or convictions under § 1226(c).
22. Section 1225 focuses on noncitizens “arriv[ing]” “whether or not at a designated port of arrival,” and plainly applies to people like those who were “interdicted in international or United State waters” (§ 1225(a)(1)), are “stowaways” (§ 1225(a)(2)), and who are otherwise “applicants for admission” into the U.S. (§ 1225(a)(3)). In contrast to § 1226, § 1225 discusses matters such as “screening” “claims for asylum” (§ 1225(b)(1)(A)(i)-(ii)) at the border, “inspection” to determine if a noncitizen “is ... clearly and beyond a doubt entitled to be admitted” (§ 1225(b)(2) & (d)), and “removal” of “an arriving [noncitizen]” (§ 1225(c)(1)).
23. The Supreme Court summarizes the interplay between §§ 1226 and 1225 as follows: “In sum, U.S. immigration law authorizes the Government to detain certain [noncitizens] seeking admission into the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [noncitizens] already in the country pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Jennings*, 582 U.S. at 289 (emphasis added).
24. On or about July 8, 2025, ICE, “in coordination with the Department of Justice (DOJ),” announced a new policy that rejected this decades-long framework, and the well-settled understanding of the statutory basis for detention.

25. The new ICE/DOJ policy, titled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all noncitizens present within the U.S. who entered without inspection – no matter how long ago – are deemed “applicants for admission” who are “seeking admission” under 8 U.S.C. § 1225, and thus subject to mandatory detention under § 1225(b)(2)(A).
26. On September 5, 2025, the Board of Immigration Appeals, the superior reviewing office of the Executive Office of Immigration Review (“EOIR”), which reviews and sets precedents for all the Immigration Judges in the country, further cemented this policy with the publication of the precedential decision *Matter of YAJURE HURTADO*, 29 I&N Dec. 216 (BIA 2025).
27. On December 18, 2025, the U.S. District Court for the Central District Court of California certified a nationwide class of individuals similarly situated to the Petitioner who are entitled to bond hearings under § 1226(a). *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr. et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. 2025). Despite this ruling, the DHS continued to apply the statutes of mandatory detention to persons such as petitioner.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Right to Due Process

28. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.
29. The Fifth Amendment provides that “No person shall ... be deprived of life, liberty, or property[] without due process of law.”
30. “Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

31. Moreover, “The Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Id.* at 693.
32. Respondents’ mandatory detention of Petitioner without consideration for release on bond or access to a bond hearing violates his due process rights.

COUNT TWO
Violation of 8 U.S.C. § 1226

33. The allegations in the above paragraphs are realleged and incorporated herein.
34. Through the willful misinterpretation of the mandatory detention statutes set forth in §1225 and through the implementation of administrative regulations and proceedings in violation thereof, Respondents are violating the rules set forth in §1226 which indubitably apply to the Petitioner as an immigrant who entered the United States without applying for admission and who has been in the United States for more than 2 years.
35. For these reasons, Petitioner’s detention violates 8 U.S.C. § 1226.

COUNT THREE
Violation of 5 U.S.C. § 706(2)(A)

36. The allegations in the above paragraphs are realleged and incorporated herein.
37. The government had granted parole afforded through discretionary authority after a case-by-case analysis of the Petitioners detention.
38. Petitioner’s detention, without due process, is a violation of the Constitutional due process and an arbitrary and capricious revocation of decisions previously made by the DHS.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Retain jurisdiction over this matter even if Petitioner is transferred outside of the District of Maryland;
- (3) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment and is both, arbitrary and capricious.
- (5) Issue a writ of habeas corpus requiring the Defendants to release the Petitioner immediately, or grant him a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- (6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/Carlos Inciarte

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Counsel for Petitioner

Dated: April 10, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ruben Walter PACHACAMA QUISPESIVANA, 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 this 10th day of April, 2026.

/s/Carlos Inciarte
Carlos E. Inciarte Esq.

CERTIFICATE OF SERVICE

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I will furthermore mail a copy by USPS Certified Priority Mail:

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