

2. Petitioner was granted her I-589 Application for Asylum , Withholding, CAT by an Immigration Judge on May 11, 2017. *(Please see Automated Case Information attached hereto as Exhibit 1)*

3. Petitioner's Alien Registration number is 

4. Petitioner is currently in custody at the Baltimore Immigration and Customs Enforcement (ICE) detention facility located at 31 Hopkins Plaza, Baltimore, Maryland 21201, following her detention by ICE on April 14, 2026, when she was removed from her vehicle. *(Please see Online ICE Locator attached hereto as Exhibit 2).*

5. Respondents' decision to detain Petitioner was not based on her personal circumstances or individualized facts, but on Respondents' categorical determination that, the Fifth Amendment notwithstanding, noncitizens are not entitled to due process. Respondents' decision also deviates from their own policy to re-detain noncitizens only after a material change in circumstances. Instead, under Respondents' new policy, they arrogate to themselves the unilateral authority to revoke release without regard to whether anything has occurred that has converted Petitioner into a flight risk or danger to the community, and without involving any neutral arbiter.

6. But respondents cannot place themselves above the law they claim to enforce. Neither the U.S. Constitution or the Immigration and Nationality Act authorize respondents' actions. Neither the U.S. Constitution or the Immigration and Nationality Act authorize respondents' actions.

7. To vindicate petitioner's rights, this court should grant the instant petition for a writ of habeas corpus. Petitioner asks this court to find that respondents' continuous detention of petitioner is in violation of the law, and to seek relief from continued arbitrary detention.

II. CUSTODY

8. Ms. Guerrero Lucas is in the physical custody of Nikita Baker, Acting Director Baltimore Field Office, U.S. Immigration and Customs Enforcement (USICE), and the

Department of Homeland Security (DHS). At the time of the filing of this petition, Petitioner is detained at the Baltimore Hold Room of the Baltimore Field Office of ICE.

III. JURISDICTION AND VENUE

9. This Court has subject matter jurisdiction over the claims alleged in this Petition pursuant to 28 U.S.C. § 1331, as they arise under federal statutes, 28 U.S.C. § 2201 (Declaratory Judgment Act); and 28 U.S.C. § 2241 (habeas corpus), and the Immigration and Nationality Act.

10. Federal courts also have federal question jurisdiction, through the APA, to “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable on habeas. 5 U.S.C. § 703 (providing that judicial review of agency action under the APA may proceed by “any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus”). The APA affords a right of review to a person who is “adversely affected or aggrieved by agency action.” 5 U.S.C. § 702. Respondents’ continued detention of Petitioner up to and past the 90-day removal period has adversely and severely affected Petitioner’s liberty and freedom.

11. Venue is proper in United States District Court for the Maryland, Northern Division because a substantial part of the events giving rise to these claims occurred and continue to occur in this district.

12. Venue is also proper under 28 U.S.C. § 2241 because Ms. Guerrero Lucas is detained at the Baltimore Hold Room of the Baltimore Field Office in Baltimore, MD which is within the jurisdiction of this district.

IV. PARTIES

13. Petitioner Ms. Guerrero Lucas is a citizen of Honduras who last entered the United States on or about 2016 or 2017 and granted Asylum May 2017 by an Immigration Judge. She is currently in the custody of the Department of Homeland Security (DHS) since April 14, 2026.

14. Respondent Nikita Baker is sued in her official capacity as the Acting Director of the Baltimore Field Office of Immigration Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, Department of Homeland Security. Respondent has immediate physical custody of the Petitioner and is a legal custodian of Petitioner and has the authority to release him.

15. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. She is responsible for implementation and enforcement of the INA, and oversees ICE, which is responsible for Ms. Guerrero Lucas's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

16. Respondent Todd Blanche is the U.S. Attorney General. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review (EOIR) and includes all Immigration Judges and the Board of Immigration Appeals (BIA). She is sued in her official capacity.

17. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention of noncitizens.

18. Respondent reserves the right to substitute any parties who are incorrectly named in this petition.

V. STATEMENT OF FACTS

19. Petitioner, Ms. Guerrero Lucas is a citizen of Honduras who arrived the United States on or around 2016 or 2017 and granted Asylum on or about May 2017. She is detained by respondents Holding Room of the Baltimore Field Office. She is not subject to a final order of removal.

20. Ms. Guerrero Lucas is a noncitizen survivor of a qualifying crime under 8 U.S.C § 1101(a)(15)(U). She has been granted Asylum and is eligible to file and I-485 application to Register Permanent Residence or Adjustment.

21. Ms. Guerrero Lucas has no criminal history, no pending charges, and no history of non-compliance with immigration authorities.

22. On April 14, 2026, Ms. Guerrero Lucas was forcefully detained by ICE Officers while she was driving.

23. Ms. Guerrero Lucas's continued detention prevents her from completing her and I-485 application to Register Permanent Residence or Adjustment, communicating effectively with counsel and continuing her cooperation with law enforcement officers.

24. Ms. Guerrero Lucas is not a danger to the community or a flight risk. She has no pending criminal cases. Additionally, she has deep roots in this community. She has a sponsor who is willing to accept him upon his release.

25. Respondents' detention of petitioner is no longer justifiable and is arbitrary and capricious.

VI. LEGAL FRAMEWORK

26. Congress created the U-visa through the Victims of Trafficking and Violence Protection Act of 2000 to strengthen law enforcement's ability to investigate and prosecute serious crimes while simultaneously protecting immigrant victims who assist authorities. Pub. L. No. 106-386, 114 Stat. 1464 (2000). Congress recognized that immigrant victims are uniquely vulnerable to coercion, retaliation, and fear of deportation, and intentionally designed the U-visa to remove those barriers by offering protection and lawful status.

27. The U-visa statute, codified at 8 U.S.C. § 1101(a)(15)(U), establishes a humanitarian form of relief for noncitizens who: (1) have suffered substantial physical or mental abuse as a result of qualifying criminal activity; (2) possess information concerning that criminal activity; and (3) have been helpful, are being helpful, or are likely to be helpful to law enforcement in the investigation or prosecution of the crime.

28. These eligibility determinations are not discretionary enforcement judgments, but statutory findings entrusted to law enforcement agencies and USCIS, not ICE detention officers. In particular, the statute requires certification by a law enforcement authority attesting to the victim's helpfulness an assessment that ICE has no authority to override or second-guess.

29. Congress deliberately structured the U-visa framework to ensure that immigration enforcement does not interfere with victim cooperation. Detaining U-visa eligible victims before they can apply undermines the statute's core purpose of crime reporting, obstructing cooperation and foreclosing access to relief Congress expressly authorized.

30. DHS policy has long recognized that victims who are eligible for U-visa protection should generally not be detained absent extraordinary circumstances, because detention frustrates both congressional intent and public safety goals. See *Ortega v. U.S. Dep't of Homeland Sec.*, 737 F.3d 435, 439–40 (6th Cir. 2013).

31. Federal Courts have repeatedly held that immigration detention may not obstruct a noncitizen's ability to pursue congressionally created humanitarian relief. See *Santos v. Smith*, 260 F. Supp. 3d 598, 611 (W.D. Va. 2017) (granting habeas relief where detention interfered with access to humanitarian immigration protections). Detention that prevents a victim from obtaining law-enforcement certification or preparing a complete U-visa application directly contravenes the statutory scheme.

32. Ms. Guerrero Lucas is a survivor of qualifying criminal activity and satisfies every statutory requirement to pursue U-visa protection. She has suffered substantial physical abuse as a result of the crime, possesses critical information regarding the offense, and is cooperating with law-enforcement authorities. Her continued detention materially interferes with her ability to obtain the required law-enforcement certification, prepare a complete U-visa application, and access counsel, all of which are essential steps under 8 C.F.R. § 214.14.

33. ICE detention that prevents the Petitioner from accessing the U-visa process undermines the statutory scheme and violates the congressional purpose behind the U-visa. Federal courts have held that immigration detention may not obstruct a noncitizen's ability to

pursue congressionally created humanitarian relief, including relief designed to protect vulnerable individuals and encourage cooperation with law enforcement. See *Santos v. Smith*, 260 F. Supp. 3d 598, 611 (W.D. Va. 2017) (granting habeas relief where detention interfered with access to humanitarian immigration relief); *Ortega v. U.S. Dep't of Homeland Sec.*, 737 F.3d 435, 440 (6th Cir. 2013).

34. Because the U-visa is a congressionally created and mandated humanitarian protection for victims of serious crimes, and because access to the U-visa process depends on a noncitizen's ability to cooperate with law enforcement and prepare a complete application, the detention of Petitioner which prevents her from pursuing U-visa relief is inconsistent with federal law, congressional intent, and the constitutional guarantee of due process.

35. Due process therefore requires that the government provide bond hearings to noncitizens facing detention. Indeed, "[t]he Due Process Clause foresees eligibility for bail as part of due process" because "[b]ail is basic to our system of law." *Jennings v. Rodriguez*, 138 S. Ct. 830, at 862 (2018) (Breyer, J., dissenting) (internal quotations and citations omitted). It also requires "adequate procedural protections" to ensure that the government's asserted justification for a noncitizen's physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." See *Zadvydas v. Davis*, 533 U.S. 678 at 690.

36. In immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.*; *Jennings*, 138 S. Ct. at 862. The government may not detain a noncitizen based on any other justification. See *Demore v. Kim*, 538 U.S. 510 at 528 (2003).

37. Thus, where the government detains a noncitizen where the noncitizen pursues a substantial defense to removal or claim to relief, due process requires an individualized hearing before a neutral decisionmaker to determine whether such significant deprivation of liberty is reasonably related to its purpose. *Demore*, 538 U.S. at 532 (Kennedy, J., concurring) (stating that an "individualized determination as to [a noncitizen's] risk of flight and dangerousness" may be warranted "if the continued detention became unreasonable or unjustified"); *cf. Jackson v.*

Indiana, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires additional safeguards).

38. 8 U.S.C. § 1226(a) provides the general process for arresting and detaining aliens who are present in the United States and eligible for removal. Under this rule, a noncitizen may be arrested and detained “[o]n a warrant issued by the Attorney General” if their removal proceedings are pending, 8 U.S.C. § 1226(a). Detention pursuant to 8 U.S.C. § 1226(a) is not mandatory. If the noncitizen was not charged with, arrested for, or convicted of certain criminal offenses enumerated in 8 U.S.C. § 1226(c), the government has discretion to release them on “bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or ... conditional parole.” 8 U.S.C. § 1226(a)(2)(A)–(B).

39. Until recently, DHS has applied 8 U.S.C. § 1226(a) and its discretionary release and review of detention “to the vast majority of noncitizens allegedly in this country without valid documentation”—a practice codified by regulation. *Salcedo Aceros v. Kaiser*, 2025 WL 2737503, at 3. The Government now contends that people like the respondent are subject to mandatory detention under 8 U.S.C. § 1225.

40. Several district courts have held that the Government’s new, and more expansive interpretation of mandatory detention under the INA is either incorrect or likely incorrect on the basis that this reading of the statute would render 1226(c) inoperable or moot. See, e.g., *Rodriguez Vasquez v. Bostock*, et al. 3:25-CV-05240-TMC, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025); *Salcedo Aceros v. Kaiser*, 2025 WL 2737503.

41. Ms. Guerrero Lucas’s detention is unreasonable or unjustifiable and highly prejudicial to her ability to pursue the immigration relief for which she is eligible. The deprivation of her liberty severely impedes her ability to prepare and file her U-visa application with USCIS, obtain the required law-enforcement certification, and maintain meaningful communication with her attorney, steps that are essential to the statutory process Congress created to protect victims of crime.

42. The Constitution protects Ms. Guerrero Lucas and every other person present in this country from arbitrary deprivations of his liberty and guarantees her due process of law. The government's power over immigration is broad, but as the Supreme Court has declared, it "is subject to important constitutional limitations." *Zadvydas v. Davis*, 533 U.S. 678, 695 (2001). "Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary government action". *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

43. Petitioner, Ms. Guerrero Lucas respectfully seeks a writ of habeas corpus ordering the government to immediately release her from ongoing, unlawful detention. In order to preserve this court's jurisdiction, Ms. Guerrero Lucas also requests that this Court order the government not to transfer Ms. Guerrero Lucas outside of the District or deport her for the duration of this proceeding.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

HABEAS CORPUS

44. Ms. Guerrero Lucas realleges and incorporates by reference the paragraphs above. As set forth above, Respondents are holding Ms. Guerrero Lucas in federal custody, in violation of federal statutes, and in the U.S Constitution.

45. Accordingly, Petitioner Ms. Guerrero Lucas seeks a writ of habeas corpus compelling Respondents to release her to the custody and care of her sponsor.

SECOND CLAIM FOR RELIEF

CONSTITUTIONAL CLAIM

46. Ms. Guerrero Lucas realleges and incorporates by reference the paragraphs above.

47. Ms. Guerrero Lucas's continued detention violates her right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

PRAYER FOR RELIEF

Therefore, Petitioner respectfully requests this Court to grant the following relief:

- a. Issue an Order directing Respondents to show cause why the writ should not be granted within 3 days;
- b. Declare that Petitioner's continued detention violates the Immigration and Nationality Act, including 8 U.S.C. § 1226(a); the Administrative Procedure Act, 5 U.S.C. § 706(2)(A); and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.
- c. Order Petitioner's immediate release;
- d. Alternatively, review Petitioner's custody under the standard articulated in ICE policy, or order ICE to review Petitioner's custody accordingly
- e. Grant any other further relief this Court deems just and proper.

Dated: April 15, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

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

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I have discussed with the Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 15, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

Liset Collazo Dingle, Esquire
Attorney for Petitioner

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 with Return Receipts to each of the following individuals:

Nikita Baker, Acting Field Office Director
Department of Homeland Security
Immigration and Customs Enforcement ERO
Baltimore Field Office
31 Hopkins Plaza 6th Floor
Baltimore MD 21201

Markwayne Mullin, Secretary
U.S. Department of Homeland Security
c/o DHS Office of the General Counsel
2707 Martin Luther King Jr. Ave, SE
Washington, DC 20528-0485

Todd Blanche, Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Dated: April 15, 2026

Respectfully submitted,

/s/ Liset Collazo Dingle

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