

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

JOSE MEDINA MERCADO AMILCAR,

Petitioner.

v.

Matt ELLISTON, Baltimore Field Office
Director of Enforcement and Removal
Operations, Immigration and Customs
Enforcement; Markwayne MULLIN, Secretary,
U.S. Department of Homeland Security; Todd
BLANCHE, U.S. Attorney General;

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

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INTRODUCTION

1. Petitioner, Jose Amilcar Medina Mercado (DOB [REDACTED]), brings this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his first-time immigration detention by U.S. Immigration and Customs Enforcement ("ICE") after nearly two decades of residence in the United States. Petitioner's detention is arbitrary, unsupported by any individualized determination, and violates the Due Process Clause.

JURISDICTION

2. Petitioner Jose Amilcar Medina Mercado (DOB [REDACTED]) is in the physical custody of Respondents and is currently detained at the Baltimore ICE Field Office in Baltimore, Maryland.

3. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

4. This Court has authority to grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

5. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Maryland, the judicial district in which Petitioner currently is detained.

6. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Maryland.

PARTIES

7. Petitioner Jose Amilcar Medina Mercado (DOB ) is a citizen of El Salvador who has resided in the United States since about 2008 and has been in ICE custody since on or about April 15, 2026.

8. Respondent Matt Elliston is the Field Office Director for the Baltimore Field Office of ICE Enforcement and Removal Operations. As such, Matt Elliston is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

9. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Mr. Mullin has ultimate custodial authority over Petitioner and is sued in his official capacity.

10. Respondent Todd Blanche is the Attorney General of the United States. He is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. He is sued in her official capacity.

FACTUAL BACKGROUND

11. Petitioner, Jose Amilcar Medina Mercado (A# unknown), is a native and citizen of El Salvador. In 2008, at approximately 24 years old, Petitioner entered the United States without inspection or admission.

12. Petitioner has resided continuously in the United States since his entry in 2008. Until April 15, 2026, he had never been detained by ICE.

1 13. On or about April 15, 2026, Petitioner was encountered by immigration officials
2 and taken into ICE custody for the first time.

3 14. Petitioner is currently detained at the Baltimore ICE Field Office in Baltimore,
4 Maryland.

5 15. Since his detention, ICE has not provided Petitioner with a bond hearing, custody
6 redetermination, or any individualized assessment addressing whether detention is necessary to
7 mitigate flight risk or danger to the community.

8 **COUNT 1: VIOLATION OF DUE PROCESS (FIRST-TIME DETENTION WITHOUT**
9 **INDIVIDUALIZED PROCESS)**

10 16. Petitioner incorporates by reference the foregoing paragraphs.

11 17. Petitioner's detention is governed by INA § 236(a), 8 U.S.C. § 1226(a), which
12 authorizes detention only after an individualized determination of necessity.

13 18. Despite Petitioner's longstanding residence in the United States and the absence
14 of any prior immigration detention, ICE has detained Petitioner without notice, hearing, or
15 individualized justification.

16 19. Petitioner was detained without notice, hearing, or any individualized assessment.
17 To date, Petitioner has not received a bond hearing, custody redetermination, or written
18 justification for his detention, nor has DHS identified any changed circumstances warranting
19 renewed confinement.

20 20. Detention under these circumstances violates the Due Process Clause of the Fifth
21 Amendment, which requires that civil immigration detention be reasonably related to a
22 legitimate governmental purpose and supported by individualized findings.

23 21. Petitioner's prolonged presence in the United States and lack of prior detention
24 underscore the arbitrariness of ICE's decision to detain him without process.

**COUNT 2: IMPROPER TRANSFER AND REQUEST TO MAINTAIN CUSTODY IN
THE DISTRICT OF MARYLAND**

22. Petitioner incorporates by reference all preceding paragraphs.

23. Petitioner has been informed that Respondents intend to transfer him from the District of Maryland to a detention facility in California while this habeas petition is pending.

24. Such a transfer would improperly interfere with this Court's jurisdiction and Petitioner's ability to obtain meaningful habeas review.

25. Jurisdiction over a habeas petition attaches at the time of filing, and the government may not defeat that jurisdiction by transferring the petitioner to another district. *Ex parte Endo*, 323 U.S. 283, 304–07 (1944); *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004).

26. Transfer of Petitioner while this petition is pending would also sever Petitioner's access to counsel, disrupt preparation of his immigration case, and impose substantial and unnecessary hardship, particularly given that Petitioner has resided in the United States since childhood and has longstanding ties to this region.

27. The threatened transfer appears designed to frustrate judicial review rather than serve any legitimate governmental purpose, especially where Petitioner is detained for the first time after nearly two decades in the United States.

28. This Court has authority under 28 U.S.C. §§ 2241 and 1651 to maintain the status quo and prevent transfer that would undermine its jurisdiction or Petitioner's constitutional rights.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Issue a writ of habeas corpus ordering Respondents to immediately release the Petitioner from ICE custody;

CERTIFICATION UNDER FED. R. CIV. P. 11

I, Mumtaz A. Wani, Esq., hereby certify that emergency relief here is necessary so that the Petitioner is not moved from this Honorable Court's jurisdiction and that this Honorable Court has jurisdiction.

DATED this 15th of April 2026.



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