UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division

Karla Lisse Berrios Rodriguez, *Petitioner*, v. Markwayne Mullin, *Secretary of Homeland Security*, Todd Lyons, *Acting Director, U.S. Immigration and Customs Enforcement*, Vernon Liggins, Director, Baltimore Field Office U.S. Immigration and Customs Enforcement, Todd Blanche, *Acting Attorney General, U.S. Department of Justice* *Respondents*.	Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS

Petitioner Karla Lisse Berrios Rodriguez (A# [redacted] is a citizen of El Salvador. She entered the United States on or about August 8, 2023. Following her entry, Petitioner was placed in removal proceedings and released by immigration authorities on her own recognizance (Form I-220A) on August 9, 2023. Over two years later, ICE re-arrested Petitioner on April 16, 2026, when she attended a routine ICE check-in, and has been detaining her ever since. Petitioner Berrios Rodriguez is detained by ICE under facts and circumstances that place her squarely within ICE's general detention authority 8 U.S.C. § 1226(a). Under that statute, Petitioner is eligible to seek discretionary release on bond from an Immigration Judge ("IJ"). However, due to a policy reversal

announced by ICE in July 2025, and a September 2025 Board of Immigration Appeals (BIA) decision that overturns decades of settled law, Respondents contend that Petitioner is actually detained under 8 U.S.C. § 1225(b)(2). However, while § 1225 requires mandatory detention and does not allow release on bond, it only applies to noncitizens apprehended at the border "seeking admission". Petitioner therefore brings this action for a declaratory judgment from this Court that she is properly detained (if at all) only pursuant to 8 U.S.C. § 1226(a); and seeking an order that Respondents schedule her for a discretionary bond hearing pursuant to § 1226(a) before an IJ within 7 days.

JURISDICTION AND VENUE

1. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241 and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

2. This Court also has 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 review of a final agency action may proceed, absent a special statutory review proceeding, by "any applicable form of legal action, including actions for declaratory judgments or writs of prohibitory or mandatory injunction or habeas corpus, in a court of competent jurisdiction." 5 U.S.C. § 703.

3. Venue lies in this District because Petitioner is currently detained within the territorial jurisdiction of this division of this District; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1).

THE PARTIES

4. Petitioner Karla Lisse Berrios Rodriguez is a citizen and native of El Salvador and

is currently detained by Respondents at the Baltimore Hold Room in Baltimore, Maryland, within the territorial jurisdiction of this Court.

5. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security ("DHS"). He is the cabinet-level secretary responsible for all immigration enforcement in the United States.

6. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). He is the head of the federal agency responsible for all immigration enforcement in the United States.

7. Respondent Vernon Liggins is the Director of the Baltimore ICE Field Office. He is the head of the ICE office that unlawfully arrested each Petitioner, and such arrests took place under his direction and supervision. He is the immediate legal custodian of Petitioner.

8. Respondent Todd Blanche is the Acting Attorney General of the United States. He is the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review, including the Board of Immigration Appeals and the Immigration Court judges, who decide removal cases and applications for bond as his designees.

9. All government Respondents are sued in their official capacities.

LEGAL BACKGROUND

A. Immigration Detention Legal Framework

10. When a noncitizen is alleged to have violated immigration laws, they are generally placed into traditional removal proceedings, during which an immigration judge will determine whether they are removable and then whether they have a legal basis to remain in the United States. 8 U.S.C. § 1229a.

11. Detention is authorized for "certain aliens already in the country pending the outcome of removal proceedings under § 1226(a) and 1126(c)." *See Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018). The statute provides that an individual may be subject to either discretionary detention under 8 U.S.C. § 1226(a) generally, or mandatory detention under 8 U.S.C. § 1226(c) if they have been arrested or convicted of certain crimes. Discretionary detention under § 1226(a) has been described as the "default" provision for immigration detention for those subject to traditional removal proceedings. *Id.* at 288. Under § 1226(a), "'[e]xcept as provided in subsection (c) of this section,' the Attorney General 'may release' an alien detained under § 1226(a) 'on ...bond' or 'conditional parole.'" *Id.*

12. Alternatively, mandatory detention is authorized for "certain aliens *seeking admission* into the country under §§ 1225(b)(1) and 1225(b)(2)," [emphasis added]. *Jennings*, 583 U.S. at 289. Individuals inspected under § 1225(b) and determined to be "applicants for admission" may be subject to mandatory detention under two separate subsections. Applicants for admission include someone:

> "present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for the purposes of this chapter to be an applicant for admission."

§ 1225(a)(1).

13. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal and mandatory detention if they are determined to be an "arriving alien," and if they have not been physically present in the United States continuously for a two-year period immediately prior. Regulations define an "arriving alien" as:

> "an applicant for admission coming or attempting to come into the United States at a port-of-entry, or an alien seeking transit through the United States at a port-of-

> entry, or an alien interdicted in international or United States waters and brought into the United States by any means, whether or not to a designated port-of-entry, and regardless of the means of transport."

8 C.F.R. § 1.2.

14. Otherwise, 8 U.S.C. § 1225(b)(2) provides for the detention of "applicant for admission" specifically when "the examining immigration officer determines that an alien *seeking admission* is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title," i.e. for traditional removal proceedings [emphasis added].

15. An "arriving alien" or an applicant for admission "seeking admission" may only be released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. § 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant for admission seeking admission. *Id.* There is no such thing as a "parole bond" – a release must be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

16. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE makes an initial custody determination to either set a bond or hold the individual at no bond. The noncitizen may then seek a review of ICE's initial custody determination before the IJ (a "custody review hearing"), who has the authority to modify ICE's custody determination and set bond in a case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or deny bond completely. 8 C.F.R. § 1003.19.

17. Custody review hearings are separate from hearings in the underlying removal proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, she must still appear in immigration court for the IJ to determine her removability and hear any claim for relief from removal. At a custody review hearing, once jurisdiction over bond is established, the IJ's inquiry

is limited to whether the detainee is a danger to the community or a flight risk, and bond may only be granted when an IJ has determined that the detainee meets his burden of proof that he is neither. *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

18. For decades, it has been Respondents' practice to afford § 1226(a) discretionary bond hearings and custody review hearings to those individuals who have been encountered neither at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) ("Respondents' proposed application of § 1226 is also belied by the Department of Homeland Security's 'longstanding practice' of treating noncitizens taken into custody while living in the United States, including those detained and found inadmissible upon inspection and then released into the United States with the government's acquiescence, who have committed no crime after release, as detained under § 1226(a)." citing *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

B. BIA Decision *Matter of Q. Li* (BIA 2025)

19. On May 15, 2025, the BIA issued its decision in *Matter of Q. Li*, 29 I. & N. Dec. 66 (BIA 2025), which held that an applicant for admission "who was arrested without a warrant while arriving in the United States and thereafter placed in removal proceedings, is detained under section 235(b)(2)(A), until the conclusion of removal proceedings." *Id.* at 71.

20. Q. Li was encountered upon entry into the United States, she was arrested by immigration officers, and paroled into the U.S. under 8 U.S.C. § 1182(d)(5). *Id.* at 67. Part of the condition of her §1182(d)(5) parole was to report regularly to ICE. *Id.* Following a subsequent alert as to an international arrest warrant, she was taken back into custody, issued a Notice to

Appear commencing removal proceedings, and issued a new Notice of Custody Determination and detained. *Id.* She requested a custody redetermination before an IJ and was denied for lack of jurisdiction, because she was subject to mandatory detention under § 1225(b)(2). *Id.*

21. In particular, the BIA reasoned that the termination of parole restored Q. Li to her prior custody status. *Id.* at 69. ("When parole granted by DHS is terminated, "the alien shall forthwith return or be returned to the custody from which he was paroled." INA § 212(d)(5)(A), 8 U.S.C. § 1182(d)(5)(A); *see also* 8 C.F.R. § 212.5(e)(2)(i)."). Additionally, Q. Li had been arrested without a warrant, and had never been subject to 8 U.S.C. § 1226(a) authority. *Id.* at 70. Ultimately, the BIA agreed that she was subject to § 1225(b)(2) and ineligible for bond. *Id.* at 71.

22. While Respondents have attempted to apply *Q. Li* more broadly to individuals encountered at the interior of the country – or in the absence of a parole under § 1182(d)(5) – this argument has been consistently rejected. *See Valerio v. Joyce,* No. CV 25-17225 (ZNQ), 2025 WL 3251445, at *3 (D.N.J. Nov. 21, 2025); *Diaz Rudecindo v. Florentino*, No. CV 25-16942 (ES), 2025 WL 3470299, at *2 (D.N.J. Dec. 3, 2025); *Leal-Hernandez v. Noem*, No. 1:25-CV-02428-JRR, 2025 WL 2430025, at *9-11 (D. Md. Aug. 24, 2025); *Vasque Romero v. Noem*, No. CV 3:25-524, 2026 WL 116379, at *1 (W.D. Pa. Jan. 15, 2026); *and Hasan v. Crawford*, 800 F. Supp. 3d 641, 657, n.11 (E.D. Va. 2025).

C. New ICE memo reinterpreting 8 U.S.C. § 1225(b)(2)

23. On July 8, 2025, Respondent ICE issued new interim guidance that announced a breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). *See* ICE memorandum "Interim Guidance Regarding Detention Authority for Applications for Admission."[1] This memo concerns

[1] Available at: https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission (last visited Sept. 25, 2025).

the detention of "applicants for admission" as defined by § 1225(a)(1). "Effective immediately, it is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. § 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. § 1182(d)(5)]." *Id.* DHS is explicit that this new policy is a marked deviation from prior interpretation and treatment of affected noncitizens. *Id.* ("For custody purposes, these aliens are now treated in the same manner that "arriving aliens" have historically been treated.")

24. In addition to the announcement re-interpreting § 1225(b)(2), the memo further clarifies that "[t]he only aliens eligible for a custody determination and release on recognizance, bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C. § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C. § 1226(c)]." *Id.*

25. Moreover, ICE maintains that "DHS does not take the position that prior releases of applicants for admission pursuant to INA § 236(a) were releases on parole under INA § 212(d)(5) based on this change in legal position." *Id.* ICE fails to clarify under what legal authority, then, those prior releases were effectuated. Rather, ICE signals the resulting lack of "correct" paperwork is nonetheless permissible. *Id.* ("Accordingly, ERO and HIS are not required to 'correct' the release paperwork by issuing INA § 212(d)(5) parole paperwork.")

26. Nationwide implementation of the ICE § 1225(b)(2) mass detention policy ensued.

D. BIA decision *Matter of Yajure Hurtado*

27. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees all appeals of IJ decisions including custody redeterminations, upheld ICE's re-interpretation of § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

28. The BIA held that the respondent was an "applicant for admission" within the scope of § 1225(b), and therefore subject to mandatory detention.

29. The BIA characterized the issue before it as "one of statutory construction: Does the INA require that *all* applicants for admission, even those like the respondent who have entered without admission or inspection and have been residing in the United States for years without lawful status, be subject to mandatory detention for the duration of their immigration proceedings, and thus the Immigration Judge lacks authority over a bond request filed by an alien in this category?" [emphasis added]. *Id.* at 220.

30. The BIA reasoned that individuals "who surreptitiously cross into the United States remain applicants for admission until and unless they are lawfully inspected and admitted by an immigration officer." *Id.* at 228.

31. The BIA acknowledged the decades of precedent preceding its decision that authorized release of individuals present without having been inspected and admitted or paroled under § 1226(a). *Id.* at 225, FN6 ("We acknowledge that for years Immigration Judges have conducted bond hearings for aliens who entered the United States without inspection. However, we do not recall either DHS or its predecessor, the Immigration and Naturalization Service, previously raising the current issue that is before us. In fact, the supplemental information for the 1997 Interim Rule titled '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), reflects that the Immigration and Naturalization Service took the position at that time that '[d]espite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination.'")

32. Ultimately, the BIA upheld the decision that the IJ lacked jurisdiction under 8 U.S.C. § 1225(b)(2) to consider the respondent for discretionary bond. *Id.* at 229.

33. The BIA decision is binding on all immigration judges nationwide.

34. Respondents' new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to sweep millions of noncitizens into mandatory detention, without any consideration for release on bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *11 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) ("It has been estimated that this novel interpretation would require the detention of millions of immigrants currently residing in the United States.")

FACTS

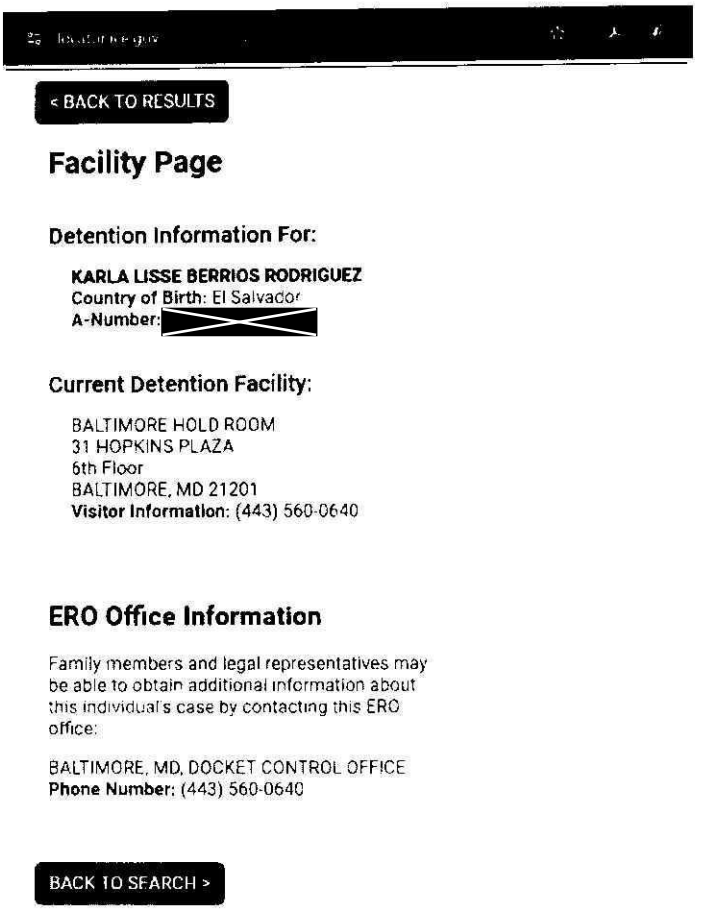
35. Petitioner Karla Lisse Berrios Rodriguez is a 23-year-old citizen of El Salvador. She entered the United States on or about August 8, 2023, near Hidalgo, Texas, along with her 6-year-old child. Following her entry, she was apprehended by immigration authorities at the border

36. On August 8, 2023, the Department of Homeland Security issued Petitioner a Notice to Appear ("NTA"), initiating removal proceedings against her and charging her under section 212(a)(6)(A)(i) of the Immigration and Nationality Act. *See* Ex. 1, ICE Form I-862, Notice to Appear. Petitioner was subsequently released by immigration authorities on her own recognizance on August 9, 2023, reflecting a determination that detention was not necessary at that time. *See* Ex. 2, ICE Form I-220A, Order of Release on Recognizance. As part of her release, Petitioner was enrolled in the Alternatives to Detention (ATD) program subject to electronic monitoring. *See* Ex. 3, ATD Enrollment - Notice To Alien.

37. Petitioner established a peaceful life in the United States. She works, pays taxes, and possesses a driver's license. She resides in Maryland with her mother and two siblings. She has no criminal history and is not a danger to the community. Furthermore, her 6-year-old child is currently undergoing the Special Immigrant Juvenile (SIJ) process.

38. On April 16, 2026, Petitioner was suddenly arrested by ICE officers when she presented herself to sign in at her routine ICE check-in at the Baltimore office at 10:00 AM. Prior to this arrest, she had been strictly complying with her check-ins every 2-3 months. Following this encounter, Petitioner was placed into immigration custody while her prior Order of Release on Recognizance was actively ignored.

39. Petitioner is currently detained in the Baltimore Hold Room in Baltimore, Maryland, within the territorial jurisdiction of this Court, where she remains in custody today. See ICE Detainee Locator information (*available at*: https://locator.ice.gov/ (last visited on April 16, 2026)):



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Detention Information For:

KARLA LISSE BERRIOS RODRIGUEZ
Country of Birth: El Salvador
A-Number: [redacted]

Current Detention Facility:

BALTIMORE HOLD ROOM
31 HOPKINS PLAZA
6th Floor
BALTIMORE, MD 21201
Visitor Information: (443) 560-0640

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

BALTIMORE, MD, DOCKET CONTROL OFFICE
Phone Number: (443) 560-0640

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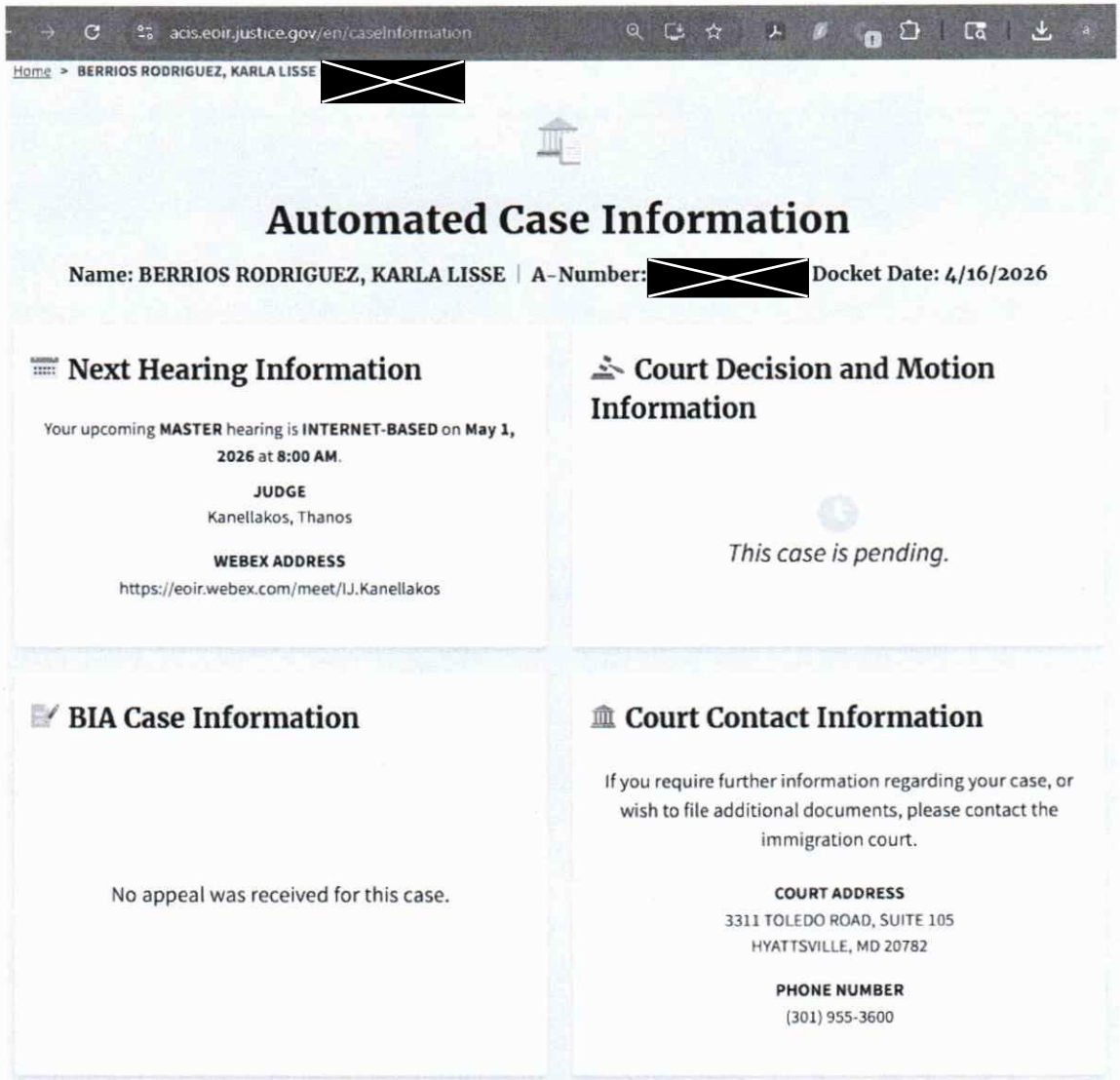
40. In immigration court, Petitioner's removal proceedings remain ongoing, with an internet-based Master Calendar hearing scheduled before Immigration Judge Thanos Kanellakos on May 1, 2026, at 8:00 AM. Accordingly, Petitioner does not have an administratively final removal order (*available at*: https://acis.eoir.justice.gov/ (last visited on April 16, 2026)):



41. Petitioner's sudden and continued detention has caused severe and immediate hardship to her household. As a single mother who consistently works and pays taxes, her unexpected absence has created serious financial difficulties for her family, hindering their ability to pay for rent, utilities, and food. Furthermore, her 6-year-old child, who is currently navigating the Special Immigrant Juvenile (SIJ) process, has been abruptly separated from his only parent. This prolonged family separation has caused profound emotional distress, an empty home, and

heightened anxiety for her young child, as well as for the mother and siblings she resides with. Given the family's severe history of trauma [redacted] in El Salvador, this unexpected detention and the uncertainty surrounding Petitioner's custody status severely exacerbates their emotional suffering and disrupts the fragile stability and well-being she had managed to build for her family in the United States

42. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2). Accordingly, it would be futile for Petitioner to request a bond from an Immigration Judge. Exhaustion of administrative remedies would therefore be futile.

FIRST CLAIM FOR RELIEF:
No-Bond Detention in Violation of 8 U.S.C. § 1226(a)

43. Petitioner re-alleges and incorporates by reference paragraphs 1-42.

44. Petitioner is subject to discretionary detention under § 1226(a), the "default" provision for immigration detention for those subject to traditional removal proceedings. *Jennings*, 583 U.S. at 289. Petitioner was initially detained and released on recognizance under 8 U.S.C. § 1226 authority. Respondents absolutely retain discretion to revoke that initial release determination, but if Petitioner's initial release has been revoked his re-arrest much occur then under the original authority. 8 U.S.C. § 1226(b). Under § 1226(a), "'[e]xcept as provided in subsection (c) of this section,' the Attorney General 'may release' an alien detained under § 1226(a) 'on ...bond' or 'conditional parole.'" *Id.*

45. Additionally, no other provision of mandatory detention applies to Petitioner, who falls squarely outside the purview of 8 U.S.C. § 1225(b)(1), as he is not charged as an arriving alien, nor is he within two years of his entry. Further, when Petitioner was arrested in March 2026, he was already "present in the United States," as ICE has charged on his Notice to Appear, and is not "seeking admission" to the United States. Therefore, Petitioner does not meet the criteria under

8 U.S.C. § 1225(b)(2). *See Zumba v. Bondi*, No. 25-CV14626 (KSH), 2025 WL 2753496, at *8 (D.N.J. Sept. 26, 2025); and *Sandhu v. Tsoukaris*, No. 25cv-14607 (BRM), 2025 WL 3240810, at *6 (D.N.J. Nov. 20, 2025). Last, Petitioner has no qualifying criminal convictions that could trigger mandatory detention under 8 U.S.C. §1226(c).

46. Because ICE has unlawfully rearrested and re-detained Petitioner under 8 U.S.C. 1225(b)(2) – an inapplicable statute – Petitioner seeks immediate release from custody. Because Petitioner's re-arrest, *ab initio*, was unlawful, immediate release is appropriate.

47. In the alternative, Petitioner is not an application for admission, Petitioner requests a bond hearing before an immigration judge, which is his right under 8 U.S.C. § 1226(a) and 8 C.F.R. § 1003.19(a). To the extent that Respondents may later argue that Petitioner is a flight risk or a danger to the community, such claims should be heard by an immigration judge, who would be the best adjudicator to weigh all relevant factors related to his release. *See Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006) (describing how immigration judges evaluate requests for release on bond). Petitioner asks this Court for only that opportunity to be heard.

48. Respondents' actions, as set forth herein, violate Petitioner's statutory right to a bond redetermination hearing in front of an immigration judge.

SECOND CLAIM FOR RELIEF:

Detention in violation of the regulations – *Accardi* Doctrine

49. Petitioner re-alleges and incorporates by reference paragraphs 1-42.

50. A release on recognizance is a form of release on conditional parole under 8 U.S.C. § 1226(a)(2)(B). To be sure, that conditional parole can be revoked. However, only specific officials are empowered to authorize the revocation of conditional parole, including: the district director, acting district director, deputy district director, assistant district director

for investigations, assistant district director for detention and deportation, or officer in charge. *See* 8 C.F.R. § 236.1(c)(9).

51. If the conditional parole is revoked, immigration officers may then "rearrest the alien under the original warrant, and detain the alien," [emphasis added]. See 8 U.S.C. § 1226(b).

52. Here, Petitioner's arrest took place without a revocation of his Order of Release on Recognizance, 8 C.F.R. § 236.1(c)(9). Alternatively, if the revocation of Petitioner's Order of Release on Recognizance occurred, it was effectuated by low-level ICE officers during a routine stop at an ICE check point, also a violation of 8 C.F.R. § 236.1(c)(9). This regulation was designed to protect the Fifth Amendment due process rights of noncitizens like Petitioner. Thus, the arrest of Petitioner in contravention of regulations violated Petitioner's Fifth Amendment due process rights.

53. Respondents failed to comply with their own rules when they re-detained Petitioner. In arresting and re-detaining Petitioner, Respondents violated important substantive and procedural rules designed to protect his due process rights, and arrest and the revocation of Petitioner's conditional parole should be deemed void under the *Accardi* doctrine. This violation of required procedures also violated Petitioner's due process rights under the Fifth Amendment to the U.S. Constitution, and the writ of habeas corpus should issue.

THIRD CLAIM FOR RELIEF:
Detention in Violation of Due Process

54. Petitioner re-alleges and incorporates by reference paragraphs 1-42.

55. Immigration detention is civil, not criminal, in nature. There are only two permissible reasons for immigration detention: to avoid flight risk, and to avoid danger to the community. "To determine whether a civil detention violates a detainee's due process rights, courts

apply the three-part test set forth in *Mathews v. Eldridge*." *Lopez-Arevelo v. Ripa*, 801 F. Supp. 3d 668, 685 (W.D. Tex. 2025), citing 424 U.S. 319 (1976).

56. After entering the United States unlawfully, Petitioner went on to develop ties to the community of the course of over seven years. Petitioner is therefore a "person" within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution and has a liberty interest in freedom from physical restraint.

57. First, Petitioner is a substantial interest in his freedom. After entering the United States unlawfully, Petitioner went on to develop ties to the community over the course of the past three years. Petitioner is therefore a "person" within the meaning of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, and has a liberty interest in freedom from physical restraint. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint— lies at the heart of the liberty [the Due Process Clause] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

58. Second, there is a substantial risk of erroneous deprivation. The government has not only deprived Petitioner of his liberty, but also of the opportunity to seek release from an immigration judge by maintaining that he does not have the right to that opportunity. *Betancourt Soto*, 807 F.Supp.3d 397, 409 (D.N.J. 2025). Petitioner is currently held while being denied his statutory right to seek bond. *Id.*; *see also Zumba,* 2025 WL 2753496, at *10. It is clear from Respondents' actions that they will continue to deprive Petitioner of liberty without a hearing, absent judicial intervention.

59. Third, upon information and belief, the government's interest is based on a novel and dubious interpretation of immigration law, and not on an individualized assessment of Petitioner's risk of flight or dangerousness to the community. The government cannot articulate

an interest in civilly detaining an individual with no criminal history. *Id.* Moreover, as a family man lacking any criminal history, neither the government nor the public has a significant interest in detaining Petitioner (an established resident of the United States). *Zumba*, 2025 WL 2753496, at *10, ("[a]s petitioner argues, civil detention 'is not suppose[d] to be punitive. It is suppose[d] to be regulatory.'"). Additionally, the public interest strongly favors avoiding the substantial and unnecessary costs of pre-removal detention. *Choglio Chafla v. Scott*, No. 2:25-CV-00437SDN, 2025 WL 2688541, at *11 (D. Me. Sept. 21, 2025). "Simply put, the government interest in avoiding any pre-detention process in this instance is minimal." *Id.* The government could only present minimal interests in continuing to detain Petitioner without affording him a bond hearing. Most importantly, "Petitioner-Plaintiff is not asking the Court to enjoin detention altogether, he only requests that Respondents justify his re-detention at a pre-deprivation hearing." *Rodriguez Diaz v. Kaiser*, No. 25-CV-05071-TLT, 2025 WL 3011852, at *13 (N.D. Cal. Sept. 16, 2025). The same is true here.

60. All *Mathews* factors militate in favor of Petitioner, and Respondents' actions in detaining Petitioner without a bond hearing before a neutral and detached magistrate deprives Petitioner of his rights without due process of law.

REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;

b) Order Respondents to produce all immigration records relating to Petitioner's prior and current detention, including any I-200 Warrant for arrest, I-286 Notice of Custody

Determination, I-220A Order of Release on Recognizance, I-862 Notice to Appear, any bond revocation decision, or any other records relating to Petitioner's past or present custody;

c) Immediately enjoin Petitioner's transfer outside of this judicial district pending this litigation;

d) Enjoin Respondents from holding Petitioner subject to detention under 8 U.S.C. § 1225(b)(2) and denying him a bond hearing on that basis;

e) Enjoin Respondents from re-arresting Petitioner subject to § 1225(b)(2);

f) Order Petitioner's immediate release from custody;

g) Order, in the alternative, Petitioner's immediate release and that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a) within 7 days;

h) Grant the writ of habeas corpus and order Respondents to release Petitioner forthwith, upon payment of the bond as ordered by the Immigration Judge;

i) Award Petitioner his costs of suit; and

j) Grant any other relief that this Court deems just and proper.

Respectfully submitted,

Date: April 16, 2026

/s/ David Gagnidze
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dgagnidze@murrayosorio.com

Counsel for Petitioner

LIST OF EXHIBITS

Ex. 1) ICE Form I-862, Notice to Appear

Ex. 2) ICE Form I-220A, Order of Release on Recognizance

Ex. 3) ATD Enrollment, Notice To Alien.

VERIFICATION

I, David Gagnidze, counsel for Petitioner Karla Lisse Berrios Rodriguez, declare under penalty of perjury that this Petition is based on information provided by Petitioner and her mother, Gregoria Rodriguez, who have confirmed that to the best of their knowledge that all the information contained therein is true and correct.

Respectfully submitted,

Date: April 16, 2026

/s/ David Gagnidze
David Gagnidze, Esq.
D.Md. Bar no. 32034
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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this date, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk
U.S. Attorney's Office for the
District of Maryland
319 Washington Street, Suite 200
Johnstown, PA 15901

Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
Washington, DC 20528-0485

Todd Blanche
Acting Attorney General of the United States
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Todd Lyons, ICE Acting Director
Opffice of the Principal Legal Advisor
U.S. Immigration and Customs
Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Vernon Liggins,
c/o Office of the Principal Legal Advisor
U.S. Immigration and Customs Enforcement
500 12th Street SW, Mail Stop 5902
Washington, DC 20536-5902

Respectfully submitted,

Date: April 16, 2026

/s/ David Gagnidze
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