

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

ELIAS CHACAJ-JOJ,

A# 

Petitioner.

Case No.

v.

**PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR DECLATORY AND
INJUNCTIVE RELIEF**

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.

INTRODUCTION

1
2 1. Petitioner, Elias Chacaj-Joj (A# [REDACTED]), brings this petition for a writ of
3 habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his current immigration detention and
4 the imminent execution of a decades-old in absentia removal order entered without his
5 knowledge.

6 2. Petitioner has resided in the United States for approximately two decades and was
7 detained by U.S. Immigration and Customs Enforcement ("ICE") for the first time on or about
8 April 15, 2026. He now faces removal based on an in absentia order issued in or about 2005,
9 despite never having received proper notice of those proceedings.

10 3. ICE has detained Petitioner without providing any individualized custody
11 determination and is poised to execute removal before Petitioner has a meaningful opportunity to
12 challenge the validity of the underlying removal order.

13 4. Petitioner's detention and threatened removal violate the Due Process Clause of
14 the Fifth Amendment. Petitioner seeks immediate relief, including a stay of removal, to prevent
15 irreparable harm and ensure meaningful judicial review.

JURISDICTION

16
17 5. Petitioner Elias Chacaj-Joj (A# [REDACTED]) is in the physical custody of
18 Respondents and is currently detained at the Baltimore ICE Field Office in Baltimore, Maryland.

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

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

1 **VENUE**

2 8. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
3 500 (1973), venue lies in the United States District Court for the District of Maryland, the
4 judicial district in which Petitioner currently is detained.

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

9 **PARTIES**

10 10. Petitioner Elias Chacaj-Joj (A ) is a citizen of Guatemala who has
11 resided in the United States since approximately 2005 and has been in ICE custody since April
12 15, 2026.

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

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

21 13. Respondent Todd Blanche is the Attorney General of the United States. He is
22 responsible for the Department of Justice, of which the Executive Office for Immigration Review
23
24

1 and the immigration court system it operates is a component agency. He is sued in her official
2 capacity.

3 **FACTUAL BACKGROUND**

4 14. Petitioner, Elias Chacaj-Joj (A ) is a native and citizen of
5 Guatemala.

6 15. Petitioner has resided continuously in the United States since approximately 2005.

7 16. Upon information and belief, a removal order was entered against Petitioner in
8 absentia in or about 2005.

9 17. Petitioner did not receive proper notice of the removal proceedings and was
10 unaware of the hearing at which the order was issued.

11 18. On or about April 15, 2026, Petitioner was encountered by immigration
12 authorities and taken into ICE custody for the first time in his life.

13 19. Petitioner is currently detained at the Baltimore ICE Field Office in Baltimore,
14 Maryland.

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

18 21. ICE is currently maintaining custody of Petitioner and, upon information and
19 belief, intends to execute his removal based on the in absentia order.

20 22. Petitioner intends to file a motion to reopen his removal proceedings based on
21 lack of notice, but faces removal before he can meaningfully pursue that relief.

22 **COUNT 1: VIOLATION OF DUE PROCESS (UNLAWFUL DETENTION WITHOUT**
23 **INDIVIDUALIZED DETERMINATION)**

1 23. Petitioner incorporates by reference the foregoing paragraphs.

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

4 25. Respondents have detained Petitioner without providing a bond hearing or any
5 individualized determination regarding flight risk or danger.

6 26. Civil immigration detention must bear a reasonable relation to a legitimate
7 government purpose and must be supported by individualized findings.

8 27. Respondents' failure to provide any such process renders Petitioner's detention
9 arbitrary and unconstitutional.

10 28. Petitioner's detention therefore violates the Due Process Clause of the Fifth
11 Amendment.

12 **COUNT 2: VIOLATION OF DUE PROCESS (IN ABSENTIA ORDER AND LACK OF
13 NOTICE)**

14 29. Petitioner incorporates all preceding paragraphs.

15 30. The removal order underlying Petitioner's detention was entered in absentia
16 without proper notice.

17 31. Due process requires that individuals receive constitutionally adequate notice and
18 a meaningful opportunity to be heard.

19 32. Execution of a removal order obtained without notice violates due process.

20 33. Petitioner has a viable basis to reopen his removal proceedings due to lack of
21 notice.

22 34. Respondents' attempt to remove Petitioner before he can pursue reopening
23 deprives him of meaningful judicial review.

24 35. Absent intervention, Petitioner will suffer irreparable harm through removal based
on a constitutionally defective order.

COUNT 3: REQUEST TO PREVENT TRANSFER AND PRESERVE JURISDICTION

1 36. Petitioner incorporates all preceding paragraphs.

2 37. Upon information and belief, Respondents may transfer Petitioner outside this District
3 while this petition is pending.

4 38. Such transfer would interfere with this Court's jurisdiction and Petitioner's access to
5 counsel.

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

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

11 PRAYER FOR RELIEF

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

- 13 a. Assume jurisdiction over this matter;
- 14 b. Issue a writ of habeas corpus ordering Respondents to immediately release the
15 Petitioner from ICE custody;
- 16 c. In the alternative, order Respondents to release Petitioner unless they provide a
17 prompt bond hearing under INA § 236(a) within seven (7) days;
- 18 d. Issue an immediate temporary restraining order and/or stay of removal pending
19 resolution of this petition;
- 20 e. Enjoin Respondents from transferring Petitioner outside the District of Maryland
21 while this case is pending;
- 22 f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
23 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under
24 law; and
- g. Grant any other and further relief that this Court deems just and proper.

1 DATED this 16th of April 2026.

2 

3 **MUMTAZ A. WANI, ESQ.**
4 **WANI & ASSOCIATES, P.C.**
5 8229 Boone Blvd. Suite 320
6 Vienna, VA 22182
7 Phone: (703)556-6626
8 Fax: (703)556-6628
9 wani@wanilaw.com
10 Bar No. 16975
11
12
13
14
15
16
17
18
19
20
21
22
23
24

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 16th of April 2026.



MUMTAZ A. WANI, ESQ.
WANI & ASSOCIATES, P.C.
8229 Boone Blvd, Suite 320
Vienna, VA 22182
Phone: (703)556-6626
Fax: (703)556-6628
wani@wanilaw.com
Bar No. 16975