

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
SOUTHERN DIVISION

MAHAN MOHAMMADIMOTAHARI,
(A [REDACTED]), and
MOZHAN MOHAMMADIMOTAHARI,
(A [REDACTED])

Petitioners,

v.

VERNON LIGGINS, Acting Field Office Director,
Baltimore Field Office, Immigration and Customs
Enforcement; TODD LYONS, Acting Director,
Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary, U.S.
Department of Homeland Security,

Respondents.

Case No. 8:26-cv-1572

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241

INTRODUCTION

1. Petitioners Mahan and Mozhan Mohammadi Motahari are sisters and bring this habeas corpus petition to challenge Immigration and Customs Enforcement's ("ICE") continued violation of their due process rights.
2. In January 2026, following a grant of a writ of habeas corpus, an immigration judge ordered each Petitioner released from immigration custody upon payment of a \$10,000 bond. In each case, the immigration judge stated that the only other requirement for release was that there be "No Further Arrests." Neither Petitioner has been arrested, but ICE has continued to impose additional conditions on their release.
3. Petitioners have sought amelioration of these additional conditions by seeking an order from two different immigration courts and from ICE's Baltimore Field Office. All efforts have been futile and they remain subject to unlawful conditions that were not part of the immigration judge's

bond orders. Petitioners request this Court grant their petition and order removal of all additional conditions to effectuate their release from ICE custody.

JURISDICTION AND VENUE

4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and 28 U.S.C. §§ 2201-02 (declaratory relief). Respondents' continued imposition of conditions that constitute "custody" is a "severe restraint" on their individual liberty such that habeas relief is warranted. *See Hensley v. Municipal Court, San Jose Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).

5. This Court may 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.

6. Venue is proper because each Petitioners reside in Potomac, Maryland and each has pending removal proceedings before the Hyattsville Immigration Court. Moreover, a "substantial part of the events or omissions giving rise to the claim" occurred in this District. 28 U.S.C. § 1391(e)(1).

PARTIES

7. Petitioner Mahan Mohammadi Motahari is a resident of Potomac, Maryland, and has pending removal proceedings before the Hyattsville Immigration Court.

8. Petitioner Mozhan Mohammadi Motahari is a resident of Potomac, Maryland, and has pending removal proceedings before the Hyattsville Immigration Court.

9. Respondent Vernon Liggins is the Acting Field Office Director of the Baltimore ICE Field Office and is responsible for ICE's operations in Maryland, including managing the conditions imposed upon Petitioners. He is sued in his official capacity.

10. Respondent Todd Lyons is the Acting Director of the Immigration and Customs Enforcement component of the Department of Homeland Security and has control and oversight over each field office, including the two districts involved in this case. He is sued in his official capacity.

11. Respondent Markwayne Mullin is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the INA and oversees ICE. Secretary Mullin has ultimate custodial authority over Petitioners and is sued in his official capacity.

EXHAUSTION

12. Petitioners have exhausted all administrative remedies. They have sought relief before two different immigration judges and also requested relief directly from the Baltimore Field Office.

13. Moreover, any failure to exhaust administrative remedies does not bar Petitioners' claim unless "Congress specifically mandates" exhaustion. *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022) (1993) (*quoting McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)). No such exhaustion is mandated here.

14. Moreover, because the petition seeks relief based on ICE's violation of their right to due process, administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when . . . a plaintiff has raised a 'substantial constitutional question.'").

JOINDER

15. Federal Rule of Civil Procedure 20(a) allows plaintiffs to join together if they "assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences" and if "any question of law or fact common to all plaintiffs will arise in the action."

16. The purpose of joinder “is to promote trial convenience and expedite the final determination of disputes, thereby preventing multiple lawsuits.” *Saval v. BL Ltd.*, 710 F.2d 1027, 1031 (4th Cir. 1983) (marks and citation omitted).

17. The facts and dispositive issues raised by each Petitioner are identical. Thus, joinder not only promotes convenience, but would ensure consistency in rulings.

18. Other courts have recently considered a group habeas petition, particularly in light of the flood of habeas litigation courts have experienced in the last several months. *See, e.g., Lopez Lopez, et al. v. Noem, et al.*, 1:25-cv-1780, ECF No. 8 (E.D. Va. Nov. 13, 2025); *Ba, et al. v. Valdez, et al.*, No. 26-cv-867-PAB (D. Colo. March 17, 2026), ECF No. 11; *Flores Flores, et al. v. Noem, et al.*, 2026 WL 616467, at *1 (E.D. Cal. March 4, 2026); *Singh v. Warden of Golden State Annex Detention Facility*, 2026 WL 388738, at *1 (E.D. Cal. Feb. 11, 2026). Indeed, “it is not unprecedented for a district court to issue injunctive relief to multiple immigration detainees joined into one habeas petition.” *Espinoza v. Kaiser*, 2025 WL 2675785, at *9 (E.D. Cal. Sept. 18, 2025) (citing *Ortuno v. Jennings*, 2020 WL 1701724, at *1 (N.D. Cal. Apr. 8, 2020) (concluding that the case was “efficiently brought” when the allegations involved a ‘systemic pattern of events’ that is common to all petitioners”)).

19. Because the relevant inquiry is the same for each Petitioner, allowing them to proceed in the same case saves judicial and government resources, and prejudices neither party.

REQUIREMENTS OF 28 U.S.C. § 2243

20. The Court must grant the petition for a writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

21. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

22. Petitioners request the Court issue an Order to Show Cause, and direct Respondents to file a response within three days, in light of the significant restraint on their liberty and clear Constitutional violations in this case.

STATEMENT OF RELEVANT FACTS

23. Petitioners have each been residing in Maryland with their parents since their initial entry into the United States after fleeing Iran. They both have pending applications for relief and protection from removal, which were filed in 2022. The Department of Homeland Security (“DHS”) has issued each Petitioner employment authorization, and neither Petitioner has a criminal history.

24. On or about November 27, 2025, Petitioners departed for a short family trip to St. Thomas, U.S. Virgin Islands. While traveling back to Maryland on December 1, 2025, DHS apprehended Petitioners, placing them each in immigration detention on the theory that they were subject to detention under 8 U.S.C. § 1225(b)(2).

25. Each Petitioner filed a petition for a writ of habeas corpus in the U.S. District Court for the Southern District of Florida, the district of confinement. See *Mahan Mohammadimotaheri v. Ripa, et al.*, No. 25-cv-62502-RS (S.D. Fla. Dec. 5, 2026); *Mozhan Mohammadimotaheri v. Ripa, et al.*, No. 25-cv-62506-RS (S.D. Fla. Dec. 5, 2025).

26. On January 9, 2026, the U.S. District Court for the Southern District of Florida granted Mozhan's petition for a writ of habeas corpus, ordering Respondents to provide her with a bond hearing consistent with 8 U.S.C. § 1226(a). *Mohammadimotaheri*, 25-cv-62506-RS, ECF No. 22 (Jan. 9, 2026).

27. On January 12, 2026, the U.S. District Court for the Southern District of Florida granted Mahan's petition for a writ of habeas corpus, ordering Respondents to provide her with a bond hearing consistent with 8 U.S.C. § 1226(a). *Mohammadimotaheri*, 25-cv-62502-RS, ECF No. 12 (Jan. 12, 2026).

28. On January 16, 2026, an immigration judge in Miami, Florida held bond hearings for both Mahan and Mozhan. The immigration judge granted the bond requests, ordering ICE to release both Mahan and Mozhan from custody upon payment of a \$10,000 bond. *See* Exh. 1 (Bond Orders). The immigration judge also required there be "No Other Arrests" of either Mahan and Mozan *Id.*

29. Petitioners paid the bond the same day as the bond decisions. On January 17, 2026, ICE released Mohzan due to payment of the bond and without any additional conditions. Ex. 2 (Notice to EOIR), at 1.

30. On January 21, 2026, ICE released Mahan due to payment of the bond and added the additional conditions of an Order of Release on Recognizance and enrollment in the Alternative to Detention Program. Ex. 2, at 2.

31. The conditions in the Order of Release on Recognizance require that Mahan not change her place of residence without permission, not violate any local, state, or federal laws, assist in obtaining travel documents, and participation in the Alternatives to Detention Program ("ATD"). Ex. 3. (OREC). This program includes GPS monitoring, reporting to ICE offices in Baltimore,

Maryland, at least once a month, and travel restrictions outside of a limited geographic area without two-weeks advance approval. *Id.*

32. Although when Mozhan was released, ICE did not indicate that she would be enrolled in the ATD program, three days later, she was enrolled in the Intensive Supervision Appearance Program (“ISAP”). Ex. 4 (ISAP GPS Agreement). Similarly to the restrictions placed on Mahan, Mozhan was given a non-removable ankle bracelet for GPS monitoring, she may not change her address without ICE approval, she must stay in a restricted area, and she is also subject to monthly check-ins with ICE or in-home visits. The conditions also state that she “may be requested at any time while in the ISAP program to verify [her] location 24 hours a days [sic], seven days a week.” *Id.*

33. On January 23, 2026, Petitioner Mahan through counsel, filed a motion to ameliorate the conditions of her release with the immigration court in Miami, Florida. That same day, the immigration court rejected the motion for “Incorrect Filing Location (Wrong Immigration Court”). Ex. 5 (Rejected Filing Notice).

34. Counsel then filed the motion to ameliorate the conditions of release with the immigration court in Hyattsville, Maryland, where Petitioners’ proceedings had been transferred to the non-detained docket. On February 6, 2026, the immigration judge in Hyattsville denied Petitioner Mahan’s motion because “it would be more appropriate for the judge who conducted the bond hearing and ordered Respondent’s release to consider this motion.” *See* Ex. 6 (Hyattsville Immigration Court Orders), 1. On February 10, 2026, a different immigration judge in Hyattsville denied Petitioner Mohzan’s motion because “there is another court where this request is deemed more appropriate under the regulations.” *Id.* at 2.

35. Counsel then sought, in February, March, and April 2026, assistance directly from ICE, seeking removal of the GPS monitoring for medical reasons.

36. Petitioners met with ICE Officers on April 14, 2026 to discuss the continued monitoring and imposition of conditions to no avail.

37. Finding no relief before the agencies, Petitioners now seek a writ of habeas corpus to eliminate the continued “custody” that is ultra vires to the immigration judge’s bond order.

LEGAL BACKGROUND

Immigration Bond and Release from Custody

38. A federal court has already determined that Petitioners are subject to the detention provisions found in 8 U.S.C. § 1226(a), not § 1225(b)(2). *Mohammadimotaheri*, 25-cv-62506, ECF No. 22 (Jan. 9, 2026); *Mohamadimotaheri*, 25-cv-62502-RS, ECF No. 12 (Jan. 12, 2026).

39. Detention under 8 U.S.C. § 1226(a) “must be premised on an individualized custody determination based on Petitioner’s dangerousness and flight risk.” *Campbell v. Almodovar*, 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025) (marks and citation omitted). A noncitizen who is neither a danger nor a flight risk may be released on a “bond of at least \$1,500 with security approved by, and containing conditions prescribed by [ICE].” 8 U.S.C. § 1226(a); see *N-N- v. McShane*, 2025 WL 3143594, at *2 (E.D. Pa. Nov. 10, 2025).

40. The decision whether to release a noncitizen is an individualized determination first made by ICE. 8 C.F.R. § 236.1(c)(8). If DHS elects to detain a noncitizen, the noncitizen may seek a custody redetermination before an immigration judge. 8 C.F.R. §§ 1003.19(a) 1236.1(c)(8), (d)(1); *Mendoza Gutierrez v. Baltasar*, 2025 WL 2962908, at *7 (D. Colo. Oct. 17, 2025).

41. “If either party is dissatisfied with the immigration judge’s custody determination, there are two methods of recourse: (a) appeal the immigration judge’s order” to the Board of Immigration Appeals, or “(b) after an initial bond redetermination, a detainee may request a subsequent bond redetermination upon a showing that their ‘circumstances have changed materially since the prior bond redetermination.’” *N-N-*, 2025 WL 3143594, at *3 (quoting 8 C.F.R. §§ 1236.1(d)(3),

1003.19(a), 1003.19(e)); *see also Johnson v. Guzman Chavez*, 594 U.S. 523, 527-28 (2021); *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1179 (D. Colo. 2024).

42. DHS “may not impose additional conditions *after an IJ has ordered release on a bond and set conditions of release.*” *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025); *Batz Barreno v. Baltasar*, ---F. Supp. 3d---, 2026 WL 120253 (D. Colo. Jan. 15, 2026). Such conditions violate due process. *See Cortes v. Guadian*, 2026 WL 265688, at *2 (D. Colo. Feb. 2, 2026); *Harrington v. Albarran, et al.*, 2026 WL 800113, at *3 (N.D. Cal. March 23, 2026). This is because “based on ICE’s own regulations, an immigration judge and the BIA may determine custody conditions. Permitting ICE to impose additional conditions *after* an immigration judge has ordered release and set conditions renders the administrative adjudicatory process null.” *N-N-*, 2025 WL 3143594, at *3.

43. Conditions of release, including the use of a GPS ankle monitor constitutes custody for purposes of habeas corpus. *See Batz Barreno*, 2026 WL 120253, at *2 (collecting cases); *see also Kegel v. Rose, et al.*, 2026 WL 1018335, at *5 (E.D. Penn. Apr. 15, 2026) (collecting cases).

CLAIMS FOR RELIEF

COUNT ONE

Violation of Substantive Due Process (Imposition of Conditions)

44. Petitioners reallege and incorporate by reference the paragraphs above.

45. Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

46. The “Fifth and Fourteenth Amendments’ guarantee of ‘due process of law’ [] include[s] a substantive component, which forbids the government to infringe certain ‘fundamental’ liberty

interests at all, no matter what process is provided, unless the infringement is narrowly tailored to serve a compelling state interest.” *Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (emphasis in original). In the context of immigration, this interest is usually to ensure an individual’s appearance before the immigration court and that he is not a danger to the community. *Gamez Lira v. Noem*, 2025 WL 2581710, at *3 (D.N.M. Sept. 5, 2025).

47. The immigration judge set specific conditions for Petitioners’ release: payment of a monetary bond and no additional arrests. Exh. 1.

48. ICE had no authority to set additional conditions beyond what was set by the immigration judge. *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025) (“Respondents may not impose additional conditions *after an IJ has ordered release on a bond and set conditions of release[.]*”); *Kegel*, 2026 WL 1018335, at *7. To allow ICE to override the immigration judge’s order “would defeat the purpose of having a knowledgeable, neutral third party review the appropriateness of a noncitizen’s detention.” *Orellana Juarez*, 788 F. Supp. 3d at 69; *Batz Barreno*, 2026 WL 120253, at *2.

49. DHS did not appeal the immigration judge’s bond determinations. *N-N-*, 2025 WL 3143594, at *3.

50. Allowing DHS to unilaterally impose additional conditions other than those ordered by the immigration judge violates Petitioners’ due process rights. *N-N-*, 2025 WL 3143594, at *3; *Orellana Juarez*, 788 F. Supp. 3d at 69; *Kegel*, 2026 WL 1018335, at *7. This is true particularly considering that the immigration judge conducted bond hearings in response to this Court’s habeas order, which was required in lieu of the Court granting outright release. To permit DHS to undermine the findings of the neutral arbiter by imposing its own conditions only further erodes

any fundamental fairness to which Petitioners are entitled. *N-N-*, 2025 WL 3143594, at *3; *Orellana Juarez*, 788 F. Supp. 3d at 70.

COUNT TWO
Violation of Procedural Due Process
(*Accardi* Claim – No Probable Cause for Arrest)

51. Petitioners reallege and incorporate by reference the paragraphs above.

52. The Supreme Court’s decision in *United States ex. rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954), established the well-settled principle that agency actions in violation of its own regulations and procedures offends due process. 347 U.S. at 267-68 (finding that the agency must exercise its judgment in a habeas case because the agency committed itself by regulation).

53. The *Accardi* doctrine applies with particular force “[w]here the rights of individuals are affected.” *Morton v. Ruiz*, 415 U.S. 199, 235 (1974). The doctrine’s purpose is “to prevent the arbitrariness which is inherently characteristic of an agency’s violation of its own procedures.” *United States v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969).

54. The decision whether to release a noncitizen is an individualized determination first made by ICE. 8 C.F.R. § 236.1(c)(8). If DHS elects to detain a noncitizen, the noncitizen may seek a custody redetermination before an immigration judge. 8 C.F.R. §§ 1003.19(a) 1236.1(c)(8), (d)(1); *Mendoza Gutierrez*, 2025 WL 2962908, at *7.

55. “This regulatory framework is sequential and must be read altogether to avoid surplusage.” *N-N-*, 813 F. Supp. 3d at 500.

56. Thus, if ICE wanted Petitioners to have GPS monitoring, it could have released them with such conditions or argued for these conditions to be imposed by the immigration judge. But “if ICE has the ability to initially determine release conditions under 8 C.F.R. § 1236.1(c)(8),” and Petitioners “may appeal those conditions to an immigration judge under 8 C.F.R. § 1236.1(d)(1),”

but then ICE could “thereafter impose additional release conditions notwithstanding the immigration judge’s order, all while never having advocated for such conditions before the immigration judge or appealed to the BIA under Section 1236.1(d)(3)—then the administrative adjudicatory process would be rendered meaningless and superfluous.” *N- N-*, 813 F. Supp. 3d at 501.

57. In setting additional conditions after the immigration judge ordered Petitioners’ release based solely on a cash bond, ICE has failed to abide by its own operating regulations and has violated Petitioners’ due process rights.

PRAYER FOR RELIEF

Based on the foregoing, Petitioners request that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Issue an order requiring Respondents to show cause why this Petition should not be granted within three days;
- (3) Declare that the conditions placed on Petitioners’ release violate the immigration judge’s bond order;
- (5) Declare that the conditions placed on Petitioners’ release violate their due process rights;
- (6) Order that ICE remove all conditions imposed on Petitioners’ release other than the imposition of monetary bonds and a requirement that Petitioners are not arrested;
- (7) Grant any other and further relief this Court deems just and proper.

Dated: April 22, 2026

Respectfully submitted,

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**pro hac vice motion forthcoming*

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

I am submitting this verification on behalf of the Petitioners because I am Petitioners' attorney. I have represented Petitioners before the immigration court, including during their bond hearings, and before the Department of Homeland Security in the attempts to remove the conditions imposed on their release. Based on that knowledge and my discussions with Petitioners, I hereby verify that the statements made in this Petition for a Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: April 22, 2026

Respectfully submitted,

/s/ Parastoo Zahedi
PARASTOO ZAHEDI
Law Office of Zahedi PLLC