

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**Melvin Alejandro, ECHEVERRIA-
SANCHEZ**

Petitioner,

v.

**Nikita BAKER, Field Office Director of
Enforcement and Removal Operations,
Baltimore Field Office, Immigration and
Customs Enforcement; Markwayne
MULLIN, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT
OF HOMELAND SECURITY; Todd
BLANCHE, U.S. Attorney General;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW; Vernon
LIGGINS, Deputy Field Office Director of
the ICE Baltimore Field Office,**

Respondents.

Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Melvin Alejandro Echeverria- Sanchez (A# [REDACTED]) is a native and citizen of El Salvador. Petitioner initially entered the United States without inspection in or about the year 2018. Upon information and belief, he was placed in removal proceedings with the Immigration Court and thereafter his removal proceeding was ordered Dismissed by the Court on May 10, 2022. Since his removal proceedings' dismissal, he has remained continuously present in the United States while living openly and maintaining substantial family and community ties in Maryland. His post-dismissal presence, spanning almost 4 years, places him squarely outside the statutory category of individuals subject to mandatory detention under § 1225.

On April 23, 2026, Petitioner was arrested by ICE in Frederick, MD, while on his way to work, under facts and circumstances that place him 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 new policy 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 detained under 8 U.S.C. § 1225(b)(2). While § 1225(b) 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 to enjoin Respondents from subjecting him to mandatory detention under 8 U.S.C. § 1225(b)(2), and seeks an order requiring Respondents to immediately release him from custody and restore him to the status quo that existed when he was placed on Alternatives to Detention ("ATD"). In the alternative, Petitioner seeks an order requiring

1 Respondents to provide him with a prompt discretionary bond hearing before an Immigration
2 Judge pursuant to 8 U.S.C. § 1226(a).

3 **JURISDICTION**

4
5 2. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
6 Baltimore ICE Holding Cell in Maryland.

7 3. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C.
8 § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the
9 Suspension Clause).

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

12 **VENUE**

13 5. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
14 500 (1973), venue lies in the United States District Court for the Maryland the judicial district in
15 which Petitioner currently is detained.

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

19 **PARTIES**

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21 7. Mr. Echeverria- Sanchez is detained at the ICE Baltimore Holding Cell which is
22 within the District of Maryland. Petitioner has resided in the United States since 2018. Petitioner
23 was arrested by ICE in Baltimore Maryland, on his way to work. He was taken into ICE custody
24 and transported to the Baltimore ICE Processing Facility. He remains detained there.

8. Respondent Markwayne Mullin is the Secretary of Homeland Security and all sub-cabinet agencies of DHS, including and USCIS. She is sued in her official capacity.

9. Respondent Todd Blanche is the Attorney General of the United States. She 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. She is sued in her official capacity.

10. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, responsible for ICE detention and removal operations among all its functions. He is sued in his official capacity.

11. Respondent Nikita Baker is the Field Office Director of the ICE Baltimore Filed Office, and she is responsible for ICE's operations in Maryland. Upon information and belief, she is the immediate custodian of the Petitioner who is held at the Baltimore Processing Facility. She is sued in her official capacity.

12. Respondent Vernon Liggins in the Deputy Field Office Director of the ICE Baltimore Field and is responsible for ICE's operations in Maryland. He is sued in his official capacity.

13. Respondent Executive Office for Immigration Review (EOIR) is the federal agency responsible for implementing and enforcing the INA in removal proceedings, including for custody redeterminations in bond hearings.

LEGAL FRAMEWORK

A. Immigration Detention Legal Framework

1 14. When a noncitizen is alleged to have violated immigration laws, they are generally
2 placed into traditional removal proceedings, during which an immigration judge will determine
3 whether they are removable and then whether they have a legal basis to remain in the United States.
4 8 U.S.C. § 1229a.

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

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

19 “present in the United States who has not been admitted or who
20 arrives in the United States (whether or not at a designated port of
21 arrival and including an alien who is brought to the United States
22 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).

23 17. The first subset, under 8 U.S.C. § 1225(b)(1), may be subject to expedited removal
24 and mandatory detention if they are determined to be an “arriving alien,” and if they have not been

1 physically present in the United States continuously for a two-year period immediately prior.

2 Regulations define an “arriving alien” as:

3 “an applicant for admission coming or attempting to come into the
4 United States at a port-of-entry, or an alien seeking transit through the
5 United States at a port-of-entry, or an alien interdicted in international
6 or United States waters and brought into the United States by any
7 means, whether or not to a designated port-of-entry, and regardless of
8 the means of transport.” 8 C.F.R. § 1.2.

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

14 19. An “arriving alien” or an applicant for admission “seeking admission” may only be
15 released from detention on parole (which is a form of release on recognizance), under 8 U.S.C. §
16 1182(d)(5). *Jennings*, 583 U.S. at 288. There is no bond available to an arriving alien or applicant
17 for admission seeking admission. *Id.* There is no such thing as a “parole bond” – a release must
18 be either parole under § 1182(d)(5) or a bond (conditional parole) under § 1226(a). *Id.*

19 20. For a noncitizen subject to discretionary detention under 8 U.S.C. § 1226(a), ICE
20 makes an initial custody determination to either set a bond or hold the individual at no bond. The
21 noncitizen may then seek a review of ICE’s initial custody determination before the IJ (a “custody
22 review hearing”), who has the authority to modify ICE’s custody determination and set bond in a
23 case in which ICE has designated no bond, lower bond when ICE has set a cash bond amount, or
24 deny bond completely. 8 C.F.R. § 1003.19. 51

25 21. Custody review hearings are separate from hearings in the underlying removal
26 proceedings. 8 C.F.R. § 1003.19(d). If a noncitizen is granted bond by the IJ, he must still appear

1 in immigration court for the IJ to determine his removability and hear any claim for relief from
2 removal. At a custody review hearing, once jurisdiction over bond is established, the IJ's inquiry
3 is limited to whether the detainee is a danger to the community or a flight risk, and bond may only
4 be granted when an IJ has determined that the detainee meets his burden of proof that he is neither.
5 *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006).

6 22. For decades, it has been Respondents' practice to afford § 1226(a) discretionary
7 bond hearings and custody review hearings to those individuals who have been encountered neither
8 at a point of entry nor seeking admission to the United States. *See Rosado v. Figueroa*, No. CV
9 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *10 (D. Ariz. Aug. 11, 2025), *report and*
10 *recommendation adopted sub nom. Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR
11 (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025) ("Respondents' proposed application of §
12 1226 is also belied by the Department of Homeland Security's 'longstanding practice' of treating
13 noncitizens taken into custody while living in the United States, including those detained and found
14 inadmissible upon inspection and then released into the United States with the government's
15 acquiescence, who have committed no crime after release, as detained under § 1226(a)." citing
16 *Loper Bright Enter. v. Raimondo*, 603 U.S. 369, 386 (2024)).

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

18 23. On July 8, 2025, Respondent ICE issued new interim guidance that announced a
19 breathtakingly broad interpretation of 8 U.S.C. § 1225(b)(2). *See* ICE memorandum "Interim
20 Guidance Regarding Detention Authority for Applications for Admission."¹ This memo concerns
21 the detention of "applicants for admission" as defined by § 1225(a)(1). "Effective immediately, it
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23 ¹ Available at: [https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-](https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission)
24 [authority-for-applications-for-admission](https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission) (last visited April 23, 2026).

1 is the position of DHS that such aliens are subject to detention under INA § 235(b) [8 U.S.C. §
2 1225(b)(2)] and may not be released from ICE custody except by INA § 212(d)(5) [8 U.S.C. §
3 1182(d)(5)].” *Id.* DHS is explicit that this new policy is a marked deviation from prior
4 interpretation and treatment of affected noncitizens. *Id.* (“For custody purposes, these aliens are
5 now treated in the same manner that “arriving aliens” have historically been treated.”)

6 24. In addition to the announcement re-interpreting § 1225(b)(2), the memo further
7 clarifies that “[t]he only aliens eligible for a custody determination and release on recognizance,
8 bond or other conditions under INA § 236(a) [8 U.S.C. § 1226(a)] during removal proceedings are
9 aliens admitted to the United States and chargeable with deportability under INA § 237 [8 U.S.C.
10 § 1227], with the exception of those subject to mandatory detention under INA § 236(c) [8 U.S.C.
11 § 1226(c)].” *Id.*

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

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

19
20 **C. Recent BIA decision *Matter of Yajure Hurtado***

21 27. On September 5, 2025, the Board of Immigration Appeals (BIA), which oversees
22 all appeals of IJ decisions including custody redeterminations, upheld ICE’s re-interpretation of
23 § 1225(b)(2). *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

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

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

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

12 31. The BIA acknowledged the decades of precedent preceding its decision that
13 authorized release of individuals present without having been inspected and admitted or paroled
14 under § 1226(a). *Id.* at 225, FN6 (“We acknowledge that for years Immigration Judges have
15 conducted bond hearings for aliens who entered the United States without inspection. However,
16 we do not recall either DHS or its predecessor, the Immigration and Naturalization Service,
17 previously raising the current issue that is before us. In fact, the supplemental information for the
18 1997 Interim Rule titled ‘Inspection and Expedited Removal of Aliens; Detention and Removal of
19 Aliens; Conduct of Removal Proceedings; Asylum Procedures,’ 62 Fed. Reg. 10312, 10323 (Mar.
20 6, 1997), reflects that the Immigration and Naturalization Service took the position at that time
21 that ‘[d]espite being applicants for admission, aliens who are present without having been admitted
22 or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond
23 and bond redetermination.’”)

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

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

4 34. Respondents' new policy and interpretation of 8 U.S.C. § 1225(b)(2) stand to
5 sweep millions of noncitizens into mandatory detention, without any consideration for release on
6 bond (regardless of their ties to their community or lack of dangerousness or flight risk). *Rosado*,
7 2025 WL 2337099, at *11 ("It has been estimated that this novel interpretation would require the
8 detention of millions of immigrants currently residing in the United States.")

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10 **D. Class Action In *Maldonado Bautista***

11 35. On November 25, 2025, in a challenge to ICE's recent policy change, the U.S.
12 District Court for the Central District of California certified "Bond Eligible Class" of:

13 "All noncitizens in the United States without lawful status who (1)
14 have entered or will enter the United States without inspection; (2)
15 were not or will not be apprehended upon arrival; and (3) are not or
16 will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1),
or § 1231 at the time the Department of Homeland Security makes an
initial custody determination."

17 *Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3288403, at *9 (C.D. Cal. Nov.
18 25, 2025). The court had previously granted summary judgment in favor of the putative class in
19 *Maldonado Bautista*, holding that ICE's July 2025 policy was unlawful. *Maldonado Bautista v.*
20 *Santacruz*, --- F.Supp.3d ---, 2025 WL 3289861 (C.D. Cal. Nov. 20 2025). at *10 ("Thus,
21 Respondents' expansive interpretation of 'applicants for admission' would effectively nullify a
22 portion of the INA through the DHS's legislative or interpretive exercise of power. Neither is
23 appropriate under the separation of powers.").

1 36. On December 18, 2025, the court granted the motion to reconsider, in light of the
2 fact that immigration judges nationwide were refusing to follow the court's prior summary
3 judgment decision, and granted a final judgment. *Maldonado Bautista*, No. 5:25-cv-01873-SSS-
4 BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). "A notice of appeal was then filed by the
5 *Bautista* defendants on December 18, 2025, ECF No. 95." *Engonga v. Noem*, No. 5:25-CV- 03479-
6 FWS-MAA, 2025 WL 3764077, at *3 (C.D. Cal. Dec. 23, 2025). "However, the Ninth Circuit has
7 held the filing of an appeal does not suspend the preclusive effect of a lower court judgment."
8 *Osuna v. Casey*, No. 25CV3668-LL-MMP, 2026 WL 50755, at *1 (S.D. Cal. Jan. 7, 2026) citing
9 *Hawkins v. Risley*, 984 F.2d 321, 324 (9th Cir. 1993).

10 37. On January 13, 2026, Chief Immigration Judge (CIJ) Teresa L. Riley issued
11 nationwide guidance instructing all immigration judges that: "*Maldonado Bautista* is not a
12 nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*." See
13 American Immigration Lawyers Association Practice Alert "EOIR Issues Nationwide Guidance
14 on *Maldonado Bautista*."2 CIJ Riley then instructed immigration judges to continuing to apply
15 *Yahure Hurtado*, on the guidance that declaratory judgments are not binding or preclusive. *Id.*

16 38. Subsequently, on February 18, 2026, the District Court Judge Sunshine Suzanne
17 Sykes of the Central District of California granted Plaintiffs' motion to enforce and issued an order
18 vacating the Board's decision in *Matter of Yajure Hurtado*.

19 39. The contrary statutory interpretation adopted by the United States Court of Appeals
20 for the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, was expressly considered by the court
21 in *Maldonado Bautista v. Santacruz*. In addressing that decision, the court recognized the Fifth
22 Circuit's differing interpretation but distinguished it on critical grounds, including that the
23 petitioners in *Buenrostro-Mendez* conceded they were "applicants for admission" under 8 U.S.C.
24

1 § 1225(a)(1)—a concession not applicable to the Bond Eligible Class members in *Maldonado*
2 *Bautista*. The *Maldonado Bautista* court further made clear that the existence of contrary circuit
3 authority did not alter its statutory analysis, nor did it diminish the binding effect of its Final
4 Judgment as to the certified nationwide class.

5 40. Following the issuance of the February 18, 2026 order, Respondents sought
6 appellate review and filed an emergency motion requesting a stay pending appeal.

7 41. On March 6, 2026, the reviewing court issued a temporary stay of the district
8 court's December 18, 2025 judgment and February 18, 2026 order, pending resolution of
9 Respondents' emergency motion for a stay pending appeal.

10 42. The temporary stay does not constitute a final determination on the merits of the
11 government's appeal and is limited in scope to preserving the status quo while appellate review is
12 ongoing.

13 43. Notwithstanding the temporary stay, the December 18, 2025 declaratory judgment
14 remains in effect within the Central District of California.

15
16 **STATEMENTS OF FACTS**

17
18 44. Mr. Echeverria- Sanchez (A# ) is a native and citizen of El Salvador.
19 Petitioner initially entered the United States in or about 2018. Upon information and belief, he was
20 placed in removal proceedings with the Immigration Court and thereafter his removal proceeding
21 was ordered Dismissed by the Court on May 10, 2022. Since his arrival, Petitioner has resided in
22 the United States for a substantial period, developing significant ties to the community.

23 45. Petitioner has resided in the State of Maryland, where he has established deep and
24 meaningful ties to the community. He lives in Frederick, Maryland, together with his parents, his

1 partner, and his two United States citizen children, ages two years and forty-five days old.
2 Petitioner serves as the primary financial provider for his household and is the sole breadwinner
3 responsible for supporting the basic needs and well-being of his young children.

4 46. On or about April 23, 2026, Petitioner was arrested by ICE in Frederick, MD, while
5 on his way to work.

6 47. As noted above, Mr. Alvarenga-Lopez has lived in the United States for
7 approximately 8 years. However, upon information and belief, despite the long period of time
8 residing in the United States, Mr. Alvarenga-Lopez is being detained and processed for removal
9 under 8 U.S.C. § 1229a, charged as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), and
10 treated as an applicant for admission not eligible for release on bond by an Immigration Judge.

11 48. As a person living within the United States for 8 years, Mr. Alvarenga-Lopez is
12 entitled to due process of law. U.S. Const. amend. V; *see generally Zadvydas*, 533 U.S. 678. Mr.
13 Alvarenga-Lopez is or will be placed in mandatory detention in violation of his right to due process.

14 49. 8 U.S.C. § 1225 authorizes the mandatory detention of "arriving aliens", those
15 noncitizens who cannot demonstrate they have "been physically present in the United States
16 continuously for the 2-year period immediately prior[.]" 8 U.S.C. § 1225(b)(1)(A)(iii)(II).

17 50. Here, the record affirmatively demonstrates that Petitioner falls outside the scope
18 of § 1225. Petitioner's prior removal proceedings were dismissed by the Executive Office for
19 Immigration Review ("EOIR") in 2022, and since that time, he has remained continuously present
20 in the United States while living openly and maintaining substantial family and community ties in
21 Maryland. His post-dismissal presence, spanning almost 4 years, places him squarely outside the
22 statutory category of individuals subject to mandatory detention under § 1225.

1 51. Moreover, Petitioner's compliance with the immigration framework following the
2 dismissal of his case further underscores that he is not an "arriving alien" nor a recent entrant
3 subject to expedited removal or mandatory detention. Rather, he is a long-term resident whose
4 circumstances align with those governed, if at all, by 8 U.S.C. § 1226(a), which requires an
5 individualized custody determination.

6 52. Through this Petition, Mr. Alvarenga-Lopez seeks an order from this Court
7 directing Respondents to provide him with an individualized bond hearing pursuant to the
8 Immigration and Nationality Act.

9 53. Petitioner is currently detained at the Baltimore ICE Holding Cell, a temporary
10 intake facility where detainees are held only briefly before being transferred to longer-term
11 detention centers. Upon information and belief, detainees held at the Baltimore Holding Cell are
12 routinely transferred out of the District of Maryland, and in the vast majority of cases are
13 transported to facilities located within the Fifth Circuit.

14 54. Accordingly, there exists a substantial and imminent likelihood that Petitioner will
15 be transferred to a detention facility in another circuit, most likely within the Fifth Circuit.

16 55. All Respondents consider that Petitioner is detained pursuant to 8 U.S.C. §
17 1225(b)(2). *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216. Accordingly, it would be futile for
18 Petitioner to request bond before an Immigration Judge. Exhaustion of administrative remedies
19 would therefore be futile.

20 56. Accordingly, a habeas order from this Court is necessary to ensure that any
21 jurisdiction to which Petitioner may be transferred is bound to honor and implement this Court's
22 judgment. Absent such relief, Petitioner faces a substantial risk that immigration authorities and
23 immigration judges will disregard the statutory bond framework established in the Immigration
24

1 and Nationality Act, thereby rendering Petitioner's rights under 8 U.S.C. § 1226(a) effectively
2 unenforceable.

3
4 **REQUIREMENTS OF 28 U.S.C. § 2243**

5 1. Habeas corpus is "perhaps the most important writ known to the constitutional
6 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or
7 confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the
8 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and
9 receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208
10 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

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

13 2. Petitioner re-alleges and incorporates by reference paragraphs 1 through 55.

14 3. Because Petitioner is not an applicant for admission "seeking admission" or an
15 "arriving alien" subject to 8 U.S.C. §§ 1225(b)(1) or (b)(2), and has no disqualifying criminal
16 arrests or convictions subject to 8 U.S.C. § 1226(c), he is entitled to a bond redetermination hearing
17 before an immigration judge pursuant to 8 U.S.C. § 1226(a).

18 4. Petitioner appears to be a member of the class certified in *Maldonado Bautista* on
19 November 25, 2025: "All noncitizens in the United States without lawful status who (1) have
20 entered or will enter the United States without inspection; (2) were not or will not be apprehended
21 upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), §
22 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody
23 determination." *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2025 WL
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1 3288403, at *9 (C.D. Cal. Nov. 25, 2025). The court subsequently issued a final judgment vacating
2 ICE's July 2025 policy applying 8 U.S.C. § 1225(b)(2) to class members. *Maldonado Bautista v.*
3 *Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025). However,
4 the relief sought here is injunctive—namely, an order requiring Respondents to provide Petitioner
5 with a bond hearing, or, in the alternative, release. See *infra* Request for Relief. The court
6 in *Maldonado Bautista* lacks jurisdiction to provide such injunctive relief to the class under 8
7 U.S.C. § 1252(f). Accordingly, this Court is not precluded from granting relief on this habeas
8 petition. See, e.g., *Shi v. Lyons*, — F. Supp. 3d —, 2025 WL 3637288, at *n.5 (S.D. Tex. Dec. 12,
9 2025); *Lopez-Neria v. Bondi*, No. 5:25-CV-1650-JKP, 2025 WL 3654329, at *5 (W.D. Tex. Dec.
10 12, 2025).

11 5. Respondents' actions, as described herein, violate Petitioner's statutory right to a
12 bond redetermination hearing before an immigration judge.

13
14 **SECOND CLAIM FOR RELIEF**
Detention in Violation of Due Process

15 6. Petitioner re-alleges and incorporates by reference paragraphs 1 through 55.

16 7. Immigration detention is civil, not criminal, in nature. The only permissible
17 purposes of such detention are to prevent flight risk and to protect the community from danger.

18 8. After entering the United States, Petitioner developed substantial ties to the
19 community over the course of several years. Petitioner is therefore a "person" within the meaning
20 of the Due Process Clause of the Fifth Amendment to the United States Constitution and has a
21 protected liberty interest in freedom from physical restraint.

22 9. Respondents' continued detention of Petitioner without a bond hearing before a
23 neutral and detached decision-maker deprives Petitioner of liberty without due process of law.
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11. Because Respondents are detaining Petitioner under an erroneous and unlawful application of 8 U.S.C. § 1225(b), and in a manner that is arbitrary, capricious, and contrary to the statutory framework governing immigration detention, this Court should order Respondents to immediately release Petitioner from custody.

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1 f) Order, in the alternative, Petitioner's immediate release with all his personal
2 property, and that Respondents conduct a bond hearing for Petitioner pursuant to 8 U.S.C. § 1226(a)
3 within 10 days of a bond petition;

4 g) Retain jurisdiction over this matter to ensure Respondents' compliance with the
5 Court's orders;

6 h) Grant the writ of habeas corpus and order Respondents to release Petitioner under
7 reasonable conditions, if a bond is granted by the Immigration Judge;

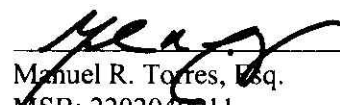
8 i) Enjoin Respondent from invoking the automatic stay provision at 8 C.F.R. §
9 1003.19(i)(2) if bond is granted;

10 j) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
11 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

12 k) Grant any other and further relief that this Court deems just and proper.

13 DATED this 23rd of April, 2026.

14 Respectfully submitted,

15 
16 Manuel R. Torres, Esq.

MSB: 2202040011

Bar ID: 31980

Attorney for Petitioner

Torres-Velez Law Firm, LLC

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Fulton, MD 20759

Telephone: (301) 802-4039

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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 Petitioner's attorney. I, or my co-counsel, 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 24, 2026

Respectfully submitted,


Manuel R. Torres, Esq.

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, which will send a notice of electronic filing to all counsel of record. To all the parties below:

Nikita Baker, Field Office Director
U.S. Immigration and Customs Enforcement, Baltimore Field Office
31 Hopkins Plaza, 7th Floor
Baltimore, MD 21201

Vernon Liggins, Deputy Field Office Director
U.S. Immigration and Customs Enforcement, Baltimore Field Office
31 Hopkins Plaza, 7th Floor
Baltimore, MD 21201

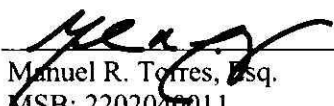
Markwayne Mullin, Secretary
U.S. Department of Homeland Security
Office of the General Counsel
2707 Martin Luther King Jr. Avenue SE
Washington, DC 20528-0485

Todd Blanche, Attorney General of the United States

1 U.S. Department of Justice
2 950 Pennsylvania Avenue NW
3 Washington, DC 20530-0001

4 **Dated: April 24, 2026**

5 Respectfully submitted,

6 
7 Manuel R. Torres, Esq.
8 MSB: 2202040011
9 Bar ID: 31980
10 Attorney for Petitioner
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