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

MANFREDO ANTONIO VENTURA
CERVANTES, A# ,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary,
U.S. Department of Homeland Security;
TODD BLANCHE, Acting Attorney General
of the United States; TODD M. LYONS,
Acting Director, U.S. Immigration and
Customs Enforcement; VERNON LIGGINS,
Acting Baltimore Field Office Director
Respondents

Civil Action No. _____

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

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

Petitioner, by and through undersigned counsel, alleges as follows:

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the legality of Petitioner's civil immigration detention at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania.

2. Petitioner, Mr. Manfredo Antonio Ventura Cervantes, is a citizen of Guatemala who entered the United States without inspection around 1992 and has lived in this country for more than three decades. During that time, he has established deep roots, including the birth and upbringing of two minor United States citizen children and many years of tax-paying employment.
3. Petitioner is prima facie eligible for Cancellation of Removal for non-lawful permanent residents under 8 U.S.C. § 1229b(b). He has more than ten years of continuous physical presence, has filed federal taxes in multiple years (2011, 2012, 2013, 2015, 2019, 2020), and has no disqualifying criminal convictions. His only known criminal history is a single DUI guilty plea in 2006.
4. Despite his strong equities, family ties, and lack of serious criminal record, Petitioner is detained without any meaningful, individualized determination that his continued incarceration is necessary to prevent flight or protect the community, and without serious consideration of less restrictive alternatives.
5. Further, seeking a bond hearing before an Immigration Judge is futile in light of recent, well-documented developments within the immigration courts: bond hearings have become largely illusory for similarly situated detainees, with near-automatic denials and perfunctory decisions that do not provide the neutral, individualized review that due process requires. Direct habeas relief is therefore necessary.
6. Petitioner respectfully asks this Court to (a) declare his current detention unlawful; (b) order his immediate release under appropriate conditions of supervision; or, in the alternative, (c) conduct its own bail hearing or order a bond hearing with robust procedural safeguards and retain jurisdiction to ensure compliance.

II. JURISDICTION AND VENUE

7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under color of the laws of the United States and challenges the legality of that custody.
8. This Court also has jurisdiction under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States, including the Due Process Clause of the Fifth Amendment and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq.
9. This Court has authority to grant the requested relief under 28 U.S.C. § 2243 and its inherent equitable powers.
10. Venue is proper in this District pursuant to 28 U.S.C. § 2241 and § 1391(e) because Petitioner was detained in Baltimore, Maryland, and according to the Automatic Case Information System his immigration removal proceedings were docketed on April 26, 2026 before the Hyattsville Immigration Court, in Hyattsville, Maryland. Petitioner's whereabouts are currently unknown and does not appear in the U.S. Immigration and Customs Enforcement Online Detainee Locator.

III. PARTIES

11. Petitioner, Manfredo Antonio Ventura Cervantes (A# ) is a native and citizen of Guatemala. He entered the United States without inspection in or about 1992 and has resided here continuously for more than thirty years. He is the father of two minor United States citizen children and is currently detained in ICE custody at Moshannon Valley Processing Center.

12. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security (DHS). He is responsible for the administration and enforcement of the immigration laws, including detention and removal. He is sued in his official capacity.
13. Respondent Todd Blanche is the Acting Attorney General of the United States and the head of the U.S. Department of Justice, which oversees the Executive Office for Immigration Review (EOIR). He is sued in his official capacity.
14. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE), the DHS component with direct authority over Petitioner's detention. He is sued in his official capacity.
15. Respondent Vernon Liggins is the Acting Baltimore Field Office Director of ICE, with regional responsibility for detention and removal decisions in the area that includes Petitioner. He is sued in his official capacity.

IV. STATEMENT OF FACTS

16. Petitioner is a citizen of Guatemala who entered the United States without inspection in approximately 1992. Since that time, he has continuously resided in the United States.
17. Over more than three decades in this country, Petitioner has developed extensive family, economic, and community ties. He is the father of two minor United States citizen children, who depend upon him for emotional and financial support.
18. Petitioner has consistently worked and contributed to the United States economy. Based on records presently available, he filed federal income tax returns in 2011, 2012, 2013, 2015, 2019, and 2020. These filings demonstrate his long-term integration into the formal economy and his willingness to comply with U.S. laws and obligations.

19. Petitioner has no disqualifying criminal arrests or convictions. His only known criminal history is a single DUI guilty plea from 2006, nearly twenty years ago. He has no record of violence and no convictions that would bar him from Cancellation of Removal.
20. Petitioner is therefore prima facie eligible for Cancellation of Removal for non-lawful permanent residents under 8 U.S.C. § 1229b(b). He has: (1) more than ten years of continuous physical presence; (2) good moral character for the requisite period, supported by his long-term tax compliance and absence of serious criminal history; (3) no disqualifying offenses under 8 U.S.C. §§ 1182(a)(2), 1227(a)(2), or 1227(a)(3); and (4) two minor U.S. citizen children who will suffer exceptional and extremely unusual hardship if he is removed.
21. On information and belief, DHS has charged Petitioner with removability based on presence in the United States without admission or parole under 8 U.S.C. § 1182(a)(6)(A)(i).
22. Petitioner is currently detained at Moshannon Valley Processing Center under color of the INA, presumably pursuant to 8 U.S.C. § 1226(a) or § 1225(b). He has not received a meaningful bond hearing before a neutral adjudicator that considers his long residence, minimal criminal record, strong family ties, and eligibility for relief.
23. Petitioner's history, tax filings, and family responsibilities demonstrate that he is not a danger to the community and that he has strong incentives to appear at all immigration hearings. He seeks to pursue Cancellation of Removal and any other available relief lawfully and to remain united with his U.S.-citizen children.

24. Nonetheless, ICE continues to hold Petitioner in civil detention without any individualized showing that his confinement is necessary, and without serious consideration of alternatives such as parole, supervision, or reasonable bond.
25. Against this backdrop, a bond motion before an Immigration Judge is futile. Recent developments in the immigration courts demonstrate that bond hearings for detained noncitizens, including those who have long resided in the United States and who win federal habeas relief, are now largely illusory. Practitioners and former Immigration Judges have described a sharp, systemic shift toward near-automatic bond denials and the application of standards that functionally preclude release for almost all detainees, regardless of their individual circumstances.
26. As a result, directing Petitioner to seek relief through a bond hearing in Immigration Court would delay effective judicial review while subjecting him to proceedings that, in practice, offer no realistic possibility of release.

V. CLAIMS FOR RELIEF

COUNT I

Detention Not Authorized by the Immigration and Nationality Act

27. Petitioner incorporates by reference paragraphs 1–26 as though fully set forth herein.
28. Petitioner’s civil detention is not authorized by a lawful application of the INA. If DHS asserts authority under 8 U.S.C. § 1225(b), that interpretation is improper for a long-term resident like Petitioner, apprehended in the interior and pursuing relief. Such individuals are properly treated as being detained under 8 U.S.C. § 1226, which provides for discretionary custody decisions and bond hearings.

29. If Petitioner is detained under 8 U.S.C. § 1226(a), the statutory framework requires genuine, individualized assessment of flight risk and danger, and contemplates that release on bond or conditional parole will be available where appropriate. In practice, however, Petitioner is being held in a regime where that statutory discretion is not meaningfully exercised and where release is effectively unavailable.
30. When the government administers § 1226(a) in a way that eliminates individualized discretion and forecloses practical access to bond, it acts outside the authority conferred by Congress. Habeas relief is appropriate to correct that statutory violation.

COUNT II

Violation of the Fifth Amendment Due Process Clause

31. Petitioner incorporates by reference paragraphs 1–30 as though fully set forth herein.
32. Civil immigration detention is subject to the Due Process Clause of the Fifth Amendment. Detention must be reasonably related to legitimate regulatory purposes—ensuring attendance at proceedings and protecting public safety—and cannot be punitive, indefinite, or arbitrary.
33. Due process requires that noncitizens like Petitioner, particularly when detention becomes prolonged, receive a meaningful opportunity to challenge the necessity of their detention before a neutral decisionmaker. This includes a hearing at which the government bears the burden to justify continued detention and at which the decisionmaker considers less restrictive alternatives.
34. Under the *Mathews v. Eldridge*, 424 U.S. 319 (1976), balancing framework:
- a. Petitioner’s private interest in freedom from physical restraint and in family unity with his minor U.S.-citizen children is fundamental and weighty.

- b. The risk of erroneous deprivation is high when, as here, detention continues without a genuine, individualized determination and in a system where bond hearings are perfunctory and heavily biased against release.
 - c. Additional safeguards—such as judicial review, a clear-and-convincing burden on the government, and mandatory consideration of alternatives to detention—would substantially reduce the risk of error and impose modest burdens on the government compared with the fundamental liberty at stake.
35. Petitioner's prolonged detention, with no realistic prospect of meaningful review in Immigration Court, is therefore arbitrary and violates the Due Process Clause.

COUNT III

Futility of Administrative Remedies; Necessity of Immediate Judicial Relief

36. Petitioner incorporates by reference paragraphs 1–35 as though fully set forth herein.
37. Although ICE and DHS may argue that Petitioner should seek a custody redetermination from an Immigration Judge, the administrative process is futile. Recent experience in multiple jurisdictions demonstrates that, even after federal courts order access to bond hearings, Immigration Judges have systematically denied bond to detained noncitizens, relying on generalized concerns and standards that make release practically unattainable.
38. Experienced immigration practitioners and former Immigration Judges have reported that:
- a. Bond grant rates have plummeted, with virtually no releases in many detained dockets;
 - b. Immigration Judges apply factors in a one-sided manner that disregards long-term residence, minimal criminal history, and strong family ties;
 - c. Institutional pressures and policy signals discourage granting bond; and

d. In practice, the system has shifted from individualized, discretionary review to a regime of near-mandatory detention.

39. In such circumstances, courts have recognized that simply ordering a bond hearing is an inadequate remedy because the hearing does not function as a neutral forum capable of correcting unlawful detention. The same reality confronts Petitioner: a bond motion would likely result in either a jurisdictional denial, an unreasonably high bond, or a perfunctory finding of danger or flight risk that ignores his particular facts.

40. Because the Immigration Court process cannot provide an adequate remedy, Petitioner is not required to exhaust that avenue before seeking and obtaining habeas relief. Immediate judicial intervention is necessary to prevent continued unlawful detention.

VI. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue an Order to Show Cause directing Respondents to demonstrate why the writ should not be granted;
- B. Declare that Petitioner's continued detention is unlawful under the Immigration and Nationality Act and the Fifth Amendment;
- C. Order Petitioner's immediate release from ICE custody under appropriate conditions of supervision, considering his long residence, tax-paying employment history, strong family ties, and lack of disqualifying criminal record;
- D. In the alternative, if the Court declines to order immediate release, either:
 - 1. Conduct its own bail hearing and set reasonable conditions of release; or

2. Order that a bond hearing be held before an Immigration Judge at the Hyattsville Immigration Court, Hyattsville, Maryland, within seven (7) days, with at least the following safeguards:
 - a. The government bears the burden to prove by clear and convincing evidence that no condition or combination of conditions can reasonably assure appearance and public safety;
 - b. The Immigration Judge must consider less restrictive alternatives to detention and Petitioner's ability to pay;
 - c. The Immigration Judge must issue a reasoned, written decision; and
 - d. This Court retains jurisdiction to review the outcome and to order release if due process is not afforded;
 - e. Award costs and any attorneys' fees allowed by law; and
 - f. Grant such other and further relief as the Court deems just and proper.

Date: April 27, 2026

Respectfully submitted,

/s/ Edward W. Neufville, III

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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Manfredo Antonio Ventura Cervantes, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 27th Day of April, 2026

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