UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MARIA PEREZ JUAREZ, Baltimore Hold Room, ICE Enforcement and Removal Operations, 31 Hopkins Plz., 6th Fl., Baltimore, MD 21201
A# [redacted]

Petitioner,

v.

VERNON LIGGINS, *in his official capacity as Acting Field Office Director for Detention & Removal*, U.S. Immigration and Customs Enforcement, 31 Hopkins Plz., 6th Fl., Baltimore, MD 21201;

TODD LYONS, *in his official capacity as Director*, U.S. Immigration and Customs Enforcement, 500 12th St. SW, Washington, DC 20536;

MARKWAYNE MULLIN, *in his official capacity as Secretary*, U.S. Department of Homeland Security, Washington, DC 20528; and

TODD BLANCHE, *in his official capacity as Acting Attorney General of the United States*, U.S. Department of Justice, 950 Pennsylvania Ave. NW, Washington, DC 20530,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

Civil Action No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Maria Perez Juarez (hereinafter "Ms. Perez"), a native and citizen of Guatemala, with Alien Registration Number [redacted], petitions this Court for a Writ of Habeas Corpus, 28 U.S.C. § 2241, to challenge her continued custodial detention by the United States Department of Homeland Security ("DHS"), through its component arm, United States Immigration and Customs Enforcement ("ICE").

1. Ms. Perez challenges Respondents' decision to arrest and detain her without a valid warrant—a Form I-200, Warrant for Arrest of Alien ("I-200")—as mandated by 8 U.S.C. § 1226(a) and 8 C.F.R. § 236.1(b)(1) and without the reasonable suspicion of unlawful presence in the United States and risk of flight before a warrant could be obtained, as required by 8 U.S.C. § 1357(a)(2) and 8 C.F.R. § 287.8(c)(2)(ii). *See United States ex. rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (explaining that "when an agency fails to follow its own procedures or regulations, that agency's actions are generally invalid"); *see also United States v. Morgan*, 193 F.3d 252 (4th Cir. 1999) ("We have recognized that an agency's failure to afford an individual procedural safeguards required under its own regulations may result in the invalidation of the ultimate administrative determination."); *Vasquez Tejada v. Liggins*, No. 8:26-cv-952-PX, 2026 WL 1072773, at *4 (D. Md. Apr. 20, 2026) ("Accordingly, the Court joins the growing chorus of district courts that have concluded Respondents' failure to follow its own regulations concerning revocation of release violates the *Accardi* doctrine.").

2. Numerous federal courts across the country—and this Court in at least two cases—have determined that when individuals are taken into custody absent a valid I-200 and absent the requisite reasonable suspicion to meet both prongs of 8 U.S.C. § 1357(a)(2), their detentions were unlawful *ab initio* and immediate release is the appropriate remedy. *See,*

e.g., *Espinoza-Avalos v. Blanche*, No. 8:26CV191, 2026 WL 1396593, at *4 (D. Neb. May 19, 2026); *Singh v. Bondi*, No. CIV-26-43-J, 2026 WL 483651, at *12 (D. Okla. Feb. 12, 2026); *Juan J.M.E. v. Easterwood*, No. 26-cv-2270-KMM-EMB, 2026 WL 1746672, at *4 (D. Minn. June 8, 2026), *report and recommendation adopted*, No. 26-cv-2270 (KMM/EMB), 2026 WL 1747756 (D. Minn. June 17, 2026); *Gavilan Sanchez v. Liggins*, No. 1:26-cv-02346-MJM, Doc. 15 (D. Md. July 15, 2026); *Acevedo Sanchez v. Liggins*, No. 1:26-cv-02345-JRR, No. 13 (D. Md. July 23, 2026).

3. Thus, Ms. Perez's continued detention by Respondents violates the Immigration and Nationality Act, as amended ("INA") (8 U.S.C. §§ 1226 and 1357), the INA's implementing regulations (8 C.F.R. §§ 236.1(b)(1) and 287.8(c)(2)(ii)), and the Fourth and Fifth Amendments to the United States Constitution. *See also* It thus presents a federal question under 28 U.S.C. § 1331 through the INA. Petitioner seeks declaratory and injunctive relief under 28 U.S.C. § 1331 in conjunction with 28 U.S.C. § 2201, in the form of an order from this Court requiring her immediate release because she was not lawfully detained pursuant to 8 U.S.C. §§ 1226(a) or 1357(a)(2).

JURISDICTION AND VENUE

4. As of the time of this filing, Ms. Perez's last known place of detention is ICE's Baltimore Hold Room in Baltimore, Maryland, which is within the jurisdiction of the United States District Court for the District of Maryland. *See* Exhibit A.[1]

5. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 ("habeas corpus"), 28 U.S.C. § 1651 ("All Writs Act"), 28 U.S.C. § 1331 ("federal question"), the INA, and the Fifth Amendment to the United States Constitution (the "Due Process Clause").

[1] The ICE Detainee Locator system does not identify where Ms. Perez is detained. Ms. Perez called her partner Jose Perez from the Baltimore Hold Room at around 1:00am on August 7, 2026, and confirmed she was still detained there.

6. This Court has jurisdiction to adjudicate habeas corpus claims brought by foreign nationals who challenge the legality of their detention by United States immigration officials. *See Reno v. Flores*, 507 U.S. 292, 307 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings."); *Rodriguez v. Perry*, 747 F. Supp. 3d 911, 915 (E.D. Va. 2024) ("The federal habeas corpus statute gives a district court jurisdiction to review immigration-related detention cases.") (citing 28 U.S.C. § 2241(c)(3)).

7. Title 8 U.S.C. § 1252(g) does not operate as a jurisdictional bar because that statute does not apply to actions taken to detain foreign nationals. *See Reno v. American-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999) ("Section 1252(g) 'applies only to three discrete actions,' i.e. commencement of removal proceedings, adjudication of removal cases, and execution of removal orders.").

8. 8 U.S.C. § 1252(b)(9) does not preclude jurisdiction because that statute applies to review of removal orders and not to detention decisions made prior to the issuance of a removal order. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) (quoting *Webster v. Doe*, 486 U.S. 592, 603 (1988)) (explaining that "'where Congress intends to preclude judicial review of constitutional claims its intent to do so must be clear'").

EXHAUSTION

9. Generally, a petitioner seeking habeas corpus under 28 U.S.C. § 2241 must exhaust administrative remedies. *See, e.g.*, *Braden v. 30th Judicial Circuit Ct. of Ky.*, 410 U.S. 484, 489-492 (1973); *Callwood v. Enos*, 230 F.3d 627, 634 (3d Cir. 2000). "The INA does not require a noncitizen to exhaust administrative remedies before asserting a constitutional challenge to immigration detention procedures." *Maldonado*, 2025 WL 2968042, at *4

(citing *Miranda v. Garland*, 34 F.4th 338, 351 (4th Cir. 2022)); *see also Jarpa v. Mumford*, 211 F. Supp. 3d 706, 710-12 (D. Md. 2016). A petitioner need not "exhaust administrative remedies where the issue presented involves only statutory construction," *Vasquez v. Strada*, 684 F.3d 431, 433-34 (3d Cir. 2012), because those cases evince that agencies have "predetermined the issue before [them]" or there is an "unreasonable or indefinite timeframe for administrative action." *McCarthy v. Madigan*, 503 U.S. 140, 146 (1992).

10. There are no applicable statutory exhaustion requirements and the issue in this case hinges on constitutional issues and the statutory construction of 8 U.S.C. §§ 1226(a) and 1357(a)(2), so Ms. Perez is not required to exhaust.

REQUIREMENTS OF 28 U.S.C. § 2243

11. The Court should grant this Petition for Writ of Habeas Corpus or issue an order to show cause to Respondents forthwith, unless Ms. Perez is not entitled to relief. *See* 28 U.S.C. § 2243. If an order to show cause is issued, the Court should require Respondents to file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*

PARTIES

12. Ms. Perez is detained in the ICE Baltimore Hold Room in Baltimore, Maryland, which is within the jurisdiction of the United States District Court for the District of Maryland. *See* Exhibit A. She is in the custody and under the direct control of Respondents and their agents.

13. Respondent Vernon Liggins is sued in his official capacity as the Acting ICE Field Office Director for Baltimore. He supervises and oversees the ICE Baltimore Hold Room.

14. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of ICE. He supervises and oversees Respondent Liggins.

15. Respondent Markwayne Mullin is sued in his official capacity as the Secretary of DHS. In this capacity, Respondent Mullin is responsible for implementation and enforcement of the INA, and oversees ICE, the component agency directly responsible for Ms. Perez's detention. *See* 8 U.S.C. § 1103(a). Respondent Mullin is a legal custodian of Petitioner.

16. Respondent Todd Blanche is sued in his official capacity as Acting Attorney General of the United States. The Attorney General oversees the Executive Office for Immigration Review and, within the Executive Branch, is the arbiter of all questions of law pertaining to the INA. *See* 8 U.S.C. § 1103(a)(1), (g).

STATEMENT OF FACTS

17. Ms. Perez is a native and citizen of Guatemala. She entered the United States lawfully on a valid B2 visa in 2025.

18. Ms. Perez has remained in the United States since her last entry, residing in Maryland for more than a year. She has no known criminal history anywhere in the world. *See* Exhibit L.

19. Ms. Perez has not had prior proceedings in immigration court. *See* Exhibit B (EOIR Automated Case Information System Results) (noting a docketing date of August 7, 2026).

20. Ms. Perez was apprehended by ICE in Laurel, Maryland, on August 6, 2026, as she was delivering food for her job as a DoorDasher. Petitioner did not receive any documents at the time of her detention.

21. Petitioner has been in immigration detention since her apprehension.

CLAIMS FOR RELIEF

COUNT ONE
Violation of the Fifth Amendment Right to Due Process

22. Ms. Perez incorporates and realleges the factual allegations above as if fully set forth here.

23. It is settled that the Fifth Amendment's Due Process Clause applies to all "persons" within the United States. *See Matthews v. Diaz*, 426 U.S. 67, 77 (1976). Ms. Perez has been in the United States for a year.

24. The term "persons" includes foreign nationals like Ms. Perez. *See id.*

25. It is equally well settled that freedom from confinement is a core liberty interest and violation of that liberty interest raises a colorable substantive due process claim. *See, e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)); *Reno v. Flores*, 507 U.S. 292, 301 (1993) (collecting cases); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004) (noting bodily freedom is the "most elemental of liberty interests").

26. As such, Ms. Perez also has the right to procedural due process. Immigration proceedings are civil and they are intended to be "nonpunitive in purpose and effect." *Zadvydas*, 533 U.S. at 690. More than a century of Supreme Court precedent instructs that the Fifth Amendment entitles foreign nationals to procedural due process. *See Reno*, 507 U.S. at 306 (citing *The Japanese Immigrant Case*, 189 U.S. 86 (1903)). A failure to provide any process whatsoever in detaining her contravenes no less than one hundred years of Supreme Court precedent interpreting the Due Process Clause as applying to foreign nationals such as Ms. Perez. *See, e.g., Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

27. "To determine whether civil detention violates a detainee's Fifth Amendment procedural due process rights, courts apply the three-part test articulated in *Mathews v. Eldridge*, 424

U.S. 319 (1976)." *Quispe-Ardiles*, No. 1:25-cv-01382 (MSN), 2025 WL 2783800,, at *22 (E.D. Va. Sept. 30, 2025). "Under that test, courts must weigh (1) 'the private interest that will be affected by the official action'; (2) 'the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards'; and (3) 'the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.'" *Id.* (quoting *Mathews*, 424 U.S. at 335).

28. Ms. Perez invokes "'the most elemental of liberty interests'; '[t]he interest in being free from physical detention.'" *Id.* at *17 (quoting *Hamdi*, 542 U.S. at 529) (alterations in original). To be sure, Respondents' refusal to provide any process whatsoever during her arrest and detention creates significant risk that Ms. Perez will be deprived of that interest.

29. The Government's interest in detaining individuals in violation of the statutes and regulations meant to protect these individuals is minimal. *See* 8 U.S.C. §§ 1226(a), 1357(a)(2); 8 C.F.R. §§ 236.1(b), 287.8(c)(2)(ii). This relatively new "approach [to immigration enforcement] attempts to upend decades of immigration practice." *Hasan v. Crawford*, No. 1:25-cv-1408, 2025 WL 2682255, at *24 (E.D. Va. Sept. 19, 2025). In contrast, the resumed application of decades of agency practice will satisfy the Government's interest in enforcement of the immigration laws.

30. In Ms. Perez's case, all three *Mathews* factors weigh heavily in favor of holding that Respondents' refusal to provide her any due process whatsoever in her arrest and detention violates her right to procedural due process. The Court should grant the petition for a Writ of Habeas Corpus for this reason.

COUNT TWO
Violation of 8 U.S.C. §§ 1226(a) and 1357(a)(2) and the Fourth and Fifth Amendments

1. Ms. Perez incorporates and realleges the factual allegations above as if fully set forth here.
2. 8 U.S.C. § 1226(a) provides that "[o]n a warrant issued by the Attorney General, an alien may be arrested and detained . . . ." "An individual may be arrested and taken into custody under the authority of Form I-200 (Warrant for Arrest) ***only*** '[a]t the time of issuance of the notice to appear, or at any time thereafter and up to the time removal proceedings are completed.'" *Sagrero-Perez v. Scott*, No. C26-0932 TSZ, 2026 WL 1283516, at *2 (W.D. Wash. May 11, 2026) (citing 8 C.F.R. § 236.1(b)(1)) (emphasis in original); *Garcia Lanza v. Noem*, 822 F. Supp. 3d 326, 333 (E.D.N.Y. 2026) (explaining that "the authority to issue administrative arrest warrants emanates from a pending removal proceeding—which is initiated by the issuance of an NTA"). Where "Respondents d[o] not follow this sequence," "the Form I-200 [i]s plainly invalid under 8 C.F.R. § 236.1(b)," rending the "arrest [] affected without a required warrant." *Id.*; *see Alberto C.M. v. Noem*, 817 F. Supp. 3d 735, 739 (D. Minn. 2026).
3. Ms. Perez entered the United States lawfully on a B2 visa, so 8 U.S.C. § 1226 applies to her. She did not receive any documents at the moment of her detention, including either a Form I-200 or a Notice to Appear. Thus, Petitioner was not "taken into custody under the authority of Form I-200." *Sagrero-Perez*, 2026 WL 1283516, at *2.
4. Where ICE arrests an individual without a valid warrant, they are required to have "reason to believe"[2] that the individual was in the United States illegally *and* was "likely to escape before a warrant c[ould] be obtained for [her] arrest." 8 U.S.C. § 1357(a)(2).

[2] The "reason to believe" requirement has been interpreted to mean probable cause. *See, e.g.*, *United States v. Santos-Portillo*, 997 F.3d 159, 162-63 (4th Cir. 2021) (holding that § 1357(a) permits warrantless arrests only with "probable cause" and a "likelihood of . . . escaping").

5. There is no evidence here that Respondents had probable cause to believe Petitioner was unlawfully in the United States or that she would flee before a warrant could be obtained for her arrest. ICE officers arrested and detained her as she was working and did not ask her questions that could assess her status in the United States or her risk of flight. *Escobar Molina v. U.S. Dep't of Homeland Sec.*, 811 F. Supp. 3d 1, 30-31 (D.D.C. 2025); *see id.* at 47 ("As plaintiffs aptly note, . . . the agents [did not] ask any questions about the arrestees' personal circumstances—such as the person's residence, length of stay in the United States, family members, work history, or anything else about the person's community ties—which courts have found to be relevant in the consideration of escape risk."). Absent knowledge of Petitioner's personal information, Respondents had no way to know Petitioner was present in the United States unlawfully.
6. Further, ICE agents detained Petitioner while she was delivering food, but mere presence in a vehicle is insufficient to establish flight risk. *See Escobar Molina*, 811 F. Supp. 3d at 30-31 & n.20 (discussing *United States v. Murrillo-Gonzalez*, 524 F. Supp. 3d 1139, 1151 (D.N.M. 2021), and determining "[t]hat case, however, reflects cursory reasoning on this point and a highly deferential acceptance of testimony by the arresting officer, who said the defendant was likely to escape because he 'was stopped in a vehicle' and, although he was not behind the wheel, 'might attempt to flee and . . . a foot chase could ensue'"). No other factors in Petitioner's case suggest she poses a risk of flight. Absent evidence suggesting Respondents had probable cause to believe Petitioner was in the United States unlawfully or would escape before a warrant could be obtained, Respondents lacked the authority to detain her.

7. The remedy for detentions in violation of 8 U.S.C. §§ 1226(a) and 1357(a)(2) is immediate release. *See, e.g.*, *Gavilan Sanchez*, No. 1:26-cv-02346-MJM, Doc. 15; *Acevedo Sanchez*, No. 1:26-cv-02345-JRR, No. 13; *Espinoza-Avalos*, 2026 WL 1396593, at *4 ("Having concluded that Petitioner's arrest was unlawful ab initio, the proper remedy is his immediate release."); *Singh*, 2026 WL 483651, at *12 ("Because Petitioner was improperly detained pursuant to § 1226(a), his instant detention was unlawful from the moment it began. Accordingly, the Court should grant Petitioner immediate release, subject to any conditions of his prior bond."); *Juan J.M.E.*, 2026 WL 1746672, at *4, *report and recommendation adopted*, 2026 WL 1747756 ("Juan's initial arrest was unlawful under the INA. Unlawful arrest is remedied by release."). Accordingly, Petitioner should be immediately released from Respondents' custody.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court grant the following:

(1) Assume jurisdiction over this matter;

(2) Issue an Order to Show Cause ordering Respondents to show cause as to why this petition should not be granted within three (3) days;

(3) Declare that Petitioner's detention by Respondents in violation of 8 U.S.C. §§ 1226(a) and 1357(a)(2) is unlawful under the INA and its implementing regulations and in violation of the Fourth and Fifth Amendments;

(4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(5) Enjoin Respondents from transferring Petitioner outside of this judicial district;

(6) Grant Petitioner any further relief this Court deems just and proper

Dated: August 7, 2026

Respectfully submitted,

/s/ *Rachael E. Savage*
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