UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LUIS ANGEL GARCIA LOPEZ,
A# [redacted]

Petitioner,

v.

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.

Case No.

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

I. INTRODUCTION

1. Petitioner, Luis Angel Garcia Lopez (A[redacted]), is a twenty-two-year-old recipient of Special Immigrant Juvenile classification and an existing grant of deferred action from United States Citizenship and Immigration Services ("USCIS").

2. Petitioner entered the United States as an unaccompanied minor at age fifteen. Although DHS served him with a Notice to Appear in June 2019, DHS never filed that charging document with the Immigration Court. Removal proceedings therefore never commenced, and Petitioner has never been ordered removed from the United States.

3. After his initial apprehension, Petitioner was released from immigration custody and has lived in the United States for approximately seven years. He has no known criminal history.

4. Petitioner subsequently obtained a state-court custody order and sought Special Immigrant Juvenile classification. On December 16, 2024, USCIS approved his SIJ petition and granted him deferred action.

5. On August 11, 2026, ICE officers unexpectedly arrested Petitioner at his place of employment in Glen Burnie, Maryland. Counsel is unaware of any termination of Petitioner's deferred action, revocation of his SIJ classification, criminal conduct, or other changed circumstance preceding his arrest.

6. Petitioner is presently detained by ICE in Maryland and faces imminent transfer outside this District.

7. His detention is unlawful. USCIS affirmatively determined that removal should be deferred, and that determination has not been terminated. ICE cannot summarily disregard

that determination and deprive Petitioner of his liberty without notice, changed circumstances, or any opportunity to be heard.

8. Petitioner therefore seeks immediate release and restoration to the conditions under which he lived before his August 11, 2026 arrest. Pending adjudication, Petitioner also seeks an immediate order prohibiting Respondents from transferring him outside the District of Maryland or removing him from the United States.

II. JURISDICTION AND VENUE

9. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241 because Petitioner is in federal custody in violation of the Constitution and laws of the United States.

10. Petitioner challenges the legality of his present physical confinement, not the merits of any removal order. No final removal order exists.

11. Venue is proper in this District because Petitioner was arrested in Maryland, resides in Maryland, and, upon information presently available to counsel, remains detained in Maryland.

III. FACTUAL BACKGROUND

12. Petitioner, Elias Chacaj-Joj ([redacted]), was born on [redacted].

13. On June 22, 2019, at fifteen years old, Petitioner entered the United States as an unaccompanied alien child.

14. DHS issued an I-200 reflecting his apprehension and UAC status.

15. On June 23, 2019, DHS issued Petitioner a Notice to Appear. The NTA was never filed with EOIR and no removal proceeding was commenced.

16. An I-286 issued on approximately the same date reflects that Petitioner requested Immigration Judge review of DHS's custody determination. Bond proceedings are separate from removal proceedings.

17. Petitioner was thereafter released from DHS custody. No presently available record reflects that he was subsequently taken back into immigration custody or ordered removed.

18. Following his release, Petitioner resided with his aunt, Elsa Amabilia Garcia Lopez, who sought and obtained legal custody of him through the state court.

19. Based upon the state court's findings, Petitioner filed a Form I-360 seeking Special Immigrant Juvenile classification on September 12, 2024.

20. On December 16, 2024, USCIS approved Petitioner's SIJ petition and granted Petitioner deferred action.

21. Counsel is unaware of any notice from USCIS terminating Petitioner's deferred action or revoking his approved SIJ petition.

22. Petitioner has no known criminal history and has established his life and employment in Maryland.

23. On the morning of August 11, 2026, ICE officers arrested Petitioner at his place of employment in Glen Burnie, Maryland.

24. Petitioner was taken into ICE custody and is presently believed to be held within the Baltimore Field Office's area of responsibility pending transfer to an out-of-state detention facility.

25. Petitioner received no advance notice that his deferred action had been terminated, that his SIJ classification had been revoked, or that any changed circumstance warranted his sudden re-detention.

IV. RESPONDENT'S DETENTION VIOLATES THE FIFTH AMENDMENT

26. The Fifth Amendment prohibits the Government from depriving any person of liberty without due process of law.

27. Petitioner possesses substantial liberty and property interests arising from his approved SIJ classification, USCIS's grant of deferred action, and his longstanding release from immigration custody.

28. In *Ramos-Lopez v. Blanche*, No. 1:26-cv-01175-PX (D. Md. June 17, 2026), this Court recognized that an individual granted SIJ classification and deferred action possesses constitutionally protected interests in those protections and in remaining free from arbitrary detention.

29. USCIS retains authority to terminate its grant of deferred action on a case-by-case basis. ICE may not effectively revoke a valid USCIS grant of deferred action simply by arresting, detaining, or removing its recipient.

30. Here, USCIS granted Petitioner deferred action on December 16, 2024. Counsel is aware of no subsequent USCIS decision terminating that grant.

31. nor is Counsel aware of any material changed circumstances since USCIS granted deferred action or since Petitioner's years-long release from immigration custody. Petitioner has no known criminal history and was arrested while working.

32. Respondents nevertheless deprived Petitioner of his physical liberty without advance notice, a hearing, or any individualized determination that changed circumstances justified his detention.

33. Petitioner's summary re-detention therefore violates the Due Process Clause of the Fifth Amendment.

V. PETITIONER IS NOT SUBJECT TO POST-ORDER DETENTION AND NO REMOVAL PROCEEDINGS ARE PENDING

34. Petitioner is not detained pursuant to 8 U.S.C. § 1231 because no administratively final order of removal exists.

35. DHS served Petitioner with an NTA in June 2019 but never filed the NTA with EOIR. Under 8 C.F.R. §§ 1003.13 and 1003.14, removal proceedings begin when DHS files the charging document with the Immigration Court.

36. Petitioner's 2019 request for review of DHS's custody determination does not establish otherwise because bond proceedings are independent of removal proceedings and maintain a separate record.

37. Thus, at the time of Petitioner's August 11, 2026 arrest, there was no pending removal case and no outstanding removal order requiring his detention.

38. To the extent Respondents contend that Petitioner may presently be detained under another provision of the INA, they should be required to identify that statutory authority and explain how continued physical confinement is consistent with USCIS's existing grant of deferred action and the Fifth Amendment.

VI. IMMEDIATE RELEASE IS THE APPROPRIATE REMEDY

39. Immediately before August 11, 2026, Petitioner lived in the community pursuant to USCIS's grant of deferred action and had done so without any identified danger, criminal conduct, or failure to comply with immigration requirements.

40. Restoration of that status quo requires Petitioner's release.

41. Courts addressing materially similar re-detentions of SIJ recipients with deferred action have ordered immediate release where ICE acted without changed circumstances, notice, or an opportunity to be heard.

42. In *Ramos-Lopez*, this Court likewise recognized that restoration of the lawful status quo for an SIJ/deferred-action recipient entails release from detention.

43. Continued detention subjects Petitioner to an ongoing deprivation of physical liberty and creates an imminent risk that he will be transferred outside Maryland, separated from counsel and family, and placed beyond this Court's territorial habeas jurisdiction before his claims can be adjudicated.

PRAYER FOR RELIEF

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

a. Issue a writ of habeas corpus and order Petitioner immediately released from ICE custody under the conditions existing immediately before his August 11, 2026 arrest;

b. Pending final adjudication, enjoin Respondents and all persons acting on their behalf from transferring Petitioner outside the District of Maryland or removing him from the United States;

c. Enjoin Respondents from re-detaining Petitioner while his present grant of deferred action remains in effect absent constitutionally adequate process based upon materially changed circumstances;

d. Alternatively, order Respondents to provide Petitioner an immediate individualized custody hearing before a neutral adjudicator with authority to order release; and

e. Grant such other and further relief as the Court deems just and proper.

DATED this 12th of August 2026.

/s/ Mumtaz A. Wani

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CERTIFICATION UNDER FED. R. CIV. P. 11

I HEREBY CERTIFY that on this August 12, 2026, a copy of the foregoing Response was served electronically on all parties receiving service via CM/ECF in this case.

Respectfully submitted,

/s/ Mumtaz A. Wani

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