

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LIDIA YESENIA YAT SALAM,

Petitioner,

v.

KRISTI NOEM, SECRETARY
UNITED STATES DEPARTMENT OF
HOMELAND SECURITY, *et al.*

Respondents.

Case No. 1:25-cv-3240-LKG

MOTION TO DISMISS
PETITION FOR HABEAS CORPUS

Respondents, by and through counsel Kelly O. Hayes, United States Attorney for the District of Maryland, and Charles R. Gayle, Assistant United States Attorney, hereby move to dismiss under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure.

Placement in removal proceedings, and detention during those proceedings are within the exclusive jurisdiction of the Immigration Court, and Petitioner's due process, statutory, and regulatory claims are speculative. Petitioner therefore cannot establish she is entitled to the relief she seeks. For these reasons, and those set forth more fully in the attached Memorandum of Law and supporting Exhibits, the Court should dismiss the Petition for Habeas Corpus.

Respectfully submitted,

Kelly O. Hayes
United States Attorney

By: /s/ Charles R. Gayle
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CERTIFICATE OF SERVICE

The forgoing Motion was efiled and thereby served on counsel of record via ECF.

/s/ Charles R. Gayle
Charles R. Gayle
Assistant United States Attorney