UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
NORTHERN DIVISION

WILMER RAMON CARRANZA BUSTE (A# [redacted] Petitioner, v. **PAMELA BONDI**, U.S. Attorney General; **KRISTI NOEM,** Secretary of the U.S. Department of Homeland Security; **TODD M. LYONS**, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement; **VERNON LIGGINS**, in his official capacity as Acting Field Office Director in charge of ICE Baltimore Field Office. Respondents.	Case No.: 26-cv-00366 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Wilmer Ramon Carranza Buste ("Mr. Carranza"), a native and citizen of Ecuador, challenges his continued custodial detention by the Department of Homeland Security Immigration and Customs Enforcement ("ICE") since January 23, 2025 as an unconstitutional and unjustified restraint and deprivation of his physical liberty, and seeks immediate relief from this Court.
2. Mr. Carranza is being unlawfully subjected to custodial detention by Respondents without any due process, in violation of his statutory rights and without the ability to pursue substantive administrative remedies with the Department of Justice Executive Office for Immigration Review ("EOIR").
3. Mr. Carranza's continued detention by ICE in violation of his due process rights and without any further meaningful mechanism to challenge his confinement, violates the U.S. CONST. Due Process Clause of the Fifth Amendment (the "Fifth Amendment"),

the Immigration and Nationality Act (the "INA") and the Administrative Procedures Act (the "APA").

4. Mr. Carranza petitions for a writ of habeas corpus to remedy his unlawful detention, and prays this Court will issue an order 1) declaring that the revocation of his previous release under section 1226(a) and his continued immigration detention violates the Due Process Clause of the Fifth Amendment, the INA and the APA; 2) granting Mr. Carranza his immediate release from the custody of Respondents under his original terms of release under section 1226(a); and 3) preventing Respondents from once again taking Mr. Carranza into custody unless he is determined to be a flight risk and/or a danger to the community.

JURISDICTION AND VENUE

5. Mr. Carranza is currently detained by ICE at 31 Hopkins Plaza, Baltimore, Maryland 21201 (the "Baltimore ICE Facility") which is within the jurisdiction of the United States District Court for the District of Maryland.
6. This action arises under the Due Process Clause of the Fifth Amendment and the INA.
7. This Court has subject-matter jurisdiction under 28 U.S.C. § 2241 ("Habeas Corpus"), the Suspension Clause of the United States Constitution, 28 U.S.C. § 1346 (civil actions against the United States), 28 U.S.C. § 1651 ("All Writs Act"), and 28 U.S.C. §§ 2201-02 ("Declaratory Relief"), as Mr. Carranza is presently held in custody under or by color of the authority of the United States. His detention by Respondents is a "severe restraint" on his individual liberty "in violation of the...laws ... of the United States." *See Hensley v. Municipal Court, San Jose-Milpitas Jud. Dist.*, 411 U.S. 345, 351 (1973).
8. This Court has jurisdiction to hear Habeas Corpus claims by non-citizens challenging the lawfulness or constitutionality of their detention by U.S. immigration officials. *See, e.g., Jennings v. Rodriguez*, 138 S. Ct. 830,841 (2018); *Demore v. Kim*, 538 U.S. 510, 516-17 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687.

9. In addition to the habeas protections in the Constitution and INA, federal district courts have subject-matter jurisdiction under 28 U.S.C. § 1331 ("Federal Questions") to hear claims by individuals challenging the lawfulness of agency action.
10. Venue is proper because Mr. Carranza is currently detained within the State of Maryland. At 3:28 p.m. Eastern Daylight Savings Time on January 29, 2026, Mr. Carranza personally confirmed to undersigned counsel that he is in Baltimore, Maryland and has been verified to be in ICE Custody. *See* Ex. 1 hereto.

PARTIES

11. Petitioner Wilmer Ramon Carranza Buste is a citizen and national of Ecuador. He is currently detained by the Respondents at the Baltimore ICE Facility which is within the jurisdiction of the District of Maryland since January 29, 2026.
12. Respondent Pamela Bondi is the U.S. Attorney General, and in that capacity is responsible for the EOIR which includes the Board of Immigration Appeals and immigration courts. She is sued in her official capacity.
13. Respondent Kristi Noem is the Secretary of Homeland Security, and in that capacity is responsible for the Department of Homeland Security ("DHS") and all sub-cabinet agencies of DHS, including ICE. She is sued in her official capacity.
14. Respondent Todd M. Lyons is the Acting Director of ICE, responsible for ICE's detention and removal operations of non-citizens such as Petitioner, among all its other functions. He is sued in his official capacity.
15. Respondent Vernon Liggins is the Acting Field Office Director of the ICE Baltimore Field Office, and is responsible for ICE's operations in the State of Maryland. Upon information and belief, he is the immediate custodian of Mr. Carranza. He is sued in his official capacity.

STATEMENT OF FACTS

16. Mr. Carranza, born in Ecuador on [redacted], last entered the United States on or about October 11, 2023. Mr. Carranza was apprehended by Respondents on a warrant under section 1226(a) after his entry and was released was under section 1226(a) on his own recognizance. *See* Ex. 2 hereto. Mr. Carranza was then placed in section 1229(a) removal proceedings where he was scheduled for a hearing with his

family on June 1, 2026. *See* Ex. 3 hereto. As a result of his current detention, his case has been severed from his family's and is currently pending. *See* Ex. 4 hereto.

17. Mr. Carranza was never placed in expedited removal proceedings under section 1225 of the INA nor was he afforded a credible fear interview. He has complied with all conditions of his release under section 1226(a).

18. Mr. Carranza has never been convicted of any crimes either in his home country or in the United States. Mr. Carranza has continuously lived in the State of Maryland since 2023 with his wife and their two children. Mr. Carranza is also gainfully employed.

19. Mr. Carranza was detained by ICE on January 23, 2026 as he was complying with his order of release under section 1226(a). Mr. Carranza was told that he would be detained without bond. He is still detained at the Baltimore ICE Facility as of 3:28 p.m. Eastern Daylight Savings Time on January 29, 2026. Mr. Carranza's previous release under section 1226(a) was revoked without any sort of due process and he is presumably being subjected to detention under either section 1225(b)(1) or section 1225(b)(2).

20. Respondents detained Mr. Carranza without giving him any sort of reason for the revocation of his discretionary release under section 1226(a) nor any sort of opportunity to rebut any presumed reason for the revocation of his release. Respondents presumably detained Mr. Carranza under section 1225(b)(2) as a result of the BIA's decision in *Matter of Yajure-Hurtado*, 29 I. & N. 216 (BIA 2025).

21. The BIA's interpretation of section 1225(b)(2) in *Matter of Yajure-Hurtado* has been found by dozens of Federal courts across the country as an unlawful interpretation of the INA. Not only was Mr. Carranza's prior release under section 1226(a) revoked without any due process but Mr. Carranza is now unable to submit any evidence demonstrating that he is neither a flight risk nor a danger to the community to secure his release from custody by an immigration judge under the INA.

EXHAUSTION

22. The decision to detain Mr. Carranza is subject to challenge through a petition for a writ of habeas corpus, and Mr. Carranza need not exhaust additional administrative remedies which might be available to him before seeking this Court's review. *See* e.g. *McCarthy v. Madigan*, 503 U.S. 140, 147-48 (1992) ("[A]n administrative remedy

may be inadequate [because] ... an agency, as a preliminary matter, may be unable to consider whether to grant relief because it lacks institutional competence to resolve the particular type of issue presented, such as the constitutionality of a statute" or "where the administrative body ... has otherwise pre-determined the issue before it."); *Janvier v. INS*, 174 F. Supp. 2d 430, 434 (E.D. Va. 2001) (noting that "§ 2241 is silent on exhaustion.").

23. Moreover, further exhaustion would be futile because Mr. Carranza will be pursuing a remedy to no avail. *See Janvier*, 174 F. Supp. 2d at 434 (recognizing that exhaustion is not necessary "where the pertinent administrative agency lacks the competence to reach a definitive resolution of the particular issue presented[,]" such as "where, as here, the administrative agency may consider constitutional claims, but lacks authority to rule dispositively on those claims, because "the final say on constitutional matters rests with the courts."). In particular, under new BIA precedent, Mr. Carranza is no longer considered eligible for the bond and Respondents have exercised their authority to prevent any immigration judge from granting bond.
24. The detention of Mr. Carranza by ICE, years after he last entered the United States without the ability to challenge his detention is unconstitutional, and administrative exhaustion is excused. *See Guitard v. U.S. Sec'y of the Navy*, 967 F.2d 737, 741 (2d Cir. 1992) ("Exhaustion of administrative remedies may not be required when ...a plaintiff has raised a substantial constitutional question.").

CLAIMS FOR RELIEF

COUNT ONE

Mr. Carranza's Detention Violates His Right to Substantive Due Process Under the Fifth Amendment

25. Petitioner re-alleges and incorporates by reference the paragraphs above.
26. As a "person" within the meaning of the Fifth Amendment, Mr. Carranza is entitled to due process of law while in the United States, and certainly while in immigration custody. U.S. CONST. amend. V; *see Reno v. Flores*, 507 U.S. 292, 306 (1993) ("It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings.").

27. The Substantive Due Process Clause protects a person's freedom from arbitrary confinement. *See Zadvydas*, 533 U.S. at 693. The Supreme Court has recognized this protection applies regardless of a person's immigration status. *See id.*; *see also Mathews v. Diaz*, 426 U.S. 67, 77 (1976).
28. Civil detention, such as immigration detention, must be carefully limited to avoid due process concerns. *See e.g., Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary governmental action"); *Addington v. Texas*, 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection"); *see also United States v. Salerno*, 481 U.S. 739, 755 (1987) ("In our society liberty is the norm, and detention prior to trial or without trial is the carefully limited exception").
29. The Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and prevent flight. *See Demore*, 538 U.S. at 528; *see also Matter of Patel*, 15 I. & N. Dec. 666 (BIA 1976) ("An alien generally is not and should not be detained or required to post bond except on a finding that he is a threat to the national security, or that he is a poor bail risk[.]" (internal citation omitted)). Additionally, a period of detention must "bear [a] reasonable relation to the purpose for which the individual was committed." *See Demore*, 538 U.S. at 516–17.
30. Mr. Carranza is being denied substantive due process as the Respondents continue to exercise their authority contrary to law by revoking his release under section 1226(a) of the INA without due process and preventing Mr. Carranza from seeking release under the INA under section 1226(a) of the INA. Respondents were under the legal obligation to provide Mr. Carranza with due process when deciding to revoke his release and to base such revocation of release on legally relevant factors under his discretionary release, namely on whether he was a risk of flight or a danger to the community.
31. Respondents' revocation of Mr. Carranza's release was solely due to their legal interpretation that he is now subject to mandatory detention under section 1225. As an

example of this, Respondents have taken the position in *Matter of Yajure-Hurtado* that an individual such as Mr. Carranza, several years after his last entry to the United States, and initially detained and released under section 1226(a) is now subject to the mandatory detention provisions of Section 1225 of the INA despite having been detained and released under section 1226(a) of the INA.

32. Once released under section 1226(a), Mr. Carranza could only be re-detained by the Respondents under his original warrant of arrest pursuant to section 1226(b). Additionally, such revocation of release under section 1226(b) must be made in accordance with a change in circumstances relevant to the discretionary decision to release him, namely whether he was a flight risk or danger to the community. *See Matter of Sugay*, 17 I. & N. Dec. 637 (BIA 1981). No such determination was made with respect to revoking Mr. Carranza's release.

33. Additionally the Respondents have made seeking discretionary release under Section 1226(a) of the INA impossible for Mr. Carranza. Under section 1226(a), an immigration judge would be able to consider any relevant evidence submitted by Mr. Carranza demonstrating that he was not a flight risk or a danger to the community. The immigration judge would evaluate this evidence and determine, as a neutral fact-finder, whether Mr. Carranza was in fact a flight risk or a danger to the community. The Respondents have made applications for bond by Mr. Carranza under Section 1226(a) of the INA futile by applying *Matter of Yajure-Hurtado* to cases with the same facts and circumstances as Mr. Carranza.

34. But for *Matter of Yajure-Hurtado*, Mr. Carranza would have the ability to demonstrate to a neutral fact-finder that he is not a flight risk as he has ample ties to the community through his family and employment. He would also have been able to demonstrate that he was not a danger to the community. No justification exists to deprive Mr. Carranza of his initial release under section 1226(a) or the ability to present evidence to once again secure his liberty.

COUNT TWO

Mr. Carranza's Detention Violates His Right to Procedural Due Process Under the Fifth Amendment

35. Petitioner re-alleges and incorporates by reference the paragraphs above.

36. "Freedom from imprisonment-from government custody, detention, or other forms of physical restraint-lies at the heart of the liberty" that the Fifth Amendment's Due Process Clause protects. *See Zadvydas*, 533 U.S. at 690.
37. To that end, due process demands "adequate procedural protections" to ensure that the Government's asserted justification for physical confinement "outweighs the individual's constitutionally protected interest in avoiding physical restraint." Id. (internal quotation marks omitted).
38. Given the gravity of the liberty deprivation when the government preventively detains individuals, due process requires the jailers bear the burden of proof. *See e.g.*, *Salerno*, 481 U.S. at 751 (affirming legality of pre-trial detention where burden of proof was on the government); *see also Foucha*, 504 U.S. at 81-82 (holding unconstitutional a state "statute that place[d] the burden on the detainee to prove that he is not dangerous"). The Court has held that it is improper to ask an "individual to share equally with society the risk of error when the possible injury to the individual-deprivation of liberty-is so significant." *See Addington*, 441 U.S. at 427.
39. In *Mathews v. Eldridge*, the Supreme Court set forth the factors to consider in determining if government action deprives an individual's Fifth Amendment right to procedural due process or whether the government process is constitutionally adequate. 424 U.S. 319 (1976). The *Mathews* factors apply here to determine if Petitioner's procedural due process rights as a civil detainee have been violated by the Government's continued custodial detention.
40. Mr. Carranza has a substantial liberty interest both in his bodily freedom. Mr. Carranza is the primary economic provider for his family. The unlawful detention by Respondents is preventing Mr. Carranza his right to bodily freedom, a core liberty interest.
41. Mr. Carranza was not provided any process at all in the course of his arrest, processing, and detention by ICE through notice and an opportunity to respond that would reduce the risk of an erroneous deprivation of his interests. ICE deprived Mr. Carranza of adequate procedural protection in his substantial interest with respect to his liberty by taking him into custody with no regard to its own long-established practices, procedures and applicable regulations. Specifically, Respondents did not

follow section 1226(b) and related BIA case law in *Matter of Sugay* with respect to the revocation of release under section 1226(a).

COUNT THREE

Mr. Carranza's Detention by ICE is in Violation of the INA

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

43. As noted above, Mr. Carranza has lived in the United States for several years prior to being detained. Mr. Carranza was never processed as an arriving alien or placed in expedited removal proceedings under section 1225 of the INA. Respondents made the choice, under applicable law, to detain and release Mr. Carranza under section 1226(a) of the INA. Applying section 1225 of the INA to Mr. Carranza, several years after his entry, and after his compliance of all requirements of his release under section 1226(a) is contrary to the INA.

44. Respondents detained Mr. Carranza because they claim that Mr. Carranza is subject to mandatory detention under section 1225. Respondents also claim that Mr. Carranza is not eligible for bond under section 1226(a) despite his presence in the United States for several years and his initial detention and release under section 1226(a). Dozens of Federal courts have found this legal interpretation by DHS in cases similar to Petitioner's case erroneous.

COUNT FOUR

Mr. Carranza's Detention by ICE is in Violation of the APA 5 U.S.C. § 702

(Unconstitutional, unlawful, arbitrary, and capricious actions)

45. Petitioner re-alleges and incorporates by reference the paragraphs above.

46. The decision to revoke Mr. Carranza's initial release under section 1226(a) and detain him without any opportunity to challenge his custody is arbitrary, capricious, and not in accordance with the INA, and contrary to Mr. Carranza' right to due process under the Fifth Amendment.

47. This Court may set aside agency action which is arbitrary, capricious, unlawful, or contrary to constitutional right, power, privilege, or immunity. *See* 5 U.S.C. §§ 706(2)(A), (B).
48. Mr. Carranza has lived several years in the United States, after which he was arrested without any cause and has since been detained in immigration custody without further justification.
49. Additionally, the determination by ICE and EOIR that Mr. Carranza is subject to mandatory detention under Section 1225 of the INA is without any basis in law.
50. Such actions are arbitrary and capricious, and should be held unlawful and set aside.
51. As a result of the arbitrary, capricious, unlawful, and unconstitutional actions by Respondents, Mr. Carranza has suffered prejudice, actual and substantial hardship, and irreparable injury in fact.
52. Mr. Carranza has no other adequate remedy at law.

PRAYER FOR RELIEF

Based on the foregoing, Mr. Carranza requests that this Court:

a. Assume jurisdiction over the matter;

b. Declare that the continued immigration detention of Mr. Carranza violates the Due Process Clause of the Fifth Amendment of the U.S. Constitution, the INA and the APA;

c. Issue a writ of habeas corpus ordering Respondents to immediately release Mr. Carranza his immediate release from the custody of Respondents under the original terms of his release under section 1226(a);

d. Issue an order preventing Respondents from once again taking Mr. Carranza into custody unless he is determined to be a flight risk and/or a danger to the community in accordance with the U.S. Constitution and applicable law;

e. Grant any other and further relief this Court deems just and proper

Respectfully Submitted,

January 29, 2026

/s/ Michael E. Rosado
Michael E. Rosado, Esq.
District of Maryland Bar No. 17853
Law Offices of Michael E. Rosado, P.C.
1425 University Blvd E., Suite 261
Hyattsville, Maryland 20783
(240) 641-8615

Attorney for Petitioner

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

I represent Petitioner, Wilmer Ramon Carranza Buste, 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 29th day of January, 2026.

/s/Michael E. Rosado

Michael E. Rosado, Esq.
District of Maryland Bar No. 17853
Law Offices of Michael E. Rosado,
P.C.1425 University Blvd E., Suite 261
Hyattsville, Maryland 20783
(240) 641-8615

Attorney for Petitioner