

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Damari Chavez de Vasquez v. Nikita Baker, et al.

Civil Case No. SAG-25-03657 (D. Md. Dec. 23, 2025) · No. Civil Case No. SAG-25-03657 · Decided
December 23, 2025

SUMMARY

The United States District Court for the District of Maryland dismissed without prejudice a habeas petition challenging the petitioner’s immigration bond hearing and arrest. The court held that 8 U.S.C. § 1226(e) barred review of the petitioner’s case-specific challenge to the evidence presented at the bond hearing, and that her warrantless-arrest claim was not cognizable in an individual habeas petition while immigration proceedings were underway. The court granted the government’s motion to dismiss and closed the case.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	Stephanie A. Gallagher
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 23, 2025
DOCKET	Civil Case No. SAG-25-03657
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petitioner sought habeas corpus relief under 28 U.S.C. § 2241, mandamus relief under 28 U.S.C. § 1361, and immediate release from immigration detention. Respondents moved to dismiss, and the court granted the motion and dismissed the amended petition without prejudice.
STANDARD OF REVIEW	On a motion to dismiss, the court determined whether the amended petition stated a cognizable basis for habeas or mandamus relief. The court applied the statutory bar in 8 U.S.C. § 1226(e) and assessed whether the asserted constitutional and warrantless-arrest claims were cognizable in an individual habeas proceeding.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion; precedential status is unknown from the source.
PARTIES	Damari Chavez de Vasquez v. Nikita Baker, et al.

TOPICS

immigration detention

removal proceedings

due process

mandamus immigration

civil procedure

PRACTICE AREAS

immigration

habeas corpus

immigration detention

constitutional law

civil procedure

QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1226(e) barred Petitioner's challenge to the evidentiary basis and merits of the immigration judge's bond determination.
2. Whether Petitioner could obtain individual habeas relief based on the alleged warrantless nature of her immigration arrest after her immigration proceedings had commenced.
3. Whether Petitioner was entitled to mandamus or habeas relief ordering her immediate release.

HOLDINGS

1. Section 1226(e) barred Petitioner's claim because it challenged the quantum and nature of the evidence considered by the immigration judge in making a case-specific discretionary bond decision, rather than presenting a facial constitutional challenge to the statutory detention framework or immigration-court procedures.
2. An individual habeas petition could not provide relief challenging Petitioner's original immigration arrest because the arrest occurred pursuant to a warrant issued essentially contemporaneously with custody and her immigration proceedings, including a bond determination, were already underway.

KEY QUOTATIONS

“This Court agrees with Respondents that the review Petitioner seeks is particular to the decision in her case and is thus barred by 8 U.S.C. § 1226(e).”

“Here, with Petitioner’s bond determination already made in immigration court and her removal proceedings underway, habeas review challenging her original arrest is not cognizable.”

FACTUAL BACKGROUND

Petitioner, a native and citizen of El Salvador, entered the United States in January 2024, timely applied for asylum, and was released under the ICE/ISAP alternatives-to-detention program. During a required ICE check-in appointment on November 4, 2025, she was served with a Notice to Appear and an I-200 Arrest Warrant and was arrested and detained. An immigration judge later denied bond after finding that she was a flight risk based on twelve alleged violations of her alternatives-to-detention conditions. Her removal proceedings and appeal of the bond determination remained underway when she sought federal habeas relief.

PROCEDURAL HISTORY

Petitioner was arrested and detained by immigration authorities during an ICE check-in appointment after being served with a Notice to Appear and an I-200 Arrest Warrant. An immigration judge denied bond based on alleged

violations of alternatives-to-detention conditions, and Petitioner's appeal of that determination was pending before the Board of Immigration Appeals. Petitioner then filed an amended habeas petition in federal district court; after briefing and a motions hearing, the court dismissed the petition without prejudice.

DISPOSITION

dismissed

CASES CITED

- Demore v. Kim, 538 U.S. 510, 516-17 (2003)
- Jennings v. Rodriguez, 583 U.S. 281, 295-96 (2018)
- Marynenka v. Holder, 592 F.3d 594, 601 (4th Cir. 2010)
- Kourouma v. Holder, 588 F.3d 234, 242 (4th Cir. 2009)
- Escobar Molina v. U.S. Department of Homeland Security, Civ. No. 25-3417 (BAH), 2025 WL 3465518 (D.D.C. Dec. 2, 2025)
- Ramirez Ovando v. Noem, Civ. No. 25-cv-03183-RBJ, 2025 WL 3293467 (D. Colo. Nov. 25, 2025)
- Arias v. Rogers, 676 F.2d 1139, 1143 (7th Cir. 1982)
- Min-Shey Hung v. United States, 617 F.2d 201, 202 (10th Cir. 1980)

OPINION

Noem

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

*

DAMARI CHAVEZ DE VASQUEZ, *

* Petitioner, * * Civil Case No.: SAG-25-03657 v. * * NIKITA BAKER, et al., * * Respondents. *
* * * * *

MEMORANDUM OPINION

Petitioner Damari Chavez de Vasquez filed an Amended Petition for a Writ of Habeas Corpus (“Petition”) on November 24, 2025. ECF 13. In her Amended Petition, she asserts three claims: (1) violation of the Due Process Clause, (2) violation of the Fourth Amendment as a result of warrantless arrest, and (3) violation of 28 U.S.C. § 1361 (writ of mandamus). Id. Petitioner asks this Court to order her immediate release. Id. Respondents opposed the Petition and filed a motion to dismiss. ECF 14. Petitioner opposed the motion to dismiss, ECF 15, and Respondents filed a reply, ECF 16. This Court held a motions hearing on December 22, 2025. For the reasons stated below, the law does not permit this Court to award the requested relief to Petitioner. As a result, Respondent’s motion will be granted and the Amended Petition will be dismissed without prejudice.

I. BACKGROUND

Petitioner is a native and citizen of El Salvador who has resided in the United States with her husband and three minor children since January 29, 2024. ECF 13 ¶ 1. She timely filed an asylum application on January 22, 2025 and was released under the ICE/ISAP program. Id. ¶¶ 1– 2. On November 4, 2025, Petitioner received a call from ICE/ISAP to present for a check-in at the ICE office in Silver Spring, Maryland. Id. ¶ 2. During the check-in, Petitioner was arrested and detained pursuant to a Notice to Appear (“NTA”), ECF 14-5, and I-200 Arrest Warrant, ECF 14-4, both apparently issued during the check-in appointment. ECF 13 ¶ 2. On November 14, 2025, Petitioner had a bond hearing before the Immigration Court in Hyattsville, Maryland. Id. ¶ 3. At the hearing, the immigration judge (“IJ”) denied bond, finding that Petitioner was a flight risk because she had twelve violations of her “Alternatives to Detention” (“ATD”) conditions. Id. Petitioner asserts that DHS provided the IJ with “no evidence whatsoever to substantiate those alleged violations,” which she disputes. Id. Petitioner has remained in ICE custody since November 4, 2025.

II. ANALYSIS

28 U.S.C. § 2241 authorizes a district court to grant a writ of habeas corpus when a petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.” Although the Amended Petition formally contains three claims, they can be consolidated into two primary arguments – the constitutionality of Petitioner’s bond hearing¹ and the alleged warrantless arrest.

A. Constitutionality of the Bond Hearing Petitioner contends that her due process rights were violated at her bond hearing because DHS did not provide sufficient (or any) evidence of the twelve ATD infractions it alleged. The parties dispute whether Petitioner can advance this claim before this Court. The government notes 1 Claim Three, the writ of mandamus, essentially asks this Court to order Petitioner’s release on the merits because she is neither a flight risk nor a danger to the community. Such a ruling would essentially set aside or supersede the IJ’s bond hearing determination and is plainly barred by 8 U.S.C. § 1226(e). that 8 U.S.C. § 1226(e) bars an alien from “challeng[ing] a ‘discretionary judgment’ by the Attorney General or a ‘decision’ that the Attorney General has made regarding his detention or release.” *Demore v. Kim*, 538 U.S. 510, 516 (2003). Petitioner responds that § 1226(e) does not preclude constitutional challenges, citing *Demore*, which allowed “challenges [to] the statutory framework that permits [the alien’s] detention without bail,” *id.* at 517, and *Jennings v. Rodriguez*, 583 U.S. 281, 295–96 (2018), which permitted a challenge to the “Government’s ‘detention authority’ under the statutory framework as a whole.” In this case, though, Petitioner has not advanced a facial constitutional challenge to a statutory scheme or even to the wholesale evidentiary practices employed in immigration court, instead simply asserting that “[t]he immigration judge accepted DHS’s assertion of twelve alleged ATD violations without any evidentiary submission to support any of those allegations, effectively crediting unproven allegations over the fundamental requirement that the government submit credible evidence to support its allegations.” ECF 13 ¶ 25. In fact, it is well-

established, and the parties agreed at the motions hearing, that “the rules of evidence do not apply strictly in administrative adjudications of immigration cases.” *Marynenka v. Holder*, 592 F.3d 594, 601 (4th Cir. 2010) (quoting *Kourouma v. Holder*, 588 F.3d 234, 242 (4th Cir. 2009)). Petitioner’s claim, then, effectively challenges the quantum and nature of evidence placed before the IJ during her bond hearing, not the constitutionality of immigration court procedures. This Court agrees with Respondents that the review Petitioner seeks is particular to the decision in her case and is thus barred by 8 U.S.C. § 1226(e). Petitioner’s recourse for what she believes to be an improper assessment of the merits of her entitlement to bond lies in her already pending appeal of the IJ’s decision before the Board of Immigration Appeals. B. Warrantless Arrest Petitioner also contends that habeas relief is warranted because she was subjected to a warrantless arrest. In support, she cites *Escobar Molina v. U.S. Dep’t of Homeland Sec.*, Civ. No. 25-3417 (BAH), 2025 WL 3465518 (D.D.C. Dec. 2, 2025). *Escobar Molina*, however, is distinguishable both on its facts and in its legal posture. That case was brought on behalf of a class of citizens who were subjected to unanticipated “field arrests” during the immigration crackdown in Washington, D.C. *Id.* The members of the class described in the opinion were stopped in public places and arrested. *Id.* Petitioner, by contrast, reported to her required check-in appointment at the ICE office, where she was then served with an NTA and warrant and arrested. She is therefore unable to establish as a factual matter that her arrest was “warrantless” in the same manner as the arrests of the class members in *Escobar Molina*, because the issuance of the warrant was essentially contemporaneous with her being taken into custody. As importantly, though, the courts that have recently adopted the “warrantless arrest” theory as a basis for relief have done so in the context of class actions challenging statewide or districtwide agency action pursuant to the Administrative Procedures Act (“APA”), not in individual habeas petitions. See *Escobar Molina*, 2025 WL 3465518; *Ramirez Ovando v. Noem*, Civ. No. 25-cv-03183-RBJ, 2025 WL 3293467 (D. Colo. Nov. 25, 2025). Petitioner offers no authority, and this Court is not aware of any, granting an individual habeas relief as a result of a warrantless immigration arrest after the individual’s immigration proceedings had begun. See, e.g., *Arias v. Rogers*, 676 F.2d 1139, 1143 (7th Cir. 1982) (noting that once petitioners can avail themselves of the administrative remedies described in the INA, “their detention was no longer so lawless as to allow a judge to free them under the habeas corpus statute,” even in the case of an illegal arrest); *Min-Shey Hung v. United States*, 617 F.2d 201, 202 (10th Cir. 1980) (“The deportation proceedings thus commenced must be allowed to proceed without the intervention of proceedings in the district court challenging the arrest.”). Here, with Petitioner’s bond determination already made in immigration court and her removal proceedings underway, habeas review challenging her original arrest is not cognizable.

III. CONCLUSION

For the reasons stated above, the government’s motion to dismiss the Petition, ECF 14, is GRANTED. The Amended Petition, ECF 13, is DISMISSED WITHOUT PREJUDICE to Petitioner’s refiling of a later petition for the same or similar relief. The Clerk is directed to

CLOSE this case. Dated: December 23, 2025 /s/ Stephanie A. Gallagher United States District Judge

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