

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Veronica Lopez v. Kristi Noem, et al.

Civil Action No. GLR-25-3662 (D. Md. Dec. 5, 2025) · No. Civil Action No. GLR-25-3662 · Decided
December 5, 2025

SUMMARY

The United States District Court for the District of Maryland considered Veronica Lopez’s motion for a temporary restraining order, construing it as a motion for a preliminary injunction, in a habeas action challenging her immigration detention. The court determined that Lopez was likely detained under the discretionary provisions of 8 U.S.C. § 1226, had not received the required bond hearing, and that the Government likely failed to satisfy the statutory requirements for a warrantless arrest under 8 U.S.C. § 1357. The court found likely success on Lopez’s procedural due process claim and identified irreparable harm arising from her continued detention and separation from her family.

CASE DETAILS

COURT	United States District Court for the District of Maryland
WRITING FOR THE COURT	George L. Russell, III
JURISDICTION	United States District Court for the District of Maryland
DECIDED	December 5, 2025
DOCKET	Civil Action No. GLR-25-3662
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief and immediate release under 28 U.S.C. §§ 2241 and 1361 and moved for a temporary restraining order. The court construed the fully briefed temporary-restraining-order motion as a motion for preliminary injunction, granted it in part, ordered a bond hearing within seven days, denied it in other respects, and reserved judgment on the amended habeas petition.
STANDARD OF REVIEW	For habeas jurisdiction, the court considered whether petitioner was in federal custody in violation of the Constitution or federal law under 28 U.S.C. § 2241(c)(3). For preliminary injunctive relief, the court applied the four Winter factors: likelihood of success on the merits, likelihood of irreparable harm, balance of equities, and public interest.
PRECEDENTIAL VALUE	district court opinion; persuasive only outside the case

PARTIES

Veronica Lopez v. Kristi Noem, et al.

TOPICS

immigration detention

procedural due process

injunctions

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PRACTICE AREAS

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habeas corpus

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QUESTIONS PRESENTED

1. Whether the district court had habeas jurisdiction under 28 U.S.C. § 2241 to review Lopez's constitutional challenge to her immigration detention.
2. Whether Lopez's release on her own recognizance into an ICE alternatives-to-detention program constituted conditional parole under 8 U.S.C. § 1226(a), making her subsequent detention subject to § 1226's procedural protections.
3. Whether Lopez demonstrated a likelihood of success on her procedural due process claim based on the government's failure to provide a bond hearing before or during discretionary detention.
4. Whether the government violated 8 U.S.C. § 1357 by arresting Lopez without a warrant without showing that she was likely to escape before a warrant could be obtained.
5. Whether Lopez satisfied the requirements for preliminary injunctive relief.

HOLDINGS

1. The district court had jurisdiction under 28 U.S.C. § 2241(c)(3) because Lopez challenged the legality and constitutionality of her federal custody and sought release from that custody.
2. Lopez's release on her own recognizance into ICE's alternatives-to-detention program constituted conditional parole under 8 U.S.C. § 1226(a).
3. Lopez demonstrated a likelihood of success on her procedural due process claim because the government detained her under discretionary § 1226 authority without providing the required bond hearing.
4. The government likely had probable cause to arrest Lopez but failed to establish the separate statutory requirement that she was likely to escape before a warrant could be obtained; the court therefore found that her arrest violated § 1357.
5. Lopez satisfied the requirements for preliminary injunctive relief in part and was entitled to an order requiring respondents to provide her with a bond hearing within seven days.

KEY QUOTATIONS

“the ‘essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and . . . the traditional function of the writ is to secure release from illegal custody.’” (Discussion, Jurisdiction)

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.” (Discussion, Likelihood of success on the merits)

“For the foregoing reasons, the Court will grant in part Lopez’s Motion for Temporary Restraining Order (ECF No. 4), which the Court construes as a Motion for Preliminary Injunction, to the extent explained in this Opinion and the accompanying Order.” (Conclusion)

FACTUAL BACKGROUND

Veronica Lopez, a Venezuelan citizen who entered the United States with her twelve-year-old son in December 2024, was initially released on her own recognizance into ICE's Alternatives to Detention and Intensive Supervision Appearance Program. She complied with the program for approximately eleven months, apart from a disputed or technical missed video contact, and timely filed an asylum application. On November 6, 2025, ICE arrested her during an in-person check-in, transferred her to Texas, and detained her without providing a bond hearing; the government also did not establish that she was likely to escape before a warrant could be obtained.

PROCEDURAL HISTORY

Lopez was arrested and detained by ICE on November 6, 2025, after appearing for an in-person check-in. She filed a § 2241 habeas petition and motion for temporary restraining order on November 7, 2025, and filed an amended petition on November 21, 2025. After briefing, the district court issued a memorandum opinion granting preliminary injunctive relief in part and reserving judgment on the amended habeas petition pending further briefing.

DISPOSITION

other

REMAND INSTRUCTIONS

Respondents must provide Lopez with a bond hearing within seven days of the court's order. Respondents may file further briefing on the merits of the amended habeas petition within thirty days, and Lopez may respond within thirty days thereafter; if respondents do not seek further briefing, they must file notice within thirty days.

CASES CITED

- Pizarro Reyes v. Raycraft, No. 25-CV-12546, 2025 WL 2609425, at *2 (E.D. Mich. Sept. 9, 2025)
- Mansaray v. Perry, No. ELH-21-1044, 2021 WL 2315415, at *5 (D. Md. June 7, 2021)
- Chogllo Chafra v. Scott, No. 2:25-CV-00437-SDN, 2025 WL 2688541, at *4-*5 (D. Me. Sept. 21, 2025)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Leal-Hernandez v. Noem, No. JRR-25-CV-02428, 2025 WL 2430025, at *10 (D. Md. Aug. 24, 2025)
- Lopez Benitez v. Francis, 795 F.Supp.3d 475, 492 (S.D.N.Y. 2025)
- Department of Homeland Security v. Thuraissigiam, 591 U.S. 103, 108 (2020)
- Martinez v. Hyde, 792 F.Supp.3d 211, 215 (D. Mass. 2025)

- *Patel v. Crowley*, No. 25 C 11180, 2025 WL 2996787, at *5 (N.D. Ill. Oct. 24, 2025)
- *Ortega-Cervantes v. Gonzales*, 501 F.3d 1111, 1115 (9th Cir. 2007)
- *U.S. Department of Labor v. Wolf Run Mining Co.*, 452 F.3d 275, 283 (4th Cir. 2006)
- *Sarsour v. Trump*, 245 F.Supp.3d 719, 728 (E.D. Va. 2017)
- *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008)
- *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001)
- *Reno v. Flores*, 507 U.S. 292, 306 (1993)
- *Mathews v. Eldridge*, 424 U.S. 319, 333, 335, 348 (1976)
- *Joint Anti-Fascist Committee v. McGrath*, 341 U.S. 123, 171-72 (1951) (Frankfurter, J., concurring)
- *Velasco Lopez v. Decker*, 978 F.3d 842, 850 (2d Cir. 2020)
- *J.S.H.M. v. Wofford*, No. 1:25-CV-01309 JLT SKO, 2025 WL 2938808, at *14-*16 (E.D. Cal. Oct. 16, 2025)
- *Miranda v. Garland*, 34 F.4th 338, 361, 365 (4th Cir. 2022)
- *American-Arab Anti-Discrimination Committee v. Ashcroft*, 272 F.Supp.2d 650, 669 (E.D. Mich. 2003)
- *Rosales-Garcia v. Holland*, 322 F.3d 386, 409-10 (6th Cir. 2003)
- *Ortega v. Bonnar*, 415 F.Supp.3d 963, 966, 968 (N.D. Cal. 2019)
- *S.D.B.B. v. Johnson*, No. 1:25-CV-882, 2025 WL 2845170, at *6, *9-*11 (M.D.N.C. Oct. 7, 2025)
- *Tumba v. Francis*, No. 25-CV-8110 (LJL), 2025 WL 3079014, at *2-*3 (S.D.N.Y. Nov. 4, 2025)
- *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954)
- *United States v. Santos-Portillo*, 997 F.3d 159, 166-67 (4th Cir. 2021)
- *United States v. Santos-Portillo*, No. 7:18-CR-10-1H, 2019 WL 3047427, at *3 (E.D.N.C. May 31, 2019)
- *United States v. Segura-Gomez*, No. 4:17-CR-65-FL-1, 2018 WL 6582823, at *6, *78 (E.D.N.C. May 25, 2018)
- *Martinez Hernandez v. Andrews*, No. 1:25-CV-01035 JLT HBK, 2025 WL 2495767, at *11-*12 (E.D. Cal. Aug. 28, 2025)
- *Catholic Legal Immigration Network, Inc. v. Executive Office for Immigration Review*, 513 F.Supp.3d 154, 162 (D.D.C. 2021)
- *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *14 (D. Ariz. Aug. 11, 2025), report and recommendation adopted sub nom. *Rocha Rosado v. Figueroa*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025)
- *American College of Obstetricians & Gynecologists v. U.S. Food & Drug Administration*, 472 F.Supp.3d 183, 227 (D. Md. 2020)
- *Elrod v. Burns*, 427 U.S. 347, 373 (1976)
- *Sanchez v. McAleenan*, No. GJH-19-1728, 2020 WL 607032, at *7 (D. Md. Feb. 7, 2020)
- *Nken v. Holder*, 556 U.S. 418, 435 (2009)
- *Pinchi v. Noem*, No. 25-CV-05632-RMI (RFL), 2025 WL 1853763 (N.D. Cal. July 4, 2025)
- *Jorge M. F. v. Wilkinson*, No. 21-CV-01434-JST, 2021 WL 783561, at *3 (N.D. Cal. Mar. 1, 2021)
- *Ortiz Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020 WL 5074312, at *4 (N.D. Cal. Aug. 23, 2020)
- *Hernandez v. Sessions*, 872 F.3d 976, 996 (9th Cir. 2017)

- Preminger v. Principi, 422 F.3d 815, 826 (9th Cir. 2005)
- Zepeda v. U.S. Immigration & Naturalization Service, 753 F.2d 719, 727 (9th Cir. 1983)
- Roe v. Department of Defense, 947 F.3d 207, 230-31 (4th Cir. 2020)
- Roe v. Shanahan, 359 F.Supp.3d 382, 421 (E.D. Va. 2019)
- Hall v. Virginia, 385 F.3d 421, 424 n.3 (4th Cir. 2004)

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