

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MARYLAND

Carlos Antonio Solis Nolasco v. Kristi Noem, et al.

Civil Action No. GLR-25-3847 (D. Md. Jan. 5, 2026) · No. Civil Action No. GLR-25-3847 · Decided January 5, 2026

SUMMARY

The United States District Court for the District of Maryland considers a habeas petition challenging Carlos Antonio Solis Nolasco’s immigration detention and proposed removal to Mexico. The court grants relief in part, concluding that continued detention violates due process under *Zadvydas v. Davis*, while denying without prejudice his third-country-removal claim because it is more appropriately addressed in related class litigation. The court also holds that the Attorney General is a proper respondent in the immigration habeas proceeding.

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	January 5, 2026
DOCKET	Civil Action No. GLR-25-3847
DISPOSITION	other
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and proposed removal to a third country; respondents filed a consolidated response and motion to dismiss.
STANDARD OF REVIEW	Under 28 U.S.C. §§ 2241(c)(3) and 2243, the court may grant habeas relief when a petitioner is in federal custody in violation of the Constitution or federal law and must award the writ or order the respondent to show cause unless the petition shows that relief is unwarranted. The court also considered whether the petition was premature under <i>Zadvydas v. Davis</i> .
PRECEDENTIAL VALUE	district court opinion; persuasive authority only
PARTIES	Carlos Antonio Solis Nolasco v. Kristi Noem, Todd Lyons, Jeremy Bacon, Pamela Bondi

TOPICS

immigration detention

removal proceedings

procedural due process

due process

civil procedure

PRACTICE AREAS

immigration

habeas corpus

constitutional law

civil procedure

remedies

QUESTIONS PRESENTED

1. Whether the petitioner could obtain relief directly under 8 U.S.C. § 1231(a)(6) despite 8 U.S.C. § 1231(h).
2. Whether the petitioner's continued detention violated due process under *Zadvydas v. Davis* because the six-month detention period did not restart upon his redetention and there was no significant likelihood of removal in the reasonably foreseeable future.
3. Whether the petitioner's challenge to removal to Mexico without further individualized fear procedures should be adjudicated in the habeas action or through the D.V.D. class litigation.
4. Whether the Attorney General was a proper respondent in the immigration habeas proceeding.
5. Whether respondents' motion to dismiss should be granted when it was filed as a consolidated response and answer to the habeas petition.

HOLDINGS

1. The petitioner could not maintain a cause of action directly under 8 U.S.C. § 1231(a)(6) because § 1231(h) provides that the section creates no legally enforceable right or benefit against the United States or its officers.
2. The petitioner's continued detention violated due process because his six-month *Zadvydas* period did not restart upon redetention, he provided good reason to believe that removal was not likely in the reasonably foreseeable future, and the Government failed to rebut that showing.
3. The court denied without prejudice the petitioner's claim challenging removal to Mexico because he was a member of the D.V.D. class and the claim was more appropriately addressed through that litigation.
4. The Attorney General was a proper respondent because the immediate-custodian rule does not apply in the same manner to an immigration habeas petition challenging detention under the immigration laws, where the Attorney General has broad authority over removal proceedings.
5. The motion to dismiss was denied as moot because the consolidated response and motion functioned as an answer, and resolution of the habeas petition necessarily resolved the arguments presented in the motion.

KEY QUOTATIONS

“after six months, once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” (533 U.S. at 701)

“Overall, Solis Nolasco has provided good reason to believe that his removal to Mexico is not likely to occur in the reasonably foreseeable future, and the Government’s bare assertions that his removal to Mexico is likely to occur in the reasonably foreseeable future, without more, are insufficient to rebut Solis Nolasco’s contrary showing.” (Discussion § II.B.1.b)

“Therefore, in the interest of “[b]asic principles of comity and judicial economy,” this Court finds that Solis Nolasco’s claim regarding his removal to Mexico (Count III) is more appropriately addressed in D.V.D. and will deny the Petition as to that claim without prejudice to seeking the same or similar relief through the D.V.D. litigation.” (Discussion § II.B.2)

“the default rule is that the proper respondent is the warden of the facility where the prisoner is being held, not the Attorney General or some other remote supervisory official.” (542 U.S. at 434-35)

FACTUAL BACKGROUND

Solis Nolasco, a citizen of El Salvador, was removed to El Salvador in 2020 after an immigration judge denied his asylum application. After reentering the United States, he was granted withholding of removal to El Salvador in March 2024 and remained compliant with his order of supervision. ICE detained him at a November 2025 check-in, reinstated the prior removal order, and sought to remove him to Mexico, despite his expressed fear of persecution there and the Government's failure to provide a reasonable-fear interview.

PROCEDURAL HISTORY

Solis Nolasco was ordered removed to El Salvador in 2019, was removed in 2020, later reentered the United States, and was granted withholding of removal to El Salvador in 2024. ICE detained him in November 2025, reinstated the prior removal order, and indicated that it intended to remove him to Mexico. He filed this § 2241 petition while detained. The court granted the petition in part, denied it in part without prejudice as to the third-country-removal claim, denied the motion to dismiss as moot, and rejected dismissal of the Attorney General as a respondent.

DISPOSITION

other

CASES CITED

- *Zadvydas v. Davis*, 533 U.S. 678 (2001)
- *Umanzor-Chavez v. Noem*, No. SAG-25-1634, 2025 WL 2467640 (D. Md. Aug. 27, 2025)
- *Ghamelian v. Baker*, No. SAG-25-2106, 2025 WL 2049981 (D. Md. July 22, 2025)
- *Abedi v. Carter*, No. 25-3141-JWL, 2025 WL 3209009 (D. Kan. Oct. 6, 2025)
- *Rodriguez-Guardado v. Smith*, 271 F.Supp.3d 331 (D. Mass. 2017)
- *Diaz-Ortega v. Lund*, No. 1:19-CV-670-P, 2019 WL 6003485 (W.D. La. Oct. 15, 2019)
- *Sied v. Nielsen*, 17-CV-06785-LB, 2018 WL 1876907 (N.D. Cal. Apr. 19, 2018)
- *Villanueva v. Tate*, No. CV H-25-3364, 2025 WL 2774610 (S.D. Tex. Sept. 26, 2025)

- *Zavvar v. Scott*, No. TDC-25-2104, 2025 WL 2592543 (D. Md. Sept. 8, 2025)
- *Cordon-Salguero v. Noem*, No. GLR-25-1626, Mot. Hr'g Tr. (D. Md. June 23, 2025)
- *Munoz-Saucedo v. Pittman*, 789 F.Supp.3d 387 (D.N.J. 2025)
- *D.V.D. v. U.S. Department of Homeland Security*, 778 F.Supp.3d 355 (D. Mass. 2025)
- *Department of Homeland Security v. D.V.D.*, 145 S.Ct. 2153 (2025)
- *I.V.I. v. Baker*, No. JKB-25-1572, 2025 WL 1519449 (D. Md. May 27, 2025)
- *Tanha v. Warden, Baltimore Detention Facility*, No. JRR-25-2121, 2025 WL 2062181 (D. Md. July 22, 2025)
- *Rumsfeld v. Padilla*, 542 U.S. 426 (2004)
- *Jarpa v. Mumford*, 211 F.Supp.3d 706 (D. Md. 2016)
- *Wales v. Whitney*, 114 U.S. 564 (1885)
- *Sanchez-Penunuri v. Longshore*, 7 F.Supp.3d 1136 (D. Colo. 2013)
- *Henderson v. I.N.S.*, 157 F.3d 106 (2d Cir. 1998)
- *Ahrens v. Clark*, 335 U.S. 188 (1948)
- *Farez-Espinoza v. Chertoff*, 600 F.Supp.2d 488 (S.D.N.Y. 2009)
- *Somir v. United States*, 354 F.Supp.2d 215 (E.D.N.Y. 2005)
- *Carmona v. Aitken*, No. 14-CV-05321-JSC, 2015 WL 1737839 (N.D. Cal. Apr. 10, 2015)
- *Hernandez v. Sessions*, No. CV 18-01483-PHX-GMS (DMF), 2018 WL 11426587 (D. Ariz. May 18, 2018)
- *Mandarino v. Ashcroft*, 318 F.Supp.2d 13 (D. Conn. 2003)