



ATTORNEY GENERAL PAM BONDI SPEAKS AT A NEWS CONFERENCE REGARDING IMMIGRATION ENFORCEMENT AT THE JUSTICE DEPARTMENT IN WASHINGTON ON FEB. 12, 2025. (AP PHOTO/BEN CURTIS)

TRUMP ADMINISTRATION SUES MD FEDERAL JUDGES OVER ORDER BLOCKING REMOVAL OF IMMIGRANTS

Key Takeaways:

- Trump administration sues all Maryland federal judges over deportation pause
- Court's order gives detained immigrants time to file habeas petitions
- DOJ claims judicial overreach and violation of executive powers
- Legal experts call the lawsuit improper and politically motivated

The Trump administration on Tuesday sued all of Maryland's federal judges and the U.S. District Court for Maryland in an effort to challenge a recent standing order that seeks to ensure due process for immigrants before they are removed from the country.

George Russell III, chief judge of the U.S. District Court for Maryland, issued a standing order last month automatically halting deportations for about two business days after an immigrant files a petition for habeas corpus. A week later, he amended the order to clarify that it only applied to people in Maryland.

Observers believed the standing order — not connected to any individual's case — was a response to the federal government removing Kilmar Abrego Garcia and other immigrants without due process. The lawsuit represents an escalation in the administration's attacks on the independence of the judiciary.

In addition to all 15 of Maryland's federal judges and the court clerk, the U.S. Department of Justice and Department of Homeland Security sued the court itself. It argued the standing order unlawfully interferes with President Donald Trump's immigration policy.

"Every unlawful order entered by the district courts robs the Executive Branch of its most scarce resource: time to put its policies into effect," the complaint states.

"In the process, such orders diminish the votes of the citizens who elected the head of the Executive Branch. Defendants' lawless standing orders are nothing more than a particularly egregious example of judicial overreach interfering with Executive Branch prerogatives—and thus undermining the democratic process."

A writ of habeas corpus is used to bring a detainee before a judge to determine if their imprisonment, detention or removal is lawful. The government alleges the court violated requirements for injunctions by imposing an automatic delay in the removal process. It also says the standing order amounts to a "local rule," and therefore should have been subject to rule making and public comment. Further, it argues the courts don't have jurisdiction under the Immigration and Nationality Act.

In addition to the complaint, the government filed a motion to require the judges to recuse themselves from the case, because they are each named as defendants. It also requested that the clerk of the U.S. Court of Appeals for the Fourth Circuit randomly assign a judge from another district or transfer the case to another district.

The court's magistrate judges are not named as defendants.

It's not clear who will represent the defendants or why the government sued, rather than challenging the standing order in the Fourth Circuit.

David Ciambuschini, a chief deputy clerk for the U.S. District Court for the District of Maryland who serves as a spokesperson for the court, declined to comment, as did a spokesman for the Maryland U.S. Attorney's Office. DHS did not immediately respond. The central office of the DOJ referred The Daily Record to a news release.

"President Trump's executive authority has been undermined since the first hours of his presidency by an endless barrage of injunctions designed to halt his agenda," Attorney General Pam Bondi stated. "The American people elected President Trump to carry out his policy agenda: this pattern of judicial overreach undermines the democratic process and cannot be allowed to stand."

Mark Graber, a professor at the University of Maryland School of Law, said, "This is the usual Trump administration showboating."

“The way to challenge a federal district court decision is to appeal to a higher court,” Graber stated in an email to The Daily Record. “You cannot enjoin judges from making decisions you do not like.”



“Nicole Whitaker, an immigration lawyer in Baltimore, said the decision to sue the judges and the court itself, rather than appeal the order, “does not seem proper.”

“What these judges are doing is trying to preserve due process,” Whitaker said in an interview. “Their whole point is to stop ICE long enough, to halt these deportations long enough, to allow people to make their case in court. That’s not judicial overreach, that’s constitutional responsibility.”