

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-03040-RBJ

HUGO CERVANTES ARREDONDO,

Petitioner,

v.

JUAN BALTAZAR, Warden, Aurora Contract Detention Facility,
ROBERT HAGAN, Field Office Director, Denver, U.S. Immigration and Customs
Enforcement,¹
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,
TODD LYONS, Director, U.S. Immigration and Customs Enforcement, and
PAMELA BONDI, Attorney General of the United States,

Respondents.

STATUS REPORT REGARDING PROVISION OF BOND HEARING

On October 31, 2025, the Court granted Petitioner's Petition for Writ of Habeas Corpus in part, ordering Respondents to provide Petitioner a bond hearing within seven days at which the government would bear the burden of proving by clear and convincing evidence that if Petitioner is released, he poses a danger to the community or a risk of flight. ECF No. 21 at 10. The Court further ordered Respondents to submit a status report within five days of the bond hearing stating "whether [Petitioner] has been granted bond, and, if his request for bond was denied, the reasons for that denial." *Id.* at 11.

¹ Robert Hagan has taken over from Robert Guadian as Field Office Director and is automatically substituted as a respondent in this matter. *See* Fed. R. Civ. P. 25(d) (providing that a public officer's "successor is automatically substituted as a party" when a "public officer who is a party in an official capacity. . . ceases to hold office while the action is pending").

As set forth in the attached declaration, Petitioner received a bond hearing on November 4, 2025. Ex. 1, Decl. of Gary Zolock ¶ 5. In a memo documenting his bond decision, the Immigration Judge (IJ) explained that “[t]he Department [of Homeland Security] must prove by clear and convincing evidence that [Petitioner]’s release would pose a danger to people or property or that the [Petitioner] poses a flight risk.”² *Id.* attach. 1 at 2. The IJ denied bond. *Id.* ¶ 6.

In doing so, the IJ heard that Petitioner has had numerous arrests between November 2024 and June 2025, including for drug possession, drug paraphernalia possession, flight to avoid prosecution, and failure to appear. *Id.* attach. 1 at 2. The IJ further heard that Petitioner pleaded guilty to unlawful use of a controlled substance in June 2025 and to criminal mischief on October 28, 2025. *Id.*

While the IJ did not consider this evidence sufficient to demonstrate that Petitioner would pose a danger to the community, the IJ nonetheless concluded that Petitioner would pose a risk of flight. *Id.* attach. 1 at 2-3. In support of this conclusion, the IJ noted, among other things, that there was insufficient evidence of family, property, employment, or other financial ties to the United States, given that Petitioner is unmarried, has no children, and appears to have no fixed place of work. *See id.* attach. 1 at 3. The IJ further found that any request for relief from removal would be unlikely to succeed, and that Petitioner has a significant history of failures to appear and attempts to flee prosecution. *Id.* attach. 1 at 3-4. The IJ specifically referenced at least two prior arrests for failure to appear for criminal proceedings and a charge of flight to avoid prosecution that have occurred since April 2025. *Id.* On this record, the IJ concluded “that the Department has established

² Petitioner’s counsel has informed Respondents’ counsel that Petitioner intends to take the position that the IJ did not, in fact, require the government to satisfy its burden of proof.

by clear and convincing evidence that [Petitioner]’s ongoing detention is justified because his release would pose a significant risk of flight that no amount of bond or combination of conditions could mitigate.” *Id.* attach. 1 at 4.

Dated: November 7, 2025.

Respectfully submitted,

PETER MCNEILLY
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CERTIFICATE OF SERVICE

I certify that on November 7, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following recipients by e-mail:

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