

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

Civil Action No. 1:25-cv-03275-GPG

DANIEL ORTIZ ROSALES,

Petitioner-Plaintiff,

v.

JUAN BALTAZAR, Warden, Denver Contract Detention Facility, Aurora, Colorado, in his official capacity;

ROBERT GAUDIAN, Director of the Denver Field Office for U.S. Immigration and Customs Enforcement, in his official capacity;

KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity;

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity;

PAMELA BONDI, Attorney General of the United States, in her official capacity;

Respondents-Defendants.

PETITIONER-PLAINTIFF'S NOTICE OF SUPPLEMENTAL AUTHORITY

Petitioner-Plaintiff ("Plaintiff") advises the Court of supplemental authority from this District supporting his pending Petition for Writ of Habeas Corpus and Motion for Temporary Restraining Order and/or Preliminary Injunction. The immediate relief granted in the supplemental authority underscores the urgent nature of the matter pending before this Court.

In a case raising identical issues to the relevant issues presented here, Judge Rodriguez granted Mr. Mendoza Gutierrez's emergency Temporary Restraining Order ("TRO") and ordered Respondents-Defendants ("Defendants") to "release Mr. Gutierrez *immediately* until he receives a bond hearing before an IJ under § 1226(a), at which the

Government shall bear the burden of justifying by clear and convincing evidence [] dangerousness or flight risk" *Mendoza Gutierrez v. Baltasar, et al.*, 25-cv-2720-RMR, at p. 35 (Oct. 17, 2025) (emphasis added) (attached as Ex. 1). The court found that Mr. Gutierrez Mendoza "made a strong showing that he is likely to succeed on the merits, that he is unlawfully detained under Section 1225(b)'s mandatory detention authority, and instead should be governed under Section 1226(a)'s discretionary detention scheme." *Id.* The court also found that Mr. Mendoza Gutierrez's incarceration under the circumstances causes "irreparable harm, and that the balance of hardships tips sharply in his favor." *Id.* Judge Rodriguez also rejected the same jurisdictional argument that Respondents make here regarding §§ 1252(a)(5), (b)(9). *Id.* at p. 6–7.

Judge Rodriguez further "enjoined" Respondents "from removing Mr. Gutierrez and the class he proposes to represent from the United States or transferring them from the District of Colorado" until the court rules on the pending Motion for Class Certification, which is set for a hearing on November 21, 2025. *Id.* at p. 36.

Dated: October 20, 2025

Respectfully submitted,

s/ Hans Meyer
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ATTORNEYS FOR PETITIONER-PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2025 I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notifications of such filing to all counsel of record.

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