

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

Civil Action No. 25-cv-03463-NYW

**YUNIER SABORIT AGUILAR,**

Petitioner,

v.

**KRISTI NOEM**, in her official capacity as  
Secretary of the Department of Homeland Security,

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

**TODD LYONS**, in his official capacity as  
Acting Director and Senior Official Performing the Duties of the Director of U.S.  
Immigration and Customs Enforcement,

**ROBERT HAGAN**, in his official capacity as  
Field Office Director of the Denver Field Office of U.S. Immigration and Customs  
Enforcement, Enforcement and Removal Operations,

**JUAN BALTAZAR**, in his official capacity as  
Warden of the Aurora Contract Detention Center,

Respondents.

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**DECLARATION OF LUIS CORTES ROMERO**

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I, Luis Cortes Romero, Esq., pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am an attorney and partner at Novo Legal Group, PLLC. I am counsel for Petitioner, Yunier Saborit Aguilar, in the above-captioned matter. I also represent Mr. Saborit Aguilar in his immigration matters before the Immigration Court. I submit this declaration in support of Mr. Saborit Aguilar's traverse and reply, and his verified petition for a writ of habeas corpus.
2. Mr. Saborit Aguilar was originally released on an order of supervision on or about May 17, 2022, and was required to periodically check in with the ICE office. Originally, Mr. Saborit Aguilar lived in Florida upon being released from immigration custody, but then moved to Colorado. In 2025, Mr. Saborit Aguilar checked in with the ICE office on January 7, 2025, and had another check in scheduled for July 8, 2025. However, Mr. Saborit Aguilar was re-detained at his home on or about June 16, 2025.
3. On or about January 8, 2025, the Denver Immigration Court issued a notice that it had scheduled a preliminary hearing for Mr. Saborit Aguilar set for April 7, 2025 at 1:00pm with Immigration Judge Calcador. On April 7, 2025, Mr. Saborit Aguilar appeared with Attorney Amy Rubenstein, also an attorney at Novo Legal Group. Immigration Judge Calcador indicated that the case was ready to be set for a one-day bench trial (often time referred to as a "merits" hearing or an "individual" hearing), but that there were no dates available to schedule his merits hearing at that moment. Immigration Judge Calcador indicated that the case would be placed in the "trial ready queue" so that when an available date becomes available, it will

be scheduled and Mr. Saborit Aguilar would be sent a notice, through his counsel, about when the next scheduled hearing is.

4. Mr. Saborit Aguilar had a check in with ICE scheduled for July 8, 2025. However, on or about June 16, 2025, Mr. Saborit Aguilar's brother contacted my office to inform me that ICE had arrived at Mr. Saborit Aguilar's home in the afternoon/evening and detained him. The following day, Mr. Saborit Aguilar appeared in the ICE detainee locator system, found at <https://locator.ice.gov/odls/#/search>, that he was detained at the immigration detention facility in Aurora, Colorado. His immigration court proceedings then changed from being in the non-detained docket in Denver, Colorado to the detained docket in Aurora, Colorado.
5. Mr. Saborit Aguilar had preliminary hearing at the Aurora Immigration Court on July 30, 2025, and was scheduled for a merits hearing for September 18, 2025 at 2:30pm. At the September 18, 2025, hearing, the Immigration Judge Alison Kane granted Mr. Saborit Aguilar's "withholding of removal" which prevents his deportation to Cuba. Counsel for the government in those immigration proceedings waived appeal and the proceedings became administratively final on that day. However, Mr. Saborit Aguilar was not released from detention that day.
6. The following day, September 19, 2025, my office sent an email to ICE office at the immigration detention facility in Aurora, where Mr. Saborit Aguilar was being detained, to inform them that Judge Allison Kane had granted Mr. Saborit Aguilar withholding of removal, and that the government counsel had waived appeal, and

accordingly that Mr. Saborit Aguilar should be released from custody. My office did not receive a reply or communication from ICE.

7. ICE used its standard Form I-220B when it released Mr. Saborit Aguilar under an order of supervision. As true and correct copy of Mr. Saborit Aguilar's Form I-220B is attached hereto as Exhibit 1. This form, which is five (5) pages long, outlines all of the conditions of Mr. Saborit Aguilar's release. Moreover, it has a list of dates of when he is supposed to report next with ICE. I received a copy from Petitioner when he had his January 7, 2025, check in pending. Mr. Saborit Aguilar attended his January 7, 2025, check in with ICE, and it scheduled another check in on July 8, 2025. That update is not reflected on the version of the Form I-220B because I had not yet made a copy of petitioner's updated Form I-220B before he was redetained by ICE. While Form I-220B has some standard language as to the condition of release, page 3 of Form I-220B provides an "Other:" option where ICE can add additional conditions of release. ICE decided to not include any additional conditions of release for Mr. Saborit Aguilar.
8. Immigration Judge Alison Kane issued a summary order granting Mr. Saborit Aguilar withholding of removal because both sides had waived appeal, and a longer form decision was not necessary. As true and correct copy of Immigration Judge Alison Kane's summary decision is attached hereto as Exhibit 2.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 18th day of November, in Kent, Washington.

s/ Luis Cortes Romero  
Luis Cortes Romero

**CERTIFICATE OF SERVICE**

I hereby certify that on December 1, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system.

s/ Luis Cortes Romero  
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