

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

Civil Action No. 1:25-cv-3688

DENIS ALEMAN HERNANDEZ

Petitioner,

v.

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

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, DENIS ALEMAN HERNANDEZ, by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful detention by Respondents under 8 U.S.C. § 1225(b)(2)(A).

2. Aleman Hernandez is presently detained at the Aurora Contract Detention Facility in Aurora, Colorado, under the custody and control of Respondents. His detention arises from a misapplication of the Immigration and Nationality Act (INA) (codified at 8 U.S.C.) and is based on a recently adopted policy that impermissible extends mandatory detention under

8 U.S.C. § 1225(b)(2)(A) to long-term residents like Aleman Hernandez, who are not presently applying for admission and entered over 10 years ago.

3. Aleman Hernandez last entered the United States in August 2015 and has continuously resided here since that time. Aleman Hernandez had a pending Form I-589 since January 11, 2018. On September 15, 2025, when Aleman Hernandez went to the U.S. Citizenship and Immigration Services (“USCIS”) Dallas Field Office to attend his Asylum interview, he was instead arrested by Immigration and Customs Enforcement (“ICE”).

4. On September 5, 2025, the Board of Immigration Appeals (BIA) issued *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), that categorically denies bond to people that have entered the United States without admission or parole and subjects them to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

5. Aleman Hernandez’s continued detention based on § 1225(b)(2) violates the plain language of the Immigration and Nationality Act. It does not apply to individuals like Aleman Hernandez who previously entered and are now residing in the United States. Instead, he is subject to § 1226(a) that allows for release on conditional parole or bond. Indeed, § 1226(a) expressly applies to people who, like Aleman Hernandez, are charged as inadmissible for having entered the United States without admission or parole.

6. Respondents’ new legal interpretation is plainly contrary to the statutory framework and decades of agency practice applying § 1226(a) to people like Aleman Hernandez.

7. Accordingly, Aleman Hernandez seeks relief in the form of a writ of habeas corpus directing Respondents to provide him with a bond hearing under INA § 236(a) within seven (7) days of the Court’s order.

CUSTODY

8. Aleman Hernandez has been in the custody of Respondents since September 15, 2025. On October 6, 2025, Aleman Hernandez was transferred from El Paso, Texas, to where he is currently detained at the Aurora Contract Detention Facility in Aurora, Colorado. He remains under Respondents' direct control and supervision.

JURISDICTION AND VENUE

9. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § § 2201-02 (declaratory relief), and Article I, section 9, clause 2 of the U.S. Constitution (Suspension Clause), as Aleman Hernandez is presently in custody under or by color of the authority of the United States, and he challenges his custody in violation of the Constitution, laws, or treaties of the United States.

10. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 678 (2001).

11. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Aleman Hernandez is confined in this District, at least one Respondent is in this District, Aleman Hernandez's immediate physical custodian is in this District, and a substantial part of the events giving rise to the claims in this action occurred in this District. *See Trump v. J.G.G.*, 145 S. Ct. 1003, 1005–06 (2025) (per curiam) (“For core habeas petitions, jurisdiction lies in only one district: the district of confinement” (internal quotation marks and citation omitted)).

HABEAS CORPUS

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28

U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

13. The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Challenges to immigration detention are properly brought directly through habeas. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004).

14. A petitioner is entitled to habeas relief if he demonstrates that his detention violates the United States Constitution or laws or treaties of the United States. 28 U.S.C. § 2241(c)(3).

PARTIES

A. Petitioner

15. Petitioner Denis Aleman Hernandez was detained by Respondents on September 15, 2025, and has been detained at the Aurora Contract Detention Facility since October 6, 2025. He has resided in the United States for over ten years since August 2015. He is in the custody and direct control of Respondents and their agents.

B. Respondents

16. Respondent Juan Baltazar is the Warden of the Aurora Contract Detention Facility. Respondent Baltazar has immediate physical custody of Aleman Hernandez and is sued in his official capacity.

17. Respondent Robert Hagan is the Field Office Director of the U.S. Immigration and Customs Enforcement Denver Field Office. Respondent Hagan has immediate physical custody of Aleman Hernandez and is sued in his official capacity.

18. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons has immediate physical custody of Aleman Hernandez and is sued in his official capacity.

19. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. Respondent Noem is a legal custodian of Aleman Hernandez and is sued in her official capacity.

20. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). Respondent Bondi is a legal custodian of Aleman Hernandez and is sued in her official capacity.

FACTUAL ALLEGATIONS

21. Aleman Hernandez is a long-time resident of the United States who has resided here continuously since August 2015. *See EOIR-42B, Application for Non-LPR Cancellation of Removal, dated October 14, 2025, attached hereto as Attachment E.* On January 11, 2018, Aleman Hernandez applied for Asylum with USCIS. On September 15, 2025, ICE arrested Aleman Hernandez at the USCIS Dallas Field Office when he attended his Asylum interview. *See USCIS, Interview Cancellation Notice, dated September 16, 2025, attached hereto as Attachment C.*

22. DHS did not notify Aleman Hernandez at any point under which statutory basis it was detaining him under. However, while not included with the Notice to Appear by DHS, the DHS Form I-213 states that Aleman Hernandez was arrested pursuant to a warrant for his arrest. *See DHS Form I-213, Record of Deportable/Inadmissible Alien, dated September 17, 2025, attached hereto as Attachment B.* The Notice to Appear and Form I-213 state that Aleman Hernandez is charged with being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who

entered the United States without admission or parole at an unknown place and time. *See Notice to Appear, dated September 17, 2025, attached hereto as Attachment A.*

23. The Form I-213 contains an allegation that there is a pending “smuggling” charge against Aleman Hernandez. *See Attachment B, attached hereto.* Undersigned counsel is actively attempting to obtain additional information about this allegation, but at present DHS has provided no documentation identifying a jurisdiction, case number, or factual basis for the asserted charge, and no public record has been located yet. Regardless, the mere existence of an unconfirmed or unadjudicated allegation does not render Aleman Hernandez ineligible for any form of relief for which he otherwise qualifies, nor does it provide a lawful basis for continued detention. Aleman Hernandez has no convictions related to smuggling, and a pending or unverified charge, without more, has no legal effect on the statutory provisions governing his custody.

24. After being transferred from the El Paso facility, Aleman Hernandez has remained detained at the Aurora Contract Detention Facility in Aurora, Colorado pending full removal proceedings since October 6, 2025. *See ICE Form I-830E, Notice to EOIR: Alien Address, dated October 6, 2025, attached hereto as Attachment D.*

25. On October 14, 2025, Aleman Hernandez applied for Non-LPR Cancellation of Removal based on his soon to be  U.S. citizen son and  U.S. citizen daughter. His son has been diagnosed with Autism. Aleman Hernandez supports his undocumented wife and mother and U.S. citizen children through the roofing company that he owns. *See Attachment E, attached hereto.*

26. Aleman Hernandez is currently scheduled for an Individual Hearing regarding his EOIR-42B, Application for Non-LPR Cancellation of Removal, and Form I-589, Application for Asylum, Withholding of Removal, and Protection Pursuant to the Convention Against Torture

(CAT), on December 17, 2025. *See Notice of Individual Hearing, dated October 15, 2025, attached hereto as Attachment F.*

27. As a person arrested inside the United States and held in civil immigration detention for pending removal proceedings, Aleman Hernandez is subject to detention, if at all, pursuant to 8 U.S.C. § 1226(a). Aleman Hernandez lacks any criminal predicates that could subject him to mandatory detention under 8 U.S.C. § 1226(c).

28. Aleman Hernandez has not requested a bond hearing from the Aurora Immigration Court as it would be presumptively denied under *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). However, as a person detained under 8 U.S.C. § 1226(a), Aleman Hernandez must, upon his request, receive a bond hearing with strong procedural protections. Aleman Hernandez requests such a bond hearing.

LEGAL FRAMEWORK

A. Due Process Clause

29. The Due Process Clause of the Fifth Amendment provides Morales Lopez with important protections regarding his detention. As the Supreme Court has explained, “[f]reedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

30. To guarantee against such arbitrary detention and to guarantee the right to liberty, due process requires “adequate procedural protections” that ensure the government’s asserted justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydas*, 533 U.S. at 690 (internal quotation marks omitted).

31. In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risks of danger to the community and to prevent flight. *Id.* The government may not detain a noncitizen based on any other justification.

32. As a result, where the government detains a noncitizen for a prolonged period or where the noncitizen pursues a substantial defense to removal or claim to relief, due process requires an individualized hearing before a neutral decisionmaker to determine whether detention remains reasonably related to its purpose. *Demore v. Kim*, 538 U.S. 510, 532 (2003) (Kennedy, J., concurring) (stating that an “individualized determination as to [a noncitizen’s] risk of flight and dangerousness” may be warranted “if the continued detention became unreasonable or unjustified”); *cf. Jackson v. Indiana*, 406 U.S. 715, 733 (1972) (detention beyond the “initial commitment” requires additional safeguards).

33. Courts have found that automatic detention pending appeal “after a judicial officer has determined that release [] is appropriate,” where the government has made no “showing of dangerousness or flight risk,” “renders the continued detention arbitrary” and “raises a substantial Fifth Amendment claim.” *Mohammed H. v. Trump*, 781 F. Supp. 3d 886, 895 (D. Minn. 2025).

B. Detention

34. The relevant detention statutes at issue here are 8 U.S.C. § 1225(b)(2), which requires mandatory detention “in the case of an alien who is an applicant for admission, if the examining immigration officer determines that the alien seeking admission is not clearly and beyond a doubt entitled to be admitted,” and 8 U.S.C. § 1226(a), which states that “an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C. § § 1225, 1226.

35. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585.

36. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

37. Thus, in the decades that followed their enactment in 1996, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered eligible for release on bond and received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

38. On July 8, 2025, ICE “in coordination with” the Department of Justice announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice.

39. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without

admission or parole shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

40. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are considered applicants for admission who are seeking admission and are ineligible for IJ bond hearings. *Id.*

41. Dozens of federal courts, including this Court, have rejected Respondents’ new interpretation of the INA’s detention authorities. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Los Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-Case RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Nava Hernandez v. Baltazar*, No. 25-cv-03094-CNS (D. Colo. Oct. 24, 2025); and *Moya Pineda v. Baltazar, et al.*, 1:25-cv-02955-GPGTPO (D. Colo. Oct. 20, 2025), ECF 21.

ARGUMENT

I. THE PLAIN TEXT OF 8 U.S.C. § 1225(b)(2) AND 8 U.S.C. § 1226(a) DEMONSTRATE ALEMAN HERNANDEZ IS DETAINED UNDER 8 U.S.C. § 1226(a), NOT 8 U.S.C. § 1225(b).

42. Respondents have taken the position that a noncitizen who entered the country without inspection is always an ‘applicant for admission’ and subject to mandatory detention under § 1225, no matter how long the noncitizen has been present in the country. *See Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *10-11 (D. Colo. Oct. 22, 2025). Aleman

Hernandez asserts that the definition of “applicant for admission” found in § 1225(b)(a)(1) “does not control for § 1225(b)(2), which does not apply to all applicants for admission, but only those actively ‘seeking admission’ at the border.” *Id.*

43. The District Court of Colorado has found that Respondents’ interpretation of the statute is contrary to its plain language. *See Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *12 (D. Colo. Oct. 22, 2025); *Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-Case RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Nava Hernandez v. Baltazar*, No. 25-cv-03094-CNS (D. Colo. Oct. 24, 2025); *Moya Pineda v. Baltazar, et al.*, 1:25-cv-02955-GPGTPO (D. Colo. Oct. 20, 2025), ECF 21 at 2, 3 (determining that petitioner, who has lived in the United States for “nearly twenty years” and “was not detained while attempting to enter the country ... is not subject to § 1225(b)(2)(A)’s mandatory detention provision”).

44. The weight of authority interpreting § 1225 has recognized that for § 1225(b)(2)(A) to apply, several conditions must be met—in particular, an “examining immigration officer” must determine that the individual is: 1) an applicant for admission; 2) seeking admission; and 3) not clearly and beyond a doubt entitled to be admitted. *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *12 (D. Colo. Oct. 22, 2025) (*citing Martinez v. Hyde*, No. 25-cv-11613-BEM, 2025 WL 2084238, at *2 (D. Mass. July 24, 2025)).

45. The plain meaning of the phrase “seeking admission” requires that an applicant be presently and actively seeking lawful entry into the United States. *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *12-13 (D. Colo. Oct. 22, 2025). The use of the present participle in § 1225(b)(2)(A) “implies action—something that is currently occurring, and in this instance, would most logically occur at the border upon inspection.” *Id.* at *13 (*citing Lopez-Campos v. Raycraft*, F. Supp. 3d, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025)). Simply

put, “noncitizens who are just present in the country...,who have been here for years upon years and never proceeded to obtain any form of citizenship...are not ‘seeking admission’ under § 1225(b)(2)(A).” *Id.*

46. As § 1225(b)(2)(A) applies only to those noncitizens who are actively ‘seeking admission’ to the United States, it cannot, according to its ordinary meaning, apply to persons who have already been residing in the United States for several years. *Id.* (citing *Lopez-Benitez v. Francis*, F. Supp. 3d, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025)).

47. Aleman Hernandez has been present in the United States since approximately August 2015. Therefore, notwithstanding any lack of lawful status, Aleman Hernandez was not seeking lawful entry into the United States at the time he was detained—he was already here. He was thus not “seeking admission” and is not subject to § 1225(b)(2)(A)’s mandatory detention provision. *See Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *16 (D. Colo. Oct. 22, 2025) (citing *Lepe v. Andrews*, F. Supp. 3d, 2025 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025) (“[P]etitioner is not actively ‘seeking’ ‘lawful entry’ because he already entered the United States—thirty-two years ago. If anything, petitioner is seeking to *remain* in the United States.”)).

II. OTHER FACTORS DEMONSTRATE ALEMAN HERNANDEZ IS DETAINED UNDER 8 U.S.C. § 1226(a).

48. Although the plain text of the statute demonstrates that Aleman Hernandez is not detained under § 1225, there are other factors present to demonstrate that Aleman Hernandez is detained under § 1226(a).

49. Aside from being inconsistent with the statute’s plain language, Respondents’ interpretation is inconsistent with the related implementing regulations. Though not binding, “interpretations issued contemporaneously with the statute at issue, and which have remained

consistent over time, may be especially useful in determining the statute's meaning.” *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394 (2024).

50. The implementing regulations state that “any arriving alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings pursuant to section 240 of the Act shall be detained in accordance with section 235(b) of the Act.” 8 C.F.R. § 235.3(c)(1). The regulations define “arriving alien” as “an applicant for admission coming or attempting to come into the United States.” *Id.* § 1.2.

51. The regulations appear “to contemplate that applicants seeking admission are a subset of applicants ‘roughly interchangeable’ with ‘arriving aliens,’” *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL 2822876, at *11 (N.D. Cal. Oct. 3, 2025) (quoting *Martinez*, 2025 WL 2084238, at *6), and underscore Aleman Hernandez’s interpretation of § 1225.

52. Respondents’ treatment of Aleman Hernandez also conflicts with their assertion that he is detained pursuant to § 1225. The Notice to Appear issued to Aleman Hernandez contains three designation options for Aleman Hernandez: 1) “an arriving alien”; 2) “an alien present in the United States who has not been admitted or paroled”; and 3) a person “admitted to the United States, but ... is removable.” *See Attachment A, attached hereto*. The issuing DHS officer did not designate Aleman Hernandez as “an arriving alien,” which, as explained above, “is the active language used to define the scope of section 1225(b)(2)(A) in its implementing regulation.” *See* 8 C.F.R. § 235.3(c)(1). It also states that he is being placed in INA § 240 proceedings.

53. While a copy was not provided to the Court, the DHS I-213 also states that Aleman Hernandez was arrested pursuant to a warrant for his arrest. *See Attachment B, attached hereto*. The authority for which is solely governed by INA § 236. Therefore, the Government’s own detention paperwork suggests that Aleman Hernandez is detained under § 1226, not § 1225. *Lopez*

Benitez, 2025 WL 2371588, at *4 (“Respondents’ own exhibits unequivocally establish that Mr. Lopez Benitez was detained pursuant to Respondents’ discretionary authority under § 1226(a). The warrants for Mr. Lopez Benitez’s respective arrests in 2023 and 2025 explicitly authorized those arrests pursuant to ‘section 236 of the Immigration and Nationality Act’—i.e. § 1226.”).

54. In sum, Aleman Hernandez is subject to the discretionary framework of § 1226(a) and his continued detention without a bond hearing is unlawful.

CLAIMS FOR RELIEF

Count One Violation of 8 U.S.C. § 1226(a), INA § 236(a) Unlawful Denial of Bond Hearings

55. Aleman Hernandez realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

56. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to noncitizens like Aleman Hernandez who are residing in the United States who are subject to the grounds of inadmissibility because they previously entered the country without being inspected or admitted. Such noncitizens are detained under § 1226(a).

57. Under 8 U.S.C. § 1226(a), he is entitled to a bond hearing. He will not be provided a bond hearing as required by law.

58. The application of § 1225(b)(2) to Aleman Hernandez unlawfully mandates his continued detention and violates the INA.

Count Two Violation of Fifth Amendment Right to Due Process Failure to Provide Bond Hearing Under 8 U.S.C. § 1226(a)

59. Aleman Hernandez realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

60. Because Aleman Hernandez is subject to detention, if at all, under 8 U.S.C. § 1226(a), the Due Process Clause of the Fifth Amendment to the United States Constitution requires that he receive a bond hearing with strong procedural protections.

61. Aleman Hernandez will not be provided with a bond hearing as required by law.

62. Aleman Hernandez's continued detention is therefore unlawful.

Count Three
Violation of Fifth Amendment Right to Due Process
Failure to Provide Individualized Hearing for Civil Immigration Detention

63. Aleman Hernandez realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

64. The Fifth Amendment's Due Process Clause specifically forbids the Government to deprive any person of liberty without due process of law. U.S. Const. amend. V.

65. The Due Process Clause applies to all persons within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

66. Freedom from imprisonment from government custody, detention, or other forms of physical restraint lies at the heart of the liberty protected by the Due Process Clause. *Id.* at 690.

67. The Supreme Court, thus, has repeatedly recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection including an individualized detention hearing.

68. Aleman Hernandez is held without being provided an individualized detention hearing.

69. Aleman Hernandez's continued detention is therefore unlawful, regardless of what statute might apply to purportedly authorize such detention.

Count Four
Violation of Administrative Procedure Act (5 U.S.C. § 706)

70. Aleman Hernandez is being detained without a bond hearing pursuant to the BIA's decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).

71. The BIA's decision in *Matter of Yajure Hurtado* is unlawful because it violates the Administrative Procedure Act, because it is arbitrary, capricious, and contrary to law.

72. Aleman Hernandez's detention is therefore unlawful.

PRAYER FOR RELIEF

Petitioner Aleman Hernandez prays that this Court grant the following relief:

- (1) Assume jurisdiction over this matter;
- (2) Order that Aleman Hernandez shall not be transferred outside the District of Colorado;
- (3) Grant Aleman Hernandez's Petition for Writ of Habeas Corpus based on the violation of 8 U.S.C. § 1226(a) and the Due Process Clause of the Fifth Amendment;
- (4) Order Respondents to provide Aleman Hernandez with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 7 days of the Court's order;
- (5) Enjoin Respondents from re-detaining Aleman Hernandez under § 1225;
- (6) Enjoin Respondents from re-detaining Aleman Hernandez unless his circumstances change, or he has a final order of removal;
- (7) Award Petitioner reasonable attorneys' fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412; and
- (8) Grant any further relief the Court deems just and proper.

Dated this 17th day of November 2025.

Respectfully submitted,

/s/ Skylar M. Larson

Skylar M. Larson, Esq.

8275 E. 11th Ave. # 200176

Denver, CO 80220

Tel: (970) 692-3156

Email: skylarmlarsonesq@gmail.com

ATTORNEY FOR PETITIONER

**VERIFICATION BY SOMEONE ACTING ON PETITIONER'S BEHALF PURSUANT
TO 28 U.S.C. § 2242**

I am submitting this verification on behalf of the Petitioner because I am the attorney for Petitioner. I have discussed with Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 17th day of November 2025.

/s/ Skylar M. Larson
Skylar M. Larson, Esq.
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **Petition for Writ of Habeas Corpus and Attachments A-F** will be effectuated contemporaneously with the Court's issuance of an Order directing service pursuant to Federal Rule of Civil Procedure 4(i), at which time true and correct copies will be mailed via **U.S. Postal Service Priority Mail Express** to the following:

JUAN BALTAZAR, Warden of Aurora Contract Detention Facility
GEO Group, Inc.
3130 N Oakland Street
Aurora, CO 80010
Respondent

ROBERT HAGAN, Denver Field Office Director
Denver ICE Field Office
12445 E. Caley Avenue
Centennial, CO 80111
Respondent

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement
c/o Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

KRISTI NOEM, Secretary of U.S. Department of Homeland Security
c/o Office of the General Counsel
U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

PAMELA BONDI, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Respondent

KEVIN TRASKOS, Chief, Civil Division
U.S. Attorney's Office District of Colorado
1801 California Street, Ste. 1600
Denver, CO 80202
Attorney for Respondent

/s/ Skylar M. Larson
Skylar M. Larson, Esq.

ATTORNEY FOR PETITIONER

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

Civil Action No. 1:25-cv-3688

DENIS ALEMAN HERNANDEZ

Petitioner,

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JUAN BALTAZAR, in his official capacity as
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Acting Director of U.S. Immigration and
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KRISTI NOEM, in her official capacity as
Secretary of U.S. Department of Homeland Security; and
PAMELA BONDI, in her official capacity as
Attorney General of the United States.

Respondents.

ATTACHMENTS TO PETITION FOR WRIT OF HABEAS CORPUS

ATTACHMENT A.	Notice to Appear, dated September 17, 2025
ATTACHMENT B.	DHS Form I-213, Record of Deportable/Inadmissible Alien, dated September 17, 2025
ATTACHMENT C.	USCIS, Interview Cancellation Notice, dated September 16, 2025
ATTACHMENT D.	ICE Form I-830E, Notice to EOIR: Alien Address, dated October 6, 2025
ATTACHMENT E.	EOIR-42B, Application for Non-LPR Cancellation of Removal, dated October 14, 2025
ATTACHMENT F.	Notice of Individual Hearing, dated October 15, 2025

A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [REDACTED]
Event No: [REDACTED]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS: [REDACTED] File No: [REDACTED]

In the Matter of:

Respondent: DENIS ALEMAN HERANDEZ currently residing at:

BDC 400 2nd street Anson, TEXAS 79501 (325) 823-8031
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States
2. You are a native of HONDURAS and a citizen of HONDURAS;
3. You entered the United States at or near unknown place, on or about unknown date;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

8915 MONTANA AVE, STE C EL PASO, TEXAS 79925. BLUEBONNET DETENTION CENTER
(Complete Address of Immigration Court, including Room Number, if any)

on October 2, 2025 at 8:30 am to show why you should not be removed from the United States based on the
(Date) (Time)

charge(s) set forth above.

C7236 LAZO - SDDO
(Signature and Title of Issuing Officer)

Date: September 17, 2025

Dallas, Tx
(City and State)

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

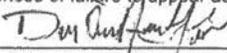
(Signature and Title of Immigration Officer)

Certificate of Service

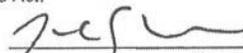
This Notice To Appear was served on the respondent by me on September 17, 2025, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.



(Signature of Respondent if Personally Served)

 N. #3695 SHERRILL - DO

(Signature and Title of officer)

Privacy Act Statement

Authority:

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

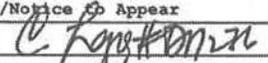
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

B

U.S. Department of Homeland Security

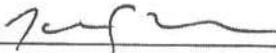
Subject ID : XXXXXXXXXX

Record of Deportable/Inadmissible Alien

Family Name (CAPS) ALEMAN HERANDEZ, DENIS		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmplxn LBR
Country of Citizenship HONDURAS	Passport Number and Country of Issue XXXXXXXXXX	File Number XXXXXXXXXX		Height 70	Weight 175	Occupation LABORER	
U.S. Address BDC 400 2ND STREET ANSON, TEXAS, 79501,				Scars and Marks			
Date, Place, Time, and Manner of Last Entry Unknown Date Unknown Time,			Passenger Boarded at	E.I. Number XXXXXXXXXX			
Number, Street, City, Province (State) and Country of Permanent Residence				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth XXXXXXXXXX Age: 36				Date of Action 09/17/2025	Location Code DAL/DAL		
City, Province (State) and Country of Birth HONDURAS		AR <input checked="" type="checkbox"/>	Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>				
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number XXXXXXXXXX					
Immigration Record NEGATIVE			Criminal Record See Narrative				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known ALEMAN, ANSELMO NATIONALITY: HONDURAS			Mother's Present and Maiden Names, Nationality, and Address, if Known HERNANDEZ, MARIA NATIONALITY: EL SALVADOR				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks	Charge Code Words(s) See Narrative			
Name and Address of (Last)(Current) U.S. Employer		Type of Employment See Narrative	Salary See Narrative	Employed from/to See Narrative			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)							
FIN: XXXXXXXXXX		Left Index fingerprint			Right Index fingerprint		
							
Subject Health Status							
The subject claims good health.							
Current Administrative Charges							
09/15/2025 - 212a6Ai - ALIEN PRESENT WITHOUT ADMISSION OR PAROLE - (PWAs)							
Previous Criminal History ... (CONTINUED ON I-831)							
Alien has been advised of communication privileges <u>9-17-25 NS</u> (Date/Initials)			 N. #3695 SHERRILL DO (Signature and Title of Immigration Officer)				
Distribution:		Received: (Subject and Documents) (Report of Interview)					
A-file		Officer: N. #3695 SHERRILL					
SDDO		on: September 17, 2025 (time)					
Stats		Disposition: Warrant of Arrest/Notice to Appear					
		Examine Officer: LAZO, C7236 					

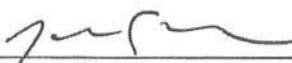
U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name ALEMAN HERANDEZ, DENIS	File Number [REDACTED]	Date 09/17/2025
Event No: [REDACTED]		
----- On 12/12/2022, the subject was arrested for the crime of "Smuggling" which is still pending. TYPE OF EMPLOYMENT ----- Occupation Not Reported Record of Deportable/Excludable Alien: ----- On September 15, 2025, at approximately 1030 hrs, Dallas Fugitive Operations officers received notification that the subject was checking in for his I-589 appointment at 4050 Alpha Rd, Suite 561, Farmers Branch, Texas. Officers responded to the office after the USCIS staff notified us that the subject was present for his interview. Officers were escorted into the interview room where they made contact with the target, ALEMAN-HERNANDEZ, Denis. Officers asked the subject if he was in possession of any identification documents, the subject provided a Texas Drivers License and a Honduran passport that matched his name and DOB on his pending applications. Officers identified themselves as immigration officers and explained to the subject that he had an immigration warrant for his arrest. The subject was then placed under arrest without incident. The subject was transported to the Dallas Field Office and turned over to the Dallas CAP team for processing. Other Identifying Numbers ----- ALIEN- [REDACTED]		
Signature N. #3695 SHERRILL 	Title DO	

U.S. Department of Homeland Security

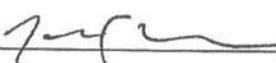
Continuation Page for Form I213

Alien's Name ALEMAN HERANDEZ, DENIS	File Number [REDACTED] Event No: [REDACTED]	Date 09/17/2025
ADDENDUM TO RECORD OF DEPORTABLE/EXCLUDABLE ALIEN -----		
ENCOUNTER: <p>The subject was encountered by Dallas ICE ERO Agents on September 15, 2025, during the routine performance of CAP duties. The subject was notified that there was an immigration warrant for his arrest. Pursuant to an interview by a Deportation Officer the subject was determined to be a citizen and national of Honduras illegally present in the United States. He stated that his mother and father is a citizen of Honduras. The subject was placed under arrest and transported to the Dallas Field Office without incident.</p>		
CUSTODY: <p>On September 15, 2025, the subject was transported to the Dallas Field Office where the subject was fingerprinted, photographed, and entered into the ENFORCE/IDENT and IAFIS systems. Checks were also run in EARM, NCIC and TECS. These checks revealed the criminal and immigration histories above.</p>		
ADMISSIBILITY / REMOVABILITY: <p>The subject stated that he is a citizen and national of Honduras who last entered the United States illegally on or about an unknown date, at or near an unknown place. The subject did not present himself for inspection or admission by an immigration officer at a prescribed port of entry. The subject does not possess any type of immigration document that would allow him to reside or work legally in the United States. The subject is removable under Section 212(a) (6) (A) (i) of the Immigration and Nationality Act.</p>		
IMMIGRATION HISTORY: None		
CRIMINAL HISTORY: ARREST: 12/12/2022 Kimbel County Sheriffs Office CHARGE: Smuggling of persons (7 charges) DISPO: (2023-09-20 Pending) Absconded		
FAMILY TIES / EQUITIES: The subject does not claim to be legally married.		
MILITARY: <p>The subject claims to have never served in any branch of the Armed Services in the United States.</p>		
GANG and TERRORISM AFFILIATIONS: <p>Subject claims that he is not affiliated with any gangs or terrorist organizations.</p>		
HEALTH: <p>The subject appears healthy. The subject has stated to be healthy. The subject is not</p>		
Signature N. #3695 SHERRILL 	Title DO	

EOIR - 3 of 5

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name ALEMAN HERANDEZ, DENIS	File Number [REDACTED]	Date 09/17/2025
Event No: [REDACTED]		
<p>currently taking medications. The subject has not made any complaints of a medical nature.</p> <p>FUNDS: The subject has \$00.00 in his possession.</p> <p>CONSULAR RIGHTS: The subject has been advised of subject's right to speak with a consular official from subject's country and afforded the opportunity. Subject was also provided a list of free legal services.</p> <p>PHONE CALL: The subject was given an opportunity to make a phone call while in custody.</p> <p>DISPOSITION: The subject is removable under Section 212 (a) (6) (A) (i) of the Immigration and Nationality Act. The subject was issued a Notice to Appear and will be detained in ICE custody until his hearing.</p>		
Signature N. #3695 SHERRILL 	Title DO	

C

D

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement

Event No: 

NOTICE TO EOIR: ALIEN ADDRESS

Date: October 6, 2025

To: Enter Name of BIA or Immigration Court I-830 EOIR SPC El Paso, TX
Enter BIA or Immigration Court Three Letter Code@usdoj.gov EPD

From: Enter Name of ICE Office ERO - CDF Denver, CO Sub-Office
Enter Street Address of ICE Office ERO - CDF Denver, CO Sub-Office 3130 NORTH OAKLAND STREET

Enter City, State and Zip Code of ICE Office AURORA, CO 80010

Respondent: Enter Respondent's Name ALEMAN HERANDEZ, DENIS
Allen File No: Enter Respondent's Alien Number 

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:
Enter Name of Institution where Respondent is being detained _____
Enter Street Address of Institution where Respondent is being detained _____
Enter City, State and Zip code of Institution where Respondent is being detained _____
Enter Respondent's Inmate Number _____
His/her anticipated release date is Enter Respondent's Anticipated Release Date. _____

Detained by ICE on Enter Date Respondent was Detained by ICE at: September 15, 2025
Enter Name of ICE Detention Facility where Respondent is being detained DENVER CONTRACT DETENTION FACILITY
Enter Street Address of ICE Detention Facility where Respondent is being detained 3130 OAKLAND ST
Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained AURORA CO 80010

Detained by ICE and transferred on Enter Date Respondent was transferred to: _____
Enter Name of ICE Detention Facility where Respondent has been transferred _____
Enter Street Address of ICE Detention Facility where Respondent has been transferred _____
Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred _____

Released from ICE custody on the following condition(s):
 Order of Supervision or Own Recognizance (Form I-220A)
 Bond in the amount of Enter Dollar Amount of Respondent's Bond
 Removed, Deported, or Excluded
 Other _____

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:
Enter Respondent's Street Address _____
Enter Respondent's City, State and Zip Code _____
Enter Respondent's Telephone Number (including area code) _____

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title Refugee Officer S. FEIGELSON

EOIR - 1 of 1

E

F

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
AURORA IMMIGRATION COURT

LEAD FILE: [REDACTED]
IN REMOVAL PROCEEDINGS
DATE: Oct 15, 2025

TO: Consumer Law Group, LLC
Castillo, Rafael
6232 N. Pulaski Rd.
Ste. 300
Chicago, IL 60646

RE: [REDACTED] ALEMAN HERANDEZ, DENIS

Notice of In-Person Hearing

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Date: Dec 17, 2025
Time: 1:00 P.M. MT
Court Address: 3130 N. OAKLAND ST., AURORA, CO 80010

Representation: You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

Failure to Appear: If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

Change of Address: The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Internet-Based Hearings: If you are scheduled to have an internet-based hearing, you will appear by video or telephone. If you prefer to appear in person at the immigration court named above, you must file a motion for an in-person hearing with the immigration court at least fifteen days before the hearing date provided above. Additional information about internet-based hearings for each immigration court is available on EOIR's website at <https://www.justice.gov/eoir/eoir-immigration-court-listing>.

In-Person Hearings: If you are scheduled to have an in-person hearing, you will appear in person at the immigration court named above. If you prefer to appear remotely, you must file a motion for an internet-based hearing with the immigration court at least fifteen days before the hearing date provided above.

For information about your case, please call 1-800-898-7180 (toll-free) or 304-625-2050.

The Certificate of Service on this document allows the immigration court to record delivery of this notice to you and to the Department of Homeland Security.

CERTIFICATE OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL [M] PERSONAL SERVICE [P] ELECTRONIC SERVICE [E]
TO: [] Noncitizen | [] Noncitizen c/o Custodial Officer |
 [E] Noncitizen ATT/REP | [E] DHS
DATE: 10.15.2025 BY: COURT STAFF AG
Attachments: [] EOIR-33 [] Appeal Packet [] Legal Services List [] Other NH

Use a smartphone's camera to scan the code on this page to read the notice online.

Usa la cámara de un teléfono inteligente para escanear el código de esta página y leer el aviso en línea.

Use a câmara do smartphone para digitalizar o código nesta página e ler o manual de instruções online.

使用智能手机摄像头扫描本页面的代码，即可在线阅读该通知。

ନିମ୍ନ ଟୁ କୋଡ୍‌ସ୍କାନ କରି ପଢ଼ିବେ ଏହି ପୃଷ୍ଠାରେ ଅବସ୍ଥାନ କରି ନିମ୍ନଲିଖିତ ନିର୍ଦ୍ଦେଶାବଳୀକୁ ଅନୁସରଣ କରନ୍ତୁ।

ଅନଲାଇନରେ ନୋଟିସ୍ ପଢ଼ିବା ପାଇଁ ଏହି ପୃଷ୍ଠାରେ କୋଡ୍‌ସ୍କାନ କରନ୍ତୁ ଏବଂ ସ୍ମାର୍ଟଫୋନ୍‌ରେ କ୍ୟାମେରା ବ୍ୟବହାର କରନ୍ତୁ।



सूचना अनलाइनमा पढ्न यस पृष्ठमा कोड स्क्यान गर्न स्मार्टफोनको क्यामेरा प्रयोग गर्नुहोस्।

Sèvi ak kamera yon telefòn entèlijan pou eskane kòd ki nan paj sa a pou li avi a sou entènèt.

استخدم كاميرا الهاتف الذكي لمسح الرمز الموجود في هذه الصفحة لقراءة الإشعار على الإنترنت

Чтобы прочитать уведомление онлайн, отсканируйте код на этой странице с помощью камеры вашего смартфона.

Utilisez l'appareil photo d'un téléphone intelligent pour scanner le code sur cette page afin de lire l'avis en ligne.