

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

Civil Action No. 1:25-cv-03688-SKC-SBP

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.

PETITIONER'S RESPONSE TO RESPONDENTS' STATUS REPORT

Petitioner, DENIS ALEMAN HERNANDEZ, by and through undersigned counsel respectfully submits this response to Respondents' status report. ECF No. 12.

On December 23, 2025, this Court ordered Respondents to provide Aleman Hernandez with a bond hearing within seven (7) days of the Court's Order. ECF No. 11. The Court also ordered that within ten (10) days of that hearing, Respondents should provide the Court a status update as to 1) when the bond hearing occurred, 2) if bond was granted or denied, and 3) if bond was denied, the reasons for denial. ECF No. 11.

On January 2, 2026, Respondents filed their Status Report. ECF No. 12. The Status Report states that a bond hearing occurred on December 30, 2025, and that bond was denied, but does not state the reasons for the denial as expressly ordered by the Court. ECF No. 12. Aleman Hernandez

submits this response because the Court lacks information it specifically required. *See* ECF Nos. 11 and 12.

In the written decision dated December 31, 2025, and served on undersigned counsel on January 2, 2026, the Immigration Judge denied bond under 8 U.S.C. § 1226(a) after concluding that Aleman Hernandez failed to meet his burden to establish that he is not a danger to the community and not a flight risk. In denying bond, the Immigration Judge treated Aleman Hernandez's December 2022 arrest as indicative of serious and unresolved criminal conduct—effectively crediting the arrest as either a pending prosecution or the functional equivalent of a conviction for purposes of the dangerousness and flight-risk analysis.

Aleman Hernandez respectfully notes that the Immigration Judge's denial rests on factual premises that are currently under review and correction. Specifically, Aleman Hernandez submitted to the Immigration Court the Kimble County Sheriff's Office offense report reflect that *the December 2022 matter was "cleared by arrest."* Aleman Hernandez has also requested certified case-status confirmation from the Kimble County District Court regarding whether any criminal charges were ever filed, which remains pending. *If the certified record confirms that no criminal case exists, that evidence would directly negate the factual premise underlying the Immigration Judge's denial.*

The Immigration Judge further found that, notwithstanding Aleman Hernandez's family ties, business and property ownership, and U.S. citizen sponsor, he presented an unacceptably high risk of flight. That conclusion relied on the same arrest-related allegations and perceived uncertainty regarding Aleman Hernandez's eligibility for Non-LPR Cancellation of Removal under INA § 240A(b).

The Immigration Judge's analysis of his eligibility for relief characterized the hardship evidence as amounting to nothing more than ordinary family separation. In doing so, the Immigration Judge did not address *the un rebutted evidence specific to Aleman Hernandez* and his child diagnosed with Autism, including a letter from the child's teacher describing the child's developmental needs, reliance on Aleman Hernandez for emotional regulation, and the observable distress caused by Aleman Hernandez's detention.

By collapsing this evidence into a generic family-separation analysis, the Immigration Judge effectively treated Aleman Hernandez's case as indistinguishable from routine hardship claims, notwithstanding record evidence demonstrating that his child has special needs requiring substantial support and stability. This omission materially affected the Immigration Judge's assessment of Aleman Hernandez's equities and, in turn, the flight-risk analysis, which relied in part on the perceived uncertainty of discretionary relief.

As Respondents did not include the reasons for the bond denial as ordered, Aleman Hernandez provides the foregoing summary to ensure the Court has the information it requested and can evaluate the current procedural posture of this case. Because the Immigration Judge's stated reasons for denying bond are based on pending certified records, *the adequacy and finality of the bond determination remain unresolved*. Aleman Hernandez does not concede the accuracy of the Immigration Judge's findings, and upon receipt of the certified records, intends to file a Motion to Reconsider addressing these material factual errors.

In light of the procedural posture of this case, Aleman Hernandez is concurrently filing a Motion to Hold These Proceedings in Temporary Abeyance. As set forth in that Motion, the Immigration Judge's bond denial rests on factual premises that are currently under active agency,

and a brief, time-limited pause will allow that process to conclude before the Court determines its next steps.

Dated this 2nd day of January 2026.

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

CERTIFICATE OF SERVICE

I hereby certify that on January 2, 2026, I electronically filed the foregoing **Petitioner's Response to Respondents' Status Report** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Zeyen Julian Wu
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Zeyen.wu@usdoj.gov

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

ATTORNEY FOR PETITIONER