

**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.

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**PETITIONER'S SUPPLEMENTAL NOTICE IN SUPPORT OF  
MOTION TO HOLD IN ABEYANCE**

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Petitioner, DENIS ALEMAN HERNANDEZ, by and through undersigned counsel respectfully submits this Supplemental Notice in further support of his pending Motion to Hold this matter in Abeyance. This supplement advises the Court that the anticipated agency reconsideration proceedings referenced in Petitioner's Motion have now been formally initiated before the Immigration Court.

On January 8, 2026, Aleman Hernandez filed a Motion to Reconsider the Immigration Judge's December 31, 2025, written bond decision pursuant to 8 C.F.R. § 1003.23(b)(1). The Motion to Reconsider is now fully briefed and pending adjudication before the Immigration Court. A copy of the Motion to Reconsider and supporting exhibits was filed contemporaneously in the

Immigration Court record and is available for the Court's review. *See Motion to Reconsider with Index of Exhibits in Support, dated January 8, 2026, attached hereto as Attachment A.*

The Motion to Reconsider identifies material errors of fact and mischaracterizations of the record that directly overlap with the issues presented in this habeas action—specifically, whether the bond hearing ordered by this Court under 8 U.S.C. § 1226(a) constituted a meaningful exercise of discretion, or whether the denial rested on a materially incorrect factual predicate.

As set forth in Aleman Hernandez's Motion to Hold in Abeyance, the Immigration Judge's denial of bond rested heavily on the characterization of his December 2022 arrest as indicative of unresolved or ongoing criminal conduct, and on a corresponding assessment of dangerousness and flight risk.

The Motion to Reconsider squarely addresses those factual premises. It demonstrates that the Immigration Judge accorded dispositive weight to an uncorroborated arrest report, treated Aleman Hernandez as though he were a formally accused felon despite the absence of service, arraignment, or conviction, and misstated the record by asserting that Aleman Hernandez had been "arrested for evading arrest," when no such charge exists. The Motion further details the Court's failure to meaningfully engage with unrebutted evidence bearing directly on flight risk, including Aleman Hernandez's voluntary compliance with immigration process, his long-pending Asylum application, and individualized hardship evidence concerning his U.S. citizen child with Autism.

Because the Immigration Court is now actively reconsidering whether its bond determination rested on factual error or analytical omission, the agency proceedings have the potential to materially alter the posture of this habeas case. Therefore, holding this matter in temporary abeyance remains appropriate and prudent.

If the Immigration Judge grants reconsideration and corrects the factual record—either by setting bond or by issuing a revised custody determination grounded in accurate facts—the need for further intervention by this Court may be narrowed or resolved entirely. Conversely, if the Immigration Court declines to correct the bond determination notwithstanding the errors identified in the Motion to Reconsider, the District Court will retain a fully developed record demonstrating whether the § 1226(a) hearing ordered by this Court was implemented in substance, not merely in form. At that point, the Court would be positioned to determine whether enforcement of its prior order, including renewed bond proceedings or release, is warranted.

A brief abeyance thus serves the interests of judicial economy, avoids duplicative or premature adjudication, and ensures that the Court’s habeas review proceeds on a complete and accurate record—particularly where continued detention implicates core liberty interests.

For these reasons, Aleman Hernandez respectfully reiterates his request that this matter be held in temporary, limited abeyance pending adjudication of the Motion to Reconsider currently before the Immigration Court. Aleman Hernandez will promptly notify the Court of the Immigration Judge’s ruling and will advise whether further relief from this Court is required.

Dated this 12th day of January 2026.

Respectfully submitted,

/s/ Skylar M. Larson

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ATTORNEY FOR PETITIONER

**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2026, I electronically filed the foregoing **Petitioner's Supplemental Notice in Support of Motion to Hold in Abeyance** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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