

**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 STATUS REPORT

Petitioner, DENIS ALEMAN HERNANDEZ, by and through undersigned counsel respectfully submits this Status Report regarding the current procedural posture of this matter and his pending Motion to Enforce this Court's Order.

BACKGROUND

Following this Court's grant of Habeas relief, the Immigration Judge conducted a bond hearing pursuant to 8 U.S.C. § 1226(a) but denied bond, concluding that Aleman Hernandez failed 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.

On January 2, 2026, Aleman Hernandez moved this Court to hold this matter in abeyance while he sought reconsideration with the immigration court. ECF No. 14. Aleman Hernandez thereafter filed his Motion to Reconsider before the Immigration Court.

On January 20, 2026, Aleman Hernandez moved this Court to enforce its prior Order. ECF No. 19. Respondents filed their opposition on January 27, 2026. ECF No. 22. To date, the Motion to Enforce remains pending.

STATUS REPORT

On February 2, 2026, Immigration Judge Tyler Wood denied Aleman Hernandez's Motion to Reconsider in a summary order stating only that, "[a]fter reviewing the record in its entirety ... the court has not identified any material error in law or fact in its prior decision." *See* ECF No. 23 at Attachment A.

On February 13, 2026, Aleman Hernandez appeared before the Aurora Immigration Court for an Individual Hearing on his applications for Non-LPR Cancellation of Removal and Asylum. At the conclusion of that hearing, the Immigration Judge ordered Aleman Hernandez removed. *See Order of the Immigration Judge, dated February 13, 2026, attached hereto as Attachment A.*

Aleman Hernandez has now been detained for over six months. In light of the removal order, and to avoid any jurisdictional or logistical complications arising from this Court's prior restriction on transfer, Aleman Hernandez respectfully requests that the Court lift its Order prohibiting his transfer out of the State of Colorado so that ICE may effectuate removal.

CONCLUSION

Aleman Hernandez respectfully submits this Status Report to apprise the Court of the current procedural posture and requests that the Court lift the prior transfer restriction in light of the Immigration Judge's February 13, 2026 removal order.

Dated this 17th day of February 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 February 17, 2026, I electronically filed the foregoing **Petitioner's Status Report, with Attachment A** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Timothy Bart Jafek
U.S. Attorney's Office for the District of Colorado
1801 California Street, Ste. 1600
Denver, CO 80202
Email: timothy.jafek@usdoj.gov

/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-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 ATTACHMENTS TO STATUS REPORT

ATTACHMENT A. Order of the Immigration Judge, dated February 13, 2026

A



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

Respondent Name:

ALEMAN HERANDEZ, DENIS

To:

Larson, Skylar Madison
8275 E 11th Ave # 200176
Denver, CO 80220

A-Number:



Riders:

In Removal Proceedings

Initiated by the Department of Homeland Security

Date:

02/13/2026

ORDER OF THE IMMIGRATION JUDGE

- This is a summary of the oral decision entered on 02/13/2026. The oral decision in this case is the official opinion, and the immigration court issued this summary for the convenience of the parties.
- Both parties waived the issuance of a formal oral decision in this proceeding.

I. Removability

The immigration court found Respondent removable inadmissible under the following Section(s) of the Immigration and Nationality Act (INA or Act): 212(a)(6)(A)(i)

The immigration court found Respondent not removable not inadmissible under the following Section(s) of the Act:

II. Applications for Relief

Respondent's application for:

A. Asylum/Withholding/Convention Against Torture

- Asylum was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under INA § 241(b)(3) was granted denied withdrawn with prejudice withdrawn without prejudice
- Withholding of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Deferral of Removal under the Convention Against Torture was granted denied withdrawn with prejudice withdrawn without prejudice
- Respondent knowingly filed a frivolous application for asylum after notice of the consequences. *See* INA § 208(d)(6); 8 C.F.R. §1208.20

B. Cancellation of Removal

- Cancellation of Removal for Lawful Permanent Residents under INA § 240A(a) was granted denied withdrawn with prejudice withdrawn without prejudice
- Cancellation of Removal for Nonpermanent Residents under INA § 240A(b)(1) was granted denied withdrawn with prejudice withdrawn without prejudice
- Special Rule Cancellation of Removal under INA § 240A(b)(2) was granted denied withdrawn with prejudice withdrawn without prejudice

C. Waiver

- A waiver under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

D. Adjustment of Status

- Adjustment of Status under INA § was granted denied withdrawn with prejudice withdrawn without prejudice

E. Other

III. Voluntary Departure

- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was denied.
- Respondent's application for pre-conclusion voluntary departure under INA § 240B(a) post-conclusion voluntary departure under INA § 240B(b) was granted, and Respondent is ordered to depart by . The respondent must post a \$ bond with DHS within five business days of this order. Failure to post the bond as required or to depart by the required date will result in an alternate order of removal to taking effect immediately.
- The respondent is subject to the following conditions to ensure his or her timely departure from the United States:
 - Further information regarding voluntary departure has been added to the record.
 - Respondent was advised of the limitation on discretionary relief, the consequences for failure to depart as ordered, the bond posting requirements, and the consequences of filing a post-order motion to reopen or reconsider:

If Respondent fails to voluntarily depart within the time specified or any extensions granted by the DHS, Respondent shall be subject to a civil monetary penalty as provided by relevant statute, regulation, and policy. *See* INA § 240B(d)(1). The immigration court has set

- the presumptive civil monetary penalty amount of \$3,000.00 USD
- \$ USD instead of the presumptive amount.

If Respondent fails to voluntarily depart within the time specified, the alternate order of removal shall automatically take effect, and Respondent shall be ineligible, for a period of 10 years, for voluntary departure or for relief under sections 240A, 245, 248, and 249 of the Act, to include cancellation of removal, adjustment of status, registry, or change of

nonimmigrant status. *Id.* If Respondent files a motion to reopen or reconsider prior to the expiration of the voluntary departure period set forth above, the grant of voluntary departure is automatically terminated; the period allowed for voluntary departure is not stayed, tolled, or extended. If the grant of voluntary departure is automatically terminated upon the filing of such a motion, the penalties for failure to depart under section 240B(d) of the Act shall not apply.

If Respondent appeals this decision, Respondent must provide to the Board of Immigration Appeals (Board), within 30 days of filing an appeal, sufficient proof of having posted the voluntary departure bond. The Board will not reinstate the voluntary departure period in its final order if Respondent does not submit timely proof to the Board that the voluntary departure bond has been posted.

In the case of conversion to a removal order where the alternate order of removal immediately takes effect, where Respondent willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

IV. Removal

- Respondent was ordered removed to Honduras
- In the alternative, Respondent was ordered removed to
- Respondent was advised of the penalties for failure to depart pursuant to the removal order:

If Respondent is subject to a final order of removal and willfully fails or refuses (1) to depart from the United States pursuant to the immigration court's order, (2) to make timely application in good faith for travel or other documents necessary to depart the United States, (3) to present themselves at the time and place required for removal by the DHS, or (4) conspires to or takes any action designed to prevent or hamper their departure pursuant to the order of removal, Respondent shall be subject to a civil monetary penalty for each day Respondent is in violation, pursuant to INA § 274D and 8 C.F.R. § 280.53(b)(14). If Respondent is removable pursuant to INA § 237(a), then Respondent shall be further fined and/or imprisoned for up to 10 years. See INA § 243(a)(1). Further, any Respondent that has been denied admission to, removed from, or has departed the United States while an order of exclusion, deportation, or removal is outstanding and thereafter enters, attempts to enter, or is at any time found in the United States shall be fined or imprisoned not more than two years, or both. 8 U.S.C. § 1326(a).

V. Other

- Proceedings were dismissed terminated with prejudice
- terminated without prejudice administratively closed.

Respondent's status was rescinded under INA § 246.

Other:

M. Corrin

Immigration Judge: Corrin, Melanie 02/13/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : ALEMAN HERANDEZ, DENIS | A-Number : 

Riders:

Date: 02/13/2026 By: Corrin, Melanie, Immigration Judge