IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Jesus Maria **INESTROZA PAGUADA**,

Petitioner,

v.

Johnny **CHOATE**, Warden of Aurora Detention Center; Robert **HAGAN**, Field Office Director of Enforcement and Removal Operations, Denver Field Office, Immigration and Customs Enforcement; Kristi **NOEM**, Secretary, U.S. Department of Homeland Security; U.S.; Pamela **BONDI**, U.S. Attorney General, Executive Office for Immigration Review

Respondents.

Case No.:

Agency No.: [redacted]

REPLY TO RESPONDENTS' RESPONSE AND

REQUEST FOR IMMEDIATE RELEASE

On January 15, 2026, Respondents filed a Response to the Order to Show Cause. ECF No. 19. In the Response, Respondents assert that Petitioner has previously received a bond hearing under 8 U.S.C § 1226(a), and was about to be afforded another one. ECF No. 19. This statement is factually incorrect in several respects.

Petitioner has actually had four bond determinations before the Aurora, CO Immigration Court. The first occurred on July 9, 2025, and at that hearing, an Immigration Judge (IJ) found that the Court had jurisdiction over the bond motion, but held that Petitioner was a flight risk because of an old arrest. The IJ advised that if Petitioner resolved that matter, he would reconsider his decision. Because Petitioner was successful in having the charge nolle prosed, the IJ granted Petitioner's motion to reopen the bond proceedings based on changed circumstances, which was granted by a second IJ on October 3, 2025. However, he denied bond for lack of jurisdiction pursuant to *Matter of Yajure Hurtado*.

On November 26, 2025, Petitioner filed another bond request based on changed circumstances, to wit: the *Maldonado Bautista* decision. On December 8, 2025, the IJ denied bond again for lack of jurisdiction. On December 24, 2025, Petitioner filed a fourth bond motion. A hearing was finally scheduled for today, February 4, 2026, and a third IJ denied bond again for lack of jurisdiction.

Moreover, Respondents' assertion that, while "his removal proceedings remain pending, [] a decision from the IJ appears to be imminent" is patently false. ECF No. 19. The merits hearing, which were adjourned several times because the Court had failed to allot sufficient time to complete the case, was finally completed on November 17, 2025. The IJ indicated that he would issue a written decision, because the case was "close." To date, no written decision has been issued, and the case remains pending with no indication of when a decision will be issued.

It is clear that it is impossible for Petitioner to receive the individualized bond hearing to which he is entitled before an Immigration Court. Offering a bond hearing just for the sole purpose of ruling that the Court lacks jurisdiction to consider the bond—not once, not twice, but three times—is clear evidence that the Petitioner is being denied an individualized bond hearing for an invalid purpose. This is especially troubling because at the initial bond hearing, the Court found that it had jurisdiction over Petitioner's bond request. The Court is simply following the directive from the Chief Immigration Judge to refuse to follow the decision in *Lazaro Maldonado Bautista et al v. Ernesto Santacruz Jr et al* 5:25-cv-01873-SSS-BFM (C.D. Cal. Dec. 18, 2025), despite the fact that immigration judges are required to follow federal court decisions. There is no legal basis for the continued ruling that the Court lacks jurisdiction, and therefore Petitioner seeks immediate release from this Court.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Issue a writ of habeas corpus requiring that Respondents immediately release Petitioner.

b. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

c. Grant any other and further relief that this Court deems just and proper.

DATED 4th of February 2026

/s/ Susan G. Roy, Esq.

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LIST OF EXHIBITS

1. Bond decision issued February 4, 2026, denying bond for lack of jurisdiction
2. Bond decision issued December 8, 2025, denying bond for lack of jurisdiction
3. Bond decision issued October 3, 2025, denying bond for lack of jurisdiction
4. EOIR portal screenshot, dated Feb. 4, 2026, showing that Petitioner's removal case remains pending
5. Practice Alert: EOIR Issues Nationwide Guidance on Maldonado Bautista, AILA Doc. No. 26011404, 1/16/26