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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Franklin HERNANDEZ HERNANDEZ,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

TODD LYONS, in his official capacity as
Acting Director of Immigration and Customs
Enforcement,

ARTHUR WILSON, in his official capacity as
ICE Field Officer Director,

JOHNNY CHOATE, in his official capacity as
the warden of the Aurora Immigration
Detention Facility,

PAMALA BONDI, in her official capacity as
the United States Attorney General,

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

The Board of Immigration Appeals

Respondents

Civil No.: **1:25-cv-03983-DDD-NRN**

PETITIONER'S MOTION FOR
SUBMISSION WITHOUT ORAL
ARGUMENT

IMMIGRATION HABEAS CASE

1 **PETITIONER’S MOTION FOR SUBMISSION WITHOUT ORAL ARGUMENT, NOTICE**
2 **OF COMPLETED BRIEFING, AND REQUEST FOR EXPEDITED CONSIDERATION**

3 Petitioner Franklin Hernandez Hernandez, by and through undersigned counsel, respectfully
4 moves this Court for an order (1) noting that briefing on the Petition for Writ of Habeas Corpus is
5 complete, (2) submitting the matter for decision without oral argument, and (3) granting expedited
6 consideration. This request is appropriate given the completed briefing, the purely legal issues
7 presented, the absence of any outstanding matters requiring resolution, and Petitioner’s ongoing civil
8 immigration detention.
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10 **I. Briefing Is Complete and the Petition Is Ready for Decision**

11 This habeas action has been fully briefed for a substantial period of time and is ripe for
12 adjudication. Petitioner timely filed his Verified Petition for Writ of Habeas Corpus. Pursuant to the
13 Court’s December 22, 2025 Order to Show Cause, Respondents filed their Response, and Petitioner
14 filed his Reply addressing each argument raised by Respondents.
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16 Since the close of briefing, neither party has sought leave to file additional briefing, and
17 Respondents have not requested a sur-reply or identified any factual disputes requiring further
18 development. The administrative record relevant to Petitioner’s detention is complete and undisputed.
19 The questions presented—concerning the statutory authority for Petitioner’s detention and the legality
20 of denying him an individualized bond determination—are purely legal and may be resolved on the
21 existing record.
22

23 Given the passage of time since briefing concluded and the absence of any pending matters
24 requiring resolution, the Petition is fully submitted and ready for decision.

25 **II. Submission Without Oral Argument Is Appropriate**

26 Petitioner respectfully requests that the Court submit this matter without oral argument. The
27 parties’ written submissions thoroughly address the statutory and constitutional issues presented,
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1 including the scope of 8 U.S.C. §§ 1225 and 1226, the effect of *Matter of Yajure Hurtado*, and the due
2 process implications of prolonged civil immigration detention without bond.

3 Oral argument is not necessary to resolve these issues and would not materially aid the Court.
4 Proceeding on the papers would promote judicial efficiency and avoid further delay in a case involving
5 an ongoing restraint on liberty.

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7 **III. Expedited Consideration Is Warranted Given Ongoing Detention**

8 Petitioner remains in civil immigration detention while this fully briefed habeas petition
9 remains pending. Habeas corpus is intended to provide a prompt judicial determination of the
10 lawfulness of custody, and continued detention during extended judicial consideration constitutes
11 ongoing irreparable harm.

12 Although the Court has entered an order preserving the status quo and preventing removal,
13 Petitioner continues to experience the daily deprivation of liberty associated with detention. Notably,
14 an Immigration Judge previously determined—after a full custody hearing—that Petitioner is neither a
15 danger nor a flight risk and ordered his release on bond. That determination was vacated solely on a
16 legal issue that is now squarely before this Court and fully briefed.

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19 Petitioner does not seek to impose an artificial deadline or to rush the Court. Rather, he
20 respectfully requests expedited consideration in light of the length of time that has elapsed since
21 briefing concluded, the absence of any anticipated further submissions, and the significant liberty
22 interests at stake.

23 **IV. Conclusion**

24 For the foregoing reasons, Petitioner respectfully requests that the Court:

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26 1. Note that briefing on the Petition for Writ of Habeas Corpus is complete;
27 2. Submit the matter for decision without oral argument; and
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3. Consider and resolve the fully briefed Petition on an expedited basis.

DATED: January 24, 2026

Respectfully submitted,

/S/ ALEC S. BRACKEN