IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 25-cv-03993-PAB

ADIS ARIEL HERNANDEZ REDONDO

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General, in her official capacity,
ROBERT GUADIAN, U.S. Immigration & Customs Enforcement Field Office Director for the Colorado Field Office, in his official capacity,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity, and
JUAN BALTASAR, Warden of GEO Group Aurora Inc, in his official capacity,

Respondents.

PETITIONER'S RESPONSE TO RESPONDENT'S RESPONSE TO ORDER TO SHOW CAUSE

I. INTRODUCTION

Petitioner Adis Ariel Hernandez-Redondo, by and through undersigned counsel, respectfully submits this Reply in support of his Petition for Writ of Habeas Corpus (ECF No. 1), and in response to Respondents' Response to Order to Show Cause (ECF No. 9). Respondents ask this Court to deny habeas relief based on an overly expansive reading of 8 U.S.C. § 1225(b)(2), an effort to evade the binding declaratory judgment issued in *Maldonado Bautista v. Santacruz*, and an extraordinary request that this Court simply wait while Petitioner remains imprisoned—potentially for months—pending appellate review elsewhere.

But habeas corpus exists precisely to prevent unlawful executive detention. Petitioner is a 21-year-old Honduran national with no criminal history, no prior immigration proceedings, and only one entry into the United States in 2021. He was detained on November 22, 2025, after attending a scheduled ICE appointment, and has remained confined ever since without any individualized bond hearing or finding of danger or flight risk. Respondents' arguments fail for three independent reasons: (1) Petitioner is not properly detained under § 1225(b)(2); rather, because DHS released him into the interior years ago and re-arrested him in 2025, his detention is governed by § 1226(a), which requires an individualized custody determination and permits bond. (2) Respondents remain bound by the declaratory judgment in *Bautista*, and there is no stay suspending that judgment. The government cannot lawfully continue detention in defiance of a nationwide class declaration simply because it has filed an appeal. (3)

Respondents' request that this Court hold Petitioner's liberty "in abeyance" pending Ninth Circuit review turns due process on its head. The "evil" to be avoided is not hypothetical administrative inconvenience, but the ongoing deprivation of freedom. For these reasons, the Petition should be granted.

II. ARGUMENT

A. Respondents Mischaracterize § 1225(b)(2) and Ignore the Statutory Structure Governing Interior Re-Arrests

Respondents contend that Petitioner is an "applicant for admission" subject to mandatory detention under § 1225(b)(2)(A) because he entered without inspection and was never formally admitted. That reading is inconsistent with the statutory scheme and the reasoning of *Maldonado Bautista*. Section 1225 governs the inspection and detention of noncitizens "arriving" at the border or apprehended in the process of seeking admission. It is designed for individuals encountered at or near entry. By contrast, § 1226 governs detention authority once a noncitizen is inside the United States and placed into removal proceedings under INA § 240. Petitioner was not continuously detained from entry. DHS apprehended him briefly in 2021, released him into the interior, and then allowed him to live for years without further enforcement action. In 2025, DHS re-arrested him in Denver, Colorado—far from the border—after he complied with ICE reporting requirements.

Under these circumstances, the government cannot bootstrap a years-old border encounter into permanent mandatory detention. As Petitioner explained in the Petition, "detention authority turns on the circumstances of the current arrest, not solely on manner of entry." Courts have repeatedly rejected the government's

effort to treat interior re-arrests as if they were border arrivals. See, e.g., *Del Valle Castillo v. Wamsley*, No. 2:25-cv-02054-TMC, Dkt. 28 at *4 (W.D. Wash. Nov. 26, 2025) ("the fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds").

Thus, even apart from class membership, Petitioner's detention arises, if at all, under § 1226(a), entitling him to a bond hearing.

B. Jennings Does Not Resolve the Question Presented Here

Respondents rely heavily on *Jennings v. Rodriguez*, 583 U.S. 281 (2018), claiming it forecloses Petitioner's statutory argument. It does not. *Jennings* addressed whether the INA could be construed to require periodic bond hearings as a matter of statutory interpretation. The Court held that §§ 1225(b)(1), 1225(b)(2), and 1226(c) do not contain implicit six-month bond hearing requirements. 583 U.S. at 299–301. But *Jennings* did not decide whether § 1225(b)(2) applies indefinitely to individuals who were released into the country years earlier and later re-detained in the interior. Indeed, the Supreme Court emphasized that detention authority must be interpreted in context of the statutory framework. Id. at 289. Petitioner's argument is not that § 1225(b)(2) contains an implied bond requirement. It is that § 1225(b)(2) does not govern his present detention at all.

C. Bautista Declaratory Relief Applies, and There Is No Stay

Petitioner is a member of the Bond Eligible Class certified in *Maldonado*

Bautista v. Santacruz, where the court issued declaratory relief holding that class members are detained under § 1226(a) and may not be denied bond eligibility under § 1225(b)(2). Respondents argue that the declaratory judgment should not apply because: class actions cannot govern habeas detention; *Bautista* is on appeal; and collateral estoppel is disfavored against the government. These arguments are wrong. First, Respondents remain parties to the Bautista litigation and are bound by the declaratory judgment under the Declaratory Judgment Act, which provides such judgments have "the force and effect of a final judgment." 28 U.S.C. § 2201(a). Second, there is no stay of the *Bautista* judgment. Filing an appeal does not erase or suspend the operative effect of a declaratory judgment absent a stay. See *Nken v. Holder*, 556 U.S. 418, 433–34 (2009) (stay is "extraordinary relief"). Third, the government's position is contradicted by the EOIR guidance memo instructing immigration judges nationwide to ignore *Bautista*—demonstrating precisely why habeas enforcement is necessary. See: Exhibit 1, EOIR Guidance Memo, attached.

D. The Government's "Wait for the Ninth Circuit" Argument Fails Because Liberty Cannot Be Deferred

Respondents ask this Court to delay action because the *Bautista* decision is on appeal, claiming courts should avoid the "evil result" of acting before appellate review. That argument is extraordinary. The "evil" here is not administrative inconvenience—it is the ongoing deprivation of liberty without lawful authority. Habeas corpus is designed to provide immediate judicial review of unlawful detention. See *Boumediene v. Bush*, 553 U.S. 723, 745 (2008). Moreover,

Respondents cite no authority requiring a district court to hold an individual's freedom in suspension simply because the government has appealed an adverse judgment elsewhere. Due process requires the opposite: prompt review where liberty is restrained. See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

E. Due Process Requires Individualized Custody Review

Respondents argue that detention during removal proceedings is categorically constitutional. But Petitioner is not challenging removal detention in the abstract. He challenges detention without any individualized hearing, in defiance of statutory limits and binding declaratory relief. Even where detention is authorized, prolonged confinement without a meaningful custody review raises serious due process concerns. See *Demore v. Kim*, 538 U.S. 510, 532 (2003) (upholding detention only for "brief" period); *Jennings*, 583 U.S. at 305 (leaving constitutional questions open). Petitioner has been detained for months with no bond hearing, no individualized determination, and no lawful statutory basis.

III. RELIEF REQUESTED

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

1. Grant the Petition for Writ of Habeas Corpus;

2. Order Respondents to release Petitioner within one day;

3. Alternatively, order Respondents to provide a bond hearing under 8 U.S.C. § 1226(a) within seven days; and

4. Grant such other relief as the Court deems just and proper.

Dated: January 30, 2026

Respectfully submitted,
/s/ Lisa Guerra
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CERTIFICATE OF SERVICE

I certify that on January 30, 2026, I filed the foregoing with the Clerk of the Court for the District of Colorado using the CM/ECF system. All Participants in the case are registered with the CM/ECF and will be served by the CM/ECF system.

Respectfully submitted,

/s/ Lisa Guerra

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