

Hans Meyer
Conor T. Gleason
Mary Jo Highland
THE MEYER LAW OFFICE
1547 Gaylord Street
Denver, CO 80206
Tel: (303) 831-0817
conor@themeyerlawoffice.com
hans@themeyerlawoffice.com
maryjo@themeyerlawoffice.com
Counsel for Petitioner

**UNITED STATES DISTRICT COURT
THE DISTRICT OF COLORADO**

Civil Action No. 1:25-cv-04051

ALBERT JOSHUA RAMIREZ ANDRADE

Petitioner

v.

JUAN BALTAZAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado, in his official capacity,

ROBERT HAGAN, Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,

KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity,

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

PAM BONDI, Attorney General, U.S. Department of Justice, in her official capacity,

Respondents

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

Respondents illegally incarcerate without bond Petitioner Albert Joshua Ramirez Andrade (“Mr. Ramirez”) at Immigration and Customs Enforcement’s (“ICE”) Denver Contract Detention Facility in Aurora, Colorado. Mr. Ramirez is entitled to a writ of *habeas corpus* to end his unlawful loss of liberty.

I. INTRODUCTION

1. ICE charges Mr. Ramirez with having entered the United States without inspection. Mr. Ramires lived in Denver, Colorado prior to ICE incarcerating him. He is a respected member of his community, works as a mechanic and handyman, and supports his U.S. Citizen partner and stepchildren. He has no criminal history and yet Respondents incarcerate him without the opportunity to request bond.

2. The Department of Homeland Security (“DHS”) first incarcerated Mr. Ramirez on March 2, 2024 and charged him as removable for “entry without inspection” pursuant to 8 U.S.C. § 1182(a)(6)(A)(i). DHS released Mr. Ramirez on his own recognizance pursuant to 8 U.S.C. § 1226 that same day. ICE re-detained Mr. Ramirez on November 14, 2025 without notice and without cause. Despite no change in circumstances since ICE’s released Mr. Ramirez, his ties to his community, and the hardship detention inflicts on his family, Respondents illegally deny him release on bond while civilly incarcerating him at the ICE Denver Contract Detention Facility in Aurora, Colorado (“Aurora Facility”).¹

¹ This Petition does not refer to the Aurora Facility or Mr. Ramirez’ loss of liberty as detention because it does not accurately reflect the conditions at the Aurora Facility. *E.g., L.G. v. Choate*, 744 F. Supp. 3d 1172, 1182 (D. of Colo. 2024) (citation omitted) (acknowledging that the District of Colorado has already found that the GEO Facility is “more akin to incarceration than civil confinement”). Indeed, the conditions in the Aurora Facility are “abhorrent.” *Arostegui-Maldonado v. Baltazar*, --- F.Supp.3d ----, 2025 WL 2280357, *7 (D. Colo. Aug. 8, 2025).

II. PARTIES

Petitioner

3. ICE jails Mr. Ramirez at the Aurora Facility in Aurora, Colorado and seeks to remove him through 8 U.S.C. § 1229a removal proceedings. Mr. Ramirez has no criminal contacts that subject him to mandatory detention under 8 U.S.C. § 1226(c).

Respondents

4. Juan Baltazar is the Warden of the Aurora Facility where ICE jails Mr. Ramirez, and is an employee of the GEO Group, the for-profit prison company that operates the facility. Mr. Baltazar is a legal custodian of Mr. Ramirez. He is sued in his official capacity.

5. Robert Hagan is the ICE Field Office Director of the Denver ICE Field Office and is sued in his official capacity. Mr. Hagan is the immediate custodian of Mr. Ramirez and is responsible for Mr. Ramirez's detention and removal.

6. Kristi Noem is the Secretary of the Department of Homeland Security (DHS). Ms. Noem is responsible for the implementation and enforcement of the INA. DHS is the parent agency of ICE, and thus Ms. Noem also oversees ICE, which is responsible for Mr. Ramirez's illegal detention. Ms. Noem has ultimate custodial authority over Mr. Ramirez and is sued in her official capacity.

7. Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (ICE) and is sued in his official capacity. Mr. Lyons is responsible for Mr. Ramirez's illegal detention and has custodial authority over him.

8. Pamela Bondi is the Attorney General of the United States. She is responsible for the actions of the Department of Justice (DOJ). The Executive Office for Immigration Review (EOIR)

and the immigration court system it operates are a component agency of DOJ. Ms. Bondi is sued in her official capacity.

III. JURISDICTION AND VENUE

9. Respondents incarcerate Mr. Ramirez at the Aurora Facility in Aurora, Colorado. Mr. Ramirez is currently imprisoned in this District and is under the control of Respondents and their agents.

10. Mr. Ramirez brings this action under 28 U.S.C. § 2241, the INA and its implementing regulations, the Administrative Procedures Act (5 §§ U.S.C. 500-596, 701-706), the All Writs Act (8 U.S.C. § 1651), the Declaratory Judgment Act, 28 U.S.C. § 2201, and the U.S. Constitution. District courts have jurisdiction under 28 U.S.C. § 2241 to hear *habeas corpus* actions by noncitizens challenging the lawfulness and constitutionality of their civil immigration detention.

11. This Court also has federal question jurisdiction pursuant to 28 U.S.C. § 1331, as this is a civil action arising under the laws of the U.S.

12. Venue is proper under 28 U.S.C. § 1391 because Respondents imprison Mr. Ramirez in Aurora, Colorado, within the jurisdiction of this Court. Likewise, Mr. Ramirez is a resident of this District, his counsel is in this District, and a substantial part of the events giving rise to the claims in this action took place within this District.

IV. LEGAL & FACTUAL BACKGROUND

A. Legal Authority for Immigration Detention.

13. ICE's authority to jail noncitizens is proscribed by statute. Section 1226(a) of 8 U.S.C. establishes discretionary detention for noncitizens ICE arrests "[o]n a warrant issued by the Attorney General" and then place in 8 U.S.C. § 1229a removal proceedings. 8 U.S.C. § 1226(a). Those noncitizens may then request an immigration judge ("IJ") to redetermine the arresting

immigration officer's "initial custody determination" at any time prior to a final order of removal. *Id.*; 8 C.F.R. §§ 236.1(d)(1), 1003.19(a), (b). During the custody redetermination request, i.e., bond hearing, the IJ determines whether the noncitizen establishes by the preponderance of the evidence if they are a risk of flight or danger to the community. *See generally Matter of Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006).

14. Section 1226(c) of 8 U.S.C. establishes mandatory detention for noncitizens with certain criminal legal contacts in § 1229a removal proceedings. 8 U.S.C. § 1226(c). IJs do not have the authority to consider these noncitizens' request for release on bond unless ICE is substantially unlikely to establish that the noncitizen falls within one of § 1226(c)'s mandatory detention provisions. *See generally Matter of Joseph*, 22 I. & N. Dec. 799 (B.I.A. 1999).

15. The statute also provides for mandatory detention of a narrow subset of noncitizens subject to an expedited removal pursuant to § 1225(b) or for other noncitizen "applicants for admission" to the U.S. who are apprehended at the border or port of entry. *See* 8 U.S.C. § 1225(b)(2). Section 1225 focuses on noncitizens "arriv[ing]" "whether or not at a designated port of arrival," and applies to people like those who were "interdicted in international or United States waters" (§ 1225(a)(1)), are "stowaways" (§ 1225(a)(2)), and who are otherwise "applicants for admission" into the U.S. (§ 1225(a)(3)). In contrast to § 1226, § 1225 discusses matters such as "screening" "claims for asylum" (§ 1225(b)(1)(A)(i)-(ii)) at the border, "inspection" by an immigration officer to determine if a noncitizen "is ... clearly and beyond a doubt entitled to be admitted" (§ 1225(b)(2) & (d)), and "removal" of "an arriving [noncitizen]" (§ 1225(c)(1)).

16. Finally, the statute provides for detention of noncitizens with final removal orders. 8 U.S.C. § 1231(a), (b).

17. Mr. Ramirez does not have any criminal legal contact rendering him subject to 8 U.S.C. § 1226(c). He is also not subject to § 1231 detention because he does not have a final removal order. Rather, this case concerns the discretionary detention provision at 8 U.S.C. § 1226(a) and Respondents' erroneous assertion that mandatory detention pursuant to § 1225(b) applies.

18. The Supreme Court summarizes the interplay between §§ 1226 and 1225 as follows: "In sum, U.S. immigration law authorizes the Government to detain certain [noncitizens] seeking admission *into* the country under §§ 1225(b)(1) and (b)(2). It also authorizes the Government to detain certain [noncitizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c)." *Jennings v. Rodriguez*, 582 U.S. 281, 289 (2018) (Alito, J., emphasis added).

19. Both the § 1226 and § 1225 detention provisions were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226 explicitly includes provisions designed to apply to people who, like Mr. Ramirez, entered the United States without inspection. 8 U.S.C. § 1226(c)(1)(A), (D). Section 1226(a) was recently amended in early 2025 by the Laken Riley Act (LRA), Pub. L. No. 119-1, 139 Stat. 3 (2025) with new provisions specifically enacted to jail individuals who entered the United States without inspection and who have specific criminal legal contacts. 8 U.S.C. § 1226(c)(1)(E).

20. Following the enactment of the IIRIRA in 1996, EOIR wrote regulations applicable to proceedings before IJs explaining that, in general, people who entered the country without inspection (also known as "present without admission") were *not* detainable under § 1225 and instead could only be detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed.

Reg. 10312, 10323 (Mar. 6, 1997) (“Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination”).

21. Thus, in the following decades, people who entered without inspection and did not have certain criminal legal contacts received § 1226(a) bond hearings when placed in § 1229a proceedings. That practice was consistent with additional decades of pre-IIRIRA practice, in which noncitizens who were not “arriving” or seeking entry into the United States were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting the new § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

22. This practice – both pre- and post-enactment of the IIRIRA – is consistent with the fact that noncitizens present in the U.S. have constitutional rights. “[T]he Due Process Clause applies to all ‘persons’ within the United States, including [noncitizens], whether their presence is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

23. Despite this long-standing practice and the plain text of the statute, the Board of Immigration Appeals (BIA) issued an unpublished decision on May 22, 2025, holding that noncitizens who entered the United States without inspection were subject to § 1225(b)(2) mandatory detention as “applicants for admission.”

24. On July 8, 2025, ICE, “in coordination with” the DOJ announced a new policy consistent with the unpublished BIA decision from May 22, 2025. The new ICE/DOJ policy, titled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all noncitizens present within the U.S. who entered without inspection – no matter how long ago, no matter where, and no matter how – are deemed “applicants for admission” under 8 U.S.C. § 1225,

and thus subject to mandatory detention under § 1225(b)(2)(A). The new policy applies regardless of when and where a person was apprehended and affects people who reside in the U.S. for years.

25. The federal courts resoundingly rejected Respondents' position almost immediately. *See Rodriguez-Vazquez v. Bostock*, No. 779 F.Supp.3d 1239 (W.D. Wash. 2025); *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, *8 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp.3d ---, 2025 WL 2084238, *9 (D. Mass. July 24, 2025); *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01874-SSS-BFM, *13 (C.D. Cal. July 28, 2025); *Escalante v. Bondi*, No. 25-cv-3051, 2025 WL 2212104 (D. Minn. July 31, 2025) (report and recommendation to grant preliminary relief, adopted *sub nom* *O.E. v. Bondi*, 2025 WL 2235056 (D. Minn. Aug. 4, 2025)); *Lopez Benitez v. Francis*, No. 25-Civ-5937, 2025 WL 2267803 (S.D. N.Y. Aug. 8, 2025); *de Rocha Rosado v. Figueroa*, No. CV 25-02157, 2025 WL 2337099 (D. Ariz. Aug. 11, 2025) (report and recommendation to grant *habeas* relief, adopted without objection at 2025 WL 2349133 (D. Ariz. Aug. 13, 2025)); *Dos Santos v. Noem*, No. 1:25-cv-12052-JEK, 2025 WL 2370988 (D. Mass. Aug. 14, 2025); *Aquilar Maldonado v. Olson*, No. 25-cv-3142, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW, 2025 WL 2379285 (C.D. Cal. Aug 15, 2025); *Romero v. Hyde*, --- F.Supp.3d ----, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, Doc. 20 (D. Md. Aug. 24, 2025); *Benitez v. Noem*, No. 5:25-cv-02190, Doc. 11 (C.D. Cal. Aug. 26, 2025); *Kostak v. Trump*, No. 3:25-dcv-01093-JE, Doc. 20 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, --- F.Supp.3d ---, 2025 WL 2466670 (D. Minn. Aug. 27, 2025); *Lopez-Campos v. Raycraft*, --- F.Supp.3d ---, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Palma Perez v. Berg*, --- F.Supp.3d ---, 2025 WL 2531566 (D. Neb. Sept. 3, 2025); *Cortes Fernandez v. Lyons*, No. 8:25-cv-506, 2025 WL 2531539 (D. Neb. Sept. 3, 2025); *Carmona-Lorenzo v. Trump*, No. 4:25-cv-3172, 2025 WL

2531521 (D. Neb. Sept. 3, 2025); *Hernandez Nieves v. Kaiser*, No. 25-cv-06921-LB, 2025 WL 2533110 (N.D. Cal. Sept. 3, 2025); *Vasquez Garcia et al. v. Noem*, No. 25-cv-02180-DMS-MMP, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Doe v. Moniz*, No. 1:25-cv-12094-IT, 2025 WL 2576819 (D. Mass. Sept. 5, 2025).

26. On September 5, 2025, the BIA published a precedential decision finding the same. *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). IJs across the country are now required to apply Respondents' unlawful detention regime absent federal court intervention.

27. Since the BIA's decision in *Yajure Hurtado*, the federal courts have continued to overwhelmingly reject the Respondents' position. *See e.g.*, *Zaragoza Mosqueda v. Noem*, No. 5:25-cv-02304, 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Sampiao v. Hyde*, --- F.Supp.3d ---, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *Pizzaro Reyes v. Raycraft*, No. 25-cv-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Cuevas Guzman v. Andrews*, No. 1:25-cv-01015-KES-SKO (HC), 2025 WL 2617256, (E.D. Cal. Sept. 9, 2025); *Hinestroza v. Kaiser*, No. 25-cv-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden et al.*, --- F.Supp.3d ---, 2025 WL 2639390 (D.N.H. Sept. 9, 2025); *Lopez Santos v. Noem*, 3:25-CV-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025); *Salcedo Aceros v. Kaiser et al.*, No. 25-cv-06924-EMC (EMC), 2025 WL 2637503 (N.D. Ca. Sept. 12, 2025); *Velasquez Salazar v. Dedos*, No. 1:25-cv-835, 2025 WL 2676729 (D. N.M. Sept. 17, 2025); *Barrera v. Tindall*, No. 3:25-cv-00541-RGJ, 2025 WL 2690565 (W.D. Ky. Sept. 19, 2025); *Chafra et al. v. Scott*, 2:25-cv-00437-SDN, 2025 WL 2688541, at *6 (D. Me. Sept. 21, 2025). *See also* *Hinestroza v. Kaiser*, No. 25-cv-07559-JD, 2025 WL 2606983 (N.D. Cal. Sept. 9, 2025); *Jimenez v. FCI Berlin, Warden et al.*, --- F.Supp.3d ---, 2025 WL 2639390 (D. N.H. Sept. 9, 2025); *Lamidi v. FCI Berlin*, No. 25-cv-297-LM-TSM, ECF 14 (D. N.H. Sept. 15, 2025); *Maldonado Vasquez v. Feeley*, 2:25-cv-01542, 2025 WL 2676082 (D. Nev.

Sept. 17, 2025); *Lopez-Arevelo v. Ripa*, 2025 WL 2631828 (W.D. Tex. Sept. 22, 2025); *Lepe v. Andrews*, --- F.Supp.3d ----, No. 1:25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Lepe v. Andrews*, --- F.Supp.3d ---, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Giron Reyes v. Lyons*, --- F.Supp.3d ---, 2025 WL 2712427 (N.D. Iowa Sept. 23, 2025); *Lepe v. Andrews*, --- F.Supp.3d ----, No. 1:25-cv-01163, 2025 WL 2716910 (E.D. Cal. Sept. 23, 2025); *Hernandez Lopez v. Hardin*, 1:25-cv-830, (M.D. Fla. Sept. 25, 2025); *Roa v. Albarran*, No. 25-cv-7802, 2025 WL 2732923, at *1 (N.D. Cal. Sept. 25, 2025); *Rivera Zumba v. Bondi*, No. 25-cv-14626, 2025 WL 2753496 (D. N.J. Sept. 26, 2025); *Savane v. Francis*, 1:25-cv-6666-GHW, 2025 WL 2774452 (S.D.N.Y. Sept. 28, 2025); *Luna Quispe v. Crawford*, 1:25-cv-1471, 2025 WL 2783799 (E.D. Va. Sept. 29, 2025); *da Silva v. ICE*, 1:25-cv-00284, 2025 WL 2778083 (D.N.H. Sept. 29, 2025); *Santiago Helbrum v. Williams*, 4:25-cv-00349, WL (S.D Iowa, Sept. 30, 2025); *Belsai D.S. v. Bondi*, 0:25-cv-3682, 2025 WL 2802947 (D.Min.. Oct. 1, 2025); *Rocha v. Hyde*, 25-cv-12584, 2025 WL 2807692 (D.Mass. Oct. 2, 2025); *Guzman Alfaro v. Wamsley*, 2:25-cv-01706, 2025 WL 2822113 (W.D. Wash. Oct. 2, 2025); *Ayala Casun v. Hyde*, 25-cv-427, 2025 WL 2806769 (D.R.I. Oct. 2, 2025); *Guerrero Orellana v. Moniz*, --- F.Supp.3d ----, 2025 WL 2809996 (D. Mass. Oct. 3, 2025); *Elias Escobar v. Hyde*, 25-cv-12620-IT, 2025 WL 28233324 (D. Mass. Oct. 3, 2025); *Echevarria v. Bondi*, 25-cv-03252, 2025 WL 2821282 (D. Ariz. Oct. 3, 2025); *Cordero Pelico v. Kaiser*, 25-cv-07286-EMC, 2025 WL 2822876 (N.D. Cal. Oct. 3, 2025); *Artiga v. Genalo*, 25-cv-5208, 2025 WL 2829434 (E.D.N.Y Oct. 5, 2025); *S.D.B.B. v. Johnson*, 1:25-cv-882, 2025 WL 2845170 (M.D.N.C. Oct. 7, 2025); *Ledesma Gonzalez v. Bostock*, 2:25-cv-01401, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025); *Mena Torres v. Wamsley*, C25-5772-TSZ, 2025 WL 2855739 (W.D. Wash. Oct. 8, 2025); *B.D.V.S. v. Forestal*, 25-cv-01968, 2025 WL 2855743 (S.D. Ind. Oct. 8, 2025); *Eliseo A.A. v. Olson et al.*, 25-cv-3381 (JWB/DJF), 2025 WL 2886729 (D.Minn. Oct. 8,

2025); *Eliseo v. Olson*, 1:25-cv-02027-JPH-MKK, 2025 WL 2896348 (D. Minn. Oct. 11, 2025); *Gomez Mejia v. Woosley*, 4:25-cv-82-RGJ, 2025 WL 2933852 (W.D. Ky. Oct. 15, 2025); *Hernandez Hernandez v. Crawford*, 1:25-cv-01565-AJT-WBP, 2025 WL 2940702 (E.D. Va. Oct. 16, 2025); *Polo v. Chestnut et al.*, 1:25-cv-01342 JLT HBK, 2025 WL 2959346 (E.D. Ca. Oct. 17, 2025); *Sanchez Alvarez v. Noem et al.*, 1:25-cv-1090, 2025 WL 2942648 (W.D. Mich. Oct. 17, 2025); *Gonzalez v. Joyce*, 25-cv-8250 (AT), 2025 WL 2961626 (W.D.N.Y. Oct. 19, 2025); *Chavez v. Director of Detroit Field Office et al.*, 4:25-cv-02061-SL, 2025 WL 2959617 (N.D. Ohio Oct. 20, 2025); *HGVU v. Smith et al.*, 25-cv-10931, 2025 WL 2962610 (N.D. Ill. Oct. 20, 2025); *Da Silva v. Bondi*, No. 25-cv-12672-DJC, 2025 WL 269163 (D. Mass. Oct. 21, 2025); *Buestan v. Chu*, No. 25-16034 (MEF), 2025 WL 2972252 (D. N.J. Oct. 21, 2025); *Maldonado v. Baker*, No. 25-3084-TDC (D. Md. Oct. 21, 2025); *Gonzalez Martinez v. Noem*, EP-25-cv- 430-KC, 2025 WL 2965859 (W.D. Tex. Oct. 21, 2025); *Miguel v. Noem*, 25 C 11137, 2025 WL 2976480 (N.D. Ill. Oct. 21, 2025); *Loa Caballero v. Baltazar et al.*, 25-cv-03120 2025, WL 2977650 (D. Colo. Oct. 22, 2025); *Lopez Lopez v. Soto*, 2:25-cv-16303, 2025 WL 2987485 (D.N.J. Oct. 23, 2025); *Nava Hernandez v. Baltazar et al.*, 1:25-cv-03094, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Castellanos Lopez v. Warden Otay Mesa Det. Ctr.*, 25-cv-2527, 2025 WL 3005346 (S.D. Cal. Oct. 27, 2025); *Ramirez Valverde v. Olson*, 25-CV-1502, 2025 WL 3022700 (E.D. Wis. Oct. 29, 2025); *L.A.E. v. WAMSLEY*, 3:25-CV-01975, 2025 WL 3037856 (D. Or. Oct. 30, 2025); *Rosales Ponce v. Olson*, 25-cv-13037, 2025 WL 3049785 (N.D. Ill. Oct. 31, 2025); *J.A.M. v. Streeval*, 25-cv-342, 2025 WL 3050094 (M.D. Ga. Nov. 1, 2025); *Flores v. Olson*, 25-cv-12916, 2025 WL 3063540 (N.D. Ill. Nov. 3, 2025); *Hernandez-Alonso v. Tindall*, 3:25-CV-652-DJH, 2025 WL 3083920 (W.D. Ky. Nov. 4, 2025); *Reyes Arizmendi v. Noem*, 25-cv-13041, 2025 WL 3089107 (N.D. Ill. Nov. 5, 2025).

28. This includes the Western District of Washington and the District of Massachusetts's recent grants of summary judgement to a classes of incarcerated noncitizens presenting the same arguments Plaintiff does here. *Rodriguez Vazquez v. Bostock*, 3:25-cv-05240, ---F.Supp.3d---, 2025 WL 2782499 (W.D. Wash. Sept. 30, 2025); *Guerrero Orellana v. Moniz*, --- F.Supp.3d ----, 2025 WL 2809996 (D. Mass. Oct. 3, 2025).

29. The District of Colorado joined the chorus on September 16, 2025, when Judge Sweeney explained, *inter alia*, that the Government's argument for § 1225(b)(2) detention must fail when a noncitizen is not "seeking admission" into the United States. *Garcia Cortes v. Noem et al.*, No. 1:25-cv-02677-CNS, 2025 WL 2652880 at *3 (D. of Colo. Sept. 16 2025) ("Because Petitioner is not, nor was he at the time he was arrested, seeking admission, § 1225(b)(2)(A)'s mandatory detention requirement does not apply"). The chorus continues unanimously and unabated in this district. *Mendoza Gutierrez v. Baltasar et al.*, 1:25-cv-2720, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Moya Pineda v. Baltasar et al.*, 1:25-cv-2966, No. 1:25-cv-2966 (D. Colo. Oct. 20, 2025); *Loa Caballero v. Baltazar et al.*, 25-cv-03120, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Hernandez Vazquez v. Baltasar et al.*, 1:25-cv-3049 (D. Colo. Oct. 23, 2025); *Nava Hernandez v. Baltazar et al.*, 1:25-cv-03094, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Artola Aruaz v. Baltazar, et al.*, 1:25-cv-03260-CNS, 2025 WL 3041840 (D. Colo. Oct. 31, 2025), ECF 16; *Cervantes Arredondo v. Baltazar, et al.*, 1:25-cv-03040-RBJ (D. Colo. Oct. 31, 2025), ECF 21; *De Domingo Campos v. Baltazar*, 25-cv-3062 (D. Colo. Nov. 13, 2025), ECF 33; *Ortiz Rosales v. Baltazar, et al.*, 25-cv-03275-GPG (D. Colo. Nov. 16, 2025), ECF 25; *Espinoza Ruiz v. Baltazar*, 25-cv-03642, 2025 WL 3294762-CNS (D. Colo. Nov. 26, 2025), ECF 25.

30. On November 20, 2025 the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class

and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

31. The declaratory judgement held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a) and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

32. The class is defined as “[a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination.” *Maldonado Bautista*, --- F. Supp. 3d ----, 2025 WL 3288403, at *1.

33. Mr. Ramirez is a member of the class. Nevertheless, Respondents refuse to abide by the nationwide declaratory relief and continue to unlawfully claim that 8 U.S.C. § 1225(b)(2)(A) permits Mr. Ramirez's incarceration.

34. As evidenced by hundreds of federal court decisions, Respondents' interpretation that § 1225(b) governs detention in this case is wrong. It defies the plain language of the INA, fundamental canons of statutory construction, and the agency's longstanding regulations.

35. Indeed, the statute's plain text demonstrates § 1226(a) – not § 1225(b) – applies to people like Mr. Ramirez. Section 1226(a) is the “default rule” applying to all persons “pending a decision

on whether the [noncitizen] is to be removed.” *Rodriguez Vazquez*, 779 F.Supp.3d at 1246; *Jennings*, 582 U.S. at 281.

36. Notably, the plain language of § 1226 applies to people charged as inadmissible for entering without inspection. *E.g.*, 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to inadmissible individuals makes clear that, by default, inadmissible individuals not subject to subparagraph (E)(ii) are entitled to a bond hearing under subsection (a). As the *Rodriguez-Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez-Vazquez*, 779 F.Supp.3d at 1256-57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

37. Thus, § 1226 applies to noncitizens like Mr. Ramirez who are present without inspection, face inadmissibility charges in removal proceedings due to their entrance without inspection, and who do not have certain criminal legal contacts.

38. By contrast, § 1225(b) applies to people *arriving at* U.S. ports of entry or who *recently entered* the U.S. and are encountered *at or near the border*. Section 1225’s entire framework is premised around inspection at the border of people who are “seeking admission” to the U.S. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies “at the Nation’s borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings*, 582 U.S. at 287.

39. Accordingly, contrary to Respondents’ erroneous interpretation of the statute, the mandatory detention provisions of § 1225(b)(2) do not apply to people like Mr. Ramirez who “arrived” in the country long ago and have resided in Colorado for years before ICE jailed them.

B. Mr. Ramirez's Illegal Detention Without Bond

1. Respondents' Authority to Detain Mr. Ramirez is Pursuant to § 1226(a)

40. ICE jailed Mr. Ramirez in the interior of the United States and placed him in § 1229a proceedings. Prior to his incarceration, Mr. Ramirez resided in Denver, Colorado with his U.S. citizen fiancée. He is a respected member of his community, works as a mechanic and handyman, and supports his U.S. Citizen partner and stepchildren. He has no criminal history and yet Respondents incarcerate him without the opportunity to request bond. As such, Mr. Ramirez is an excellent candidate for release on bond so that he can fight his removal proceedings while at liberty. *E.g., Matter of Guerra*, 24 I. & N. Dec at 40 (listing factors relevant for bond).

41. Nevertheless, ICE has incarcerated Mr. Ramirez since November 14, 2025 without bond and he will remain unlawfully jailed without this Court's intervention.

42. The Courts should grant this petition "forthwith" as the legal issues have already been resolved for class members in *Maldonado Bautista*.

43. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). As discussed *supra* ¶¶ 13-39, ICE's novel interpretation of the statute is wrong. Its authority to jail Mr. Ramirez is pursuant to § 1226(a) and its refusal to offer him a bond hearing is unlawful.

2. ICE's Reincarceration of Mr. Ramirez Violated Procedural Due Process.

44. To add insult to injury, ICE's decision to rejail Mr. Ramirez violated procedural due process. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in the context of removal proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993). "Even those who face significant constraints on their liberty or those over whose liberty the government wields

significant discretion retain a protected interest in their liberty.” *Rosado v. Figueroa*, CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *11 (D. Ariz. Aug. 11, 2025); *Guillermo M.R. v. Kaiser*, 791 F.Supp.3d 1021, 1030 (N.D. Ca. Jul. 17, 2025) (citations omitted) (same).

45. Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty” *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). “The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner.” *Id.* at 333 (citation modified). The “touchstone” of due process is protecting people against arbitrary government action, whether from “denial of a fundamental procedural fairness, or the exercise of power without any reasonable justification in the service of a legitimate government objection.” *Cty. of Sacramento v. Lewis*, 532 U.S. 833, 845–46 (1998).

46. Whether government action violates procedural due process is determined by the three-factor balancing test in *Mathews*. 424 U.S. at 335. The test requires the Court to balance (1) “the private interest that will be affected by the official action”; (2) “the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.*

47. Here, ICE’s decision to release Mr. Ramirez—an act that necessarily requires the agency to conclude that he is neither a risk of flight nor a danger to the community—and then rejail him without notice, process, or changed circumstances violates his right to procedural due process. *E.g.*, *Cruz Valera v. Baltazar*, 1:25-cv-03744-CNS, 2025 WL 3496174, at *3–4 (D. Colo. Dec. 5, 2025); *Cifuentes Rivera v. Arnott, et al.*, 4:25-cv-00570-RK (W.D.Mo Oct. 7, 2025); *Grigorian v.*

Bondi, 25-cv-22914-RAR, 2025 WL 2604573, at *6–10 (S.D.Fla. Sept. 9, 2025); *K.E.O. v. Woosley*, No. 4:25-cv-74-RGJ, 2025 WL 2553394, at *3 (W.D.Ky. Sept. 4, 2025); *Zhu v. Genalo*, 1:25-cv-06523 (JLR), 2025 WL 2452352, at *5–9 (S.D.N.Y. Aug. 26, 2025); *Roble v. Bondi*, No. 25-cv-3196 (LMP/LIB), 2025 WL 2443453, at *5 (D. Mass. June 20, 2025); *Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 163–64 (W.D.N.Y. 2025).

V. CLAIMS FOR RELIEF

COUNT I

Respondents Jail Mr. Ramirez in Violation of 8 U.S.C. § 1226(a)

48. Mr. Ramirez incorporates by reference the allegations of fact set forth in the preceding paragraphs.

49. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Mr. Ramirez because he was present and residing in the U.S., has been placed in § 1229a removal proceedings, and charged with inadmissibility pursuant to 8 U.S.C. § 1182. Simply, § 1225 does not apply to people like Mr. Ramirez who previously entered the country and reside in the U.S. prior to being detained and placed in removal proceedings. Such noncitizens may only be detained pursuant to § 1226(a), unless they are subject to mandatory detention provisions irrelevant here. Detention under § 1226(a) requires access to bond.

50. Applying § 1225 to Mr. Ramirez unlawfully mandates his continued detention without a bond hearing and violates 8 U.S.C. § 1226(a).

COUNT II

**Respondents are Detaining Mr. Ramirez in Violation of the INA Bond Regulations
(8 C.F.R. §§ 236.1, 1236.1 & 1003.19)**

51. Mr. Ramirez incorporates by reference the allegations of fact set forth in the preceding paragraphs.

52. Respondent EOIR and the then Immigration and Naturalization Service issued a rule to interpret and apply the IIRIRA under the heading “Apprehension, Custody, and Detention of [Noncitizens],” which explained: “Despite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond.*” 62 Fed. Reg. at 10323 (emphasis added). Respondents thus long-ago made clear that people like Mr. Ramirez who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and the implementing regulations.

53. Nonetheless, Respondents here deemed Mr. Ramirez subject to mandatory detention under § 1225, which unlawfully mandates his continued detention.

54. Respondents’ application of § 1225(b)(2) to Mr. Ramirez unlawfully requires his continued detention in violation of 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Respondents are Detaining Mr. Ramirez in Violation of the Administrative Procedures Act (5 U.S.C. § 706(2))

55. Mr. Ramirez incorporates by reference the allegations of fact set forth in the preceding paragraphs.

56. Under the APA, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law,” that is “contrary to constitutional right [or] power,” or that is “in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(A)-(C).

57. Respondents’ detention of Mr. Ramirez pursuant to § 1225 is arbitrary and capricious, and in violation of the Fifth Amendment of the U.S. Constitution and the statute. Respondents do not have statutory authority under § 1225 to detain Mr. Ramirez.

58. Respondents' detention of Mr. Ramirez without access to bond is arbitrary, capricious, an abuse of discretion, violative of the U.S. Constitution, and without statutory authority, all in violation of 5 U.S.C. § 706(2).

COUNT IV

Respondents Detain Mr. Ramirez in Violation of his Fifth Amendment Due Process Rights

59. Mr. Ramirez incorporates by reference the allegations of fact set forth in the preceding paragraphs.

60. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that the [Fifth Amendment's due process] Clause protects." *Zadvydas*, 533 U.S. at 690.

61. Mr. Ramirez has a fundamental interest in liberty and being free from official restraint, such as imprisonment in the Aurora Facility.

COUNT V

Violation of the Fifth Amendment of the U.S. Constitution Procedural Due Process

62. Mr. Ramirez incorporates by reference the allegations of fact and statements of law set forth in the preceding paragraphs.

63. Respondents' decision to revoke Mr. Ramirez's liberty interest after previously releasing him on his own recognizance lacked any procedures at all. Respondents did not provide him with notice. Respondents did not provide him with an opportunity to be heard. In fact, it refuses to hear from him, claiming that his incarceration is mandatory.

64. Respondents' revocation of Mr. Ramirez's release on his own recognizance without providing notice and a meaningful opportunity to be heard violates procedural due process under the Fifth Amendment of the Constitution.

COUNT VI
Violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A)
Arbitrary and Capricious

65. Mr. Ramirez incorporates by reference the allegations of fact and statements of law set forth in the preceding paragraphs.

66. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

67. Respondents' revocation of Mr. Ramirez's release on his own recognizance was arbitrary and capricious because it violated the Constitution and agency precedent requiring changed circumstances.

COUNT VII
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

68. Mr. Ramirez incorporates by reference the allegations and facts set forth in the preceding paragraphs.

69. As a member of the Bond Eligible Class, Mr. Ramirez is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

70. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA when it applies the mandatory detention statute at § 1225(b)(2) to class members like Mr. Ramirez.

71. The order granting class certification in *Maldonado Bautista* further orders that "[w]hen considering this determination with the MSJ order, the Court extends the same declaratory relief

granted Petitioners to the Bond Eligible Class as a whole.” *Maldonado Bautista*, --- F. Supp. 3d --
--, 2025 WL 3288403, at 9.

72. Respondents are parties to *Maldonado Bautista* and bound by the Court’s declaratory judgment, which has full “force and effect of a final judgement.” 28 U.S.C. § 2201(a).

73. By denying Mr. Ramirez a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Mr. Ramirez’s statutory rights under the INA and the court’s judgment in *Maldonado Bautista*.

PRAYER FOR RELIEF

Mr. Ramirez respectfully asks that this Court take jurisdiction over this matter and grant the following relief:

1. Issue a writ of *habeas corpus* requiring Respondents to either release Mr. Ramirez immediately or provide him with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
2. Enjoin respondents from transferring Mr. Ramirez outside the jurisdiction of the District of Colorado pending resolution of this case;
3. Award Mr. Ramirez attorney’s fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and,
4. Grant any other and further relief that this Court deems just and proper.

Dated: December 17, 2025

/s/ Hans Meyer
Hans Meyer, Esq.
Conor T. Gleason, Esq.
Mary Jo Highland, Esq.
Meyer Law Office, P.C.
1547 Gaylord St.
Denver, CO 80206
T: (303) 831 0817
hans@themeyerlawoffice.com

conor@themeyerlawoffice.com
maryjo@themeyerlawoffice.com

VERIFICATION

I, Lourdes Cervantes, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct:

/s/ Lourdes Cervantes
Meyer Law Office, PC
1547 Gaylord St.
Denver, CO 80206
Phone: 303.831.0817
E: lourdes@themeyerlawoffice.com

CERTIFICATE OF SERVICE

I, Conor T. Gleason, hereby certify that on December 17, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system. I, Lourdes Cervantes, hereby certify that I will mail a hard copy of the document to Kevin Traskos at the U.S. Attorney's Office pursuant to Fed.R.Civ.P. 4 via certified mail within 72 hours of filing or pursuant to any forthcoming Court order requiring something else. Kevin Traskos of the U.S. Attorney's Office agrees to accept service on behalf of all Respondents.

Kevin Traskos
Chief, Civil Division
U.S. Attorney's Office
District of Colorado
1801 California Street, Ste. 1600
Denver, CO 80202

Pam Bondi
Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

And to: Kristi Noem and Todd Lyons, DHS/ICE, c/o:

Office of the General Counsel
U.S. Department of Homeland Security
2707 Martin Luther King Jr. Ave., SE
Washington, D.C. 20528

And to:

Juan Baltazar
GEO Group, Inc.
3130 N. Oakland Street
Aurora, CO 80010

And to:

Robert Hagan
Denver ICE Field Office
12445 E. Caley Ave.
Centennial, CO 80111

/s/ Conor T. Gleason
Conor T. Gleason
Meyer Law Office, P.C.
1547 Gaylord St.
Denver, CO 80206
T: (303) 831 0817
conor@themeyerlawoffice.com

/s/ Lourdes Cervantes
Paralegal
Meyer Law Office
1547 Gaylord St.
Denver, CO 80206
Phone: 303.831.0817
lourdes@themeyerlawoffice.com