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UNITED STATES DISTRICT COURT  
COLORADO

WILSON RENE GARCIA-PEREZ,

Petitioner,

v.

Robert Guadian, Field Office Director of Enforcement and Removal Operations, Denver Field Office, Immigration and Customs Enforcement; Todd Lyons, Acting Director Immigration and Customs Enforcement; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; Juan Baltasar Warden of Denver Contract Detention Facility, Aurora, Colorado; Kristi NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY; Pamela BONDI, U.S. Attorney General; Sirce Owen, Acting Director of the Executive Office for Immigration Review; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW,

Respondents.

Case No. 25-CV-4069-PAB

**PETITIONER'S REPLY TO RESPONDENT'S RESPONSE  
TO ORDER TO SHOW CAUSE (ECF No. 11)**

1 **I. Respondent’s Reliance on *Jennings* Is Misplaced**

2 The Respondents’ argument is no doubt familiar to this court. It can be distilled to the idea  
3 that the Supreme Court’s holding in *Jennings v. Rodriguez* has given immigration authorities the  
4 discretion to detain anyone without legal status, at anytime, anywhere in the country and regardless  
5 of time in in the country, under 8 U.S.C. §1225. *Jennings v. Rodriguez*, 583 U.S. 281(2018).  
6 Respondents argue that §1225(b)(2) applies to anyone who does not fall within §1225(b)(1),  
7 whether that person is seeking admission into the country or not. Under their interpretation of  
8 *Jennings*, §1226 only seems to apply for those inside the country who have committed a crime.  
9 Everyone else is detained pursuant to §1225. This goes against the plain language of the  
10 immigration detention statutes and misinterprets the holding in *Jennings*.

11 The facts in *Jennings* are not analogous to this case. *Jennings* considered an entirely different  
12 question of law. Specifically, the court in *Jennings* was asked to decide whether non-citizens, who  
13 were already subject to mandatory detention, were entitled to periodic bond hearings. The issue  
14 was whether there was a “time limit” to detention under §1225(b)(1) and (b)(2) and whether after  
15 that time limit detention converted to §1226(a) detention and allowed for a bond hearing. The  
16 court held that there was not a time limit, and that detention for those “seeking admission” did not  
17 convert from §1225 to §1226 after a specified time. The court in *Jennings* noted that §1226  
18 authorizes the detention of non-citizens “already in the country pending the outcome of removal  
19 proceedings”. *Jennings*, 583 U.S. at 289. Nowhere in its decision does the court in *Jennings*  
20 conclude that §1225 applies to every undocumented person who has been inside of the country for  
21 more than 2-years.  
22

23 **II. The Petitioner Was Arrested on a Warrant Issued by the Attorney General**  
24 **Pursuant To §1226 and Is Detained Pursuant to §1226**

1 The Respondents' response includes as an exhibit a declaration by deportation officer John  
2 Mansur. Officer Mansur's declaration includes several factual statements regarding the  
3 Petitioner's immigration case. Most of those statements are not in dispute. In Paragraph 12  
4 however, Officer Mansur simply states that "Petitioner is detained pursuant to 8 U.S.C. §1225(b)".  
5 There is no clear explanation as to how Officer Mansur came to that conclusion nor any  
6 documentation to support that conclusion. Included with Officer Mansur's declaration are  
7 documents related to Petitioner's immigration case, including his release paperwork from 2021  
8 and the most recent Notice to Appear. Absent from that paperwork is documentation related to  
9 Petitioner's arrest and detention.

10 Attached as Exhibit 1 is a copy of the U.S. Department of Homeland Security Warrant for  
11 Arrest of Alien for the Petitioner. The warrant authorizes arrest under sections 236 (8 U.S.C.  
12 §1226) and 287 (8 U.S.C. §1357) of the Immigration and Nationality Act. §1357 is not relevant  
13 to Petitioner's claim. The warrant used to detain the Petitioner makes is clear that he is arrested  
14 under §1226. Also attached as Exhibit 2 is a copy of the Department of Homeland Security's  
15 Notice of Custody Determination for the Petitioner. That document states that the Petitioner is  
16 detained "(p)ursuant to the authority contained in section 236 of the Immigration and Nationality  
17 Act...." Contrary to Officer Mansur's conclusion, the documents used to arrest and then detain  
18 the Petitioner specifically cite §1226 as the authority for those actions.

19 **CONCLUSION**

20  
21 The Petitioner is detained under 8 U.S.C. §1226. He was detained inside of the United  
22 States after having lived here for over 4-years and not while seeking admission. He was arrested  
23 pursuant to a warrant, which specifically cites §1226 as authority for his arrest. He was ordered  
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1 detained by an immigration officer, specifically citing to §1226 as authority for his detention. His  
2 Petition for Habeas should be granted.

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Dated at Denver, Colorado this 9<sup>th</sup> day of January 2026

s/ Luis Jorge Castañeda

Jorge Castañeda

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Attorney for the Petitioner

1 REPLY electronically filed with the Clerk of the court via ECF this 9<sup>th</sup> day of January, 2026.

2 s/ Luis Jorge Castaneda

3 JORGE CASTAÑEDA

4 Attorney for Defendant

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