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Attorney for Petitioner

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

Civil Action No. 1:25-cv-04210

JUAN IZQUIERDO NAVARRO,

Petitioner,

v.

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

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, Juan Izquierdo Navarro, is a native and citizen of El Salvador. On August 7, 2017, the Immigration Judge (“IJ”) granted the Petitioner deferral of removal under Article III of the Convention Against Torture (“CAT”). Petitioner has been in full compliance with all terms and conditions related to his CAT grant. Despite complying with all requirements of his release, on November 19, 2025, the Petitioner was arrested by Immigration and Customs Enforcement (“ICE”) and is currently being detained at the GEO Group’s ICE Detention Facility in Aurora, Colorado. Petitioner’s detention is a violation of his due process rights contained in the Fifth Amendment to the U.S. Constitution as well as a violation of the Immigration and Nationality Act (“INA”) and its implementing regulations. Accordingly, to uphold Petitioner’s constitutional, statutory and regulatory rights, this Court should grant this Petition for a Writ of Habeas Corpus.

JURISDICTION

2. This action arises under the Constitution of the United States, the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”), Pub. L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241 (the general grant of habeas authority to the district court); Art. I, § 9, cl. 2 of the United States Constitution (“Suspension Clause”); and 28 U.S.C. §1331 (“Federal Question”) as Petitioner is presently in custody under color of authority of the United States and such custody is in violation of the U.S. Constitution, laws, or treaties of the United States.

This Court may grant relief pursuant to 28 U.S.C. § 2241, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

3. Venue is proper in the United States District Court for the District of Colorado because Petitioner is detained at the GEO Group's ICE Detention Facility in Aurora, Colorado, which is within the jurisdiction of this District and a substantial part of the events giving rise to his claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

4. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added)

5. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

6. Petitioner Juan Izquierdo Navarro is a native and citizen of El Salvador. He is being detained at the GEO Group's ICE Detention Center in Aurora, Colorado. He is in the custody, and under the direct control, of Respondents and their agents.

7. Respondent Pamela Bondi is sued in her official capacity as the Attorney general of the United States and head of the U.S. Department of Justice (DOJ). In that capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the Board of Immigration Appeals (BIA). Respondent Bondi is a legal custodian of Petitioner.

8. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA) and oversees U.S. Immigration and Customs Enforcement, the agency responsible for Mr. Juan Izquierdo Navarro's detention. Respondent Noem is a legal custodian of Petitioner.

9. Respondent Ernesto Santacruz is sued in his official capacity as the Acting Field Office Director of the Denver Office of U.S. Immigration and Customs Enforcement. He is a legal custodian of petitioner and has authority to release him.

10. Respondent Johnny Choate is sued in his official capacity as the Warden of the GEO ICE Detention Center in Aurora, Colorado. He has immediate physical custody of Mr. Juan Izquierdo Navarro pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain non-citizens.

LEGAL FRAMEWORK

11. Non-citizens in immigration removal proceedings can seek three main forms of relief based on their fear of returning to their home country: asylum, withholding of removal, and CAT relief. Non-citizens may be ineligible for asylum for several reasons, including failure to apply within one year of entering the United States. See 8 U.S.C. § 1208.16.

12. To be granted CAT relief, a non-citizen must demonstrate that “it is more likely than not that he or she would be torture if removed to the prosed country of removal.” 8 C.F.R. § 1208.16(c)(2). An applicant for CAT relief must show a higher likelihood of torture than the likelihood of persecution an asylum applicant must demonstrate. *Id.*

13. When an IJ grants a non-citizen withholding or CAT relief, the IJ issues a removal order and simultaneously withholds or defers that order with respect to the country or countries for which the non-citizen demonstrated a sufficient risk of persecution or torture. See *Johnson v. Guzman Chaves*, 141 S. Ct. 2271, 2283 (2021). Once withholding or CAT relief is granted, either party has the right to appeal that decision to the BIA within 30 days. See 8 C.F.R. § 1003.38(b). If both parties waive appeal or neither party appeals within the 30-day period, the withholding or CAT relief grant and the accompanying removal order become administratively final. *Id.*

14. When a non-citizen has a final withholding or CAT relief grant, they cannot be removed to the country or counties for which they demonstrated a sufficient likelihood of

persecution or torture. See 8 U.S.C. § 1231(b)(3)(A); 8 C.F.R. § 1208.17(b)(2). While ICE is authorized to remove non-citizens who were granted withholding or CAT relief to alternative countries, see 8 U.S.C. § 1231(b); 8 C.F.R. § 1208.16(f), the removal statute specifies restrictive criteria for identifying appropriate countries. Non-citizens can be removed, for instance, to the country “of which the [non-citizen] was born,” or the country “in which the [non-citizen] resided” immediately before entering the United States. 8 U.S.C. § 1231 (b)(2)(D)-(E).

15. If ICE identifies an appropriate alternative county of removal, ICE must undergo further proceedings in immigration court to effectuate removal to that country. See *Jama v. ICE*, 543 U.S. 335, 348 (2005) (“If [non-citizens] would face persecution or other mistreatment in the country designated under § 1231(b)(2), they have a number of available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A); [and] relief under an international agreement prohibiting torture, see 8 CFR §§ 208.16(c)(4), 208.17(a) (2004)...”; *Romero v. Evans*, 280 F. Supp. 3d 835, 848 n.24 (E.D. Va 2017) (“DHS could not immediately remove petitioners to a third country, as DHS would first need to give petitioners notice and the opportunity to raise and reasonable fear claims.”) *rev’d on other round*, *Guzman Chavez*, 141 S. Ct. 2271.

16. 8 U.S.C. § 1231 governs the detention of non-citizens “during” and “beyond” the “removal period.” 8 U.S.C. § 1231(a)(2)-(6). The “removal period” begins once a non-citizen’s removal order “becomes administratively final.” 8 U.S.C. § 1231(a)(1)(B). The removal period lasts for 90 days, during which ICE “shall remove the [non-citizen] from the United States” and shall detain the [non-citizen]” as it carries out the removal. 8

U.S.C. § 1231(a)(1)-(2). If ICE does not remove the non-citizen within the 90-day removal period, the non-citizen “*may* be detained beyond the removal period” if they meet certain criteria, such as being inadmissible or deportable under specific statutory categories. 8 U.S.C. § 1231 (a)(6) (emphasis added).

17. No statute permits Respondents to re-detain an individual who has been released under 8 U.S.C. § 1231(a)(3) without evidence that removal is now reasonably foreseeable or that the individual has violated the conditions of their release as detailed in the Order of Supervision. 8. C.F.R. §§ 241.4(l), 241.13(i). The U.S. Supreme Court has found that there is not “any clear indication of congressional intent to grant the Attorney General the power to hold indefinitely in confinement an alien ordered removed”. *See Zadvydas v. Davis*, 533 U.S. 678, 697 (2001). The Court has stated “post-removal-period detention, unlike detention pending a determination of removability or during the subsequent 90-day removal period, has no obvious termination point.” *Id.* Consequently, “once removal is no longer reasonably foreseeable, continued detention is no longer authorized by statute.” *Id.* at 699.

FACTUAL BACKGROUND

18. Mr. Izquierdo Navarro is 33-year-old native and citizen of El Salvador and father of three U.S. citizen children. On May 16, 2013, at the age of 20, he came to the U.S., without inspection.

19. On July 31, 2013, the Department of Homeland Security issued a Notice to Appear, Form I-862, and filing the same with Immigration Court, commenced removal proceedings against Mr. Izquierdo Navarro. As a defense to removal, he filed a Form I-589, Application for Asylum and Withholding of Removal before EOIR.

20. On August 7, 2017, the Immigration Judge granted Mr. Izquierdo Navarro's application of deferral of removal under Article III of the Convention Against Torture. Ex. 1. The IJ found that it was more likely than not that Mr. Izquierdo Navarro would face torture in El Salvador if removed. At that hearing, Mr. Izquierdo Navarro was represented by undersigned counsel. An appeal of the IJ's decision granting CAT was waived by both parties, the Department and Mr. Izquierdo Navarro, making the decision administratively final. Id.; 8 C.F.R. § 1241.1.

21. On November 6, 2017, DHS ICE issued an "Order of Supervision" to Mr. Izquierdo, which placed the following conditions upon Mr. Izquierdo Navarro's release from custody:

1. That you appear in person at the time and place specified, upon each and every request of the agency, for identification and for deportation or removal.
2. That you provided information under oath about your nationality, circumstances, habits associations and activities and such other information as the agency considers appropriate.
3. That you do not travel outside of Colorado for more than 48 hours without first having notified this agency office of the dates and places, and obtaining approval from this agency office of such proposed travel.

4. That you furnish written notice to this agency office of any change of residence or employment 48 hours prior to such change .
5. That you report in person on 12/06/2017 9:00AM to this agency office at:
12445 E. Caley Ave. Centennial Co 80111.
6. That you assist U.S. Immigration and Customs Enforcement in obtaining any necessary travel documents.

Ex. 2.

22. Mr. Izquierdo Navarro complied with all conditions of his release including annual check-ins with DHS.

23. On November 19, 2025, despite full compliance with the conditions of his release, shortly after dropping his children off for school, DHS ICE detained Mr. Izquierdo Navarro. He was then transported to the GEO Group's ICE Detention Center in Aurora, Colorado, where he currently remains unlawfully detained.

LEGAL ARGUMENT

24. This Petition for Writ of Habeas Corpus is submitted on behalf of Petitioner Juan Izquierdo Navarro. Petitioner is not contesting that he is removeable under a valid order of removal; however, that same order of removal is a grant of Petitioner's application of deferral of removal under CAT. Ex. 1.

25. Mr. Izquierdo Navarro's present detention is not lawful, and his immediate release is warranted. This Petition will demonstrate that Mr. Izquierdo Navarro is likely

to succeed on the merits of his habeas claim, that he faces irreparable harm if not released, and that the balance of equities and public interest favor his release.

I. Mr. Izquierdo Navarro is Likely to Succeed on the Merits of His Habeas Claim

26. In his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, Petitioner seeks release from ICE detention. Mr. Izquierdo Navarro's present detention is not justified under 8 U.S.C. § 1231(a)(6) as he does not pose a risk to the community, is not a flight risk, and there has been no determination that he is unlikely to comply with an order of removal. Mr. Izquierdo Navarro was released from detention after the expiration of the removal period on November 6, 2017, and has complied with all conditions since his release.

27. Section 2241 provides that a district court may grant a writ of habeas corpus if a prisoner is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241(c)(3). Petitioner argues that he should be released because his detention violates his due process rights under the Fifth Amendment to the Constitution, the Immigration and Nationality Act (INA) and the INA's implementing regulations. Specifically, he asserts a violation of due process on the grounds that (1) the revocation of his release was effected without compliance with applicable regulations, in violation of the principles set forth in *United States ex. rel. Accardi v. Shaughnessy* ("Accardi"), 347 U.S. 260 (1954); and (2) it is not reasonably foreseeable that he will be removed to El Salvador or any other country.

II. Mr. Izquierdo Navarro Faces Irreparable Harm

Risk of Torture

28. Mr. Izquierdo Navarro has a well-founded fear of torture if removed to El Salvador, as established by the Immigration Judge's decision in 2017. The Respondents have not identified a third country willing to accept Mr. Izquierdo Navarro, nor have they provided assurances that he will not face torture in any such country.

Lack of Adequate Process

29. The Respondents' failure to provide Mr. Izquierdo Navarro with meaningful notice and an opportunity to present a fear-based claim before removal constitutes irreparable harm. The potential for removal without due process exacerbates the risk of torture and violates Mr. Izquierdo Navarro's constitutional and statutory rights.

30. Regulations issued pursuant to the INA govern the "authority to continue an alien in custody or grant release or parole under" 8 U.S.C. § 1231(a)(6). 8 C.F.R. § 241.4(a). Under these regulations, certain ICE officials are authorized to make determinations on whether to "continue an alien in custody beyond the removal period" based on certain factors enumerated in the regulations. 8 C.F.R. § 241.4(a), (c), (t). Alternatively, ICE could determine that an alien should be released upon consideration of certain criteria and factors set forth in the regulations. 8 C.F.R. § 241.4(e), (t). Under the regulations, a copy of any decision by the "Executive Associate Commissioner", the "district director", or the "Director of the Detention and Removal Office" to release or to detain an alien "*shall be provided to the detained alien,*" and any such detention decision "*shall briefly set for the reasons for the continued detention.*" 8 C.F.R. § 241.4(d) (emphasis added).

A noncitizen who is ultimately released pursuant to these provisions “must abide” by “conditions or special conditions on release” imposed by ICE. 8 C.F.R. § 241.4(l)1.

31. Such release may be revoked. Specifically, a non-citizen “who has been released under an order of supervision or other conditions of release” who then “violates the conditions of release may be returned to custody.” 8 C.F.R. § 241.4(l)(1). Under this provision, “[u]pon revocation, the alien will be notified of the reasons for revocation of his or her release,” after which “[t]he alien will be afforded an initial informal interview promptly after his or her return to [ICE] custody to afford the alien an opportunity to respond to the reasons for revocation state in the notification.” *Id.*

32. The Petitioner was released after the removal period pursuant to an Order of Supervision issued November 6, 2017. Mr. Izquierdo Navarro has never violated the Order of Supervision and has never received notice from ICE that he violated any condition of his release. Counsel specifically requested the reasons for re-detention via email on December 5, 2025, and again on December 10, 2025; however, no response was forthcoming. Ex. 3. Consequently, any re-detention pursuant to 8 C.F.R. § 241.4(l)(1) contravenes the clear due process requirements stated in the regulations.

33. Even absent a violation of conditions of release, the Executive Associate Director of ICE, and in limited instances, a district director of ICE, has the “authority, in the *exercise of discretion*, to revoke release and return to [ICE] custody an alien previously approved for release under the procedures in this section.” 8 C.F.R. § 241.4(l)(2) (emphasis added). The regulations state that “[r]elease may be revoked in the exercise of discretion when, in the opinion of the revoking official:

- (i) The purposes of release have been served;
- (ii) The alien violates any condition of release;
- (iii) It is appropriate to enforce a removal order or to commence removal proceedings against an alien; or
- (iv) The conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate.”

Id.

34. Petitioner was re-detained on November 19, 2025. Petitioner argues if he were re-detained pursuant to the exercise of discretion detailed in 8 C.F.R. § 241.4(l)(2), that there was a failure to comply with the requirement that such discretionary revocation of release must be made either by the “Executive Associate Commissioner” or by a “district direct” when “circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” 8 C.F.R. § 241.4(l)(2). These regulations provide due process to noncitizens’ liberty and property interests, requiring thoughtful discretion by agency leadership to protect individual liberty from arbitrary and capricious decision making. Should Petitioner have been re-detained pursuant to the discretionary revocation of release, 8 C.F.R. § 241.4(l)(2), there is no indication such decision was made by the Executive Associate Commissioner or by a district director as required by the regulations.

35. Finally, the regulations provide “special review procedures” specifically “for those aliens who are subject to a final order of removal and are detained under the custody review procedures provided at § 241.4 after the expiration of the removal period, where

the alien has provided good reasons to believe there is no significant likelihood of removal to the county to which he or she was ordered removed, or to a third country, in the reasonably foreseeable future.” 8 C.F.R 241.13(a). The regulations state that this section shall apply, as opposed to section 241.4, when ICE “makes a determination ... that there is no significant likelihood of removal in the reasonably foreseeable future.” 8 C.F.R 241.13(b). After ICE makes the determination that removal is not reasonably foreseeable, the alien will be released subject to an order of supervision. 8 C.F.R § 241.13(h).

36. ICE may revoke that release upon a violation of condition of release or if “changed circumstances” have led to a determination “there is a significant likelihood that the alien may be removed in the reasonably foreseeable future.” 8 C.F.R § 241.13(i). To revoke such release, ICE must follow specific revocation procedures, including that (1) “[u]pon revocation, the alien will be notified of the reasons for revocation”, (2) ICE “will conduct an initial informal interview promptly after ... return to [ICE] custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification,” and (3) “[t]he alien may submit any evidence or information” to show that there is no significant likelihood” of removal in the “reasonably foreseeable future,” or that the alien “has not violated the order of supervision.” 8 C.F.R. § 241.13(i)(3).

37. Should Mr. Izquierdo Navarro’s re-detention be subject to 8 C.F.R. § 241.13(i), the revocation of his release also contravened those requirements. Specifically, any revocation pursuant to this section requires that “the alien will be notified of the reasons

for revocation”, and that ICE will “will conduct an initial informal interview promptly ... to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.13(i)(3). Counsel contacted ICE via email on December 5, 2025 and again on December 10, 2025, to formally request the reason for re-detention. Ex. 3. To date, Counsel and Petitioner have received no notification of the reasons for the revocation and have not been afforded an opportunity to respond to the reasons for revocation in violation 8 C.F.R. § 241.13(i)(3).

III. The Balance of Equities and Public Interest Favor Mr. Izquierdo Navarro’s Release

Humanitarian Considerations

38. The humanitarian implications of Mr. Izquierdo Navarro’s potential removal to the country where he faces torture outweigh any governmental interest in his continued detention. The public interest is served by upholding human rights and ensuring that individuals are not subjected to torture. Petitioner is the father of three U.S. citizen children and Petitioner is the primary provider of his family. Ex. 4. Overall, the balance of humanitarian equities favors Mr. Izquierdo Navarro’s immediate release from detention.

Compliance with International Obligations

39. The United States has obligations under the United Nations Convention Against Torture to prevent the removal of individuals to countries where they are likely to face torture. Granting Mr. Izquierdo Navarro’s release aligns with these international commitments and reflects the values of justice and human dignity.

40. Petitioner's detention is unlawful as it contravenes the protections afforded under CAT, which prohibits the return of individuals to countries where they are likely to face torture. There has been no change in county conditions that would warrant a reevaluation of Petitioner's CAT relief status. The detention is arbitrary and lacks legal justification. Petitioner's continued detention violates due process rights under the Fifth Amendment, as it is not based on any new evidence or legal grounds.

CONCLUSION

41. Mr. Izquierdo Navarro's present detention is unlawful. There has been no change in circumstances from the Respondent's grant of Convention Against Torture (CAT) relief on August 7, 2017, by Immigration Judge McGrail in Denver, Colorado, to warrant Petitioner's re-detention and deportation to El Salvador or to a third country. Since his CAT grant and release under supervision, Mr. Izquierdo Navarro has fully complied with all conditions of release as detailed in his Order of Supervision and has not been charged with any new criminal offense or any new immigration violation. Additionally, Mr. Izquierdo Navarro's re-detention fails to comply with the due process requirements of notice and an opportunity to be heard, as detailed in 8 C.F.R. § 241.4 and 8 C.F.R. § 241.13. As such, his re-detention is unlawful as it violates the INA and its implementing regulations, and his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

CLAIMS FOR RELIEF

**COUNT ONE
CONSTITUTIONAL CLAIM**

42. Petitioner realleges and incorporates by reference the paragraphs above.
43. Peitioner's detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

**COUNT TWO
STATUTORY CLAIM**

44. Petitioner realleges and incorporates by reference the paragraphs above.
45. Peitioner's continued detention violates the Immigration and Nationality Act and its implementing regulations.

PRAYER FOR RELIEF

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

1. Assume jurisdiction over this matter;
2. Issue a writ of habeas corpus directing Respondent to immediately release
Petitioner from custody;
3. Grant any further relief that this Court deems just and proper.

Dated: December 30, 2025

Respectfully Submitted,
s/ Richard M. Lynch
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Juan Izquierdo Navarro, and submit this verification on his behalf.

I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Date this 30th day of December, 2025.

s/ Richard M. Lynch
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CERTIFICATE OF SERVICE

I Certify that on December 30, 2025, I electronically filed the foregoing with the Clerk of the Court 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,

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