

**SANTOS PEDRO-MARCOS,** )

A#  )

**Petitioner,** )

**v.** )

**Civil Action No.** \_\_\_\_\_

**DAVID W. STEWART,** )

**in his official capacity as Warden of the** )

**Denver Contract Detention Facility,** )

**Respondent.** )

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
**DEC 30 2025**  
JEFFREY P. COLWELL  
CLERK

SANTOS PEDRO-MARCOS,  
A# [REDACTED]

Petitioner,

v. Civil Action No. \_\_\_\_\_

DAVID W. STEWART,  
in his official capacity as Warden of the  
Denver Contract Detention Facility,

Respondent.

PETITION FOR WRIT OF HABEAS CORPUS

PURSUANT TO 28 U.S.C. § 2241

(PRO SE)

I. INTRODUCTION

This Petition for Writ of Habeas Corpus is respectfully submitted pro se pursuant to 28 U.S.C. § 2241 on behalf of Santos Pedro-Marcos, A# [REDACTED] ("Petitioner"), who is currently detained in immigration custody at the Denver Contract Detention Facility.

Petitioner challenges the lawfulness of his continued civil immigration detention, which has become prolonged, arbitrary, and unconstitutional, particularly given that he has a pending asylum application under the jurisdiction of USCIS, has not been afforded a meaningful bond determination, and poses no flight risk or danger to the community.

This detention violates the Due Process Clause of the Fifth Amendment and exceeds the limits of lawful civil detention.

II. JURISDICTION AND VENUE

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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SANTOS PEDRO-MARCOS,

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II. JURISDICTION AND VENUE

1. This Court has jurisdiction pursuant to 28 U.S.C. § 2241, as Petitioner is in federal custody within this judicial district.

2. This Court has authority to grant habeas relief where a noncitizen is held in immigration detention in violation of the Constitution or laws of the United States.

3. Venue is proper in this District because Petitioner is detained within the District of Colorado, and the Respondent, the Warden of the detention facility, exercises immediate custody over Petitioner.

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### III. PARTIES

4. Petitioner is Santos Pedro-Marcos, A , a noncitizen currently detained by ICE.

5. Respondent is David W. Stewart, in his official capacity as Warden of the Denver Contract Detention Facility, the immediate custodian responsible for Petitioner's detention.

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### IV. FACTUAL BACKGROUND

6. Petitioner entered the United States as a minor in a state of abandonment, having suffered physical and emotional neglect. He lawfully presented himself at a designated port of entry seeking protection from persecution. Due to his vulnerable condition as an unaccompanied minor, he was properly placed under the care and custody of a federally authorized government shelter.

During his time under federal care, Petitioner demonstrated good moral character and appropriate conduct. He subsequently initiated an application for asylum, which remains pending and is currently under the jurisdiction of U.S. Citizenship and Immigration Services (USCIS).

Petitioner has been granted employment authorization, maintains a valid Social Security Number, and has consistently complied with all asylum-related requirements, including the annual payment of the mandatory \$100 asylum fee.

7. Petitioner has not received a final order of removal.

8. Petitioner is currently being held in civil immigration detention, not criminal custody.

9. Since his detention, Petitioner has been transferred multiple times between ICE facilities, causing instability, lack of access to counsel, and significant emotional distress.

10. Petitioner has not been afforded a constitutionally adequate bond hearing before a neutral decision-maker where the government bears the burden of proving that continued detention is justified.

11. Petitioner has strong family ties in the United States, a stable sponsor, and a fixed address where he may reside if released.

12. Petitioner has no violent criminal history and poses no danger to the community.

13. The prolonged detention serves no legitimate government purpose and has become punitive rather than civil, in violation of due process.

—  
V. LEGAL STANDARD

14. Immigration detention is civil in nature and must be reasonably related to its regulatory purpose.

15. Prolonged detention without an individualized bond hearing violates the Fifth Amendment Due Process Clause.

16. Federal courts consistently recognize habeas relief as the appropriate remedy where detention becomes unreasonable or unconstitutional.

—  
VI. GROUNDS FOR RELIEF

COUNT I

Unconstitutional Prolonged Detention – Fifth Amendment

17. Petitioner incorporates all prior paragraphs.

18. Petitioner's continued detention without a meaningful bond hearing violates substantive and procedural due process.

19. The government has failed to justify continued detention by clear and convincing evidence.

—  
COUNT II

Arbitrary Detention and Lack of Individualized Determination

20. Petitioner's detention has become arbitrary due to the lack of an individualized custody determination.

21. Less restrictive alternatives to detention exist and have not been considered.

—  
COUNT III

Excessive Detention Contrary to the Purpose of Civil Immigration Custody

22. Continued detention is excessive and no longer reasonably related to immigration enforcement purposes.

—  
VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

—  
V. LEGAL STANDARD

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15. Prolonged detention without an individualized bond hearing violates the Fifth Amendment Due Process Clause.

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VII. RELIEF REQUESTED

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus ordering Respondent to immediately release Petitioner;  
OR, IN THE ALTERNATIVE
- B. Order the Government to provide a prompt and constitutionally adequate bond hearing before an Immigration Judge where the government bears the burden of proof;
- C. Grant any other relief the Court deems just and proper.

VIII. VERIFICATION

I, Eulalia Pedro Juan, am the sister of Petitioner Santos Pedro-Marcos. I submit this Petition on his behalf because he is currently detained and unable to sign or prepare this filing himself. I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on this 27 day of December 2025.

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Eulalia Pedro Juan  
Sister of Petitioner



IX. EXHIBITS

- Exhibit A – Proof of Identity of Petitioner (A-Number documentation)
- Exhibit B – Evidence of Pending Asylum Application with USCIS
- Exhibit C – Declaration of Sister Explaining Inability of Petitioner to Sign
- Exhibit D – Evidence of Family Ties and Sponsor Support
- Exhibit E – Proof of Stable Residence for Release
- Exhibit F – Evidence of Transfers and Prolonged Detention

X. CERTIFICATE OF SERVICE

I certify that a true and correct copy of this Petition was served on the appropriate government counsel and Respondent by U.S. Mail on this 27 day of December 2025.

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Eulalia Pedro Juan.

**EXHIBIT A**

**Pending Asylum Application Under USCIS Jurisdiction; Lawful Entry as a Minor;  
Compliance with Immigration Requirements**

Petitioner submits this exhibit in support of his Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to demonstrate that he has a pending asylum application under the jurisdiction of U.S. Citizenship and Immigration Services (USCIS), that he lawfully entered the United States as a minor in a state of abandonment, and that he has complied with all applicable immigration requirements.

The documents contained in this exhibit establish the following:

1. Petitioner lawfully presented himself at a designated port of entry as a minor in a state of physical and emotional abandonment and sought protection from persecution.
2. Due to his vulnerable condition as an unaccompanied minor, Petitioner was placed under the care and custody of a federally authorized government shelter.
3. Petitioner subsequently filed an application for asylum, which remains pending and is currently under the jurisdiction of USCIS.
4. Petitioner has been granted employment authorization, maintains a valid Social Security Number, and has demonstrated full compliance with immigration requirements.
5. Petitioner has paid the required annual \$100 asylum-related fee and has consistently complied with all reporting and procedural obligations.

These records further demonstrate that Petitioner poses no danger to the community, presents no flight risk, and has continuously acted in good faith while his asylum application remains pending.

**Documents Included**

- Copy of asylum application receipt or USCIS confirmation
- Documentation reflecting lawful entry as a minor and placement in a federally authorized shelter
- Copy of Employment Authorization Document (EAD)
- Copy of Social Security Number documentation
- Proof of payment of the annual \$100 asylum-related fee

**Copy of asylum application receipt  
or USCIS confirmation**

**Documentation reflecting lawful  
entry as a minor and placement in a  
federally authorized shelter**

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] File No: [REDACTED]

In the Matter of: SANTOS PEDRO-MARCOS currently residing at:

Respondent: \_\_\_\_\_

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUATEMALA and a citizen of GUATEMALA ;
3. You arrived in the United States at or near EL PASO, TX , on or about September 6, 2022 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled; or who arrived in the United States at any time or place other than as designated by the Attorney General

This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(9)(v)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

AT A PLACE TO BE SET

(Complete Address of Immigration Court, including Room Number, if any)

on a date to be set at a time to be to show why you should not be removed from the United States based on the charge(s) set forth above.

JOSEPH POKEROY Acting/Principal Asylum Officer  
(Signature and Title of Issuing Officer) (Sign in ink)

Date: September 07, 2022 El Paso, Texas  
(City and State)

OMB Control No: 0970-0552  
Expiration Date: 03/31/2022



**U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)**  
**OFFICE OF REFUGEE RESETTLEMENT (ORR)**  
**DIVISION OF UNACCOMPANIED CHILDREN OPERATIONS (DUCO)**  
**VERIFICATION OF RELEASE**

**VERIFICATION OF RELEASE**

Name of Minor:	Santos Pedro Marcos	Aliases (if any):	
Minor's Date of Birth:		Minor's A#:	

The Office of Refugee Resettlement (ORR) has released the above named minor from Federal custody pursuant to section 462 of the Homeland Security Act of 2002 and section 235 of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 to the care of:

	Name of Sponsor:	Eulalia Pedro Juan
	Aliases (if any):	
	Address:	
	City:	
	State:	
	Telephone#:	
	Relationship to Child:	Sister

**ACKNOWLEDGEMENT OF THE SPONSOR CARE AGREEMENT**

The above named sponsor has agreed to the provisions set forth in the *Sponsor Care Agreement*, pertaining to the minor's care, safety, and well-being, and the sponsor's responsibility for ensuring the minor's presence at all future proceedings before the Department of Homeland Security and the Department of Justice/Executive Office for Immigration Review (EOIR).

**FOR INTERNAL USE ONLY**

Name ORR care provider Facility	Southwest Key Estrella
Date	09/20/2022

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104.19) Public reporting burden for this collection of information is estimated to average .10 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Copy of Employment Authorization  
Document (EAD)  
Copy of Social Security Number  
documentation**

**Proof of payment of the annual \$100  
asylum-related fee**