IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-100

ISIDRO SANCHEZ GARCIA

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility;
ROBERT HAGAN, in his official capacity as Field Office Director, Denver Field Office of U.S. Immigration and Customs Enforcement;
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;
KRISTI NOEM, in her official capacity as Secretary of U.S. Department of Homeland Security; and
PAMELA BONDI, in her official capacity as Attorney General of the United States.

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, ISIDRO SANCHEZ GARCIA, by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his unlawful detention by Respondents arising from their unlawful application of 8 U.S.C. § 1225(b)(2)(A).

2. Sanchez Garcia is presently detained at the Denver Contract Detention Facility in Aurora, Colorado, under the custody and control of Respondents. His detention arises from a misapplication of the Immigration and Nationality Act (INA) and is based on a recently adopted policy that impermissibly extends mandatory detention under § 1225(b)(2)(A) to long-term

residents like Sanchez Garcia, who are not presently applying for admission and entered more than twenty years ago.

3. Respondents continued detention of Sanchez Garcia contradicts the plain language of the INA and decades of agency and judicial interpretation. INA § 235(b)(2)(A) does not apply to individuals who have long resided in the United States and are not presently "seeking admission."

4. Accordingly, Sanchez Garcia seeks relief in the form of a writ of habeas corpus directing Respondents to either immediately release him or, in the alternative, provide him with a prompt and expedited bond hearing pursuant to 8 U.S.C. § 1226(a), in light of the escalating medical risk posed by his continued detention.

CUSTODY

5. Sanchez Garcia has been in the custody of Respondents since September 3, 2025. He is currently detained at the Denver Contract Detention Facility in Aurora, Colorado. He remains under Respondents' direct control and supervision.

JURISDICTION AND VENUE

6. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § § 2201-2202 (declaratory relief), and Article I, section 9, clause 2 of the U.S. Constitution (Suspension Clause), as Sanchez Garcia is presently in custody under or by color of the authority of the United States, and he challenges his custody in violation of the Constitution and Laws of the United States.

7. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 678 (2001).

8. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Sanchez Garcia is confined in this District, at least one Respondent is in this District, Sanchez Garcia's immediate physical custodian is in this District, and a substantial part of the events giving rise to the claims in this action occurred in this District. *See Trump v. J.G.G.*, 145 S. Ct. 1003, 1005–06 (2025) (per curiam) ("For core habeas petitions, jurisdiction lies in only one district: the district of confinement" (internal quotation marks and citation omitted)).

NOTICE OF RELATED CASES

9. Pursuant to D.C.COLO.LCivR 3.2 and in the interest of judicial economy, Sanchez Garcia provides notice that this action is related to numerous habeas petitions recently adjudicated in this District involving the same Respondents, the same detention facility, and the same legal question concerning the scope of mandatory detention under 8 U.S.C. § 1225(b)(2)(A) as applied to long-term residents who are not presently seeking admission.

10. These related cases challenge Respondents' uniform policy and practice of applying § 1225(b)(2)(A) to noncitizens who entered the United States years or decades ago and were apprehended in the interior, rather than at the border, and who are therefore properly detained—if at all—under 8 U.S.C. § 1226(a). *See Espinoza Ruiz v. Baltazar*, No. 1:25-cv-03642-CNS, 2025 WL 3294762 (D. Colo. Nov. 26, 2025); *Arauz v. Baltazar*, No. 1:25-cv-03260-CNS, 2025 WL 3041840 (D. Colo. Oct. 31, 2025); *Nava Hernandez v. Baltazar, et al.*, No. 1:25-CV03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Hernandez Vazquez v. Baltasar, et al.*, No. 1:25-cv-3049-GPG, ECF No. 22 (D. Colo. Oct. 23, 2025); *Loa Caballero v. Baltazar, et al.*, No. 1:25-cv-3120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Moya Pineda v. Baltasar, et al.*, No. 1:25-cv-2955-GPG, ECF No. 21 (D. Colo. Oct. 20, 2025); *Mendoza Gutierrez v. Baltasar, et al.*,

No. 1:25-cv-2720-RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); and *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025).

11. Each of these cases involves materially indistinguishable facts and the same core statutory question presented here. Sanchez Garcia raises this notice to inform the Court of the overlapping legal issues and recurring parties, and not for any improper purpose.

HABEAS CORPUS

12. 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.*

13. The essence of habeas corpus is an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody. *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973). Challenges to immigration detention are properly brought directly through habeas. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004).

14. A petitioner is entitled to habeas relief if he demonstrates that his detention violates the United States Constitution or laws or treaties of the United States. 28 U.S.C. § 2241(c)(3).

PARTIES

A. Petitioner

15. Petitioner Isidro Sanchez Garcia was detained by Respondents on September 3, 2025, and has been detained at the Denver Contract Detention Facility since that date. He is in the custody and direct control of Respondents and their agents.

B. Respondents

16. Respondent Juan Baltazar is the Warden of the Aurora Contract Detention Facility. Respondent Baltazar has immediate physical custody of Sanchez Garcia and is sued in his official capacity.

17. Respondent Robert Hagan is the Field Office Director of the U.S. Immigration and Customs Enforcement Denver Field Office. Respondent Hagan has immediate physical custody of Sanchez Garcia and is sued in his official capacity.

18. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Sanchez Garcia and is sued in his official capacity.

19. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. Respondent Noem is a legal custodian of Sanchez Garcia and is sued in her official capacity.

20. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). Respondent Bondi is a legal custodian of Sanchez Garcia and is sued in her official capacity.

FACTUAL ALLEGATIONS

Procedural History

21. On September 3, 2025, the Department of Homeland Security (DHS) initiated removal proceedings against Sanchez Garcia pursuant to INA § 240 by issuing a Notice to Appear (NTA). *See Notice to Appear, dated September 3, 2025, attached hereto as Attachment A*. The NTA marks the box alleging that Sanchez Garcia is "an alien present in the United Sates who has not been admitted or paroled." *See Attachment A, attached hereto*.

22. The NTA further alleges that Sanchez Garcia is a native and citizen of Mexico and that on March 2, 2004, Sanchez Garcia entered the United States without inspection, admission, or parole in violation of INA § 212(a)(6)(A)(i). *See Attachment A, attached hereto.*

23. On that same date, September 3, 2025, DHS issued a Warrant for Arrest of Alien pursuant to INA § 236 (DHS Form I-200) and Notice of Custody Determination pursuant to INA § 236 (DHS Form I-286). *See DHS Form I-286, Notice of Custody Determination, dated September 3, 2025, attached hereto as Attachment B*; *see DHS Form I-200, Warrant for Arrest of Alien, dated September 3, 2025, attached hereto as Attachment C.*

24. Each of the charging and custody documents issued by DHS—including the NTA, Form I-200, and Form I-286—identified 8 U.S.C. § 1226(a) as the statutory authority governing Sanchez Garcia's detention. *See Attachments A, B, and C, attached hereto.*

25. On September 12, 2025, Sanchez Garcia submitted an EOIR-42B, Application for Non-LPR Cancellation of Removal, to the Aurora Immigration Court and paid the required application fee of $ 1,600.00. *See EOIR-42B, Application for Non-LPR Cancellation of Removal, dated September 12, 2025, attached hereto as Attachment D*; *see application fee receipt, dated October 2, 2025, attached hereto as Attachment E.*

26. On November 6, 2025, the Immigration Judge (IJ) denied his application for Non-LPR Cancellation of Removal and, in the alternative, granted him Voluntary Departure. *See Order of the Immigration Judge, dated November 6, 2025, attached hereto as Attachment H.*

27. Sanchez Garcia timely appealed the decision of the Immigration Judge to the Board of Immigration Appeals (BIA). *See EOIR Automated Case Information System, demonstrating pending appeal with BIA, attached hereto as Attachment I.*

28. Sanchez Garcia's appeal remains pending before the BIA. Accordingly, there is no final order of removal in this case, and Sanchez Garcia remains in removal proceedings. *See Attachment I, attached hereto.*

Non-LPR Cancellation of Removal

29. Sanchez Garcia is the sole financial provider for his family which consists of his wife and three (3) children. *See Attachment D, attached hereto.*

30. Sanchez Garcia's youngest son, [redacted], is a U.S. citizen. [redacted] has been diagnosed with an Intellectual Disability, Language Disorder, and Adjustment Disorder with mixed anxiety and depressed mood. *See Confidential Neuropsychological Evaluation for [redacted], dated October 29, 2025, attached hereto as Attachment F.*

31. In 2012, while visiting extended family in Mexico, [redacted] witnessed the fatal shooting of his cousin. Following this traumatic event, [redacted] began exhibiting severe behavioral dysregulation, including frequent physical fights with his brother, reenactment of the experience with toy guns, and frequently talk about "going to kill the people who killed his cousin." He was also having recurring nightmares about getting hurt and his father not being able to help him in time. *See Attachment F, attached hereto.*

32. Over time and with stability at home, [redacted]'s behavior significantly improved. In the year preceding Sanchez Garcia's detention, [redacted] had not engaged in physical fights with his brother and demonstrated improved emotional regulation. *See Attachment F, attached hereto.*

33. Since Sanchez Garcia's detention by Respondents in September 2025, [redacted]'s mental health has substantially deteriorated. [redacted] has expressed persistent guilt over his inability to "trade places" with his father, ongoing anxiety about his family's future, disturbed sleep, and declining school attendance. *See Attachment F, attached hereto.*

34. Recent psychological testing reflects a decline in [redacted]'s cognitive performance. [redacted]'s current scores on the Wechsler Intelligence Scale for Children – Fifth Edition (WISC-V) are lower than his scores from six years earlier. His treating providers have noted that this decline may reflect acute psychosocial stressors, including the prolonged separation from his father. [redacted] currently presents with depressed mood and self-reports difficulty concentrating due to his father's detention. *See Attachment F, attached hereto.*

35. Apart from a Texas traffic ticket in 2006, Sanchez Garcia has an otherwise spotless and clean criminal record. *See Attachment D, attached hereto*; *see Colorado Bureau of Investigation, No Colorado Record of Arrest, dated September 10, 2025, attached hereto as Attachment G.*

Custody Authority and Ongoing Detention

36. Respondents have never alleged that Sanchez Garcia is subject to mandatory detention under 8 U.S.C. § 1226(c), nor have they identified any qualifying criminal conviction or statutory predicate that would trigger mandatory detention under that provision.

37. Notwithstanding DHS's own classification of Sanchez Garcia's detention under § 1226(a), Respondents have refused to provide him with any custody redetermination hearing and have instead treated him as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A).

38. Respondents' mischaracterization of Sanchez Garcia's detention has occurred despite the absence of a final order of removal and while his direct appeal remains pending before the BIA. As a result, Sanchez Garcia remains detained without any individualized assessment of flight risk or danger to the community.

39. Sanchez Garcia has not requested a bond hearing before the Immigration Court because Respondents have taken the position—both in practice and through their custody

determinations—that he is not eligible for bond due to their asserted application of 8 U.S.C. § 1225(b)(2)(A). Any request for bond under these circumstances would therefore be futile, as the Immigration Court lacks authority to conduct a bond hearing where DHS maintains that detention is mandatory.

40. Moreover, the harm flowing from Sanchez Garcia's continued detention is not speculative or abstract. Sanchez Garcia suffers from multiple chronic medical conditions, including Diabetes, Hypertension, and Hyperlipidemia. *See Aurora ICE Processing Center, Chronic Care Treatment Plan, dated December 3, 2025, attached hereto as Attachment J.* He has recently experienced severe swelling in his lower extremities, requiring diagnostic evaluation by Doppler ultrasound. *See Principle Health Systems, Venous Doppler Radiology Report, dated December 2, 2025, attached hereto as Attachment K.*

41. These conditions require consistent monitoring and medical management. Prolonged civil detention without an individualized custody determination exacerbates these conditions and places Sanchez Garcia at ongoing risk of deterioration in his health. Sanchez Garcia does not raise a conditions-of-confinement nor medical-care claim. Rather, his medical vulnerability underscores the constitutional and statutory harm caused by Respondents' refusal to provide the individualized custody determination required by 8 U.S.C. § 1226(a).

42. In short, Sanchez Garcia remains detained under a statutory provision that Respondents did not invoke at the outset of proceedings, without a final removal order, without a bond hearing, and without any individualized determination of necessity—despite serious medical concerns and the acknowledged applicability of 8 U.S.C. § 1226(a).

LEGAL FRAMEWORK

43. The relevant detention statutes at issue here are 8 U.S.C. § 1225(b)(2), which requires mandatory detention "in the case of an alien who is an applicant for admission, if the

examining immigration officer determines that the alien seeking admission is not clearly and beyond a doubt entitled to be admitted," and 8 U.S.C. § 1226(a), which states that "an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § § 1225, 1226.

44. The detention provisions at § 1226(a) and § 1225(b)(2) 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.

45. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead 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").

46. Thus, in the decades that followed their enactment in 1996, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered eligible for release on bond and received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed "arriving" 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 that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

47. A recent DHS policy, announced in a July 8, 2025, memorandum to ICE employees, and made binding on immigration judges in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA Sept. 5, 2025), provides that any alien inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) is subject to mandatory detention under § 1225(b)(2)(A) and therefore ineligible to be released on bond.

48. Dozens of federal courts, including in the District Court for the District of Colorado, have rejected Respondents' new interpretation of the INA's detention authorities. The arguments raised here echo identical arguments raised across the country and in this judicial district. *See Espinoza Ruiz v. Baltazar*, No. 1:25-cv-03642-CNS, 2025 WL 3294762 (D. Colo. Nov. 26, 2025); *Arauz v. Baltazar*, No. 1:25-cv-03260-CNS, 2025 WL 3041840 (D. Colo. Oct. 31, 2025); *Nava Hernandez v. Baltazar, et al.*, No. 1:25-CV03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025); *Hernandez Vazquez v. Baltasar, et al.*, No. 1:25-cv-3049-GPG, ECF No. 22 (D. Colo. Oct. 23, 2025); *Loa Caballero v. Baltazar, et al.*, No. 1:25-cv-3120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Moya Pineda v. Baltasar, et al.*, No. 1:25-cv-2955-GPG, ECF No. 21 (D. Colo. Oct. 20, 2025); *Mendoza Gutierrez v. Baltasar, et al.*, No. 1:25-cv-2720-RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Garcia-Arauz v. Noem*, No. 2:25-cv-02117-RFB-EJY, --- F. Supp. 3d ----, 2025 WL 3470902 (D. Nev. Dec. 3, 2025); *Escobar Salgado v. Mattos*, No. 2:25-cv-01872-RFB-EJY, --- F. Supp. 3d ----, 2025 WL 3205356 (D. Nev. Nov. 17, 2025); *Ramos v. Rokosky*, No. 25cv15892 (EP), 2025 WL 3063588 (D.N.J. Nov. 3, 2025); *Godinez-Lopez v. Ladwig*, 2025 WL 3047889 (W.D. Tenn. Oct. 31, 2025); *Jimenez v. FCI Berlin, Warden*, No. 25-CV-326-LM-AJ, 2025 WL 2639390 (D.N.H. Sept. 8, 2025); *Lopez-Campos v. Raycraft*, No. 2:25-CV-12486, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Romero v. Hyde*, Civil Action No. 25-11631-BEM, 2025

WL 2403827 (D. Mass. Aug. 19, 2025); and *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), --- F.Supp.3d ----, 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025).

ARGUMENT

I. THE PLAIN TEXT OF 8 U.S.C. § 1225(b)(2) AND 8 U.S.C. § 1226(a) DEMONSTRATE SANCHEZ GARCIA IS DETAINED UNDER 8 U.S.C. § 1226(a), NOT 8 U.S.C. § 1225(b).

49. Respondents have taken the position that a noncitizen who entered the country without inspection is always an 'applicant for admission' and subject to mandatory detention under § 1225, no matter how long the noncitizen has been present in the country. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *10-11 (D. Colo. Oct. 22, 2025). Sanchez Garcia asserts that the definition of "applicant for admission" found in § 1225(b)(a)(1) "does not control for § 1225(b)(2), which does not apply to all applicants for admission, but only those actively 'seeking admission' at the border." *Id.*

50. The District Court of Colorado has found that Respondents' interpretation of the statute is contrary to its plain language. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *12 (D. Colo. Oct. 22, 2025); *Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-Case RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Nava Hernandez v. Baltazar*, No. 25-cv-03094-CNS (D. Colo. Oct. 24, 2025); *Moya Pineda v. Baltazar, et al.*, 1:25-cv-02955-GPGTPO (D. Colo. Oct. 20, 2025), ECF 21 at 2, 3 (determining that petitioner, who has lived in the United States for "nearly twenty years" and "was not detained while attempting to enter the country ... is not subject to § 1225(b)(2)(A)'s mandatory detention provision").

51. The weight of authority interpreting § 1225 has recognized that for § 1225(b)(2)(A) to apply, several conditions must be met—in particular, an "examining immigration officer" must determine that the individual is: 1) an applicant for admission; 2) seeking admission; and 3) not

clearly and beyond a doubt entitled to be admitted. *Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *12 (D. Colo. Oct. 22, 2025) (*citing Martinez v. Hyde*, No. 25-cv-11613-BEM, 2025 WL 2084238, at *2 (D. Mass. July 24, 2025).

52. The plain meaning of the phrase "seeking admission" requires that an applicant be presently and actively seeking lawful entry into the United States. *Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *12-13 (D. Colo. Oct. 22, 2025). The use of the present participle in § 1225(b)(2)(A) "implies action—something that is currently occurring, and in this instance, would most logically occur at the border upon inspection." *Id.* at *13 (*citing Lopez-Campos v. Raycraft*, F. Supp. 3d, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29, 2025). Simply put, "noncitizens who are just present in the country...,who have been here for years upon years and never proceeded to obtain any form of citizenship...are not 'seeking admission' under § 1225(b)(2)(A)." *Id.*

53. As § 1225(b)(2)(A) applies only to those noncitizens who are actively 'seeking admission' to the United States, it cannot, according to its ordinary meaning, apply to persons who have already been residing in the United States for several years. *Id.* (*citing Lopez-Benitez v. Francis*, F. Supp. 3d, 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025).

54. Sanchez Garcia has been present in the United States since approximately March 2004. *See Attachment A, attached hereto*. Therefore, notwithstanding any lack of lawful status, Sanchez Garcia was not seeking lawful entry into the United States at the time he was detained—he was already here. He was thus not "seeking admission" and is not subject to § 1225(b)(2)(A)'s mandatory detention provision. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *16 (D. Colo. Oct. 22, 2025) (*citing Lepe v. Andrews*, F. Supp. 3d, 2025 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025) ("[P]etitioner is not actively 'seeking' 'lawful entry' because he

already entered the United States—thirty-two years ago. If anything, petitioner is seeking to *remain* in the United States.").

II. OTHER FACTORS DEMONSTRATE SANCHEZ GARCIA IS DETAINED UNDER 8 U.S.C. § 1226(a).

55. Although the plain text of the statute demonstrates that Sanchez Garcia is not detained under § 1225, there are other factors present to demonstrate that Sanchez Garcia is detained under § 1226(a).

56. Aside from being inconsistent with the statute's plain language, Respondents' interpretation is inconsistent with the related implementing regulations. Though not binding, "interpretations issued contemporaneously with the statute at issue, and which have remained consistent over time, may be especially useful in determining the statute's meaning." *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 394 (2024).

57. The implementing regulations state that "any arriving alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings pursuant to section 240 of the Act shall be detained in accordance with section 235(b) of the Act." 8 C.F.R. § 235.3(c)(1). The regulations define "arriving alien" as "an applicant for admission coming or attempting to come into the United States." *Id.* § 1.2.

58. The regulations appear "to contemplate that applicants seeking admission are a subset of applicants 'roughly interchangeable' with 'arriving aliens,'" *Cordero Pelico v. Kaiser*, No. 25-cv-07286-EMC, 2025 WL 2822876, at *11 (N.D. Cal. Oct. 3, 2025) (quoting *Martinez*, 2025 WL 2084238, at *6), and underscore Sanchez Garcia's interpretation of § 1225.

59. Respondents' treatment of Sanchez Garcia also conflicts with their assertion that he is detained pursuant to § 1225.

60. DHS's Notice of Custody Determination (Form I-286) states that Sanchez Garcia was being detained "[p]ursuant to the authority contained in section 236 of the Immigration and Nationality Act." *See Attachment B, attached hereto.*

61. Second, DHS Form I-200, Warrant for Arrest of Alien, similarly stated that the arrest was pursuant to "section 236 of the Immigration and Nationality Act." *See Attachment C, attached hereto.*

62. Lastly, the NTA issued to Sanchez Garcia contains three designation options for Sanchez Garcia: 1) "an arriving alien"; 2) "an alien present in the United States who has not been admitted or paroled"; and 3) a person "admitted to the United States, but ... is removable." *See Attachment A, attached hereto.* The issuing DHS officer did not designate Sanchez Garcia as "an arriving alien," which, as explained above, "is the active language used to define the scope of section 1225(b)(2)(A) in its implementing regulation," and designated him as "an alien present in the United States who has not been admitted or paroled." *See* 8 C.F.R. § 235.3(c)(1); *see Attachment A, attached hereto.*

63. The NTA also states that Sanchez Garcia was being placed in INA § 240 proceedings, as opposed to expedited proceedings. *See Attachment A, attached hereto.*

64. Therefore, the Government's own detention paperwork suggests that Sanchez Garcia is detained under § 1226, not § 1225. *Lopez Benitez*, 2025 WL 2371588, at *4 ("Respondents' own exhibits unequivocally establish that Mr. Lopez Benitez was detained pursuant to Respondents' discretionary authority under § 1226(a). The warrants for Mr. Lopez Benitez's respective arrests in 2023 and 2025 explicitly authorized those arrests pursuant to 'section 236 of the Immigration and Nationality Act'—i.e. § 1226.").

65. In sum, Sanchez Garcia is subject to the discretionary framework of § 1226(a) and his continued detention without a bond hearing is unlawful.

CLAIMS FOR RELIEF

Count One
Violation of 8 U.S.C. § 1226(a), INA § 236(a)

66. Sanchez Garcia realleges and incorporates the allegations contained in the preceding paragraphs of the Petition as if fully set forth herein.

67. Sanchez Garcia is detained pursuant to 8 U.S.C. § 1226(a), which authorizes discretionary detention pending removal proceedings and expressly contemplates an individualized custody determination, including the opportunity for release on bond.

68. Respondents' continued detention of Sanchez Garcia under 8 U.S.C. § 1225(b)(2)(A) is unlawful. That provision applies only to noncitizens who are actively seeking admission to the United States. Sanchez Garcia has resided continuously in the United States for over twenty years and was apprehended in the interior, not at the border. He was not seeking admission at the time of his arrest and is therefore not subject to mandatory detention.

69. By refusing to provide Sanchez Garcia with a bond hearing under § 1226(a), Respondents have unlawfully converted discretionary detention into de facto mandatory detention, in direct contravention of the statute.

70. This statutory violation is particularly acute given Sanchez Garcia's serious medical conditions, including Diabetes, Hypertension, and Hyperlipidemia, as well as recent lower-extremity swelling requiring diagnostic evaluation. Congress's decision to require individualized custody determinations under § 1226(a) reflects an understanding that civil detention must account for personal circumstances bearing on necessity, proportionality, and risk. Respondents' refusal to

provide any custody redetermination has stripped Sanchez Garcia of the statutory protections designed to mitigate precisely these harms.

71. Accordingly, Sanchez Garcia's continued detention without a bond hearing violates 8 U.S.C. § 1226(a) and is unlawful.

Count Two
Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution – Substantive Due Process

72. Sanchez Garcia realleges and incorporates the allegations contained in the preceding paragraphs of the Petition as if fully set forth herein.

73. The Fifth Amendment's Due Process Clause protects individuals from arbitrary governmental detention and safeguards the liberty interest in freedom from physical restraint. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Civil immigration detention is constitutionally permissible only where it bears a reasonable relation to its purpose and is accompanied by adequate procedural protections.

74. Sanchez Garcia's continued detention without any individualized custody determination violates substantive due process. Because § 1226(a) governs his detention, due process requires a meaningful bond hearing at which the government must justify continued detention based on clear and convincing evidence of flight risk or danger to the community.

75. The absence of any bond hearing renders Sanchez Garcia's detention arbitrary and excessive, particularly where Respondents have never alleged that he is subject to mandatory detention under § 1226(c) or that he poses a danger to the community.

76. Moreover, Sanchez Garcia's prolonged detention in the face of documented chronic medical conditions exacerbates the constitutional violation. Prolonged civil detention without an individualized assessment of necessity is especially unreasonable where detention foreseeably

worsens existing medical conditions and exposes the detainee to escalating health risks. Detention under these circumstances is not merely excessive; it is punitive in effect.

77. Without a bond hearing, Respondents have deprived Sanchez Garcia of the sole mechanism Congress provided to evaluate whether continued detention is justified in light of his personal circumstances, including his health. The resulting detention bears no reasonable relationship to any legitimate governmental purpose and violates substantive due process.

78. Absent a prompt bond hearing that meaningfully evaluates flight risk and danger, Sanchez Garcia's continued detention cannot be squared with the procedural protections Congress required and the Constitution demands.

PRAYER FOR RELIEF

Petitioner Sanchez Garcia prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter pursuant to 28 U.S.C. § 2241;

(2) Issue a writ of habeas corpus clarifying that the statutory basis for Sanchez Garcia's detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply to him;

(3) Order Respondents to provide Sanchez Garcia with a bond hearing pursuant to 8 U.S.C. § 1226(a) within a prompt and expedited timeframe from the date of the Court's order, at which the government bears the burden of justifying continued detention by clear and convincing evidence;

(4) In light of Sanchez Garcia's documented chronic medical conditions—including Diabetes, Hypertension, Hyperlipidemia, and recent lower-extremity swelling requiring diagnostic evaluation—order that such bond hearing be conducted on an expedited basis, as continued civil detention without an individualized custody determination poses an unreasonable and escalating risk to his health;

(5) In the alternative, if Respondents fail to provide a constitutionally adequate bond hearing within the timeframe ordered by the Court, order Sanchez Garcia's immediate release from custody under reasonable conditions of supervision; and

(6) Grant such other and further relief as the Court deems just and proper to remedy the ongoing unlawful detention.

Dated this 9th day of January 2026.

Respectfully submitted,

/s/ Skylar M. Larson
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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **Petition for Writ of Habeas Corpus and Attachments A-K** will be effectuated contemporaneously with the Court's issuance of an Order directing service pursuant to Federal Rule of Civil Procedure 4(i), at which time true and correct copies will be mailed via **U.S. Postal Service Priority Mail Express** to the following:

JUAN BALTAZAR, Warden of Aurora Contract Detention Facility
3130 N Oakland Street
Aurora, CO 80010
Respondent

ROBERT HAGAN, Field Office Director, Denver ICE Field Office
12445 E. Caley Avenue
Centennial, CO 80111
Respondent

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

KRISTI NOEM, Secretary of U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice
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Respondent

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