

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

Civil Action No. 1:26-cv-00100-GPG

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;  
PAMELA BONDI, in her official capacity as Attorney General of the United States,

Respondents.

---

**RESPONDENTS' RESPONSE TO COURT'S ORDER TO SHOW CAUSE (D. 4)**

---

Respondents hereby respond to the Court's Order to Show Cause (D. 4), directing them to respond to the habeas petition. Petitioner filed his petition for habeas relief on January 9, 2026. (D. 1). The Court ordered Petitioner's counsel to serve Respondents with a copy of the petition and ordered Respondents to show cause why the petition should not be granted. (D. 4).

The central legal issue presented in this case concerns whether a noncitizen who is present in the United States and has not been admitted or paroled is subject to mandatory detention by U.S. Immigration and Customs Enforcement ("ICE") under 8 U.S.C. § 1225(b)(2), or whether such a noncitizen is entitled by § 1226(a) to seek a

bond hearing. This issue is not materially different from an issue this Court has resolved in a prior ruling in another case. *See, e.g., Moya Pineda v. Baltasar, et al.*, 25-cv-02955-GPG, D. 21 (D. Colo. Oct. 20, 2025). Respondents respectfully disagree with that ruling. But to conserve judicial and party resources and expedite this Court's consideration of this case, while preserving legal arguments and reserving all of Respondents' rights including the right to appeal, Respondents submit this abbreviated response.

When Petitioner was detained by ICE, he was present in the United States without being admitted or paroled. *See* (D. 1-1 at 4). Respondents' position is that Petitioner is, therefore, subject to mandatory detention under § 1225(b), on the grounds set forth in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025). Respondents submit that this position is supported by *Jennings v. Rodriguez*, 583 U.S. 281 (2018). The Court in *Jennings* explained that a noncitizen "who . . . 'is present' in this country but 'has not been admitted,' is treated as 'an applicant for admission.'" 583 U.S. at 287 (quoting 8 U.S.C. § 1225(a)(1)). The Court then explained that *all* "applicants for admission" are subject to detention under either 8 U.S.C. § 1225(b)(1) or § 1225(b)(2)—both of which *require* detention. *See id.* ("Section 1225(b)(2) . . . serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)."); *id.* at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded"). Respondents submit that *Jennings* supports their position that all "applicants for admission"—who include noncitizens, like Petitioner, who are present in the United States and have not

been admitted or paroled—are subject to mandatory detention under 8 U.S.C.

§ 1225(b)(2).

Some district courts in this circuit have agreed with Respondents' interpretation of the statute. *See, e.g., Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025). Many others have not, including this Court, as noted above. The Tenth Circuit has not ruled on this issue. A decision in this district rejecting Respondents' position on this issue has been appealed to the Tenth Circuit. *See Mendoza Gutierrez v. Baltazar*, Civil Action No. 25-cv-02720-RMR (D. Colo.), *appeal docketed*, No. 25-1460 (10th Cir. Dec. 15, 2025). That appeal remains pending.

Respondents acknowledge that until the Tenth Circuit rules on this issue, this Court's prior ruling on this issue would lead the Court to reach the same result here if the Court adheres its decision in *Moya Pineda*, as the facts of this case are not materially distinguishable from that case for purposes of the Court's decision on the legal issue of whether Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Thus, while Respondents do not consent to issuance of the writ and reserve the right to appeal, in order to conserve judicial and party resources Respondents hereby rely upon, and incorporate by reference, the legal arguments Respondents presented on this issue in *Mendoza Gutierrez v. Baltazar*, Civil Action No. 25-cv-02720-RMR, D. 26 at 10–19.<sup>1</sup>

Respondents anticipate that this Court's ruling on the § 1225(b)(2)(A) issue in this case will resolve this habeas petition. If the Court grants the petition on this ground,

---

<sup>1</sup> A copy of that brief is attached hereto as Exhibit A.

it should decline to address additional arguments. See *INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) (“As a general rule courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach.”). But if the Court wishes to receive additional briefing on any other issue, Respondents request that the Court issue an order directing Respondents to address such issues.

Finally, Respondents submit that if the Court grants the petition and determines that Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a), the Court should order that Respondents conduct such a bond hearing in accordance with that provision within a reasonable time and should direct Respondents to file a status report confirming that such a bond hearing was held.

Respectfully submitted,

PETER MCNEILLY  
United States Attorney

s/ William B. Gillespie  
**William B. Gillespie**  
Assistant United States Attorney  
1801 California Street, Suite 1600  
Denver, CO 80202  
Telephone: 303-454-0100  
Email: [william.gillespie@usdoj.gov](mailto:william.gillespie@usdoj.gov)  
Counsel for Respondents

#### **Certificate of Service**

I hereby certify that on this date, February 3, 2026, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to CM/ECF participants.

s/ William B. Gillespie  
U.S. Attorney's Office