

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
District Judge Gordon P. Gallagher**

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

Respondents.

**PETITIONER'S REPLY IN SUPPORT OF PETITION FOR WRIT OF HABEAS
CORPUS (ECF NO 1) AND ORDER TO SHOW CAUSE (ECF NO 4)**

Petitioner, ISIDRO SANCHEZ GARCIA, by and through undersigned counsel, respectfully submits this reply in support of his Petition for Writ of Habeas Corpus (ECF No. 1) and the Court's Order to Show Cause (ECF No. 4). On February 3, 2026, Respondents filed their Response to the Court's Order to Show Cause. ECF No. 7.

Respondents' filing does not dispute any material facts. Instead, Respondents expressly characterize their response as "abbreviated," concede that the legal issue presented here is not materially different from issues already decided by this Court and acknowledge that adherence to this Court's prior rulings would lead to the same result. Respondents nevertheless urge the Court to reconsider an interpretation of the detention statutes that this Court has already rejected, offering

no new facts or controlling authority and expressly filing their response only to preserve appellate arguments.

Respondents' position fails. Sanchez Garcia is detained under 8 U.S.C. § 1226(a), not § 1225(b)(2), and is therefore entitled to an individualized bond hearing. The continued denial of that hearing violates the INA and due process. Sanchez Garcia respectfully requests that the Court order Respondents to provide him a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days of the Court's order and require the Government to bear the burden of justifying continued detention.

ARGUMENTS

I. RESPONDENTS' RESPONSE CONFIRMS THAT THIS CASE IS CONTROLLED BY THIS COURT'S PRIOR RULINGS.

Respondents expressly acknowledge that the legal issue presented—whether a long-term interior noncitizen is detained under 8 U.S.C. § 1225(b)(2) or § 1226(a)—is not materially different from cases this Court has already decided. ECF 7 at 2 (citing *Moya Pineda v. Baltazar, et al.*, No. 25-cv-02955-GPG (D. Colo. Oct. 20, 2025)). They further acknowledge that if the Court adheres to its prior rulings, the same result must follow here.

Nothing in Respondents' filing provides a basis for a different outcome. Respondents do not identify any new statutory text, binding precedent, or factual distinction that would justify departing from this Court's settled analysis. Preservation for appeal is not a legal argument, and it is not a reason to deny relief in an individual habeas case.

II. SANCHEZ GARCIA IS NOT SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1225(b)(2).

Respondents again argue that because Sanchez Garcia is “present in the United States” and “has not been admitted,” he is an “applicant for admission” subject to mandatory detention under § 1225(b)(2). That argument improperly collapses the statute.

Section 1225(b)(2)(A) applies only where an immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted. The statutory phrase “seeking admission” is not surplusage. It presupposes an effort to enter the United States. A noncitizen who has lived in the interior of the country for years, was arrested inside the United States, and was never attempting to enter or present for inspection is not “seeking admission” within the ordinary meaning of that term.

Accepting Respondents’ interpretation would read “seeking admission” out of the statute entirely and would erase the distinction Congress drew between § 1225 (inspection and admission) and § 1226 (arrest and detention pending removal). This Court and numerous others have already rejected that construction, and Respondents offer no principled reason to revive it here.

Neither *Jennings v. Rodriguez*, 583 U.S. 281 (2018), nor *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), compels a different result. *Jennings* addressed whether prolonged detention statutes could be re-written to include periodic bond hearings; it did not decide the threshold question of which detention statute applies to long-term interior noncitizens. *Jennings*, 583 U.S. at 287. And a recent BIA decision cannot override the plain text of the INA or binding federal court precedent—particularly where Respondents concede that this Court has already ruled otherwise.

III. SANCHEZ GARCIA IS DETAINED UNDER § 1226(a) AND IS ENTITLED TO A PROMPT BOND HEARING AT WHICH THE GOVERNMENT BEARS THE BURDEN OF PROOF.

Because § 1225(b)(2) does not apply, Sanchez Garcia’s detention is governed by § 1226(a). That statute authorizes detention pending removal proceedings but expressly contemplates release on bond after an individualized custody determination.

Sanchez Garcia has never received a bond hearing under § 1226(a). The continued denial of that hearing constitutes unlawful detention. The appropriate remedy is not release by judicial fiat, but an order requiring DHS to provide a prompt bond hearing before an Immigration Judge with jurisdiction, at which the Government must justify continued detention. Given the substantial liberty interest at stake, due process requires that the Government bear the burden of proof at that hearing. Additionally, Respondents did not meaningfully challenge which party would bear the burden of proof in their response, and any such argument has therefore been forfeited. *See C.I.G. ex tel. C.G. v. Siegfried*, 38 F.4th 1270, 1282 (10th Cir. 2022) (holding that the district court properly dismissed an argument as “abandoned” where the party failed to include an argument in response to arguments raised in a motion to dismiss).

CONCLUSION

Respondents’ attempt to reclassify Sanchez Garcia as subject to mandatory detention under § 1225(b)(2) is irreconcilable with the INA’s text, structure, and purpose, as well as the weight of federal case law—including decisions from this Court—rejecting the same theory. Section 1225(b)(2)(A) applies to noncitizens who are presently seeking admission at the border or a port of entry. It does not apply to long-term interior residents detained pending removal proceedings, like Sanchez Garcia.

Because Sanchez Garcia is detained under § 1226(a), he is entitled to an individualized bond hearing. Given the length of his detention, the absence of any prior meaningful custody determination, and the substantial liberty interests at stake, due process further requires that the Government bear the burden of justifying his continued detention at a bond hearing.

For these reasons, Sanchez Garcia respectfully requests that the Court (1) grant his Petition for Writ of Habeas Corpus; and (2) order Respondents to provide an individualized bond hearing

under 8 U.S.C. § 1226(a) within seven (7) days of the Court's order, at which the Government must establish by clear and convincing evidence that continued detention is justified.

Dated this 5th day of February 2026.

Respectfully submitted,

/s/ Skylar M. Larson

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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2026, I electronically filed the foregoing **Petitioner's Reply in Support Petition for Writ of Habeas Corpus (ECF No. 1) and Order to Show Cause (ECF No. 4)** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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