THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

YUNIOR HERMOGENES DELGADO RODRIGUEZ, Petitioner vs. PAMELA BONDI, in her official capacity as Attorney General of the United States, KRISTI NOEM, in her official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility, Respondents.	Case No.: 1:26-cv-119-GPG Agency File: [redacted]

PETITIONER'S REPLY TO RESPONDENTS' RESPONSE TO HABEAS PETITION

INTRODUCTION

Petitioner filed a Petition for Writ of Habeas Corpus and Request for Order to Show Cause on January 12, 2026. (Doc. 1). The Court entered an Order to Show Cause on January 13, 2026, directing Petitioner to serve Respondents and requiring Respondents to respond within seven days of service. (Doc. 4). Respondents filed a Response on January 23, 2026. (Doc. 9).

Petitioner has already addressed Respondents' *Jennings* arguments and the § 1225 versus § 1226 framework in the Petition. This Reply focuses on Respondents' remaining contentions: (1) that this Court should disregard the substantial body of District of Colorado authority granting relief in materially similar circumstances; (2) that *Mathews v. Eldridge* purportedly does not apply; and (3) that the APA claim is barred whenever habeas relief is available. None of those arguments

warrants denial of the writ.

ARGUMENT

I. This Court has previously rejected Respondents' position and granted habeas petitions in similar circumstances.

This Court has previously considered and rejected similar arguments to those made by Respondents in this case. *See Garcia Cortes v. Noem*, 25-cv-02677, 2025 WL 2652880, *3 (D. Colo. Sept. 16, 2025) (Sweeney, J., granting relief); *Moya Pineda v. Baltasar*, 25-cv-02955 (D. Colo. Oct. 20, 2025) (Gallagher, J., same); *Loa Caballero v. Baltasar*, 25-cv-03120, 2025 WL 2977650 (D. Colo. Oct. 22, 2025) (Wang, J., same); *Hernandez Vazquez v. Baltasar*, 25-cv-03049 (D. Colo. Oct. 23, 2025) (Gallagher, J., same); *Nava Hernandez v. Baltazar*, 25-cv-03094, 2025 WL 2996643 (D. Colo. Oct. 24, 2025) (Sweeney, J., same); *Artola Arauz v. Baltazar*, 25-cv-3260, 2025 WL 3041840 (D. Colo. Oct. 31, 2025) (Sweeney, J., same); *Cervantes Arredondo v. Baltazar*, 25-cv-3040 (D. Colo. Oct. 31, 2025) (Jackson, J., same); *De Domingo Campos v. Baltazar*, 25-cv-3062 (D. Colo. Nov. 13, 2025) (Gallagher, J., same); *Ortiz Rosales v. Baltazar*, 25-cv-3275 (D. Colo. Nov. 16, 2025). (Gallagher, J., same). Respondents do not meaningfully distinguish these decisions.

For example, in *Loa Caballero*, this Court noted that the respondents' own treatment of Mr. Loa Caballero "appears to conflict with their assertion that he is detained pursuant to 1225." *Loa Caballero*, 2025 WL 2977650 at *17. In that case, Mr. Loa Caballero was issued a Notice of Custody Determination stating that he was being detained pursuant to section 1226, not only during the current challenged detention, but during two prior detentions. *Id.* Based on this, as well as the Court's interpretation of sections 1225 and 1226, the Court determined that the petitioner warranted a bond hearing under section 1226. *Id.* at 18 -20.

Similarly, in *Moya Pineda*, this Court granted relief where a noncitizen entered without admission, was previously taken into custody and released, and was re-detained years later—holding that the individual was not subject to mandatory detention and was eligible for bond under § 1226(a). *Moya Pineda*, 25-cv-02955 (D. Colo. Oct. 20, 2025). The same logic applies here. Petitioner entered without admission on October 26, 2023, was previously taken into custody, released under 1226(a), and re-detained more than two years later. Under this District's consistent reasoning, Petitioner cannot be said to be actively seeking admission because he already entered the United States years ago. "If anything, Petitioner is seeking to *remain* in the United States." *Loa Caballero*, 2025 WL 2977650 at *16. Therefore, this Court should find that the prior decisions of the Court are persuasive and adopt their analysis.

II. The *Mathews* factors apply to Petitioner's due process claim.

Respondents argue that the Court should not apply the *Mathews v. Eldridge* framework because the Supreme Court has not applied *Mathews* in this precise context. (Doc. 9 at 15). That argument improperly treats the absence of an explicit citation as a prohibition. In support of their argument, Respondents cite to *Demore v. Kim*, 538 U.S. 510, 531 (2003), *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 140 (2020) and *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Mathews* supplies the default standard for determining what process is constitutionally required whenever the government deprives a person of a protected liberty interest. Nothing in *Demore*, *Thuraissigiam*, or *Zadvydas* holds that *Mathews* is inapplicable to immigration detention. Respondents' position would convert silence into a doctrinal carve-out—without any authority for such a rule.

Courts—including courts in this District—have applied *Mathews* in immigration detention

due-process challenges. *See Garcia Cortes v. Noem*, 25-cv-02677, 2025 WL 2652880, at *8-9 (D. Colo. Sept. 16, 2025) ("even applying due process principles, *see, e.g.*, *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), they 'weigh in favor of Petitioner'"); *Lopez Benitez v. Francis*, No. 25 Civ. 5937 (DEH), --- F. Supp. 3d ----, 2025 WL 2371588, at *13 (S.D.N.Y. Aug. 13, 2025); *Doe v. Moniz, et al.*, No. 1:25-CV-12094-IT, 2025 WL 2576819, at *6 (D. Mass. Sept. 5, 2025) ("In sum, the Mathews factors weigh in favor of Petitioner, and the court finds that his detention without a bond hearing violates his Due Process rights.").

Moreover, as this Court found in *Garcia Cortes,* "Respondents' citation to *Thuraissigiam* in support of its argument that Petitioner's due process claims should be dismissed is unavailing, given *Thuraissigiam* was set against dramatically different factual circumstances." *See Garcia Cortes*, 2025 WL 2652880, at *9 (citing *Thuraissigiam*, 591 U.S. at 140 ("[A]n alien in respondent's position has only those rights regarding admission that Congress has provided by statute."); *id.* at 139 (rejecting argument that respondent was entitled to greater due process where argument "disregard[ed] the reason for our century-old rule regarding the due process rights of an alien seeking initial entry")).

The same holds true for Respondents' reliance on *Demore* and *Zadvydas*. *Demore* addressed a constitutional challenge to mandatory detention under a different statute, i.e., 1226(c), and emphasized the brief, finite nature of detention in that statutory scheme—facts not present here. *Demore v. Kim*, 538 U.S. at 510. *Zadvydas* is also materially different from the present case because it dealt with a due process challenge to detention of aliens under 8 U.S.C. § 1231, which governs post-removal order detention. *Zadvydas*, 533 U.S. at 699.

Accordingly, *Mathews* applies. And for the reasons set forth in the Petition—and

consistent with the reasoning in this District's cases—the *Mathews* three-part test supports, at minimum, an individualized bond hearing.

III. Respondents' attack on the APA claim is legally unsound.

Respondents argue that the APA is unavailable because habeas provides an adequate remedy and that *J.G.G. v. Trump* forecloses APA jurisdiction. That argument misreads both § 704 and the governing case law. If accepted, Respondents' position would effectively immunize all detention-related agency decisions from APA review, a result flatly inconsistent with § 706 and longstanding Supreme Court precedent requiring reasoned, non-arbitrary executive action.

The availability of habeas does not bar APA jurisdiction because habeas cannot remedy the agency-law violations Petitioner alleges. Habeas addresses the legality of custody; the APA addresses the legality of the executive decision-making process that produced that custody. Where, as here, a petitioner challenges both the fact of detention and the lawfulness of the agency action that caused it, § 704 does not bar APA review.

J.G.G. v. Trump is inapplicable because Petitioner does not seek to use the APA as a substitute for habeas or as a vehicle for release from custody. Rather, Petitioner invokes the APA to challenge DHS's arbitrary and unexplained custody reclassification. Habeas and the APA thus serve distinct and complementary functions in this case.

CONCLUSION

For the foregoing reasons and those expressed in the Petition for Habeas Corpus and Request for Order to Show Cause, this Court should find that it has jurisdiction over this case and should grant the petition.

Respectfully submitted,

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Dated: January 26, 2026

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2026, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system.

Respectfully submitted,

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