
UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

DIEGO JOSE PENA GONZALEZ,

Petitioner,

v.

KELEI WALKER, Field Office Director of
Enforcement and Removal Operations,
DENVER Field Office, Immigration and
Customs Enforcement;
KRISTI NOEM, Secretary, U.S. Department of
Homeland Security; U.S. DEPARTMENT OF
HOMELAND SECURITY;
PAMELA BONDI, U.S. Attorney General;
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW;
DAWN CEJA Warden of Aurora ICE
Processing Center,
PETER MCNEILLY, U.S. Attorney-District of
Colorado

Respondents.

Case No. 1:26-cv-00154

**VERIFIED PETITION FOR WRIT OF
HABEAS CORPUS AND COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF**

MOTION FOR ALTERNATIVE SERVICE

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Petitioner, by and through Counsel, respectfully moves this Court for an Order allowing Alternative Service of Process on Defendant, Peter McNeilly, pursuant to Federal Rule of Civil Procedure 4(e)(1) and 4(i). In support of this motion, Petitioner states:

1. Counsel for Petitioner is providing pro bono representation, and is newly admitted to the US District Court of Colorado. Counsel mistakenly relied upon the service instructions provided in the Order (ECF No. 4) to effect service on the aforementioned Defendant.
2. Attempts at Personal Service: Counsel provided service by Priority Express overnight mail and email. *See* Receipt and email confirmation, Exhibit 1. The Court accepted the Return of Service and provided a deadline of February 26, 2026 for Defendant to respond. *See* Notice, (ECF No. 10).
3. Due Diligence: Plaintiff has provided service to the Defendant and Defendant has acknowledged receipt of the Petition. *See* Email, dated February 18, 2026, Exhibit 2. The issue, raised via electronic communication with Defendant on February 18, 2026, is that Petitioner did not provide proper service via registered or certified mail. Counsel for Petitioner mistakenly thought that priority express mail was registered or certified, but has since verified that it is not. Counsel for Petitioner believes that electronic service constitutes delivery, in accordance with F.R.C.P. 4(i), and that service by Priority Express overnight mail is sufficient for actual notice. Pro bono Counsel for Petitioner has already paid \$246.38 out of pocket in service fees. *See* Bank Statements, Exhibit 3.
4. If Petitioner is required to effect service again, via registered or certified mail, it will pose a financial burden and a burden on due process, given that it has been more than a month since Petitioner filed the Habeas Corpus Petition and continues to be unlawfully detained.

Counsel for Petitioner acknowledges her own mistakes in causing delays due to inexperience and forgetting to include Defendant as an original party to the case.

5. Proposed Method: Plaintiff requests that the Court authorize the methods of service already provided.
6. Conclusion: The requested method is reasonably calculated to provide the defendant with actual notice of the lawsuit.

WHEREFORE, Petitioner requests that this Court enter an Order authorizing service of process by Priority Express overnight mail and email.

Dated: February 18, 2026

Respectfully Submitted,

Signature: Ciara Faber

Name: Ciara Faber

Address: 3917 E 26th Ave. Pkwy., Denver, CO 80205

LIST OF EXHIBITS:

Exhibit 1: Receipt and email confirmation

Exhibit 2: Email, dated February 18, 2026

Exhibit 3: Bank Statements

CERTIFICATE OF SERVICE

I hereby certify that on 2/18/2026

I sent a copy of the **Motion For Alternative Service** to the following parties electronically via

CM/ECF:

Party Name: Kelei Walker

Address: 12445 E. Caley Ave., Centennial, CO
80111

Telephone Number: (720) 873-2899

Email Address: denver.outreach@ice.dhs.gov

Party Name: Kristi Noem, U.S. Secretary of Department of Homeland
Security

Address: 2707 Martin Luther King, Jr. Avenue SE Washington, DC
20528

Telephone Number: (202)-282-8050

Email Address: kristi.noem@dhs.gov

Party Name: Pamela Bondi, Attorney General of the United States

Address: US Department of Justice 950 Pennsylvania Ave. NW, Washington, DC
20530

Telephone Number: (202)-514-2000

Email Address: pamela.bondi@usdoj.gov

Party Name: Dawn Ceja

Address: 3130 Oakland St., Aurora, CO 80010

Telephone Number: (303)-361-6612

Email Address: auroravav@geogroup.com

Party Name: Peter McNeilly, U.S. Attorney-District of
Colorado

Address: 1801 California St., Ste 1600, Denver, CO 80202

Telephone Number: (303) 454-0400

Email Address: USACO.PublicAffairs@usdoj.gov

Ciara Faber

Print Name: Ciara Faber
Address: 3917 E 26th Ave. Pkwy. Denver, CO
80205
Telephone Number: (909) 240-7447
Email Address: ciaraffaber@gmail.com



EXHIBIT 1

Ciara Faber <ciaraffaber@gmail.com>

Service of Petition for Writ of Habeas Corpus

1 message

Ciara Faber <ciaraffaber@gmail.com>

Thu, Feb 5, 2026 at 10:45 PM

To: USACO.PublicAffairs@usdoj.gov


Hello,

Please see the attached Petition for Writ of Habeas Corpus. Per the Order, I have mailed and emailed a copy of the Writ.

Thank You,

Ciara Faber, Esq.

Monarch Legal Movement, LLC

 **DPGHabeasPetition.pdf**
3041K



Printed from Chase for Business

Transaction details

Ink Unlimited (...2468)

\$45.20

Sale



Feb 05, 2026
Transaction date



USPS Post Office

Feb 06, 2026
Posted date

Description	USPS Post Office
Also known as	USPS Post Office
Merchant type	Postal services
Method	In person
Card number	(...2468)
Category	Office & Shipping

▶ Recent charges

Rewards earned with this transaction

+ 1.5% (1.5 Pts)/\$1 earned on all purchases	68
Total Ultimate Rewards® points	68

Transaction details may be preliminary or incomplete and may not match the transaction as it appears on your periodic statement, which is the official record of your account activity.



EXHIBIT 2

Ciara Faber <ciaraffaber@gmail.com>

Pena Gonzalez v. Walker et al., 26cv154

Bobet Rejko, Jane (USACO) <Jane.Bobet.Rejko@usdoj.gov>
To: "Ciara Faber@gmail.Com" <Ciara Faber@gmail.com>

Wed, Feb 18, 2026 at 9:55 AM

Good morning,

I will be handling this case on behalf of the government. I wanted to reach out, first, to introduce myself, and second, to inquire about service in this case.

I see that the Court ordered Petitioner to serve my office, the U.S. Attorney's Office, pursuant to FRCP 4(i) (per ECF No. 9). My office received a mailing titled "Verified Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief," with some attached exhibits. A couple of questions about this: (1) since the document we received does not have an ECF header, can you confirm whether it is the operative amended petition (filed at ECF No. 5)? And (2) it appears this was mailed via USPS Priority Mail Express. Under Rule 4(i), service must be done via certified or registered mail (or hand-delivery). Was this mailing sent to the U.S. Attorney's Office via certified or registered mail?

Thank you,

Jane

Jane Bobet Rejko

Deputy Civil Chief

United States Attorney's Office | District of Colorado

1801 California Street, Suite 1600

Denver, CO 80202

Phone: (303) 454-0185

Email: jane.bobet.rejko@usdoj.gov



Printed from Chase for Business

Transaction details

Ink Unlimited (...2468)

\$82.40

Sale



Jan 16, 2026
Transaction date



USPS Post Office

Jan 18, 2026
Posted date

Description	USPS Post Office
Also known as	USPS Post Office
Merchant type	Postal services
Method	In person
Card number	(...2468)
Category	Office & Shipping

▶ Recent charges

Rewards earned with this transaction

+ 1.5% (1.5 Pts)/\$1 earned on all purchases	124
<hr/>	
Total Ultimate Rewards® points	124

Transaction details may be preliminary or incomplete and may not match the transaction as it appears on your periodic statement, which is the official record of your account activity.



Printed from Chase for Business

Transaction details

Ink Unlimited (...2468)

\$130.98

Sale



Jan 15, 2026
Transaction date



The UPS Store

Jan 16, 2026
Posted date

Description	The UPS Store
Also known as	The UPS Store
Merchant type	Business services
Method	In person
Card number	(...2468)
Category	Office & Shipping

Rewards earned with this transaction

+ 1.5% (1.5 Pts)/\$1 earned on all purchases	196
<hr/>	
Total Ultimate Rewards® points	196

Transaction details may be preliminary or incomplete and may not match the transaction as it appears on your periodic statement, which is the official record of your account activity.