

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

ADRIÁN DEL JESÚS RODRÍGUEZ RODRÍGUEZ,

A# ,

Petitioner,

by and through his Next Friend,

YANIRETH BENDITA BASTARDO,

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JAN 14 2026

JEFFREY P. COLWELL  
CLERK

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v.

MERRICK B. GARLAND, Attorney General of the United States;

ALEJANDRO MAYORKAS, Secretary of Homeland Security;

TAE D. JOHNSON, Acting Director, Immigration and Customs Enforcement;

WARDEN, DENVER CONTRACT DETENTION FACILITY,

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

28 U.S.C. § 2241

EMERGENCY REQUEST FOR IMMEDIATE RELEASE OR RETURN FOR DUE  
PROCESS

(Filed with Next Friend)

## I. INTRODUCTION

This Petition for Writ of Habeas Corpus is respectfully submitted pursuant to 28 U.S.C. § 2241 on behalf of Petitioner Adrián del Jesús Rodríguez Rodríguez, by and through his Next Friend, his lawful spouse Yanireth Bendita Bastardo. Petitioner challenges his unlawful arrest, prolonged detention, denial of bond, and unconstitutional conditions of confinement by Immigration and Customs Enforcement (“ICE”). Petitioner is currently detained at the Denver Contract Detention Facility in Aurora, Colorado. His detention violates the Fourth and Fifth Amendments to the United States Constitution.

## II. JURISDICTION AND VENUE

This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 and 2241. Venue is proper in the District of Colorado because Petitioner is detained within this judicial district and Respondents exercise custody here.

## III. PARTIES

Petitioner: Adrián del Jesús Rodríguez Rodríguez, A# [REDACTED], Venezuelan national born [REDACTED] 1991. He entered the United States on September 19, 2023 and is currently detained at Denver Contract Detention Facility, 3130 N. Oakland St., Aurora, Colorado 80010.

Next Friend: Yanireth Bendita Bastardo, A# [REDACTED], Venezuelan national born [REDACTED] 1993, spouse of Petitioner, residing at [REDACTED] Dunedin, Florida 34698.

## IV. FACTUAL BACKGROUND

Petitioner has a pending asylum application and was authorized to work in the United States, holding a valid Employment Authorization Document, Social Security number, and driver’s license. He complied with all ICE reporting requirements.

On October 30, 2025, Petitioner appeared for his scheduled ICE check-in. During that appointment, Petitioner was discriminated against based on his tattoos and falsely characterized as a criminal despite having no criminal record. Petitioner was arrested without probable cause and taken into ICE custody.

Petitioner requested bond before the Immigration Court; however, bond was unjustly denied despite Petitioner posing no danger to the community and no flight risk. Petitioner remains detained under degrading conditions, including insufficient food and water, causing severe emotional and psychological harm.

#### V. CONDITIONS OF CONFINEMENT

Petitioner has endured inhumane conditions of confinement, including inadequate nutrition, lack of potable water, and emotional distress. Civil detainees may not be punished. *Bell v. Wolfish*, 441 U.S. 520 (1979).

#### VI. LEGAL ARGUMENTS

##### A. Unlawful Arrest and Discriminatory Enforcement

The arrest lacked probable cause and was based on discriminatory profiling, violating the Fourth Amendment. *Almeida-Sanchez v. United States*, 413 U.S. 266 (1973).

##### B. Due Process Violations and Arbitrary Detention

The denial of bond and prolonged detention violate the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678 (2001).

##### C. Punitive Civil Detention

Civil detention must not be punitive. *Bell v. Wolfish*, 441 U.S. 520 (1979).

##### D. Right to Meaningful Custody Review

Detention without meaningful individualized review violates due process. *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

#### VII. EQUITIES AND COMMUNITY CONTRIBUTIONS

Petitioner has no criminal history, has filed and paid taxes, and has contributed to the community. He poses no danger to society. His continued detention has caused extreme financial and emotional hardship to his spouse, who depended on him for economic and emotional support.

#### VIII. REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Petitioner's immediate release from ICE custody;
3. In the alternative, order a prompt and constitutionally adequate bond hearing;
4. Order Petitioner's return to the United States if removed while this Petition is pending;
5. Grant any other relief deemed just and proper.

#### IX. VERIFICATION

I, Yanireth Bendita Bastardo, declare under penalty of perjury that I am the lawful spouse and Next Friend of Adrián del Jesús Rodríguez Rodríguez, that Petitioner is unable to effectively litigate this action from detention, and that the foregoing is true and correct.

Yanireth B

Yanireth Bendita Bastardo

Next Friend for Adrián del Jesús Rodríguez Rodríguez

A# [REDACTED]

Date: 01/13/2026

Address: [REDACTED]

Dunedin, FL 34698

Phone: [REDACTED]

Email: yanirethbbastardo25@gmail.com