

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

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	)	
IAN SANCHEZ ALARCON,	)	
	)	Case No. 1:26-cv-183-TPO
<i>Petitioner</i>	)	
	)	
v.	)	MEMORANDUM IN SUPPORT OF
	)	MOTION FOR ISSUANCE OF
KRISTI NOEM, <i>et al.</i> ;	)	AN ORDER TO SHOW CAUSE
	)	
<i>Respondents</i>	)	
	)	
_____	)	

On January 15, 2026, Petitioner Ian Sanchez Alarcon (“Mr. Sanchez”) filed a petition for a writ of habeas corpus on the basis that his immigration detention violates the Immigration and Nationality Act as well as his substantive and procedural due process rights. *See* ECF No. 1. He now seeks the issuance of an Order to Show Cause directing Respondents to forthwith respond to the petition for a writ of habeas corpus within three days or another period deemed reasonable, but no longer than ten days.

**RELEVANT FACTS**

Mr. Sanchez is a native and citizen of Mexico who entered the United States when he was three years old. He has continuously received Deferred Action for Childhood Arrivals (“DACA”) since 2014. Prior to his detention, he lived and worked in Florida near his family. He has minimal criminal history and poses no flight risk, as evidenced by the fact that his DACA was approved again on December 10, 2025. Yet, the government’s position is that he is subject to mandatory detention because he should be considered a noncitizen who is “seeking admission” to the United States, despite the fact that he has had DACA for over a decade and was not in the process of

seeking inspection for admission at the time he was arrested. In his petition, he seeks release from custody or, alternatively, a bond hearing because his continued detention violates his due process rights.

### **ORDER TO SHOW CAUSE**

Mr. Sanchez filed his petition a week ago, and respectfully requests the Court issue a briefing schedule requiring Respondents to file a return and respond to the habeas petition. Pursuant to 28 U.S.C. § 2243, a district court with jurisdiction over a petition for a writ of habeas corpus “shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted.” The statute directs that an order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” 28 U.S.C. § 2243. Section 2243 further provides that the Court shall hold a hearing on the writ or order to show cause “not more than five days after the return unless for good cause additional time is allowed.” In addition, Section 2243 states that the Court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

Pursuant to 28 U.S.C. § 2243, Mr. Sanchez respectfully requests that this Court issue an order directing Respondents to show cause within three days why the petition for a writ of habeas corpus should not be granted. Mr. Sanchez has been detained for over seven months and the case law is clear that he should not be subject to detention, as Respondents insist, under 8 U.S.C. § 1225(b)(2). *See Intriago-Sedgwick v. Noem*, No. 1:25-CV-01065-MIS-LF, 2025 WL 3688155 (D.N.M. Dec. 19, 2025); *Gamez Lira v. Noem*, 1:25-cv-00855-WJ-KK, 2025 WL 2581710 (D.N.M. Sept. 5, 2025); *see also Mendoza Gutierrez v. Baltasar*, No. 25-cv-2720, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Garcia Cortes v. Noem*, No. 25-cv-2677, 2025 WL 265880 (D. Colo. Sept. 16, 2025); *Maldonado Bautista v. Santacruz*, 2025 WL 3678485 (C.D. Cal. Dec. 18,

2025) (vacating DHS's policy). If the Court sets a period longer than three days for Respondents to show cause, Mr. Sanchez requests that it be no longer than ten days, as DHS's detention is contrary to the overwhelming case law on this issue and DHS has provided no justification for his unlawful detention—he is neither a flight risk nor a danger to the community—and thus his continued detention is a deprivation of his established liberty interest.

**CONCLUSION**

For the foregoing reasons, Mr. Sanchez requests the Court issue an order to show cause requiring Respondents to respond to the habeas petition within three days.

Respectfully submitted,

January 23, 2026

Respectfully submitted,

/s/ Sarah L. Vuong  
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