Angela Alvero (SBN 864404)
Angela@LegalAllen.com
Law Offices of Wilfredo O. Allen
2250 S.W. 3rd Ave., Ste. 301
Miami, FL 33129
Telephone: (305) 854-5955

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

LEONARDO LEYVA RAMIREZ, CASE NO.: 1:26-cv-00199-NYW

Petitioner,

v.

JUAN BALTASAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado, in his official capacity; FIELD OFFICE DIRECTOR or ACTING FIELD OFFICE DIRECTOR, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity; TODD LYONS, Acting Director of United States Immigration and Customs Enforcement, in his official capacity; KRISTI NOEM, Secretary of the United States Department of Homeland Security, in her official capacity; PAMELA BONDI, Attorney General of the United States, in her official capacity; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; and DEPARTMENT OF HOMELAND SECURITY,

Respondents.
_______________________________/

PETITIONER'S REPLY TO RESPONDENTS' CONSOLIDATED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (ECF No. 1) AND MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCITON (ECF No. 14)

LEONARDO LEYVA RAMIREZ, ("Petitioner") Petitioner, by and through undersigned counsel, hereby files this REPLY TO RESPONDENTS' CONSOLIDATED RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (ECF No. 1) AND MOTION FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCITON (ECF No. 14)] and in support states the following:

I. Section 1225(b) Cannot Apply Where There Is No Application for Admission.

Respondents' detention theory depends on the premise that Petitioner is an "applicant for admission" within the meaning of INA § 235(a)(1), 8 U.S.C. § 1225(a)(l), and therefore subject to mandatory detention under § 1225(b). That premise is incorrect. Section 1225 governs inspection-stage detention - *i.e.*, the processing of individuals who present themselves for admission or are otherwise treated as seeking admission.

The statutory text reads that an "alien present in the United States who has not been admitted . . . shall be deemed for purposes of this chapter an applicant for admission." 8 U.S.C. §1225(a)(l). The "deeming" provision must be read in context. Section 1225, taken as a whole, governs inspection, screening, and processing at the threshold of entry, including expedited removal and related procedures. It does not convert a long-term interior presence into a perpetual, ongoing application for admission untethered from any inspection or entry process. Respondents' interpretation would eliminate the functional boundary between § 1225 and § 1226. Nothing in the statutory text nor congressional legislative history supports that result. In fact, Congress expressly provided a separate detention framework for individuals arrested after entry while removal proceedings are pending - § 1226 - and authorized discretionary release and custody redeterminations in that context.

Respondents rely on *Matter of Yajure Hurtado* to bridge this statutory gap, but *Matter of Yajure Hurtado* cannot supply authority that the statute itself does not provide. If mere inadmissibility automatically triggered mandatory detention under § 1225(b), Congress's amendment to § 1226(c) would have no operative effect. Summarily, § 1225(a)(l) cannot be read to convert a decades-old interior presence into an ongoing application for admission, and § 1225(b) cannot be used to displace § 1226(a)'s custody framework in removal proceedings under § 1229a. Because Petitioner was not seeking admission and was arrested long after entry in the interior of the United States, mandatory detention under § 1225(b) is not authorized. The Immigration Judge's contrary conclusion rests on legal error.

II. Respondents Offer No Basis for This Court to Depart from Its Prior Decisions.

Respondents acknowledge that this Court and other Courts within this District have rejected the detention theory they advance here. Respondents do not identify any intervening statutory amendment, binding appellate precedent, or material change in governing law that would justify a departure from these previous decisions. Additionally, Respondents concede that there are no meaningfully distinguishable facts between the instant case and those addressed in the previous decisions. Respondents' disagreement with this Court's prior rulings does not supply a legal basis to disregard them. Because Respondents offer no reasoned justification for abandoning settled precedent within this District, their opposition falls well short of its desired request.

Although, Petitioner was issued an order of removal to Ecuador, he reserved appeal in his case and a Notice of Appeal will be filed by early next week. The immigration judge granted DHS' Motion to Pretermit Petitioner's application for asylum, withholding of removal and protection under the United Nations Convention Against Torture. The Motion to Pretermit was based on the government's Asylum Cooperative Agreement with Ecuador. This is a new scheme the government is employing in every asylum application in which the nonimmigrant entered the United States after November 2019. To date there are tens of thousands of asylum applications being pretermitted by immigration judges. Not only will Petitioner be seeking an appeal of this decision by the immigration judge, but Petitioner may qualify in the near future as a class member in *U.T., v. Bondi*, 1:20-cv-116-EGS, a class action seeking to invalidate the rule and its framework that if successful will prevent the government from subjecting noncitizens like Petitioner to any such Designation.

CONCLUSION

For the foregoing reasons, the Court should grant the Petition for Writ of Habeas Corpus. The IJ declined to conduct a custody redetermination based on an erroneous interpretation of the governing detention statute, leaving Petitioner without the custody review authorized by 8 U.S.C. § 1226(a) and subjected to continued deprivation of his liberty. Petitioner asks this Court to end this. Petitioner respectfully requests that the Court order Respondents to release him under reasonable conditions of supervision and to facilitate his transportation from the detention facility by notifying his counsel when and where he may be collected.

Respectfully submitted this 5th day of February, 2026.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 5, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF electronic filing system which will serve a copy to all counsels of record.

Dated: 2/5/26

Signed:

/s/ Angela Alvero
Angela Alvero (SBN 864404)
Angela@LegalAllen.com
Law Offices of Wilfredo O. Allen
2250 S.W. 3rd Ave., Ste. 301
Miami, FL 33129
Telephone: (305) 854-5955
Attorney for Petitioner