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**United States District Court  
for the District of Colorado**

**Teofilo ARMENDARIZ GONZALEZ,** )  
Petitioner, )

v. )

**Juan Baltasar,** )  
Warden, Aurora ICE Processing Center; )  
**Robert G. Hagan,** )  
Field Office Director, )  
U.S. Immigration & Customs Enforcement, )  
U.S. Department of Homeland Security; )  
**Todd M. Lyons,** )  
Acting Director, )  
U.S. Immigration & Customs Enforcement, )  
U.S. Department of Homeland Security; )  
**Kristi Noem,** )  
Secretary, )  
U.S. Department of Homeland Security; )  
and **Pamela Bondi,** )  
Attorney General of the United States, )  
in their official capacities, )

Respondents. )  
\_\_\_\_\_ )

Case No. 1:26-cv-228

**VERIFIED PETITION FOR  
WRIT OF HABEAS CORPUS**

**ORAL ARGUMENT  
REQUESTED**

Agency Case No. 240-097-239

## INTRODUCTION

1. Teofilo Armendariz Gonzalez (Mr. Armendariz) is a forty-year-old father of three, a homeowner, and a longtime Colorado resident who has never been convicted of a crime.

2. On the morning of December 8, 2025, he was driving to work when persons in unmarked vehicles pulled him over without reasonable suspicion near his home in Rifle, Colorado. The officers – who never identified their agency – demanded his documents, handcuffed him, placed him in chains, and transported him to an ICE office. There, officers fingerprinted him, collected his DNA, and detained him in ICE custody without an individualized assessment of whether he posed a flight risk. Mr. Armendariz has remained in immigration detention ever since.

3. The administrative warrant ICE claims authorized Mr. Armendariz's arrest is facially defective. The Form I-200 fails to indicate any basis for probable cause – none of the five checkboxes explaining how officers developed probable cause is checked. The warrant appears to have been backdated from December 8 to December 5. It may have been issued by an officer not authorized to issue a warrant after, not before, Mr. Armendariz's arrest. ICE's own narrative report on Form I-213 contradicts the warrant's December 5 date and fails to explain how officers developed reasonable suspicion to investigate Mr. Armendariz in the first place, let alone probable cause to detain him.

4. These defects are not mere technicalities. As the Seventh Circuit noted, a federal district court supervising the *Castañon-Nava* litigation and consent decree recently found that “ICE had implemented a policy of issuing defective I-200 warrants in the field for the express purpose of avoiding its obligation” to comply with 8 U.S.C. § 1357(a)(2) and the consent decree. Moreover, this Court recently certified a provisional class in *Ramirez Ovando v. Noem*, addressing ICE’s systemic failure to establish probable cause and to conduct individualized flight risk assessments before detaining individuals without warrants. Mr. Armendariz’s case fits this pattern: a pretextual traffic stop by officers without jurisdiction to enforce Colorado traffic laws, a warrant so defective it should not be considered a warrant at all, and detention without the procedural safeguards federal law requires.

5. Mr. Armendariz respectfully seeks this Court’s intervention to declare that his detention violates statutory law and the Fourth Amendment, and to order his immediate release from custody.

#### **JURISDICTION**

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Fifth Amendment.

8. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201. This Court may grant declaratory and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 2241 *et seq.*; Fed. R. Civ. P. 57, 65; and based on its inherent authority to grant equitable relief. *See, e.g., Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971).

9. Petitioner is in custody for purposes of habeas corpus jurisdiction, because he is detained at the Aurora ICE Processing Center in Aurora, Colorado.

#### VENUE

10. Venue is proper, because Mr. Armendariz is detained at the GEO Group, Inc.'s ICE Processing Center in Aurora Colorado, located at 3130 N. Oakland Street, Aurora, Colorado 80111, within the jurisdiction of this District Court. 28 U.S.C. § 1391. Venue is also proper, because the events giving rise to Mr. Armendariz's claims occurred within this Court's jurisdiction, Mr. Armendariz resides within this Court's jurisdiction, and no real property is involved in this legal action. 28 U.S.C. §§ 1391(b) and (e)(1); *Braden v. 30th Judicial Circuit*, 410 U.S. 484, 493–94 (1973).

#### PARTIES

11. The Petitioner, Teofilo Armendariz Gonzalez, is detained at the GEO Group, Inc.'s ICE Processing Center in Aurora, Colorado.

12. Mr. Armendariz sues Respondent Juan Baltasar (or current warden), the Warden of the Geo Group, Inc.'s ICE Processing Center in Aurora, Colorado. Mr. Baltasar, upon information and belief, has immediate physical custody of Mr. Armendariz under the GEO Group, Inc.'s contract with the Department to detain noncitizens in civil immigration custody. Mr. Baltasar is a legal custodian of Mr. Armendariz.

13. Mr. Armendariz sues Respondent Robert G. Hagan in his official capacity as the Field Office Director of the ICE Denver Field Office, located at 12445 E. Caley Avenue, Centennial, Colorado 80111. ICE is an agency within the Department, and in his capacity as Field Office Director, Mr. Hagan is responsible for administering immigration laws and executing detention and removal operations. Mr. Hagan is a legal custodian of Mr. Armendariz and has authority to release him.

14. Mr. Armendariz sues Respondent Todd M. Lyons in his official capacity as Acting Director of U.S. Customs & Immigration Enforcement. In this capacity, he is responsible for the implementation and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103(a). Mr. Lyons is a legal custodian of Mr. Armendariz and has authority to release him.

15. Mr. Armendariz sues Respondent Kristi Noem in her official capacity as the Homeland Security Secretary. In this capacity, Ms. Noem is responsible for the implementation and enforcement of the immigration laws pursuant to 8 U.S.C.

§ 1103(a). She routinely transacts business in this District and is legally responsible for pursuing any effort to detain and remove Mr. Armendariz, including coordination with Immigration and Customs Enforcement, an agency within the Department. Ms. Noem is a legal custodian of Mr. Armendariz and has authority to release him.

16. Mr. Armendariz sues Respondent Pamela Bondi in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (“DOJ”). In this capacity, she has authority to redetermine the custody of noncitizens detained pursuant to 8 U.S.C. § 1226(a), INA § 236(a), and oversee the Executive Office for Immigration Review (“EOIR”), which in turn administers the Immigration Courts and the Board of Immigration Appeals (“Board” or “BIA”). 8 U.S.C. § 1103(g). Attorney General Bondi has the authority to release Mr. Armendariz pending a decision on whether he is removable from the United States. Attorney General Bondi is a legal custodian of Mr. Armendariz.

**REQUIREMENTS OF 28 U.S.C. § 2243**

17. This Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If this Court issues an order to show cause, it must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).

18. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

### STATEMENT OF FACTS

19. Mr. Armendariz, the Petitioner, is a forty-year-old, longtime Colorado resident. Before ICE detained him on December 8, 2025, he resided in Rifle, Colorado, in a trailer he and his spouse purchased along with the land on which it sits. He and his spouse have three children together, ages twelve, nine, and two. He is self-employed as a carpenter and framer.

20. Mr. Armendariz has no criminal history in Colorado or elsewhere.

21. On December 8, 2025, at around 6:20 a.m., Mr. Armendariz headed to work. His job site that day was a house under construction.

22. Not long after he left, an unmarked vehicle behind him activated its flashing lights.

23. Mr. Armendariz responded by turning on his emergency lights (flashers). He then pulled over at a safe location, the City Market Fuel Center located at 1405 Railroad Avenue, Rifle, Colorado 81650.

24. Mr. Armendariz recalls that three unmarked vehicles followed him onto the City Market premises and stopped behind him. He remembers that these

were smaller vehicles, probably sedans, and looked like civilian vehicles. Several officers surrounded his truck, two of whom approached the driver's and passenger's side doors.

25. Mr. Armendariz had both his front windows down, and the officer to his left addressed him, explaining that they had stopped Mr. Armendariz because he had ignored a stop sign. Mr. Armendariz replied that although there was a traffic signal on the route he drove, there were no stop signs. The officer then asked him for his driver license, registration, and insurance – Mr. Armendariz produced his valid Colorado driver license and his vehicle registration. When he began looking for his insurance certificate, the officer told him that what he had already provided was sufficient.

26. None of the officers identified themselves or their agency.<sup>1</sup>

27. Mr. Armendariz observed the officer who had spoken to him briefly confer with two other officers before ordering him to get out of the truck. Once Mr. Armendariz had complied, the officer began questioning him about his immigration status; Mr. Armendariz refused to answer any of the questions.

28. The officer then told Mr Armendariz he was going to be detained for an investigation and proceeded to handcuff him.

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<sup>1</sup> Federal regulations require immigration officers to identify themselves “at the time of the arrest . . . as soon as it is practical and safe to do so . . . as an immigration officer who is authorized to execute an arrest; and . . . [s]tate that the person is under arrest and the reason for the arrest.” 8 C.F.R. § 287.8(c)(2)(iii).

29. After being handcuffed, Mr. Armendariz began looking at the officers' uniforms for some indication of who they were – the officer who was communicating with him noticed this and challenged him. Mr. Armendariz asked him for identification, and the officer provided a name, "Guzman," and a badge number, but did not identify his agency.

30. The officers placed Mr. Armendariz into one of their vehicles and drove a short distance to a row of commercial buildings – they pulled in behind the trash area of a restaurant, where they removed Mr. Armendariz from the vehicle and placed him in chains extending around his waist and ankles. They then returned him to the car and transported him to an ICE office in Glenwood Springs, Colorado.

31. One or more officers began questioning Mr. Armendariz as they were removing him from the vehicle outside their office in Glenwood Springs. They asked him about his family, and he remembers explicitly being asked whether he had children – he declined to answer any of these questions.

32. Once he was in a secure location inside the office, the officers removed the chains and handcuffs. They fingerprinted him and took a DNA sample.

33. One of the officers began doing work on a computer – apparently searching for information about Mr. Armendariz. This officer asked Mr. Armendariz a leading question, something like, You've been deported before, right? Mr. Armendariz responded by saying that the officers had "the wrong guy."

34. Eventually, the officers seemed to relax – Mr. Armendariz suspects they realized he was not the individual with a prior deportation – and allowed him to make a phone call to his spouse.

35. Mr. Armendariz did not see any of the officers wearing body-worn cameras or using any video recording devices. The officers did not threaten him. However, they never told him what law enforcement agency they worked for.

36. At no point did Mr. Armendariz provide any information about himself or his family.

37. Eventually, officers served him with several documents:

- a. Form I-200, Warrant for Arrest of Alien. Exh. 1.
- b. Form I-286, Notice of Custody Determination. Exh. 2.
- c. Form I-826, Notice of Rights and Request for Disposition. Exh. 3.
- d. Form I-862, Notice to Appear. Exh. 4.
- e. Form 1815, Notice of Fee Assessment under 8 U.S.C. § 1815. Exh. 6.

38. Later that morning, officers put Mr. Armendariz back in chains, and he was transported to the GEO Aurora ICE Processing Center, where he has remained since.

**The Form I-200 Warrant**

39. The I-200 administrative warrant an ICE officer served on Mr. Armendariz and an ICE attorney later filed with the Immigration Court has several defects and inconsistencies.

40. The I-200 does not indicate why officers believed they had probable cause to detain Mr. Armendariz. Notably, the form itself includes five checkboxes that officers can use to indicate how they developed probable cause, none of which are checked:

I have determined that there is probable cause to believe that TEOFILO ARMENDARIZ GONZALEZ is removable from the United States. This determination is based upon:

- the execution of a charging document to initiate removal proceedings against the subject;
- the pendency of ongoing removal proceedings against the subject;
- the failure to establish admissibility subsequent to deferred inspection;
- biometric confirmation of the subject's identity and a records check of federal databases that affirmatively indicate, by themselves or in addition to other reliable information, that the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law; and/or
- statements made voluntarily by the subject to an immigration officer and/or other reliable evidence that affirmatively indicate the subject either lacks immigration status or notwithstanding such status is removable under U.S. immigration law.

41. The I-200 includes an undated electronic signature block:

A. Cabuag, SDDO  
(Signature of Authorized Immigration Officer)

A 3545 Cabuag, SDDO  
(Printed Name and Title of Authorized Immigration Officer)

42. A different officer – B. Guzman (#9739) – completed the remaining portion of the form, as evidenced by both the handwriting and the ink. Officer

Guzman dated the warrant December 5, 2025, three days before Mr. Armendariz's detention:

File No. A 240 097 239

Date: 12/5/2025

sections 236 and 287 of the  
title 8, Code of Federal  
Regulation, regarding  
immigration violations

at TEOFILO ARMEHDARIZ GUNZALEZ  
based upon:

43. The handwriting and ink at the top of the I-200 are the same as on the certificate of service, dated December 8, 2025:

Certificate of Service	
I hereby certify that the Warrant for Arrest of Alien was served by me at <u>Glenwood Co</u> (Location)	
on <u>TEOFILO ARMEHDARIZ</u> (Name of Alien)	on <u>12/8/2025</u> (Date of Service), and the contents of this
notice were read to him or her in the <u>English</u> language. (Language)	
<u>B. Guzman #4739</u> Name and Signature of Officer	<u>N/A</u> Name or Number of Interpreter (if applicable)

**The Form I-286, Notice of Custody Determination**

44. ICE officers also served Mr. Armendariz with a notice stating that he would be detained in ICE custody. The I-286 provides no evidence that officers conducted an individualized assessment of Mr. Armendariz's flight risk before electing to detain him.

45. Moreover, Officer Guzman signed the I-286, apparently on behalf of the same supervisory officer whose electronic signature appears on the I-200:

CABUAG, A 3545 Name and Signature of Authorized Officer	12/08/2025 11:37 AM Date and Time of Custody Determination
SDDO (A) Title	ERO - Glenwood Springs, CO Sub-Office 100 Midland Ave., Suite 210 GLENWOOD SPRINGS, CO US 81601 Office Location/Address

46. For his part, Mr. Armendariz declined to sign the I-286.

The Form I-826, Notice of Rights and Request for Disposition

47. This form, like the others, is dated December 8, 2025, and Mr. Armendariz declined to sign for its receipt.

The Form I-862, Notice to Appear

48. The Notice to Appear (NTA), dated December 8, 2025, is signed by Officer Guzman:

A 3545 CABUAG - SDDO A. B. Guzman #9779  
(Signature and Title of Issuing Officer)

49. The NTA makes the following factual allegations:

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of MEXICO and a citizen of MEXICO;
3. You were admitted to the United States at unknown place on or about unknown date as a nonimmigrant unknown manner with authorization to remain in the United States for a temporary period not to exceed 08/30/2014;
4. You remained in the United States beyond 08/30/2014 without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.

50. Later, an ICE attorney filed with the Immigration Court a revised NTA, dated December 16, 2025, with greater specificity in pleading (Exh. 5):

**The Department of Homeland Security alleges that you:**

- 1. You are not a citizen or national of the United States;**
- 2. You are a native of MEXICO and a citizen of MEXICO;**
- 3. You were admitted to the United States at Paso Del Norte, TX on or about July 5, 2014, as a nonimmigrant Visitor for Pleasure with authorization to remain in the United States for a temporary period not to exceed August 30, 2014;**
- 4. You remained in the United States beyond August 30, 2014, without authorization from the Immigration and Naturalization Service or its successor the Department of Homeland Security.**

51. Both versions of the NTA charge Mr. Armendariz with deportability under 8 U.S.C. § 1227.

**The Form 1815, Notice of Fee Assessment under 8 U.S.C. § 1815**

52. The Form 1815, contrary to the NTA charges, alleges that Mr. Armendariz was “apprehended . . . between ports of entry,” is “inadmissible” under 8 U.S.C. § 1182, and is liable for a fine of \$5,130.

53. The service certificate is dated December 8, 2025.

54. Mr. Armendariz declined to sign for receipt of this form.

55. Through Counsel, Mr. Armendariz has filed a notice with the Department of Homeland Security disputing liability for the fine, based on the conflict between the contents of the Form 1815 and the allegations in the NTA.

**The Form I-213, Record of Deportable/Inadmissible Alien**

56. Mr. Armendariz, through counsel, filed written pleadings to the Immigration Court denying the factual allegations and the charge of removability in the NTA.

57. In response, ICE filed the Form I-213, along with the Form I-831 continuation page, which constitutes the hearsay narrative report by one or more ICE officers regarding Mr. Armendariz's detention. Exh. 7.

58. Like the documents above, the I-213 is dated December 8, 2025, and signed in part by Officer Guzman.

59. As with the I-200, the I-213 contains significant inconsistencies, as follows:

60. The drafter states that officers "encountered" Mr. Armendariz on December 5, 2025, while surveilling a different residential address for a different person. But there is no explanation of what the officers mean by "encountered."

61. The I-213 states that "record checks" revealed Mr. Armendariz "entered the United States . . . and overstayed his admission." However, further up on the form, the drafter indicates that all records checks were conducted on December 8, not December 5:

**RECORDS CHECKED**

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CIS checked on 12/08/2025 with Negative result.  
EARM checked on 12/08/2025 with Negative result.  
NCIC checked on 12/08/2025 with Negative result.  
TECS checked on 12/08/2025 with Unknown result.  
IAFIS checked on 12/08/2025 with Negative result.

62. Similarly, the entry of administrative charges is also dated December 8, 2025.

63. Moreover, the I-213 fails to relate how the officers developed “reasonable suspicion” to initiate an investigation in the first place.

64. The narrative states only that an officer then “drafted, completed, and signed” the I-200 on December 5.

65. The narrative then moves abruptly to the events of December 8, 2025. The drafter notes that Mr. Armendariz’s truck was properly registered. The I-213 states that officers stopped the truck and that Mr. Armendariz provided identification. It goes on to state that Mr. Armendariz “refused to answer any questions about his citizenship and immigration status” and was “not in possession of any foreign identification documents.”

66. The I-213 states that Mr. Armendariz “has no known criminal record” and “will be detained without bond,” but provides no indication that officers conducted an individualized determination of flight risk.

#### **Pending Removal Proceedings**

67. Undersigned counsel entered his appearance before the Aurora Immigration Court on the detained docket and filed a denial of all factual allegations and the charge of removability.

68. At a hearing on January 12, 2026, undersigned counsel explained to the Immigration Judge that Mr. Armendariz would likely file a motion to suppress the I-213, I-200, and other documents ICE filed as unlawfully obtained.

69. The Immigration Judge reset the matter for a second hearing on January 26, 2026.

70. Because Mr. Armendariz is likely to file a motion to suppress evidence, he is declining to provide any evidence or testimony about himself or his family and, for the same reason, has not requested a custody redetermination hearing (bond hearing) before the Immigration Court.

#### **Pattern of Warrant Abuses by ICE Officers**

71. In 2019, CNN published an “exclusive” story about widespread warrant violations by ICE officers. Exh. 8.<sup>2</sup>

72. The story begins with Brent Oxley, whose job it was to “[l]ook through rosters from local jails for people who might be deportable . . . then go get them.” *Id.* Oxley explained, “You look every day to see who’s locked up in the jails – it’s racial profiling, really. You’re looking for odd names: a Carlos Lopez, not a John Smith.” *Id.*

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<sup>2</sup> Bob Orgega, CNN Investigates, “ICE Supervisors Sometimes Skip Required Review of Detention Warrants, Emails Show,” CNN US (Mar. 13, 2019), available at: <https://www.cnn.com/2019/03/13/us/ice-supervisors-dont-always-review-deportation-warrants-invs/index.html> (last visited Jan. 19, 2026).

73. But “get[ting] them” necessitated an administrative warrant and a request to the jail to hold the person long enough for ICE to pick them up. *Id.*

74. The problem? Federal regulations require supervisory review of a warrant, but supervisors were often unavailable. *Id.*; 8 C.F.R. § 287.5(e)(2) (lists which officers “have been authorized or delegated” authority to sign an administrative warrant of arrest for immigration violations – the list does not include line immigration officers).

75. ICE terminated Oxley for charges including “forging his supervisor’s signature on arrest warrants . . .” *Id.*

76. But Oxley, who was “convinced he had not been alone,” filed a Freedom of Information Act (FOIA) request. *Id.* The FOIA response, which CNN reviewed, “[S]how[ed] that other officers across the five-state region where Oxley worked had improperly signed warrants on behalf of their supervisors – especially on evenings or weekends. Some supervisors even gave their officers pre-signed blank warrants — in effect, illegally handing them the authority to begin the deportation process.” *Id.*

77. Moreover, “Two other ICE employees told CNN that they’re aware of similar incidents of supervisors elsewhere in the country providing pre-signed blank warrants or telling officers to sign for them without full review, and that the practice is ongoing.” *Id.*

78. National ICE Council President Chris Crane, also an ICE deportation officer, told CNN, “We believe that hundreds if not thousands of violations of this policy have taken place.” *Id.*

79. “One ICE deportation officer in the Northwestern United States, who asked not to be named because he wasn’t authorized to speak for the agency, said his supervisors were not reviewing and signing individual warrants, called I-200s, as prescribed.” *Id.*

80. The administrative law judge who upheld Oxley’s termination wrote that “Oxley’s supervisor testified that he ‘provided an electronically signed I-200 to the DOs [deportation officers] under his supervision. He explained that he provided the electronically signed I-200 to use in the event he was not available to sign it . . .’” *Id.* Although the supervisor stated that officers were supposed to contact him before using the pre-signed forms, another officer testified that “she was given no guidance on checking with supervisors before using pre-signed I-200s.” *Id.*

81. Crane, the National ICE Council President, told CNN, “ICE is flat-out lying about this.” *Id.*

82. I-200 violations are not merely a curiosity of the past. The district court presiding over the *Castañon Nava* litigation and the consent decree that resulted from a settlement in that case, found that “ICE had implemented a policy of issuing defective I-200 warrants in the field for the express purpose of avoiding its obligation under § 1357(a)(2) and the Consent Decree.” *Castañon Nava v. U.S.*

*Dep't of Homeland Sec.*, 161 F.4th 1048, 2025 U.S. App. LEXIS 32488\*, \*17 (7th Cir. Dec. 2, 2025).

83. In reaching its finding, the district court referenced “an ICE Academy training presentation which stated, ‘Officers may also carry a blank form I-200 for the arrest of each collateral [noncitizen present during an enforcement operation who is not a target] so that an individual flight risk analysis is not needed.’ *Id.* at \*17 n. 9.

84. Opining on the legal recourse available for such a violation, the Seventh Circuit panel stated, “Of course, an individual arrested pursuant to a field-issued I-200 warrant can challenge the validity of the warrant in federal court on an individual basis (for example, in a habeas proceeding), but he cannot do so in this class action.”<sup>3</sup> *Id.* at \*17 n. 10. Moreover, “At oral argument, counsel estimated that approximately half of the remaining 442 [detainees] were arrested pursuant to field-issued I-200 warrants, while the other half were arrested without any warrant.” *Id.* at \*18.

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<sup>3</sup> The Seventh Circuit panel was reviewing likelihood of success in a challenge to a preliminary injunction in connection with the enforcement of a consent decree and references 8 U.S.C. § 1252(f)(1), which limits the ability of federal courts to grant class-wide preliminary injunctions affecting “Inspection, Apprehension, Examination, Exclusion, and Removal,” 8 U.S.C. § 1221-1232. Mr. Armendariz respectfully disagrees with the Seventh Circuit panel that a defective, pretextual administrative warrant is likely to be sufficient to insulate an unlawful enforcement action from class-wide preliminary injunctive relief. Moreover, he believes that the incomplete warrant in his case, which lacks even a cursory assertion of probable cause, is a legal nullity such that it is “not a warrant.”

85. Notably, on November 25, 2025, this Court issued a provisional class certification similar to the consent decree in *Castanon-Nava*, covering the jurisdiction in which ICE detained Mr. Armendariz, and only two weeks before that detention. Exh. 9, *Ramirez Ovando v. Noem*, 1:25-cv-03183-RBJ, Dkt. 49 (D. Colo. Nov. 25, 2025). The preliminary class would cover Mr. Armendariz’s detention and compel his release if ICE did not arrest him under the auspices of an I-200 warrant. *Id.*

86. It is axiomatic that to understand actions, one must follow the trail of incentives. ICE officers are under extreme pressure to meet the presidential administration’s demand for massive numbers of arrests – at one point, the administration demanded that ICE meet a quota of 3,000 arrests a day. *See, e.g.*, David J. Bier, “65 Percent of People Taken by ICE Had No Convictions, 93 Percent No Violent Convictions,” CATO INSTITUTE (June 20, 2025).<sup>4</sup> And to get there, administration officials encouraged officers to “turn the creative knob up to 11.” José Olivares, “US Immigration Officers Ordered to Arrest More People Even without Warrants,” THE GUARDIAN (June 4, 2025).<sup>5</sup> After President Trump took office, ICE detentions in Colorado quadrupled. Sandra Fish *et al.*, “Most People

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<sup>4</sup> Available at: <https://perma.cc/SP8K-J8CR> (last visited Jan. 19, 2026).

<sup>5</sup> Available at: <https://www.theguardian.com/us-news/2025/jun/04/immigration-officials-increased-detentions-collateral-arrests> (last visited Jan. 19, 2026).

Arrested by ICE in Colorado and Wyoming This Year Did Not Have Criminal History,” THE COLORADO SUN (July 18, 2025).<sup>6</sup>

### LEGAL PRINCIPLES

87. The Fourth Amendment declares that “people” should be secure “against unreasonable searches and seizures” and “no Warrants shall issue, but upon probable cause, supported by Oath or affirmation . . .”

88. The term “people” as used in the Fourth Amendment applies to all persons present in the U.S., or at least to those with “substantial voluntary connections” to this country. *See, e.g., Plyler v. Doe*, 457 U.S. 202, 215 (1982) (Fourteenth Amendment applies to noncitizens); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (Fifth Amendment applies to all persons in the U.S.); *Dep’t of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020) (stating that “aliens who have established connections in this country have due process rights in deportation proceedings”); *United States v. Verdugo-Urquidez*, 494 U.S. 259, 271 (1990) (“These cases, however, establish only that aliens receive constitutional protections when they have come within the territory of the United States and developed substantial connections with this country”); *U.S. v. Olivares-Rangel*, 458 F.3d 1104, 1116 n. 9 (recognizing that the “exclusionary rule” may apply in removal proceeding where there is an “egregious violation of the Fourth Amendment”).

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<sup>6</sup> Available at: <https://perma.cc/AA5D-UMUM> (last visited Jan. 19, 2026).

89. Congress required, under 8 U.S.C. § 1357(a)(2), that an immigration officer have both “reason to believe”<sup>7</sup> the person is unlawfully present and is “likely to escape before a warrant can be obtained” before arresting the person without a warrant. *See also* 8 C.F.R. § 287.8(b)(2). The “escape” prong also requires probable cause and an individualized assessment of flight risk following a “particularized inquiry.” Exh. 9, *Ramirez Ovando v. Noem*, 1:25-cv-03183-RBJ, Dkt. 49 at 5 (D. Colo. Nov. 25, 2025); *United States v. Pacheco-Alvarez*, 227 F.Supp.3d 863, 889 (S.D. Ohio 2016); *United States v. Kahn*, 324 F.Supp.2d 1177, 1187 (D. Colo. 2004).

90. Conversely, 8 U.S.C. § 1226(a) does not require officers to conduct an individualized flight risk assessment after detaining an individual pursuant to an administrative arrest warrant. *See also Castañon Nava v. U.S. Dep’t of Homeland Sec.*, 161 F.4th 1048, 2025 U.S. App. LEXIS 32488\*, \*17 (7th Cir. Dec. 2, 2025) (Noting district court finding that “ICE had implemented a policy of issuing defective I-200 warrants in the field for the express purpose of avoiding its obligation [to conduct an individualized flight risk assessment] under § 1357(a)(2) and the Consent Decree”).

91. To initiate an investigatory stop short of a search, seizure, or arrest, an officer must have “reasonable suspicion” of a violation. *Terry v. Ohio*, 392 U.S. 1, 21-

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<sup>7</sup> *See Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (“Courts have consistently held that the reason to believe phrase in § 1357 must be read in light of constitutional standards, so that reason to believe must be considered the equivalent of probable cause”) (internal punctuation omitted).

22 (1968). The Fourth Amendment requires reasonable suspicion even for brief investigatory stops. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). It follows that officers cannot bootstrap their way to reasonable suspicion by first conducting off-the-record searches (whatever searches those might be) without suspicion and then using those results to justify a stop. *Id.*

92. The officer must develop “probable cause” before proceeding to an arrest or search. *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (“Courts have consistently held that the reason to believe phrase in § 1357 must be read in light of constitutional standards, so that reason to believe must be considered the equivalent of probable cause”) (internal punctuation omitted).

93. Only certain government officials may issue I-200 administrative warrants. 8 C.F.R. § 287.5(e)(2) lists the officers “authorized or delegated” authority to sign an administrative warrant of arrest for immigration violations. “Supervisory immigration officers” are on the list at subparagraph xliii. Line immigration officers are not.

## **CLAIMS FOR RELIEF**

### **COUNT ONE**

#### **Search and Detention in Violation of Statute and Regulation.**

94. Mr. Armendariz realleges and incorporates herein the foregoing paragraphs.

95. 8 U.S.C. § 1226(a) authorizes immigration officers to arrest and detain a noncitizen “[o]n a warrant.”

96. 8 C.F.R. § 287.5(e)(2) sets forth which officers have authority to issue administrative warrants – this list does not include line immigration officers.

97. Authorized officers must have “probable cause” to issue a warrant.<sup>8</sup>

98. 8 U.S.C. § 1357(a)(2) authorizes warrantless arrest of a noncitizen only when an immigration officer has “reason to believe” (probable cause) the person has committed an immigration violation and is “likely to escape before a warrant can be obtained.” *See also* Exh. 9, *Ramirez Ovando v. Noem*, 1:25-cv-03183-RBJ, Dkt. 49 (D. Colo. Nov. 25, 2025)

99. The putative I-200 administrative warrant in Mr. Armendariz’s case fails on its face to assert a basis in probable cause for its issuance, in violation of law.

100. The I-200 may have been backdated and, like the “field warrants” at issue in the *Castañon Nava* litigation, was probably issued by an unauthorized officer after, not before, Mr. Armendariz’s detention.

101. Additionally, the warrant may have been issued by an individual not authorized to issue such warrants, in violation of law and regulation.

102. The I-213 and accompanying documents fail to establish probable cause for a warrantless arrest and show that officers failed to conduct an

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<sup>8</sup> Warrantless arrests must be supported by probable cause. *Morales v. Chadbourne*, 793 F.3d 208, 216 (1st Cir. 2015) (applying “constitutional standards” to warrantless immigration arrests). There is no sound reason for believing that a warrant need not be predicated on probable cause as well, consistent with the Fourth Amendment. *Id.*

individualized assessment of flight risk before detaining Mr. Armendariz in immigration custody, in violation of law.

103. Consequently, this Court should order Respondents to release Mr. Armendariz forthwith, because he is detained in violation of law and regulation.

104. In addition, as well as in the alternative, this Court should declare that Mr. Armendariz was detained pursuant to a warrantless arrest and qualifies for inclusion in the *Ramirez-Ovando* provisional class.

**COUNT TWO**  
**Violation of Fourth Amendment Right to Be Free from Unlawful Search  
and Seizure Absent a Warrant Establishing Probable Cause.**

105. Mr. Armendariz realleges and incorporates herein the foregoing paragraphs.

106. The Form I-200 is substantively and fatally defective. None of the five checkboxes is completed to explain how the responsible ICE official developed probable cause to believe Mr. Armendariz is in the country unlawfully. In effect, the warrant is based upon nothing at all.<sup>9</sup>

107. The I-200 is also unreliable. The form represents that Supervisory Detention and Deportation Officer (SDDO) Cabuag has “determined there is probable cause” for Mr. Armendariz’s arrest without specifying how.

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<sup>9</sup> There is a separate question whether merely checking a box meets the requirement of establishing a particularized factual basis for probable cause. For example, compare the I-200 to a typical affidavit that police officers must complete following a warrantless arrest.

108. Moreover, SDDO Cabuag's signature is an undated, electronic signature block and is the only fillable portion of the warrant to be drafted electronically. All other portions of the warrant have been filled out in the same ink and handwriting, apparently by Officer Guzman, and there is no evidence that Officer Guzman is authorized to issue warrants.

109. The similar ink and handwriting additionally suggest that the warrant was backdated to December 5, when in reality it was completed and served on December 8. This supposition becomes stronger when the I-200 is viewed in conjunction with other documents issued in connection with Mr. Armendariz's detention:

110. The I-213 report lacks detail regarding how officers "encountered" Mr. Armendariz on December 5. While it implies that officers obtained information about Mr. Armendariz through record searches on December 5, it elsewhere indicates that all record searches occurred on December 8. If officers had reasonable suspicion to conduct a search and lawfully developed probable cause on December 5, why didn't they say so?

111. All other documents are dated December 8.

112. The charges in the NTA served on December 8 lack essential details, suggesting that the immigration officers had not conducted even a cursory investigation before encountering Mr. Armendariz on that day. Indeed, a later official revised the NTA before filing it with the Immigration Court on December 16.

113. Additionally, there is ample evidence of widespread abuses of I-200 warrants by ICE officers. *See, supra*, ¶¶ 72-92.

114. Consequently, the warrant is legally invalid and “not a warrant” within the meaning of the Fourth Amendment and 8 U.S.C. § 1226(a).

115. Because the warrant is a legal nullity, immigration officers had no lawful basis to detain Mr. Armendariz.

116. This Court should therefore order Mr. Armendariz to be released from detention forthwith.

117. In addition, as well as in the alternative, this Court should declare that Mr. Armendariz was detained pursuant to a warrantless arrest and qualifies for inclusion in the *Ramirez-Ovando* provisional class.

### **COUNT THREE**

#### **Violation of Fourth Amendment Right to Be Free from Warrantless Arrest Absent Reasonable Suspicion for Investigation and Lawfully Obtained Probable Cause.**

118. Mr. Armendariz realleges and incorporates herein the foregoing paragraphs.

119. As Mr. Armendariz notes above, this Court should find that the purported I-200 administrative warrant is legally void and immigration officers therefore detained him without a warrant.

120. The I-213 demonstrates that immigration officers lacked reasonable suspicion to initiate an investigation or traffic stop.

121. The unlawful traffic stop did not lead to reasonable suspicion or probable cause, because Mr. Armendariz declined to answer questions about his background, and an unlawful search failed to turn up additional evidence relevant to his background (the drafter of the I-213 remarks that Mr. Armendariz “is not in possession of any foreign identification documents”).

122. Moreover, even though the immigration officers lacked jurisdiction to investigate a traffic violation under Colorado law, Mr. Armendariz nevertheless provided them with a valid driver license and evidence of vehicle registration.

123. Immigration officers should never have initiated an investigation of Mr. Armendariz in the first place, nor should they have made the December 8th traffic stop. In any event, they should have ended their investigatory stop when Mr. Armendariz presented his credentials and declined to answer further questions.

124. Immigration officials compounded these violations by unlawfully collecting a sample of Mr. Armendariz’s DNA and taking his fingerprints.

125. Even assuming, *arguendo*, that immigration officers had a lawful basis to effect a warrantless arrest, they failed to conduct an individualized assessment of Mr. Armendariz’s flight risk before doing so.

126. Wherefore, this Court should order the Respondents to release Mr. Armendariz forthwith.

127. In addition, as well as in the alternative, this Court should declare that Mr. Armendariz was detained pursuant to a warrantless arrest and therefore

qualifies for inclusion in the *Ramirez-Ovando* provisional class, entitling him to immediate release, because officers arrested him without probable cause and failed to conduct an individualized assessment of his flight risk.

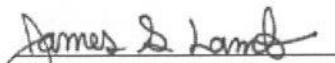
### **PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter.
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Declare that Respondents are not detaining Petitioner pursuant to a valid administrative warrant (Form I-200).
- (4) Declare that Respondents lacked probable cause to detain Petitioner without a warrant.
- (5) Declare that Respondents failed to individually assess the risk that Petitioner would abscond before detaining him without a warrant.
- (6) Declare that Petitioner is a member of the provisional class this Court announced in *Ramirez Ovanda v. Noem*, 1:25-cv-03183, and entitled on this basis to release from detention without posting bond.
- (7) Issue an injunction preventing Petitioner's transfer from the jurisdiction of this Court while these proceedings are ongoing and during the pendency of Mr. Armendariz's removal proceedings before the Immigration Court.

- (8) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately.
- (9) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), and on any other basis justified under law.
- (10) Grant any further relief this Court deems just and proper.

Respectfully submitted,


  
Counsel for Petitioner

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Dated: January 20, 2026

**VERIFICATION PURSUANT TO 28 U.S.C. § 2242**

I represent Petitioner, Teofilo Armendariz Gonzalez, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 20th day of January 2026.

  
Attorney for Petitioner