

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Teofilo Armendariz Gonzalez,)	Case No. 1:26-cv-00228-RMR
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.)	

PETITIONER'S MOTION FOR A TEMPORARY RESTRAINING ORDER

Teofilo Armendariz Gonzalez, the Petitioner, by and through undersigned counsel, hereby files this motion for a Temporary Restraining Order (TRO) to enjoin Respondent's from (1) continuing to unlawfully detain him and (2) transferring him outside the jurisdiction of this Court.

INTRODUCTION

ICE officers stopped Petitioner without reasonable suspicion of immigration violations and detained and searched him without probable cause. Petitioner declined to provide ICE officers with information about himself, his background, or his family. Any information ICE officers obtained about Petitioner is solely the result of their unlawful searches. Respondents continue to detain Petitioner in violation of law, and for this reason, Petitioner now seeks this Court's intervention in the form of a temporary injunction to prevent the irreparable harm Petitioner will suffer if he remains detained and if Respondents transfer him out of this Court's jurisdiction.

RELEVANT FACTS

ICE officers didn't have reasonable suspicion pull over Petitioner on December 8, 2025, and they probably didn't have an administrative warrant for his arrest either. The officer or officers who prepared the narrative report of the arrest on Form I-213 conceded that Mr. Armendariz provided them with his Colorado driver's license and vehicle registration and declined to make any statements about himself, his background or his family. (Movant's Appx., p. 8 – Form I-213). At this point, officers lacked probable cause to arrest Mr. Armendariz, but they did it anyway. *Id.*

Later the same day, officers served Mr. Armendariz with several documents, including an administrative warrant on Form I-200 and a custody determination on Form I-286, stating that officers determined that Petitioner should remain in custody, but without explaining why. (Movant's Appx., p. 1-2 – Forms I-200 and I-286).

The warrant is a legal nullity, because it fails to identify any basis for probable cause; in fact, Officer Guzman, who apparently completed the warrant form, left the required probable-cause checkboxes blank. (Movant's Appx., p. 1 – Form I-200). And the warrant is further suspect for other reasons: Officer Guzman did not sign it, likely because he knew that federal regulations require a supervisory officer's signature. *Id.*; 8 C.F.R. § 287.5(e)(2). Instead, the warrant bears the undated electronic signature block of a supervisory officer, with no indication of how, when, or if the supervisor added this signature. *Id.* Moreover, the date the warrant was purportedly issued, December 5, 2026, is entered in the same handwriting and apparently with the same blue pen that Officer Guzman used to complete the service certificate, which is dated December 8. *Id.*

Fabricated warrants are part and parcel of ICE's *modus operandi*. ICE officers routinely make warrantless arrests and then draft *post hoc* warrants to circumvent the requirements of 8 U.S.C. § 1357(a)(2).¹ See *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) (refencing "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."); (see also Movant's Appx., p. 10-16 – Bob Ortega, CNN Investigates, "ICE Supervisors Sometimes Skip Required Review of Detention Warrants, Emails Show," CNN US (Mar. 13, 2019)).

¹ 8 U.S.C. § 1357(a)(2) requires, for warrantless arrests, that ICE officers have (1) developed probable cause and (2) conducted an individualized assessment of flight risk.

Perhaps not coincidentally, ICE officers detained Petitioner less than two weeks after this Court, on November 25, 2025, provisionally certified a class of persons unlawfully detained by ICE officers without warrants. (Movant's Appx., p. 75 – *Ramirez Ovando v. Noem*, 1:25-cv-03183-RBJ, Dkt. 49 at 59 (D. Colo. Nov. 25, 2025)). Petitioner would be a member of this class, but for the putative warrant. *See id.*

Petitioner later obtained, through immigration court filings, a copy of the Form I-213, Record of Deportable/Inadmissible Alien, a document analogous to a hearsay police report. (Movant's Appx., p. 3-9 – Form I-213). The Form I-213 provides no explanation for why officers believed they had reasonable suspicion to investigate the Petitioner, let alone to initiate a traffic stop. *Id.* at 7-8. Like the warrant, the I-213 fails to explain how officers developed probable cause to arrest and detain Petitioner. *Id.* The I-213 also contradicts itself on key points, like the date on which officers conducted database searches based on Petitioner's unlawfully obtained biometric information. *Id.* at 7.

NOTE: Petitioner incorporates by reference the factual allegations and exhibits set forth in his Verified Petition for Writ of Habeas Corpus. Dkt. 1, 1-1. Petitioner's allegations in the initial filing include a much more in-depth review of the circumstances of his arrest and detention. Dkt. 1 at ¶¶19-70.

LEGAL PRINCIPLES

Petitioner is eligible for preliminary relief if he can show (1) he is likely to succeed on the merits; (2) will suffer irreparable harm absent preliminary relief; (3) the balance of equities tips in his favor; and (4) an injunction is in the public interest. *Greater Yellowstone Coal. v. Flowers*, 321 F.3d 1250, 1255-56 (10th Cir. 2003).

“[T]ime spent in jail awaiting trial has a detrimental impact on the individual. It often means loss of a job; it disrupts family life; and it enforces idleness.” *Barker v. Wingo*, 407 U.S. 514, 532–33 (1972). Each day Plaintiff remains detained, he suffers not only the deprivation of his liberty but also disruption to his family, employment, and well-being, harms that cannot be undone. Courts recognize that detention causes “potentially irreparable harm every day [one] remains in custody.” *Rodriguez Vazquez*, 779 F.Supp.3d 1239, 1262 (W.D. Wash. 2025). This injury is “certain, great, actual, and not theoretical.” See *Heideman v. S. Salt Lake City, Utah*, 348 F.3d 1182, 1189 (10th Cir. 2003) (citations omitted). Courts routinely grant preliminary relief based on far less weighty interests, including the payment of taxes, control over real property, or termination of business agreements. *Ohio Oil Co. v. Conway*, 279 U.S. 813 (1929); *RoDa Drilling v. Siegal*, 552 F.3d 1203, 1210–11 (10th Cir. 2009); *Bray v. QFA Royalties, LLC*, 486 F.Supp.2d 1237 (D. Colo. 2007).

APPLICATION OF LAW TO FACTS

ICE officers arrested and detained Petitioner on a warrant that, *on its face*, fails to accomplish its sole purpose of certifying that a supervisory officer has reviewed the facts of the investigation and determined that probable cause exists for an arrest. (Movant's Appx, p.1 – Form I-200). The warrant does not indicate a basis for probable cause, and the purported signature – an undated electronic signature block – lacks indicia of reliability. *Id.* All other fillable portions of the warrant were completed by an officer who probably lacked the regulatory authority to issue administrative warrants. *Id.* Because the warrant is void on its face, Petitioner can show on this basis alone that his arrest and continued detention are unlawful, because, absent a warrant, ICE officers could not lawfully have arrested and detained him without complying with 8 U.S.C. § 1357(a)(2).

Furthermore, ICE officers have a widespread practice of abusing the administrative warrant system in precisely the way they appear to have done in his case. (Movant's Appx. p. 10-16); *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). He can also point to the hearsay statements of one or more officers who, in the narrative report on Form I-213, claim they "encountered" Petitioner, with no elaboration on how, and initiated an investigation, without explaining why. (Movant's Appx., p. 7 – Form I-213). The narrative goes on to describe how, after officers pulled him over, Petitioner presented a driver's license and registration, and declined to answer questions about himself, his background, or his family. *Id.* at 8. This narrative fails to provide justification

for the arrest and detention, a further indication that Petitioner is likely to succeed on the merits.

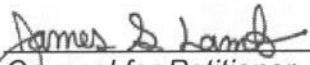
In addition to lacking a warrant or probable cause for a warrantless arrest, ICE officers also failed to make an individualized assessment of Petitioner's flight risk before detaining him without a valid warrant, in violation of 8 U.S.C. § 1357(a)(2). *See id.*; (Movant's Appx., p. 2 – Form I-286). Neither the Form I-286 (custody determination) nor the Form I-213 (encounter report) contains any discussion of flight risk, even though this Court recently required ICE officers to document flight risk assessments on Form I-213. (See Movant's Appx., p. 78-79 –*Ramirez Ovando v. Noem*, 1:25-cv-03183-RBJ, Dkt. 49 at 62-63 (D. Colo. Nov. 25, 2025)). Notably, the I-213 states that officers found no criminal history associated with Petitioner's identity. (Movant's Appx., p. 8 – Form I-213). Thus, Petitioner is likely to succeed on the merits because he can show that ICE officers unlawfully arrested him without a warrant.

Turning to the final two factors relevant to a preliminary injunction, Petitioner can establish that he merits an injunction, because he has no criminal history and is detained in violation of law. Moreover, granting an injunction will help deter the Respondents from continuing to engage in systemic, unlawful practices aimed at circumventing legal requirements and the intent of Congress.

Petitioner has therefore shown that he is entitled to a temporary restraining order forbidding Respondents from continuing to detain him and from transporting him outside this Court's jurisdiction.

WHEREFORE, pursuant to Fed. R. Civ. P. 65, Petitioner seeks a temporary restraining order barring his continued detention and his removal from this Court's jurisdiction. Petitioner also requests that this Court schedule a hearing in Petitioner's case as soon as the Court's calendar allows.

Respectfully submitted,

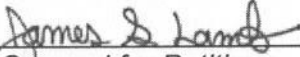


Counsel for Petitioner

James S. Lamb
Lamb Law
355 S. Teller Street, Suite 238
Lakewood, Colorado 80226
(720) 885-9727
james@jameslamblaw.com
Dated: January 26, 2026

CERTIFICATE OF CONFERRAL

I certify that I conferred with Respondents before filing this motion, consistent with D. Colo. Local Rule 7.1. Specifically, on January 25, 2026, I sent an email to Kevin Traskos, Chief of the Civil Division at the U.S. Attorney's Office for the District of Colorado. I requested the Respondents' position on the substance of this motion and included a courtesy copy of the Verified Petition for Writ of Habeas Corpus, along with the accompanying exhibits. Mr. Traskos acknowledged receipt of this email, but Respondents have yet to provide their position on the present motion.

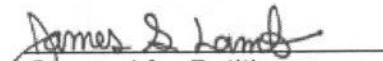


Counsel for Petitioner

James S. Lamb
Lamb Law
355 S. Teller Street, Suite 238
Lakewood, Colorado 80226
(720) 885-9727
james@jameslamblaw.com
Dated: January 26, 2026

CERTIFICATE OF SERVICE

I hereby certify that on January 26, 2026, I electronically filed this document with the Clerk of Court using the CM/ECF system, which will notify and serve counsel for the parties.



Counsel for Petitioner

James S. Lamb

Lamb Law

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Lakewood, Colorado 80226

(720) 885-9727

james@jameslamblaw.com

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