

UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

SAUL GARCIA BAUTISTA,

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*Petitioner,*

v.

KRISTI NOEM, et al.,

*Respondents.*

Case No. 1:26-cv-272-NYW

REPLY IN SUPPORT OF PETITION  
FOR WRIT OF HABEAS CORPUS  
PURSUANT TO  
28 U.S.C. § 2241

On January 22, 2026, Petitioner Saul Garcia Bautista (“Mr. Garcia”) filed a petition for a writ of habeas corpus, seeking release or an order requiring a bond hearing under 8 U.S.C. § 1226(a). ECF No. 1. In response to the Court’s Order to Show Cause, Respondents filed a reply on February 2, 2026, admitting that the facts and legal issue in this case are “not materially different from an issue this Court has resolved in a prior ruling in another case.” ECF No. 7 (Resp.) (citing *Loa Caballero v. Baltazar*, No. 25-CV-03120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025)). Mr. Garcia agrees that this case raises the same issue of statutory interpretation that the Court made in *Loa Caballero*, and that the petition can be decided on the same ground.

Respondents argue that “*Jennings* [*Rodriguez*, 583 U.S. 281 (2018)] supports their position that all ‘applicants for admission’ who are present in the United States and have not been admitted or paroled, are subject to mandatory detention under 8 U.S.C. § 1225(b)(2).” Resp. at 2. This Court has held that Respondents’ interpretation of the statute is contrary to its plain language. *Loa Caballero*, 2025 WL 2977650, at \*6. “Simply put, “[n]oncitizens who are just ‘present’ in the country. . . , who have been here for years upon years and never proceeded to obtain any form of

citizenship[,]. . . are not ‘seeking’ admission” under § 1225(b)(2)(A). *Id.* (citation omitted). This Court further determined that *Jennings* supports this interpretation. *Id.* (citing *Jennings*, 583 U.S. at 289 (“U.S. immigration law authorizes the Government to detain certain aliens *seeking admission* into the country under §§ 1225(b)(1) and (b)(2). It *also authorizes* the Government to detain certain aliens *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).”)) (emphasis added). And while Respondents point to an out of district case that supports their position, they recognize that this Court has disagreed with that analysis. Resp. at 2 (citing *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025)).

Accordingly, and for the reasons raised in the petition and addressed in numerous cases decided by courts in this district, the Court should grant this petition and either order Mr. Garcia’s release or order that the immigration court conduct a bond hearing under 8 U.S.C. § 1226(a). If the Court determines that release is not appropriate, then Respondents should be ordered to provide Mr. Garcia a bond hearing in which they bear the burden of justifying his detention. *Loa Caballero*, 2025 WL 2977650, at \*9 (citing *Garcia Cortes v. Noem*, 1:25-cv-02677-CNS, 2025 WL 2652880, at \*5 (D. Colo. Sept. 16, 2025); *L.G. v. Choate*, 744 F. Supp. 3d 1172, 1185 (D. Colo. 2024); *Diaz-Ceja v. McAleenan*, No. 19-cv-00824-NYW, 2019 WL 2774211, at \*12 (D. Colo. July 2, 2019)).

Dated: February 9, 2026

Respectfully submitted,

/s/ Sarah L. Vuong

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