

COMES NOW, Petitioner, Luis Gonzalez Tomatzin, by and through the undersigned counsel, pursuant to 28 U.S.C. § 2243, and hereby respectfully moves this Court to issue a decision on Petitioner's pending Petition for Writ of Habeas Corpus in the interests of justice. 28 U.S.C. § 2243.

1. Petitioner filed a Petition for Writ of Habeas Corpus with this Court on January 23, 2026, challenging the legality of Petitioner's detention due to the Respondents' refusal to grant Petitioner an opportunity for a bond hearing due to ICE's unlawful detention of Petitioner under 8 U.S.C. Section 1225(b).
2. Pursuant to 28 U.S.C. § 2241, this Court has the power to grant writs of habeas corpus; in this case, Petitioner asserts that he is being held in custody in violation of the Constitution or laws of the United States and this Court should issue a writ pursuant to its authority under 28 U.S.C. § 2243, which states that the Court "shall summarily hear and determine the facts, and dispose of the matter as law and justice require."
3. The Tenth Circuit has held that "writs of habeas corpus are intended to afford a 'swift and imperative remedy in all cases of illegal restraint or confinement.'" *Johnson v. Rogers*, 917 F.2d 1283, 1284 (quoting *Fay v. Noia*, 372 U.S. 391, 400, 9 L. Ed. 2d 837, 83 S. Ct. 822 (1963)), quoting *Secretary of State for Home Affairs v. O'Brien*, [1923] A.C. 603, 609 (H.L.). See also *Johnson v. Avery*, 393 U.S. 483, 485, 21 L. Ed. 2d 718, 89 S. Ct. 747 (1969) (Court has constantly emphasized fundamental importance of the writ of habeas corpus).
4. In this case, as in this case of the Petitioner in the Tenth Circuit's decision in *Johnson*, "petitioner has established a clear and indisputable right to have his petition expeditiously heard and decided" and "he has no alternative remedy" because he is being held without the opportunity to for a custody redetermination hearing. *Id.* at 1285.

5. Due to the nature of this petition – an illegal restraint and confinement without the opportunity for bond – it is in the Court’s interests to resolve this matter expeditiously.
6. The Government filed its Response to the Petition on February 3, 2026, 22 days ago, in which the Government acknowledged that this Court would likely grant the Petition as this Court has consistently granted Petitions of the same nature. ECF 8.
7. Petitioner filed a Reply brief on February 10, 2026, fifteen days ago. The matter is now fully briefed and ripe for decision.
8. If the Court requires further briefing from Petitioner, Petitioner will respond as the Court directs.
9. Petitioner remains in detention in violation of the Constitution and laws of the United States while awaiting this Court's decision on the Petition.
10. The statutory framework and precedential decisions governing habeas corpus proceedings reflects Congress’s intent that such petitions be addressed expeditiously, particularly where, as here, the petitioner challenges the legality of ongoing detention. 28 USCS § 1657.
11. Given that the Government's Response was filed 22 days ago and the matter is fully briefed as of 15 days ago, Petitioner respectfully requests that this Court issue its decision on the pending Petition for Writ of Habeas Corpus at its earliest convenience.
12. This motion is made in good faith and not for purposes of delay. On the contrary, Petitioner seeks to expedite resolution of this matter while he remains in unlawful detention.

WHEREFORE, Petitioner respectfully requests that this Court issue its decision on the pending Petition for Writ of Habeas Corpus at its earliest convenience in the interests of justice.

Date: February 25, 2026

Respectfully submitted,

/s/ Scott Brian Petiya

SCOTT BRIAN PETIYA
Colorado Bar No. 48359
Monclova Law PC
1745 S Federal Blvd
Denver, CO 80219
303-974-5049 (telephone)
scott@monclovalaw.com

Attorney for the Petitioner

CERTIFICATE OF SERVICE

I certify that on February 25, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following recipients by e-mail:

erika.kelley@usdoj.gov

/s/ Scott Brian Petiya
SCOTT BRIAN PETIYA