IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-00297

ADRIAN VELASQUEZ GONZALEZ,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility;
ROBERT HAGAN, in his official capacity as Field Office Director, Denver Field Office of U.S. Immigration and Customs Enforcement;
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement;
KRISTI NOEM, in her official capacity as Secretary of U.S. Department of Homeland Security; and
PAMELA BONDI, in her official capacity as Attorney General of the United States.

Respondents.

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, ADRIAN VELASQUEZ GONZALEZ, by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging the statutory basis and constitutionality of his ongoing immigration detention.

2. Velasquez Gonzalez is a long-term resident of the United States who has continuously resided here since December 1997. Nearly thirty years after his entry, he was arrested in the interior of the United States and placed in removal proceedings pursuant to 8 U.S.C. § 1229a. He is presently detained at the Denver Contract Detention Facility in Aurora, Colorado, under the custody and control of Respondents.

3. Respondents are detaining Velasquez Gonzalez under 8 U.S.C. § 1225(b)(2)(A) based solely on his manner of entry. That assertion persists notwithstanding (1) his nearly thirty years of continuous residence in the United States; (2) his placement in standard removal proceedings under 8 U.S.C. § 1229a; (3) DHS's issuance of a warrant for arrest pursuant to 8 U.S.C. § 1226; and (4) the absence of any allegation that he is presently seeking admission.

4. Respondents continued detention of Velasquez Gonzalez contradicts the plain language of the statute, decades of agency practice, and controlling judicial authority. Section 1225(b)(2)(A) does not apply to individuals who have long resided in the United States and are not actively seeking admission at the time of arrest.

5. Unless this Court intervenes, Respondents' interpretation of the detention statute permits prolonged detention entirely insulated from judicial review—an outcome incompatible with statute, the Suspension Clause, and fundamental principles of due process.

6. Accordingly, Velasquez Gonzalez seeks a writ of habeas corpus directing Respondents to provide him with a bond hearing under 8 U.S.C. § 1226(a) within seven (7) days of the Court's order wherein the government bears the burden of demonstrating by clear and convincing evidence that his continued detention is warranted.

CUSTODY

7. Velasquez Gonzalez has been in the custody of Respondents since December 9, 2025. He is currently detained at the Denver Contract Detention Facility in Aurora, Colorado, under Respondents' direct physical control and supervision.

JURISDICTION AND VENUE

8. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § § 2201-02 (declaratory

relief), and Article I, section 9, clause 2 of the U.S. Constitution (Suspension Clause), as Velasquez Gonzalez is in custody and challenges his custody in violation of the Constitution and laws of the United States.

9. Federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention. *See Zadvydas v. Davis*, 533 U.S. 678, 678 (2001).

10. Venue is proper in this District under 28 U.S.C. § 1391 and 28 U.S.C. § 2242 because Velasquez Gonzalez is confined in this District, at least one Respondent is in this District, Velasquez Gonzalez's immediate physical custodian is in this District, and a substantial part of the events giving rise to the claims in this action occurred in this District. *See Trump v. J.G.G.*, 145 S. Ct. 1003, 1005–06 (2025) (per curiam) ("For core habeas petitions, jurisdiction lies in only one district: the district of confinement" (internal quotation marks and citation omitted)).

NOTICE OF RELATED CASES

11. Pursuant to D.C.COLO.LCivR 3.2 and in the interest of judicial economy, Velasquez Gonzalez provides notice that this action is related to numerous habeas petitions recently adjudicated in this District involving the same Respondents, the same detention facility, and the same legal question concerning the scope of mandatory detention under 8 U.S.C. § 1225(b)(2)(A) as applied to long-term residents who are not presently seeking admission. *See Hernandez v. Baltazar*, No. 25-cv-03094-CNS, 2025 WL 2996643, at *3 (D. Colo. Oct. 24, 2025); *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL 2977650, at *6 (D. Colo. Oct. 22, 2025); *Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-RMR, 2025 WL 3251143 at *1 (D. Colo. Nov. 21, 2025); and *Garcia Cortes v. Noem*, No. 1:25-cv-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025).

12. Most notably, two federal judges—including the Honorable Regina M. Rodriguez of this District—have conditionally certified class actions generally comprised of noncitizens newly subjected to detention under § 1225(b)(2)(A) pursuant to Respondents' new policy. *See Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-RMR, 2025 WL 3251143, at *1 (D. Colo. Nov. 21, 2025); *Bautista v. Noem*, --- F.R.D. ---, 2025 WL 3288403, at *1 (C.D. Cal. Nov. 25, 2025). Those class certification decisions are currently pending on appeal before the Tenth and Ninth Circuits, respectively.

13. Notwithstanding the conditional certification of those classes, Immigration Judges have continued to decline to conduct custody redetermination hearings for noncitizens who fall within the scope of the certified classes. Immigration Judges, pursuant to guidance from the Executive Office for Immigration Review (EOIR), have taken the position that class certification alone does not displace *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and the Immigration Court lacks jurisdiction to make custody redeterminations.

14. As a result, noncitizens who are members of the conditionally certified classes—and whose detention turns on the same statutory question presented here—remain detained without any individualized custody determination, notwithstanding the pendency of class wide litigation addressing the legality of Respondents' detention policy. Individual habeas petitions therefore continue to be filed in this District to resolve the threshold statutory authority for detention and to prevent prolonged confinement without review.

15. Each of these matters involves materially indistinguishable facts and the same core statutory question presented here. Velasquez Gonzalez provides this Notice solely to inform the Court of related proceedings and to promote judicial efficiency but does not seek consolidation nor assignment to any particular judge.

HABEAS CORPUS

16. Challenges to immigration detention are properly brought directly through habeas. *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004). More specifically, 8 U.S.C. § 2241 "confers jurisdiction upon the federal courts to hear such cases." *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001) (citing 28 U.S.C. § 2241(c)(3)) (authorizing any person to claim in federal court that they are being held "in custody in violation of the Constitution or laws ... of the United States").

17. The fundamental purpose of § 2241 habeas proceeding is the same as that of § 2254 habeas and § 2255 proceedings: they are an attack by a person in custody upon the legality of that custody, and that the traditional function of the writ is to secure release from illegal custody. *McIntosh v. U.S. Parole Com'n*, 115 F.3d 809, 811 (10th Cir. 1997) (quoting *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973)).

PARTIES

A. Petitioner

18. Petitioner Adrian Velasquez Gonzalez was detained by Respondents on December 9, 2025, and has been detained at the Denver Contract Detention Facility in Aurora, Colorado, since that date. He is in the custody and direct control of Respondents and their agents.

B. Respondents

19. Respondent Juan Baltazar is the Warden of the Denver Contract Detention Facility. Respondent Baltazar has immediate physical custody of Velasquez Gonzalez and is sued in his official capacity.

20. Respondent Robert Hagan is the Field Office Director of the U.S. Immigration and Customs Enforcement Denver Field Office. Respondent Hagan has immediate physical custody of Velasquez Gonzalez and is sued in his official capacity.

21. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Velasquez Gonzalez and is sued in his official capacity.

22. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security. Respondent Noem is a legal custodian of Velasquez Gonzalez and is sued in her official capacity.

23. Respondent Pamela Bondi is the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). Respondent Bondi is a legal custodian of Velasquez Gonzalez and is sued in her official capacity.

FACTUAL ALLEGATIONS

24. Velasquez Gonzalez has been a longtime Colorado resident of nearly thirty years after he entered the United States in December 1997. *See Application for Non-LPR Cancellation of Removal, dated January 23, 2026, attached hereto as Attachment C.*

25. Velasquez Gonzalez is married and is the primary financial provider for his family, including three (3) U.S. citizen children. *See Attachment C, attached hereto.*

26. On December 9, 2025, DHS arrested Velasquez Gonzalez in the interior of the United States, long after his entry and not in connection with any attempt to seek admission.

27. DHS effected Velasquez Gonzalez's arrest through deliberate deception. Rather than identifying themselves or proceeding through ordinary enforcement channels, officers posed as customers in need of a tow, induced Velasquez Gonzalez to respond in the course of his employment and arrested him only after he arrived to render assistance.

28. DHS issued a Notice to Appear charging him as "an alien present in the United States who has not been admitted or paroled" and placing him in 8 U.S.C. § 1229a removal proceedings. *See Notice to Appear, dated December 9, 2025, attached hereto as Attachment A.*

29. DHS also issued a Form I-200, Warrant for Arrest of Alien, authorizing arrest under 8 U.S.C. § 1226(a). *See DHS Form I-200, Warrant for Arrest of Alien, dated December 9, 2025, attached hereto as Attachment B.*

30. DHS has never alleged that Velasquez Gonzalez is subject to mandatory detention under 8 U.S.C. § 1226(c), and his corresponding lack of disqualifying criminal history confirms that detention category would not apply. *See Attachment C, attached hereto.*

31. Velasquez Gonzalez has not yet requested a bond hearing before the Immigration Court. This is not due to abandonment of administrative remedies, but because of Respondents' current policy position.

32. On January 13, 2026, the Executive Office for Immigration Review (EOIR) issued a directive to Immigration Judges instructing them to deny bond redeterminations for detainees under class certifications like *Mendoza Gutierrez v. Baltazar*, No. 25-cv-2720-RMR, 2025 WL 3251143, at *1 (D. Colo. Nov. 21, 2025) and *Bautista v. Noem*, --- F.R.D. ---, 2025 WL 3288403, at *1 (C.D. Cal. Nov. 25, 2025), asserting that those class certifications do not purport to vacate, stay or enjoin *Matter of Yajure Hurtado*. *See EOIR Nationwide Guidance on class certifications and Matter of Yajure Hurtado, dated January 13 and 16, 2026, attached hereto as Attachment D.*

33. Velasquez Gonzalez's removal proceedings are pending, and no final removal order exists.

34. As of the filing of this Petition, Velasquez Gonzalez has been detained for over one month without any bond hearing and without relief from this Court, faces the prospect of months in immigration custody.

LEGAL FRAMEWORK

35. The relevant detention statutes at issue here are 8 U.S.C. § 1225(b)(2), which requires mandatory detention "in the case of an alien who is an applicant for admission, if the examining immigration officer determines that the alien seeking admission is not clearly and beyond a doubt entitled to be admitted," and 8 U.S.C. § 1226(a), which states that "an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States." 8 U.S.C. § § 1225, 1226.

36. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104-208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585.

37. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997) ("Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination").

38. Thus, in the decades that followed their enactment in 1996, most people who entered without inspection and were thereafter arrested and placed in standard removal proceedings were considered eligible for release on bond and received bond hearings before an IJ, unless their criminal history rendered them ineligible. That practice was consistent with many more

decades of prior practice, in which noncitizens who were not deemed "arriving" were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

39. On July 8, 2025, ICE "in coordination with" the Department of Justice announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice.

40. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without admission or parole shall now be deemed "applicants for admission" under 8 U.S.C. § 1225, and therefore are subject to mandatory detention under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

41. On September 5, 2025, the BIA adopted this same position in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are considered applicants for admission who are seeking admission and are ineligible for IJ bond hearings. *Id.*

ARGUMENT

I. THE PLAIN STATUTORY TEXT DEMONSTRATES VELASQUEZ GONZALEZ IS DETAINED UNDER 8 U.S.C. § 1226(a), NOT § 1225(b)(2).

42. Respondents have taken the position that a noncitizen who entered the country without inspection is always an 'applicant for admission' and subject to mandatory detention under

§ 1225, no matter how long the noncitizen has been present in the country. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *10-11 (D. Colo. Oct. 22, 2025).

43. Even if Velasquez Gonzalez is an "applicant for admission," 8 U.S.C. § 1225(b)(2)(A) requires that he also be actively "seeking admission" for the mandatory detention provision to apply to him.

44. The weight of authority interpreting § 1225 has recognized that for § 1225(b)(2)(A) to even apply, several conditions must be met—in particular, an examining immigration officer must determine that the individual is: (1) an applicant for admission; (2) seeking admission; and (3) not clearly and beyond a doubt entitled to be admitted. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *6 (D. Colo. Oct. 22, 2025) (*citing Martinez v. Hyde*, No. 25-cv-11613-BEM, 2025 WL 2084238, at *2 (D. Mass. July 24, 2025).

45. "Seeking" means "try[ing] to acquire or gain." And "admission" is defined in the INA as "the lawful entry of the alien into the United States after inspection and authorization by an immigration officer." 8 U.S.C. § 1101(a)(13)(A). Thus, the plain meaning of the phrase "seeking admission" requires that the applicant must be presently and actively seeking lawful entry into the United States. *Loa Caballero,* 2025 WL 2977650, at *6 (internal citations omitted).

46. Noncitizens in Velasquez Gonzalez's position, who entered the United States many years ago, are not "seeking admission" to the United States but are instead "seeking to remain in the United States." *Lepe v. Andrews*, -- F. Supp. 3d --, 2025 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025).

47. Other indicia bolster Velasquez Gonzalez's plain text reading of the statute. First, Respondents' proffered interpretation of § 1225 appears facially inconsistent with related implementing regulations. The implementing regulation for § 1225(b) states that "any *arriving*

alien who appears to the inspecting officer to be inadmissible, and who is placed in removal proceedings pursuant to section 240 of the Act shall be detained in accordance with section 235(b) of the Act." 8 C.F.R. § 235(c)(1) (emphasis added).

48. In this way, "[t]he regulation appears to contemplate that applicants *seeking admission* are a subset of applicants 'roughly interchangeable' with 'arriving aliens.'" *Cordero Pelico v. Kaiser,* 2025 WL 2822876, at *11 (N.D. Cal. Oct. 3, 2025) (quoting *Martinez v. Hyde,* 2025 WL 2084238, at *6 (D. Mass. July 24, 2025)) (emphasis in original). An "arriving alien" is defined under the regulatory scheme as "an applicant for admission coming or attempting to come into the United States at a port-of-entry." 8 C.F.R. § 1.2. "This plainly does not describe petitioners," like Velasquez Gonzalez, who already "reside in the United States." *Kaiser,* 2025 WL 28227876, at *11.

49. Further to the same point, in the Notice to Appear DHS issued commencing removal proceedings against Velasquez Gonzalez, the issuing officer retained the option to designate him as (1) "an arriving alien"; (2) "an alien present in the United States who has not been admitted or paroled"; or (3) a person who "ha[s] been admitted to the United States, but [is] removable for the reasons stated below." In this case, the issuing officer chose the second—not the first—option to classify Velasquez Gonzalez. *See Attachment A, attached hereto.*

50. DHS also issued Form I-200, Warrant for Arrest of Alien, which is exclusively governed by 8 U.S.C. § 1226 and provides authority for a discretionary bond determination under § 1226(a). *See Exhibit B, attached hereto.*

51. Velasquez Gonzalez has been present in the United States since approximately 1997. Therefore, notwithstanding any lack of lawful status, Velasquez Gonzalez was not seeking lawful entry into the United States at the time he was detained—he was already here. He was thus

not "seeking admission" and is not subject to § 1225(b)(2)(A)'s mandatory detention provision. *See Loa Caballero v. Baltazar,* No. 25-cv-03120-NYW, 2025 WL 2977650, at *16 (D. Colo. Oct. 22, 2025) (*citing Lepe v. Andrews*, F. Supp. 3d, 2025 WL 2716910, at *5 (E.D. Cal. Sept. 23, 2025) ("[P]etitioner is not actively 'seeking' 'lawful entry' because he already entered the United States—thirty-two years ago. If anything, petitioner is seeking to *remain* in the United States.").

II. BECAUSE VELASQUEZ GONZALEZ IS DETAINED UNDER 8 U.S.C. § 1226(a), THE CONSTITUTIONALLY APPROPRIATE REMEDY IS A BOND HEARING WITH THE GOVERNMENT BEARING THE BURDEN OF PROOF.

52. In addition to a violation of the plain statutory text, Velasquez Gonzalez's continued detention without an individualized bond determination violates his right to due process.

53. The Fifth Amendment's Due Process Clause prohibits the Government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const., amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas,* 533 U.S. at 690. It is well-established that "the Due Process Clause applies to 'all persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Id.* at 693.

54. If the Court concludes that Velasquez Gonzalez is detained under 8 U.S.C. § 1226(a), the due process owed to him is that provided for in § 1226—namely, an individualized bond hearing before an IJ. *See Lopez-Campos v. Raycraft*, -- F. Supp. 3d --, 2025 WL 2496379, at *9 (E.D. Mich. Aug. 29, 2025). Velasquez Gonzalez's continued detention without the bond hearing that should have been provided to him pursuant to § 1226 constitutes an ongoing violation of his constitutional right to due process. *See Arostegui-Maldonado v. Baltazar*, 794 F. Supp. 3d 926, 941-43 (D. Colo. 2025).

55. To remedy the constitutional violation, Velasquez Gonzalez asks the Court to find that the burden of proof at Velasquez Gonzalez's bond hearing should rest with the Government to prove by clear and convincing evidence that his continued detention is justified.

56. Section 1226(a) and its implementing regulations are silent as to whether the applicant or the Government carries the burden of proof at a bond hearing. *See* 8 U.S.C. § 1226(a); 8 C.F.R. § 1003.19(d). Moreover, the Tenth Circuit has not spoken on the issue, and other Circuit Courts of Appeal remain divided. *See Rodriguez Diaz v. Garland,* 53 F.4th 1189, 1203–05 (9th Cir. 2022) (discussing Circuit split). Velasquez Gonzalez submits that the Court may nonetheless assess whether it is appropriate to shift the burden of proof to the Government in this case under either (1) the *Mathews v. Eldridge* framework, as exemplified in *L.G. v. Choate,* 744 F. Supp. 3d 1172 (D. Colo. 2024); (2) or the framework applicable to involuntary civil detainees awaiting trial or mental health treatment, as applied in *Diaz-Ceja v. McAleenan,* 2019 WL 2774211 (D. Colo. 2019).

57. This District has held that it is the Government's burden to justify a noncitizen's continued detention at a bond hearing. *Arauz v. Baltazar*, 2025 WL 3041840, at *4 n.3 (D. Colo. Oct. 31, 2025); *see also Espinoza Ruiz v. Baltazar,* 2025 WL 3294762, at *2 (D. Colo. Nov. 26, 2025) (ordering that the Government would carry the burden for bond hearing under §1226(a)); *Loa Caballero,* 2025 WL 2977650, at *9 ("During such [§ 1226(a) hearing, the Respondents bear the burden of justifying detention."); *Mendoza Gutierrez,* 2025 WL 2962908, at *14 ("the Government shall bear the burden of justifying [detention] by clear and convincing evidence of dangerousness of risk of flight"); *Garcia Cortes v. Noem,* 2025 WL 2652880, at *5 (D. Colo. Sept. 16, 2025) (same).

58. As a general matter, the Supreme Court has long held that the clear and convincing evidence standard applies to civil detention where an individual's liberty interest is at stake and

that rationale should apply with equal force in this case, where Velasquez Gonzalez's liberty interest hangs in the balance. *See United States v. Salerno*, 481 U.S. 739, 751 (1987).

59. In sum, Velasquez Gonzalez requests that the Court order that Respondents provide him a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the Court's order, at which the Government shall bear the burden of justifying Velasquez Gonzalez's continued detention by clear and convincing evidence of his dangerousness to the safety of the community, or of his risk of flight.

CLAIMS FOR RELIEF

Count One
Violation of 8 U.S.C. § 1226(a), INA § 236(a)

60. Velasquez Gonzalez realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

61. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Velasquez Gonzalez who previously entered the country and has been residing in the United States prior to being apprehended and placed in removal proceedings by Respondents. He is subject to discretionary detention under § 1226(a).

62. The application of § 1225(b)(2) to Velasquez Gonzalez unlawfully mandates his continued detention and violates the INA.

Count Two
Violation of the Due Process Clause of the Fifth Amendment to the United States Constitution – Substantive Due Process

63. Velasquez Gonzalez realleges and incorporates herein the allegations contained in the preceding paragraphs of the petition as if fully set forth herein.

64. As Velasquez Gonzalez is detained under § 1226(a), he is entitled to the full procedures of that statute, including an individualized bond determination.

65. Velasquez Gonzalez's continued detention without the individualized bond determination pursuant to § 1226(a) constitutes an ongoing violation of his constitutional right to due process, that this Court must remedy.

66. Respondents' continued detention of Velasquez Gonzalez without an individualized bond determination to determine whether he is a flight risk or danger to others violates his right to due process under the Due Process Clause of the Fifth Amendment.

PRAYER FOR RELIEF

Petitioner Velasquez Gonzalez prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) GRANT the Petition for Writ of Habeas Corpus after finding that the proper statutory authority governing Velasquez Gonzalez's detention is 8 U.S.C. § 1226(a) and that 8 U.S.C. § 1225(b)(2)(A) does not apply to him;

(3) Order Respondents to provide Velasquez Gonzalez with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven (7) days of the Court's Order;

(4) Order that at the bond hearing, the Government shall bear the burden to justify his continued detention by clear and convincing evidence; and

(5) Grant any further relief the Court deems just and proper.

Dated this 26th day of January 2026.

Respectfully submitted,

/s/ Skylar M. Larson
Skylar M. Larson, Esq.
8275 E. 11th Ave. # 200176
Denver, CO 80220
Tel: (970) 692-3156
Email: skylarmlarsonesq@gmail.com

ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing **Petition for Writ of Habeas Corpus and Attachments A-D** will be effectuated contemporaneously with the Court's issuance of an Order directing service pursuant to Federal Rule of Civil Procedure 4(i), at which time true and correct copies will be mailed via **U.S. Postal Service Priority Mail Express** to the following:

JUAN BALTAZAR, Warden of the Denver Contract Detention Facility
3130 N Oakland Street
Aurora, CO 80010
Respondent

ROBERT HAGAN, Field Office Director, Denver ICE Field Office
12445 E. Caley Avenue
Centennial, CO 80111
Respondent

TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

KRISTI NOEM, Secretary of U.S. Department of Homeland Security
245 Murray Lane, SW
Mail Stop 0485
Washington, DC 20528-0485
Respondent

PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530
Respondent

KEVIN TRASKOS, Chief, Civil Division
U.S. Attorney's Office District of Colorado
1801 California Street, Ste. 1600
Denver, CO 80202
Attorney for Respondents

/s/ Skylar M. Larson
Skylar M. Larson, Esq.

ATTORNEY FOR PETITIONER

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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ADRIAN VELASQUEZ GONZALEZ,

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KRISTI NOEM, in her official capacity as Secretary of U.S. Department of Homeland Security; and
PAMELA BONDI, in her official capacity as Attorney General of the United States.

Respondents.

ATTACHMENTS TO PETITION FOR WRIT OF HABEAS CORPUS

ATTACHMENT A.	Notice to Appear, dated December 9, 2025
ATTACHMENT B.	DHS Form I-200, Warrant for Arrest of Alien, dated December 9, 2025
ATTACHMENT C.	Application for Non-LPR Cancellation of Removal, dated January 23, 2026
ATTACHMENT D.	EOIR Nationwide Guidance on class certifications and *Matter of Yajure Hurtado*, dated January 13 and 16, 2026

A

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

DOB: [redacted]

Event No: [redacted]

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [redacted] File No: [redacted]

In the Matter of:

Respondent: ANTONIO REYES-VATRES AKA: See Continuation Page Made a Part Hereof currently residing at:

[redacted]

(Number, street, city, state and ZIP code) (Area code and phone number)

☐ You are an arriving alien.

☒ You are an alien present in the United States who has not been admitted or paroled.

☐ You have been admitted to the United States, but are removable for the reasons stated below.

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 entered the United States at New Mexico, on or about 2000;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

☐ This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.

☐ Section 235(b)(1) order was vacated pursuant to: ☐ 8CFR 208.30 ☐ 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

3130 N OAKLAND ST, AURORA, COLORADO 80010. AURORA IMMIGRATION COURT
(Complete Address of Immigration Court, including Room Number, if any)

on December 30, 2025 *(Date)* at 8:00 am *(Time)* to show why you should not be removed from the United States based on the charge(s) set forth above.

OMAR LAWTON - SDDO
(Signature and Title of Issuing Officer)

Date: December 9, 2025

Centennial, CO
(City and State)

EOIR – 1 of 7

Notice to Respondent

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before: _____

(Signature of Respondent)

Date: _____

_____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on [redacted], in the following manner and in compliance with section 239(a)(1) of the Act.

☒ in person ☐ by certified mail, returned receipt # _____ requested ☐ by regular mail

☐ Attached is a credible fear worksheet.

☒ Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the SPANISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

Refused to sign

(Signature of Respondent if Personally Served)

☒ [redacted] - Deportation Officer

(Signature and Title of officer)

EOIR – 2 of 7

Privacy Act Statement

Authority:
The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:
You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:
For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at https://www.dhs.gov/system-records-notices-sorns. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at https://www.justice.gov/opcl/doj-systems-records. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:
Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR – 3 of 7

U.S. Department of Homeland Security **Continuation Page for Form I-862**

Alien's Name	File Number Event No:	Date
[redacted]	[redacted] [redacted]	[redacted]

ALSO KNOWN AS

[redacted]

Signature	Title
OMAR LAWTON	SDDO

EOIR - 4 of 4 Pages

B

U.S. DEPARTMENT OF HOMELAND SECURITY **Warrant for Arrest of Alien**

File No. [redacted]

Date: 12/09/2025

To: Any immigration officer authorized pursuant to sections 236 and 287 of the Immigration and Nationality Act and part 287 of title 8, Code of Federal Regulations, to serve warrants of arrest for immigration violations

I have determined that there is probable cause to believe that REYES-VATRES, ANTONIO 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.

YOU ARE COMMANDED to arrest and take into custody for removal proceedings under the Immigration and Nationality Act, the above-named alien.

(Signature of Authorized Immigration Officer)

OMAR LAWTON - SDDO
(Printed Name and Title of Authorized Immigration Officer)

Certificate of Service

I hereby certify that the Warrant for Arrest of Alien was served by me at Centennial, CO (Location)

on REYES-VATRES, ANTONIO (Name of Alien) on December 9, 2025 (Date of Service), and the contents of this notice were read to him or her in the SPANISH (Language) language.

J. 10447 TOMPKINS
Deportation Officer
Name and Signature of Officer

Name or Number of Interpreter (if applicable)

EOIR – 5 of 7

Form I-200 (Rev. 09/16)

U.S. Department of Homeland Security **Continuation Page for Form** I-200

Alien's Name	File Number	Date
REYES-VATRES, ANTONIO	[redacted] Event No: [redacted]	12/09/2025

OTHER ALIASES KNOWN BY

VELASQUEZ-Gonzales, Adrian

Signature	Title
LAWTON, OMAR	SDDO

6 of 7

EOIR

2 of 2 Pages

Form I-831 Continuation Page (Rev. 08/01/07)

C

Skylar M. Larson, Esq.
8275 E 11th Ave. # 200176
Denver, CO 80220
Tel: (970) 692-3156
Email: skylarmlarsonesq@gmail.com
Attorney for Respondent

DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
AURORA, COLORADO

In the matter of:	)	
Adrian VELASQUEZ GONZALEZ	)	**File No.:** [redacted]
In Removal Proceedings	)	

Immigration Judge: Melanie K. Corrin

Master Hearing: January 30, 2026

RESPONDENT'S EOIR-42B, APPLICATION FOR NON-LPR CANCELLATION OF REMOVAL AND SUPPORTING DOCUMENTS

EOIR - 1 of 41

Exhibit		Page(s)
A	Respondent's Form EOIR-42B, Application for Non-LPR Cancellation of Removal, dated January 23, 2026	1-10
B	Respondent's Passport Biographical Page	11
C	Respondent's Marriage Certificate with English Translation	12-14
D	State of Colorado Birth Certificate for: 1. USC Daughter [redacted] (DOB: [redacted]) 2. USC Son [redacted] DOB: [redacted]) 3. USC Son [redacted] (DOB: [redacted]	15-17
E	Colorado Bureau of Investigation, Colorado Record of Arrests	18-22
F	Tax Returns 2015 - 2024	23-32

A

E

COLORADO
Bureau of Investigation
Department of Public Safety

Biometric Identification and Records Unit
690 Kipling Street, Suite 4000
Lakewood, CO 80215
303-239-4208

LARSON, SKYLAR
8275 E 11TH AVE # 200176
DENVER, CO, 80220

Date: [redacted]

RE: GONZALEZ, ADRIAN DOB: [redacted]

The Colorado arrest record for the person noted to follow.

The Colorado Bureau of Investigation's database contains detailed information of arrest records based upon fingerprints provided by Colorado law enforcement agencies. Arrests, which are not supported by fingerprints, will not be included in this database. On occasion the Colorado criminal history will contain disposition information provided by the Colorado Judicial system. Additionally, warrant information, sealed records (except those allowed per state statute 24-72-703), and juvenile records are not available to the public.

The results attached are based on a name search which may or may not be the subject of this inquiry. This search does not include a fingerprint comparison, which is the only means of positive identification. Since an arrest record may be established after this inquiry, an arrest record is only valid at the time of the current request. To ensure the most current available information in regards to subsequent arrest after an initial inquiry, it is recommended another query be made.

The results attached below are based on the criteria given.

Falsifying or altering this document with the intent to misrepresent the contents of the record is prohibited by law, and may be punishable as a felony when done with intent to injure or defraud any person.

Sincerely,
$UPDQGR6DOGDWH, Director
Colorado Bureau of Investigation

EOIR – 25 of 41

[redacted]

COLORADO CRIMINAL HISTORY INFORMATION SHEET

1. WHO IS CRIMINAL JUSTICE/LAW ENFORCEMENT?

"Criminal justice agency" means any court with criminal jurisdiction and any agency of the state or of any county, city and county, town, boards of institutions of higher education, school district, special district, judicial district, or law enforcement authority which performs any activity directly relating to the detection or investigation of crime; the apprehension, pretrial release, posttrial release, prosecution, correctional supervision, rehabilitation, evaluation, or treatment of accused persons or criminal offenders; or criminal identification activities or the collection, storage, or dissemination of arrest and criminal records information.

2. DEFINE LAWFUL USE OF THE RECORDS.

Records shall not be used by any person for the purpose of soliciting business for pecuniary gain. The official custodian shall deny any person access to records of official actions and criminal justice records unless such person signs a statement which affirms that such records shall not be used for the direct solicitation of business for pecuniary gain.

3. WHO ARE FINGERPRINT CARD CONTRIBUTORS?

Fingerprint card contributors are "Criminal Justice Agencies," as defined above (#1).

4. WHAT IS A DISPOSITION?

"Disposition" means a decision not to file criminal charges after arrest; the conclusion of criminal proceedings, including conviction, acquittal, or acquittal by reason of insanity; the dismissal, abandonment, or indefinite postponement of criminal proceedings; formal diversion from prosecution; sentencing, correctional supervision, and release from correctional supervision, including terms and conditions thereof; outcome of appellate review of criminal proceedings; or executive clemency.

5. WHERE CAN I GET A DISPOSITION IF IT IS NOT POSTED TO MY CBI RECORD?

You can get copies of your dispositions from www.cocourts.com for a nominal fee. These records are also available from the courts in which you appeared. If your case never went to court, you may be able to get the records from the arresting agency itself (the police department or sheriff's office) or the district attorney's office in the jurisdiction where you were arrested.

6. WHAT JUVENILE RECORDS ARE RELEASED TO THE PUBLIC?

The records of law enforcement officers concerning juveniles, including identifying information, shall be identified as juvenile records and shall not be inspected by or disclosed to the public. The only Juvenile records released to the public are those juveniles that have been charged as adults. DUI and minor traffic violations are also releasable if the juvenile is over 16 years old when the offenses occur. Juvenile registered sex offender records will also be released.

7. WHAT IS A SEALED RECORD AND HOW CAN I GET MY RECORD SEALED?

A sealed record is not available to the general public, it is only disseminated according to Colorado Revised Statutes. A party to the case may petition the court to seal records in the county where the criminal records are filed. You can obtain information on sealing your record from the State Judicial website, www.coloradojudicial.gov, or from the court in which you appeared.

8. WHO DO I CONTACT IF I HAVE A DISPUTE WITH MY RECORD?

Any person in interest who is provided access to any criminal justice records shall have the right to challenge the accuracy and completeness of records to which he has been given access, insofar as they pertain to him, and to request that said records be corrected. You can do a record challenge at CBI (for information on this procedure go to the website, www.cbi.state.co.us/id or call (303) 239-4208. You can also take your dispute directly to the arresting agency.

9. WHAT ARE COURT FILING ON DOCKET ENTRIES?

These entries on the CBI record are displayed electronically on the Colorado criminal history by the State Judicial Department. They are currently posted from district court cases and they are based on the court case number, the arrest number, the last name of the individual, and the arresting agency.

10. WHAT IS DOC INCARCERATION SENTENCE?

DOC Incarceration Sentence is not a new arrest entry on the criminal history. When a person is convicted of a crime and they are sentenced to the Department of Corrections, an entry is made into the criminal history showing the charge the person was convicted of and how long the jail sentence was.

11. WHAT SEX OFFENDER INFORMATION WILL BE RELEASED WITH THE RECORD?

A registered sex offender notation will appear on a criminal history when an individual is currently registered as a sexual offender with a local law enforcement agency in Colorado, pursuant to Colorado Revised Statute (CRS) 16-22-110 (6)(b). Once the individual is no longer actively registered as a sexual offender with a local law enforcement agency, the sexual offender notification on the criminal history will be removed. When an individual is no longer required to register as a sexual offender, either by court order or statute, the sexual offender notification on the criminal history will be removed. For additional information pertaining to the Colorado Sex Offender Registration Act (CRS 16-22-101 thru 16-22-115), please refer to the CBI SOR website or email cdps.cbi.sor@state.co.us.

12. DOES CBI RELEASE WARRANT INFORMATION? WHAT IS A FUGITIVE OF OTHER JURISDICTION ENTRY?

CBI does not release warrant information to the public. If you know what agency the warrant is out of, you will need to contact that agency for the information. That agency may or may not be able to release the warrant information; depending on their policy regarding the release of such information. The website, www.cocourts.com, may also provide some warrant information. A Fugitive of Other Jurisdiction charge means that the person in question had a warrant out of one law enforcement agency and was arrested by another agency for that warrant. The person does not necessarily have an active warrant out for their arrest.

D

PRACTICE RESOURCES

Practice Alert: EOIR Issues Nationwide Guidance on *Maldonado Bautista*

1/16/26 | AILA Doc. No. 26011404.

Updated January 16, 2026

On January 13, 2026, Chief Immigration Judge Teresa L. Riley issued nationwide guidance instructing all immigration judges that: "*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay or enjoin *Yajure Hurtado*." Immigration judges are instructed to follow the BIA's decision in *Matter of Yajure Hurtado* as binding precedent. The guidance from EOIR states that a "declaratory judgment" is not binding and does not have the authority to compel specific action.[i]

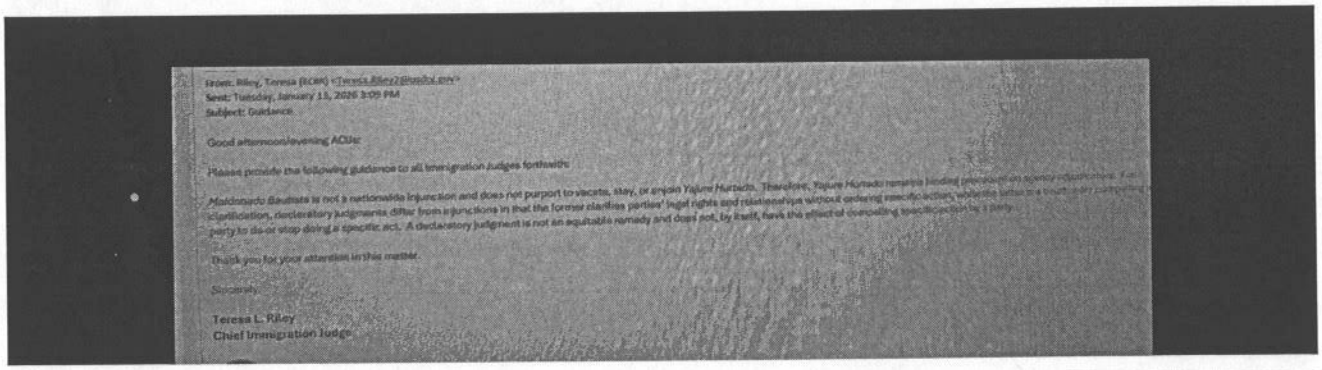
AILA members are reporting widespread denial of bond hearings based on this new guidance. Members pursuing released from federal court should keep in mind:

1. You must allege and prove your client's class membership. The relief does not apply beyond the class even if the Court in *Maldonado Bautista* concluded that the underlying legal position is fundamentally wrong. The notice to appear, itself should provide evidence of class membership and it should be argued that as such the factual allegation that the individual is not an arriving alien is undisputed especially where the NTA shows that the person is inadmissible under INA 212 (a)(6)(A)(i).
2. Members should file a copy of the December 18, 2025 clarifying order as an exhibit in the bond record of proceedings to ensure it is part of the record as well as copies of this advisal. It may not be enough to rely on citations. Many Immigration Judge's will not have previously read the decision.
3. Make sure you review the 2025 published BIA decisions on bond and provide sufficient evidence to establish your client is not a danger to the community or a flight risk as part of your motion for bond redetermination. Evidence of relief eligibility, housing, and family and community support are particularly persuasive.

AILA will continue to monitor the situation and provide updates moving forward. If you have specific case examples of courts denying eligibility based on this email, please submit your case examples here.

Class members include "[a]ll noncitizens in the United States without lawful status who (1) have entered or will enter the United States without inspection; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231 at the time the Department of Homeland Security makes an initial custody determination." For more information, see class counsel's practice advisory here.

To contact class counsel, reach out to Bautista_EWI_Class@aclu.org.



From: Riley, Teresa (EOIR) <Teresa.Riley2@usdoj.gov>
Sent: Tuesday, January 13, 2026 3:05 PM
Subject: Guidance

Good afternoon/evening ACIJs:

Please provide the following guidance to all Immigration Judges forthwith:

Maldonado Bautista is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relations *vis* without ordering specific action, whereas the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

Thank you for your attention in this matter.

Sincerely,

Teresa L. Riley
Chief Immigration Judge

[i] Relevant members should still be screening for ***Guerrero-Orellana*** class membership because they remain class members even if moved to states outside of New England. When filing a motion for bond, attorneys should specifically write/state that the Respondent is a class member of *Guerrero-Orellana* and therefore entitled to a bond hearing. Additionally, a class member who is denied a bond hearing should file a habeas petition and ask for immediate release and fees.