

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO**

CIVIL ACTION NO. 26-CV-00332-STV

YAYA, HISSEIN SEIRO,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility (Aurora), owned and operated by GEO Group, Inc.;  
GEORGE VALDEZ, in his official capacity as Acting Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement (ICE);<sup>1</sup>  
KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security (DHS);  
TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE); and  
PAM BONDI, in her official capacity as Attorney General, U.S. Department of Justice (DOJ).

Respondents.

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**JOINT MOTION TO VACATE MARCH 12, 2026, HEARING**

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Petitioner and Respondents (collectively, “the Parties”), through counsel, respectfully move this Court to vacate the evidentiary hearing set in this matter regarding Petitioner’s Motion for a Temporary Restraining Order (ECF No. 2). In support, the Parties state as follows:

1. The Court scheduled a hearing in this matter for March 12, 2026, to address Petitioner’s Motion for a Temporary Restraining Order. ECF No. 17.

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<sup>1</sup> George Valdez, the Acting Field Office Director for ICE’s Denver Field Office, is substituted for Robert G. Hagan pursuant to Fed. R. Civ. P. 25(d).

2. On February 24, 2026, the Court issued an Order requiring the Respondents to “file supplemental briefing identifying evidence sufficient to rebut the presumption that there is no significant likelihood of Petitioner’s removal in the reasonably foreseeable future.” ECF No. 21. The Respondents’ deadline to file such briefing is March 10, 2026. *Id.* The Petitioner may respond by March 28, 2026. *Id.*

3. The Parties have conferred and agree that an evidentiary hearing is not necessary because:

- a. The Parties do not intend to present additional evidence, beyond the written materials that have already been filed or will be filed in accordance with the Court’s order (ECF No. 21). In particular, the Parties do not intend to present any live witnesses at the evidentiary hearing.
- b. The issues presented in the Motion for a Temporary Restraining Order—which mirror the issues in the habeas petition itself—may be resolved as a matter of law based on the current record. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), when removal is not reasonably foreseeable, continued detention is not authorized, and the appropriate remedy is release under reasonable conditions of supervision. See *Salazar-Martinez v. Lyons*, No. 2:25-cv-00961-KG-KBM, 2025 WL 3204807, at \*2 (D.N.M. Nov. 17, 2025) (“[t]he remedy for a *Zadvydas* claim is generally release of the petitioner under conditions of supervision.”). Here, the Parties agree that, if the Court finds the Petitioner is entitled to relief, the appropriate remedy in a habeas case challenging post-

removal-order detention under 8 U.S.C. § 1231 is release from detention.<sup>2</sup> If the Court resolves the habeas Petition on the written record—as the Parties submit it should—it could then deny the Motion for a Temporary Restraining Order as moot.

- c. An evidentiary hearing is not necessary where there are no material factual disputes and the issues presented are purely legal. *See, e.g., Vizguerra-Ramirez v. Baltazar*, No. 25-cv-00881-NYW, Doc. 70 at 2 (D. Colo. Dec. 17, 2025) (resolving a Section 2241 petition on the written record and noted that oral argument would not materially assist the Court). In this case, the material facts are not in dispute. The Parties agree as to the length of Mr. Yaya’s detention, and Respondents’ written submissions provide the facts relating to ICE’s efforts to effectuate his removal. Given the undisputed factual record, the question before the Court is therefore whether, as a matter of law, continued detention under 8 U.S.C. § 1231(a)(6) is permissible under *Zadvydas*.
- d. If this Court determines that Petitioner’s ongoing detention is unlawful, holding an evidentiary hearing on March 12, 2026, could delay his release.

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<sup>2</sup> Ms. Yaya’s petition concerns post-removal-period detention under 8 U.S.C. § 1231(a), not pre-removal detention under 8 U.S.C. §§ 1225 or 1226. Claims under Sections 1225 and 1226 involve different statutory frameworks and standards for detention and bond, including mandatory detention and discretionary bond provisions not at issue here. Mr. Yaya’s petition challenges detention only under Section 1231(a)(6) pursuant to *Zadvydas*.

4. This motion is made in good faith and not for the purpose of undue delay.

Granting the requested relief would serve the interest of efficiency and conserve the Court's and the parties' resources.

WHEREFORE, the Parties respectfully request that this Court enter an Order vacating the evidentiary hearing set for March 12 2026, and issue a ruling on the Petition and Motion for a Temporary Restraining Order on the written record.

**DATED:** March 2, 2026

Respectfully submitted,

/s/ Barbara Zalewski-Zaragoza

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 2, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

*s/Elliot Wertheim*  
Elliot Wertheim