IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-00385-DDD-TPO

JOSE LARA MEJIA,

Petitioner,

v.

JUAN BALTAZAR, Warden of the Aurora Contract Detention Facility, in his official capacity;
U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT;
ROBERT GUADIAN, Director of the Denver Field Office of Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, in his official capacity;
KRISTI NOEM, Secretary of the U.S. Department of Homeland Security, in her official capacity;
TODD LYONS, Acting Director of U.S. Immigration and Customs Enforcement, in his official capacity;
PAMELA BONDI, Attorney General of the United States, in her official capacity;
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;
SIRCE OWEN, Acting Director for Executive Office of Immigration Review, in her official capacity; and
U.S. DEPARTMENT OF HOMELAND SECURITY,

Respondents.

EMERGENCY MOTION FOR EXPEDITED DECISION ON PETITION FOR HABEAS CORPUS AND MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION

Petitioner Jose Lara Mejia ("Petitioner'), through undersigned counsel, respectfully requests that the Court render an expedited decision on his Petition for Habeas Corpus (Dkt. No. 1) and his Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. No. 5). The Motion (which involves coterminous briefing covering the Petition for Habeas Corpus) is now fully briefed. The reason for this Emergency Motion is that Petitioner has an upcoming hearing in immigration court on March 19, 2026, and without direction from this Court, it

appears likely that Petition will continue to be deprived of the bond hearing to which he is entitled to under 8 U.S.C. § 1226(a).

PROCEDURAL BACKGROUND

On January 30, 2026, Petitioner filed the Petition alleging that his detention is unlawful because (i) Respondents are unlawfully keeping him in mandatory detention under 8 U.S.C. § 1225(b)(2)(A) rather than the applicable statute, 8 U.S.C. § 1226(a), which provides for a bond hearing and (ii) because mandatory detention in his case violates his due process rights under the Fifth Amendment to the United States Constitution. In conjunction with his Petition, he also filed his Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. No. 5) (the "Motion").

On February 2, 2026, the Court issued an Order to Show Cause ordering Petitioner to serve his Petition on Respondents and ordering Respondents "within three weeks after service of the petition" to show why the Petition should not be granted. (Dkt. No. 4.) On March 10, 2026, Respondents filed their response to the Order to Show Cause and Petitioner's Motion (Dkt. No. 12.) In conjunction with this filing, Petitioner is filing his reply brief. Thus, the Petition, Order to Show Cause, and Motion are now fully briefed.

As of this filing, Petitioner remains in custody in this District at the Aurora Contract Detention Facility in Aurora, Colorado. While this matter has been pending, Petitioner's removal proceeding in immigration court has also been pending, but without meaningful progress.

Petitioner's first master calendar hearing was scheduled for February 12, 2026. Ex. B. The hearing was ultimately reset to March 6, 2026. Id.

On February 18, 2026, in *Bautista v. Santacruz*, 5:25-cv-01873-SSS-BFM, 2026 U.S. Dist. LEXIS 34057 (C.D. Cal. Feb. 18, 2026), the United States District Court for the Central District of California granted petitioners' motion to enforce its judgment and vacated the Board of Immigration Appeals' decision in *Matter of Yajure-Hurtado*, 29 I. & N. Dec. 216. This decision was important because the underlying issue of statutory interpretation in that case is that same as in this case.

In light of that ruling, on March 5, 2026, Petitioner requested a bond hearing in conjunction with his master calendar hearing scheduled for March 6, 2026. At the March 6 hearing, the immigration judge did not conduct a bond hearing and reset the master calendar hearing to March 19, 2026, and a bond hearing was scheduled to take place then. Ex. B.

Shortly thereafter, however, on March 6, 2026, the United States Court of Appeals for the Ninth Circuit issued an administrative stay of the order in *Bautista* while it considers the Government's motion for a stay pending appeal. *Bautista v. U.S. Dep't of Homeland Sec.*, 2026 U.S. App. LEXIS 6750 (9th Cir. Mar. 6, 2026).

Petitioner is scheduled to appear on March 19, 2026 for his master calendar hearing. It appears unlikely that Petitioner will be granted a bond hearing. Since the Ninth Circuit issued its administrative stay in *Bautista*, immigration judges have begun denying bond hearings on the ground that they lack jurisdiction to conduct custody redetermination proceedings because detainees are treated as subject to detention under 8 U.S.C. § 1225(b), rather than detention under 8 U.S.C. § 1226. See Declaration of Samantha D. Wolfe, Ex. A; Exs. C–E. The attached orders reflect that immigration judges at the Aurora Immigration Court denied requests for bond hearings on March 10 and March 12, 2026 after concluding that the Ninth Circuit's stay leaves

Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), binding and therefore precludes immigration judges from exercising jurisdiction over bond requests. See Exs. C–E.

REQUEST FOR EMERGENCY RELIEF

Petitioner does not make his request for an expedited decision lightly and recognizes that it gives the Court only a couple days to make its decision prior to his March 19, 2026 hearing in immigration court. The urgency has arisen because the Ninth Circuit has stayed the decision in *Bautista*, meaning that immigration judges likely will consider *Matter of Yajure-Hurtado* as having precedential authority and providing a basis not to grant Petitioner a bond hearing. Petition is filing his reply brief in support of his Motion and this request as soon as possible after the Respondents filed their opposition.

Petitioner's counsel has contacted the Respondents' attorney to determine Respondents' position on this Emergency Motion. Respondents' counsel responded that they take no position on the Emergency Motion.

Based on the foregoing, Petitioner seeks an expedited decision from this Court so that the immigration court will have the foundation to provide Petitioner a bond hearing on March 19, 2026.

Dated March 16, 2026

s/ Samantha D. Wolfe

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CERTIFICATE OF SERVICE

I hereby certify that on March 16, 2026, I have caused to be electronically filed the foregoing with the Clerk of Court using CM/ECF system which will send notification of such filing to counsel of record:

s/ Samantha D. Wolfe
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