

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

Civil Action No. 26-cv-409

ANGEL ALEJANDRO YRIARTE-AULAR,

Plaintiff-Petitioner,

v.

JUAN BALTAZAR, Warden, Denver Contract Detention Facility, Aurora,
Colorado, in his official capacity,

Defendant-Respondent.


**PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241**

Plaintiff-Petitioner Angel Alejandro Yriarte-Aular ("Plaintiff" or "Mr. Yriarte-Aular"), through counsel Debora Doan Jones, hereby files this Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241 and states as follows:

I. BACKGROUND INFORMATION

A. Plaintiff and Defendant Information

Plaintiff's personal information is as follows:

Angel Alejandro Yriarte-Aular
Immigration Detainee, 
ICE Detention Center
3130 N. Oakland Street
Aurora, CO 80010

Defendant is the Warden at the ICE Facility where Plaintiff is detained.

Defendant's address is:

ICE Detention Center
3130 N. Oakland Street
Aurora, CO 80010

B. Prior Applications


Plaintiff has not filed another lawsuit in which the within claims were or could have been raised.

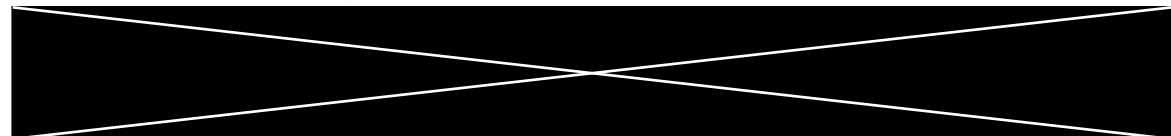
C. Exhaustion of Administrative Remedies

Plaintiff filed two motions for a bond hearing in Immigration Court in October 2025 and January 2026, respectively. Both were denied. Plaintiff appealed the first denial on December 1, 2025, and filed his appellate brief on or about January 7, 2026. No decision on that pending appeal has been rendered. It is unknown when the Board of Immigration Appeals will do so.

Plaintiff also requested parole directly to the ICE facility deportation officer and detention supervisor on January 13, 2026. They have not responded.

D. Factual Background

Plaintiff and his family traveled to the United States to escape retribution by the Venezuelan government after 



 See Exhibit 1, Affidavit of

Angel Alejandro Yriarte Aular dated January 30, 2026, and Police Report attached thereto. [REDACTED]

See Exhibit 2, Photographs of scars.

Plaintiff and his family entered the United States on or about December 16, 2023, at El Paso, Texas. Family members include his wife, Maria Teran Pineda, and their two children, M-Y-T and C-Y-T.

As Plaintiff and his family were about to cross from Mexico into the United States, a Mexican officer redirected them to another area for entry into the U.S.; Plaintiff and his family obeyed this instruction. They approached an American immigration officer to determine their next steps. To their surprise, Plaintiff and his family were arrested and taken to an immigration facility, where they were detained for several days.

On or about December 18, 2023, a Border Patrol Agent questioned Plaintiff. See Exhibit 3, Notice of Custody Determination dated December 18, 2023. The Agent did not ask him about his fear of torture should he return to Venezuela. Had this occurred, Plaintiff would have explained about [REDACTED]

[REDACTED] See Exhibit 1, referenced above. To suggest that Plaintiff does not fear persecution or torture if returned to Venezuela is to defy logic.

Plaintiff believed that the questioning by the U.S. Border Patrol Agent was all that was needed at that stage of his entry into the United States. Border Patrol Agents told Plaintiff nothing to the contrary. Plaintiff was

released on recognizance. See Exhibit 4, Order of Release on Recognizance, dated December 18, 2023.

In addition, Plaintiff was given a Notice to Appear, dated that same day, instructing Plaintiff to appear before an immigration judge of the United States Department of Justice in Denver, Colorado, on September 10, 2024. See Exhibit 5, Notice to Appear, dated December 18, 2023.

As directed, Plaintiff and his family appeared at the Denver Immigration Court but were told that Plaintiff and his family were not included in the Immigration Court records. They were not given another court date, nor were they given instructions on how they were to proceed through the immigration system.

Plaintiff understood he had been interviewed upon entering the United States and had followed the instructions given to him. It appears that the Notices to Appear for Plaintiff's family that were issued after the meeting were not recorded in the system, such that the Immigration Court had no record of such. The lack of record and/or interview should not be construed against Plaintiff as he seeks release from detention. Plaintiff did not knowingly avoid a designated Port of Entry, but simply followed instructions of the officials he encountered.

Plaintiff and his family members submitted their applications for asylum on October 4, 2024, to the Department of Homeland Security (DHS). See Exhibit 6, Application for Asylum dated October 4, 2024. Plaintiff's application

describes the violence that was perpetrated against him and his family members by [REDACTED]

[REDACTED]

A dependable husband and father, Plaintiff obtained work authorization, a Social Security number, and his driver's license in order to support his family. See Exhibit 7, copies of driver's instruction permit, work authorization, and social security card. Plaintiff wants nothing more than to provide a safe environment and financial support for his family.

To this end, Plaintiff maintained steady employment in landscaping. See Exhibit 8, Letter from Jeremy's Jobs regarding Plaintiff's employment and compilation of Plaintiff's work shifts. Despite the often strenuous and adverse conditions in which he works, Plaintiff has been a dependable employee. In accordance with U.S. laws, Plaintiff has filed income tax returns. See Exhibit 9, Income tax return for 2024.

Plaintiff has followed procedures as instructed, and there is no indication that he will fail to do so in the future. Plaintiff is not a flight risk, and there is every indication that he will continue to follow orders and appear before the court as instructed in the future.

Plaintiff has no criminal history; he passed a background check as part of the process whereby he obtained his license as a security guard. See Exhibit 10, Security Guard License from Denver Department of Excise & Licenses.

To better provide for his family, Plaintiff obtained a second job as a security guard in late summer, 2025. Plaintiff's supervisor told Plaintiff that Plaintiff would earn more money if he purchased a firearm and obtained the appropriate license. (See paragraph above.) To this end, Plaintiff took a firearms class to assure that he had the appropriate training and investigated acquisition of a handgun. Plaintiff completed the necessary background information for the purchase and paid for the gun. Plaintiff never took possession of the handgun, and the transaction has since been reversed.

Plaintiff was never told he was not eligible to acquire a handgun by his employer, the firearms class instructor, or the gun seller. Apparently this attempted purchase triggered Plaintiff's apprehension and detention on September 20, 2025. Plaintiff did not consider procuring a handgun until it was suggested by his employer. He only did so after being told it would lead to higher pay in his security job. See Exhibit 11, Statement of Maria Teran Pineda.

Plaintiff has established ties to the community. He and his wife were married on August 13, 2024, and participated in a wedding ceremony on October 12, 2024, with other Venezuelan friends. See Exhibit 12, Marriage Certificate dated August 13, 2024, and photographs of the wedding ceremony. Plaintiff's children are enrolled in their local elementary school and are progressing steadily in their acclimation to the U.S. See Exhibit 13, School records of M-Y-T and C-Y-T.

In recent months, Plaintiff's son has suffered from an infection on the side of his face, which first appeared in October 2025, soon after his father was detained. A doctor prescribed antibiotics to cure the infection, which were administered as directed. The infection cleared up initially, but it returned a few weeks later.

The second infection was worse than the first one, with two rather than one infection site. The doctor prescribed stronger antibiotics and performed surgery in early January 2026 to clean the area more thoroughly. [REDACTED] continued taking these stronger antibiotics through the time of his surgery. See Exhibit 11, statement of Maria Teran Pineda, referenced above.

Because of the severity of the son's infection, it is imperative that Plaintiff and his family remain in Denver, Colorado, so that the infection site can be monitored to ensure that the infection does not recur. This provides additional evidence that Plaintiff will remain in this community.

In addition, Plaintiff and his family have lived continually at their apartment located at [REDACTED] for the past 1.5 years. See Exhibit 14, record of rent payments for the past five months; See also Exhibit 9, referenced above, showing Plaintiff's address on his tax return. It is important that Plaintiff be released so that he can return to his employment, pay his rent, and support his family.

Barbara Durbin, a United States citizen, is willing to sponsor Plaintiff and ensure that he and his family will continue to live comfortably in the

Denver metropolitan area. See Exhibit 15, Letter from Barbara Durbin dated December 31, 2025.

ICE detained Plaintiff pursuant to Form I-200, "Warrant for Arrest of Alien" and issued a Form I-286 "Notice of Custody Determination." Both forms specifically reference INA § 236, 8 U.S.C. § 1226(a). See Exhibit 16, Notice to Appear, Notice of Custody Determination, and Warrant for Arrest of Alien, dated September 20, 2025.

II. CLAIMS FOR RELIEF

A. The Court should issue a of Writ of Habeas Corpus to release Plaintiff.

Plaintiff meets all the necessary criteria to be released on bond. His right to not be deprived of life, liberty, or property without fair legal process under the Fifth Amendment to the U.S. Constitution has been violated. He should be released from detention. Two Immigration Judges have denied him bond based on a decision by the Board of Immigration Appeals which is contrary to the recent decisions of the Federal District Court of Colorado. This Court should order him released pursuant to a Writ of Habeas Corpus.

B. Alternatively, Plaintiff Should Be Released on Bond.

A determination of custody and bond hearing should be held for Plaintiff as stated in recent Federal District Court decisions regarding jurisdiction of Immigration Courts. In *Nestor Esai Mendoza Gutierrez v. Balstar et al.*, Civil Action No. 25-CV-2720-RMR, U.S. Dist. Court Colorado (October 17, 2025), the Court ruled that detention of an undocumented immigrant in the interior of the

United States falls under 8 U.S.C. § 1226(a); such detainee is thus entitled to a bond hearing. To deny detainees of their right to bond hearings defies due process established under the Fifth Amendment to the U.S. Constitution. See *Gutierrez v. Balstar et al*, at 24. That Court enjoined the denial of bond hearings to the plaintiff therein and those detainees similarly situated, such as Plaintiff here.

Interpretation of the meaning of a statute belongs to the “independent judgment” of the courts, as “agencies have no special competence in resolving statutory ambiguities.” *Id.* at 21, citing *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 385-86, 401 (2024). Because it is the “responsibility of the court to decide whether the law means what the agency says,” the Court disagreed with the holding of *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) and declined to follow it, citing *Perez v. Mortgage Bankers Assn.*, 575 U.S. 92, 109, (2015) (Scalia, J., concurring in judgment). The Colorado District Court joined other courts throughout the nation and found that DHS had adopted a policy that likely violates federal law. *Mendoza Gutierrez* at 21.

As in *Mendoza Gutierrez*, ICE detained Plaintiff here pursuant to a Form I-200, “Warrant for Arrest of Alien” and issued a Form I-286 “Notice of Custody Determination.” Both forms specifically reference INA § 236, 8 U.S.C. § 1226(a). See Exhibit 16, referenced above. Plaintiff should be given a bond hearing as provided by 8 U.S.C. § 1226.

III. PRAYER FOR RELIEF

Wherefore, Plaintiff respectfully requests that this Court:

1. Assume jurisdiction over this matter;

2. Issue a writ of *habeas corpus* requiring the Defendant to release Mr. Yriarte-Aular immediately, or alternatively grant him a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;

3. Award attorneys' fees and costs pursuant to the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412(d), 5 U.S.C. § 504, and on any other basis justified under law; and

4. Grant any other and further relief that this Court deems just and appropriate.

IV. VERIFICATION BY PLAINTIFF-PETITIONER

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: January 30, 2026

Angel Alejandro Yriarte-Aular
Petitioner-Plaintiff

Respectfully submitted this 30th day of January, 2026,

/s/ Debora Doan Jones

Debora Doan Jones
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