

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

MARICELA REGALADO-HERNANDEZ,

Petitioner,

v.

JUAN BALTAZAR, et al.,

Respondents.

Case No. 26-cv-506

MOTION FOR ORDER
TO SHOW CAUSE

COMES NOW Petitioner, through counsel, and respectfully requests this Court enter an Order to Show Cause ordering Respondents to show cause why her Petition for Writ of Habeas Corpus should not be granted. In support thereof, Petitioner respectfully suggests the following:

1. Petitioner Maricela Regalado-Hernandez filed her Petition for Writ of Habeas Corpus on February 10, 2026, alleging that her detention by ICE violates her due process rights. As a threshold matter, she argues that as an individual who has lived in the United States since 2006, she is not subject to mandatory detention under 8 U.S.C. § 1225(b), but instead under the discretionary provisions of § 1226(a). *See Garcia Abanil v. Baltazar*, 25-cv-4029, 2026 WL 100587 (D. Colo. Jan. 14, 2026) (Martinez, J.); *Garcia-Perez v. Guadian*, 25-cv-4069, 2026 WL 89613 (D. Colo. Jan. 13, 2026) (Brimmer, C.J.); *Trejo Trejo v. Baltazar*, 25-cv-4026, 2026 WL 63431 (D. Colo. Jan. 8, 2026) (Crews, J.); *Briales-Zuniga v. Baltazar*, 25-cv-3439, 2026 WL 35227 (D. Colo. Jan. 6, 2026) (Wang, J.); *Jimenez Reyes v. Olson*, 2:25-cv-622-JRS-MG, 2025 WL 3765963 (S.D. Ind. Dec. 30, 2025); *Rico v. Baltazar*, 25-cv-3943, 2025 WL 3640366 (D. Colo. Dec. 16, 2025) (Sweeney, J.); *Facio v. Baltazar*, 25-cv-3592, 2025 WL 3559128 (D. Colo. Dec. 12, 2025) (Chung, J.); *Gutierrez v. Baltasar*, 25-cv-2720, 2025 WL 3251143 (D. Colo. Nov. 21,

2025) (Rodriguez, J.); *Batz Barreno v. Baltasar*, 25-cv-3017, 2025 WL 3190936 (D. Colo. Nov. 14, 2025) (Gallagher, J.). Furthermore, she also argues that her detention has become prolonged even under § 1226(a), since she has been detained for 27 months without a constitutionally adequate bond hearing at which the Government was required to justify her detention by clear and convincing evidence. *See L.G. v. Choate*, 744 F. Supp. 3d 1172 (D. Colo. 2024).

2. Pursuant to 28 U.S.C. § 2243, “A court, justice or judge entertaining an application for a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto.”

3. Section 2243 mandates that the writ or order to show cause “shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed.” Section 2243 also provides that the court “shall summarily hear and determine the facts, and dispose of the matter as law and justice require.”

4. A file-stamped copy of the petition was emailed to Kevin Traskos, Civil Chief, U.S. Attorney’s Office, on February 10, 2026. Once a show-cause order is entered, Petitioner will serve the Petitioner via Certified Mail under Fed. R. Civ. P. 4(i).

WHEREFORE, Petitioner prays this Court enter an order requiring Respondents to show cause why her Petition should not be granted within three days from the date of such order, and for such other relief as the Court deems proper.

Dated: February 10, 2026

Respectfully submitted,

/s/ James D. Jenkins
James D. Jenkins (MO #57258; WA#63234)
P.O. Box 6373
Richmond, VA 23230

Tel.: (804) 873-8528
jjenkins@valancourtbooks.com
Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed via the Court's CM/ECF system this 10th day of February, 2026.

/s/ James D. Jenkins
Attorney for Petitioner