

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

Civil Action No. 26-cv-00518-GPG

IGNACIO HERNANDEZ HERRERA,

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General;  
KRISTIN NOEM, Secretary U.S. Department of Homeland Security; and  
JUAN BALTAZAR, Warden, Denver Contract Detention Facility;

Respondents.

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**RESPONDENTS' STATUS REPORT  
IN COMPLIANCE WITH COURT ORDER (ECF No. 11)**

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In an Order issued on February 17, 2026 (ECF No. 11), the Court granted Petitioner's Petition for Writ of Habeas Corpus (ECF No. 1) and ordered Respondents to provide Petitioner with a custody hearing within seven days of the issuance of the Order. The Order also required the Respondents to file a status report within five days of the hearing, stating whether Petitioner "has been granted bond, and, if his request for bond was denied, the reasons for that denial. Such status update shall also include as an attachment any warrant justifying [Petitioner's] detention at the time he was detained." ECF No. 11, at 2.

In accordance with that Order, Respondents hereby provide this status report. A bond hearing before an immigration judge was held on February 24, 2026, within seven days of the issuance of the Order. This status report is filed on February 27, 2026, within five days of the bond hearing. At the February 24, 2026 bond hearing, the immigration

judge determined that Petitioner should be released on bond in the amount of \$10,000. Under the Department of Justice regulations that govern immigration judges and the Board of Immigration Appeals, that ruling of the immigration judge did not become immediately final; rather, “the decision of the Immigration Judge becomes final upon waiver of appeal or upon expiration of the time to appeal if no appeal is taken whichever occurs first.” 8 C.F.R. § 1003.39 (in 8 C.F.R. Part 1003, Subpart C (Immigration Court—Rules of Procedure). Here, the Department of Homeland Security filed a notice of intent to appeal the custody redetermination, and as a result “the order of the immigration judge authorizing release (on bond or otherwise) shall be stayed. . . .” 8 C.F.R. § 1003.19(i)(2), but DHS then filed a motion to lift that stay. As a result, U.S. Immigration and Customs Enforcement is processing Petitioner to be released on bond.

In response to the Court’s directive to include as an attachment any warrant justifying [Petitioner’s] detention at the time he was detained, the Respondents anticipate filing a supplementary status report. The Respondents state that, prior to Petitioner’s detention, Florida Highway Patrol encountered the Petitioner. Florida Highway Patrol then turned Petitioner over to Respondents. The Respondents are seeking additional information about the existence of any warrants that justify detention. Such information will be included in a forthcoming status report, along with any warrant justifying detention.

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Dated: February 27, 2026.

Respectfully submitted,

PETER MCNEILLY  
United States Attorney

s/ Elliot Wertheim

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***Elliot Wertheim***

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Counsel for Respondents

### CERTIFICATE OF SERVICE

I hereby certify that on February 27, 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