1
2 UNITED STATES DISTRICT COURT
DISTRICT COURT OF COLORADO
3
4 Miguel Conchas Ramirez,

5 Petitioner,

6 v.

7 Robert Hagan, Field Office Director of Enforcement and Removal Operations, Denver
8 Field Office, Immigration and Customs Enforcement; Kristi NOEM, Secretary, U.S.
9 Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND
10 SECURITY; Pamela BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR
11 IMMIGRATION REVIEW; Juan Baltazar, Warden of the Aurora Detention Facility

12 Respondents

Case No.

PETITIONER'S REPLY BRIEF

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I. INTRODUCTION

Petitioner files the instant reply to address the Department's response to the Petition. For the most part, the initial Petition already addresses the bulk of Respondent's filing which in turn concedes that "the issue is not materially different" from those this Court has already adjudicated in favor of similarly situated petitioners. *RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (ECF No. 1) AND ORDER TO SHOW CAUSE (ECF No. 5)*, at 2. In brief, Petitioner emphasizes that this Court that it has jurisdiction to adjudicate the petition, and that the proper remedy is immediate release.

Petitioner requests that the Court adjudicate this matter on an expedited basis. Petitioner submits that no novel issues are implicated by the petition. This case is squarely addressed by this Court's prior decisions as Respondent concedes. Furthermore, Petitioner's circumstances are exigent as he is scheduled for a final hearing in his removal case before the Aurora Immigration Court on March 11, 2026.

II. DISCUSSION

A. JURISDICTION

Respondent claims the Court lacks jurisdiction over the petition under 8 U.S.C. § 1252(a)(5), and (b)(9). 8 U.S.C. § 1252(a)(5) prevents the Court from reviewing, in relevant part, "an order of removal entered or issued under any provision of this chapter." 8 U.S.C. § 1252(b)(9) restricts review of "all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to remove an alien from the United States." Petitioner challenges the statutory misclassification which results in his unlawful detention. Petitioner is not challenging a final order of removal – non exists here –, the decision to initiate removal proceedings, or the manner in which the

1 Department initiated them. Petitioner is therefore not challenging anything arising from an action
2 taken to remove Petitioner. *Loa Caballero v. Baltazar*, No. 25-cv-03120-NYW, 2025 WL
3 2977650, at 5 (D. Colo. Oct. 22, 2025)(rejecting Respondent's identical jurisdictional arguments).
4 He is challenging his continued detention under 8 USC § 1225(b)(2) rather than 8 USC § 1226(a).

5 **B. REMEDY**

6 Petitioner also requests immediate release because there is no neutral decisionmaker which
7 would provide Petitioner a hearing that comports with due process. In addition to the evidence
8 already provided with the initial petition, Petitioner attaches additional evidence demonstrating
9 that Respondents are neither willing nor able to provide Petitioner a fair bond hearing. That
10 evidence shows that often the bond hearings taking place after a successful habeas petition are a
11 "sham" "designed to result in findings…without a fair consideration of the evidence." *Attachments,*
12 at 1, 2. The hearings are "fundamentally flawed or even pre-cooked" resulting in a
13 "[p]redetermined outcome" that prolongs detention. *Id.,* at 2. The judges cited in the evidence
14 note that the ordered bond hearings were "stacked against detainees from the start." *Id.,* at 15. As
15 noted in the initial petition, those judges who were fairly considering bond requests have been
16 removed and replaced. *Id.,* at 20.

17 > The executive branch-run system has removed "immigration judges who provide neutral adjudications" and "bond is systematically denied after a pro forma hearing with a
18 > predetermined outcome," Berger wrote in a Feb. 24 ruling.

19 *Id.* Former ICE Chief Counsel Jorge Artieda publicly admitted what any immigration practitioner
20 already knows:

21 > detainees "are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier" in what "appears to be a systematic effort to
22 > nullify the constitutional protections that federal courts have recognized and enforced."

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Id., at 4. For all of these reasons, courts are increasingly finding that a bond hearing would be "futile[,]" would "not comport with due process[,]" and thus ordering detainees released outright. *Id.,* at 4, 2. Like those noncitizens, Petitioner is "unlikely to get a fair shake in immigration court[]" and should also be ordered released outright.

C. Conclusion

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition and order him released. Petitioner respectfully requests that the Court act as soon as possible on the petition because Petitioner is scheduled for a final hearing on March 11, 2026.

DATED this 11th day of March, 2026.

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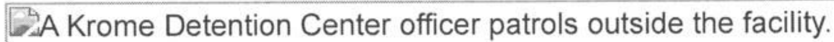
Judges keep ordering immigration hearings — but say the results are often a sham

www.politico.com/news/2026/03/06/immigration-case-hearings-judges-00815660?utm_medium=twitter&utm_source=dlvr.it

The courts say the Trump administration isn't complying in good faith with demands to give ICE detainees a measure of due process.



A Krome Detention Center officer patrols outside the facility.

For months, the Trump administration has been engaged in an unprecedented campaign to lock up thousands of immigrants with longstanding roots in the United States. And for months, aghast federal judges have ordered ICE to give them a chance to prove they can safely remain free while their deportation proceedings are pending.

Increasingly, however, judges are finding that the hearings they're ordering — conducted by immigration judges who work for the Trump administration — have been fundamentally flawed or even pre-cooked, designed to result in findings of "danger to the community" or "flight risk" without a fair consideration of the evidence.

Some federal judges have required do-overs, and others have grown so skeptical of the administration's intentions that they've ordered detainees released outright.

It happened last month in Rhode Island, where U.S. District Judge John McConnell, an Obama appointee, ordered the release of a man who was denied bond even though the administration presented no evidence against him. Instead, the immigration judge in his bond hearing relied on an "uncorroborated police report" — supplied by the detainee — in which he was accused of driving 90 mph in a 55 mph zone.

It happened in Missouri, where U.S. District Judge Douglas Harpool found that an immigration judge had labeled an ICE detainee a "risk of flight" without sufficient evidence — a ruling he said appeared to be the result of frustration about being ordered to conduct the hearing in the first place.

"The bond hearing has indications of predetermined outcome," Harpool, an Obama appointee, wrote. "The [immigration judge's] order enumerates that Petitioner: has been in the U.S. for 9 years, has not missed a court hearing, has family in the U.S. (husband and 3 children), and owns a home and operates a business in the U.S. The IJ's determination regarding flight risk is clearly untethered by the facts and any logical conclusion to be determined from the facts."

And it happened in Pennsylvania, where U.S. District Judge Stephanie Haines, a Trump appointee, concluded that a detainee's interpreter was not fluent in the correct dialect, creating communication challenges with the immigration judge, who nevertheless ordered the man to remain detained.

"These federal judges simply disagree with the outcomes of the immigration judge bond decisions," a Justice Department spokesperson said. "They are impugning the integrity or competence of our immigration judges solely to give them a hook to review the IJ decisions they disagree with but would otherwise be unable to directly review."

Representatives for the Department of Homeland Security did not respond to requests for comment.

Similar cases have emerged in New York, Virginia, North Carolina, Michigan, Virginia, Massachusetts and a slew of other states. It's the latest rupture between the Trump administration and federal judges, who have described rampant abuses, violations of court orders and unconstitutional efforts to deprive ICE detainees of due process in a byzantine immigration court system.

But unlike the broad judicial consensus that the administration's mass detention strategy is illegal, questions about the adequacy of bond hearings have split the judiciary.

Federal law forbids the courts from second-guessing "discretionary" bond decisions made by executive branch immigration judges.

As a result, some judges have concluded that once they've ordered bond hearings, their part in the process has ended. U.S. District Judge David Bunning, a George W. Bush appointee, said he was precluded from intervening in the case of a woman who claimed her immigration judge failed to "give meaningful weight" to her two decades of residence in the U.S., three U.S. citizen children, steady work and taxpaying history and community ties.

"She does not claim that her bond hearing lacked necessary procedural safeguards or that the IJ did not have statutory authority to deny bond," Bunning, a George W. Bush appointee, wrote on March 2. "Instead, she merely argues that the IJ came to the wrong conclusion after reviewing the evidence."

Increasingly, though, judges are bypassing bond hearings and ordering the release of detainees outright, concluding that they're unlikely to get a fair shake in immigration courts. That dynamic flared most dramatically in West Virginia, where judges have banded together to reject the Trump administration detention practices and order the release of dozens of detainees.

"The Court ... finds that a bond hearing before an immigration judge would not comport with due process," U.S. District Judge Irene Berger, an Obama appointee, ruled on Feb. 26.

Berger's West Virginia colleague, George W. Bush-appointed Judge Thomas Johnston, agreed that ordering a bond hearing "would be futile" — even when courts were ordering them to be conducted according to constitutional standards.

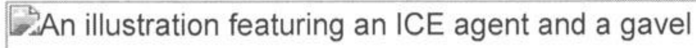
He cited testimony provided to the court by Jorge Artieda, ICE's former chief counsel in Virginia and a onetime adviser to the agency's headquarters. Artieda, in a sworn affidavit, said that since January, detainees "are now being systematically denied bond based on rationales that would not have been deemed sufficient weeks earlier" in what "appears to be a systematic

effort to nullify the constitutional protections that federal courts have recognized and enforced."

How ICE defies judges' orders to release detainees, step by step

www.politico.com/news/2026/02/10/ice-immigration-detention-court-orders-00771727

A POLITICO review of hundreds of cases brought by ICE detainees shows a pattern of noncompliance that has frustrated judges across the country.


An illustration featuring an ICE agent and a gavel

Courts across the country have overwhelmingly rejected the Trump administration's effort to round up thousands of immigrants and lock them up without a chance for bond — even if they have no criminal records and have lived in the United States for years.

But the Trump administration has slow-walked or outright defied judges' orders demanding the release of people scooped up by Immigration and Customs Enforcement at an increasingly rapid clip.

Sometimes, ICE has raced detainees across state lines in ways judges say are designed to thwart legal proceedings. Other times, they're detaining people for days or weeks after judges have ordered them released. ICE officials have at times ignored other arms of the federal government trying to ensure compliance with court orders. And sometimes the administration has given judges bad or incomplete information.

A POLITICO review of hundreds of cases brought by ICE detainees across the country shows judges increasingly furious and exhausted by the Trump administration's tactics.

"There has been an undeniable move by the Government in the past month to defy court orders or at least to stretch the legal process to the breaking point in an attempt to deny noncitizens their due process rights," U.S. District Judge Michael Davis, a Clinton appointee from Minnesota, said in a recent order.

As a result, judges have issued more detailed and prescriptive orders to head off potential loopholes or hair-splitting results. And when all else fails, they threaten to hold administration officials in contempt.

Asked about the deepening conflict with courts, Homeland Security spokesperson Tricia McLaughlin reissued previous statements criticizing "activist judges" for trying to "thwart President Trump from fulfilling the American people's mandate for mass deportations." The statement didn't directly address judges' complaints about their orders being violated.

These issues have reached a crescendo in Minnesota, where the administration's deportation hammer has fallen hardest in recent weeks, flooding the courts and overwhelming even the Trump Justice Department's own attorneys.

Here's how the administration's noncompliance plays out:

ICE whisks people out of state

People fighting for release from federal custody must, in nearly all cases, sue in the district where they're being held — even if it's not where they were arrested or where they are from.

But that gets complicated when ICE rushes detainees out of state and bounces them around the country while they're attempting to hire lawyers or decide where to file lawsuits. Judges have tried to counter this by issuing quick orders barring transfers outside of their districts. But that has been met with halting success. And judges across the country have repeatedly rapped the Trump administration for using these transfers as a way to stymie meritorious habeas corpus petitions, a legal right to due process allowing people to challenge detention by the government.

"These practices are deeply concerning and generally suggest that ICE is attempting to hide the location of detainees, and thus, make habeas proceedings more difficult for a petitioner and their counsel," said Donovan Frank, a Clinton-appointed judge in Minnesota, who deemed the tactic a "pattern of obfuscation."

Federal immigration agents detain a man during an operation by Immigration and Customs Enforcement and Border Patrol in St. Paul, Minnesota, on January 27, 2026. (Octavio Jones/Getty Images)

Other judges have raised similar alarms. U.S. District Judge John Gerrard, an Obama appointee based in Nebraska who is helping handle a backlog of Minnesota cases scolded the Trump administration for an effort "to frustrate judicial review by moving detainees around the country repeatedly."

In a particularly dramatic case, ICE detained a 19-year-old woman on Jan. 14 — the night she witnessed an alleged assault on a federal agent that resulted in an agent shooting a man in the leg — and quickly transported her to Texas and then New Mexico, frustrating her attorney's attempt to file a habeas petition in Minnesota. Her attorney then raced to file petitions in her other two known locations to ensure they were lodged before she could be deported. ICE moved her despite a Minnesota judge's order to bar her deportation because of her potential testimony in the criminal case.

The saga ended late Thursday when a federal judge in New Mexico — who had already deemed the Trump administration's mass detention practices illegal in other cases — ordered the woman's immediate return to Minnesota and release from custody. The reason: Her 1-year-old son, whom she was separated from while in detention, was badly burned and required emergency surgery.

Remarkably, another man from the same building as the woman was arrested that night as well and shipped quickly to Texas, first El Paso then San Antonio. In that case, another judge ripped the administration's rapid-fire transfers and ordered the man returned and released.

When detainees sue, DOJ crawls

It's become an epidemic — not only in Minnesota but across the country. An overwhelmed Justice Department has simply blown off court-ordered deadlines to respond to habeas petitions or defend its detention decisions.

In some cases, the missed deadlines have resulted in orders to immediately release detainees from ICE custody — even from judges who previously sided with the administration's underlying mass detention policies.

The Justice Department said in a statement that it is complying with court orders and enforcing federal immigration law: "If rogue judges followed the law in adjudicating cases and respected the Government's obligation to properly prepare cases, there wouldn't be an 'overwhelming' habeas caseload or concern over following orders."

When detainees win release, ICE delays

The most acute concern from judges has been a recent surge of violations that occur *after* judges have ordered ICE to release people. In a growing number of cases, ICE has taken days or weeks to comply, sometimes requiring emergency motions by detainees' lawyers and contempt threats from judges.

"Detention without lawful authority is not just a technical defect, it is a constitutional injury that unfairly falls on the heads of those who have done nothing wrong to justify it," U.S. District Judge Jerry Blackwell, a Biden appointee based in Minnesota, said during a hearing Tuesday. "The individuals affected are people. The overwhelming majority of the hundreds seen by this Court have been found to be lawfully present as of now in the country. They live in their communities. Some are separated from their families."

The Justice Department has repeatedly cited failed efforts to communicate with their ICE counterparts to carry out court orders and the fact that they are drowning in habeas cases driven by the Trump administration's mass deportation strategy. But the delayed releases also add to the burdens on the court system and lawyers for detainees.

Minnesota's chief federal judge, Patrick Schiltz, cited these delayed releases in a public rebuke of the Trump administration's conduct. The George W. Bush appointee had threatened to haul ICE chief Todd Lyons into court on Jan. 30, only to rescind the demand once the administration released a man he had ordered released a week earlier.

Detainees released without belongings, devices or documents

In recent days, judges in Minnesota have expressed frustration that even when complying with their orders, ICE has been doing so in bad faith. Detainees that the agency had whisked to Texas, for example, were being released far from home with no way to contact loved ones or lawyers, and sometimes without their phones, documents or other possessions.

U.S. District Judge John Tunheim, a Minnesota-based Clinton appointee, recently included a requirement that a released detainee should not be "left outside in dangerous cold" and emphasized that ICE should coordinate the release with a detainee's lawyer to "ensure humane treatment."

Frank recently required that if ICE ultimately released a detainee, they must do so: "(1) in Minnesota; (2) with all personal documents and belongings, such as his driver's license, passport, other immigration documents, and cell phone; (3) without conditions such as ankle monitors or tracking devices; and (4) with all clothing and outerwear he was wearing at the time of detention, or other proper winter attire."

After a released detainee complained that ICE withheld his crucial documents and identification after releasing him from a Texas facility, U.S. District Judge Susan Nelson, a Minnesota-based Obama appointee, went as far as personally monitoring a UPS tracking number to ensure that the man's belongings were returned to him. "It appears that the file was delivered today, February 6, 2026, at 9:50 a.m., and was received by a person named 'Brian," Nelson wrote in a Saturday order.

Blackwell said the increasingly specific conditions judges were applying to their release orders were responsive to hair splitting by the administration.

"If we say, release the person immediately, then we learn that, having transported him to El Paso or New Mexico, you don't bring him back. We learn that somebody is put out on the street with just the clothes on their backs and have to figure out how to get back here when they should not have been arrested here in the first place, let alone flown halfway across the continent of North America," Blackwell said in the Tuesday hearing.

"All right, so you brought them back," he continued. "We can't have them released when it's minus 14 outside. And so now we have to address that. Don't release them in the circumstances that might endanger their health or safety."

ICE monitors people in defiance of judges' release orders

Even when ICE releases someone — in the right place and with their belongings — the story isn't over. Judges have bristled at indications that ICE is also imposing "conditions of release" on detainees they ruled should never have been arrested in the first place. Those conditions, akin to what criminal defendants face when they await trial, can include GPS monitoring and other restrictions on their liberty. Judges say that these conditions are violations of their orders to return released detainees to the status quo before their arrest.

"As this Court has observed now on too many occasions, [administration officials] continue to advance legal positions that are indefensible and illogical," U.S. District Judge Christine O'Hearn, a New Jersey-based Biden appointee, wrote in a recent order. "This was not a misunderstanding or lack of clarity; it was knowing and purposeful."

U.S. District Judge Charlotte Sweeney, a Colorado-based Biden appointee, ordered the release of a man who was placed on improper conditions — and then re-arrested for purportedly violating them. The judge lamented the repeated rulings she'd had to issue rejecting the administration's legal positions on matters of mass detention.

"While Respondents get to repeat themselves, they don't get to repeatedly violate Petitioner's due process rights," she wrote.

Observers film while federal agents conduct immigration enforcement operations Feb. 5, 2026, in Minneapolis. (Ryan Murphy/AP Photo)

McLaughlin did not respond to the complaint by judges that monitoring conditions were violations of their orders, but she said the use of ankle monitors were "an enforcement tool that helps ICE ensure illegal aliens comply with removal proceedings."

"Any illegal alien who is worried about having to wear an ankle monitor or any other GPS devices should accept the $2,600 stipend from the U.S. government and free flight home by self-deporting through the CBP Home App," she said.

When a court-ordered bond hearing isn't enough

More recently, judges who have ordered the administration to hold bond hearings for detainees before an immigration court — administered by the executive branch rather than the judiciary — have been frustrated to learn that those bond hearings were, effectively, stacked against detainees from the start.

Administration officials "may not shield their unlawful arrest of Petitioner by hiding behind an [immigration judge]'s conclusory, two-line determination of flight risk," U.S. District Judge Pamela Chen, a New York-based Obama appointee, wrote in a Feb. 4 decision.

U.S. District Judge Max Cogburn, an Obama appointee based in Charlotte, ruled Wednesday that a bond hearing he ordered in December turned out to be constitutionally deficient. The immigration judge in the case, he said, failed to permit the detainee to offer evidence in support of his release and relied on uncorroborated claims to support his continued detention.

Cogburn ordered a new bond hearing for the man, saying his original order had "presupposed that this hearing would be conducted in accordance with Petitioner's due process rights. It was not."

And U.S. District Judge John McConnell, an Obama appointee in Rhode Island, ordered a man freed Monday after concluding that two bond hearings conducted by immigration judges were constitutionally deficient — including one in which a judge ordered the man detained as a danger to the community over an uncorroborated report that the man drove 90-mph in a 55-mph zone.

Errors abound in habeas cases

Above all else has been a parade of mistakes: crucial attachments left off court filings or filled with incorrect information, claims that detainees are being housed in one state only to learn they were in another.

But the mistakes are at their most severe when they lead to deportations in violation of court orders. Judge Jill Parrish, the chief federal judge in Utah, recently confronted this when the administration acknowledged shuttling a man to Wyoming and deporting him to Mexico despite her order to block his immediate deportation.

"When a court exercises jurisdiction over a petitioner's claims, Respondents may not 'deport first, litigate later,'" the Obama appointee wrote.

It's happened a handful of times in recent months. And the administration has, at times, facilitated their return to ensure they receive due process.

In another recent case, the Trump administration told a judge that a man seeking release from custody had been deported — when in fact he had not. Because of the administration's representation, U.S. District Judge Kyle Dudek, a Florida-based Trump appointee, tossed his habeas case, saying it was moot.

"There is no live controversy left to adjudicate, and the Court is powerless to grant relief for a detention that has already ended," Dudek wrote.

But on Thursday, Dudek rescinded his ruling.

"The Court dismissed this habeas action as moot on the representation that Petitioner was deported. That fact turned out to be untrue," he wrote.

Judges increasingly lose patience with ICE

The incessant skirmishing between the courts and ICE has begun to wear on judges, who have made their fury known in increasingly pointed rulings and orders. They have, in some cases, personally rejected dozens of detentions as illegal and taken note as their colleagues around the country have done so in more than 3,000 cases — compared to just over 100 cases in which judges have sided with the mass detention strategy.

U.S. District Judge Jerry Edwards, Jr., a Biden appointee in Louisiana, said he was "fatigued" by the deluge. Chen, the New York-based Obama appointee, lamented "the toll Respondents have exacted on the judiciary by continuing to pursue their new mandatory detention policy, despite its near-universal rejection."

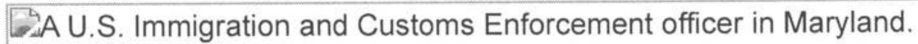
But it was U.S. District Judge Harvey Bartle III, a George H.W. Bush appointee in Pennsylvania, who wrote most animatedly.

"These petitions are filed due to the illegal actions of Immigration and Customs Enforcement," he wrote. "Despite hundreds of similar rulings in this and other courts resoundingly in favor of the ICE-detainee petitioners, ICE continues to act contrary to law, to spend taxpayer money needlessly, and to waste the scarce resources of the judiciary."

Judges in a Trump stronghold condemn ICE tactics

www.politico.com/news/2026/03/01/west-virginia-immigration-rulings-00804575

"If the government may simply seize someone without due process, there is no check on its ability to seize anyone," one judge wrote.


A U.S. Immigration and Customs Enforcement officer in Maryland.

Federal judges in one of the Trumpiest states in the country have suddenly become a firewall against President Donald Trump's mass deportation agenda.

District court judges in West Virginia describe rampant lawlessness by masked ICE agents, defiance of court orders and a wanton infliction of fear and intimidation by the federal government after the Trump administration deployed a targeted immigration enforcement operation in the state last month.

"Operation Country Roads," a partnership with federal and local law enforcement that netted an estimated 650 arrests in January, primarily focused on targeting immigrants driving along the state's roadways. It has resulted in a flood of lawsuits by people — most without criminal records and with longstanding ties to the U.S. — seeking release from ICE custody.

Though federal judges in other states have raised alarms, four judges in deep-red West Virginia who have been inundated by Country Roads cases are using their rulings to grab Americans by the shoulders and warn against a descent into authoritarianism — often in terms they acknowledge are un-judicial.

"Antiseptic judicial rhetoric cannot do justice to what is happening," U.S. District Judge Joseph Goodwin, a Clinton appointee, wrote in a Feb. 19 opinion. "Across the interior of the United States, agents of the federal government — masked, anonymous, armed with military weapons, operating from unmarked vehicles, acting without warrants of any kind — are seizing persons for civil immigration violations and imprisoning them without any semblance of due process."

"The systematic character of this practice and its deliberate elimination of every structural feature that distinguishes constitutional authority from raw force place it beyond the reach of ordinary legal description. It is an assault on the constitutional order," he continued.

There are five federal judges in active service on the federal bench in the Southern District of West Virginia, where the immigration cases have all been concentrated. The district's chief judge, Trump appointee Frank Volk, has yet to

weigh in on the mass detention policy. But the other four have been on a tear in recent weeks. And they're now promising "legal consequences" if the administration and its allies in state government keep detaining people in ways they have deemed unconstitutional. Those consequences could range from civil fines to contempt.

"The Government is wrong. Judges in this district have said that over and over and over," Goodwin wrote in an opinion on Friday that he labeled a "final notice" to federal officials enforcing immigration law. "If officials could repeat practices already determined to be unconstitutional and require each affected person to begin anew ... judicial power would be reduced to commentary. The Constitution does not contemplate violations in installments."

In a statement, a spokesperson for the Justice Department said it "is focused on law and order, public safety, and will not tolerate any violence directed toward law enforcement officials working tirelessly to keep Americans safe, despite the best efforts of activist judges who'd rather see violent illegal criminals walk free." The Department of Homeland Security did not immediately respond to requests for comment.

Goodwin's ruling was only the latest to frame the Trump administration's immigration tactics in such stark terms. U.S. District Judge Robert Chambers, another Clinton appointee, said the American dream has been "tarnished" by the administration's illegal detentions. U.S. District Judge Irene Berger accused the administration of a "lack of respect for the law" after noting that arrests and detentions were continuing at a rapid clip despite the four judges' conclusions that they were illegal.

Berger, an Obama appointee, and Thomas Johnston, a George W. Bush appointee, have separately concluded that ordering the Trump administration to provide bond hearings for ICE detainees — as opposed to outright release — would be futile. The executive branch-run system has removed "immigration judges who provide neutral adjudications" and "bond is systematically denied after a pro forma hearing with a predetermined outcome," Berger wrote in a Feb. 24 ruling.

In a recent case, Berger said the administration pushed back on this claim, noting that immigration judges had ordered release in about 25 percent of cases in the most recent fiscal year. But Berger said this data did not include January and February 2026, the timeframe within which all of West Virginia's cases had emerged.

Berger's grievances have not ended there. She lambasted the administration for "sloppiness" in a case in which she said officials accused an ICE detainee of having convictions for marijuana possession in 2009.

"The Petitioner was four years old in 2009," Berger wrote, suggesting that it raised deeper concerns about the reliability of procedures ICE was using to deny people their liberty.

Like Goodwin, Johnston has similarly warned of what mass detention without due process could mean for U.S. citizens — not just their noncitizen counterparts.

"If the government may simply seize someone without due process, there is no check on its ability to seize anyone," he wrote on Feb. 4. "One might say, 'I don't care because that only happens to THOSE people.' Perhaps. But what if someone here legally, or even a United States citizen, is afforded no due process after being seized by mistake? Or by a choice?"

"Fortunately," he concluded, "our Constitution demands more, including the rule of law, as opposed to the rule of unchecked executive fiat."

And like judges in other federal districts, the jurists in West Virginia make clear that they don't lay the blame for legal violations at the feet of the line attorneys who appear in their courtrooms.

"The problem lies in the attorneys' clients, federal government actors, who have offered no evidence that they have seen or even care about the legal rulings of this district," Goodwin wrote. "The disregard for the law shames every

hard working public servant who toils for the benefit of the country and its people."

1
CERTIFICATE OF SERVICE

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3 I, Tiago Guevara, hereby certify that on March 10, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system:

4

5 /s/Tiago Guevara
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