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UNITED STATES DISTRICT COURT  
DISTRICT OF COLORADO

JORGE RODRIGUEZ QUIJADA,  
Petitioner,

v.

JUAN BALTAZAR, in his official capacity as  
Warden of the Aurora ICE Processing Center;  
ROBERT HAGAN, in his official capacity as  
Field Office Director of the Aurora Field Office  
of Enforcement and Removal Operations, U.S.  
Immigration and Customs Enforcement;  
TODD LYONS, in his official capacity as  
Acting Director, U.S. Immigration and Customs  
Enforcement;  
KRISTI NOEM, in her official capacity as  
Secretary, U.S. Department of Homeland  
Security;  
PAMELA BONDI, in her official capacity as  
U.S. Attorney General,  
Respondents.

Case No.

**PETITION FOR WRIT OF  
HABEAS CORPUS**

1 INTRODUCTION

2 1. Petitioner Jorge Rodriguez Quijada is a 36 year-old male from El Salvador. He is  
3 married to Emma Standingbear, a U.S. citizen. The couple wed on July 10, 2013 in Jefferson  
4 County, Colorado. Respondent and his wife have four US citizen children ( [REDACTED] age 3, A [REDACTED]  
5 age 5, C [REDACTED] age 10, and stepson A [REDACTED] age 16). Respondent entered the U.S. without  
6 inspection on or about June 1, 2007, and has lived in the U.S. since that time. On September 2,  
7 2025, Petitioner was arrested by U.S. Immigration and Customs Enforcement as he was making  
8 a delivery to the U.S. Buckley Space Force base in Aurora, Colorado. Respondents have detained  
9 Petitioner without bond in Aurora, Colorado since Petitioner's September 2, 2025 arrest.

10 2. Petitioner brings this petition for a writ of habeas corpus to seek enforcement of  
11 his rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*,  
12 No. 5:25-CV-01873-SSS-BFM (C.D. Cal.). Petitioner is in the physical custody of Respondents  
13 at the Aurora ICE Processing Center, 3130 Oakland Street, Aurora, Colorado 80010. Petitioner  
14 now faces unlawful detention because the Department of Homeland Security (DHS) and the  
15 Executive Office for Immigration Review (EOIR) have refused to comply by the declaratory  
16 judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

17 3. On December 18, 2025, the United States District Court for the Central District of  
18 California entered a Final Judgment of the Court's November 25, 2025 Order granting partial  
19 summary judgment on behalf of individual plaintiffs and certification of a nationwide class and  
20 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-  
21 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025)  
22 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista*  
23 *v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at \*9 (C.D.

1 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible  
2 Class, incorporating and extending declaratory judgment from Order Granting Petitioners'  
3 Motion for Partial Summary Judgment).

4 4. The declaratory judgment held that the Bond Denial Class members are detained  
5 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §  
6 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at \*11.

7 5. Nonetheless, the Executive Office for Immigration Review and its subagency the  
8 Immigration Court and the Department of Homeland Security (DHS) have refused to abide by  
9 the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be  
10 released on bond.

11 6. Petitioner Jorge Rodriguez Quijada is a member of the Bond Eligible Class, as he:

- 12 a. does not have lawful status in the United States and is currently detained at the  
13 Aurora ICE Processing Center, Aurora, Colorado. He was apprehended by  
14 immigration authorities on September 2, 2025;  
15 b. entered the United States without inspection over eighteen (18) years ago on or  
16 about June 1, 2007 and was not apprehended upon arrival; and  
17 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

18 7. After apprehending Petitioner on September 2, 2025, the Department of  
19 Homeland Security placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has  
20 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who  
21 entered the United States without inspection.

22 8. The Court should expeditiously grant this petition.

23 9. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full  
24 "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue  
to ignore the judgment in that case and continue to subject Petitioner to unlawful detention

1 despite his clear entitlement to consideration for release on bond as a Bond Eligible Class  
2 member.

3 10. On January 13, 2026, the Chief Immigration Judge of the Executive Office of  
4 Immigration Review instructed Immigration Judges that the declaratory judgment in *Maldonado*  
5 *Bautista* is not controlling, even with respect to class members, and that instead the Immigration  
6 Judges remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. &  
7 N. Dec. 216 (BIA 2025).

8 11. Because Respondents are detaining Petitioner in violation of the declaratory  
9 judgment issued in *Maldonado Bautista*, the Court should accordingly order that Respondents  
10 must release Petitioner immediately.

#### 11 JURISDICTION

12 12. Petitioner is in the physical custody of Respondents. Petitioner is detained at the  
13 Aurora ICE Processing Center in Aurora, Colorado.

14 13. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
15 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States  
16 Constitution (the Suspension Clause).

17 14. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
18 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### 19 VENUE

20 15. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
21 500 (1973), venue lies in the United States District Court for the Colorado, the judicial district in  
22 which Petitioner currently is detained.

1 16. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
2 Respondents are employees, officers, and agencies of the United States, and because a  
3 substantial part of the events or omissions giving rise to the claims occurred in the State of  
4 Colorado.

5 **REQUIREMENTS OF 28 U.S.C. § 2243**

6 17. The Court should grant the petition for writ of habeas corpus “forthwith,” as the  
7 legal issues have already been resolved for class members in *Maldonado Bautista*.

8 18. Habeas corpus is “perhaps the most important writ known to the constitutional  
9 law, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
10 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
11 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
12 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
13 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

14 **PARTIES**

15 19. Petitioner Jorge Rodriguez Quijada is a citizen of El Salvador who has been in  
16 immigration detention since September 2, 2025. After Petitioner was arrested in Aurora,  
17 Colorado, ICE did not set bond, and Petitioner requested review of his custody by an  
18 Immigration Judge. On December 4, 2025, Petitioner was denied bond by an Immigration Judge  
19 at the Immigration Court in Aurora, Colorado because “the [Petitioner] entered the United States  
20 without admission or parole and the court therefore lacks jurisdiction to address custody in this  
21 matter.” Petitioner has resided in the United States since June 2007.

22 20. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs  
23 Enforcement. He is named in his official capacity.

1 21. Respondent Robert Hagan is the Field Office Director of the Aurora Field Office  
2 of ICE's Enforcement and Removal Operations division. As such, Field Office Director Robert  
3 Hagan is Petitioner's immediate custodian and is responsible for Petitioner's detention and  
4 removal. He is named in his official capacity.

5 22. Respondent Kristi Noem is the Secretary of the Department of Homeland Security.  
6 She is responsible for the implementation and enforcement of the Immigration and Nationality  
7 Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has  
8 ultimate custodial authority over Petitioner and is sued in her official capacity.

9 23. Respondent Pamela Bondi is the Attorney General of the United States. She is  
10 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
11 and the immigration court system it operates is a component agency. She is sued in her official  
12 capacity.

13 24. Respondent Juan Baltazar is employed by The GEO Group as Warden of the  
14 Aurora ICE Processing Center in Aurora, Colorado where Petitioner is detained. He has  
15 immediate physical custody of Petitioner. He is sued in his official capacity.

16 **FACTUAL BACKGROUND**

17 25. Petitioner Jorge Rodriguez Quijada is a 36-year-old male from El Salvador.  
18 Petitioner entered the U.S. without inspection on or around June 1, 2007, and was not  
19 apprehended or detained by U.S. Immigration officials at his US entry. Petitioner has lived in the  
20 US since June 2007.

21 26. Petitioner married his US citizen wife, Emma Standingbear, on July 10, 2013 in  
22 Jefferson County, Colorado. They have three US citizen children of the marriage, [REDACTED] age 3,  
23 A [REDACTED] age 6, and C [REDACTED] age 10. Petitioner's wife Emma has a son from a prior relationship,  
24

1 A [REDACTED] age 16. Petitioner is raising A [REDACTED] as his own son, as A [REDACTED] biological father had  
2 abandoned A [REDACTED] Petitioner, his wife, and their children live in Denver, Colorado.

3 27. Hoping for a path to US legalization of Petitioner's immigration status,  
4 Petitioner's wife filed an Immigration Petition ("Form I-130") for Petitioner with US Citizenship  
5 and Immigration Services (USCIS) on March 3, 2025. The Immigrant Petition remains pending  
6 with USCIS.

7 28. On September 2, 2025, Petitioner was making a delivery to the US Space Force  
8 base in Aurora, Colorado as part of his job.

9 29. Petitioner was arrested by Immigration Officers as he lacked immigration  
10 documents, and detained at the Aurora ICE Processing Center, Aurora, Colorado where he  
11 remains detained to this day.

12 30. Petitioner applied for Cancellation of Removal under 8 USC § 1229b(b)(1). On  
13 November 25, 2025, after a hearing in the Immigration Court in Aurora, Colorado, the  
14 Immigration Judge indicated she would grant Petitioner's Cancellation of Removal. However,  
15 Petitioner's background checks needed to be completed before the grant. To date, Petitioner's  
16 background checks remain pending.

17 31. Petitioner requested a Bond Hearing before the Immigration Court, which was  
18 held on December 3, 2025. The Immigration Judge initially granted a bond of \$15,000.  
19 Respondent US Immigration and Customs Enforcement immediately filed an appeal on  
20 December 3, 2025, which stopped Petitioner from posting the bond.

21 32. That on the morning after the Bond Hearing, on December 4, 2025, on its own  
22 motion, the Immigration Judge reconsidered its bond determination for Petitioner. The  
23 Immigration Judge held that the court lacked jurisdiction to consider bond for Petitioner under  
24

1 *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). The Immigration Judge, as an  
2 “alternative,” also reset its bond for Petitioner if the court had jurisdiction. This alternative is  
3 meaningless, as on January 13, 2026, the Chief Immigration Judge directed all Immigration  
4 Judges to ignore *Maldonado Bautista* and to follow the Board of Immigration Appeals’ case  
5 *Matter of Yajure Hurtado*. The local Immigration Judges in Colorado continue to find that the  
6 Immigration Courts do not have jurisdiction for bond and have issued Orders to that effect,  
7 including exercising its sua sponte authority to vacate a prior Bond Order issued by a different  
8 Immigration Judge.

9  
10 **CLAIM FOR RELIEF**

**Violation of the INA:**

**Request for Relief Pursuant to *Maldonado Bautista***

11 33. Petitioner repeats, re-alleges, and incorporates by reference each and every  
12 allegation in the preceding paragraphs as if fully set forth herein.

13 34. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for  
14 release on bond under 8 U.S.C. § 1226(a).

15 35. The order granting partial summary judgment in *Maldonado Bautista* holds that  
16 Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class  
17 members.

18 36. The order granting class certification in *Maldonado Bautista* further orders that  
19 “[w]hen considering this determination with the MSJ Order, the Court extends the same  
20 declaratory relief granted to Petitioners to the Bond Eligible Class as a whole.”

21 37. Respondents are parties to *Maldonado Bautista* and bound by the Court’s  
22 declaratory judgment, which has the full “force and effect of a final judgment.” 28 U.S.C.  
23 § 2201(a).

24

1 38. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is  
2 subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner’s statutory  
3 rights under the INA and the Court’s judgment in *Maldonado Bautista*.

4 **Violation of Petitioner’s Due Process (Substantive) under the Fifth Amendment**  
5 **of the United States Constitution**

6 39. Petitioner repeats, re-alleges, and incorporates by reference each and every  
7 allegation in the preceding paragraphs as if fully set forth herein.

8 40. Petitioner is being detained without cause and in violation of his Constitutional  
9 right to Due Process under the Fifth Amendment.

10 41. The Respondents’ ongoing detention of Petitioner is unjustified and unlawful.

11 42. Courts have identified only two legitimate purposes for immigration  
12 detention: to “ensur[e] [the noncitizen’s] appearance ... at future immigration proceedings,”  
13 and to “[p]revent[] danger to the community.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

14 43. Petitioner does not have a criminal record, and is not a danger to the community.

15 44. Petitioner is not a flight risk, as he has substantial ties to Colorado and is eligible  
16 for Cancellation of Removal under 8 USC § 1229b(b)(1). In fact, on November 25, 2025, after  
17 holding an Individual Hearing, the Immigration Court stated it would grant Petitioner’s  
18 Cancellation of Removal after completion of Petitioner’s security checks.

19 45. Petitioner has no adequate remedy at law, as he seeks immediate release and has  
20 been found by an immigration judge to be ineligible for bond pursuant to *Matter of Yajure*  
*Hurtado*, 29 I&N Dec. 216 (BIA 2025).

21 **Violation of Petitioner’s Due Process (Procedural) under the Fifth**  
22 **Amendment of the United States Constitution**

23 46. Petitioner repeats, re-alleges, and incorporates by reference each and every  
24 allegation in the preceding paragraphs as if fully set forth herein.

1 47. Petitioner is being detained without cause and in violation of his Constitutional  
2 right to Due Process under the Fifth Amendment.

3 48. The Procedural Due Process Clause of the Fifth Amendment prohibits the  
4 government from depriving an individual of a protected interest without notice and an  
5 opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

6 49. Respondents provided Petitioner with no notice or opportunity to be heard prior to  
7 arresting and detaining him.

8 50. Respondents have offered Petitioner no meaningful opportunity to be heard or  
9 challenge his detention since detaining him.

10 51. Petitioner's detention thereby deprives him of his rights to Due Process under the  
11 Fifth Amendment of the United States Constitution.

12 52. Petitioner has no adequate remedy at law, as he seeks immediate release and has  
13 been found by an immigration judge to be ineligible for bond pursuant to *Matter of Yajure  
Hurtado*, 29 I&N Dec. 216 (BIA 2025).

#### 14 **PRAYER FOR RELIEF**

15 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 16 a. Assume jurisdiction over this matter;
- 17 b. Issue an Order to Show Cause within three days ordering Respondents to show  
18 cause why Petitioner's Petition should not be granted;
- 19 c. Issue a Writ of Habeas Corpus requiring Respondents to release Petitioner  
20 immediately;
- 21 d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act  
22 (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law;  
23 and
- 24 e. Grant any other and further relief that this Court deems just and proper.

1 DATED this 17<sup>th</sup> of February, 2026.

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LAU & CHOI, P.C.  
  
/s/ Johnny K. M. Poon  
Johnny K.M. Poon  
Attorneys for Petitioner  
1930 Sherman Street  
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*Email: [jpoon@lauandchoi.com](mailto:jpoon@lauandchoi.com)*

**VERIFICATION PURSUANT TO 28 USC §2242**

I, Johnny K.M. Poon, hereby verify that the factual statements made in the foregoing  
Petition for Writ of Habeas Corpus are true and correct to the best of his knowledge.

Dated: February 17, 2026

/s/ Johnny K.M. Poon  
Johnny K.M. Poon, Esq.  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on February 17, 2026, I sent a copy of the **PETITION FOR WRIT OF HABEAS CORPUS** to the following parties in the way described below each party's name:

Party Name: **JUAN BALTAZAR, Warden of Aurora ICE Processing Center**  
How Served: **USPS Priority Mail Express**  
Address: **3130 Oakland St., Aurora, CO 80010**

---

Party Name: **ROBERT HAGAN, Field Office Director of the Aurora Field Office of Enforcement and Removal Operations, U.S. Immigration and Custos Enforcement**  
How Served: **USPS Priority Mail Express**  
Address: **12445 E Caley Ave., Centennial, CO 80111-6432**

---

Party Name: **TODD LYONS, Acting Director of U.S. Immigration and Custom Enforcement**  
How Served: **USPS Priority Mail Express**  
Address: **500 12th St SW, Washington DC 20250**

---

Party Name: **KRISTI NOEM, U.S Secretary of Department of Homeland Security**  
How Served: **USPS Priority Mail Express**  
Address: **2707 Martin Luther King Junior. Ave SE, Washington DC 20032**

---

Party Name: **PAMELA BONDI, U.S. Attorney General**  
How Served: **USPS Priority Mail Express**  
Address: **950 Pennsylvania Ave NW, Washington DC 20530**

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Party Name: **U.S. Attorney's Office - District of Colorado**

How Served: **USPS Priority Mail Express**  
Address: **1801 California St, Suite 1600, Denver, CO 80202**

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Party Name: **Civil Process Clerk, U.S. Atty General**  
How Served: **USPS Priority Mail Express**  
Address: **950 Pennsylvania Ave NW, Washington DC 20530-0001**

---

/s/ Chlora Gao

(Signature of person completing service)

Print Name: Chlora Gao

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