

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
FEB 19 2026
JEFFREY P. COLWELL
CLERK

MARCOS EFRAIN CASTRO PU,


Pro Se Petitioner, currently detained at
Denver Contract Detention Facility,
Aurora, Colorado.

Petitioner,

v.

PAM BONDI,
Attorney General of the United States;

KRISTI NOEM, SECRETARY,
U.S. Department of Homeland Security (DHS);

TODD M. LYONS,
Acting Director, U.S. Immigration and Customs Enforcement (ICE);

FIELD OFFICE DIRECTOR
Field Office Director, ICE Enforcement and Removal Operations (ERO),
Denver Field Office;

WARDEN/FACILITY ADMINISTRATOR,
Denver Contract Detention Facility;

AND ALL OTHER PERSONS HAVING CUSTODY OF PETITIONER,

Respondents.



**PETITION FOR WRIT OF HABEAS CORPUS
UNDER TITLE 28 U.S.C. § 2241 (PRO SE)**

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF COLORADO:**

PETITIONER, MARCOS EFRAIN CASTRO PU, appearing pro se, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to Title 28 U.S.C. § 2241, challenging the legality and constitutionality of his civil immigration detention by the United

States Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE), and in support thereof Petitioner proffers the following facts and evidence.

I. INFORMATION ABOUT PETITIONER

1. Petitioner's name is: MARCOS EFRAIN CASTRO PU.
2. Petitioner's Alien Registration Number is: 
3. Petitioner is a native, citizen and national of Guatemala.
4. Petitioner was born on , in Guatemala. A copy of Petitioner's Guatemalan passport is attached hereto as **Exhibit A**.
5. Petitioner entered the United States in or about 2008.
6. Petitioner is currently detained at Denver Contract Detention Facility, Aurora, Colorado.
7. Petitioner was taken into ICE custody on or about February 09, 2026.
8. Petitioner has continuously resided in the United States for over eighteen years.
9. Petitioner has no criminal history to speak of (no convictions).
10. Petitioner has strong family and community ties in the United States, including close relatives and long-term friendships. Petitioner has two (2) U.S. born children, birth certificates attached as **Exhibit B**.
11. Petitioner has letters of good moral character and community support attached as **Exhibit C**.
12. Petitioner has a Bachelor's degree and educational certificate from the United States, attached hereto as **Exhibit D**.

II. JURISDICTION AND VENUE

14. This Court has subject-matter jurisdiction over this Petition pursuant to 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of her civil immigration detention as contrary to the Constitution and laws of the United States.
15. Venue is proper in this Court because Petitioner is detained within the District of Colorado, Denver Division, at Denver Contract Detention Facility.

16. Petitioner is not seeking review of a final order of removal. Petitioner challenges the lawfulness of his present detention and the lack of adequate procedural safeguards required by due process.

III. PARTIES

17. Petitioner MARCOS EFRAIN CASTRO PU is currently detained at Denver Contract Detention Facility, 3130 Oakland St, Aurora, CO 80010.

18. Respondent Pam Bondi is the Attorney General of the United States and is responsible for the general enforcement of federal immigration laws.

19. Respondent Kristi Noem is the Secretary of DHS, responsible for administering and enforcing immigration laws and policies.

20. Respondent Todd M. Lyons is the Acting Director of ICE, the DHS component responsible for Petitioner's detention.

21. Respondent is the Field Office Director for ICE ERO's Denver Field Office, responsible for ERO operations in Colorado, including detention decisions affecting Petitioner.

22. The Warden/Facility Administrator of Denver Contract Detention Facility, 3130 Oakland St, Aurora, CO 80010, is Petitioner's immediate custodian and has day-to-day control over Petitioner's confinement.

23. All other people having custody of Petitioner are proper Respondents to the instant habeas Petition.

IV. FACTUAL BACKGROUND

24. Petitioner has lived in the United States for over a year and has built deep ties to this community.

25. Petitioner has an U.S. citizen sponsor identified as Mr. Oswaldo Arturo Rojas Medal, who is sponsoring Petitioner and has vowed to support him; supporting documents, including proof of status and tax returns, are attached as **Exhibit E**.

26. Petitioner has a reliable financial support plan. His sponsor's 2024 personal tax returns are included as **Exhibit E**. and demonstrate the ability to support Petitioner and ensure his compliance with all required appearances and supervision conditions.

27. Petitioner has a steady work history, demonstrating stability and reliability.

28. Petitioner has no criminal convictions and does not present a danger to the community.

29. Petitioner has consistently filed income tax returns over the years. See **Exhibit F**.

30. Petitioner's partner and mother of his U.S. born children has been diagnosed with Stage IV cancer and is currently going under chemotherapy, radiation, therapy, surgery, and other medical procedures. See **Exhibit G**

31. ICE has continued to detain Petitioner at the Denver Contract Detention Facility, 3130 Oakland St, Aurora, CO 80010, without a meaningful opportunity for an individualized release (or custody) determination on a record that accounts for his strong equities, strong and lengthy ties to the community, and lack of dangerousness.

32. Petitioner is not a flight risk. He has substantial ties to the United States, including family, employment, and he is willing to comply with any and all necessary conditions of release, including but not limited to electronic monitoring, house arrest, and any other alternatives to detention that the Court deems meet, just and necessary to assure his presence in Court.

V. LEGAL FRAMEWORK

33. The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law.

34. Civil immigration detention must be reasonable in duration and accompanied by adequate procedural safeguards, including—where appropriate—an individualized custody determination.

35. Prolonged or arbitrary detention without a meaningful opportunity to be heard violates due process.

36. Federal courts have authority under 28 U.S.C. § 2241 to review the legality of immigration detention and to order appropriate relief, including an individualized bond/custody hearing or release under conditions.

VI. CLAIMS FOR RELIEF

COUNT ONE – VIOLATION OF DUE PROCESS: UNLAWFUL/ARBITRARY DETENTION WHERE RELEASE ON CONDITIONS IS REQUIRED

37. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

38. Petitioner is held in civil immigration detention without a meaningful, individualized custody determination that accounts for her strong ties, lack of criminal convictions, and the availability of conditions of release.

39. Continued detention under these circumstances is excessive, arbitrary, and not narrowly tailored to any legitimate governmental interest, in violation of the Due Process Clause of the Fifth Amendment.

COUNT TWO – VIOLATION OF DUE PROCESS: ARBITRARY ARREST AND DETENTION WITHOUT JUDICIAL WARRANT

40. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

41. Petitioner was taken into ICE custody and detained without presentation of a judicial warrant or probable-cause determination by a neutral magistrate.

42. Under the circumstances of this case, the arrest and continued detention are arbitrary and violate fundamental principles of due process.

COUNT THREE – VIOLATION OF DUE PROCESS: FAILURE TO CONSIDER LESS RESTRICTIVE ALTERNATIVES TO DETENTION

43. Petitioner re-alleges and incorporates by reference the preceding paragraphs as though fully set forth herein.

44. Even if the government asserts concerns about appearance or supervision, less restrictive alternatives to detention (including reporting requirements, electronic monitoring, or other conditions) are available and adequate in light of Petitioner's circumstances.

45. Respondents' continued detention of Petitioner without adequate consideration of alternatives violates due process.

VII. REQUEST FOR RELIEF


WHEREFORE, Petitioner **MARCOS EFRAIN CASTRO PU**, respectfully requests that this Honorable Court to:

- A. Assume jurisdiction over this matter;
- B. Declare that Petitioner's continued civil immigration detention without a meaningful individualized custody determination violates the Due Process Clause of the Fifth Amendment;
- C. Order Respondents to release Petitioner from custody forthwith under reasonable conditions of supervision or on a reasonable bond set by this Court (or, in the alternative, order a prompt individualized custody/bond hearing before a neutral decision-maker if the Court concludes such a hearing is the minimum necessary remedy);

D. In the alternative, order any other relief necessary to secure Petitioner's prompt release, including a prompt individualized custody/bond hearing if required by law;

E. Grant such other and further relief as the Court deems just and proper.

VIII. VERIFICATION

I, **MARCOS EFRAIN CASTRO PU**, with alien number , declare under penalty of perjury under the laws of the United States of America that the foregoing facts are true and correct to the best of my knowledge, information, and belief.

Respectfully submitted,

Marcos Efrain Castro Pu

MARCOS EFRAIN CASTRO PU (Pro Se)

A# 

Denver Contract Detention Facility

3130 Oakland St,

Aurora, CO 80010

Date: February 18, 2026

**EXPLANATORY LETTER FROM THE PETITIONER
(Re: Habeas Corpus – MARCOS EFRAIN CASTRO PU)**

MARCOS EFRAIN CASTRO PU (Pro Se)



Denver Contract Detention Facility
3130 Oakland St,
Aurora, CO 80010

Date: February 18, 2026

**TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO:**

Your Honor,

My name is **MARCOS EFRAIN CASTRO PU**, and I am respectfully writing this letter in support of my Petition for Writ of Habeas Corpus. I am detained at Denver Contract Detention Facility. I respectfully ask the Court to review my situation and order my prompt release under reasonable conditions or on a reasonable bond. If the Court concludes a hearing is required first, then I respectfully request an immediate individualized custody/bond hearing.

I have lived in the United States for over a year. I have strong ties to my community, including family members and long-term friends. I have maintained steady employment. I have never been convicted of a crime.

I have two (2) U.S.-born children, and their mother, my partner, has been diagnosed with Stage IV cancer. I am their only source of emotional and financial support. I also have a U.S. citizen sponsor who is willing and able to support me and ensure my compliance with any court or ICE requirements. My sponsor's financial documents, including 2024 personal tax returns, are included to show I have stable support and will comply with all requirements. My supporters have provided letters describing my good moral character and my community ties.

Because of my strong community ties, my lack of any criminal history, and the support available to me, I am not a danger to the community, and I am not a flight risk. I am willing to comply with any conditions of release, including reporting, electronic monitoring, or any other alternatives to detention that the Court believes appropriate.

For these reasons, I respectfully request:

1. That the Court order ICE to provide me with an immediate bond or custody hearing; OR
2. That the Court order my release under reasonable conditions of supervision or bond.

Thank you for your time and consideration.

Respectfully submitted,

Marcos Efrain Castro PU

MARCOS EFRAIN CASTRO PU (Pro Se)



Denver Contract Detention Facility
3130 Oakland St,
Aurora, CO 80010

PROOF OF SERVICE

UNITED STATES DISTRICT COURT, DISTRICT OF COLORADO

I, Marcos Efrain Castro R, declare that on the date shown below, I served a true and correct copy of the following documents on all Respondents by depositing the following documents in the United States Mail, first-class postage prepaid, addressed as follows:

- Petition for Writ of Habeas Corpus under 28 U.S.C. § 2241 (Pro Se)
- Exhibits (**Exhibit A through Exhibit G**)

Clerk of Court
U.S. District Court for the District of Colorado
901 19th St,
Denver, CO 80294

Assistant United States Attorney's Office– District of Colorado
1801 California Street, Suite 1600
Denver, CO 80202

Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530

Department of Homeland Security (DHS)
2707 Martin Luther King Jr. Ave SE
Washington, DC 20528

U.S. Immigration and Customs Enforcement (ICE)
500 12th Street, SW
Washington, DC 20536

ICE Enforcement and Removal Operations (ERO) – Denver Field Office
12445 East Caley Avenue
Centennial, CO 80111

Warden/Facility Administrator
Denver Contract Detention Facility
3130 Oakland St,
Aurora, CO 80010

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: February 18, 2026

Signature: Marcos Efrain Castro Pu

Printed Name: Marcos Efrain Castro Pu



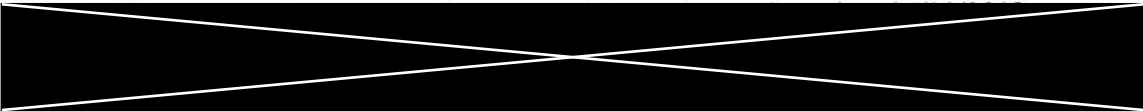
<u>Table of Contents / Index of Exhibits</u>	<u>PAGE</u>
Exhibit A Title: Guatemalan Passport Description: Copy of Petitioner's Guatemalan passport. 	13
Exhibit B Title: U.S. born children birth certificates Description: U.S. born children birth certificates 	15-16
Exhibit C Title: Character Reference Letters Description: Letters attesting to Petitioner's good moral character and community support. Date: Various dates	18-24
Exhibit D Title: Bachelor's degree and educational certificate Description: Bachelor's degree and educational certificate Date: Bachelor Issued on 12/22/2015 Educational Certificate Issued on 02/19/2016	26-27
Exhibit E Title: Sponsor Documentation Description: Petitioner's sponsor affidavit; Petitioner's sponsor's Driver License; Petitioner's sponsor's U.S. Passport; Petitioner's sponsor's proof of address; and Petitioner's sponsor's 2024 federal income tax return. 	29-57
Exhibit F Title: Petitioner's Taxes Description: Petitioner's Taxes from: 2024, 2019, 2018, 2017, 2016, 2015, 2014. Date: Taxes 2024 02/19/25; Taxes 2019 02/21/2020; Taxes 2018 02/20/2019; Taxes 2017 02/12/2018; Taxes 2016 03/09/2017; Taxes 2015 02/12/2016; Taxes 2014 02/12/2025.	59-134
Exhibit G Title: Petitioner's partner and mother of his U.S. born children Stage IV cancer diagnostic Description: Letter from Florida Cancer Specialist - Good Samaritan - Flagler Date: 01/26/2026.	136

Exhibit C

To Whom it may concern:

This letter intent is to give testimony of character for Efrain Castro.

I met Marcos Efrain Castro, though I know him by Efrain only. We got introduced at my nieces birthday party back in April 3 2022 , he was already dating my cousin Belky Falcon.

I got a good impression of him and later on I found out that he and my cousin had moved in together. I have shared and seen him at all family events and I understand that he is an outstanding father and husband.

We have had many conversations about family, business, and the married life. He is always very outgoing and very respectful. I know him to be a hard working individual with great potential to become part of this great country. He has helped my family tremendously, specially with my cousins condition. Through it all he has provided for my cousins and their children.

It is a pleasure for me to redact this letter on his behalf. It is my opinion that Efrain deserves to stay in the country and continue his journey to become an US citizen. We need people like him in this country.

A handwritten signature in black ink, appearing to read 'Oswaldo', with a stylized flourish at the end.

Oswaldo Rojas

To Whom It May Concern,

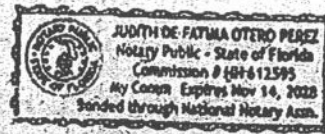
I am writing this letter to confirm that I have known my partner, Marcos Efraim Castro Pu, with whom I have maintained a relationship for seven years. Together, we have three children (one who is one year old, another who is two years old, and the third who is nine years old). My husband is a very responsible, attentive, and respectful man. He loves his family deeply and is the sole provider, as I am unable to work both physically and emotionally. He is the primary source of financial support for our household.

On August 28, 2024, I was diagnosed with Stage IV cancer. Since then, I have been under the care of Dr. Elizabeth Byron, an oncologist at Florida Cancer Specialists Hospital. My treatment includes chemotherapy, radiation therapy, surgery, and other medical procedures. This illness has caused severe physical and emotional side effects that significantly limit my ability to work, which is why I am unable to maintain employment for the reasons stated above.


I sincerely appreciate our time, understanding, and consideration during this very difficult time.

Respectfully


Belkis Falcon Medel



Subscribed and sworn before me, this 16
day of February, 2026 a Notary Public
in and for Miami Dade County,
State of Florida


(Signature)
NOTARY PUBLIC
My Commission expires Nov 14, 2028

02/10/2026

To Whom It May Concern:

I am writing this letter to confirm that I have known Mr. Efraín Castro for approximately six (6) years.

Mr. Castro is the significant other of my niece, Belkis. Together, they have two children: a son named [REDACTED], who is two (2) years and seven (7) months old, and a daughter named [REDACTED], who is one (1) year and four (4) months old.

Mr. Castro is a hardworking and responsible individual who consistently works six days a week to provide for and support his family. He is dedicated to his household and demonstrates strong family values.

He is a committed family man with clear goals and a strong desire to move forward and improve his family's future.

Please feel free to contact me should you require any additional information.



Sincerely,

Ana R. Rodriguez

Ana Rosa Rodriguez

State of Florida
County of miami-dade
On this 10 day of FEBRUARY
personally appeared before me by means of
(physical presence or remote online notarization)
R.316201616171616
to me known to be the person who executed the foregoing instrument, and acknowledged that he executed the same as his free act and deed.
SEAL (signed) [Signature] NOTARY PUBLIC

February 10, 2026

To Whom It May Concern,

I am writing this letter to confirm that I have known Mr. Efrain Castro for approximately four years. I first met Mr. Castro at a family function, where he was introduced as her significant other. Since that time, I have remained familiar with their relationship and family life.

Over the years, my cousin and Mr. Castro have built a family together and are the proud parents of two young children: their son, [REDACTED], who is two years old, and their daughter, [REDACTED], who is one year old. Throughout the time I have known Mr. Castro, he has consistently demonstrated that he is a hardworking, responsible, and devoted individual.

Mr. Castro works diligently, often at least six days per week, to provide financial stability and support for his family. He is a dedicated partner, husband, and father who clearly prioritizes his family's well-being. He has consistently shown strong family values, commitment, and integrity in both his personal and professional life.

In my observation, Mr. Castro is deeply committed to continuing his personal and professional growth in order to secure a better future for his family. His dedication to providing for and supporting his loved ones is evident in his daily efforts and responsibilities.

I respectfully offer my support for Mr. Castro and his case.

Sincerely,

Cynthia Rodriguez

Cynthia Rodriguez



State of Florida
County of Miami-Dade
On this 10 day of February
personally appeared before me by means of
[REDACTED] remote online notarization
to me known to be the person who executed the
foregoing instrument, and acknowledged that he
executed the same as his free act and deed.
SEAL (signed) *[Signature]* NOTARY PUBLIC

AJR VENTURES DESIGN AND REMODEL LLC

1001 Wingfoot Drive, Unit D, Jupiter Florida 33458

Kitchen and Bath Design Service - Wholesale Cabinetry to the Trade

February 12, 2026

To Whom It May Concern:

My name is John Rheinhold.

I have had the pleasure of knowing Efrain Castro for over 5 years. I met Efrain, by introduction of one of my Contractors who were remodeling a kitchen. I sold the cabinetry to their customers, but I needed an installer to hang them. Efrain did a great job, and I started to count him as my primary installation contractor. Over time, we became more involved as he needed ready-made cabinets for some of his customers and allowed me to quote the project. We have done on average 6 kitchens every year. When he made a change of locations, he needed someone to draw and design kitchens and baths and some other projects. We became closer personally as I could count on him to do a great job on anything I provided for him. In this business, have NO "call backs" for problems or touch up is a tribute to his expertise.

Over my many years in the Construction and Kitchen business, as well as my career as an executive with Home Depot, I learned how to read a person and get to know them beyond business. Efrain is one of those people. He is good father and husband. He is a kind and gentle person, who respects everyone he meets. He responds to customers with courtesy and professionalism.

We have become friends, and maybe I have become a mentor to him.

I am trying my best to help him, so that he can take care of his young family.

Please help him as soon as possible.

Respectfully,



John Rheinhold



Respectfully Submitted,
Jack aka John Rheinhold

Exhibit E

AFFIDAVIT

STATE OF **FLORIDA**

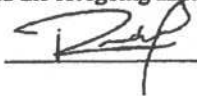
COUNTY OF **MIAMI DADE**

BEFORE ME, the undersigned authority, this day personally appeared **Oswaldo Arturo Rojas Medal**, who being duly sworn deposes and says:

I, **Oswaldo Arturo Rojas Medal**, attest to the following:

1. **Marcos Efrain Castro Pu** with A-number [REDACTED] is currently detained at the **Denver Contract Detention Facility**.
2. **Marcos Efrain Castro Pu**, has never been ~~deported previously from the United States~~.
3. **Marcos Efrain Castro Pu** will be residing at [REDACTED]
4. That I, **Oswaldo Arturo Rojas Medal** submits this affidavit in consideration of **Marcos Efrain Castro Pu**, agree to provide whatever financial support is necessary; during his stay in the United States, including food, lodging and any other expenses.
5. That this affidavit is made for the purpose that I, **Oswaldo Arturo Rojas Medal**, will assume complete financial responsibility for **Marcos Efrain Castro Pu** and that he will comply with the U.S. Department of State, The U.S. Department of Homeland Security and Immigration and Naturalization Services and the United States Government.

I ATTEST that I have read the foregoing affidavit and that the matters contained therein are true and correct.



STATE OF **FLORIDA**

COUNTY OF **MIAMI DADE**

Sworn to (or affirmed) and subscribed before me this 16 day of

February 2026, by **Oswaldo Arturo Rojas Medal**.

Judith Otero Perez

Signature of Notary Public-State of Florida



Name of Notary Typed, Printed or Stamped

(NOTARY SEAL)

Personally Known OR Produced Identification Type of Identification Produced FL Driver License

