Mosiah Olvera Rodriguez
ImmiVisa Law Group
2972 W. Maple Loop Drive, Suite 102
Lehi, UT 84043
(385) 281-7478
mosiah@usimmivisa.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
THE DISTRICT OF COLORADO

Ruben Dario Mejia Arias,
Petitioner,

v.

1. **Juan BALTASAR, Warden, Denver Contract Detention Facility**
2. **Robert HAGAN, Denver Field Office Director of Immigration and Customs Enforcement**
3. **Todd LYONS, Acting Director of Immigration and Customs Enforcement;**
4. **Daren MARGOLIN, EOIR Director, U.S. Department of Justice;**
5. **Kristi NOEM, Secretary, U.S. Department of Homeland Security;**
6. **Pamela BONDI, U.S. Attorney General;**

In their official capacities,

Respondents.

Case No. ***To be assigned***

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Petitioner, is in the physical custody of Respondents at the Denver Contract Detention Facility in Aurora, Colorado. He now faces unlawful detention at the hands of Respondents.
2. Petitioner was originally released from ICE custody in 2023 on his own recognizance and also issued parole. Respondent in good faith asserts that he complied with the conditions of his release ever since his release.
3. Without notice of any violations or an opportunity to respond, Respondent was suddenly detained on January 16, 2025 at his regularly scheduled check-in appointment.
4. Accordingly, Petitioners seek a writ of habeas corpus requiring that they be released immediately.

JURISDICTION

5. Petitioner is in the physical custody of Respondents. Petitioner is detained at the Denver Contract Detention Facility in Aurora, Colorado.
6. This Court has jurisdiction under 28 U.S.C. § 2241(c)(1), (3) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).
7. This Court may grant relief pursuant to 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

VENUE

8. Pursuant to Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Colorado, the judicial district in which Petitioner currently is detained.
9. Venue is proper in the District of Colorado under 28 U.S.C. § 1391(e) and 2241(a), because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Colorado. Petitioner is currently detained at Aurora ICE Processing Center, 3130 North Oakland Street, Aurora, CO 80010, within this judicial district.

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

10. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return "within three days unless for good cause additional time, not exceeding twenty days, is allowed." *Id.*
11. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement." Fay v. Noia, 372 U.S. 391, 400 (1963). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." Yong v. I.N.S., 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

12. Petitioner Ruben Dario Mejia Arias ([redacted]) is a national of Colombia, who was detained by Respondents on January 16, 2026. He is detained in Aurora, Colorado, at the Denver Contract Detention Facility.
13. Respondent Juan Baltasar is employed by Denver Contract Detention Facility as Warden of the facility where Petitioner is detained. He is the immediate custodian of Petitioner. He is named in his official capacity.
14. Robert Hagan, Acting Director of the Denver Field Office of Department of Homeland Security's (DHS) Enforcement and Removal Operations division of Immigration and Customs Enforcement (ICE). As such, Hagan is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
15. Respondent Todd Lyons is the Acting Director of DHS' Immigration and Customs Enforcement. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.
16. Respondent Daren Margolin is the Director of the U.S. Department of Justice's Executive Office for Immigration Review (EOIR), which contains the immigration court system. He is sued in his official capacity.
17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.
18. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration

Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

LEGAL FRAMEWORK

19. Respondents possess statutory authority under the Immigration and Nationality Act to detain noncitizens at various stages of immigration proceedings, including under 8 U.S.C. §§ 1225, 1226, and 1231. That statutory authority, however, does not eliminate constitutional due process constraints or excuse noncompliance with binding agency regulations.

20. The Supreme Court has recognized that civil immigration detention implicates a core liberty interest protected by the Due Process Clause and is constitutionally permissible only so long as it bears a reasonable relationship to its regulatory purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)

21. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release reflects an agency determination that continued detention is not justified under the governing statutory framework. Courts have recognized that such a release creates a constitutionally protected liberty interest in remaining at liberty, such that any subsequent re-detention constitutes a new and distinct deprivation of liberty rather than a mere continuation of prior custody. Because re-detention revokes an existing liberty interest, the government may not lawfully re-detain a previously released noncitizen absent constitutionally adequate procedural safeguards, including notice, an opportunity to be heard, and a justification grounded in materially changed circumstances. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1196–97 (N.D. Cal. 2017), aff'd sub nom. *Saravia for A.H. v. Sessions*,

905 F.3d 1137, 1142–45 (9th Cir. 2018); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 968–70 (N.D. Cal. 2019).

22. A growing body of district court authority holds that the sudden re-detention of a previously released noncitizen without prior notice, explanation, or an individualized custody determination violates procedural due process. Courts recognize that re-detention after an initial release constitutes a new and serious deprivation of liberty, not a mere continuation of prior custody, and therefore requires meaningful procedural safeguards. At a minimum, due process requires the government to provide notice or a reasoned explanation for re-detention and to make an individualized determination grounded in legitimate regulatory purposes such as flight risk or dangerousness. Where the government has previously determined that release was appropriate, the absence of any identified material change in relevant circumstances significantly heightens the risk of erroneous deprivation and supports a finding that re-detention is arbitrary. *See, e.g., Sering Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 163–65 (W.D.N.Y. 2025); *Pinchi v. Noem*, 792 F. Supp. 3d 1025, 1032 (N.D. Cal. 2025); *Lopez Benitez v. Francis*, 795 F. Supp. 3d 475, 484–86 (S.D.N.Y. 2025).

23. In addition to constitutional constraints, Respondents' discretion to revoke a noncitizen's release is limited by their own binding regulations. DHS regulations governing parole and post-order release require that revocation decisions be accompanied by written notice and articulated reasons, and, in the post-order context, a prompt opportunity for the noncitizen to respond. *See* 8 C.F.R. § 212.5(e)(2)(i) (providing that parole may be terminated only upon written notice stating the basis for termination); 8 C.F.R. § 241.4(l)(1) (requiring notice of the reasons for revocation of post-order release and a

prompt informal interview affording the noncitizen an opportunity to respond). Failure to comply with these mandatory regulatory safeguards renders re-detention unlawful and independently violates due process.

24. Courts have held that when DHS re-detains a previously released noncitizen without complying with its own binding revocation procedures, the re-detention is unlawful and violates procedural due process. *See Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 164 (W.D.N.Y. 2025).

25. Importantly, courts adjudicating re-detention challenges recognize that procedural due process imposes independent limits on the government's authority to revoke a previously granted release. Where the government re-detains a noncitizen after a period of liberty, re-detention without notice, explanation, and an individualized justification violates due process without requiring resolution of the precise statutory provision the government invokes to justify detention. *See Benitez v. Francis*, 795 F.Supp.3d. 475, 492 (S.D. N.Y. 2025)

26. Accordingly, courts have granted habeas relief in re-detention cases even where the government asserts mandatory detention authority under 8 U.S.C. § 1225(b), including by invoking the no-bond framework articulated in *Matter of M-S-*, 27 I&N Dec. 509 (A.G. 2019), to argue that no bond or custody hearing is required, when re-detention occurs without notice, an individualized determination, or a showing of materially changed circumstances. *See, See Benitez v. Francis*, 795 F.Supp.3d. 475, 484-486 (S.D. N.Y. 2025).

27. Where immigration detention violates constitutional due process or governing regulations, habeas corpus is an appropriate vehicle to remedy unlawful executive

detention. Habeas relief is equitable and may include an order directing release or requiring constitutionally adequate procedures. The Supreme Court has explained that "[h]abeas is at its core a remedy for unlawful executive detention," and that "[t]he typical remedy for such detention is, of course, release." *Munaf v. Geren*, 553 U.S. 674, 693 (2008); *see also Hamdi v. Rumsfeld*, 542 U.S. 507, 536 (2004) (plurality); *Preiser v. Rodriguez*, 411 U.S. 475, 484 (1973).

Recent and Contextual Government Action

28. While this petition primarily rests on the specific Constitution and INA violations regarding the Petitioner's re-detention, the Court should be aware of the unstable legal landscape surrounding the Government's current detention policies. The context shows the futility in the Petitioner seeking relief with the Respondents, and why a habeas granting immediate release is the only real relief available to the Petitioner.

29. On July 8, 2025, ICE, "in coordination with" the Department of Justice, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

30. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

31. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). There, the Board held that all

noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. *Id.*

32. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopted the same reading of the statute as ICE. *See infra.*

33. Even before ICE or the BIA introduced these nationwide policies, judges in the Tacoma (Washington) Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

34. Subsequently, court after court—including this Court—has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See Yera v. Baltazar*, Civil Action 1:26-cv-00476-SKC-SBP (D. Colo. Feb 19, 2026); *Chavez Armenta v. Noem*, Civil Action 26-cv-00236-PAB (D. Colo. Feb 03, 2026); *Portillo Martinez v. Baltazar*, Civil Action 26-cv-00106-PAB (D. Colo. Jan 26, 2026); *Garcia-Perez v. Guadian*, Civil Action 25-cv-04069-PAB (D. Colo. Jan 13, 2026);

35. Recently the United States District Court Central District of California vacated the *Matter of Yajure Hurtado.* Remarkably the district court went further and noted in the order that "Respondents have violated and continue to violate the law by detaining Bond Eligible

Class members in contravention of the Final Judgment." *Maldonado Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Feb. 18, 2026) (document 116, Order granting motion to enforce judgment and vacating *Matter of Yajure Hurtado*). The court found that not only did the respondents continue to violate the law but "[w]orse, Respondents proffer frivolous arguments that aim to insulate unlawful policies from judicial review while taking positions that seek to bludgeon separation of powers into oblivion. … Respondents' fixation on the "coercive" nature of the declaratory judgment issued by the Court ignores the other form of relief expressly granted by the Court: vacatur under the APA." *Id.*

FACTUAL BACKGROUND

36. Per DHS, Petitioner entered the United States on December 13, 2022 without inspection or parole. (*See* Exhibit 1)
37. On December 13, 2022, Petitioner was issued DHS Form I-286, Notice of Custody Redetermination releasing Petitioner on his own recognizance, stating that he was being released under section 236 of the INA. (*See* Exhibit 2)
38. On December 13, 2022, Petitioner was issued parole by DHS pursuant to INA § 212(d)(5)(A), as evidenced by his Form I-94. The parole period was from December 14, 2022, to February 24, 2023. (*See* Exhibit 3).
39. On March 13, 2023, Petitioner was served with a Notice to Appear classifying Petitioner as an "alien present in the United States who has not been admitted or paroled". (*See* Exhibit 1)
40. Petitioner was released into the community on his own recognizance and parole with reporting requirements through an app. He has resided in the interior of the United States

for over three years, maintaining a clean record and complying with all DHS reporting requirements.

41. On December 4, 2023, Petitioner timely filed an application for asylum (Form I-589), which remains pending before the Aurora Immigration Court. (*See* Exhibit 4).

42. In September 2025, Petitioner received a professional promotion necessitating out-of-state travel. Petitioner consulted his supervising officer, who instructed him to provide a formal employer letter to authorize this travel. Petitioner submitted the requested documentation, and his officer confirmed this would resolve any potential reporting conflicts. (*See* Exhibit 5 and 6).

43. On Thursday, February 15, Petitioner was scheduled for a check-in. Due to a work assignment out of state, Petitioner attempted to contact the ICE field office on Monday, Tuesday, and Wednesday to reschedule. On Wednesday, a representative authorized Petitioner to report the following Friday before 4:00 PM. On Thursday, an officer called Petitioner regarding his absence; Petitioner explained the Wednesday authorization, and the officer confirmed the Friday appointment. On Friday morning, an official requested Petitioner arrive before noon due to an early office closure.

44. Petitioner arrived at the field office between 9:30 AM and 10:00 AM on Friday and was immediately detained. Officials initially alleged violations of supervision were the motivation for the detention. These allegations reportedly involved travel and reporting app issues. When Petitioner inquired about these claims, ICE officials did not present any evidence, documentation, or specific dates to support the alleged violations. Furthermore, officials summarily dismissed the prior employer letter and the authorizations provided by Petitioner's supervising officers.

45. When Petitioner's employer, Mr. Marc Rodriguez, heard that the Petitioner was being re-detained, he went to speak to the officers to see what was going on. The ICE officers explained to Mr. Rodriguez that Petitioner was being detained simply on account of how Petitioner entered "illegally" When Mr. Rodriguez tried to explain that Petitioner was man of good character and was not committing any crime, the ICE officers explained to Mr. Rodriguez, that 90% of immigrants under Biden did what the Petitioner did to start their immigration process and that the ICE officers were going after anyone who crossed the border illegally even if the person had already begun their immigration paperwork. (*See* Exhibit 7).

46. Other than a brief statement from an officer while Petitioner was being detained there was no notice of any violations or changed circumstances warranting a revocation of the orders of release. Petitioner was not presented with any evidence he had failed to meet the conditions of his release.

47. Petitioner remains in detention at Denver Contract Detention Facility (*See* Exhibit 8). Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from family and community.

CLAIMS FOR RELIEF

COUNT I

Violation of the Fifth Amendment Due Process Clause – Unlawful Re-Detention Without Process

48. Petitioner incorporates by reference the allegations of fact set forth in the preceding paragraphs.

49. The Fifth Amendment's Due Process Clause protects all persons from arbitrary deprivation of liberty.

50. Freedom from physical restraint lies at the core of the liberty protected by due process, including freedom from civil detention absent constitutionally adequate justification reasonably related to a legitimate regulatory purpose.

51. When the government affirmatively releases a noncitizen from immigration custody, whether on parole, bond, recognizance, or supervision, that release creates a constitutionally protected liberty interest in continued freedom from detention.

52. Where the government seeks to revoke that liberty interest and re-detain a previously released individual, procedural due process requires, at a minimum:

    a. notice or a reasoned explanation of the grounds for re-detention;

    b. meaningful opportunity to be heard before re-detention or, at a minimum, promptly thereafter; and

    c. individualized custody determination grounded in legitimate detention purposes (such as flight risk or danger), including identification of *materially changed circumstances* where the government has previously determined release was appropriate.

53. Courts across the country have held that sudden re-detention of a previously released noncitizen without notice, explanation, or an individualized custody determination violates procedural due process, without requiring resolution of the precise statutory detention provision invoked by the government.

54. Here, Respondents re-detained Petitioner after a period of liberty previously granted by the government, without providing notice of any alleged violation, without identifying any material change in circumstances, and without affording Petitioner any meaningful opportunity to be heard in connection with the deprivation of liberty.

55. Respondents' actions speak for themselves. The reason for the Petitioner's re-detainment is not because of any violations on the Petitioner's part, but more because of the government's erroneous position that anyone who crossed the border without inspection is ineligible for release.
56. Respondents' re-detention of Petitioner therefore constitutes an arbitrary and unconstitutional deprivation of liberty in violation of the Fifth Amendment.
57. Petitioner is entitled to habeas relief ordering his release from custody or, in the alternative, requiring Respondents to provide constitutionally adequate process governing any continued detention.

COUNT II

Unlawful Revocation of Release in Violation of Governing Regulations

58. Petitioner repeat, re-allege, and incorporate by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
59. When the Department of Homeland Security releases a noncitizen from custody pursuant to parole, recognizance, or supervision, that release is governed by binding regulations that impose mandatory constraints on the government's discretion to revoke release.
60. Those regulations require that revocation of release be accompanied by written notice stating the reasons for revocation and, in the post-order context, a prompt opportunity for the individual to respond.
61. Respondents revoked Petitioner's previously granted release and re-detained him without complying with the procedural requirements set forth in the governing regulations, including but not limited to 8 C.F.R. §§ 212.5(e)(2)(i) and 241.4(l)(1).
62. Respondents' failure to comply with their own binding regulations renders Petitioner's re-detention unlawful and independently violates the Due Process Clause.

63. Petitioners are entitled to habeas relief ordering their release or reinstatement of prior conditions of release consistent with law.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court:

1. Assume jurisdiction over this matter and the parties hereto;
2. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court during the pendency of this action, absent further order of the Court;
3. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
4. Grant the Writ of Habeas Corpus and declare Petitioner's detention under 8 U.S.C. § 1225(b) as legally erroneous and a violation of the Fifth Amendment;
5. Order Petitioner's Immediate Release from custody;
6. Alternatively, if the court does not grant immediate release, issue a Conditional Writ directing Respondents to provide Petitioner with an individualized bond hearing before an Immigration Judge within five(5) days of the Court's Order;
7. Order that at said hearing, the burden of proof shall be on the government to justify continued detention;
8. If Respondents fail to provide the aforementioned bond hearing within the five(5) day period
9. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

/S/ Mosiah Olvera Rodriguez
Mosiah Olvera Rodriguez
ImmiVisa Law Group
2972 W Maple Loop Dr. Suite 102
Lehi, Utah 84048
Telephone: (385) 281-7478
email: mosiah@usimmivisa.com

Counsel for Petitioner

2/24/2026
Date

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Ruben Dario Mejia Arias, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 24th day of February, 2026.

/S/ Mosiah Olvera Rodriguez
Mosiah Olvera Rodriguez