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U.S. DISTRICT COURT  
DISTRICT OF COLORADO  
2026 FEB 26 PM 3: 18  
JEFFREY P. COLWELL  
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**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

EDISON G. GUAMAN TONATO )  
 )  
 ) Petitioner, )  
 )  
 ) v. )  
 )  
 ) JUAN BALTASAR, Warden/Administrator, )  
 ) Denver Contract Detention Facility, and )  
 ) TODD LYONS, Acting )  
 ) Director U.S. Immigrations and Customs )  
 ) Enforcement, and KRISTI NOEM, U.S. Secretary )  
 ) of Homeland Security, )  
 )  
 ) Respondents. )  
 \_\_\_\_\_ )

Civil Action No. BY \_\_\_\_\_ DEP. CLK

**PETITION FOR WRIT OF HABEAS CORPUS**

(28 U.S.C. § 2241)

**I. INTRODUCTION**

I, Petitioner, Edison G. Guaman-Tonato, the undersigned, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

I have been detained by U.S. Immigration and Customs Enforcement (“ICE”) since May 2025 pursuant to 8 U.S.C. § 1226. I have no criminal record. I have been provided an individualized bond hearing but was denied bond pursuant to the Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), Now determined by the District Ct to be wrong.

My detention has become unreasonably prolonged and violates the Due Process Clause of the Fifth Amendment.

I am seeking from this Court my immediate release or, alternatively, an individualized bond hearing at which the Government bears the burden of proof by clear and convincing evidence.

**II. JURISDICTION AND VENUE**

1. This Court has jurisdiction under 28 U.S.C. § 2241.
2. I am detained within the District of Colorado.

3. Venue is proper in this Court.
4. Respondent is Petitioner's immediate custodian.

### **III. FACTUAL BACKGROUND**

5. Petitioner was taken into ICE custody in May 2025.
6. I am detained under 8 U.S.C. § 1226.
7. I have no criminal convictions.
8. I pose no danger to the community.
9. I have substantial community and family ties.
10. My removal appeal remains pending.
11. No briefing schedule has been issued.
12. I received an individualized bond hearing and denied bond unlawfully.
13. My Detention now exceeds many months with no foreseeable end date.

### **IV. LEGAL FRAMEWORK**

#### **A. Civil Detention Must Remain Regulatory**

Immigration detention is civil, not punitive.  
*Zadvydas v. Davis*, 533 U.S. 678 (2001).

Even where detention is statutorily authorized, constitutional limits apply

#### **B. *Demore v. Kim* Limits Mandatory Detention to a Brief Period**

In *Demore v. Kim*, 538 U.S. 510 (2003), the Supreme Court upheld mandatory detention only for a "brief" period—typically 1–5 months.

My detention far exceeds that timeframe.

#### **C. *Jennings v. Rodriguez* Preserves Constitutional Challenges**

In *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018), the Supreme Court rejected a statutory six-month bond hearing rule but explicitly preserved as-applied constitutional challenges to prolonged detention.

I now herein bring such a constitutional challenge.

#### **D. Tenth Circuit Authority**

The Tenth Circuit has repeatedly affirmed that immigration detainees may pursue habeas relief under § 2241 for unconstitutional detention.

See *Soberanes v. Comfort*, 388 F.3d 1305 (10th Cir. 2004).

While Soberanes addressed post-removal detention, it reaffirmed the principle that detention is subject to constitutional limits.

District courts within the Tenth Circuit analyze prolonged §1226 detention using a fact-intensive reasonableness inquiry considering:

- Length of detention
- Cause of delay
- Likelihood of removal
- Government interest
- Individual flight risk and danger

See also *Zadvydas v. Davis*.

My detention has become unreasonably prolonged under these factors.

## **V. ARGUMENT**

### **A. Length of Detention**

Detention since May 2025 exceeds the “brief” period contemplated by *Demore*.

### **B. No Criminal Record**

I have no criminal history. The Government’s interest in mandatory detention is therefore diminished.

### **C. Bond Denied**

Individualized bond determination has been denied unlawfully.

Due process requires:

- Lawful Individualized review
- Government burden
- Clear and convincing standard

### **D. No Foreseeable End**

With no briefing schedule issued, detention is effectively indefinite.

**VI. CLAIM FOR RELIEF**

(Violation of Fifth Amendment Due Process)

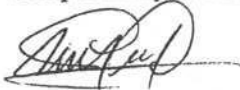
Continued detention without individualized review violates the Due Process Clause.

**VII. PRAYER FOR RELIEF**

I respectfully request:

1. Immediate release;  
OR
2. An individualized bond hearing within 14 days at which:
  - Government bears burden
  - Clear and convincing evidence standard applies
  - Alternatives to detention are considered

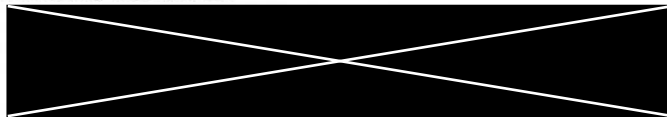
Respectfully submitted,



Edison G. Guaman Tonato  
Denver Contract Detention Facility

3130 N. Oakland Street

Aurora, CO 80010



Date: February 25, 2026

Prepared with the assistance of my attorney, David Appapa Deranamie, Esquire, **not licensed** to practice in the 10<sup>th</sup> Circuit

**CERTIFICATE OF SERVICE**

I hereby certify that on this 26 day of FEBRUARY, 2026, I filed the foregoing Petition for Writ of Habeas Corpus and Motion for Immediate Release with the Clerk of Court in person, which I will send notification to:

Office of the United States Attorney  
District of Colorado,

1801 California Street, Suite 1600

Denver, Colorado 80202

and

U.S. Immigration and Customs Enforcement

Denver Field Office

12445 E. Caley

Centennial, CO 80111



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EDISON G. GUAMAN TONATO