JAN PETER WEISS
Law Offices of Jan P. Weiss, P.A.
1926 10th Ave. North
Suite 400
Lake Worth, FL 33461
Legal@janpweissesq.com

Attorney for Petitioner

UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

PEREZ-PEREZ, Gonzalo [redacted]
Petitioner,
v.

PAMELA BONDI, U.S. Attorney General

U.S. Secretary of Homeland Security ("DHS")

TODD LYONS, Acting Director U.S. Immigration and Customs Enforcement,

ROBERT GUADIAN, Acting Denver Field Office Director

JUAN BALTAZAR, Warden of Denver Contract Detention Facility Processing Center

IN THEIR OFFICIAL CAPACITIES

Respondents.

Case No.: 26-cv-01158-RBJ

PETITIONER'S REPLY TO RESPONDENT'S RESPONSE

The Bond Hearing Received by Petitioner was not Constitutionally Adequate

1. While the immigration judge issued an alternative decision finding Petitioner to be a flight risk, Petitioner challenges whether the bond hearing comports with his due process rights.
2. While § 1226(e) limits judicial review of the government's discretionary judgment regarding a noncitizen's application for bond, that section does not strip federal courts of "traditional habeas jurisdiction," or jurisdiction over constitutional claims or questions of law. *See, e.g., Martinez v. Clark*, 124 F.4th 775, 781 (9th 2024).
3. As this Court has the authority to review the substance of the immigration judge's determination that Petitioner is a flight risk, it also has authority to determine whether the hearing that led to that determination comported with the due process rights protected by the Constitution.
4. Here, the Immigration Judge failed to provide a constitutionally adequate bond hearing because it denied bond based on a determination lacking the impartiality of a neutral adjudicator and without providing a reasoned consideration of all the factors relevant to whether Petitioner is a flight risk.
5. The facts in *R-A-V-P-* are sufficiently distinguishable from the facts at hand such that reliance on that case law should be considered legal error. *In Matter of R-A-V-P*, 27 I&N Dec. 803, the Board of Immigration Appeals (BIA) agreed with the immigration judge's determination that Petitioner was a flight risk given his minimal ties to the United States and his limited avenue for relief. In R-A-V-P-, the respondent in question was an individual who had entered the United States only four months before his bond hearing took place. That individual had no family ties, no employment history, no community ties, or any record of appearances in court in the United States.

6. The BIA in *R-A-V-P-* found that these factors in conjunction with a low likelihood of success on relief constituted a risk of flight sufficient to affirm the immigration judge's denial of bond.

7. Here, the Immigration Judge should have impartially considered, at a minimum, (1) whether the alien has a fixed address in the United States; (2) the alien's length of residence in the United States; (3) the alien's family ties in the United States, and whether they may entitle the alien to reside permanently in the United States in the future; (4) the alien's employment history; (5) the alien's record of appearance in court; (6) the alien's criminal record, including the extensiveness of criminal activity, the recency of such activity, and the seriousness of the offenses; (7) the alien's history of immigration violations; (8) any attempts by the alien to flee prosecution or otherwise escape from authorities; and (9) the alien's manner of entry to the United States. *Matter of Guerra*, 24 I&N Dec. 37, 40 (BIA 2006).

8. Had the Immigration Judge properly weighed the factors, she would have found Petitioner not to be a flight risk according to the Guerra factors. First, she would have seen that Petitioner has been in the United States since 2001, over 25 years. Far, far longer than the four months in *R-A-V-P* -. Second, Petitioner has a fixed address at [redacted] as described in the Sponsor's affidavit where he lived with his wife and young children. She would have seen that Petitioner provided the credentials and statement of support from a valid, reliable, and credible sponsor who Petitioner had known from the church for four (4) years. *See Dobrotvorskii* at 1, ("In bond proceedings, the existence of a valid, reliable, and credible sponsor is relevant to the determination of flight

risk."). She would have considered the Petitioner's family ties in the United States including his pregnant wife, and his two U.S. citizen children aged four and eleven.

9. She would have seen the Petitioner's employment history as a landscaper as demonstrated by his consistent history of filing tax returns since 2001.She would have seen the Petitioner's record of appearance in traffic court to be impeccable as demonstrated by the resolved dispositions for his multiple traffic offenses. She would have seen the lack of serious criminal history as demonstrated by the fact that Petitioner has only been cited for driving without a valid driver's license. She would have considered that Petitioner's only immigration violation is his unlawful entry from over twenty-five years ago in 2001. She would have considered that Petitioner had never made any attempts to flee prosecution or escape from authorities. To the contrary, he had always appeared for any of his immigration and legal obligations with the court. She would have considered Petitioner's numerous letters of support attesting to knowing Petitioner's good moral character for seven years in the case of [redacted] ten years in the cases of [redacted] and [redacted] fifteen years in the case of [redacted] and twenty years in the case of [redacted]
10. She would have considered Petitioner's prima facie eligibility for EOIR-42b Cancellation of Removal for Certain Nonpermanent Residents given his over ten years of continuous physical presence in the United States, two qualifying U.S. citizen children with another on the way, **complete lack of disqualifying criminal history**, and good moral character as demonstrated by his lack of criminal history and the numerous reference letters submitted in support of Petitioner's bond package, involvement with the church and the local [redacted]

11. Finally, there is the question of whether, under this administration, which has so clearly and publicly placed political pressure on Article II Immigration Judges to follow the administration's goal of deporting non-citizens en masse, it is even possible to have a bond hearing heard by a neutral arbiter. Petitioner contends that it is not, and he requests the Court to take judicial notice of the various instances of reporting on this issue. See Isabela Dias, "'Fired for No Reason': Former Immigration Judges Speak Out Against Trump's Assault on the Courts," Mother Jones, Oct. 9, 2025, motherjones.com/politics/2025/10/immigration-court-judge- trump-assault-purge-dhs-ice/; E. Tammy Kim, "Inside Donald Trump's Attack on Immigration Courts," The New Yorker, Oct. 23, 2025, newyorker.com/inside donald-trumps-attack-on-immigration-court; Ximena Bustillo, "A deep drive into the Trump administration's firing of immigration judges," NPR, Nov. 5, 2025, npr.org/2025/11/05/nx-s1-5584095/a-deep-dive-into-the-trump-administrations- firing-of-immigration-judges.
12. Thus, because of the Immigration Judge's lack of impartiality, the denial of a constitutionally adequate bond hearing, and the related political pressure that has tainted the entirety of the immigration court system, the bond hearing that Petitioner was provided does not comply with the Fifth Amendment right to due process and undersigned counsel contends that Petitioner is entitled to a constitutionally adequate bond hearing or immediate release.

Respectfully submitted this 17th day of April 2026,

/s/ Jan Peter Weiss

Jan Peter Weiss, Esquire
Counsel for Petitioner
Law Office of Jan Peter Weiss
1926 10th Avenue North, Suite 400