IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-01181-GPG

IGNACIO AGUSTIN SANCHEZ ACEVADO,

Petitioner,

v.

JUAN BALTAZAR, Warden, GEO Aurora Contract Detention Facility, in his official capacity,
GEORGE VALDEZ, Acting Director, Denver Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement, in his official capacity,
TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement,
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security, in her official capacity, and
TODD BLANCE, Acting Attorney General of the United States, in his official capacity,

Respondents.[1]

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (ECF No. 1) AND ORDER TO SHOW CAUSE (ECF No. 5)

Respondents respond to the Court's Order to Show Cause (ECF No. 5) as to why the Petition for Writ of Habeas Corpus, ECF No. 1 (the "Petition") should not be granted.

INTRODUCTION

Petitioner is a noncitizen in the custody of U.S. Immigration and Customs Enforcement who is detained pursuant to 8 U.S.C. § 1225(b)(2)(A). In his Petition, he asserts just one claim for relief: that he is a member of the Bond Eligible Class as defined in *Maldonado Bautista v.*

[1] Respondents Markwayne Mullin and Todd Blanche are substituted pursuant to Fed. R. Civ. P. 25(d).

Santacruz, 2025 WL 3289861, Case No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025), and thus is entitled to a bond hearing. *See* ECF No. 1 at 4-6, 9-10.

For the reasons articulated in more detail below, the Court should decline to grant relief on the basis that Petitioner is a member of the *Bautista* class because the Ninth Circuit stayed the district court's orders in that case as they apply to petitioners outside the Central District of California. The Court could, however, evaluate whether Petitioner is properly detained under § 1225.[2]

ARGUMENT

I. Petitioner is not entitled to relief pursuant to *Maldonado Bautista*.

Petitioner brings just one claim: that he is a member of the Bond Eligible Class, as defined in *Maldonado Bautista*, and that the parties are thus bound by that court's decision finding that § 1226(a)—not § 1225(b)(2)(A)—governs the detention of those similarly situated to Petitioner. *Bautista v. Santacruz*, No. 5:25-cv-01873-SSS-BFM, 2025 WL 3289861 (C.D. Cal. Nov. 20, 2025), *reconsideration granted in part*, 813 F. Supp. 3d 1075 (C.D. Cal. 2025), *and amended and superseded on reconsideration*, 813 F. Supp. 3d 1084 (C.D. Cal. 2025), *judgment entered sub nom. Maldonado Bautista v. Noem*, No. 5:25-CV-01873-SSS-BFM, 2025 WL 3678485 (C.D. Cal. Dec. 18, 2025).

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[2] On April 15, 2026, undersigned counsel conferred with Petitioner's counsel as to whether Petitioner might wish to amend his Petition to include additional arguments as to the legality of his detention, in light of the Ninth Circuit's decision staying the district court's order in *Maldonado Bautista*. Petitioner declined to do so at this time. For purposes of efficiency, however, Respondents propose that the Court might still consider the underlying legality of Petitioner's detention pursuant to § 1225(b)(2)(A) absent an amended petition.

The decision cited by Petitioner certified a nationwide class of immigration detainees who brought similar issues to those raised here. In that case, the district court held that "individuals who are present in the United States and have not been inspected and authorized by an immigration officers are part of the broadly defined term '[noncitizen]'" and § 1226(a) is "the appropriate governing authority over [such] [p]etitioners' detentions." *Id.* at *9 (citation omitted). Though not cited by Petitioner, on February 18, 2026, the district court in the *Maldonado Bautista* case issued an additional order vacating *Matter of Yajure Hurtado*. *See Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, 2026 WL 468284, at *10 (C.D. Cal. Feb. 18, 2026).

The government appealed to the Ninth Circuit. On March 6, 2026, the Ninth Circuit granted an administrative stay of the district court's order in *Bautista* while considering an emergency motion by the government to stay the district court's order pending resolution of the appeal. *Bautista*, 25-1044, Doc. 5 (9th Cir. March 6, 2026). Then, on March 31, 2026, the Ninth Circuit granted a stay pending appeal of the district court's decision insofar as it vacates *Matter of Hurtado* and grants judgment to class members beyond the Central District of California. *Id.*, Doc. 17 (9th Cir. March 31, 2026). In that order, the Ninth Circuit specifically found that the government has made a strong showing that the district court exceeded its jurisdiction in certifying a nationwide class and in issuing a final judgment, specifically noting that claims for habeas relief must be brought in the district of confinement. *Id.* at 2-3. And the Ninth Circuit likewise found that the district court lacked jurisdiction to vacate *Matter of Hurtado* while an appeal from its prior order was pending. *Id.* at 3.

Because the district court's orders in *Bautista* are stayed pending appeal, insomuch as they apply to any petitioners outside the Central District of California, they have no preclusive

effect here, and cannot alone serve as the basis for affording Petitioner the relief he requests. *Cf. N. Nat. Gas Co. v. Grounds*, 931 F.2d 678, 683 (10th Cir. 1991) (to be given preclusive effect, a prior ruling must have been "entered by a court of competent jurisdiction"); *Singh v. Blanche, et al.*, No. 26-cv-00241-DDD-KAS (D. Colo. April 15, 2026), ECF No. 12 at 8-9 (finding that the district court's order in *Bautista* is not binding). For this reason, the Court should deny the Petition to the extent it seeks relief only on the premise that Petitioner is a member of the *Bautista* class.

II. Petitioner is detained pursuant to § 1225(b)(2)(A).

Though Petitioner only seeks relief pursuant to *Bautista*, the central legal issue presented in this case concerns whether a noncitizen who is present in the United States and has not been admitted is subject to mandatory detention by U.S. Immigration and Customs Enforcement ("ICE") under 8 U.S.C. § 1225(b), or whether such a noncitizen is entitled by § 1226(a) to seek a bond hearing. This issue is not materially different from an issue this Court has resolved in a prior ruling in another case. *See, e.g., Moya Pineda v. Baltasar, et al.*, 25-cv-02955-GPG-TPO. Respondents respectfully disagree with that ruling.

When Petitioner was detained by ICE, he was present in the United States without having been admitted. *See* ECF No. 1. Respondents' position is that Petitioner is, therefore, subject to mandatory detention under § 1225(b) under the interpretation of that provision adopted by the Fifth and Eighth Circuits. *See Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502–08 (5th Cir. 2026); *Avila v. Bondi*, -- F.4th --, 2026 WL 819258, at *2–6 (8th Cir. Mar. 25, 2026). This position is further supported by *Jennings v. Rodriguez*, 583 U.S. 281 (2018), where the Supreme Court explained that a noncitizen "who . . . 'is present' in this country but 'has not been admitted,' is

treated as 'an applicant for admission.'" 583 U.S. at 287 (quoting 8 U.S.C. § 1225(a)(1)). The Court then explained that *all* "applicants for admission" are subject to detention under either 8 U.S.C. § 1225(b)(1) or § 1225(b)(2)—both of which *require* detention. *See id.* ("Section 1225(b)(2) . . . serves as a catchall provision that applies to all applicants for admission not covered by § 1225(b)(1)."); *id.* at 297 ("Read most naturally, §§ 1225(b)(1) and (b)(2) thus mandate detention of applicants for admission until certain proceedings have concluded"). Respondents submit that *Jennings* supports their position that all "applicants for admission"—who include noncitizens, like Petitioner, who are present in the United States and have not been admitted—are subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

The Fifth Circuit, Eighth Circuit, and some district courts in this district and circuit have agreed with Respondents' interpretation of the statute. *See, e.g.*, *Buenrostro-Mendez*, 166 F.4th at 502–08; *Avila*, 2026 WL 2026 WL 819258, at *2–6; *Singh v. Blanche, et al.*, No. 26-cv-00241-DDD-KAS (D. Colo. April 15, 2026), ECF No. 12 at 12-16; *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302 (W.D. Okla. Dec. 26, 2025). Many others have not, including this Court, as noted above. The Tenth Circuit has not ruled on this issue. A decision in this district rejecting Respondents' position on this issue has been appealed to the Tenth Circuit. *See Mendoza Gutierrez v. Baltazar*, Civil Action No. 25-cv-02720-RMR (D. Colo.), *appeal docketed*, No. 25-1460 (10th Cir. Dec. 15, 2025). That appeal remains pending.

Respondents acknowledge that until the Tenth Circuit rules on this issue, this Court's prior ruling on this issue might lead the Court to reach the same result here if the Court adheres to that decision, as the facts of this case are not materially distinguishable from that case for purposes of the Court's decision on the legal issue of whether Petitioner is subject to mandatory

detention under 8 U.S.C. § 1225(b)(2). Thus, while Respondents do not consent to issuance of the writ and reserve the right to appeal, to expedite disposition of this case, Respondents hereby rely upon, and incorporate by reference, the legal arguments Respondents presented on this issue in *Mendoza Gutierrez v. Baltazar*, Civil Action No. 25-cv-02720-RMR, ECF No. 26 at 10–19.

The Petition suggests that Petitioner should be viewed as detained under 8 U.S.C. § 1226(a) rather than § 1225(b). *See* ECF Nos. 1 at 9. If the Court agrees and determines that Petitioner is detained under § 1226(a) and grants the petition, the appropriate relief is for the Court to direct a bond hearing be conducted pursuant to § 1226(a) before an immigration judge. In particular, the Court should not order further relief beyond directing that Petitioner be granted a bond hearing under § 1226(a). It should not order immediate release, as multiple decisions in this district have recognized.[3]

CONCLUSION

The Court should find that Petitioner is not entitled to relief on the basis asserted in the Petition—that he is a member of the *Bautista* class. Nevertheless, if the Court is inclined to evaluate whether, more broadly, Petitioner's detention pursuant to § 1225(b)(2)(A) is unlawful, and were the Court to further find, consistent with its prior decisions, that Petitioner's detention

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[3] *See, e.g.*, *Montanez de la Cruz v. Baltazar et al.*, No. 26-cv-00360-PAB, 2026 WL 439217, at *3 (D. Colo. Feb. 17, 2026) ("[B]ecause § 1226 authorizes detention, the Court does not find that petitioner's immediate release is an appropriate remedy. Instead, the Court will order that a bond hearing be conducted."); *Leyva Ramirez v. Baltasar et al.*, No. 26-cv-00199-NYW, 2026 WL 318989, at *4 (D. Colo. Feb. 6, 2026) ("[A] bond hearing before an immigration judge is sufficient to vindicate the procedural protections afforded by § 1226(a)."); *Perez Zepeda v. Hagan et al.*, No. 25-cv-3789-SKC-STV, ECF No. 18, at 17 (D. Colo. Jan. 27, 2026) ("[Section] 1226 does not require release—it provides DHS the discretion to grant a noncitizen release on bond. . . . Additionally, the Court concludes that an immigration judge is in a better position to consider whether Petitioner poses a flight risk and a danger to the community.").

is unlawful, the appropriate relief is to order that Respondents conduct such a hearing within seven days.

Dated: April 16, 2026.

PETER MCNEILLY
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CERTIFICATE OF SERVICE

I certify that on April 16, 2026, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all persons who have registered for such notifications.

s/ Leslie Schulze
U.S. Attorney's Office