FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 30 2026
JEFFREY P. COLWELL
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-CV-01193-RTG
(To be supplied by the court)

ABDOULAYE BARRY, Applicant,

v. PAM BONDI, UNITED STATES ATTORNEY GENERAL
KRISTI NOEM, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY
TODD LYONS, DIRECTOR OF ICE ENFORCEMENT AND REMOVAL OPERATIONS
ROBERT HAGAN, DIRECTOR OF ICE FIELD OFFICE IN CENTENNIAL, COLORADO
JUAN BALTAZAR, WARDEN OF THE AURORA DETENTION, Respondent.
(Name of warden, superintendent, jailer, or other custodian)

(Note: If you are attacking the validity of a state conviction or sentence and not the execution of your sentence, you must file an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. If you are attacking the validity of a judgment entered in a federal court, you must file a motion pursuant to 28 U.S.C. § 2255 in the federal court that entered the judgment.)

APPLICATION FOR A WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include only: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

A. APPLICANT INFORMATION

You must notify the court of any changes to your address where case-related papers may be served by filing a notice of change of address. Failure to keep a current address on file with the court may result in dismissal of your case.

ABDOULAYE BARRY [redacted]
(Applicant's name, prisoner identification number, and complete mailing address)

3130 N. OAKLAND STREET, AURORA, CO 80010

Indicate whether you are a prisoner or other confined person as follows: (check one)

___ Pretrial detainee
___ Civilly committed detainee
_X_ Immigration detainee
___ Convicted and sentenced state prisoner
___ Convicted and sentenced federal prisoner
___ Other: (*Please explain*) _____

B. RESPONDENT INFORMATION

JUAN BALTAZAR, 3130 N. OAKLAND STREET,
(Respondent's name and complete mailing address)

AURORA, CO 80010

C. STATEMENT OF CLAIMS

State clearly and concisely every claim you are asserting in this action. For each claim, specify the right that allegedly has been violated and all facts that support your claim. If additional space is needed to describe any claim or to assert additional claims, use extra paper to continue that claim or to assert the additional claim(s). Please indicate that additional paper is attached and label the additional pages regarding the statement of claims as "C. STATEMENT OF CLAIMS."

CLAIM ONE: BARRY'S DETENTION IS ILLEGAL

Supporting facts:

BARRY CONTENDS THAT ICE DID NOT PROVIDE HIM WITH A NOTICE OF REVOCATION OF RELEASE EXPLAINING THE BASIS FOR REVOKING HIS SUPERVISED RELEASE, DID NOT SERVE HIM WITH A NOTICE OF CUSTODY DETERMINATION IDENTIFYING ANY "CHANGED CIRCUMSTANCES" RENDERING HIS REMOVAL SIGNIFICANTLY LIKELY IN THE REASONABLY FORESEEABLE FUTURE, AND DID NOT AFFORD HIM AN INTERVIEW AS CONTEMPLATED BY 8 C.F.R. § 241.13 (i).

(1) "C. STATEMENT OF CLAIMS"

FEDERAL REGULATIONS GOVERN THE TERMINATION OF PAROLE AND STATE THAT THE ONLY BASIS FOR AN AUTOMATIC TERMINATION OF PAROLE WITHOUT WRITTEN NOTICE IS BASED UPON A DEPARTURE FROM THE UNITED STATES, WHERE "THE EXPIRATION OF THE TIME FOR WHICH PAROLE WAS AUTHORIZED" 8 C.F.R. § 212.5(e)(1). IN ALL OTHER INSTANCES, WRITTEN NOTICE IS SPECIFICALLY REQUIRED. 8 C.F.R. § 212.5(e)(2).

8 C.F.R. § 241.4(I)(1) ("UPON REVOCATION, THE ALIEN WILL BE NOTIFIED OF THE REASONS FOR REVOCATION OF HIS OR HER RELEASE OR PAROLE. THE ALIEN WILL BE AFFORDED AN INITIAL INFORMAL INTERVIEW PROMPTLY AFTER HIS OR HER RETURN TO SERVICE CUSTODY TO AFFORD THE ALIEN AN OPPORTUNITY TO RESPOND TO THE REASONS FOR REVOCATION STATED IN THE NOTIFICATION."). AS BARRY STATED, HE WAS NOT GIVEN A NOTICE NOR AN INFORMAL INTERVIEW.

COURTS ACROSS THE COUNTRY ROUTINELY HOLD THAT (1) ICE VIOLATING ITS OWN REGULATIONS IN DETAINING AN INDIVIDUAL IS A DUE PROCESS VIOLATION, AND (2) THIS VIOLATION MAKES THE DETENTION UNLAWFUL AND THE PROPER REMEDY IS RELEASE. SEE SANCHEZ V. BONDI, No. 25-CV-02287-CNS, 2025 U.S. Dist. LEXIS 250824, 2025 WL 3484756, at *2 (D. Col. Dec. 4, 2025) (ORDERING RELEASE OF NONCITIZEN [*8] WHEN ICE FAILED TO FOLLOW ITS OWN REGULATIONS (COLLECTING CASES)); GUERRA, 2026 U.S. Dist. LEXIS 8085, 2026 WL 1142258, at *8 ("HABEAS CORPUS RELIEF IS WARRANTED" WHERE "RESPONDENTS' FAILURE TO COMPLY WITH § 241.4(I)(3) RESULTED IN RE-DETENTION, ACCOMPANIED BY A LACK OF NOTICE OR A MEANINGFUL OPPORTUNITY TO RESPOND."; FUNES, 2025 U.S. Dist. LEXIS 230070, 2025 WL 3263896, at *25 (FINDING THAT THE COURT MUST ORDER THE PETITIONER'S RELEASE IN

(2) "C. STATEMENT OF CLAIMS"

ALIGN[MENT] WITH NUMEROUS CASES RELEASING HABEAS PETITIONERS HELD IN CUSTODY FOLLOWING PROCEDURAL DUE PROCESS VIOLATIONS" (COLLECTING CASES)); GRIGORIAN V. BONDI, No. 25-CV-022914-RAR 2025 U.S. Dist. LEXIS 175489, 2025 WL 2604573, at *9-10 (S.D. Fla. Sept. 9, 2025) ("THE FAILURE TO PROVIDE PETITIONER WITH AN INFORMAL INTERVIEW PROMPTLY AFTER HIS DETENTION OR TO OTHERWISE PROVIDE A MEANINGFUL OPPORTUNITY TO CONTEST THE REASONS FOR REVOCATION VIOLATES BOTH ICE'S OWN REGULATIONS AND THE FIFTH AMENDMENT DUE PROCESS CLAUSE. THIS COMPELS PETITIONER'S RELEASE. COURTS AROUND THE COUNTRY HAVE CONCLUDED LIKEWISE.' (COLLECTING CASES)); "[B]ECAUSE ICE VIOLATED ITS OWN REGULATIONS WHEN IT DETAINED [PETITIONER] WITHOUT NOTIFYING HIM OF THE REASONS WHY HE WAS BEING DETAINED, [PETITIONER] IS ENTITLED TO HABEAS RELIEF." ROBLE V. BONDI, CASE No. 25-CV-3196 (LMP/LIB), F. Supp. 3d, 2025 U.S. Dist. LEXIS 164108, 2025 WL 244-3453, at *3 (D. Minn. Aug. 25, 2025). SEE ALSO NGUYEN, 788 F. Supp. 3d at 152-53 ("BASED ON ICE'S OWN VIOLATIONS OF ITS OWN REGULATIONS, I [*6] CONCLUDE THAT MR. NGUYEN'S DETENTION IS UNLAWFUL AND THAT HIS RELEASE IS APPROPRIATE."); ROBLE, 2025 U.S. Dist. LEXIS 164108, 2025 WL 244 3453, at *5 ("THE COURT WILL THUS FOLLOW THE APPROACH OF OTHER COURTS FACING SIMILAR CASES AND ORDER ROBLE'S RELEASE FROM CUSTODY AS A REMEDY FOR ICE'S ILLEGAL [*7] RE-DETENTION OF ROBLE.").

(3) "C. STATEMENT OF CLAIMS"

CLAIM TWO: VIOLATION OF FIFTH AMENDMENT RIGHT TO DUE PROCESS.

BARRY CHALLENGES HIS DETENTION AS UNLAWFUL BASED ON ICE'S ALLEGED NONCOMPLIANCE WITH SEVERAL PROVISIONS OF 8 C.F.R. § 241.4 AND 241.13. BARRY'S CLAIMS THEREFORE IMPLICATE THE DUE PROCESS CLAUSE. THE DUE PROCESS CLAUSE PROHIBITS DEPRIVATIONS OF LIFE, LIBERTY AND PROPERTY WITHOUT DUE PROCESS OF LAW. U.S. CONSTITUTION AMENDMENT V.

"FREEDOM FROM IMPRISONMENT-FROM GOVERNMENT CUSTODY, DETENTION, OR OTHER FORMS OF PHYSICAL RESTRAINT- LIES AT THE HEART OF THE LIBERTY THAT THE [DUE PROCESS] CLAUSE PROTECTS." SANCHEZ V. LAROSE AT *7 (CITING ZADVYDAS V. DAVIS, 533 U.S. at 690). ALTHOUGH IMMIGRATION DETENTION IS ADMINISTRATIVE, IT IS STILL SUBJECT TO DUE PROCESS CLAUSE REVIEW. Id. (CITING HERNANDEZ V. SESSIONS, 872 F 3d at 981 ("THE GOVERNMENT'S DISCRETION TO INCARCERATE NONCITIZENS IS ALWAYS CONSTRAINED BY THE REQUIREMENTS OF DUE PROCESS.")). WHEN THE GOVERNMENT GRANTS AN ALIEN PAROLE INTO THE COUNTRY, IT CREATES A LIBERTY [*7] INTEREST INTIMATELY TIED TO FREEDOM FROM IMPRISONMENT. Id. (CITING ALEGRIA PALMA V. LAROSE, 25-CV-1942, ECF No. 14, 2025 U.S. Dist. LEXIS 213718 (S.D. Cal. Aug. 11, 2025)(FINDING THAT "CONTINUED FREEDOM AFTER RELEASE ON OWN RECOGNIZANCE" WAS A CORE LIBERTY

(4) "C. STATEMENT OF CLAIMS"

INTEREST)). HERE, BARRY WAS DEPRIVED OF HIS LIBERTY INTEREST IN HIS PRIOR PAROLE STATUS WHEN RESPONDENTS REVOKED THAT PAROLE AND PLACED HIM IN DETENTION.

28 U.S.C. § 2241 (c)(3) PROVIDES [*6] THAT A COURT SHALL GRANT THE WRIT OF HABEAS CORPUS IF A PETITIONER "IS IN CUSTODY IN VIOLATION OF THE CONSTITUTION OR LAWS OR TREATIES OF THE UNITED STATES.".

D. PRIOR APPLICATIONS

Have you ever filed a lawsuit, other than this lawsuit, in any federal court in which you raised or could have raised the claim(s) raised in this action? ___ Yes X No (*check one*).

If your answer is "Yes," complete this section of the form. If you have filed more than one prior application, use additional paper to provide the requested information for each prior application. Please indicate that additional paper is attached and label the additional pages regarding previous lawsuits as "D. PRIOR APPLICATIONS."

Name and location of court: _____

Case number: _____

Type of proceeding: _____

List the claim(s) raised: _____

Date and result: (Attach a copy of the decision if available) _____

Result on appeal, if appealed: _____

E. ADMINISTRATIVE REMEDIES

WARNING: You must exhaust administrative and/or state remedies before filing an action in federal court pursuant to 28 U.S.C. § 2241. Your case may be dismissed if you have not exhausted administrative and/or state remedies. If additional space is needed to explain exhaustion, use extra paper to do so. Please indicate that additional paper is attached and label the additional pages regarding exhaustion as "E. ADMINISTRATIVE REMEDIES."

Explain the steps you have taken to exhaust administrative and/or state remedies:

I HAVE WRITTEN REQUESTS TO ICE ASKING FOR MY RELEASE.

I HAVE PERSONALLY SPOKEN TO ICE OFFICERS HERE IN DETENTION, EXPLAINING HOW WRONG MY RE-DETENTION IS AND ASKING FOR MY RELEASE, BUT IT WAS TO NO AVAIL.

"F. REQUEST FOR RELIEF"

MAKER WHERE RESPONDENTS BEAR THE BURDEN OF DEMONSTRATING BY CLEAR AND CONVINCING EVIDENCE THAT BARRY IS A FLIGHT RISK OR A DANGER SUCH THAT HIS PHYSICAL CUSTODY IS REQUIRED

(4) GRANT SUCH OTHER AND FURTHER RELIEF AS THIS COURT DEEM. JUST AND PROPER.

F. REQUEST FOR RELIEF

State the relief you are requesting or what you want the court to do. If additional space is needed to identify the relief you are requesting, use extra paper to request relief. Please indicate that additional paper is attached and label the additional pages regarding relief as "F. REQUEST FOR RELIEF."

(1) ORDER RESPONDENTS TO IMMEDIATELY RELEASE BARRY FROM THEIR CUSTODY, SUBJECT TO THE CONDITIONS IN HIS PREEXISTING ORDER OF SUPERVISION;

(2) ORDER RESPONDENTS NOT TO TRANSFER BARRY EXCEPT TO A FACILITY WITHIN THIS DISTRICT, TO PRESERVE THIS COURT'S JURISDICTION PENDING A RULING ON THE PETITION;

(3) ENJOIN RESPONDENTS FROM RE-DETAINING BARRY WITHOUT PROVIDING HIM A PRE-DETENTION HEARING BEFORE A NEUTRAL DECISION

G. APPLICANT'S SIGNATURE

I declare under penalty of perjury that I am the applicant in this action, that I have read this application, and that the information in this application is true and correct. *See* 28 U.S.C. § 1746; 18 U.S.C. § 1621.

Under Federal Rule of Civil Procedure 11, by signing below, I also certify to the best of my knowledge, information, and belief that this application: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the application otherwise complies with the requirements of Rule 11.

(Applicant's signature)

03/27/2026
(Date)

(Form Revised December 2017)