IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

CIVIL ACTION NO. 25-CV-04025-GPG

MOHAMED, Amran Ahmed

Petitioner-Plaintiff,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility (Aurora), owned and operated by GEO Group, Inc.;

GEORGE VALDEZ, in his official capacity as Acting Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement (ICE);[1]

TODD LYONS, in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement (ICE);

KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security (DHS);

PAMELA BONDI, in her official capacity as Attorney General, U.S. Department of Justice (DOJ).

Respondents-Defendants.

JOINT MOTION TO VACATE ORDER TO SET EVIDENTIARY HEARING

Petitioner Ms. Mohamed and Respondents (collectively, "the Parties"), through counsel, respectfully move this Court to vacate the evidentiary hearing set in this matter regarding Ms. Mohamed's *Verified Petition for Writ of Habeas Corpus.* In support, the Parties state as follows:

---

[1] Acting ICE Field Office Director George Valdez is substituted for Robert G. Hagan pursuant to Fed. R. Civ. P. 25(d).

1. The Court ordered the Parties to contact chambers to set an evidentiary hearing during the week of March 16, 2026, to address whether Ms. Mohamed's continued detention is lawful. ECF No. 9.

2. The Parties have conferred and agree that an evidentiary hearing is not necessary because:

a. The Parties do not have additional evidence or witnesses to present beyond the existing record.

b. The issues presented in the habeas petition may be resolved as a matter of law based on the current record. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), when removal is not reasonably foreseeable, continued detention is not authorized, and the appropriate remedy is release under reasonable conditions of supervision. *See Salazar-Martinez v. Lyons*, No. 2:25-cv-00961-KG-KBM, 2025 WL 3204807, at *2 (D.N.M. Nov. 17, 2025) ("[t]he remedy for a *Zadvydas* claim is generally release of the petitioner under conditions of supervision."). Here, the Parties agree that, to the extent the Court finds the petitioner is entitled to relief, the appropriate remedy in a habeas case challenging post-removal-order detention under 8 U.S.C. § 1231 is release from detention.[2]

c. An evidentiary hearing is not necessary where there are no material factual disputes and the issues presented are purely legal. *See, e.g., Vizguerra-*

[2] Ms. Mohamed's petition concerns post-removal-period detention under 8 U.S.C. § 1231(a), not pre-removal detention under 8 U.S.C. §§ 1225 or 1226. Claims under Sections 1225 and 1226 involve different statutory frameworks and standards for detention and bond, including mandatory detention and discretionary bond provisions not at issue here. Ms. Mohamed's petition challenges detention only under Section 1231(a)(6) pursuant to *Zadvydas*.

Ramirez v. Baltazar, No. 25-cv-00881-NYW, Doc. 70 at 2 (D. Colo. Dec. 17, 2025) (resolving a Section 2241 petition on the written record and noted that oral argument would not materially assist the Court). In this case, the material facts are not in dispute. The Parties agree as to the length of Ms. Mohamed's detention and as to the facts pertaining to ICE's efforts to effectuate her removal. Given the undisputed factual record, the question before the Court is therefore whether, as a matter of law, continued detention under 8 U.S.C. § 1231(a)(6) is permissible under *Zadvydas*.

d. If this Court determines that Ms. Mohamed's ongoing detention is unlawful, holding an evidentiary hearing during the week of March 16 could delay her release.

e. Ms. Mohamed has withdrawn her request for relief pursuant to Count IV of the Verified Petition, *i.e.*, her independent, non-habeas claims concerning process prior to removal. *See* ECF No. 1 at ¶¶ 133-39; ECF No. 10 at 9.

3. This motion is made in good faith and not for the purpose of undue delay. Granting the requested relief would serve the interest of efficiency and conserve the Court's and the parties' resources.

WHEREFORE, the Parties respectfully request that this Court Order that no evidentiary hearing is required, and issue a ruling on the existing record.

DATED: February 25, 2026

Respectfully submitted,

s/Kathleen M. Glynn
Kathleen M. Glynn
Staff Attorney
Immigration Defense Clinic, Colorado Law
Wolf Law Building, 404 UCB
Boulder, CO 80309

Tel: (303) 492-5830
Kathleen.glynn@colorado.edu
Pro bono counsel for Petitioner, Ms. Amran Mohamed

PETER MCNEILLY
United States Attorney

s/ Katherine A. Ross
Katherine Ross
Assistant United States Attorney
United States Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Phone: (303) 454-0286
Email: Katherine.ross@usdoj.gov
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on February 25, 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 counsel of record.

s/Kathleen M. Glynn
Kathleen M. Glynn