IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.

TANIA MAYELKI MEJIA-LOPEZ,

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General, in her official capacity,
ROBERT GUADIAN, U.S. Immigration & Customs Enforcement Field Office Director for the Colorado Field Office, in his official capacity,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity, and
JUAN BALTASAR, Warden of GEO Group Aurora Inc, in his official capacity,

Respondents.

PETITIONER'S PETITION FOR WRITOF HABEAS CORPUS

INTRODUCTION

Petitioner, Tania Mayelki Mejia-Lopez, A# [redacted] is currently detained by Immigration and Customs Enforcement "ICE" at GEO contract Detention facility 3130 N Oakland St., in Aurora, Colorado. Petitioner Tania Mayelki Mejia-Lopez brings this petition for a writ of habeas corpus to challenge her ongoing and unlawful immigration detention by the Department of Homeland Security. Petitioner is a 26-year-old female native and citizen of Nicaragua with no prior immigration proceedings, and only one entry into the United States, which occurred on or about June 8, 2021. She was detained on 1/28/26 and has remained in custody since that time. Petitioner currently has charges stemming from a domestic violence dispute with her boyfriend which she is in the process of fighting and will be seeking to dismiss which resulted in [redacted]. Petitioner is currently detained without any opportunity for release on bond, despite the absence of any individualized finding that she poses a danger to the community or a flight risk. Immigration authorities have taken the position that Petitioner is categorically ineligible for a bond hearing before an immigration judge, leaving habeas corpus as the only available mechanism to seek judicial review of the legality of her detention. As a result, Petitioner is being deprived of her liberty without a meaningful opportunity to contest the statutory basis for her confinement. Petitioner has strong ties to the community, no criminal record, and no history of prior immigration violations. Continued detention under these circumstances exceeds the government's statutory authority and violates fundamental principles of due process. Accordingly, this Court should grant the petition and order Petitioner's immediate release or, in the alternative, require the government to provide a prompt bond hearing before a neutral decisionmaker.

Habeas corpus is a fundamental legal mechanism that allows a person in government custody to challenge the lawfulness of their detention. Through a petition for a writ of habeas corpus, a detained individual asks a federal court to require the government to justify the legal basis for continued confinement. If the detention is not authorized by statute or violates the Constitution, the court may order the person's release.

In the immigration context, habeas corpus is the primary vehicle through which noncitizens challenge unlawful detention by the Department of Homeland Security, including detention without statutory authority or in defiance of binding court judgments. Federal courts have long recognized that immigration detainees may seek habeas relief under 28 U.S.C. § 2241 when they are "in custody in violation of the Constitution or laws or treaties of the United States." As reflected in *Maldonado Bautista v. Santacruz*, habeas relief is particularly appropriate where the government refuses to comply with a declaratory judgment that conclusively determines the statutory framework governing detention. When DHS or EOIR detains a class member contrary to such a judgment, continued detention is unlawful and warrants immediate judicial intervention through habeas corpus.

In the alternative, Petitioner brings this petition for a writ of habeas corpus to seek enforcement of her rights as a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Aurora Geo Detention Facility. She now faces unlawful detention because the Department of Homeland Security (DHS) and the

Executive Office for Immigration Review (EOIR) have refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado Bautista v. Santacruz*.

1. On November 20, 2025, the district court granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025) (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D. Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners' proposed nationwide Bond Eligible Class, incorporating and extending declaratory judgment from Order Granting Petitioners' Motion for Partial Summary Judgment).

2. The declaratory judgment held that the Bond Denial Class members are detained under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under § 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

3. Nonetheless, the Executive Office for Immigration Review and its subagency the Immigration Court and the Department of Homeland Security (DHS) have blatantly refused to abide by the declaratory relief and have unlawfully ordered that Petitioner be denied the opportunity to be released on bond.

4. Petitioner is a member of the Bond Eligible Class, as she:

    a. does not have lawful status in the United States and is currently detained at the

Aurora Geo Detention Facility. She was apprehended by immigration authorities on 1/28/26.

b. entered the United States without inspection on June 8, 2021, and was briefly detained.

However, this Court should look to the most recent arrest to determine whether or not someone was apprehended "upon arrival." In addition, the Maldonado Bautista court's reasoning and language also indicate that the relevant inquiry for determining class membership should be a person's most recent arrest. Therefore, Petitioner argues, it is her most recent arrest that controls and Petitioner should be found to be a class member.

c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or § 1231.

5. The Court should expeditiously grant this petition.

6. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a). Nevertheless, Respondents continue to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful detention despite her clear entitlement to consideration for release on bond as a Bond Eligible Class member.

7. Immigration judges have informed class members in bond hearings that they have been instructed by "leadership" that the declaratory judgment in *Maldonado Bautista* is not controlling, even with respect to class members, and that instead IJs remain bound to follow the agency's prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec.

216 (BIA 2025).

8. Because Respondents are detaining Petitioner in violation of the declaratory judgment issued in *Maldonado Bautista,* the Court should accordingly order that within one day, Respondent DHS must release Petitioner.

9. Alternatively, the Court should order Petitioner's release unless Respondents provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

In the alternative, if this Court does not designate Petitioner to be a class member, the same legal analysis dictates that Petitioner is detained under § 1226(a) and must be granted a bond hearing. Petitioner entered the United States without inspection in or around 6/8/21 and was briefly apprehended near the border. Importantly, she was not placed into expedited removal proceedings, was not ordered removed, and was released into the United States. After her release, Petitioner lived in the interior of the country without incident. She was later re-arrested by immigration authorities in 1/28/2026, after her initial entry and release. Under the Immigration and Nationality Act, detention authority turns not merely on manner of entry, but on the circumstances of the current arrest and custody. Section 1225(b) applies to noncitizens who are apprehended at or near the border and are in the process of seeking admission. Once a noncitizen is released into the United States and later re-arrested in the interior, that individual is no longer "seeking admission" within the meaning of § 1225(b). Instead, the statutory scheme treats such individuals as subject to discretionary detention under § 1226(a), which expressly provides for the possibility of release on bond following an individualized hearing.

Courts have repeatedly rejected the government's attempt to bootstrap a brief border

apprehension into permanent mandatory detention authority. The relevant inquiry is the basis for the present detention, not the historical fact of an earlier encounter. Where, as here, DHS chose to release Petitioner after her initial apprehension and then later re-detained her well inside the United States, § 1226(a) governs as a matter of statutory interpretation and due process. Recent district court decisions confirm that habeas relief remains available on this legal theory even where class membership is disputed. In *Del Valle Castillo v. Wamsley*, a case involving a regional class of detained individuals in Washington state, the court expressly held that "[t]he fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds." Order at *4, Del Valle Castillo v. Wamsley, No. 2:25-cv-02054-TMC (W.D. Wash. Nov. 26, 2025). The court recognized that the statutory analysis governing detention under § 1226(a) applies independently of class certification and may be enforced through individual habeas petitions.

Accordingly, even if this Court were to find that Petitioner does not qualify as a class member, the same legal analysis compels the conclusion that her current detention is authorized, if at all, only under § 1226(a). Because § 1226(a) requires an individualized custody determination and permits release on bond, Petitioner is entitled to a prompt bond hearing before an immigration judge. Continued detention without such a hearing is unlawful and warrants habeas relief.

Jurisdiction and Venue

Petitioner is in the physical custody of Respondents. Petitioner is detained at the Aurora Geo Detention Facility. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2

of the United States Constitution (the Suspension Clause). This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, as Petitioner is in custody under the authority of the United States, and the detention is in violation of the Constitution, laws, or treaties of the United States. Venue is proper in the District of Colorado as Petitioner is detained within this district.

Factual Background

Petitioner is a native and citizen of Nicaragua, [redacted] Petitioner has no final criminal convictions under the immigration definition of a conviction. Under INA § 101(a)(48)(A), 8 U.S.C. § 1101(a)(48)(A), a 'conviction' exists only where there has been a formal judgment of guilt entered by a court or, if adjudication has been withheld, where the noncitizen has entered a plea of guilty or nolo contendere (or admitted sufficient facts) and the court has imposed some form of punishment, penalty, or restraint on liberty. Pending criminal charges do not constitute convictions because no final judgment of guilt has been entered. See INA § 101(a)(48)(A), 8 U.S.C. § 1101(a)(48)(A); see also *Matter of Ozkok*, 19 I&N Dec. 546 (BIA 1988) (superseded in part on other grounds by statute) (requiring finality of judgment under prior law). Petitioner's currently pending charges stem from a domestic incident and are not final. Petitioner is currently seeking dismissal of these charges in [redacted] Petitioner entered the United States without inspection in or around 6/8/21. Her entry was brief and occurred near the southern border, where she was apprehended by immigration authorities shortly

after crossing. Petitioner was not ordered removed at that time. She was not placed into expedited removal proceedings, was not issued a final order of removal, and was not continuously detained. Instead, following her brief apprehension, Petitioner was released into the United States. After her release in 2021, Petitioner remained in the United States without further immigration enforcement action. During this period, Petitioner did not reenter the country, did not depart and return, and did not have any subsequent encounters with immigration authorities. This was Petitioner's only entry into the United States. She has no final criminal convictions, and only pending criminal charges. On or about 1/28/26, after her initial entry and release, Petitioner was taken into custody by DHS and placed into immigration detention. She has remained detained since that date. DHS issued charging documents initiating removal proceedings under section 240 of the Immigration and Nationality Act. Petitioner was charged as removable based on her entry without inspection. Upon detention, DHS determined that Petitioner would remain in custody and did not set bond. Immigration authorities have taken the position that Petitioner is not eligible for bond consideration before an immigration judge and that he must remain detained pending the resolution of his removal proceedings. Other than an I-589 Application, Petitioner has no prior applications filed with U.S. Citizenship and Immigration Services or the Executive Office for Immigration Review. She does not have a final conviction in her criminal record and has not been accused of posing a danger to the community or a flight risk. As of the filing of this petition, Petitioner remains detained without having received a bond hearing or an individualized custody determination by an immigration judge.

PARTIES

1. Petitioner is a citizen of Nicaragua who has been in immigration detention since on or about 1/28/26. After Petitioner was arrested, ICE did not set bond. Petitioner has resided in the United States since 2021.

2. Respondent ROBERT GUADIAN is the Director of the Denver Field Office of ICE's Enforcement and Removal Operations division. As such, he is Petitioner's immediate custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

3. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the implementation and enforcement of the Immigration and Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms. Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

4. Respondent Department of Homeland Security (DHS) is the federal agency responsible for implementing and enforcing the INA, including the detention and removal of noncitizens.

5. Respondent Pamela Bondi is the Attorney General of the United States. She is responsible for the Department of Justice, of which the Executive Office for Immigration Review and the immigration court system it operates is a component agency. She is sued in her official capacity.

6. Respondent JUAN BALTASAR is employed by GEO Group Aurora Inc as Warden of the Geo Aurora Ice Detention Facility, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

CLAIM FOR RELIEF
Violation of the INA:
Request for Relief Pursuant to *Maldonado Bautista*

1. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

2. As a member of the Bond Eligible Class, Petitioner is entitled to consideration for release on bond under 8 U.S.C. § 1226(a).

3. The order granting partial summary judgment in *Maldonado Bautista* holds that Respondents violate the INA in applying the mandatory detention statute at § 1225(b)(2) to class members.

4. The order granting class certification in *Maldonado Bautista* further orders that "[w]hen considering this determination with the MSJ Order, the Court extends the same declaratory relief granted to Petitioners to the Bond Eligible Class as a whole."

5. Respondents are parties to *Maldonado Bautista* and bound by the Court's declaratory judgment, which has the full "force and effect of a final judgment." 28 U.S.C. § 2201(a).

6. By denying Petitioner a bond hearing under § 1226(a) and asserting that he is subject to mandatory detention under § 1225(b)(2), Respondents violate Petitioner's statutory rights under the INA and the Court's judgment in *Maldonado Bautista*.

7. In the alternative, even if this Court were to conclude that Petitioner is not a class member, the same legal analysis establishes that her detention is governed by 8 U.S.C. § 1226(a) and that she is entitled to a bond hearing. Petitioner entered the United States without inspection in or around 6/8/2021 and was briefly apprehended near the border. She was not placed in expedited removal proceedings, was not ordered removed, and was released into the United States. Petitioner thereafter lived in the interior of the country without incident until she was re-arrested by immigration authorities in 2026, after her initial entry and release. Under the INA, detention authority turns on the circumstances of the current arrest, not solely on manner of entry. Section 1225(b) applies to noncitizens apprehended at or near the border who are seeking admission, but once a noncitizen is released into the United States and later re-detained in the interior, § 1226(a) governs and permits release on bond following an individualized hearing. Courts have consistently rejected the government's attempt to rely on a brief, years-old border apprehension to justify mandatory detention. The relevant inquiry is the legal basis for the present detention, not a past encounter that ended in release. Where DHS chose to release Petitioner after her initial apprehension

and later re-detained her in the interior, detention authority arises, if at all, under § 1226(a). District courts have further confirmed that habeas relief remains available on this theory even where class membership is disputed. In *Del Valle Castillo v. Wamsley*, the court held that "the fact that Petitioners are not Bond Denial Class members does not prevent them from seeking habeas relief on similar legal grounds." No. 2:25-cv-02054-TMC, Dkt. 28 at *4 (W.D. Wash. Nov. 26, 2025). Accordingly, even absent class membership, Petitioner is entitled to a prompt bond hearing, and continued detention without one is unlawful.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Issue a writ of habeas corpus requiring that within one day, Respondents release Petitioner;

c. Alternatively, issue a writ of habeas corpus requiring Respondents to release Petitioner unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;

d. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

e. Grant any other and further relief that this Court deems just and proper.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court order her immediate release from detention or in the alternative order a bond hearing to be held within seven days.

Dated: March 3, 2026

Respectfully submitted,
/s/ Inga Bergel
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CERTIFICATE OF SERVICE

I certify that on March 3, 2026, I filed the foregoing with the Clerk of the Court for the District of Colorado using the CM/ECF system. All Participants in the case are registered with the CM/ECF and will be served by the CM/ECF system.

Respectfully submitted,

/s/ Inga Bergel
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