UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JOSE ANTONIO VEGA PALACIO,

Petitioner,

v.

JUAN BALTAZAR, *in his official capacity* as Warden of the Aurora ICE Processing Center,

ROBERT HAGAN, *in his official capacity as* Field Office Director of Aurora Field Office, Immigration and Customs Enforcement;

Kristi NOEM *in her official capacity as*, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;

Pamela BONDI, *in her official capacity as* U.S. Attorney General;

Respondents.

Case No.

PETITION FOR WRIT OF HABEAS CORPUS

[redacted]

INTRODUCTION

1. Petitioner Jose Antonio Vega Palacio ("Petitioner") brings this petition for a writ of habeas corpus to seek enforcement of rights as 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 . He 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*.

2. Petitioner is a citizen of Mexico who entered without inspection on or about 2002. *See Exhibit 1*, Respondent's Motion for Expedited Custody Redetermination Hearing filed January 16, 2026 at p. 2. Based on information and belief, the Department of Homeland Security took Petitioner into custody on or about December 9, 2025. *See id* at p. 2.

3. Petitioner is currently detained at the GEO Contract Detention Facility in Aurora, Colorado. *See Exhibit 2*, January 21, 2026 Order of the Immigration Judge at Aurora Immigration Court.

4. Petitioner applied for relief through a 42B Application for Cancellation of Removal and Adjustment of Status for Certain Nonpermanent Residents pursuant to 8 U.S.C. §1229b(b) on February 19, 2026. Please note that Undersigned Counsel does not have access to the ECAS filings at this time, including the Notice to Appear. Petitioner, particularly if he is released while the merits case is pending, will be able to prove that he has maintained continuous physical presence for the ten years preceding the service of the notice to appear, has not been convicted of a disqualifying offense, and his removal would result in exceptional and extremely unusual hardship on his three U.S. citizen children pursuant to 8 U.S.C. §1229b(b)(1)(A)-(D).

Petitioner is not a danger to the community and his lengthy ties to the community show that he is not a flight risk.

5. Petitioner seeks immediate release based on the risk of retaliation for filing a habeas petition. Several recent cases have shown the possibility that a flight risk determination will be used to issue a bond at a prohibitively high amount, such as $50,000.

6. Petitioner has a misdemeanor conviction for driving while ability impaired over a decade ago. Petitioner appeared for court hearings and successfully completed probation, supporting his request for bond in this case. *See Exhibit 3*.

7. The legal issues presented here have been recently litigated throughout the country following the government's recent reinterpretation of 8 U.S.C. §1225, 1226 of Immigration and Nationality Act (INA). *Compare Espinoza Ruiz v. Baltazar*, No. 1:25-cv-03642-CNS, 2025 WL 3294762 (D. Colo. Nov, 26, 2025); *Arauz v. Baltazar*, No. 1:25-cv-03260-CNS, 2025 WL 3041840 (D. Colo. Oct. 31, 2025); *Nava Hernandez v. Baltazar, et al.,* No. 1:25-VC-03094-CNS, 2025 WL 2996643 (D. Colo. Oct, 24, 2025); *Hernandez Vazquez v. Baltasar, et al.,* No. 1-25-cv-3049-GPG, ECF No. 22 (D. Colo. Oct. 24, 2025); *Loa Caballero v. Baltazar, et al.,* No. 1:25-cv-3120-NYW, 2025 WL 2977650 (D. Colo. Oct. 22, 2025); *Moya Pineda v. Baltasar, et al.,* No. 1:25-cv-2955-GPG, ECF No. 21 (D. Colo. Oct. 20, 2025); *Mendoza Gutierrez v. Baltasar, et al.,* No. 1:25-cv-2720-RMR, 2025 WL 2962908 (D. Colo. Oct. 17, 2025); *Garcia Cortes v. Noem,* No. 1:25-cv-02677-CNS, 2025 WL 2652880 (D. Colo. Sept. 16, 2025); *Carrillo Fernandez*, 2025 WL 3485800.

8. The recent case law is clear that "the plain text and structure of § 1225 and § 1226 support a determination that § 1225(b)(2)(A)'s provision for mandatory detention does not apply

to someone like [Petitioner], who has been residing in the United States for more than two years. *See Nava Hernandez,* 2025 WL 2996643 at *4.

9. On November 20, 2025, and February 18, 2026 ruled in support of Petitioner's release. 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).

10. 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.

11. 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.

12. Petitioner is a member of the Bond Eligible Class, as he:

a. does not have lawful status in the United States and is currently detained at the GEO Aurora Processing Center. Petitioner was apprehended by immigration authorities on December 9, 2025;

b. entered the United States without inspection over twenty years ago and was not apprehended upon arrival, *cf. id.*; and

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

13. After apprehending Petitioner on December 9, 2025, the DHS placed him in removal proceedings pursuant to 8 U.S.C. § 1229a. DHS has charged Petitioner as being inadmissible as someone who entered the United States without inspection.

14. The Court should expeditiously grant this petition and order his immediate release based on the repeated nature of the government's recent detention determinations and the risk of a high bond -in the form of a flight risk determination - in retaliation for petitioning for habeas relief

15. 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 Petitioner's clear entitlement to consideration for release on bond as a Bond Eligible Class member.

16. On January 21, 2026, Petitioner's bond request was withdrawn based on personal observations indicating that the Immigration Judge Corrin would deny the bond redetermination request based on a finding that she lacked jurisdiction, leaving Petitioner is the inferior position of having lost his single attempt to a hearing regarding bond conditions. Exhaustion of administrative remedies is unnecessary as it would be futile. *See Aguilar v. Lewis*, 50 F. Supp. 2d 539, 542-43 (E.D. Va. 1999). The futility involves numerous recent orders from Immigration Judges denying jurisdiction to class members and later using an unsupported flight risk determination as a pretext to order a prohibitively high bond amount.

17. 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).

18. 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.

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

CUSTODY JURISDICTION

20. Petitioner is in the physical custody of Respondents. Petitioner is detained at the GEO Aurora Processing Center in Colorado.

21. 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).

22. 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.

23. Forthwith relief is appropriate as the legal issues have been resolved for class members in *Maldonado Bautista* and Petitioner is in custody pursuant to § 2241, as discussed below.

VENUE

24. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973), venue lies in the United States District Court for the District of Colorado, the judicial district in which Petitioner currently is detained.

25. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Colorado.

REQUIREMENTS OF 28 U.S.C. § 2243

26. The Court should grant the petition for writ of habeas corpus "forthwith," as the legal issues have already been resolved for class members in *Maldonado Bautista.*

27. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application." *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

28. Petitioner Jose Antonio Vega Palacio is a citizen of Mexico who has been in immigration detention since December 9, 2025. After Petitioner was arrested in Colorado, ICE did not set bond, and Petitioner requested review of his custody by an IJ. On January 21, 2026, Petitioner was constructively denied bond by an IJ based on earlier cases indicating the IJ's determination of no jurisdiction due to mandatory detention – although Petitioner withdrew his request - at the Aurora Immigration Court because he would have been deemed an "applicant for admission." Petitioner has resided in the United States since 2004.

29. Respondent Juan Baltazar is sued in his official capacity as Warden of the GEO Aurora Processing Center in Aurora, Colorado. Respondent Juan Baltazar is employed by GEO

Aurora Processing Center as Warden of the GEO Aurora Processing Center, where Petitioner is detained. He has immediate physical custody of Petitioner.

30. Respondent Robert Hagan is sued in his official capacity as Field Office Director, Denver Field Office. As such, Respondent Robert Hagan is Petitioner's immediate legal custodian and is responsible for Petitioner's detention and removal. He is named in his official capacity.

31. 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.

32. 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.

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

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

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

35. 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.

36. 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."

37. 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).

38. 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*.

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.

DATED this 6th day of March 2026.

/s/ Eric Martinson
Attorney for Petitioner