IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: **26-CV-942**

Agency File No.: [redacted]

CASTILLO LEDEZMA, Teodulo

Petitioner,

v.

BALTAZAR, Juan,
In his official capacity as Warden,
GEO Group, U.S. Immigration and Customs Enforcement Contract Detention Facility;
HAGAN, Robert,
In his official capacity as Field Office Director,
U.S. Immigration and Customs Enforcement;
LYONS, Todd M.,
In his official capacity as Acting Director,
U.S. Immigration and Customs Enforcement;
NOEM, Kristi,
In her official capacity as, Secretary of the Department of Homeland Security
U.S. Department of Homeland Security;
BONDI, Pamela Jo,
In her official capacity as Attorney General of the United States.

Defendants.

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

I. INTRODUCTION

Petitioner, Teodulo Castillo Ledezma (hereinafter "Mr. Castillo"), seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to end his unlawful civil detention at the GEO Group ICE Detention Facility in Aurora, Colorado. An Immigration Judge has already ordered his release on bond pursuant to 8 U.S.C. § 1226(a), yet he remains incarcerated solely because the Department of Homeland Security (hereinafter "DHS"), has reserved appeal. His continued confinement, despite a judicial finding that he is neither a danger nor an unmanageable flight risk, exceeds the lawful bounds of civil immigration detention.

On February 25, 2026, following a custody redetermination hearing, the Aurora Immigration Court granted Mr. Castillo bond in the amount of $10,000, with authorization for reasonable supervisory conditions. Applying the governing framework, the Immigration Judge expressly found that he does not pose a danger to the community and that any flight-risk concerns are mitigated by his substantial equities. Those equities include long-term residence in the state of Colorado, homeownership, a U.S. citizen spouse and four U.S. citizen children, steady employment, an approved I-130 petition, and no criminal convictions.

Furthermore, at said custody redetermination hearing DHS did not object or even put forth an argument against Mr. Castillo's release. Following the hearing, however, the DHS counsel served Mr. Castillo with Notice of ICE Intent to Appeal Custody Redetermination, thereby automatically staying the Immigration Judge's custody redetermination decision pursuant to 8 C.F.R. § 1003.19(i)(2). Mr. Castillo continues being detained, despite the Immigration Judge's determination that he should be released on bond. The writ should issue and Mr. Castillo should be released immediately under the existing bond order.

In support of this petition and complaint for injunctive relief, Petitioner alleges the following:

II. CUSTODY

1. Mr. Castillo was stopped by the Laramie County (Wyoming) Sheriff's Department for a traffic violation on or about January 26, 2026. Upon determining Mr. Castillo may be unlawfully present in the United States, the Sheriff's Department contacted Immigration and Customs Enforcement (hereinafter "ICE"), which took Mr. Castillo into its custody on or about January 27, 2026.

2. Mr. Castillo is currently detained at the Immigrant Detention Center in Aurora, Colorado, operated by GEO Group, Inc. (hereinafter "GEO Detention Facility") in the immediate custody of the facility warden and Respondent, Juan Baltazar. ICE has contracted with GEO Group, Inc. to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents.

3. Mr. Castillo is in the physical custody of ICE. Mr. Castillo has been in immigration detention since January 27, 2026.

4. At this time, Mr. Castillo's release is not imminent. There are no deadlines, benchmarks, or plans for his release.

III. PARTIES

5. Mr. Castillo is a native a citizen of Mexico. He is currently in custody at the GEO Detention Facility, which is operated by GEO Group, Inc., under contract with DHS. He is detained under the supervision of Warden Juan Baltazar. He continues to be in immigration detention subsequent to the Immigration Judge's decision allowing release.

6. Respondent **Juan Baltazar** is the warden of the GEO Detention Facility, operated by GEO Group, Inc., under contract with DHS. He is named in his official capacity. He has immediate custody of Mr. Castillo.

7. Respondent **Robert Hagan** is the Field Office Director for the Denver Field Office for Immigration and Customs Enforcement, an agency within the U.S. Department of Homeland Security, Executive Branch of the United States Government. He is named in his official capacity. The Field Office Director has custody of Mr. Castillo and has the authority to release him.

8. Respondent **Todd M. Lyons** is the Acting Director of ICE. ICE is the agency within DHS that is responsible for apprehension, detention, and removal of noncitizens from the United States. Todd M. Lyons is the legal custodian of Mr. Castillo. He is named in his official capacity.

9. Respondent **Kristi Noem,** is the Secretary of the Department of Homeland Security, as the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, the Acting Secretary is Mr. Castillo's ultimate legal custodian.

10. Respondent **Pamela Jo Bondi** is the Attorney General of the United States and the most senior official of the DOJ. She has the authority to interpret immigration laws and adjudicate removal cases. By regulation, Attorney General delegates this responsibility to the immigration courts and the BIA, which are administered by EOIR. She is named in her official capacity.

III. JURISDICTION AND VENUE

11. This action arises under the Constitution of the United States, and the Immigration and Nationality Act, 8 U.S.C. §1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (hereinafter "IIRIRA"), Pub. L. No. 104-208, 110 Stat. 1570, and the Administrative Procedures Act (hereinafter "APA"), 5 U.S.C. §701 et. seq.

12. This Court has jurisdiction under Art. 1 Sec. 9, Cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States government, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §2241, 5 U.S.C. §702, and the All Writs Act, 28 U.S.C. §1651.

13. Venue is proper in the District of Colorado pursuant to 28 U.S.C. §§ 1391(e) and 1402, and *Braden v. 20th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973) because Mr. Castillo is detained in the District and the United States Government is a Respondent.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Exhaustion of administrative remedies is not a jurisdiction prerequisite under 8 U.S.C. § 2241.

15. Colorado federal courts have found exhaustion futile where the Board of Immigration Appeals (hereinafter "BIA") has already predetermined the constitutional issues.

16. In *L.G. v. Choate*, this Court held that requiring exhaustion would be futile because "the BIA's prior decisions concerning detention under § 1226(a) require the noncitizen to carry the burden that he is not a flight risk and not a danger to the community." *L.G. v. Choate*, 744 F.Supp.3d 1172 (D. Colo. 2024).

17. Similarly, in *Martinez v. Ceja*, the Court found exhaustion unnecessary because "immigration officials have previously ruled that they lack authority to hear constitutional challenges to statutes." *Martinez v. Ceja*, 760 F.Supp.3d 1188 (D. Colo. 2024).

18. Moreover, the Tenth Circuit has also established that "[c]ourts have carved out an exception to the exhaustion requirement for constitutional challenges to the immigration laws, because the BIA has no jurisdiction to review such claims." *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004).

19. Mr. Castillo's case fits squarely within these exceptions because he is challenging the constitutional validity of the automatic stay regulation itself, not seeking review of the immigration judge's individual bond determination.

20. As this Court explained in *Baquera v. Longshore*, exhaustion is futile when "the BIA had previously ruled that aliens in [petitioner's] circumstances are subject to mandatory detention" and administrative appeal would serve no purpose. *Baquera v. Longshore*, 948 F.Supp.2d 1258 (10th Cir. 2013).

21. Since the automatic stay regulation allows DHS to unilaterally override the immigration judge's bond order regardless of the merits, pursuing administrative appeal would be futile and cannot address the constitutional due process violation Mr. Castillo is asserting.

V. FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

22. Mr. Castillo is a citizen and national of Mexico. He has resided continuously in the United States since approximately 2009 and has established deep ties to his community and family during that time.

23. Mr. Castillo is married to a United States citizen, and he and his wife are the parents of four United States citizen children under the age of 21. Mr. Castillo and his wife own their home at [redacted] where he will reside upon release.

24. Mr. Castillo has an established employment history in the construction industry and supported his family through that work prior to his detention.

25. Mr. Castillo has no criminal convictions and no record of arrests for crimes; his known contacts with the criminal justice system are limited to traffic matters, including a 2011 municipal citation for driving without a license resolved by payment of fines, and a 2012 Aurora Municipal Court charge for open container on which he was found not guilty at trial. Mr. Castillo subsequently obtained a valid Colorado driver's license.

26. On February 18, 2026, the United States District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz* granting petitioners' motion to enforce judgment and vacating the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), confirming that class members such as Mr. Castillo are detained under 8 U.S.C. § 1226(a) and eligible for bond consideration. *Bautista v. Santacruz*, 2026 WL 468284, at *12 (C.D. Cal. 2026).

27. On or about January 27, 2026, Mr. Castillo was stopped by Larimer County, Colorado law enforcement officers during what appeared to be a pretextual traffic stop. He was not cited, charged, or arrested for any criminal offense. Nevertheless, Larimer County officers transferred him into the custody of ICE. This transfer occurred despite Colorado law restricting state and local law enforcement from detaining or holding individuals solely for civil immigration enforcement purposes.

28. ICE took Mr. Castillo into custody that same day and a Notice to Appear (Form I-862) pursuant to 8 CFR § 235.6(a) was issued, scheduling his first hearing for February 13, 2026, at the Aurora Immigration Court. He has remained detained at the GEO Detention Facility in Aurora, Colorado since his arrest.

29. On February 25, 2026, following a custody redetermination hearing, the Immigration Judge found that Mr. Castillo does not pose a danger to people or property and that any flight risk concerns are mitigated by his intention to pursue cancellation of removal and his family ties, and ordered Mr. Castillo released under bond in the amount of $10,000 with any other DHS appropriate conditions.

30. In reaching that determination, the Immigration Judge considered Mr. Castillo's lack of criminality (i.e., danger to the community), his family and employment ties (i.e., risk of flight), his most recent entry in 2009 without inspection, his history of repeated immigration attempts prior to 2009, and the 2018 approval of an I-130 Petition filed by his United States citizen wife notwithstanding no subsequent status pursued.

31. Mr. Castillo identified U.S. citizen sponsors who have agreed in writing to provide financial support and ensure his appearance at all hearings upon release.

32. Mr. Castillo provided numerous letters of support from school personnel, friends, and community members attesting to his strong moral character, consistent presence for his children, regular participation in school and church activities, and deep ties to the Denver/Aurora community.

33. Mr. Castillo also presented that he had relief from removal (i.e., deportation) available in the form of cancellation of removal, pursuant to 8 U.S.C. § 1229b(b)(1), based on his continuous physical presence, lack of disqualifying offenses, good moral character and qualifying United States citizen relatives.

34. At the hearing DHS counsel presented no countervailing argument or assertion that Mr. Castillo posed a danger to the community or that there was a risk of flight. DHS counsel made no argument whatsoever.

35. Mr. Castillo's family attempted to post the bond ordered by the Immigration Court. However, ICE refused to accept the payment after DHS immediately filed an automatic stay of the release order, thereby preventing Mr. Castillo's release despite the court's determination that bond was appropriate.

36. On or about February 26, 2026, DHS counsel served Mr. Castillo with Notice of ICE Intent to Appeal Custody Redetermination (Form EOIR-43), automatically staying the Immigration Judge's custody redetermination decision pursuant to 8 C.F.R. § 1003.19(i)(2), circumventing the Immigration Judge's custody determination and prolonging his detention.

37. Mr. Castillo's continued detention, despite an Immigration Judge's determination that he should be released on bond, is inflicting significant and escalating harm to his mental and physical health. Prior to his detention, Mr. Castillo had already been diagnosed with

anxiety and prescribed escitalopram (Lexapro), a selective serotonin reuptake inhibitor commonly used to treat generalized anxiety disorder and major depressive disorder.

38. Mr. Castillo's condition had been medically managed while he lived and worked with his family in the community. However, the stress, uncertainty, and confinement of prolonged detention have dramatically exacerbated his symptoms.

39. Since being detained, Mr. Castillo has experienced severe anxiety, panic, and intrusive thoughts related to his continued incarceration. At night, when detainees are locked into their housing units, he experiences intense fear and physiological symptoms consistent with panic attacks, including racing heart and overwhelming dread. These incidents have only intensified after learning that he would not be released even after the Immigration Judge granted bond.

40. Mr. Castillo has attempted to endure these worsening symptoms but without receiving meaningful mental-health care within the GEO detention facility, his condition is deteriorating.

41. As of the filing of this motion, Mr. Castillo remains in ICE custody, at the GEO detention facility in the City of Aurora, Colorado.

VI. CLAIMS FOR RELIEF

COUNT I
Violation of Fifth Amendment Right to Due Process

42. Mr. Castillo realleges and incorporates by reference all paragraphs as if fully set forth here.

43. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. AMEND. V.

44. "It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003).

45. Mr. Castillo's private interest in freedom from detention is profound. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); see also *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); ("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.").

46. Mr. Castillo's continued detention by Respondents is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*, 533 U.S. at 690; 8 U.S.C.

§1231(a)(6). Mr. Castillo has yet to be removed and Petitioner continues to languish in detention.

47. Mr. Castillo's removal to Mexico or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* that ICE's continued detention of someone like Mr. Castillo under such circumstances is unlawful.

48. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

49. Federal courts apply the three-factor test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), to evaluate due process claims in immigration detention cases. *See L.G. v. Choate*, 744 F. Supp. 3d 1172, 1181 (D. Colo. 2024).

    a. The first *Mathews* factor examines the private liberty interest at stake. As the Colorado District Court recognized in *Merchan-Pacheo v. Noem*, the petitioner's "interest in physical freedom 'is the most elemental of liberty interests'" and detention in an immigration facility "far from his family" represents a "significant private liberty interest." *Merchan-Pacheo*, 2026 WL 88526, at *14 (D.Colo. 2026).

    b. The second factor assesses the risk of erroneous deprivation of liberty. This factor strongly favors detainees subject to automatic stays because, as the Colorado court explained, "the only individuals subject to the automatic stay are those who, by definition, prevailed at their bond hearing." *Id.* at *15. The automatic stay regulation under 8 C.F.R. § 1003.19(i)(2) "does not require DHS to consider or demonstrate any individualized facts or show a likelihood of success on the merits." *Id.* Instead, the regulation allows the government to "unilaterally override the decision of the Immigration Judge and keep the noncitizen detained pending appeal" despite a neutral adjudicator's determination that detention was unwarranted. *Id.*

    c. The third factor weighs the government's administrative interest in the challenged procedures. Courts have found this factor weak because the government's interest "is not a strong one where the 'status quo' that ICE seeks to protect [via the stay] is the detention of an individual who an Immigration Judge has determined does not pose a public safety threat or a risk of flight sufficient to warrant continued confinement." *Id.* at *16. Alternative procedures already exist through discretionary emergency stays under 8 C.F.R. § 1003.19(i)(1), which would preserve legitimate government interests while providing procedural safeguards. *Id.* at *15.

50. Under the *Mathews v. Eldridge* framework, the balance of interests strongly favors Mr. Castillo's release.

51. The Due Process Clause requires that detention be limited to its statutory purpose of preventing flight of the alien or a danger to the community; it is accompanied by strong procedural protections to ensure that detention is serving only these goals. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); 8 U.S.C. §1231(a)(6).

52. An impartial judge has ruled in Mr. Castillo's favor, finding that he does not pose a public safety threat or a risk of flight sufficient to warrant continued confinement.

53. Mr. Castillo would no longer be detained except for the automatic stay which was immediately filed by ICE.

54. The automatic stay provision in 8 C.F.R. § 1003.19(i)(2) allows DHS to unilaterally stay the Immigration Judge's bond orders by filing a notice of intent to appeal in cases where DHS has determined that an alien should not be released or has set a bond of $10,000 or more, provided DHS files the notice within one business day of the order. 8 C.F.R. § 1003.19.

55. "Courts nationwide have referenced the 'near unanimity' of 'at least 50 district court decisions across the United States in the last 6 months alone" which have found "that DHS's application of the automatic stay pursuant to 8 C.F.R. § 1003.19(i)(2) violates a non-citizen's due process under the Fifth Amendment.'" *Merchan-Pacheo*, 2026 WL 88526, at *9 (citing, *M.P.L. v. Arteta*, No. 25-cv-5307-VSB, 2025 WL 3288354, at *7 (S.D.N.Y. Nov. 25, 2025) (collecting cases)).

56. Mr. Castillo's case is substantially similar to the matter of *Merchan-Pacheo*, 2026 WL 88526 (D.Colo. 2026). That case involved an immigrant with no criminal history, where Florida Highway Patrol, allegedly without cause; the state trooper questioned Merchan-Pacheo's immigration status and contacted federal authorities, an Immigration Judge ruled that Petitioner merited release on bond, ordered bond set at $25,000 and DHS moved to prevent Petitioner's release, filing a notice of intent to appeal the bond decision to the Board of Immigration Appeals ("BIA") under 8 C.F.R. § 1003.19(i)(2)., 2026 WL 88526, at *1 & 2.

57. After careful analysis and argument by the Parties, U.S. Magistrate Judge Prose concluded that "all three *Mathews* factors favor Petitioner's position, and the court finds that the automatic stay regulation, 8 C.F.R § 1003.19(i)(2), violates Petitioner's procedural due process rights under the Fifth Amendment. Accordingly, Petitioner is entitled to release upon posting bond." *Merchan-Pacheo*, 2026 WL 88526, at *16.

58. It should lastly be noted that at least one District Court has recently found that "the automatic stay regulation at § 1003.19(i)(2) violates procedural due process both facially and as applied, and substantive due process as applied." *Herrera v. Knight*, 798 F.Supp.3d 1184, 1203 (D. Nev. 2025).

COUNT II
Violation of Administrative Procedures Act

59. Mr. Castillo realleges and incorporates by reference all paragraphs as if fully set forth here.

60. Under the Administrative Procedure Act ("APA"), federal courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

61. In this case, Respondents invoked the automatic stay provision in 8 C.F.R. § 1003.19(i)(2) after the Immigration Judge ordered Mr. Castillo released on bond. However, DHS did not challenge the Immigration Judge's jurisdiction to conduct the bond hearing and did not meaningfully or otherwise oppose the grant of bond during the custody proceedings.

62. DHS having failed to object to bond or to present substantive arguments against release before the Immigration Court, Respondents nevertheless invoked the automatic stay to prevent Mr. Castillo's release after the Immigration Judge issued a bond order. As a result, Mr. Castillo remains detained despite the Immigration Court's determination that he is eligible for release under appropriate bond conditions.

63. The agency's invocation of the automatic stay under these circumstances lacks a reasoned basis and is inconsistent with the regulatory purpose of the provision. By using the autostay mechanism to prolong detention after declining to contest bond in the underlying proceedings, Respondents have taken agency action that is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law in violation of the APA. See, 5 U.S.C. § 706(2)(A).

VII. REQUEST FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

1. Assume jurisdiction over this matter;

2. Order that Petitioner not be transferred outside of this District;

3. Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three (3) days;

4. Declare that Petitioner's detention is unlawful;

5. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody,

6. Alternatively Order that Respondents effectuate Petitioner's immediate release from custody upon the payment of his bond;

7. Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

8. Grant him any further relief this Court deems just and proper.

Respectfully submitted this 8th day of March 2026.
HERNANDEZ & ASSOCIATES, P.C.

/s/Arnulfo D. Hernández
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, Teodulo Castillo Ledezma, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

/s/Arnulfo D. Hernández
Arnulfo D. Hernández, Esq.,

Dated this 8th day of March, 2026.

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2026, I served a copy of the foregoing **PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** by certified mail, return receipt requested, on the following persons:

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See https://www.dhs.gov/office-general-counsel (last visited March 4, 2026).

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Dated: March 8, 2026.

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