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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Edison Bladimir Hidalgo Anazco Petitioner, v. **Juan Baltazar,** Warden, GEO Group, Inc. **Robert Guadian,** Director of Denver Field Office, U.S. Immigration and Customs Enforcement; **Todd Lyons,** Acting Director Immigration and Customs Enforcement; **Markwayne Mullin**, Acting Secretary of the U.S. Department of Homeland Security; and **Pamela Bondi,** Attorney General of the United States, in their official capacities, Respondents.	Case No. _____ **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** **DHS No.: 221-001-682**

INTRODUCTION

1. Petitioner, Edison Bladimir Hidalgo Anazco, a 38 year old native of Ecuador, who came to the United States to seek asylum in May 2024, and a father and caretaker of four minor children, was re-detained by Immigration and Customs Enforcement (ICE) despite no

change in his alternative to detention compliance or case status before the immigration court, petitions this Court pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 2241, 5 U.S.C. § 551 *et seq.,* 28 U.S.C. §§ 2201 *et seq.,* and the All Writs Act, 28 U.S.C. § 1651 to issue a writ of habeas corpus to review the lawfulness of his detention by Immigration and Custom Enforcement ("ICE"), which is a division of the Department of Homeland Security of the U.S. government.

2. ICE detained this Petitioner since November 18, 2025.

3. Petitioner was placed on an ankle monitor as part of an alternatives to detention (ATD) program when he entered the country in May 2024 and had complied with all requirements. Due to his compliance, his ankle monitor was removed, and he was given telephonic and in person check in dates. He complied with these requirements as well, though there were sometimes issues with the "selfie" requirements because of overnight work schedules and technological problems. Due to these issues, his ankle monitor was reestablished, and he complied with ICE requirements. Despite his compliance, he was taken into physical custody in November 2025 at a routine check in and send to the Aurora GEO ICE Detention Center. Petitioner argues that his time on an ankle monitor and ATD program also is also time in custody for purposes of a habeas. *See* Immigration Judge Decision, Exhibits, pages 113-117.

4. Other noncitizens have faced the same accusations of noncompliance by ICE due to technological issues and have been re-detained arbitrarily. Reports from practitioners demonstrate that detentions of noncitizens on ATD have increased significantly despite compliance. Further, documents show that technological issues resulting in alleged noncompliance are common and that they are outside of the control of noncitizens.

5. Despite the Petitioner's compliance with his alternatives to detention conditions previously, ICE continues to detain Petitioner, who is otherwise eligible for release.

6. Accordingly, to vindicate Petitioner's constitutional and statutory rights, this Court should grant the instant petition for a writ of habeas corpus. Absent an order from this Court, Petitioner will suffer continued unlawful and prolonged detention and separation from his wife and four minor children.

7. Petitioner respectfully requests that the Court order his immediate release.

8. In support of this petition, Petitioner states the following:

JURISDICTION

9. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq*.

1. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). The federal district courts have jurisdiction to review petitions for habeas corpus challenging an alien's indefinite confinement and conditions of detention. *See Clark v. Martinez*, 543 U.S. 371, 385-86 (2005) (concluding that even aliens not admitted to the United States, including parolees, are entitled to a custody determination). *See also* Joint Explanatory Statement of the Committee of Conference, H.R. Cong. Rep. No 109-72 at 175, 151 Cong. Rec. H2836, 2873 (2005) ("[REAL ID Act] section 106 will not preclude habeas review over challenges to detention that are independent of challenges to removal orders.")

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper because Petitioner is detained at GEO Group ICE Contract Facility in Aurora, Colorado, which is within the jurisdiction of this District. *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004) ("The plain language of the habeas statute thus confirms the general rule that for core habeas petitions challenging present physical confinement, jurisdiction lies only in one district: the district of confinement.").

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

14. Petitioner is a 38-year-old citizen of Ecuador. Petitioner is currently detained at GEO Group ICE Contract Detention Facility in Aurora, Colorado. He is in the custody, and under the direct control, of Respondents and their agents.

15. Respondent Juan Baltazar is the Warden of the GEO Group ICE Contract Detention Facility, and he has immediate physical custody of Petitioner pursuant to the facility's contract with U.S. Immigration and Customs Enforcement to detain noncitizens and is a legal custodian of Petitioner. Respondent Baltazar is a legal custodian of Petitioner.

16. Respondent Robert Guadian is sued in his official capacity as the Director of the Denver Field Office of U.S. Immigration and Customs Enforcement. Respondent Guadian is a legal custodian of Petitioner and has authority to release him.

17. Respondent Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

18. Respondent Markwayne Mullin is sued in his official capacity as the Acting Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Mullin is a legal custodian of Petitioner.

19. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States and the senior official of the U.S. Department of Justice (DOJ). In that

capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for Immigration Review (EOIR), which administers the immigration courts and the BIA. Respondent Bondi is a legal custodian of Petitioner.

STATEMENT OF FACTS

I. Petitioner's Placement on Alternatives to Detention Program

20. On May 18, 2024, Petitioner crossed the southern border of the United States to seek asylum and was apprehended and detained by United States Custom and Border Protection (CBP). *See Notice to Appear*, Exhibits pages 3-5.

21. Petitioner was given an ankle monitor and a telephone program called SmartLink to check in with "selfies" as an alternative to detention and was released with a Notice to Appear to immigration court.

22. Petitioner complied with all ICE requirements of his ATD program for six months.

23. Petitioner's ankle monitor was then removed and the ATD program continued and included in person appointments, selfies on Tuesday mornings, and calls with ICE.

24. Petitioner worked overnight shifts and requested a change in the day and time of his selfie requirement so that he could sleep after working all night.

25. Petitioner's request never received a response.

26. Petitioner experienced technological problems with the selfie technology resulting in failed attempts at submitting the required photos.

27. Despite technology issues with the selfie requirement, Petitioner continued to attempt the selfie check ins, responded to calls, and attended appointments with ICE.

28. Petitioner attended all of his scheduled immigration court hearings and filed an application for relief from removal.

II. Petitioner's Asylum Filing and Continued ATD Compliance

29. Petitioner filed his application for asylum on May 19, 2025, at the immigration court.

30. Due to the alleged noncompliance related to the selfies, ICE told petitioner that he would need to have an ankle monitor for another six months until he was back in compliance.

31. Petitioner cooperated and the ankle monitor was put back on.

32. Petitioner complied with keeping the ankle monitor on and charged.

III. Respondent's Detention and Deportation Policies

33. On January 20, 2025, President Donald Trump issued several executive actions relating to immigration, including "Protecting the American People Against Invasion," an executive order ("EO") setting out a series of interior immigration enforcement actions. The Trump administration, through this and other actions, has outlined sweeping, executive branch-led changes to immigration enforcement policy, establishing a formal framework for mass deportation. The "Protecting the American People Against Invasion" EO instructs the DHS Secretary "to take all appropriate action to enable" ICE to prioritize civil immigration enforcement procedures including through the use of mass detention.

34. In late May 2025, Respondent Secretary Noem and White House Deputy Chief of Staff Stephen Miller met with ICE leadership, setting a new arrest quota of 3,000 arrests per day and reportedly threatening job consequences if officials failed to meet arrest quotas.[1]

35. Following the directive from Respondent Noem and Miller, ICE agents were instructed in an e-mail to "turn the creativity knob up to 11" and aggressively "push the envelope" in arrests, including by pursuing "collaterals"—individuals who by definition would not have warrants.[2]

36. The overriding message, communicated by and to Respondents, is that agents and officers carrying out immigration operations on the ground must prioritize arrest numbers, regardless of the law. As one ICE official put it earlier this year, all that matters is "numbers, pure numbers, [q]uantity over quality."[3]

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[1] Elizabeth Findell, et al., The White House Marching Orders That Sparked the L.A. Migrant Crackdown, The Wall Street Journal (June 9, 2025), https://www.wsj.com/us-news/protests-losangeles-immigrants-trump-f5089877; Julia Ainsley, et al., A sweeping new ICE operation shows how Trump's focus on immigration is reshaping federal law enforcement, NBC News (June 4, 2025), https://www.nbcnews.com/politics/justicedepartment/ice-operation-trump-focusimmigration-reshape-federal-lawenforcement-rcna193494; Brittany Gibson & Stef W. Kight, Scoop: Stephen Miller, Noem tell ICE to supercharge immigration arrests, Axios (May 28, 2025), available at https://www.axios.com/2025/05/28/immigration-ice-deportations-stephen-miller.

[2] https://www.theguardian.com/us-news/2025/jun/04/immigrationofficials-increased-detentions-collateral-arrests

[3] Jennie Taer, Trump admin's 3,000 ICE arrests per day quota is taking focus off criminals and 'killing morale': insiders warn, NY Post, June 17, 2025, https://nypost.com/2025/06/17/usnews/trump-admins-3000-ice-arrests-per-day-quota-is-taking-focus-off-criminals-and-killingmorale-insiders/, https://perma.cc/DB9R-MJUC (last visited Oct. 15, 2025) ("The Trump administration's mandate to arrest 3,000 illegal migrants per day is forcing ICE agents to deprioritize going after dangerous criminals and targets with deportation orders, insiders warn. Instead, federal immigration officers are spending more time rounding up people off the streets, sources said. 'All that matters is numbers, pure numbers. Quantity over quality,' one Immigrations and Customs Enforcement insider told The Post.").

37. On June 15, 2025, President Trump ordered ICE officers to "do all in their power to achieve the very important goal of delivering the single largest Mass Deportation Program in History."[4]

38. Multiple reports, including results of a report from the Federal Bureau of Investigations (FBI) show that the SmartLink technology suffers from regular failures in facial recognition, resulting in findings of noncompliance that are inaccurate. *See* Exhibits, Pages 98 – 110. According to FOIA results, "[I]n 2016, BI tested SmartLINK on ISAP participants. The pilot monitored over 600 people and logged over 12,000 check-ins. During this program, 56% of facial recognition check-ins failed due to the technology's "unacceptably low pass rate." BI continued to roll out SmartLINK and expand its invasive surveillance of communities." *See* Exhibits, Page 108.

39. Other participants have also reported being detained for alleged noncompliance incidents that were technology issues with SmartLink. *See* Exhibits, pages 111, 112.

III. Petitioner's Detention

40. Petitioner appeared for an in-person appointment on November 18, 2025, at the ICE office.

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[4] Jennie Taer, Trump admin's 3,000 ICE arrests per day quota is taking focus off criminals and 'killing morale': insiders warn, NY Post, June 17, 2025, https://nypost.com/2025/06/17/usnews/trump-admins-3000-ice-arrests-per-day-quota-is-taking-focus-off-criminals-and-killingmorale-insiders/, https://perma.cc/DB9R-MJUC (last visited Oct. 15, 2025) ("The Trump administration's mandate to arrest 3,000 illegal migrants per day is forcing ICE agents to deprioritize going after dangerous criminals and targets with deportation orders, insiders warn. Instead, federal immigration officers are spending more time rounding up people off the streets, sources said. 'All that matters is numbers, pure numbers. Quantity over quality,' one Immigrations and Customs Enforcement insider told The Post.").

41. Petitioner was told that he was being detained at that time, unexpectedly, despite compliance with his ankle monitor.

42. On information and believe, this detention happened without consideration of petitioner's individual facts or circumstances or a meaningful opportunity to be heard.

43. Petitioner was subsequently transferred to the GEO Group ICE Contract Detention Facility in Aurora, Colorado, where he has been detained since.

IV. Petitioner's Legal Posture before the Executive Office for Immigration Review and Non-Removability to Country of Origin

44. The Department of Homeland Security filed a Motion to Pretermit the Petitioner's asylum case, claiming that he was eligible to claim asylum in Honduras under the asylum cooperative agreement with that country, and therefore ineligible to request asylum in the United States. *See* Exhibits, Motion to Pretermit, pages 11-28.

45. The immigration judge granted the motion to pretermit the asylum application at a hearing on December 10, 2025, but did not order the respondent removed at that time. *See* Exhibits, Order Showing Grant of Pretermission, page 29.

46. Petitioner was ordered removed to Ecuador by a different immigration judge on January 13, 2026, without a hearing on his asylum application, in violation of both international and domestic law. *See* Exhibits, Removal Order, pages 31-32.

47. Petitioner has filed an appeal of his removal order which is pending before the Board of Immigration Appeals. *See* Exhibits, Appeal Receipt, pages 33-35.

48. Petitioner cannot be removed to Ecuador lawfully, and therefore an end to his detention is not foreseeable.

49. Petitioner cannot be removed to Ecuador because he was not given a hearing on his asylum application, and thus his removal from the United States is not reasonably foreseeable.

LEGAL FRAMEWORK

50. The following regulations law out the legal framework applicable to this case:

I. Asylum under the Immigration and Nationality Act

51. 8 U.S.C. §1158 (a)(1) states Any alien who is physically present in the United States or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters), irrespective of such alien's status, may apply for asylum in accordance with this section or, where applicable, section 1225(b) of this title.

52. 8 U.S.C. §1158(a)(2)(A) states that Paragraph (1) shall not apply to an alien if the Attorney General determines that the alien may be removed, pursuant to a bilateral or multilateral agreement, to a country (other than the country of the alien's nationality or, in the case of an alien having no nationality, the country of the alien's last habitual residence) in which the alien's life or freedom would not be threatened on account of race, religion, nationality, membership in a particular social group, or political opinion, and where the alien would have access to a full and fair procedure for determining a claim to asylum or equivalent temporary protection, unless the Attorney General finds that it is in the public interest for the alien to receive asylum in the United States.

53. 8 C.F.R. §1240.11 states "the immigration judge has authority to apply section 208(a)(2)(A) of the Act, relating to a determination that an alien may be removed to a third

country pursuant to a bilateral or multilateral agreement—other than the 2002 U.S.-Canada Agreement, which includes the Additional Protocol of 2022—in the case of an alien who is subject to the terms of the relevant agreement and is placed in proceedings pursuant to section 240 of the Act. In an appropriate case, the immigration judge shall determine whether under the relevant agreement the alien should be removed to the third country, or whether the alien should be permitted to pursue asylum or other protection claims in the United States. If more than one agreement applies to the alien and the alien is ordered removed, the immigration judge shall enter alternate orders of removal to each relevant country."

54. If the government seeks to extend a noncitizen's detention beyond six months, it is presumed that continued detention exceeds the "period reasonably necessary to effectuate removal." *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001). Because the government cannot remove the petitioner to Ecuador without affording him an asylum hearing pursuant to 8 U.S.C. §1158, there is no significant likelihood that Petitioner will be removed in the reasonably foreseeable future.

II. Revocation of Release on ATD Program

55. Pursuant to 8 C.F.R. §236.1(c)(9), only certain officials may revoke the release or parole of a previously released noncitizen. Those officials include the district director, acting district director, deputy district director, assistant district director for investigations, assistant district director for detention and deportation, or officer in charge. There is no indication that anyone other than a deportation officer reviewed the revocation of petitioner's ATD status.

56. Pursuant to 8 C.F.R. §236.1(c)(8), the basis for release by an immigration officer is that the noncitizen demonstrates to the satisfaction of the officer that such release would not

pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.

57. ICE's ATD Policy Handbook outlines procedures and options for alleged non-compliance, including implementing "a heightened level of supervision" rather than detention.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Substantive Due Process

58. The allegations in the above paragraphs are realleged and incorporated herein.

59. Petitioners' continued detention violates his right to substantive and procedural due process guaranteed by the Fifth Amendment to the U.S. Constitution.

60. Respondents' continued detention of Petitioner violates Mr. Hidalgo Anazco's right to be free of excessive and prolonged detention, as guaranteed by the Due Process Clause of the Fifth Amendment to the United States Constitution. Mr. Hidalgo Anazco's continued detention pursuant to 8 C.F.R. § 1003.19(i)(2) is not reasonably related to a legitimate governmental objective, is arbitrary, and lacks adequate procedural safeguards. *See Zadvydas v. Davis,* 533 U.S. 678 (2001); *Foucha v. Louisiana,* 504 U.S. 71 (1992); *United States v. Salerno,* 481 U.S. 739 (1987).

61. Respondents' continued detention has become so prolonged that it is no longer reasonably related to its purpose of effective removal and therefore violates the Due Process Clause of the Fifth Amendment to the United States Constitution. Petitioner's actual removal is also not likely in the reasonably foreseeable future since continued litigation of Petitioner's removal is likely to subject Petitioner to detention for well over another year. Additionally, Respondents cannot lawfully remove Petitioner to Ecuador.

COUNT TWO
Violation of Statute and Implementing Regulations

62. The allegations in the above paragraphs are realleged and incorporated herein.

63. Respondents' re-detention of Mr. Hidalgo Anazco despite his compliance with ATD requirements is arbitrary and capricious and contrary to the Immigration and Nationality Act. 8 U.S.C. §1226(a); 8 C.F.R. 236.1. Further, the revocation of his ATD agreement does not appear to be valid under the regulations due to the decision being made by a deportation officer instead of one of the officials delineated.

64. Petitioner has been and continues to be prejudiced by the Respondents' violation of the Immigration and Nationality Act. Declaratory and Injunctive relief are therefore appropriate.

COUNT THREE
Right Against Unreasonable Seizure

65. The allegations in the above paragraphs are realleged and incorporated herein.

66. The arbitrary re-detention of Petitioner violates his right against unreasonable seizure.

COUNT FOUR
Administrative Procedures Act

67. The allegations in the above paragraphs are realleged and incorporated herein.

68. Respondents' refusal to follow the regulations regarding revocation of release is in violation of federal regulations. Respondents' departure from longstanding policy and practice after multiple decades is a violation of federal regulations.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

(1) Assume jurisdiction over this matter;

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

(3) Order the Respondents not to transfer the Petitioner or move him out of the Aurora ICE Detention Facility so that he can maintain access to counsel;

(4) Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. § 1226(a), and the Administrative Procedures Act;

(5) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately;

(6) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

(7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Christina A. Brown
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CO Bar #46137
Counsel for Petitioner

Dated: March 19, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent Petitioner, Edison Bladimir Hidalgo Anazco, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 19th day of March 2026.

/s/ Christina A. Brown
Christina A. Brown

CERTIFICATE OF SERVICE

I hereby certify that on March 19, 2026, I filed the foregoing electronically through the CM/ECF system which caused all parties or counsel to be served by electronic means. I further mailed a physical copy of the foregoing Petition, All Exhibits, and a copy of the Civil Cover Sheet to all parties and counsel at the following addresses:

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