IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: 26-cv-1176

CESAR QUEZADA PACHECO,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Acting Warden, Aurora ICE Processing Center,
GEORGE VALDEZ, in his official capacity as Acting Field Office Director, U.S. Immigration and Customs Enforcement, U.S. Department of Homeland Security,
KRISTI NOEM, in her official capacity as Secretary, U.S. Department of Homeland Security,

Respondents.

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS and COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

A. INTRODUCTION

1. The Petitioner, Cesar Quezada Pacheco, by and through his undersigned counsel, hereby files this petition for a writ of habeas corpus seeking his immediate release from the Aurora ICE Processing Center in Aurora, Colorado, and an order enjoining Respondents from: (i) re-detaining Petitioner Quezada without first abiding by federal regulations; (ii) re-detaining Petitioner Quezada without providing him the due process required by law; and (iii) removing Petitioner Quezada to a third country without first providing sufficient notice and a meaningful opportunity to be heard.

2. Respondents improperly revoked Petitioner Quezada's twelve-year period of liberty on December 5, 2025, in violation of the Fifth Amendment to the United States

Constitution and Immigration and Customs Enforcement's ("ICE") own regulations. He is presently detained in Aurora, Colorado. There has been no change of circumstances that warrants Petitioner Quezada's re-detention, nor have Respondents offered even the barest of rationales for revoking Petitioner Quezada's liberty, depriving Petitioner Quezada of any meaningful opportunity to challenge his detention. As the recipient of an unchallenged grant of withholding of removal, Petitioner Quezada cannot be lawfully removed to Mexico. While he can, in theory, be removed to a third country, Respondents have not identified any country which has agreed to accept Petitioner Quezada, nor have they indicated what efforts, if any, they have taken to seek out such approval.

3. Now forty-seven, Petitioner Quezada has lived in the U.S. since he was eighteen, but for a short period in Mexico in 2012-2013. He is the father of two adult U.S. citizens. He has maintained steady employment in the construction industry. He has no criminal history.

4. District Courts across the country have repeatedly held that Respondents have unlawfully detained noncitizens like Petitioner Quezada and failed to afford them the opportunity to meaningfully challenge their detention, in violation of the U.S. Constitution. This Court should likewise order Respondents to release Petitioner Quezada immediately and enjoin Respondents from re-detaining Petitioner Quezada without first providing the due process required by law.

5. There is similarly ample precedent finding that ICE's official, publicly disclosed procedures for removal of noncitizens to third countries likely violates the Fifth Amendment's guarantee of due process. This Court should enjoin Respondents from

removing Petitioner Quezada to any third country without first providing Petitioner Quezada with sufficient notice and a meaningful opportunity to be heard by an impartial arbiter.

B. FACTUAL BACKGROUND

1. Petitioner Quezada is a forty-seven-year-old resident of [redacted] Colorado.

2. Petitioner Quezada was born in Mexico. He entered the U.S. for the first time in 1997. In 2012, he departed the country under the terms of a grant of voluntary departure.

3. In July 2013, under threat of imminent harm for events that took place after his return to Mexico, Petitioner Quezada unlawfully entered the United States and surrendered to border patrol agents, asking for protection. He was detained and later interviewed by an asylum officer, who referred the matter to an Immigration Judge.

4. An Immigration Judge granted Petitioner Quezada a bond, necessarily concluding that Petitioner Quezada was neither a flight risk nor a danger to the community. Ex. A (2013 Immigration Bond).

5. In 2018, the Immigration Judge granted Petitioner Quezada's application for protection under the Convention Against Torture ("CAT"), 8 C.F.R. § 1208.16, finding it more likely than not that Petitioner Quezada would be tortured if returned to Mexico, with Mexican authorities acquiescing to that persecution. Ex. B (Immigration Judge Decision). Under the terms of the Immigration Judge's decision, Petitioner Quezada has a final order of removal to Mexico, but execution of that order to Mexico is withheld by the granting of CAT protection.

6. The Department of Homeland Security ("DHS") did not appeal the CAT grant. Ex.

B.

7. Following the Immigration Judge's CAT grant, DHS did not re-detain Petitioner Quezada during the 90-day removal period for the purpose of removal to a country other than Mexico.

8. In early November 2025, Petitioner Quezada received a letter from ICE, asking him to report to an ICE office in Colorado. The form included a section where he could request a new appointment date if he was unavailable to report on the requested date. Because Petitioner Quezada was in Minnesota visiting family on the requested date, he returned the form to ICE requesting a new check-in date. He did not receive any written response from ICE.

9. Early in the morning of December 5, 2025, Petitioner Quezada left his apartment to go to work. As soon as he exited the building, an officer yelled at him to put his hands in the air. Petitioner Quezada complied and agents placed him in handcuffs, telling Petitioner Quezada that he was being arrested. When Petitioner Quezada asked why he was being arrested, agents simply said they were with "immigration," without any further explanation.

10. The agents took Petitioner Quezada to an ICE office in Centennial. An officer took Petitioner Quezada's driver license and work permit. Petitioner Quezada asked the officer why he was arrested, and the officer simply replied that he was "illegal." Petitioner Quezada asked for clarification, explaining that the Immigration Judge had granted him protection several years ago. The immigration officer did not respond, taking Petitioner Quezada's fingerprints and walking him to a cell without any further explanation for the arrest and detention.

11. Petitioner Quezada remains in detention. He has never been told why he was arrested and detained, other than being told he was "illegal."

12. After ninety days of detention, in early March 2026, an ICE deportation officer gave Petitioner Quezada a piece of paper and told him to sign it. The officer said that Petitioner Quezada would remain in detention and he needed to sign the paper. When Petitioner Quezada said he needed to check with an attorney first, the officer told him, "No, you still need to sign." The officer asked Petitioner Quezada if he wanted an interview, and he said he did, but only with an attorney present. The next day, Petitioner Quezada received a letter saying that his case was still being reviewed.

13. At no point prior to his detention did Petitioner Quezada receive any written notification of a change in circumstances supporting the decision to revoke his liberty.

14. At no time during his arrest and subsequent detention was Petitioner Quezada informed of the reasons for his arrest and detention, other than being told he was "illegal."

15. At no point during his arrest and his first 90 days of detention was Petitioner Quezada advised about the option of an interview, during which he could explain why he should not be detained. Petitioner Quezada was never provided an interview.

16. At no point during his arrest and detention was Petitioner Quezada informed that he was being removed to a country other than Mexico, or informed that the government was in the process of finding a country to which he could be removed.

17. On information and belief, ICE has no particularized evidence showing that it is appropriate to enforce the 2018 removal order against Petitioner Quezada, or that removal to an alternate country is reasonably imminent.

18. Petitioner Quezada has not received an individualized hearing before a neutral decisionmaker to assess whether his recent detention is warranted due to danger or flight risk, nor has Petitioner Quezada had an opportunity to challenge his removal to an unspecified alternate country.

C. PARTIES

1. Petitioner Cesar Alberto Quezada Pacheco is a noncitizen resident of [redacted] Colorado, who is currently in the custody of ICE in Aurora, Colorado.

2. Respondent Baltazar is sued in his official capacity as the Warden of the GEO Group's ICE Processing Center in Aurora. He has immediate physical custody of Petitioner Quezada pursuant to the GEO Group's contract with ICE to detain noncitizens. Respondent Baltazar is a legal custodian of Petitioner Quezada.

3. Respondent Valdez is sued in his official capacity as the Acting Field Office Director of the Denver ICE Office. ICE is a component agency of DHS. In this capacity, he is responsible for the administration of immigration laws and the execution of detention and removal determinations. Respondent Valdez is a legal custodian of Petitioner Quezada and has authority to release him.

4. Respondent Noem is sued in her official capacity as the Secretary of DHS. In this capacity, Respondent Noem is responsible for the implementation and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103(a). She routinely transacts business in this District and is legally responsible for pursuing any effort to detain and remove the Petitioner, including coordination with ICE. Respondent Noem is a legal custodian of Petitioner Quezada.

D. JURISDICTION AND VENUE

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

2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause), and the Fifth Amendment.

3. An actual and justiciable controversy exists between the parties under 28 U.S.C. § 2201. This Court may grant declaratory and injunctive relief under the Declaratory Judgment Act, 28 U.S.C. § 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 2241(a); Fed. R. Civ. P. 57, 65; and based on its inherent authority to grant equitable relief. *See, e.g., Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 15 (1971).

4. Petitioner is in custody for purposes of habeas jurisdiction because he is detained at the Aurora ICE Processing Center in Aurora, Colorado.

5. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. § 1252. *See e.g.*, *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

6. Venue is proper because Petitioner Quezada is detained at the GEO Group's ICE Processing Center in Aurora, Colorado, which is within the jurisdiction of this District. 28 U.S.C. § 224(a). In addition, venue is proper in this District because a substantial part of the events giving rise to Petitioner Quezada's claims occurred in this District, and he resides in this District, and no real property is involved in this action. 28 U.S.C. §§ 1391(b)(2) and (e)(1). *See Braden v. 30th Judicial Circuit*, 410 U.S. 484, 493–

94 (1973).

E. LEGAL BACKGROUND

1. It is well-established that government agencies are required to follow their own regulations. *See United States ex rel Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954); *United States v. Ramos*, 623 F.3d 672, 683 (9th Cir. 2010). The regulations concerning the release—and revocation of that release—of noncitizens subject to a final order of removal are intended to provide the due process protections guaranteed by the Fifth Amendment. *See Esmaeili v. Noem*, U.S. Dist. LEXIS 17557, at *12 (S.D. Cal. Jan. 29, 2026). Courts across the country have held that "where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered." *See Rokhfirooz v. Larose*, 804 F.Supp.3d 1095, 1099 (S.D. Cal. 2025) (collecting cases); *see also Nguyen v. Hyde,* 2025 WL 1725791, at *5 (D. Mass. June 20, 2025) ("ICE, like any agency, has the duty to follow its own federal regulations. As here, where an immigration regulation is promulgated to protect a fundamental right derived from the Constitution or a federal statute . . . and [ICE] fails to adhere to it, the challenged [action] is invalid.") (quoting *Rombot v. Souza*, 296 F. Supp. 3d 383, 388 (D. Mass. 2017)); *Qui v. Carter*, 2025 WL 2770502, at *1-2 (D. Kan. Sept. 26, 2025) (finding that failure to properly revoke the Petitioner's liberty "pursuant to the applicable regulations" rendered revocation ineffective).

2. Section 1231(a) of Title 8 of the U.S. Code governs the detention of individuals who have been ordered removed. The statute directs ICE to detain such individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day removal period begins when the removal order becomes administratively final.

3. One exception to this default rule for detention during the 90-day removal period applies to foreign nationals for whom DHS has determined that there is no significant likelihood of removal in the reasonably foreseeable future. 8 C.F.R. §§ 241.4(b)(4), 241.13. A non-citizen with a final order of removal who is not placed in custody shall be subject to an order of supervision. 8 C.F.R. § 241.5.

4. Although 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal period, even these exceptions do not authorize indefinite detention. *See Zadvydas*, 533 U.S. at 689 (limiting ICE's detention authority to a period "reasonably necessary" to carry out removal and deeming detention impermissible when removal is not "reasonably foreseeable").

5. For individuals previously free from detention due to a determination that there was no significant likelihood of removal in the reasonably foreseeable future, DHS can revoke that freedom where the foreign national violated the conditions of his release. 8 C.F.R. § 241.13(i)(1). Absent such a violation, DHS can only detain a person based on a determination that there have been changed circumstances such that there is *now* a *significant* likelihood that the non-citizen may be removed in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2) (emphases added).

6. Similarly, 8 C.F.R. § 241.13(h)(4) allows for revocation of release if removal is reasonably foreseeable or for failure to comply with the conditions of release.

7. If changed circumstances are alleged, the regulations enumerate several factors for consideration including but not limited to: "the history of the [noncitizen]'s efforts to comply with the order of removal, the history of the Service's efforts to remove [noncitizens] to the country in question or to third countries, including the ongoing nature

of the Service's efforts to remove this [noncitizen] and the [noncitizen]'s assistance with those efforts, the reasonably foreseeable results of those efforts, and the views of the Department of State regarding the prospects for removal of [noncitizens] to the country or countries in question. Where the Service is continuing its efforts to remove the [noncitizen], there is no presumptive period of time within which the [noncitizen]'s removal must be accomplished, but the prospects for the timeliness of removal must be reasonable under the circumstances." 8 C.F.R. § 241.13(f).

8. Finally, the revocation must comply with certain procedural due process requirements. Under 8 C.F.R. §§ 241.13(h)(4), (i) the government must provide a noncitizen with notice of the specific reasons for the revocation, provide the noncitizen with an informal interview, and provide the noncitizen with the opportunity to submit any evidence or information that he believes shows there is no significant likelihood he will be removed in the reasonably foreseeable future.

9. Failure to provide the notice of the reasons for the revocation *before* detaining the individual violates the detainee's due process rights and requires immediate release. *See Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 166 (W.D.N.Y. 2025) (collecting cases concluding that the detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL 2553394, at *5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide informal interview); *Santamaria Orellana v. Baker*, 2025 WL 244087, at *7 (D. Md. Aug. 25, 2025) (failure to provide interview violates due process); *Delkash v. Noem*, 2025 WL 2683988, at *5-7 (C.D. Cal. Aug. 28, 2025) (noting requirement for notice and informal interview and granting immediate release); *Zhu v. Genalo*, 798 F.Supp.3d 400, 415 (S.D.N.Y. 2025) (noting that the regulations and Due Process

Clause require that the process required for revoking a release must happen before a non-citizen is re-detained and ordering immediate release).

10. Failure to provide a detainee with meaningful notice of the reasons for the revocation deprives him of the opportunity to be heard on why he should remain at liberty. *See, e.g.*, *Perez-Escobar v. Mariz*, 2025 WL 2084102, at *2 (D. Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a significant likelihood of removal in the reasonably foreseeable future, that the purpose of release had been served, and that it was appropriate to enforce the removal order "does not identify any specific changed circumstances" and fails to give the petitioner "meaningful notice of the basis for its revocation" and ordering the petitioner's immediate release).

11. Moreover, only certain officials have the authority to revoke the liberty of a noncitizen with a final order—namely, the Executive Associate Commission of the former Immigration and Naturalization Service ("INS"), or, possibly, the current Executive Associate Director of ICE. *See e.g.*, *Rombot*, 296 F.Supp.3d at 385 (noting that the regulation, on its face, refers to titles in force under the former INS, and thus, it is not clear an ICE Field Office Director can revoke an order of supervision to enforce a removal order); *see also Ceesay*, 781 F.Supp.3d at 162 (noting that the authority of the Executive Associate Commissioner of INS was transferred to the Executive Associate Director of ICE and finding that an Assistant Field Office Director is not the equivalent of the Executive Associate Director); *Santamaria Orellana*, 2025 WL 244087, at *6 (only the Executive Associate Commissioner or a district director can revoke release); *Zhu v. Genalo*, 798 F.Supp.3d 400, 415 (S.D.N.Y. 2025) (same); *Santamaria Orellana*, 2025 WL 2841886, at *5-6 (reiterating that the requirement that a specific senior official sign a

notice of revocation is not merely a housekeeping matter and again ordering Santamaria Orellana's release after his re-detention by immigration officials).

12. A bare assertion by the government that it is working on finding a third country for removal cannot satisfy the regulation's mandatory requirement that the government establish "a *significant* likelihood" of removal in the "*reasonably foreseeable future*" before it can exercise its revocation authority under the "changed circumstances" prong. 8 C.F.R. § 241.13(i)(2) (emphasis added). *See*, *e.g.*, *Yee S. v. Bondi*, 2025 U.S. Dist. LEXIS 20016 (D. Minn. Oct. 9, 2025) (government revoked liberty of CAT grantee claiming changed circumstances because it was in the process of obtaining a travel document to an unidentified third country; court found vague and conclusory statements insufficient and ordered immediate release); *Sun v. Noem*, 2025 WL 280037, at *2-3 (S.D. Cal. Sept. 30, 2025) (where the government said it was "putting together a travel document" in order to deport a Cambodian man whose liberty had been revoked, the court found such vague assertions insufficient to meet its burden of establish changed circumstances under 8 C.F.R. § 241.13(i)(2)); *Hoac v. Becerra*, 2025 WL 1993771, at *4 (E.D. Cal. July 16, 2025) ("The fact that Respondents intend to complete a travel document request for Petitioner does not make it significantly likely he will be removed in the foreseeable future."); *Roble v. Bondi,* 2025 WL 2443453, at *4 (D. Minn. Aug. 25, 2025) (finding the Respondents' assertion that DHS had "requested third country removal assistance" from headquarters to be an insufficient demonstration of changed circumstances).

13. DHS regulations specifically state that where the agency is continuing its efforts to execute a removal order, "there is no presumptive period of time within which" the

removal must be accomplished, "but *the prospects for the timeliness of removal must be reasonable under the circumstances*." 8 C.F.R. § 241.13(f) (emphasis added). The Federal Register commentary for § 241.13 similarly advised that:

> [a]lthough [§ 241.13] does not set a specific time limit for consultation with the State Department, or for the Service's final decision on the likelihood of removal in the reasonably foreseeable future, the HQPDU will have to be mindful of the overall purposes of the detention laws, as interpreted by the Supreme Court. The time for the Service to determine the likelihood of removal must also be reasonable under the circumstances, in light of the interests at stake. The HQPDU review process should not, itself, give rise to the same kinds of concerns about "indefinite, perhaps permanent" detention that troubled the Supreme Court. *See Zadvydas*, at 2503 ("for detention to remain reasonable, as the period of prior post-removal confinement grows, what counts as the 'reasonably foreseeable future' would have to shrink.").

Continued Detention of Aliens Subject to Final Orders of Removal, 66 Fed. Reg. 56967-01, 56970, 2001 WL 1408247(F.R.) (Nov. 14, 2001) (to be codified at 8 C.F.R. Parts 3 and 241).

14. Where the government violates the regulations covering the re-detention of individuals with a final order of removal, such detention is unlawful, and release is a necessary remedy under 28 U.S.C. § 2241(c)(3). A host of courts have come to the same conclusion under substantially similar or analogous circumstances. *See, e.g., Tran v. Bondi*, 2025 WL 3140462, at *3 (W.D. Wash. Nov. 10, 2025) (finding that Petitioner showed his re-detention did not comply with the requirements set forth by 8 C.F.R. § 241.13 and granting habeas relief); *Soryadvongsa v. Noem*, 2025 WL 3126821, at *3 (S.D. Cal. Nov. 8, 2025) ("The government's authority to civilly detain anyone is strictly confined [by the INA regulations]. [Petitioner] has carried his burden of establishing that ICE exceeded those uncompromising bounds and that his custody is unlawful. Thus, he must be set free."); *Phongsavanh v. Williams*, 2025 U.S. Dist. LEXIS

221725, at *17 (S.D. Iowa Nov. 7, 2025) (holding that "[t]he Government has failed to carry its burden under 8 C.F.R. § 241.13(i)(2). That regulation embodies the Executive Branch's own procedural requirements, and agencies must comply with the rules they promulgate" and granting habeas relief); *Rasakhamdee v. Noem*, 2025 WL 3102037, at *5 (S.D. Cal. Nov. 6, 2025) ("Government agencies are required to follow their own regulations. ICE failed to do so here. The Court's research indicates that every district court, except two, to consider the issue has 'determined that where ICE fails to follow its own regulations in revoking release, the detention is unlawful and the petitioner's release must be ordered.'") (internal citation and footnote omitted); *C.M. v. Maples*, 2025 WL 3102037, at *5 (S.D. Ind. Nov. 5, 2025) (same); *E.M.M. v. Almodovar*, 2025 WL 3077995, at *4 (S.D.N.Y. Nov. 4, 2025) (holding that "[i]f the Government's violation of its own regulations culminates in an alien's detention, due process may require that alien's release" and granting habeas relief); *Yee S.,* 2025 U.S. Dist. LEXIS 200016, at *14 (ordering immediate release because "Petitioner has shown that ICE's re-detention of him on June 6, 2026 violated the law because ICE did not comply with its own regulations under section 241.13(i)(2)"); *Roble,* 2025 WL 2443453, at *5 (holding that "[i]t goes without saying that ICE, like all government agencies, must follow its own regulations" and ordering release based on violation of 8 C.F.R. § 241.13(i)); *Sarail A. v. Bondi*, 2025 WL 2533673 (D. Minn. Sept. 3, 2025) (ordering release based on violation of 8 C.F.R. § 241.13(i)).

15. Finally, many courts have held that ICE's stated policy of effectuating third-country removal of noncitizens—which provides that, if the United States has received credible assurances from the country of removal that a noncitizen removed from the

United States will not be persecuted or tortured, then the noncitizen may be removed with only six to twenty-four hours' notice—likely falls far short of the due process guaranteed by the Fifth Amendment, which requires, at a minimum, adequate notice and an opportunity to be heard. *See, e.g., Esmail v. Noem*, 2025 WL 3030589, at *2 (C.D. Cal. Sept. 26, 2025); *Vaskanyan v. Janecka*, 2025 WL 2014208, at *1 (C.D. Cal. June 25, 2025); *Kumar v. Wamsley*, 2025 WL 3204724, at *8 (W.D. Wash. Nov. 17, 2025); *see also D.V.D. v. United States Dep't of Homeland Sec.*, -- F. Supp. 3d --, 2026 U.S. Dist. LEXIS 38553, at *1-2 (D. Mass. Feb. 25, 2026), *appeal filed*, No. 26-1212 (1st Cir. Feb. 27, 2026).

F. FIRST CAUSE OF ACTION: UNLAWFUL REVOCATION OF RELEASE

1. Petitioner Quezada re-alleges and incorporates each allegation contained in paragraphs A1-E15.

2. In 2013, the Immigration Judge ordered Petitioner Quezada's release on bond, necessarily concluding that he posed neither a flight risk nor a danger to the community.

3. Following the issuance of an administratively final order of removal in 2018, along with a grant of CAT protection from deportation to Mexico, ICE did not detain Petitioner Quezada during the 90-day removal period, necessarily concluding that there was no significant likelihood of removal to a country other than Mexico in the reasonably foreseeable future. 8 C.F.R. §§ 241.4(b)(4), 241.13.

4. In the twelve years since his release on bond, Petitioner Quezada has done nothing to warrant a finding that he is now either a flight risk or a danger to the community.

5. Absent a violation of the terms of his liberty, Respondents have the authority to

revoke Petitioner Quezada's liberty *only* if there is a *significant* likelihood that they can now remove him in the reasonably foreseeable future. 8 C.F.R. § 241.13(i)(2).

6. Respondents revoked Petitioner Quezada's without any evidence that he could be removed to any country other than Mexico in the reasonably foreseeable future.

7. Respondents' actions were arbitrary, capricious, an abuse of discretion, and contrary to law. 5 U.S.C. § 706(a)(2)(A). Petitioner Quezada is entitled to an immediate restoration of his liberty.

G. SECOND CAUSE OF ACTION: VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE

1. Petitioner Quezada re-alleges and incorporates each allegation contained in paragraphs A1-E15.

2. Petitioner Quezada is entitled to the procedural protections of the Immigration and Nationality Act and its attendant regulations and the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

3. The governing regulations require Respondents to notify Petitioner Quezada of the reason for the revocation of his liberty, provide him with an informal interview, and provide him with the opportunity to submit any evidence or information that he believes shows there is no significant likelihood he will be removed in the reasonably foreseeable future. 8 C.F.R. §§ 241.13(h)(4), (i). Respondents have not complied with any of these requirements, only telling Petitioner Quezada that he was being arrested and imprisoned because he was "illegal." In addition, to the extent that any official other that the Executive Associate Commission of the former Immigration and Naturalization Service, or, possibly, the current Executive Associate Director of ICE has signed a Notice of Revocation, that individual lacked authority to so revoke Petitioner Quezada's liberty. As

such, the government's detention was unlawful, and Petitioner Quezada is entitled to restoration of his liberty until ICE can provide the minimal process required by the U.S. Constitution and its own regulations.

H. THIRD CAUSE OF ACTION: UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED DETERMINATIONS OF DANGER OR FLIGHT RISK

1. Petitioner Quezada re-alleges and incorporates each allegation contained in paragraphs A1-E15.

2. Detention violates 8 U.S.C. § 1231 and the Due Process Clause of the U.S. Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-91.

3. Before being re-detained, Petitioner Quezada lived in the community for over twelve years (nearly thirty years in total, excluding his brief time in Mexico following his voluntary departure). During that time, he earned helped raise and support his two U.S. citizen children, maintained steady employment, and had no criminal issues. He did not violate any conditions placed by ICE on his freedom.

4. Petitioner Quezada has received no meaningful process to determine if his re-detention is warranted.

5. Petitioner Quezada is entitled to an individualized determination by impartial adjudicators as to whether the revocation of his liberty is justified based on danger or flight risk.

I. FOURTH CAUSE OF ACTION: UNLAWFUL REMOVAL TO A THIRD COUNTRY WITHOUT DUE PROCESS

1. Petitioner Quezada re-alleges and incorporates each allegation contained in paragraphs A1-E15.

2. ICE's stated policy of effectuating third-country removal of noncitizens with only six to twenty-four hours' notice violates the Fifth Amendment right to due process. *See Esmaeili*, 2026 WL 240661 at *6 (collecting cases). A noncitizen "must be given sufficient notice of a country of deportation that, given his capacities and circumstances, he would have a reasonable opportunity to raise and pursue his claim for withholding of deportation." *Id.*

3. Petitioner Quezada was granted withholding of removal to Mexico under the CAT due to the likelihood that he would be tortured with the acquiescence of the Mexican government. ICE's removal policies not only stand to deprive Petitioner Quezada of his right to constitutional due process, but they have the potential to endanger his life.

4. Respondents must provide Petitioner Quezada with adequate notice and an opportunity to be heard by an Immigration Judge before removing him to a third country, especially given the underlying basis for his successful protection claim in the first place.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Quezada respectfully requests that this Court grant the following relief:

1. Assume jurisdiction over this matter;

2. Declare that Respondents have violated Petitioner Quezada's rights;

3. Order Respondents to immediately release Petitioner Quezada on the same terms they previously applied.

4. Order Respondents to release Petitioner Quezada from detention because they lack any significant, individualized evidence that removal of Petitioner will occur in the reasonably foreseeable future;

5. Order Respondents to release Petitioner Quezada from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk

6. Enjoin Respondents from transporting Petitioner Quezada from Aurora to another detention facility;

7. Enjoin Respondents from revoking Petitioner Quezada's liberty unless they have significant, individualized evidence that his removal is reasonably foreseeable;

8. Enjoin Respondents from revoking Petitioner Quezada's release without providing him a determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision, at which hearing Respondents will bear the burden of proof of demonstrating that Petitioner is a flight risk or a danger to the community;

9. Enjoin Respondents from re-detaining Petitioner Quezada without first notifying him of the reasons for the revocation of his release, providing him with an opportunity to rebut those reasons, and providing him with a prompt interview as required by the regulations;

10. Enjoin Respondents from removing Petitioner Quezada to a third country without first providing him with a meaningful opportunity to evaluate the risk of torture or persecution in that third country, and, if appropriate, to raise and pursue persecution-based relief with an impartial adjudicator;

11. Return to Petitioner Quezada his personal property taken upon his detention, including his valid driver license and work permit;

12. Award Petitioner Quezada his costs and reasonable attorneys' fees in this action

as provided for by the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any further basis justified under law; and

13. Grant such further relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED this 23rd day of March 2026

/s/ Laura L. Lichter
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, Cesar Quezada Pacheco, 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 23rd day of March 2026

/s/ Laura L. Lichter
Counsel for Petitioner

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