UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No. 1:26-cv-1280-KAS

ALEJANDRO MUNDO ZARATE, [redacted]

Petitioner,

v.

GEORGE VALDEZ, Acting Field Office Director, Denver Field Office, Immigration and Customs Enforcement,
JUAN BALTAZAR, Warden, Denver Contract Detention Facility,
MARKWAYNE MULLIN, Secretary, Department of Homeland Security,
PAMELA BONDI, U.S. Attorney General,

Respondents.

APPLICATION FOR ISSUANCE OF ORDER TO SHOW CAUSE

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1. Pursuant to 28 U.S.C. § 2243, Petitioner respectfully requests that this Court issue an order—forthwith—directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner pursuant to 28 U.S.C. § 2241 should not be granted.

2. Petitioner challenges his detention as unlawful. *See* Petition for Writ of Habeas Corpus, ECF No. 1. Mr. Mundo Zarate was detained on October 6, 2025. Although he has resided in the United States for more than twenty-six years, Respondents have repeatedly wrongfully classified him as an arriving noncitizen seeking entry, foreclosing his attempts to seek release on bond *four times*. As of this weekend, Mr. Mundo Zarate will have been detained for over 180 days without opportunity to seek release.

3. Petitioner filed his Petition for Writ of Habeas Corpus on March 26, 2026. On the following day, the court notified the parties that the case had been assigned to a magistrate

and requested they indicate their consent. Shortly thereafter, a courtesy copy of the Petition and related attachments (ECF Nos. 1, 1-1,1-2 and 1-3) was sent by email to Kevin Traskos, Chief of the Civil Division, U.S. Attorney's Office; paper copies of the petition and attachments were sent by mail to Respondents on the same day. To date, no order to show cause has issued, and the U.S. Attorney has not assigned the case such that the parties cannot indicate their consent (or lack thereof) to the magistrate judge assigned.

4. The federal habeas corpus statute provides that "[a] court, justice or judge entering a writ of habeas corpus shall forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto." 28 U.S.C. § 2243.

5. Section 2243 further provides that the writ or order to show cause "shall be returned within three days unless for good cause additional time, not exceeding twenty days, is allowed."

6. Section 2243 further provides that the court shall hold a hearing on the writ or order to show cause "not more than five days after the return unless for good cause additional time is allowed." In addition, Section 2243 states that the court "shall summarily hear and determine the facts and dispose of the matter as law and justice require."

7. Pursuant to Section 2243, Petitioner requests that the Court immediately issue an Order to Show Cause directing Respondents to file a return within three days of the Court's order, showing cause, if any, why the writ of habeas corpus should not be granted, and to provide Petitioner an opportunity to file a reply within 7 days after Respondents file the return.

8. Giving Respondents additional time to respond is inappropriate in this case because Petitioner faces irreparable harm due to what is now only a few days shy of six months of detention. During this time, his family, including his 11-year-old U.S. citizen son with

significant health issues, have been deprived of Mr. Mundo Zarate's support and companionship. Conditions in the GEO detention facility are marginal at best and the lengthy detention is negatively impacting Mr. Mundo Zarate's health and well-being. Mr. Mundo Zarate has no criminal history, has deep community ties, including other family in the United States who have lawful status, as well as stable employment as a painter, operating his own business for a number of years.

Dated: April 1, 2026

Respectfully submitted,

/s/ Laura L. Lichter
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