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UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

IDRIS IGLILI Petitioner, v. **Juan Baltazar,** Warden, GEO Group, Inc. **Robert Guadian,** Director of Denver Field Office, U.S. Immigration and Customs Enforcement; **Markwayne Mullin**, Acting Secretary of the U.S. Department of Homeland Security; **Todd Lyons**, Acting Director of U.S. Immigration and Customs Enforcement; and **Pamela Bondi,** Attorney General of the United States, in their official capacities, Respondents.	Case No. 1:26-cv-1305 **VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF** 

INTRODUCTION

1. Petitioner, Idris Iglili, an LGBTQAI+ asylum seeker who came to the United States to seek asylum, submitted his asylum application and complied with all immigration directives, and was detained by Immigration and Customs Enforcement 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 has detained the Petitioner since December 10, 2025.

3. Even though the Petitioner not a danger to the public, nor a flight risk, ICE continues to detain Petitioner, who is otherwise eligible for release.

4. The Department of Homeland Security states on their own Form I-286 Notice of Custody Determination that the Petitioner is detained under INA §236 and thus eligible for bond. Exhibits, I-286 Page 8.

5. Petitioner suffers from post-traumatic stress disorder and hearing problems in one of his ears due to the persecution he suffered in his home country and is not receiving adequate medical care to prevent permanent harm while detained.

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 continued psychological and medical harm.

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*.

10. 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.")

11. 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

12. 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

13. 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).

14. 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

15. Petitioner is a 31 native and citizen of Morocco. 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.

16. Respondent Juan Baltazar is the Warden of the GEO Group ICE Contract Detention Facility, and he is the immediate physical custodian 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.

17. Respondent Robert Guardian is sued in his official capacity as the Director of the Denver Field Office of U.S. Immigration and Customs Enforcement. Respondent Guardian 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 Todd Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, Respondent Lyons is responsible for the implementation and enforcement of the Immigration and Nationality Act and directs the agency responsible for Petitioner's detention. Respondent Lyons is a legal custodian of Petitioner.

20. 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 Entry and Placement into Removal Proceedings under INA §240

21. On or about December 10, 2024, the Petitioner crossed the border of the United States without inspection at or near Tecate, California. Exhibits, Notice to Appear, Pages 3-6.

22. Petitioner was placed into expedited removal proceedings and was given a credible fear screening by a government official at the border. *Id.*

23. Petitioner passed his credible fear screening, his expedited removal was vacated, and he was placed into removal proceedings under INA §240. *Id.*

II. Respondents' Detention and Deportation Policies

24. 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.

25. 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]

26. 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]

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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

27. 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]

28. 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]

III. Petitioner's Continued Detention

29. Petitioner was not released from detention following his placement into removal proceedings under INA §240.

30. Petitioner was transferred to the GEO Group ICE Contract Detention Facility in Aurora, Colorado where he has been detained since pursuant to INA §236. Exhibits, I-286, Page 8.

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[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.").

[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.").

31. Petitioner requested a custody re-determination by an immigration judge after ICE refused to grant him a bond but withdrew his request on February 13, 2025, to collect evidence in support of his release. Exhibits, EOIR Case Information Sheet, Page 78.

32. Petitioner requested a custody re-determination on May 29, 2025, but was told the immigration judge did not have jurisdiction over his bond case. *Id.*

IV. Petitioner's Relief from Removal

33. Petitioner submitted his asylum application in detention in April 2025. Exhibits, EOIR Case Portal Information Sheet Asylum, Page 79.

34. Petitioner's asylum hearing was held at the Aurora Detention Center on August 26, 2025.

35. Petitioner was denied asylum by the presiding immigration judge. Exhibits, Removal Page 9.

36. Petitioner filed a timely appeal with the assistance of counsel. Exhibits, Appeal Receipt and Notice of Appeal, Pages 10-16.

37. No decision has been made on Petitioner's appeal to date.

V. Petitioner's Worsening Medical Condition

38. Petitioner has been diagnosed with anxiety and depression during his time in detention as well as post-traumatic stress disorder. Exhibits, Medical Records, Page 17.

39. Petitioner's symptoms include excessive rumination, swearing, tunnel vision, feelings of extreme nervousness, poor focus, hyperarousal, delayed sleep onset, and nightmares. *Id.*

40. Petitioner additionally suffers from frequent nightmares, hypervigilance, difficulty concentrating, sleep disturbances, intense fear, helplessness, and distress at internal and external clues reminiscent of his past trauma. *Id.* at 24.

41. Despite these serious and persistent mental health symptoms, Petitioner is only being seen at most once per month by mental health professionals. *Id.* at 25.

42. Petitioner has also been diagnosed with Meniere's disease, tinnitus, and hearing loss in his left ear. *Id.* at 27.

43. The petitioner continues to have left ear hearing loss. *Id.* at 35

44. The "treatment" that petitioner receives for his hearing and ear issues is a medication and "education" that tinnitus and hearing loss is ***often*** not reversible. *Id.*

45. Despite persistent hearing loss, the petitioner has not been sent to see a specialist to attempt to save his hearing, despite Meniere's disease being manageable with reduced stress, medication, rehabilitation, and in some cases surgical intervention. Exhibits, Cleveland Clinic Informational Page on Meniere's Disease, Pages 80-84.

46. Left untreated, Meniere's disease can cause permanent hearing loss. *Id.*

47. Petitioner has now been detained for more than one year and his removal is not reasonably foreseeable due to his pending appeal. Exhibits, EOIR Case Information Sheet, Page 78.

48. Petitioner's continued detention puts him at risk of severe psychological distress and possible permanent injury in the form of permanent hearing loss in his left ear.

LEGAL FRAMEWORK

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

50. 8 C.F.R. § 1.2 defines an "arriving alien" as "an applicant for admission coming or attempted to come into the United States as a port-of-entry…" Id. Accordingly, an alien who seeks asylum at a port of entry is an "arriving alien".

51. 8 C.F.R. §1003.19 outlines an immigration judge's authority to make determinations regarding custody and bond for certain detained non-citizens.

52. Under 8 C.F.R. §1003.19, an immigration judge has authority to make determinations regarding custody and bond for non-citizens who entered without inspection and are not subject to mandatory detention under 8 U.S.C. §1226(c) for certain crimes.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Substantive Due Process

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

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

55. Respondents' continued detention of Petitioner violates Mr. Iglili'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. Iglili's continued detention 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).

56. The Department of Homeland Security has construed the language of the detention statutes unlawfully, inconsistent with over two decades of practice and violates the Petitioner's substantive due process right to liberty.

57. 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 has already taken four months with no conclusion to date.

COUNT TWO
Violation of Fifth Amendment Right to Procedural Due Process

58. Petitioner was denied a pre-deprivation hearing prior to his detention and therefore denied the right to demonstrate he was not a flight risk or a danger to the community prior to his detention in violation of his right to procedural due process.

59. 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
Violation of Statute and Implementing Regulations

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

61. Petitioner is entitled to a bond under INA §236 as he was detained after entering the United States after inspection and is not a danger to the community nor a flight risk.

62. 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 FOUR
Right Against Unreasonable Seizure

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

64. The arbitrary detention of Petitioner without a pre-deprivation hearing violates his right against unreasonable seizure.

COUNT FIVE
Administrative Procedures Act

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

66. The radical change in policy by the Department of Homeland Security is arbitrary, capricious, and otherwise not in accordance with law.

67. The radical change in judicial interpretation of bond eligibility for those who entered without inspection after two decades is arbitrary, capricious, and otherwise not in accordance with law.

68. The respondents' failure to provide adequate medical care to prevent the petitioner from suffering irreparable and permanent injury is arbitrary, capricious, and otherwise not in accordance with law.

COUNT SIX
Violation of Eight Amendment Right Against Cruel and Unusual Punishment

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

70. The respondents' deliberate indifference regarding medical care to prevent the petitioner from suffering irreparable and permanent injury is a violation of his Eight Amendment right against cruel and unusual punishment.

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), 8 C.F.R. § 1003.19, 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
Colorado Asylum Center
1001 Bannock Street, Suite 23
Denver, CO 80204
Counsel for Petitioner

Dated: March 27, 2026

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

I represent Petitioner, Idris Iglili, 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 27th day of March 2026.

/s/ Christina A. Brown
Christina A. Brown

CERTIFICATE OF SERVICE

I hereby certify that on March 27, 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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