UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Yeferson J. Rodriguez Alvarez,

Petitioner,

v.

Pamela Bondi,

Attorney General of the United States;

Markwayne Mullin,

Secretary of the Department of Homeland Security;

Todd M. Lyons,

Acting Director of U.S. Immigration and Customs Enforcement;

Kenneth Genalo,

ICE Field Office Director, New York;

Denver County Sheriff, Elias Diggins

Denver Contract Detention Facility, The GEO Group, Inc, Denver, Colorado;

Warden of Denver Contract Detention Facility; Juan Baltasar;

Respondents.

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
MAR 30 2026
JEFFREY P. COLWELL
CLERK

Case No.: _____

PETITION FOR WRIT OF HABEAS CORPUS

(28 U.S.C. § 2241)

INTRODUCTION

Petitioner, Yeferson J. Rodriguez Alvarez , by and through undersigned counsel, respectfully petitions this Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241, challenging his prolonged and unconstitutional immigration detention by U.S. Immigration and Customs Enforcement ("ICE") at the Denver Contract Detention Facility in Colorado.

Petitioner has been detained for over six (6) months without a constitutionally adequate bond hearing, despite:

- Having a pending asylum application
- Completing biometrics
- Possessing a valid Employment Authorization Document (EAD)
- Having no criminal history whatsoever

His continued detention violates the Due Process Clause of the Fifth Amendment.

Federal courts, including in Colorado, have repeatedly held that prolonged immigration detention without meaningful review is unconstitutional and requires judicial intervention.

JURISDICTION AND VENUE

This Court has jurisdiction pursuant to:

- 28 U.S.C. § 2241 (habeas corpus jurisdiction)
- 28 U.S.C. § 1331 (federal question jurisdiction)

A district court may grant habeas relief where a person is "in custody in violation of the Constitution or laws of the United States."

Venue is proper in the District of Colorado because Petitioner is detained at the Denver Contract Detention Facility in Colorado.within this judicial district.

PARTIES

- **Petitioner**: Yeferson J. Rodriguez Alvarez, a native and citizen of Venezuela
- **Respondents**:
  - Field Office Director, ICE Enforcement and Removal Operations (ERO), New York: Kenneth Genalo
  - Warden, Denver Contract Detention Facility: Juan Baltasar
  - Secretary of the Department of Homeland Security: Markwayne Mullin
  - Attorney General of the United States: Pamela Bondi

FACTUAL BACKGROUND

1. Petitioner is a citizen of Venezuela who entered the United States in or around July 2022.
2. Petitioner has a pending asylum application based on fear of persecution.
3. He has:
    - Completed biometrics
    - Been granted a valid EAD
    - Complied with all immigration requirements
4. Petitioner has no criminal history in the United States.
5. Petitioner was stopped by local police for a minor traffic violation (no driver's license).
6. Out of fear, Petitioner fled. Police deployed K-9 units, resulting in:
    - Severe dog bites across his body
    - Dislocated arm
    - Emergency surgery
7. Following surgery, authorities denied him access to prescribed antibiotics, causing:
    - A serious post-surgical infection
    - Significant physical suffering
8. He was subsequently transferred into ICE custody, where he has remained detained for over six months.
9. Petitioner has never been convicted of any crime and poses no danger to the community.

LEGAL ARGUMENT

A. Prolonged Detention Violates Due Process

Immigration detention becomes unconstitutional when it is unreasonably prolonged without adequate procedural protections.

Courts in Colorado analyze:

- Length of detention
- Likelihood of continued detention
- Government delay
- Conditions of confinement

Detention exceeding six months raises serious constitutional concerns and triggers heightened scrutiny. Petitioner has now been detained beyond this threshold.

B. Petitioner Is Entitled to an Individualized Bond Hearing

Federal courts in Colorado have consistently held:

- Detainees are entitled to a bond hearing
- The government must prove danger or flight risk by clear and convincing evidence

Where such a hearing is not provided, continued detention is unlawful.

C. Petitioner Is Neither a Flight Risk Nor a Danger

Petitioner:

- Has no criminal history
- Has complied with immigration processes
- Has a pending asylum claim
- Has been issued a valid work permit

These factors strongly demonstrate that detention is not justified.

D. Detention Under These Circumstances Is Excessive and Punitive

Habeas corpus exists to challenge unlawful detention by the government, particularly where detention is no longer reasonably related to its purpose.

Here:

- The original arrest was for a minor traffic issue
- The physical harm inflicted was severe
- Medical neglect worsened his condition

Continued detention under these circumstances is grossly disproportionate and punitive.

E. Habeas Relief Is the Proper Remedy

Federal habeas petitions are the primary mechanism to challenge unlawful immigration detention and obtain release or a bond hearing.

Courts in Colorado regularly grant such relief, including:

- Ordering bond hearings within days
- Requiring the government to meet a clear and convincing burden.

F. Petitioner Was Paroled into the United States and Is Entitled to § 236(a) Protections

Petitioner was paroled into the United States by U.S. Customs and Border Protection, and therefore is not subject to mandatory detention under 8 U.S.C. § 1225(b).

Instead, his detention falls under 8 U.S.C. § 1226(a), which governs discretionary detention and contemplates:

- Release on bond
- Individualized custody determinations
- Meaningful review of continued detention

The Supreme Court has recognized that parole constitutes a lawful mechanism allowing noncitizens to physically enter the United States, even if not formally admitted. *See* Leng May Ma v. Barber.

Because Petitioner was paroled:

- He is eligible for release
- He cannot be subjected to prolonged detention without process
- He is entitled to robust due process protections under the Fifth Amendment

G. Detention Under § 236(a) Requires a Constitutionally Adequate Bond Hearing

Under § 236(a), prolonged detention without a proper bond hearing violates due process.

Federal courts, including within the Tenth Circuit, have held that:

- Noncitizens detained under § 236(a) are entitled to individualized bond hearings
- The Government must justify continued detention

The Supreme Court in Jennings v. Rodriguez confirmed that § 236(a) allows for bond hearings, and constitutional challenges remain available through habeas.

Additionally, courts require:

- Government burden = clear and convincing evidence
- Proof of danger or flight risk

H. Parole + Pending Asylum + EAD = Strongest Release Factors

Petitioner's case presents exceptionally strong equities:

- He was paroled by the U.S. government (already vetted and allowed entry)
- He has a pending asylum case
- He has a valid EAD (work authorization granted by DHS)
- He has no criminal history whatsoever

These facts demonstrate:

- The government has already determined he is not a danger
- Continued detention is irrational and excessive

I. Continued Detention Is Arbitrary and Unreasonable

Where a noncitizen:

- Has been paroled,
- Has complied with all immigration requirements, and
- Has no criminal history,

continued detention for over six months is arbitrary and unconstitutional.

Courts have repeatedly granted habeas relief in similar circumstances, ordering:

- Immediate release, OR
- Prompt bond hearings

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Grant this Petition for Writ of Habeas Corpus;
2. Order Respondents to:
    - Immediately release Petitioner, OR
    - Provide a constitutionally adequate bond hearing within 5 days
3. Require the Government to bear the burden of proof by clear and convincing evidence;
4. Enjoin Respondents from transferring him outside the District Court of Colorado jurisdiction pending judicial review;
5. Grant any additional relief the Court deems just and proper.

Respectfully Submitted,

Brandon Carter
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