AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

District of Colorado

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

Victor Alfredo Zarat Argueta
Petitioner

v.

Case No.
(Supplied by Clerk of Court)

The GEO Group
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Victor Alfredo Zarat Argueta
   (b) Other names you have used: NA
2. Place of confinement:
   (a) Name of institution: Denver Contract Detention Facility
   (b) Address: 3130 N. Oakland Street
   Aurora, CO 80010
   (c) Your identification number: [redacted]
3. Are you currently being held on orders by:
   ☐ Federal authorities ☑ State authorities ☐ Other - explain:
4. Are you currently:
   ☐ A pretrial detainee (waiting for trial on criminal charges)
   ☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
   If you are currently serving a sentence, provide:
   (a) Name and location of court that sentenced you:
   (b) Docket number of criminal case:
   (c) Date of sentencing:
   ☑ Being held on an immigration charge
   ☐ Other *(explain)*:

Decision or Action You Are Challenging

5. What are you challenging in this petition:
   ☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
- ☐ Immigration detention
- ☑ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other *(explain)*:

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: United States Department of Justice Executive Office For Immigration Review Aurora, CO 80010, 3130 N Oakland St.

(b) Docket number, case number, or opinion number: [redacted]

(c) Decision or action you are challenging *(for disciplinary proceedings, specify the penalties imposed)*:
Denial of bond: stating a noncitizen has no constitutional rights to be released on bond. Charges from the State have yet to be prosecuted so as to say a danger to community is not confirmed.

(d) Date of the decision or action: 02/18/2026

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal:
Claims and reasonings for denying bond and being detained are unconstitutional

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☑ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☑ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:
(1) Name of court:
(2) Case number:
(3) Date of filing:
(4) Result:
(5) Date of result:
(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☑ No

If "Yes," provide:
(1) Name of court:
(2) Case number:
(3) Date of filing:
(4) Result:
(5) Date of result:
(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: in removal proceedings"

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☑ Yes ☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: 01/15/2026

(b) Date of the removal or reinstatement order: 02/04/2026

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes ☑ No

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: a noncitizen in removal proceedings has no constitutional right to be released on bond.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I am a noncitizen but entered with work visa originally, I am now in process with an asylum application

(b) Did you present Ground One in all appeals that were available to you?
☐ Yes ☑ No

GROUND TWO: Denied due to noncitizen that is considered a threat to the community.

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
previous charges from the state have yet to be prosecuted, to take care of state charges will depend on bond to be released.

(b) Did you present Ground Two in all appeals that were available to you?
☐ Yes ☑ No

GROUND THREE: Fixed address, length of time, employment history, criminal record, attempt to flee, family ties

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:
I have lived in the same area for 9 yrs, and kept employment, have impending charges, but have not been convicted, I was trying to find an attorney to help with that seperate case, I have fiance with baby that I'm expecting,

(b) Did you present Ground Three in all appeals that were available to you?
☐ Yes ☑ No I do not have reason to be flight risk to attend future court.

If "Yes," provide:
(1) Date of filing:
(2) Case number:
(3) Result:
(4) Date of result:
(5) Issues raised:

(d) Did you appeal the decision to the United States Court of Appeals?
☐ Yes ☑ No
If "Yes," provide:
(1) Name of court:
(2) Date of filing:
(3) Case number:
(4) Result:
(5) Date of result:
(6) Issues raised:

12. **Other appeals**
Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?
☐ Yes ☑ No
If "Yes," provide:
(a) Kind of petition, motion, or application:
(b) Name of the authority, agency, or court:

(c) Date of filing:
(d) Docket number, case number, or opinion number:
(e) Result:
(f) Date of result:
(g) Issues raised:

GROUND FOUR: NA

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes ☑ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: allow for bond to be available to be released to fix current state pending charges and await future court hearings with pending applications to continue working toward change of status and continue family ties.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 03-25-2026

*Signature of Petitioner

NA

Signature of Attorney or other authorized person, if any