THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

ZULAFKAR ALI X, Petitioner vs. PAMELA BONDI, in her official capacity as Attorney General of the United States, MARKWAYNE MULLIN, in his official capacity as Secretary of the Department of Homeland Security, TODD LYONS, in his official capacity as Acting Director of Immigration and Customs Enforcement; JUAN BALTAZAR, in his official capacity as Warden of the Denver Contract Detention Facility, Respondents.	Case No.: _____ A [redacted]

PETITION FOR WRIT OF HABEAS CORPUS AND REQUEST FOR ORDER TO SHOW CAUSE

Zulafkar Ali X, hereinafter "Mr. Zulafkar" or "Petitioner," by and through undersigned counsel, files this Petition for Writ of Habeas Corpus, and in support thereof, alleges as follows:

INTRODUCTION

1. Petitioner Zulafkar Ali X is in the physical custody of Respondents at the Denver Contract Detention Facility. Petitioner respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge his ongoing and unlawful civil immigration detention by the United States Department of Homeland Security ("DHS") and its agents.
2. This case concerns whether the Government may continue to detain a noncitizen for more than eighteen months without providing any individualized custody hearing after an

Immigration Judge has already granted asylum and while the Department of Homeland Security pursues an administrative appeal of that decision.

3. Petitioner entered the United States on September 10, 2024, and has remained continuously detained since that date. After full merits proceedings, an Immigration Judge granted Petitioner asylum on August 13, 2025. The Government appealed that decision to the Board of Immigration Appeals. Petitioner nevertheless remains detained solely because of the Government's decision to pursue that appeal.
4. At no time during his detention has Petitioner received a custody hearing at which the Government was required to demonstrate that continued detention is necessary to prevent flight or danger to the community. Respondents have never made any individualized determination that Petitioner poses a risk of flight or danger to the community. Instead, Respondents continue to rely on a categorical interpretation of 8 U.S.C. § 1225(b)(2) to justify ongoing detention without procedural safeguards.
5. The Due Process Clause does not permit prolonged civil detention under these circumstances. Whatever authority existed at the outset of proceedings does not permit the Government to continue incarcerating Petitioner indefinitely while it appeals a favorable protection determination without providing a meaningful opportunity to contest the necessity of his detention.
6. Courts evaluating prolonged immigration detention have consistently held that continued confinement becomes constitutionally suspect where removal is not reasonably foreseeable and the duration of detention is attributable to the Government's litigation decisions rather than the noncitizen's conduct. *See Zadvydas v. Davis*, 533 U.S. 678, 699 (2001); *Jennings*

v. Rodriguez, 583 U.S. 281, 301 (2018); *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232–34 (3d Cir. 2011); *Guerra v. Shanahan*, 831 F.3d 59, 65–66 (2d Cir. 2016).

7. Petitioner therefore seeks an order directing Respondents to provide a prompt individualized bond hearing before an Immigration Judge or alternatively ordering his immediate release.

JURISDICTION

8. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner challenges the legality of his present physical detention by federal officials. Federal courts retain jurisdiction under § 2241 to review constitutional and statutory challenges to immigration detention. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).

9. Jurisdiction also exists under 28 U.S.C. § 1331 because this action arises under the Constitution and laws of the United States. The Suspension Clause independently guarantees the availability of habeas review to test the legality of executive detention. *INS v. St. Cyr*, 533 U.S. 289, 300 (2001).

VENUE

10. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493- 500 (1973), venue lies in the United States District Court for the District of Colorado, the judicial district in which Petitioner currently is detained.

11. Venue is proper in this District under 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the District of Colorado.

REQUIREMENTS OF 28 U.S.C. § 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause 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.*

13. 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).

PARTIES

14. Petitioner, Mr. Zulafkar Ali X, is a 28-year-old native and citizen of India, with no criminal record. On September 10, 2024, Petitioner was detained by ICE while entering the United States. He has been detained since.

15. Respondent, Ms. Pamela Bondi, is the United States Attorney General. She oversees the immigration court system, which is housed within the Executive Office for Immigration Review ("EOIR") and includes all Immigration Judges and the Board of Immigration Appeals ("BIA"). She is sued in her official capacity.

16. Respondent, Mr. Markwayne Mullin, is the United States Secretary of Homeland Security. DHS oversees ICE, which is responsible for administering and enforcing the immigration

laws. Secretary Mullin is the ultimate legal custodian of Petitioner. He is sued in his official capacity.

17. Respondent, Mr. Todd Lyons, is the Acting Director of U.S. Immigration and Customs Enforcement ("ICE"). As the Senior Official Performing the Duties of the Director of ICE, he is responsible for the administration and enforcement of the immigration laws of the United States and is legally responsible for pursuing any effort to remove Petitioner and confine him pending removal proceedings. As such, he is a custodian of Petitioner. He is sued in his official capacity.

18. Respondent, Juan Baltazar, is the Warden of the Denver Contract Detention Facility. He is responsible for the immediate execution of detention over Petitioner. As such, he is a custodian of Petitioner. He is sued in his official capacity.

UNDERLYING FACTS AND PROCEDURAL HISTORY OF THE CASE

19. Petitioner entered the United States on or about September 10, 2024.

20. Shortly thereafter, the Department of Homeland Security issued a Notice to Appear charging Petitioner as removable under sections 212(a)(6)(A)(i) and 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act. He was charged as an alien present in the United States without being admitted or paroled, and not as an arriving alien.

21. Petitioner has remained continuously detained since the date of his entry.

22. During removal proceedings, on March 27, 2025, Petitioner applied for asylum, withholding of removal, and protection under the Convention Against Torture.

23. On or about August 13, 2025, following full merits proceedings, an Immigration Judge granted Petitioner asylum.

24. The Department of Homeland Security appealed that decision to the Board of Immigration Appeals on September 9, 2025.
25. Because the Government appealed, the Immigration Judge's order has not yet become administratively final. *See* 8 C.F.R. § 1003.39.
26. Petitioner nevertheless remains detained solely because the Government elected to pursue that appeal.
27. Petitioner has never received an individualized custody hearing during his detention.
28. Respondents have never demonstrated that Petitioner poses a danger to the community.
29. Respondents have never demonstrated that Petitioner presents a flight risk.
30. Petitioner has now been detained for 566 days (1 year, 6 months, and 20 days), without any opportunity to challenge the necessity of his continued detention.
31. Detention exceeding eighteen months without an individualized custody determination falls well beyond the "brief period" of detention contemplated as constitutionally permissible in immigration proceedings, which the Supreme Court described as typically lasting about six months. *See Demore v. Kim*, 538 U.S. 510, 529–30 (2003).

STATUTORY FRAMEWORK

32. Respondents claim that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2), which authorizes detention of certain applicants for admission pending completion of removal proceedings.
33. The Supreme Court has confirmed that § 1225(b)(2) does not resolve the constitutional limits of prolonged detention and does not foreclose as-applied due process challenges to continued confinement. *Jennings v. Rodriguez*, 583 U.S. 281, 301 (2018).

34. Civil immigration detention remains constitutionally permissible only insofar as it bears a reasonable relationship to its regulatory purposes. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

PROLONGED DETENTION UNDER § 1225(b)(2) WITHOUT INDIVIDUALIZED REVIEW VIOLATES DUE PROCESS

35. The Fifth Amendment protects noncitizens from arbitrary civil detention. *Zadvydas*, 533 U.S. at 690.

36. Although Congress may authorize detention during removal proceedings, the Constitution requires procedural safeguards once detention becomes prolonged and no longer reasonably related to its original regulatory justification. *Jennings*, 583 U.S. at 301.

37. Courts evaluating prolonged immigration detention apply the balancing framework established in *Mathews v. Eldridge*, 424 U.S. 319 (1976).

38. Under that framework, the private liberty interest at stake is substantial. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 690.

39. The risk of erroneous deprivation is severe where detention continues without any individualized custody determination. *See Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232–34 (3d Cir. 2011).

40. The Government's interest in categorical detention diminishes substantially where removal is no longer imminent. *See Demore v. Kim*, 538 U.S. 510, 527–28 (2003).

41. Here, an Immigration Judge has already granted asylum after adjudicating the merits of Petitioner's protection claim.

42. Petitioner's continued detention now exists solely because DHS elected to appeal that ruling.

43. Under these circumstances, continued detention without an individualized custody determination violates due process.

44. Courts evaluating prolonged immigration detention following *Jennings v. Rodriguez* consistently recognize that categorical detention under § 1225(b) becomes constitutionally suspect once confinement becomes prolonged and removal is not reasonably foreseeable. *See Jennings v. Rodriguez*, 583 U.S. 281, 301 (2018); *Zadvydas v. Davis*, 533 U.S. 678, 699 (2001); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 232–34 (3d Cir. 2011); *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016), vacated on other grounds.

45. Following *Jennings*, courts evaluate whether detention remains constitutionally permissible once it becomes prolonged and untethered from its original regulatory justification.

46. Those decisions reflect the settled principle that § 1225(b) does not authorize indefinite detention without procedural safeguards once removal is no longer reasonably foreseeable and the Government has not provided individualized justification for confinement.

47. That principle applies with particular force here because an Immigration Judge has already granted asylum after adjudicating the merits of Petitioner's protection claim.

48. Petitioner's continued detention now exists solely because the Government elected to appeal that decision.

CAUSES OF ACTION

COUNT ONE
Violation of Fifth Amendment Right to Procedural Due Process

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

50. It has long been established that aliens, even if in the United States unlawfully, are entitled to due process of law under the Fifth Amendment. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976) ("Even one whose presence in this country is unlawful, involuntary, or transitory is entitled to th[e] constitutional protection [of the Due Process Clause]"); *see also Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) ("It is well established that certain constitutional protections available to persons inside the United States are unavailable to aliens outside of our geographic borders. But once an alien enters the country, the legal circumstance changes, for the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent").

51. The Due Process Clause of the Fifth Amendment prohibits the government from depriving individuals of liberty without notice and a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976).

52. When the Government interferes with a liberty interest, it must provide constitutionally sufficient procedures. *Ky. Dep't of Corr. v. Thompson*, 490 U.S. 454, 460 (1989). The adequacy of these procedures is determined by weighing three factors: (1) the private interest that will be affected by the official action, (2) the risk of erroneous deprivation of that interest through the available procedures, and (3) the Government's interest, including

the fiscal and administrative burdens that the additional or substantive procedures would entail. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

53. Applying these factors here demonstrates that the procedures attendant upon Petitioner's detention are constitutionally insufficient.

54. First, Petitioner has a significant interest at stake. Petitioner's interest in physical freedom "is the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); *Vizguerra-Ramirez v. Baltazar*, No. 25-cv-00881-NYW, 2025 WL 3653158, at *13 (D. Colo. Dec. 17, 2025) (same); *see also Hamdi*, 542 U.S. at 529 (directing courts, when assessing the first *Mathews* factor, to consider only the petitioner's interests at stake in ongoing detention without consideration of the respondents' justifications for the detention); *Zadvydas*, 533 U.S. at 690 (stating that an individual's interest in being free from detention "lies at the heart of the liberty that [the Due Process] Clause protects"). Petitioner is being held in an ICE detention facility far removed from any friends or family. *See Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (finding, in assessing the first *Mathews* factor, that "[t]he deprivation [petitioner] experienced while incarcerated was, on any calculus, substantial. He was locked up in jail. He could not maintain employment or see his family or friends or others outside normal visiting hours."). This is despite him not being accused of any crime. *See, e.g., Maza v. Hyde*, No. 25-cv-12407-IT, 2025 WL 2951922, at *3 (D. Mass. Oct. 20, 2025). The liberty interest at stake is especially weighty where, as here, detention continues after the Immigration Court has already completed merits adjudication in Petitioner's favor.

55. Second, the risk of erroneous deprivation is extraordinarily high as Petitioner has never received any individualized custody determination, he has been granted relief, and he has no criminal history.

56. Third, the government's interest in detaining Petitioner without a hearing is minimal, if it exists at all, where an Immigration Judge has already granted asylum and removal is no longer reasonably foreseeable during the pendency of the Government's appeal. Providing a bond hearing would impose little to no fiscal or administrative burden, while simultaneously protecting core constitutional rights. Respondents' decision to maintain Petitioner detained without such a hearing contravenes federal law and violates his procedural due process rights.

57. This arbitrary deprivation of liberty without a hearing violates the constitutional requirement that detention be accompanied by due process safeguards. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (holding that immigration detention is subject to constitutional limits); *Demore v. Kim*, 538 U.S. 510, 532 (2003) (emphasizing limited scope and justification for immigration detention).

58. By keeping Petitioner detained without an opportunity to be heard even after he was granted asylum, Respondents deprived him of liberty in a manner inconsistent with due process and the fundamental fairness required by the Fifth Amendment.

59. Under these circumstances, due process requires a prompt bond hearing at which the Government bears the burden of demonstrating that continued detention is necessary. *See Addington v. Texas*, 441 U.S. 418, 427 (1979) (clear-and-convincing burden required where physical liberty is at stake).

COUNT TWO
Violation of Fifth Amendment Right to Substantive Due Process

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

61. The Due Process Clause of the Fifth Amendment protects against arbitrary government action and prohibits detention that is not reasonably related to a legitimate governmental purpose. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992).

62. Immigration detention is constitutionally permissible only insofar as it serves valid regulatory purposes, such as ensuring a noncitizen's appearance at proceedings or protecting the community. *Demore v. Kim*, 538 U.S. 510, 528 (2003). Where detention no longer bears a reasonable relation to those purposes, it becomes arbitrary and unconstitutional.

63. Here, Petitioner has complied with all immigration proceedings and has never been found to pose a danger to the community or a risk of flight by any immigration adjudicator.

64. Despite the absence of any new facts, changed circumstances, or violations, his detention is not reasonably related to any legitimate governmental objective. Respondents have not identified any basis to conclude that Petitioner is a danger or a flight risk.

65. Here, an Immigration Judge has already granted asylum after adjudicating the merits of Petitioner's claim.

66. Removal is not reasonably foreseeable while DHS's appeal remains pending.

67. Because the Immigration Judge granted asylum and the Government's appeal remains pending before the Board of Immigration Appeals, there is presently no executable removal order and Petitioner's removal is not reasonably foreseeable. *See* 8 C.F.R. § 1003.39.

68. Because the Immigration Judge granted asylum, DHS cannot execute removal unless and until the Board of Immigration Appeals reverses that determination. Continued detention during the pendency of the Government's own appeal therefore lacks a presently executable removal objective. *See Zadvydas v. Davis*, 533 U.S. 678, 699 (2001).

69. Because DHS itself elected to appeal the Immigration Judge's grant of asylum, the duration of Petitioner's detention is controlled entirely by the Government's litigation choices rather than any conduct attributable to Petitioner, further undermining any regulatory justification for continued confinement. *See Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003).

70. Continued detention under these circumstances is excessive in relation to the purposes of civil immigration detention and therefore violates substantive due process.

71. Accordingly, Respondents' continued detention of Petitioner violates substantive due process because it lacks a reasonable relation to any permissible regulatory purpose and constitutes an arbitrary deprivation of liberty.

72. Detention during the pendency of the Government's own appeal raises heightened due process concerns because the duration of confinement is controlled entirely by the Government rather than by any conduct attributable to Petitioner. See *Ly v. Hansen*, 351 F.3d 263, 272 (6th Cir. 2003).

COUNT THREE
Violation of the INA

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

74. Immigration detention statutes must be interpreted to avoid serious constitutional concerns arising from prolonged civil confinement without individualized review. *See Clark v. Martinez*, 543 U.S. 371, 381 (2005).

75. Even assuming § 1225(b)(2) authorized detention at the outset of proceedings, it does not authorize prolonged detention without individualized review after an Immigration Judge has granted asylum and removal is not presently executable. *See Jennings v. Rodriguez*, 583 U.S. 281, 301–02 (2018).

76. The Immigration and Nationality Act authorizes immigration detention only to the extent it serves legitimate, non-punitive statutory purposes—namely, to ensure an individual's appearance at future proceedings or to protect public safety. Detention that does not advance those purposes, or that becomes arbitrary and indefinite, exceeds the government's statutory authority. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Clark v. Martinez*, 543 U.S. 371, 381 (2005).

77. Petitioner is an Indian national whose application for Asylum was granted by the Immigration Judge, and that decision is currently on appeal by the government.

78. Petitioner has no criminal convictions and no record of violence and has never exhibited conduct suggesting danger to the community or risk of flight. Nothing in his immigration file indicates that he poses a threat to public safety or that he would fail to appear for his hearings if released. Civil immigration detention may not operate as a mechanism for deterrence, punishment, or administrative convenience. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

79. Petitioner has been continuously detained in civil immigration custody since September 10, 2024.

80. Nothing in the law authorizes unlimited, unreviewable civil detention untethered from the INA's non-punitive purposes. The INA does not permit detention to operate as punishment, deterrence, or coercion, nor does it authorize prolonged confinement absent a meaningful mechanism to assess whether continued detention is necessary to serve its legitimate aims. *Zadvydas*, 533 U.S. at 690–91; *Clark*, 543 U.S. at 380–81.

81. Federal agencies must follow their own regulations when exercising detention authority. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 267 (1954). DHS's continued reliance on categorical detention without individualized custody review contravenes the agency's own regulatory framework governing parole and custody determinations. *See* 8 C.F.R. § 212.5.

82. Even where detention is initially authorized under INA § 235(b)(2)(A), the statute must be applied consistent with its limited purpose and in conjunction with the INA's broader detention framework, including DHS's continuing discretionary authority to release noncitizens through parole, supervision, or other conditions where detention no longer serves a legitimate statutory objective. *See* 8 U.S.C. § 1182(d)(5)(A); 8 C.F.R. § 212.5; *Damus v. Nielsen*, 313 F. Supp. 3d 317, 332–33 (D.D.C. 2018).

83. Here, once the Immigration Judge granted asylum after full merits proceedings, the principal justification for categorical detention pending removal proceedings substantially diminished, and continued detention now exists solely because the Government elected to pursue an administrative appeal.

84. Where detention no longer advances removal and persists solely because the Government has chosen to continue litigation, continued confinement becomes punitive rather than regulatory and therefore unconstitutional. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

85. DHS has not conducted any individualized assessment of whether Petitioner's continued detention is necessary to ensure appearance or protect public safety, nor has it articulated any reasoned basis for rejecting less restrictive alternatives to detention.

86. Petitioner's continued detention bears no reasonable relationship to the purposes of the INA. It is not tied to imminent removal, is not supported by any individualized finding of danger or flight risk. Continued detention without any individualized custody determination for more than seven months after a grant of asylum and more than eighteen months of total civil detention, is no longer regulatory in nature and instead constitutes punitive civil confinement prohibited by the Due Process Clause. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

87. Continued detention after a grant of asylum—where removal cannot occur unless the Government prevails on appeal—no longer serves any permissible regulatory purpose recognized by the Supreme Court and therefore exceeds the constitutional limits of civil immigration detention. *Id.*

88. Detention under these circumstances exceeds the detention authority Congress conferred in the INA and contravenes the statute's non-punitive design, its implementing regulations, and controlling Supreme Court precedent limiting civil immigration detention to what is reasonably necessary to achieve its lawful purposes.

89. Accordingly, Petitioner's continued detention is unlawful under the Immigration and Nationality Act and its implementing regulations. Petitioner respectfully requests that this Court grant habeas relief by ordering his immediate release, or, in the alternative, ordering Respondents to provide a prompt, lawful, and meaningful individualized custody determination consistent with the INA and governing law.

COUNT FOUR
Violation of the Suspension Clause of the U.S. Constitution

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

91. The Suspension Clause of the United States Constitution provides that "[t]he Privilege of the *Writ of Habeas Corpus* shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. art. I, § 9, cl. 2. The Clause guarantees the availability of judicial review to challenge the lawfulness of executive detention. *Boumediene v. Bush*, 553 U.S. 723, 745–46 (2008); *INS v. St. Cyr*, 533 U.S. 289, 300–05 (2001).

92. *Habeas corpus* remains available to all persons in the United States who are detained by executive authority, including noncitizens in civil immigration custody. The Supreme Court has repeatedly held that Congress—and a fortiori the Executive—may not eliminate all avenues of meaningful judicial review of the legality of detention. *St. Cyr*, 533 U.S. at 305–06; *Boumediene*, 553 U.S. at 779.

93. Petitioner is detained solely under civil immigration authority and is currently confined at the Denver Contract Detention Facility. He has no criminal convictions, no pending criminal charges, no history of violence, and he has been granted asylum by an Immigration Judge.

94. Petitioner has no administrative pathway to challenge the legality, duration, or necessity of his detention.

95. As a result, no adequate or effective substitute for habeas corpus exists through which Petitioner may obtain judicial review of the legality of his confinement. Neither the Immigration Courts nor the Board of Immigration Appeals possesses jurisdiction to review custody challenges arising from DHS's classification decisions.

96. The Suspension Clause forbids the government from implementing a detention scheme that eliminates all meaningful opportunity for detainees to test the legality of their confinement. *Boumediene*, 553 U.S. at 779 ("The writ must be effective."). When no adequate and effective substitute exists, *habeas* review is constitutionally required. *St. Cyr*, 533 U.S. at 305.

97. Petitioner's detention—non-punitive in name but punitive in effect and wholly insulated from individualized review—implicates the core protections of the Suspension Clause. Without *habeas corpus*, Petitioner has no judicial or administrative forum in which to contest the legality of his ongoing confinement.

98. Accordingly, habeas corpus relief is constitutionally required.

EXHAUSTION

99. Petitioner is not required to exhaust administrative remedies because immigration courts lack jurisdiction to conduct bond hearings for individuals detained under § 1225(b)(2), and the Board of Immigration Appeals likewise lacks authority to review DHS custody determinations in this posture.

100. Exhaustion is not required where administrative remedies are unavailable or futile. *Garza v. Davis*, 596 F.3d 1198, 1203 (10th Cir. 2010).

REQUEST FOR RELIEF

WHEREFORE, Petitioner respectfully requests the Court to grant the following relief:

1. Accept jurisdiction over this matter;
2. Order that Petitioner shall not be transferred outside the United States District Court for the District of Colorado while this habeas petition is pending;
3. Issue an Order to Show Cause pursuant to 28 U.S.C. § 2243, directing Respondents to show cause why the petition for a writ of habeas corpus filed by Petitioner should not be granted within three days;
4. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner immediately or, in the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
5. Declare that Petitioner's detention is unlawful;
6. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
7. Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s *Deliane Quiles*
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Dated: March 31, 2026

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

I represent Petitioner, Zulafkar Ali X, 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 31st day of March 2026.

s/ *Deliane Quiles*
Deliane Quiles
Florida Bar No. 1044089