IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No.: _____

[redacted]

CAZARES SOTO, Miguel,

Petitioner,

v.

BALTAZAR, Juan,
In his official capacity as Warden,
GEO Group, U.S. Immigration and Customs Enforcement Contract Detention Facility;
HAGAN, Robert,
In his official capacity as Field Office Director,
U.S. Immigration and Customs Enforcement;
LYONS, Todd M.,
In his official capacity as Acting Director,
U.S. Immigration and Customs Enforcement;
MULLIN, Markwayne,
In his official capacity as, Secretary of the Department of Homeland Security
U.S. Department of Homeland Security;
BONDI, Pamela Jo,
In her official capacity as Attorney General of the United States;

Defendants.

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

I. INTRODUCTION

Petitioner, Miguel CAZARES SOTO (hereinafter "Mr. Cazares"), seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to end his unlawful civil detention at the GEO Group ICE Detention Facility in Aurora, Colorado (hereinafter "GEO Detention Facility"). An Immigration Judge has already ordered his release on bond pursuant to 8 U.S.C. § 1226(a), yet he remains incarcerated solely because the Department of Homeland Security (hereinafter "DHS"), has reserved appeal. His continued confinement, despite a judicial finding that he is neither a danger nor an unmanageable flight risk, exceeds the lawful bounds of civil immigration detention.

On March 4, 2026, following a custody redetermination hearing, the Aurora Immigration Court granted Mr. Cazares bond in the amount of $10,000, with authorization for reasonable supervisory conditions. Applying the governing framework, the Immigration Judge expressly found that he does not pose a danger to the community and that any flight-risk concerns are mitigated by his substantial equities. Those equities include long-term residence in the United States and in the State of Colorado, three U.S. citizen children and many other relatives with legal status, steady employment, and only minor traffic convictions on his record.

Following the hearing, the DHS counsel served Mr. Cazares with Notice of ICE Intent to Appeal Custody Redetermination, thereby automatically staying the Immigration Judge's custody redetermination decision pursuant to 8 C.F.R. § 1003.19(i)(2). Mr. Cazares continues being detained, despite the Immigration Judge's determination that he should be released on bond. The writ should issue and Mr. Cazares should be released immediately under the existing bond order.

In support of this petition and complaint for injunctive relief, Petitioner alleges the following:

II. CUSTODY

1. On August 16, 2025, U.S. Immigration and Customs Enforcement (hereinafter "ICE") agents were conducting an enforcement action against another noncitizen when they observed that person get into the passenger side of a vehicle that Mr. Cazares was driving. The ICE agents stopped the vehicle by activating their emergency lights. Upon determining Mr. Cazares may be unlawfully present in the United States, the ICE agents took the targeted passenger and Mr. Cazares into its custody.

2. Mr. Cazares is currently detained at the GEO Detention Facility, operated by GEO Group, Inc. GEO Detention Facility in the immediate custody of the facility warden and Respondent, Juan Baltazar. ICE has contracted with GEO Group, Inc. to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents.

3. Mr. Cazares is in the physical custody of ICE. Mr. Cazares has been in immigration detention since August 16, 2025. He has been issued alien number 086-757-145.

4. At this time, Mr. Cazares's release is not imminent. There are no deadlines, benchmarks, or plans for his release.

III. PARTIES

5. Mr. Cazares is a native a citizen of Mexico. He is currently in custody at the GEO Detention Facility, which is operated by GEO Group, Inc., under contract with DHS. He is detained under the supervision of Warden Juan Baltazar. He continues to be in immigration detention subsequent to the Immigration Judge's decision allowing release.

6. Respondent **Juan Baltazar** is the warden of the GEO Detention Facility, operated by GEO Group, Inc., under contract with DHS. He is named in his official capacity. He has immediate custody of Mr. Cazares.

7. Respondent **Robert Hagan** is the Field Office Director for the Denver Field Office for Immigration and Customs Enforcement, an agency within the U.S. Department of Homeland Security, Executive Branch of the United States Government. He is named in his official capacity. The Field Office Director has custody of Mr. Cazares and has the authority to release him.

8. Respondent **Todd M. Lyons** is the Acting Director of ICE. ICE is the agency within DHS that is responsible for apprehension, detention, and removal of noncitizens from the United States. Todd M. Lyons is the legal custodian of Mr. Cazares. He is named in his official capacity.

9. Respondent **Markwayne Mullin,** is the Secretary of the Department of Homeland Security, as the head of the U.S. Department of Homeland Security, the agency tasked with enforcing immigration laws, the Secretary is Mr. Cazares's ultimate legal custodian.

10. Respondent **Pamela Jo Bondi** is the Attorney General of the United States and the most senior official of the DOJ. She has the authority to interpret immigration laws and adjudicate removal cases. By regulation, Attorney General delegates this responsibility to the immigration courts and the BIA, which are administered by EOIR. She is named in her official capacity.

III. JURISDICTION AND VENUE

11. This action arises under the Constitution of the United States, and the Immigration and Nationality Act, 8 U.S.C. §1101 et. seq., as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (hereinafter "IIRIRA"), Pub. L. No. 104-208,

110 Stat. 1570, and the Administrative Procedures Act (hereinafter "APA"), 5 U.S.C. §701 et. seq.

12. This Court has jurisdiction under Art. 1 Sec. 9, Cl. 2 of the United States Constitution ("Suspension Clause") and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the United States government, and such custody is in violation of the Constitution, laws, or treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §2241, 5 U.S.C. §702, and the All Writs Act, 28 U.S.C. §1651.

13. Venue is proper in the District of Colorado pursuant to 28 U.S.C. §§ 1391(e) and 1402, and *Braden v. 20th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-500 (1973) because Mr. Cazares is detained in the District and the United States Government is a Respondent.

IV. EXHAUSTION OF ADMINISTRATIVE REMEDIES

14. Exhaustion of administrative remedies is not a jurisdiction prerequisite under 8 U.S.C. § 2241.

15. Colorado federal courts have found exhaustion futile where the Board of Immigration Appeals (hereinafter "BIA") has already predetermined the constitutional issues.

16. In *L.G. v. Choate*, this Court held that requiring exhaustion would be futile because "the BIA's prior decisions concerning detention under § 1226(a) require the noncitizen to carry the burden that he is not a flight risk and not a danger to the community." *L.G. v. Choate*, 744 F.Supp.3d 1172 (D. Colo. 2024).

17. Similarly, in *Martinez v. Ceja*, the Court found exhaustion unnecessary because "immigration officials have previously ruled that they lack authority to hear constitutional challenges to statutes." *Martinez v. Ceja*, 760 F.Supp.3d 1188 (D. Colo. 2024).

18. Moreover, the Tenth Circuit has also established that "[c]ourts have carved out an exception to the exhaustion requirement for constitutional challenges to the immigration laws, because the BIA has no jurisdiction to review such claims." *Soberanes v. Comfort*, 388 F.3d 1305, 1310 (10th Cir. 2004).

19. Mr. Cazares's case fits squarely within these exceptions because he is challenging the constitutional validity of the automatic stay regulation itself, not seeking review of the immigration judge's individual bond determination.

20. As this Court explained in *Baquera v. Longshore*, exhaustion is futile when "the BIA had previously ruled that aliens in [petitioner's] circumstances are subject to mandatory detention" and administrative appeal would serve no purpose. *Baquera v. Longshore*, 948 F.Supp.2d 1258 (10th Cir. 2013).

21. Since the automatic stay regulation allows DHS to unilaterally override the immigration judge's bond order regardless of the merits, pursuing administrative appeal would be futile and cannot address the constitutional due process violation Mr. Cazares is asserting.

III. FACTUAL ALLEGATIONS AND PROCEDURAL HISTORY

22. Petitioner, Mr. Cazares, is a citizen and national of Mexico. He has resided continuously in the United States since 1993 and has maintained uninterrupted residence in the State of Colorado since approximately 2008

23. During this lengthy period spanning nearly two decades he has established deep and enduring ties to his community, his family, and his livelihood.

24. Mr. Cazares is married and together with his wife are raising three United States citizen children, all of whom are under the age of twenty-one. Mr. Cazares also has three adult stepchildren and two brothers, each with lawful immigration status who reside with their families in the United States.

25. Mr. Cazares' family resides in [redacted] Colorado, where he would return to live upon release from custody.

26. Prior to his detention, Mr. Cazares maintained an established employment history in the construction industry and was the primary financial provider for his household. His ability to support his family has been entirely eliminated by his continued incarceration.

27. Mr. Cazares has no significant criminal convictions and no record of arrests for criminal offenses. His only contacts with the justice system consist of minor traffic matters:

    a. Class A traffic infraction convictions (Too Fast for Conditions and Offense by Person Controlling Vehicle) and

    b. Two traffic misdemeanor convictions (No Operator's License and No Insurance).

    c. In each instance, only a fine was imposed, and Mr. Cazares paid all fines and court costs in full. Nothing in this record suggests any danger to the community or any propensity for criminal conduct.

28. On or about August 16, 2025, ICE agents stopped Mr. Cazares while he was driving his vehicle. ICE had targeted the passenger in the vehicle for an enforcement action and conducted a pretextual traffic stop to effectuate that purpose.

29. Mr. Cazares was not cited, charged, or arrested for any criminal offense. Nevertheless, ICE officers questioned him at the scene, determined that he lacked authorization to be present in the United States, and took both him and his passenger into custody.

30. That same day, ICE issued Petitioner a Notice to Appear (Form I-862) pursuant to 8 C.F.R. § 235.6(a), scheduling his first hearing for August 27, 2025, at the Aurora Immigration Court.

31. Mr. Cazares has remained continuously detained at the GEO Detention Facility in Aurora, Colorado since the date of his arrest, a period now exceeding seven months.

32. On December 26, 2025, Mr. Cazares sought a bond hearing as a member of the class certified in *Maldonado Bautista v. Santacruz*, ___ F. Supp. 3d ___, 2025 WL 3713987 (C.D. Cal. Dec. 18, 2025).

33. A bond hearing was held on January 13, 2026, counsel for the Department of Homeland Security ("DHS") argued that the Immigration Court lacked jurisdiction to consider Mr. Cazares' bond request because he was purportedly subject to mandatory detention under 8 U.S.C. § 1225 rather than discretionary detention under 8 U.S.C. § 1226(a). DHS counsel further argued that the *Maldonado Bautista* decision constituted an improper "universal injunction" under the reasoning established by the United States Supreme Court in *Trump v. CASA, Inc.*, 606 U.S. ___ (2025), No. 24A884, 2025 WL 1773631 (U.S. June 27, 2025).

34. At the conclusion of this hearing, the Immigration Judge ordered the parties to brief whether *Trump v. CASA, Inc.* affected her jurisdiction over the bond request by January 23, 2026. Both parties timely submitted briefs.

35. Despite the urgency of Mr. Cazares' continued detention, the Immigration Judge took no action on the case for over a month after briefing was complete. On February 25, 2026, Petitioner filed a Motion for an In-Person Hearing to recalendar and adjudicate his bond request. The Immigration Court scheduled a custody redetermination hearing for March 4, 2026.

36. In the interim, on February 18, 2026, the United States District Court for the Central District of California issued an order in *Maldonado Bautista v. Santacruz* granting the petitioners' motion to enforce judgment and vacating the Board of Immigration Appeals' decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). That order confirmed that class members such as Mr. Cazares are detained under the authority of 8 U.S.C. §

1226(a) and are therefore eligible for individualized bond consideration. *Maldonado Bautista v. Santacruz*, 2026 WL 468284, at *12 (C.D. Cal. 2026).

37. On March 4, 2026, the Immigration Judge commenced the hearing by confirming that she possessed jurisdiction to redetermine Mr. Cazares' custody status in light of the February 18 order in *Maldonado Bautista*. The Immigration Judge did not address the parties' briefs regarding *Trump v. CASA, Inc.*

38. Mr. Cazares presented substantial evidence in support of his release on bond. He identified a United States citizen sponsor who agreed, in writing, to provide financial support and to ensure his appearance at all future immigration proceedings.

39. Mr. Cazares also submitted numerous letters of support from friends, neighbors, and community members attesting to his strong moral character, his consistent and devoted presence in the lives of his children, his regular participation in school and church activities, and his deep roots in the Denver and Aurora communities.

40. Additionally, Mr. Cazares demonstrated that he has likely relief from removal available in the form of Cancellation of Removal pursuant to 8 U.S.C. § 1229b(b)(1), based on his continuous physical presence in the United States, the absence of any disqualifying criminal offenses, his demonstrated good moral character, and his qualifying United States citizen relatives. The availability of such relief weighs heavily in favor of release, as it provides Petitioner with a strong incentive to appear at all proceedings and demonstrates that his removal is far from a foregone conclusion.

41. After considering the totality of the evidence, the Immigration Judge found that Mr. Cazares does not pose a danger to persons or property and that any flight risk concerns are effectively mitigated by his intention to pursue cancellation of removal and his extensive family ties to the community.

42. The Immigration Judge ordered Petitioner released on bond in the amount of ten thousand dollars ($10,000), along with any other appropriate conditions imposed by DHS.

43. In reaching this determination, the Immigration Judge specifically considered Mr. Cazares' absence of significant criminal history, his strong family and employment ties, his most recent entry in 2008 without inspection, his history of immigration attempts prior to 2009, and his ability to post a bond amount.

44. Critically, DHS counsel presented no countervailing evidence whatsoever that Mr. Cazares posed a danger to the community or that he presented a risk of flight. DHS counsel's opposition was limited to a renewed jurisdictional objection and a bare assertion that Mr. Cazares had not met his burden of proof, an assertion the Immigration Judge implicitly rejected by granting bond.

45. The day after the bond hearing, on March 5, 2026, DHS counsel served Petitioner with a Notice of ICE Intent to Appeal Custody Redetermination (Form EOIR-43). Pursuant to 8 C.F.R. § 1003.19(i)(2), the filing of this notice automatically stayed the Immigration Judge's custody redetermination order, thereby nullifying the judicial determination that Petitioner should be released and prolonging his detention indefinitely pending appellate review by the Board of Immigration Appeals.

46. On information and belief, DHS filed this appeal not because it possesses any good-faith basis to contest the Immigration Judge's findings, having presented no evidence at the hearing to rebut Petitioner's showing but rather to circumvent the Immigration Judge's lawful exercise of jurisdiction and to ensure Petitioner's continued detention despite a judicial determination that his release is warranted.

47. The automatic stay mechanism, as applied under these circumstances, effectively renders the bond hearing a nullity and deprives Mr. Cazares of any meaningful opportunity to secure his release.

48. Mr. Cazares' continued detention, despite an Immigration Judge's determination that he should be released on bond, is inflicting severe, escalating, and irreparable harm on both Petitioner and his family.

49. Mr. Cazares' family has exhausted all of their savings and now faces imminent eviction from their home due to the catastrophic loss of household income caused by his detention.

50. Since August 16, 2025, Mr. Cazares has been unable to work, unable to provide for his wife and three minor United States citizen children, and unable to be present for his family outside of the limited visiting hours permitted at the GEO detention facility. Each day of continued detention deepens this financial crisis and moves his family closer to homelessness.

51. Mr. Cazares is experiencing severe and worsening psychological distress as a direct result of his prolonged confinement and his powerlessness to help his family. One of his minor children suffers from significant mental health conditions that have markedly deteriorated during his absence from the home.

52. Mr. Cazares experiences acute anxiety, panic, and profound guilt over his inability to support and comfort his child during this critical time. These symptoms have intensified since he learned that he would not be released even after the Immigration Judge granted bond, a development that has compounded his sense of helplessness and despair.

53. As of the filing of this Petition, Mr. Cazares remains in the custody of U.S. Immigration and Customs Enforcement at the GEO detention facility in the City of Aurora, County of Arapahoe, State of Colorado, having been detained for over seven months without any

judicial determination that his continued detention is warranted and in direct contravention of the Immigration Judge's finding that he should be released..

1. CLAIMS FOR RELIEF

COUNT I
Violation of Fifth Amendment Right to Due Process

54. Mr. Cazares realleges and incorporates by reference all paragraphs as if fully set forth here.

55. The Fifth Amendment's Due Process Clause prohibits the federal government from depriving any person of "life, liberty, or property, without due process of law." U.S. CONST. AMEND. V.

56. "It is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Demore v. Kim*, 538 U.S. 510, 523 (2003).

57. Mr. Cazares's private interest in freedom from detention is profound. The interest in being free from physical detention is "the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004); see also *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); ("Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.").

58. Mr. Cazares's continued detention by Respondents is unlawful and contravenes 8 U.S.C. §1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*, 533 U.S. at 690; 8 U.S.C. §1231(a)(6). Mr. Cazares has yet to be removed and Petitioner continues to languish in detention.

59. Mr. Cazares's removal to Mexico or any other country is not significantly likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* that ICE's continued detention of someone like Mr. Cazares under such circumstances is unlawful.

60. The Supreme Court has repeatedly emphasized that the Constitution generally requires a hearing before the government deprives a person of liberty or property. *Zinermon v. Burch*, 494 U.S. 113, 127 (1990).

61. Federal courts apply the three-factor test from *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), to evaluate due process claims in immigration detention cases. *See L.G. v. Choate*, 744 F. Supp. 3d 1172, 1181 (D. Colo. 2024).

    a. The first *Mathews* factor examines the private liberty interest at stake. As the Colorado District Court recognized in *Merchan-Pacheo v. Noem*, the petitioner's "interest in physical freedom 'is the most elemental of liberty interests'" and

detention in an immigration facility "far from his family" represents a "significant private liberty interest." *Merchan-Pacheo*, 2026 WL 88526, at *14 (D.Colo. 2026).

b. The second factor assesses the risk of erroneous deprivation of liberty. This factor strongly favors detainees subject to automatic stays because, as the Colorado court explained, "the only individuals subject to the automatic stay are those who, by definition, prevailed at their bond hearing." *Id.* at *15. The automatic stay regulation under 8 C.F.R. § 1003.19(i)(2) "does not require DHS to consider or demonstrate any individualized facts or show a likelihood of success on the merits." *Id.* Instead, the regulation allows the government to "unilaterally override the decision of the Immigration Judge and keep the noncitizen detained pending appeal" despite a neutral adjudicator's determination that detention was unwarranted. *Id.*

c. The third factor weighs the government's administrative interest in the challenged procedures. Courts have found this factor weak because the government's interest "is not a strong one where the 'status quo' that ICE seeks to protect [via the stay] is the detention of an individual who an Immigration Judge has determined does not pose a public safety threat or a risk of flight sufficient to warrant continued confinement." *Id.* at *16. Alternative procedures already exist through discretionary emergency stays under 8 C.F.R. § 1003.19(i)(1), which would preserve legitimate government interests while providing procedural safeguards. *Id.* at *15.

62. Under the *Mathews v. Eldridge* framework, the balance of interests therefore strongly favors Mr. Cazares's release.

63. The Due Process Clause requires that detention be limited to its statutory purpose of preventing flight of the alien or a danger to the community; it is accompanied by strong procedural protections to ensure that detention is serving only these goals. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); 8 U.S.C. §1231(a)(6).

64. An impartial judge has ruled in Mr. Cazares's favor, finding that he does not pose a public safety threat or a risk of flight sufficient to warrant continued confinement.

65. Mr. Cazares would no longer be detained except for the automatic stay which was immediately filed by ICE.

66. The automatic stay provision in 8 C.F.R. § 1003.19(i)(2) allows DHS to unilaterally stay the Immigration Judge's bond orders by filing a notice of intent to appeal in cases where DHS has determined that an alien should not be released or has set a bond of $10,000 or more, provided DHS files the notice within one business day of the order. 8 C.F.R. § 1003.19.

67. "Courts nationwide have referenced the 'near unanimity' of 'at least 50 district court decisions across the United States in the last 6 months alone" which have found "that DHS's application of the automatic stay pursuant to 8 C.F.R. § 1003.19(i)(2) violates a non-citizen's due process under the Fifth Amendment.'" *Merchan-Pacheo*, 2026 WL 88526, at *9 (citing, *M.P.L. v. Arteta*, No. 25-cv-5307-VSB, 2025 WL 3288354, at *7 (S.D.N.Y. Nov. 25, 2025) (collecting cases)).

68. Mr. Cazares's case is substantially similar to the matter of *Merchan-Pacheo*, 2026 WL 88526 (D.Colo. 2026). That case involved an immigrant with no criminal history, where Florida Highway Patrol, allegedly stopped him without cause; the state trooper questioned his immigration status and contacted federal authorities, an Immigration Judge ruled that Petitioner merited release on bond, ordered bond set at $25,000 and DHS moved to prevent Petitioner's release, filing a notice of intent to appeal the bond decision to the Board of Immigration Appeals ("BIA") under 8 C.F.R. § 1003.19(i)(2)., 2026 WL 88526, at *1 & 2.

69. After careful analysis and argument by the parties, U.S. Magistrate Judge Prose concluded that "all three *Mathews* factors favor Petitioner's position, and the court finds that the automatic stay regulation, 8 C.F.R § 1003.19(i)(2), violates Petitioner's procedural due process rights under the Fifth Amendment. Accordingly, Petitioner is entitled to release upon posting bond." *Merchan-Pacheo*, 2026 WL 88526, at *16.

70. It should lastly be noted that at least one District Court has recently found that "the automatic stay regulation at 8 C.F.R. § 1003.19(i)(2) violates procedural due process both facially and as applied, and substantive due process as applied." *Herrera v. Knight*, 798 F.Supp.3d 1184, 1203 (D. Nev. 2025).

COUNT II
Violation of Administrative Procedures Act

71. Mr. Cazares realleges and incorporates by reference all paragraphs as if fully set forth here.

72. Under the Administrative Procedure Act ("APA"), federal courts must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).

73. In this case, Respondents invoked the automatic stay provision in 8 C.F.R. § 1003.19(i)(2) after the Immigration Judge ordered Mr. Cazares released on bond. However, DHS did not challenge the Immigration Judge's jurisdiction to conduct the bond hearing and did not meaningfully or otherwise oppose the grant of bond during the custody proceedings.

74. DHS having failed to object to bond or to present substantive arguments against release before the Immigration Court, Respondents nevertheless invoked the automatic stay to prevent Mr. Cazares's release after the Immigration Judge issued a bond order. As a result,

Mr. Cazares remains detained despite the Immigration Court's determination that he is eligible for release under appropriate bond conditions.

75. The agency's invocation of the automatic stay under these circumstances lacks a reasoned basis and is inconsistent with the regulatory purpose of the provision. By using the autostay mechanism to prolong detention after declining to contest bond in the underlying proceedings, Respondents have taken agency action that is arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law in violation of the APA. See, 5 U.S.C. § 706(2)(A).

2. REQUEST FOR RELIEF

WHEREFORE, Petitioner prays that this Court will:

1. Assume jurisdiction over this matter;

2. Order that Petitioner not be transferred outside of this District;

3. Issue an Order to Show Cause ordering Respondents to show cause why his Petition should not be granted within three (3) days;

4. Declare that Petitioner's detention is unlawful;

5. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Petitioner from custody,

6. Alternatively Order that Respondents effectuate Petitioner's immediate release from custody upon the payment of his bond;

7. Award him his attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

8. Grant him any further relief this Court deems just and proper.

Respectfully submitted this 31st day of March 2026.

HERNANDEZ & ASSOCIATES, P.C.

/s/Arnulfo D. Hernández
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I represent the Petitioner, Miguel Cazares Soto, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

/s/Arnulfo D. Hernández
Arnulfo D. Hernández, Esq.,

Dated this 31st day of March 2026.

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2026, I served a copy of the foregoing **PETITION FOR A WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241** by certified mail, return receipt requested, on the following persons:

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Markwayne Mullin,
Secretary of the U.S. Department of Homeland Security*
Washington, DC 20528
*U.S. Department of Homeland Security requires mailing summonses and complaints via registered or certified mail to the Office of the General Counsel

James H. Percival
Office of the General Counsel*
Department of Homeland Security
245 Murray Lane, SW, Mail Stop 0485
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*The DHS website specifies this address "for service of process, by mail only."
See https://www.dhs.gov/office-general-counsel (last visited March 4, 2026).

Pamela Jo Bondi
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*The U.S. Attorney General has designated this official to accept service on behalf of the Attorney General. 28 C.F.R. § 0.77 (j).

U.S. Attorney, Peter McNeilly
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Dated: March 31, 2026.

HERNANDEZ & ASSOCIATES, P.C.

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