Lana Cucchiella, Esq.
The Law Offices of Grey & Mourin
1400 NW 10th Avenue, Suite RG6
Miami, FL 33136
(305) 325-8119
Lana@greyandmourin.com

UNITED STATES DISTRICT COURT
DISTRICT COURT OF COLORADO
CIVIL DIVISION

ENIER DIAZ DELIS

Petitioner,

v.

JUAN BALTAZAR, Warden, GEO Aurora Denver Contract Detention Facility;
ROBERT HAGAN, Director of Denver Field Office, Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement;
TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement;
MARKWAYNE MULLIN, Secretary of the U.S. Department of Homeland Security; and
TODD BLANCHE, Acting Attorney General of the United States;
each in their official capacities.

Respondents.

Case No. _____

PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. For decades, in reliance on the plain language of the Immigration & Nationality Act ("**INA**"), the Board of Immigration Appeals ("**the BIA**") recognized that noncitizens who entered the United States without admission are eligible for bond under 8 U.S.C. § 1226(a).

2. On September 5, 2025, the BIA issued a precedent decision in *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). Therein, the BIA opined that immigration judges lack authority to consider bond requests from any noncitizen who entered the United States without admission. The BIA reasoned that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
3. Petitioner Enier Diaz Delis ("**Petitioner**"), a national of Cuba, has resided in the United States since November 24, 2024.[1]
4. Petitioner is civilly imprisoned by U.S. Immigration and Customs Enforcement ("**ICE**") at the GEO Aurora Denver Contract facility.
5. His imprisonment began, on or about November 14, 2025, when the Department of Homeland Security ("**DHS**") filed a Notice to Appear ("**NTA**"). The NTA charged Petitioner as an alien present in the United States without having been admitted or paroled.
6. On February 04, 2026, Petitioner filed a Motion for Bond.[2]
7. On February 10, 2026, Immigration Judge Tyler Wood entered an Order denying Petitioner's request for bond.[3] Therein, IJ Wood found that, pursuant to *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), he lacked jurisdiction to grant bond.

---

[1] A copy of the Petitioner's Order of Release on Own Recognizance (on November 24, 2021) is attached as **EXHIBIT A**.

[2] A copy of the Motion for Bond, and eROP acceptance notice for the same, are attached as composite **EXHIBIT B**.

[3] That Order is attached as **EXHIBIT C**.

8. On February 25, 2026, Petitioner filed a Motion for Reconsideration of Bond. Though timely filed, the Motion was rejected with an instruction to Petitioner to file the Motion as a subsequent custody redetermination request.[4]

9. On March 03, 2026, Petitioner filed a subsequent Motion for Bond.[5] Therein, Petitioner sought reconsideration of the Order denying bond, relying heavily on the post-judgment Order in *Maldonado Bautista v. Santacruz*, 25-CV-01873. (In that Order, the honorable Sunshine Sykes, District Judge for the Central District Court of California, overruled *Matter of Yajure Hurtado*.)

10. On March 11, 2026, IJ Wood entered an Order denying bond, again finding a lack of jurisdiction.[6] Ignoring the persuasive logic underlying *Maldonado Bautista v. Santacruz,* IJ Wood cited the emergency stay of the post-judgement Order in that case.[7]

11. Petitioner is now being held in violation of the INA and the Fifth Amendment to the United States Constitution.

12. Accordingly, Petitioner asks this Court to grant his petition for a Writ of Habeas Corpus ordering either: his immediate release; or the scheduling, within seven (7) days, of a bond hearing pursuant to 8 USC §1226(a).

JURISDICTION

13. This action arises under the Fifth Amendment of the United States Constitution of the

---

[4] A copy of the rejection notice is attached as composite **EXHIBIT D**.

[5] A copy of the Motion for Bond, and eROP acceptance notice for the same, are attached as composite **EXHIBIT E**.

[6] The Order is attached as **EXHIBIT F**.

[7] The Ninth Circuit Court of Appeals temporarily stayed the Order pending a ruling on DHS' emergency motion for a stay pending appeal. *See* 25-CV-01873 at [DE 129].

United States and INA 8 U.S.C. § 1226(a).

14. This Court has subject matter jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (suspension clause).

15. 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

16. 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 judicial district in which Petitioner currently is detained. Venue is proper because Petitioner is detained at the GEO Aurora Denver Contract Facility in Denver, Colorado, which is within the jurisdiction of this District.

17. Additionally, pursuant to 28 U.S.C. § 2241 and 28 U.S.C. § 1391, venue is proper in this District because Petitioner's immediate physical custodian is located within this District. Likewise, Respondents are officers, employees, or agencies of the United States and a substantial part of the events or omissions giving rise to Petitioner's claims occurred in this District.

REQUIREMENTS OF 28 U.S.C. § 2243

18. Unless Petitioner is not entitled to relief, the Court must grant this petition for writ of habeas corpus or issue an order to show cause ("**OSC**") "forthwith". 28 U.S.C. § 2243. If an OSC is issued, the Court must require respondents to file a return within three (3) days, unless Respondents show good cause for a grant of additional time not to exceed

twenty (20) days. *Id.*

19. Courts have long recognized habeas corpus as an essential protection against unlawful detention, and "a means of reviewing the legality of Executive detention." *Rasul v. Bush*, 542 U.S. 466, 474 (2004) (quoting *INS v. St. Cyr*, 533 U.S. 289, 301 (2001)). The so-called "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

20. Petitioner is a Cuban national, civilly imprisoned by ICE at the GEO Aurora Denver Contract Facility. He is in the custody, and under the direct control, of Respondents and their agents.
21. Petitioner proceeds against each and every Respondent in their official capacity.
22. Respondent Juan Baltazar is the Warden of the GEO Aurora Denver Contract Facility, and has immediate physical custody of Petitioner pursuant to the facility's contract with ICE to detain noncitizens. In this capacity, he is responsible for the immediate execution of Petitioner's detention, is Petitioner's immediate legal custodian, and has authority to release Petitioner. Respondent Baltazar is a legal custodian of Petitioner.
23. Respondent Hagan is the Director of the Denver Field Office of Enforcement and Removal Operations of ICE. In this capacity, he is responsible for the immediate execution of Petitioner's detention, is Petitioner's immediate legal custodian, and has authority to release Petitioner. Respondent Hagan is responsible for the administration of

immigration laws and the confinement of noncitizens in the jurisdiction in which Petitioner is confined. He is a legal custodian of Petitioner.

24. Respondent Mullin is the Secretary of DHS. He is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees ICE, the component agency responsible for Petitioner's detention . Respondent Mullin is a legal custodian of Petitioner.

25. Respondent Lyons is the Acting Director of ICE, the agency responsible for Petitioner's detention. As the senior official of ICE, he is responsible for the administration and enforcement of the INA and oversees any effort to confine Petitioner pending his removal from the United States. Respondent Lyons is a legal custodian of Petitioner.

26. Todd Blanche is the Acting Attorney General of the United States and the senior official for the U.S. Department of Justice ("**DOJ**"). He 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. In that capacity, he is responsible for administration of the INA. Respondent Blanche is a legal custodian of Petitioner.

EXHAUSTION

27. There is no statutory requirement of exhaustion of administrative remedies when a noncitizen challenges the lawfulness of his detention.

28. Additionally, prudential exhaustion is not be required when to do so would be futile and would result in irreparable harm. See *McCarthy v. Madigan*, 503 U.S. 140, 146–47 (1992). An administrative appeal would serve no purpose in the face of *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025). Petitioner has *twice* requested a bond and been denied a hearing by operation of that BIA decision.

29. Each moment that passes violates Petitioner's due process right to liberty, and constitutes irreparable harm. *Addington v. Texas*, 441 U.S. 418, 425 (1979) ("This Court repeatedly has recognized that civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection.").
30. Short of habeas corpus, there exists no adequate procedure for Petitioner to challenge his detention in a manner subject to immediate review. The only remedy to his prolonged and continued unlawful detention is habeas corpus.

STATEMENT OF FACTS

31. Petitioner has resided in the United States since (no later than) November 24, 2021.
32. Petitioner was *not* immediately imprisoned by Respondents or placed in removal proceedings, but instead released on his own recognizance.
33. Petitioner's imprisonment began, on or about November 14, 2025, when DHS filed an NTA charging him as an alien present in the United States without having been admitted or paroled.
34. Petitioner is civilly imprisoned by ICE at the GEO Aurora Denver Contract facility.
35. On February 04, 2026, Petitioner filed a Motion for Bond. Relying on *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), IJ Tyler Wood found that he lacked jurisdiction to grant Petitioner's request for bond. Accordingly, the Motion was denied.
36. On February 18, 2026, a post-judgment Order in *Maldonado Bautista v. Santacruz*, 25-CV-01873 (C.D. Cal.) overruled and vacated *Matter of Yajure Hurtado*.
37. On March 03, 2026, Petitioner filed a subsequent Motion for Bond.

38. On March 11, 2026, IJ Wood entered an Order denying the subsequent request for bond. IJ Wood cited the emergency stay of the *Maldonado Bautista v. Santacruz* ruling by the Ninth Circuit Court of Appeals, and again found a lack of jurisdiction to consider bond.
39. Petitioner has, through the exhibits attached to his requests for bond, demonstrated that he does not pose a flight risk, nor a danger to the community.
40. Petitioner has likewise demonstrated that he has significant ties to his community.
41. Because Petitioner is detained pursuant to 8 U.S.C. § 1226(a), rather than 8 U.S.C. § 1225(b)(2)(A), the Immigration Court *is* vested with jurisdiction to grant him bond.
42. Nonetheless, because of the BIA's opinion in *Matter of Yajure Hurtado,* 29 I&N Dec. 216 (BIA 2025), the Immigration Court has determined it is without jurisdiction to consider Petitioner's request for bond. As a result, Petitioner remains in detention.
43. Petitioner now asks this Court to grant his petition for a Writ of Habeas Corpus.

LEGAL FRAMEWORK

44. DHS is vested with the authority, under the INA, to detain noncitizens "pending a decision on whether" they are to be removed. 8 USC § 1226.
45. For the vast majority of noncitizens in removal proceedings, the INA identifies three paradigms for detention.
    a. 8 U.S.C. § 1226(a) authorizes the detention of noncitizens in removal proceedings before an Immigration Judge. Noncitizens convicted of certain crimes are subject to the mandatory detention provisions of 8 U.S.C. § 1226(c). However, in the absence of any disqualifying criminal history, individuals detained pursuant to 8 U.S.C. § 1226(a) are entitled to consideration of release on bond or parole. 8

U.S.C. § 1226(a)(1); 8 C.F.R. § 236.1(c)(8); 8 C.F.R. §§ 1003.19(a), 1236.1(d). If DHS denies release, a noncitizen can seek a custody redetermination (commonly referred to as a bond hearing) before an immigration judge. *See* 8 C.F.R. § 1236.1(d). At that hearing, the noncitizen may present evidence to show they are not a flight risk or danger to the community. *See generally Matter of Guerra*, 24 I. & N. Dec. 37, 40 (BIA 2006).

b. 8 U.S.C. § 1225 provides for the mandatory detention of certain individuals. Noncitizens undergoing expedited removal are subject to mandatory detention pursuant to 8 U.S.C. § 1225(b)(1). Recent arrivals seeking admission pursuant to 8 U.S.C. § 1225(b)(2) are subject to mandatory detention. In other words, noncitizens detained under 8 U.S.C. § 1225(b) are *not* entitled to bond hearing. 8 U.S.C. § 1225(b)(1)(B)(ii), (iii)(IV), (b)(2)(A). Those subject to the provisions of 8 U.S.C. § 1225(b) may only be released under humanitarian parole at DHS' discretion. *Jennings v. Rodriguez*, 583 U.S. 281, 288 (2018); 8 U.S.C. § 1182(d)(5).

c. Noncitizens who have been ordered removed, includes those in withholding-only proceedings, are subject to mandatory detention under 8 U.S.C. § 1231(a)–(b).

46. This case concerns the application of 8 U.S.C. § 1226(a) and 8 U.S.C. § 1225(b)(2), both of which were enacted through the Illegal Immigration Reform and Immigrant Responsibility Act ("**IIRIRA**") of 1996, Pub. L. No. 104-–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585.

47. Prior to IIRIRA, bond determinations were governed by 8 U.S.C. § 1252(a). That statute both provided for detention during "deportation" proceedings, and established a

framework for the release of noncitizens on bond. *See* 8 U.S.C. § 1252(a) (1994). It was the initiation of "deportation" proceedings which triggered detention, regardless of a noncitizen's manner of entry. *Id.* IIRIRA's 8 U.S.C. § 1226(a) maintained the same basic detention authority and access to release on bond for those arrested *after* entering the United States.

48. Thus, 8 U.S.C. § 1226(a) essentially codified what was already the status quo. As Congress explained, 8 U.S.C. § 1226(a) merely "restate[d] the [then] current provisions in [8 U.S.C. § 1252(a)] regarding the authority of the Attorney General to arrest, detain, and release on bond an alien who is not lawfully in the United States." H.R. Rep. No. 104-469, pt. 1, at 229 (1996); *see also* H.R. Rep. No. 104-828, at 210 (1996) (Conf. Rep.).

49. It was IIRIRA's addition of 8 U.S.C. § 1225(b) which created new detention and removal restrictions for those apprehended *while arriving* in the United States. Pursuant to 8 U.S.C. § 1225(b), those individuals may be placed in ordinary removal proceedings, or may be placed in special "expedited removal proceedings" where DHS officers issue administrative removal orders without a hearing before an immigration judge. Either way, those apprehended while arriving are subject to mandatory detention. 8 U.S.C.§ 1225(b)(1)(B)(ii), (iii)(IV), (b)(2)(A).

50. The applicability of either 8 U.S.C. § 1226(a) or 8 U.S.C. § 1225(b)(2) is thus contingent on the timing of a noncitizen's arrest. A noncitizen arrested when *attempting to enter* the country is ineligible for bond, while a noncitizen arrested *after* entering the country is entitled to seek bond. This reading of 8 U.S.C. § 1226(a) and 8 U.S.C. § 1225(b)(2) has been borne out in regulation and practice.

51. Shortly after the enactment of IIRIRA, the EOIR published regulations confirming its intended application. The EOIR noted that, in general, noncitizens who enter without inspection are *not* subject 8 U.S.C. § 1225 and that they are instead detained under 8 U.S.C. § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997). ("[I]nadmissible aliens, except for arriving aliens, have available to them bond redetermination hearings before an immigration judge, while arriving aliens do not.") As before IIRIRA, those apprehended *after* arriving are eligible or bond. "Despite being applicants for admission, aliens who are present without having been admitted or paroled (formerly referred to as aliens who entered without inspection) will be eligible for bond and bond redetermination." *Id.* In the decades following IIRIRA, most noncitizens in standard removal proceedings who entered without inspection indeed received bond hearings. (Some were ineligible due to disqualifying criminal history.)

52. The text of both 8 U.S.C. § 1226(a) and 8 U.S.C. § 1225(b)(2) demonstrate that the former, and not the latter, applies to Petitioner.

    a. 8 U.S.C. § 1226(a) applies to those who are "already in the country" and are detained "pending the outcome of removal proceedings…." *Jennings v. Rodriguez*, 583 U.S. 281, 289 (2018).

    b. In contrast, 8 U.S.C. § 1225(b)(2)'s mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible…" *Jennings*, 583 U.S. at 287.

53. The entire purpose of 8 U.S.C. § 1225 is to define how DHS should inspect, process, and detain various classes of people who are either arriving at the border or just entering the country. *Jennings*, 583 U.S. at 297 ("[section] 1225(b) applies primarily to [noncitizens] seeking entry into the United States . . . ."). The statute assumes an inspection at or near the border shortly after arrival, repeatedly referring to "examining immigration officer[s]", and inspection of noncitizens "arriving in the United States…."

54. 8 U.S.C. § 1225(b)(2) specifies that it applies only to "applicants for admission", a category of noncitizens defined at § 1225(a)(1) as those who are "*seeking* admission." 8 U.S.C. § 1225(b)(2), (b)(2)(A) (emphasis added). The active verb "seeking" significantly limits the temporal scope of the statute to those who are apprehended immediately upon entry.

55. "This active construction of the phrase 'seeking admission'" requires that "arriving alien" subject to 8 U.S.C. § 1225(b)(2) is not just an "arriving alien", but one "who is also *doing* something" following their arrival to obtain authorized entry. *Martinez v. Hyde*, 792 F. Supp. 3d 211, 219 (U.S. Dist. Mass., Jul. 24, 2025) (emphasis in original). As one Federal District Court Judge recently analogized, "someone who enters a movie theater without purchasing a ticket and then proceeds to sit through the first few minutes of a film would not ordinarily then be described as 'seeking admission' to the theater. Rather, that person would be described as already present there." *Benitez v. Francis*, 795 F. Supp. 3d 475, 489 (S.D.N.Y. Aug. 13, 2025).

56. By applying 8 U.S.C. § 1225(b)(2) only to those "seeking admission," Congress precluded the application of the statute to those who (like Petitioner): have already entered and reside in the United States; *and* did not take affirmative steps in furtherance

of formal admission when they arrived. *See generally* 8 U.S.C. § 1225; H.R. Rep. No. 104-469, pt. 1, at 157–58, 228–29; H.R. Rep. No. 104-828, at 209. In fact, until recently, Respondent DHS argued as such, explaining that "[t]o 'seek admission' . . . entails affirmative actions to gain authorized entry." Reply Br. for Fed. Appellees at 14–15, *Crane v. Johnson*, No. 14-10049 (5th Cir. Sept. 29, 2014), Dkt. 78-1; *accord* Tr. of Oral Argument at 44:23–45:2, *Biden v. Texas*, 597 U.S. 785 (2022) (No. 21-954) (Solicitor General conceding that DHS's long-standing interpretation has been that 1226(a) applies to those who enter without inspection and are not immediately apprehended).

57. Despite the aforementioned statutory framework, and the decades of practice relying thereon, DHS, on July 8, 2025, announced a new policy titled "Interim Guidance Regarding Detention Authority for Applicants for Admission"[8] ("**the Policy**"). The Policy asserts that all persons who entered the United States without inspection should be subjected to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). DHS announced it would seek to apply the policy *regardless* of whether a person was apprehended after arriving in the country. It would even apply the Policy to those residing in the United States for months, years, or decades.

58. On September 5, 2025, the BIA adopted the Policy in a published decision, *Matter of Yajure Hurtado*, 29 I & N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who enter the United States without admission or parole are: subject to

[8] *Available at:* https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for- applications-for-admission.

mandatory detention under 8 U.S.C. § 1225(b)(2)(A); and ineligible for bond hearings before an Immigration Judge.

59. Respondents' application of 8 U.S.C. § 1225(b) to those who (like Petitioner) were apprehended *after* entering the United States is widely regarded as unlawful. Scores of federal courts have rejected the Policy and the decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). Respondent DHS "has been challenged in at least 362 similar cases in federal district court and… 350 of those cases, decided by over 160 judges have resolved this same issue against [DHS]." *Labrada-Hechvarria et. Al. v. U.S. Attny Gen.,* 2026 U.S. App. Lexis 5318*, 2026 WL 496486 (11th Cir. 2026) (relying on data *Barco Mercado v. Francis,* No. 25-CV-6582, 2025 U.S. Dist. Lexis 232876, 2025 WL 3295903, *4 (S.D.N.Y. Nov. 26, 2025). *See also Hernandez v. Baltazar,* 2025 U.S. Dist. Lexis 265306*, 2025 LX 505411 (Colo. Dist. Ct., Dec. 23, 2025) (granting a petition for habeas corpus under circumstances identical to the one at bar). In other words, courts have almost uniformly rejected *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), finding that it defies the plain language of the INA.

60. Recent amendments to 8 U.S.C. §1226 further underscore Petitioner's eligibility for bond. *See* Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025)). By operation of the Laken Riley Act, those: charged as inadmissible under § 1182(a)(6)(A)(i) (for entry without inspection) or § 1182 (a)(7) (for lacking valid documentation to enter the United States); *and* arrested, charged with, or convicted of certain crimes; are subject to mandatory detention under 8 U.S.C. § 1226(c). *See* 8 U.S.C. § 1226(c)(1)(E). Stated differently, the Laken Riley Act applies mandatory detention to *specified* noncitizens who enter without inspection.

61. "The Supreme Court has recognized that when Congress creates exceptions to a statute's applicability, it 'proves' that absent those exceptions, the statute is generally applicable." *Hernandez v. Baltazar,* 2025 U.S. Dist. Lexis 265306*, 2025 LX 505411 (Colo. Dist. Ct., Dec. 23, 2025). By subjecting only *specified* noncitizens who entered without inspection to 8 U.S.C. § 1226(c), Congress reaffirmed that § 1226(a) covers non-specified noncitizens who entered without inspection.

62. It is "a cardinal principle of statutory construction that a statute ought, upon the whole, to be so construed that, if it can be prevented, no clause, sentence, or word shall be superfluous, void, or insignificant." *Alaska Dep't of Envtl Conservation v. EPA,* 540 U.S. 461, 490, n13 (2002) (citing *TRW Inc. v. Andrews,* 534 U.S. 19, 31 (2001)). Respondents' application of mandatory detention to *all* those who enter without inspection violates that axiom, rendering superfluous the Laken Riley Act.

63. Respondents may seek refuge in *Buenrostro-Mendez v. Bondi Buenrostro-Mendez,*2026 U.S. App. Lexis 3899*, 2026 WL 323330 (5th Cir. 2026). In that decision, which does *not* bind this Court, the Fifth Circuit found that a class of non-citizens were not bond eligible. However, unlike Petitioner, the noncitizens in that case *conceded* that they were applicants for admission under 8 U.S.C. § 1225(a), rather than 8 U.S.C. §1226. *Id.* at *5. In other words, the *Buenrostro-Mendez* holding is inapplicable to the case at bar.

64. Petitioner respectfully submits that the holding in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), and the IJ Wood's reliance thereon, violates the INA, as 8 U.S.C. §1226(a) sets forth Petitioner's right to seek release on bond.

65. Pursuant to the Due Process Clause of the Fifth Amendment to the United States Constitution, no person may be "deprived of... liberty... without due process of law."

Freedom from imprisonment- from government custody, detention, or other forms of physical restraint- lives at the heart of the liberty that Clause protects." *Zadvydas v Davis*, 533 U.S. 678, 690 (2001). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. *Id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)).

66. The Petitioner is now being held in violation of his statutory and constitutional rights.

CLAIMS FOR RELIEF

COUNT ONE
Violation of Fifth Amendment Right to Due Process

67. The facts and legal authorities in the above paragraphs are realleged and incorporated herein.

68. Respondents have deprived Petitioner of his liberty without access to a bond hearing on the merits.

69. Accordingly, Petitioner is now detained in violation of the Due Process Clause of the Fifth Amendment.

70. Petitioner is entitled to immediate release.

COUNT TWO
Violation of the INA, 8 U.S.C. § 1226 and 8 U.S.C. § 1225

71. The facts and legal authorities in the above paragraphs are realleged and incorporated herein.

72. Petitioner is entitled, pursuant to 8 U.S.C. § 1226(a), to seek a bond.

73. Respondents have denied Petitioner a bond hearing under 8 U.S.C. § 1226(a), and unlawfully subjected him to the inapplicable 8 U.S.C. § 1225(b).

74. Accordingly, Respondents have violated the INA and Petitioner's statutory rights.

75. Petitioner is now is entitled to immediate release.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this honorable Court to:

(1) Assume jurisdiction over this matter;

(2) Pursuant to 28 U.S.C. § 1651, and to preserve this Court's jurisdiction, enjoin Respondents from removing, transferring, or causing to remove or transfer Petitioner from the District of Colorado;

(3) Expedite consideration of this action pursuant to 28 USC § 1657 because it is an action brought under 28 USC chapter 153 (including 28 U.S.C. § 2241);

(4) Issue to Respondents, pursuant to 28 U.S.C. § 2243, an Order to Show Cause requiring them to show cause, within three days, why this Petition should not be granted;

(5) Grant Petitioner a writ of habeas corpus and declare his detention unconstitutional, and violative of Due Process Clause of the Fifth Amendment; and/or violative of 8 U.S.C. § 1226(a);

(6) Order Respondent to immediately release Petitioner from custody, or, in the alternative, provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within seven days;

(7) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and

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

Respectfully submitted,

/S/ Lana Cucchiella, Esq.
Law Offices of Grey & Mourin

1400 NW 10th Avenue, Suite RG6
Miami, FL 33136
Lana@greyandmourin.com
eservice@greyandmourin.com
Tel: (305) 325-8119
Fax: (305) 325-0569

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

Undersigned counsel, on behalf of the Petitioner, submits this verification on Petitioner's behalf. Counsel hereby verifies that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are, to the best of her knowledge, true and correct.

Dated this 2nd day of April, 2026.

Respectfully submitted,

/S/ Lana Cucchiella, Esq.
Law Offices of Grey & Mourin
1400 NW 10th Avenue, Suite RG6
Miami, FL 33136
Lana@greyandmourin.com
eservice@greyandmourin.com
Tel: (305) 325-8119
Fax: (305) 325-0569