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UNITED STATES DISTRICT COURT
THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-3292

DOUGLAS XAVIER QUIMI-ARELLANO,

Petitioner

v.

JUAN BALTAZAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado, in his official capacity,

GEORGE VALDEZ, Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,

MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security, in his official capacity,

DAVID VENTURELLA, Acting Director of Immigration and Customs Enforcement, in his official capacity,

TODD BLANCHE, Acting Attorney General, U.S. Department of Justice, in his official capacity,

Respondents

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

I. INTRODUCTION

1. Respondents have illegally incarcerated Petitioner Douglas Xavier Quimi-Arellano ("Mr. Quimi-Arellano") for over two months at Immigration and Customs Enforcement's ("ICE") Denver Contract Detention Facility in Aurora, Colorado ("Aurora Facility").[1] Mr. Quimi-Arellano is entitled to a writ of *habeas corpus* to end his unlawful loss of liberty.

2. Respondents reincarcerated Mr. Quimi-Arellano after previously finding him subject to 8 U.S.C. § 1226(a) and *releasing him under his own recognizance* in 2024. For over two years, Mr. Quimi-Arellano continued with his immigration proceedings at liberty until he was rearrested without notice, process, changed circumstances, or a pre-deprivation hearing at an ICE check-in appointment.

3. Respondents did not articulate any changed circumstances in Mr. Quimi-Arellano's case that justified the re-arrest. Instead, they used an unprecedented – and unlawful – interpretation of federal statute to state that millions of individuals were subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

4. Because of Respondents' unlawful detention, Mr. Quimi-Arellano was rushed through detained removal proceedings without adequate time to acquire an attorney and as a result was given a removal order. He is appealing to the Board of Immigration Appeals ("BIA").

5. Mr. Quimi-Arellano has now been detained for over two months due to Respondents' unjustified re-arrest and erroneous interpretation of the law. Mr. Quimi-Arellano's re-incarceration

[1] This Petition does not refer to the Aurora Facility or Petitioner's loss of liberty as detention because it does not accurately reflect the conditions at the Aurora Facility. *E.g.*, *L.G. v. Choate*, 744 F.Supp.3d 1172, 1182 (D. of Colo. 2024) (citation omitted) (acknowledging that the District of Colorado found that the GEO Facility is "more akin to incarceration than civil confinement"). Indeed, the conditions in the Aurora Facility are "abhorrent." *Arostegui-Maldonado v. Baltazar*, 794 F.Supp.3d 926, 940 (D. Colo. 2025).

violates due process. *J.U. v. Maldonado*, 805 F.Supp.3d 482, 498 (E.D.N.Y. 2025). It also violates the maxim that "[a]n agency must defend its actions based on the reasons it gave when it acted." *DHS v. Regents of Univ. of Cal.*, 591 U.S. 1, 24 (2020); *Marrero Yera v. Baltazar et al.*, No. 1:26-cv-00476-SKC-SBP, 2026 WL 472014 at *2 (D. Colo. Feb. 19, 2026); *Patel v. Crowley*, No. 25 C 11180, 2025 WL 2996787, at **5–6 (N.D. Ill. Oct. 24, 2025). Expeditious action from this Court is needed to address Respondents' continued lawlessness because, despite its best efforts, "ICE is not a law unto itself." *Juan T.R. v. Noem*, 26-cv-0107 (PJS/DLM), 2026 WL 232015, at *1 (D. Minn. Jan. 28, 2026).[2]

II. PARTIES

Mr. Quimi-Arellano

6. ICE first jailed Mr. Quimi-Arellano after his entry to the United States in 2024 but then released him on his own recognizance pursuant to 8 U.S.C. § 1226(a). Mr. Quimi-Arellano then timely filed his application for asylum and other forms of fear-based relief. ICE also initiated § 1226(a) removal proceedings against Mr. Quimi-Arellano through service of a Notice to Appear ("NTA"), charging him as removable pursuant to § 1182(a)(6)(A) for having entered without inspection or admission.

7. Two years later, ICE took Mr. Quimi-Arellano into custody without notice or an opportunity to be heard, claiming that he is subject to 8 U.S.C. § 1225(b)(2) mandatory detention.

[2] The recent decision in *Santillan Quiroz v. Mullin*, No. 26-6019, 2026 WL 1876709 (10th Cir June 30, 2026), finding that noncitizens arrested in the interior of the United States are subject to § 1226, further demonstrates ICE's lawlessness. However, this decision does not remedy the due process violations suffered by Mr. Quimi-Arellano after his unjustified re-arrest and months of unlawful incarceration after previously being released on recognizance for more than two years.

Respondents

8. Juan Baltazar is the Warden of the Aurora Facility where ICE jails Mr. Quimi-Arellano, and is an employee of the GEO Group, the for-profit prison company that operates the facility. Mr. Baltazar is a legal custodian of Mr. Quimi-Arellano. He is sued in his official capacity.

9. George Valdez is the ICE Field Office Director of the Denver ICE Field Office and is sued in his official capacity. Mr. Valdez is the immediate custodian of Mr. Quimi-Arellano and is responsible for Mr. Quimi-Arellano's detention and removal.

10. Markwayne Mullin is the Secretary of the Department of Homeland Security ("DHS"). Mr. Mullin is responsible for the implementation and enforcement of the Immigration and Nationality Act ("INA"). DHS is the parent agency of ICE, and thus Mr. Mullin also oversees ICE, which is responsible for Mr. Quimi-Arellano's illegal detention. Mr. Mullin has ultimate custodial authority over Mr. Quimi-Arellano and is sued in his official capacity.

11. David Venturella is the Acting Director of U.S. ICE and is sued in his official capacity. Mr. Venturella is responsible for Mr. Quimi-Arellano's illegal detention and has custodial authority over him.

12. Todd Blanche is the Acting Attorney General of the United States. He is responsible for the actions of the Department of Justice ("DOJ"). The EOIR and the immigration court system it operates are a component agency of DOJ. Mr. Blanche is sued in his official capacity.

III. JURISDICTION AND VENUE

13. Respondents incarcerate Mr. Quimi-Arellano at the Aurora Facility in Aurora, Colorado. Mr. Quimi-Arellano is currently imprisoned in this District and is under the control of Respondents and their agents.

14. Mr. Quimi-Arellano brings this action under 28 U.S.C. § 2241, the INA and its implementing regulations, the Administrative Procedures Act (5 §§ U.S.C. 500-596, 701-706), the All-Writs Act (8 U.S.C. § 1651), the Declaratory Judgment Act, 28 U.S.C. § 2201, and the U.S. Constitution. District courts have jurisdiction under 28 U.S.C. § 2241 to hear *habeas corpus* actions by noncitizens challenging the lawfulness and constitutionality of their civil immigration detention.

15. This Court also has federal question jurisdiction pursuant to 28 U.S.C. § 1331, as this is a civil action arising under the laws of the U.S.

16. Venue is proper under 28 U.S.C. § 1391 because Respondents imprison Mr. Quimi-Arellano in Aurora, Colorado, within the jurisdiction of this Court. Likewise, Mr. Quimi-Arellano is a resident of this District, his counsel is in this District, and a substantial part of the events giving rise to the claims in this action took place within this District.

IV. FACTUAL BACKGROUND

A. ICE's Reincarnation of Mr. Quimi-Arellano Violated Due Process

17. ICE's decision to reincarcerate Mr. Quimi-Arellano violates procedural due process. "It is well established that the Fifth Amendment entitles [noncitizens] to due process of law in the context of removal proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993). The "touchstone" of due process is protecting people against arbitrary government action, whether from "denial of a fundamental procedural fairness, or the exercise of power without any reasonable justification in the service of a legitimate government objection." *Cty. of Sacramento v. Lewis*, 532 U.S. 833, 845–46 (1998). "Even those who face significant constraints on their liberty or those over whose liberty the government wields significant discretion retain a protected interest in their liberty." *Rosado v. Figueroa*, CV 25-02157 PHX DLR (CDB), 2025 WL 2337099, at *11 (D. Ariz. Aug. 11, 2025);

Guillermo M.R. v. Kaiser, 791 F.Supp.3d 1021, 1030 (N.D. Ca. Jul. 17, 2025) (citations omitted) (same).

18. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty . . . ." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

19. Whether government action violates procedural due process is determined by the three-factor balancing test in *Mathews*. *Id.* at 335. The test requires the Court to balance (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.*

20. Here, ICE's decision to release Mr. Quimi-Arellano under § 1226 two years ago means that it concluded that he is neither a risk of flight nor a danger to the community. *See Saravia v. Sessions*, 280 F.Supp.3d 1168, 1176 (N.D. Cal. 2017) ("Release reflects a determination by the government that the noncitizen is not a danger to the community or a flight risk"); *Alfaro Herrera v. Baltazar*, 1:25-cv-91470-CNS, 2026 WL 91470 at *9 (D. of Colo. Jan. 13, 2026) (noting that it is "implicit" in release under § 1226(a) that there was a "determination that [the person] is neither a danger to the community nor a flight risk"); *Ramirez Andrade v. Baltazar*, 1:25-cv-04051-RMR, ECF 20 at **6–7 (D. Colo. Mar. 4, 2026).

21. ICE's decision to reverse course and jail Mr. Quimi-Arellano under § 1225(b)(2) without notice, process, an opportunity to be heard, or a material change in circumstances violates his right

to procedural due process – a violation for which immediate release from custody is the only appropriate remedy. *E.g.*, *J.U.*, 805 F.Supp.3d at 498; *Grigorian v. Bondi*, 25-cv-22914-RAR, 2025 WL 2604573, at *6–10 (S.D.Fla. Sept. 9, 2025); *K.E.O. v. Woosley*, No. 4:25-cv-74-RGJ, 2025 WL 2553394, at *3 (W.D.Ky. Sept. 4, 2025); *Zhu v. Genalo*, 1:25-cv-06523 (JLR), 2025 WL 2452352, at *5–9 (S.D.N.Y. Aug. 26, 2025); *Roble v. Bondi*, No. 25-cv-3196 (LMP/LIB), 2025 WL 2443453, at *5 (D. Mass. June 20, 2025); *Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 163–64 (W.D.N.Y. 2025); *Alfaro Herrera*, 2026 WL 91470, at *10–12; *Cruz Valera v. Baltazar*, 1:25-cv-03744-CNS, 2025 WL 3496174, at *3–4 (D. Colo. Dec. 5, 2025).

22. Courts in this District not only wholeheartedly agree, but they also consistently find that *immediate release* is the proper remedy for the significant harm suffered. *See, e.g.*, *Quimi-Arellano v. Baltazar et al.*, 26-cv-02689-WJM, ECF 15 (D. Colo. Jul. 2, 2026) (finding due process violations for unlawful re-arrest of Mr. Quimi Arellano's brother, who was also previously released on his own recognizance, and finding immediate release to be the proper remedy); T*emaj Lopez v. Baltasar*, No. 26-CV-0688-WJM, 2026 WL 628199, at *4-5 (D. Colo. Mar. 6, 2026) ("Temaj Lopez's detention properly falls under section 1226(a). As such, the Court readily finds and concludes that Respondents have violated his statutory and constitutional rights by arguing otherwise and denying him an opportunity to post bond."); *Ramirez Andrade v. Baltazar et al.*, 25-cv-04051-RMR, ECF 20 at *8-9 ("Therefore, he too has been on de facto conditional parole pursuant to § 1226… Therefore, his current detention violates § 1226(a), and the Court will grant his Petition…"); *Hotak v. Baltazar et al.*, 26-cv-00610-CNS, ECF 14 (D. Colo. Feb. 25, 2026) (ordering immediate release and prohibiting re-detention absent a bond hearing); *Singh v. Baltazar*, 819 F. Supp. 3d 1247 (D. Colo. 2026) (acknowledging that Petitioner was previously found to not

be a danger nor a flight risk and ordering immediate release); *Luzolano v. Baltazar et al.*, 26-cv-02629-CNS, ECF 14 (D. Colo. Jun. 23, 2026) (same).

23. Indeed, just weeks ago, Judge William J. Martínez addressed this precise issue in a habeas corpus petition involving Petitioner's own brother. In *Quimi-Arellano v. Baltazar et al.*, No. 26-cv-02689-WJM, ECF No. 15 (D. Colo. July 2, 2026), Mr. Quimi Arellano's brother presented a habeas corpus petition stating Respondent's released him on his own recognizance pursuant to 8 U.S.C. § 1226(a), only to later re-detain him under § 1225(b) without notice or a pre-deprivation hearing. Quoting the Tenth Circuit's recent decision in *Santillan Quiroz*, Judge Martínez concluded that Mr. Quimi-Arellano was detained under the wrong statutory authority because "the material facts here are indistinguishable" from *Santillan Quiroz* and that "§ 1226(a)—not § 1225(b)(2)(A)—applies to Quimi-Arellano." *Id* at *5. The Court further held that "Respondents *violated due process* by committing those same procedure failures before re-detaining Quimi-Arellano," thereby violating his Fifth Amendment procedural due process rights. *Id.* at *5-6 (emphasis added).

24. Judge Martínez also rejected Respondents' argument that a subsequent bond hearing could remedy those violations. Instead, he adopted the reasoning that "[a] bond hearing . . . cannot cure the fact that [the petitioner] is detained while his conditional parole is still ongoing because it has not been properly terminated," and that ordering only a bond hearing would merely allow the Government to "transform an unlawful detention into a lawful one through post-hoc justifications." *Id.* at *6. Accordingly, Judge Martínez held that "the Court will order Quimi-Arellano's immediate release," ordered Respondents to "IMMEDIATELY RELEASE Quimi-Arellano on his own recognizance," prohibited ICE from imposing "[n]o additional conditions of release," and enjoined Respondents from re-arresting him absent a constitutionally adequate pre-deprivation hearing. *Id.* at 7-8. This case presents identical facts involving Petitioner's own brother. Like his brother, Mr.

Quimi-Arellano was released by ICE on his own recognizance pursuant to § 1226(a), only to be re-arrested under § 1225(b) without notice or a pre-deprivation hearing. There is no principled basis to afford Mr. Quimi-Arellano relief different from that awarded to his brother under materially indistinguishable facts.

25. Other judges in this District have repeatedly reached the same conclusion. In cases involving noncitizens who were previously released on their own recognizance only to be unlawfully re-arrested in violation of the INA, its implementing regulations, and the Fifth Amendment, Judge Martínez, Judge Rodríguez, and Judge Sweeney have all concluded that immediate release—not a post hoc bond hearing—is the appropriate remedy. *See Temaj Lopez*, 2026 WL 628199, at *4-5; *Ramirez Andrade*, ECF No. 20, at **8-9; *Hotak,* ECF No. 14; *Luzolano* ECF No. 14.

26. Habeas corpus is "perhaps the most important writ known to the constitutional law . . . 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). While Respondents' current confinement of Petitioner is incarceration at the GEO detention center, Petitioner seeks habeas relief from *all* forms of illegal ICE custody. *See Jones v. Cunningham*, 371 U.S. 236, 242 (1963) ("While petitioner's parole releases him from immediate physical imprisonment, it imposes conditions which significantly confine and restrain his freedom; this is enough to keep him 'in custody' . . . within the meaning of the habeas corpus statute"); *Orellana v. Moniz*, 788 F.Supp.3d 61, 68 (D. Mass. June 11, 2025) (same for a noncitizen with an ankle monitor); *Hogarth v. Santacruz*, 5:25-cv-09472-SPG-MAR, 2025 WL 3211461, *13 (C.D. Cal. Oct. 23, 2025) (same). This includes the imposition of GPS monitoring, check-in requirements, in-person or telephonic requirements,

retention of identity documents, delays in bond payment or actual release, and any other conditions ICE unilaterally imposes as part of judge-ordered release.

B. Legal Authority for Immigration Detention.

27. To add insult to injury, when ICE reincarcerated Mr. Quimi-Arellano, they also imposed a misinterpretation of the law upon him, unlawfully subjecting him to mandatory detention under 8 U.S.C. § 1225(b)(2) for over two months without the opportunity to request release on bond.

28. ICE's authority to jail noncitizens is prescribed by statute. Section 1226(a) of 8 U.S.C. establishes discretionary detention for noncitizens ICE arrests "[o]n a warrant issued by the Attorney General" and then place in 8 U.S.C. § 1229a removal proceedings. 8 U.S.C. § 1226(a). Those noncitizens may then move an immigration judge for a custody hearing at any time prior to a final order of removal. *Id.*; 8 C.F.R. §§ 236.1(d)(1), 1003.19(a), (b). During the custody hearing, i.e., bond hearing, the IJ determines whether the noncitizen is a risk of flight or danger to the community. *See generally Matter of Guerra*, 24 I. & N. Dec. 37 (B.I.A. 2006). The statute does not require ICE to conduct an initial custody determination before the noncitizen has the right to seek a custody hearing before the IJ. 8 U.S.C. § 1226(a).

29. Section 1226(c) of 8 U.S.C. establishes mandatory detention for noncitizens with certain criminal legal contacts in § 1229a removal proceedings. 8 U.S.C. § 1226(c). IJs do not have the authority to consider these noncitizens' request for release on bond unless ICE is substantially unlikely to establish that the noncitizen falls within one of § 1226(c)'s mandatory detention provisions. *See generally Matter of Joseph*, 22 I. & N. Dec. 799 (B.I.A. 1999).

30. The statute also provides for mandatory detention of a narrow subset of noncitizens subject to an expedited removal pursuant to § 1225(b) or for other noncitizen "applicants for admission" to the U.S. who are apprehended at the border or port of entry. *See* 8 U.S.C. § 1225(b)(2). Section

1225 focuses on noncitizens "arriv[ing]" "whether or not at a designated port of arrival," and applies to people like those who were "interdicted in international or United States waters" (§ 1225(a)(1)), are "stowaways" (§ 1225(a)(2)), and who are otherwise "applicants for admission" into the U.S. (§ 1225(a)(3)). In contrast to § 1226, § 1225 discusses matters such as "screening" "claims for asylum" (§ 1225(b)(1)(A)(i)-(ii)) at the border, "inspection" by an immigration officer to determine if a noncitizen "is … clearly and beyond a doubt entitled to be admitted" (§ 1225(b)(2) & (d)), and "removal" of "an arriving [noncitizen]" (§ 1225(c)(1)).

31. Finally, the statute provides for detention of noncitizens with final removal orders. 8 U.S.C. § 1231(a), (b).

32. Mr. Quimi-Arellano does not have any criminal legal contact rendering him subject to 8 U.S.C. § 1226(c). He is also not subject to § 1231 detention because he does not have a final removal order. Rather, this case concerns the discretionary detention provision at 8 U.S.C. § 1226(a) and Respondents' erroneous assertion that mandatory detention pursuant to § 1225(b) applied during the majority of his incarceration.

33. Despite Respondents' recent reinterpretation of the above statutes, federal courts have overwhelmingly rejected Respondents' position, including a near-unanimity in this district. *E.g. Ugarte Hernandez v. Baltazar, et al.*, 1:25-cv-04066-RBJ, *4 (D. Colo. Jan. 15, 2026), ECF 16 (collecting cases and acknowledging the District's then-unanimity). This consensus has been further reaffirmed by the Tenth Circuit, holding that detention of a noncitizen who entered without inspection years ago is governed by § 1226(a), not § 1225(b). *Santillan Quiroz v. Mullin*, No. 26-6019, 2026 WL 1876709 (10th Cir June 30, 2026) (finding that "the government's interpretation of nearly thirty years – that § 1225(b)(2)(A) applies at the border while § 1226(a) applies in the interior – qualifies as a longstanding practice."). The court notes that "'the fact that no President

has ever found' § 1225(b)(2)(A) to mandate detention in the interior until now is 'strong evidence that [such mandate] does not exist.'" *Id.* at *11; *Learning Res., Inc. v. Trump*, 607 U.S. 229, 250 (2026).

34. Accordingly, contrary to Respondents' erroneous interpretation of the statute, the mandatory detention provisions of § 1225(b)(2) do not apply to people like Mr. Quimi-Arellano who "arrived" in the country long ago and have resided in the United States for years before ICE jailed them.

C. Immediate Release from Custody Is the Appropriate Remedy

35. Mr. Quimi-Arellano has lived in the United States since 2024. He has worked gainfully in the car service industry as well as in food delivery. Mr. Quimi-Arellano has no criminal history that subjects him to mandatory detention. He was released under his own recognizance by ICE in 2024 and was pursuing asylum and other-fear based relief in his removal proceedings. Nevertheless, ICE reincarcerated him in May 2026 with no notice, process, changed circumstances, or a pre-deprivation hearing.

36. Mr. Quimi-Arellano has now been incarcerated for over two months. During this time Respondents' position has been not only that their re-arrest of him with no notice, process, changed circumstances, or a pre-deprivation hearing is valid despite him having previously released from presenting no risk of flight or danger to the community, but in addition that he is subject to mandatory detention under the incorrect detention statute. The liberty deprivation that Mr. Quimi-Arellano suffers is a violation of his due process rights. Courts in this district and others across the country have ruled that immediate release is the appropriate remedy for due process violations. *See* Section A, *supra*. In addition, a bond hearing is not the appropriate remedy given that it would be redundant; Respondents *already* determined more than two years ago that Mr. Quimi-Arellano

is neither a flight risk nor a danger, and no intervening facts or allegations exist to upset that finding. *Alfaro Herrera*, 2026 WL 91470, at *9 (ordering immediate release of a noncitizen who ICE previously released and re-detained without process). "While Respondents get to repeat themselves, they don't get to repeatedly violate [a Petitioner's] due process rights." *Cortes v. Guadian*, 1:26-cv-00294-CNS, 2026 WL 265688, at *2 (D. Colo. Feb. 2, 2026).

V. CLAIMS FOR RELIEF

COUNT I
Respondents' Reincarceration of Mr. Quimi-Arellano Violates his Fifth Amendment Procedural Due Process Rights.

37. Mr. Quimi-Arellano incorporates by reference the allegations of fact set forth in the preceding paragraphs.

38. Respondents' decision to revoke Mr. Quimi-Arellano's liberty interest after previously releasing him on his own recognizance more than two years ago lacked any procedures at all. Respondents did not provide him with notice. Respondents did not provide him with an opportunity to be heard. Respondents provided him with no pre-deprivation hearing. In fact, it refused to provide him with any process whatsoever, only to also erroneously argue that his incarceration is mandatory.

39. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty . . . ." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified). The "touchstone" of due process is protecting people against arbitrary government action, whether from "denial of a fundamental procedural fairness, or the exercise of power without any reasonable justification in

the service of a legitimate government objection." *Cty. of Sacramento v. Lewis*, 532 U.S. 833, 845–46 (1998).

40. Whether government action violates procedural due process is determined by the three-factor balancing test in *Mathews*, 424 U.S. at 335. The test requires the Court to balance (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.*

41. Respondents' revocation of Mr. Quimi-Arellano's release on his own recognizance without providing notice and a meaningful opportunity to be heard at a pre-deprivation hearing violates procedural due process under the Fifth Amendment of the Constitution. Mr. Quimi-Arellano has a fundamental interest in liberty and being free from official restraint, such as imprisonment in the Aurora Facility, *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary government action"). It would also include any unilaterally imposed restrictions including, *inter alia*, 24/7 GPS monitoring, reporting requirements, and restrictions on movement, *Orellana*, 788 F.Supp.3d at 68. The risk of erroneous deprivation is high considering the government did not and is not providing Mr. Quimi-Arellano any process at all and the administrative burden on the government to provide him with that process upon his rearrest was minor. The "meaningful time" to have provided Mr. Quimi-Arellano with an opportunity to be heard would have been at a pre-deprivation hearing prior to the time or his rearrest in May of 2026 and the denial to do so violated Mr. Quimi-Arellano's procedural due process rights. *See Mathews*, 424 U.S. at 333.

COUNT II
Respondents' Reincarceration of Mr. Quimi-Arellano Violates his Fifth Amendment Substantive Due Process Rights.

42. Mr. Quimi-Arellano incorporates by reference the allegations of fact set forth in the preceding paragraphs.

43. "[T]he Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. at 693.

44. The civil incarceration of noncitizens is only authorized for specific, non-punitive purposes. *Id.* at 690. Those purposes are limited to "certain special and narrow nonpunitive circumstances" including the mitigation of flight and danger to the community. *Id.*

45. Here, Respondents previously determined that Mr. Quimi-Arellano was neither a risk of flight nor a danger to the community when they released him into the community more than three years ago in 2023. No changed circumstances exist that require a re-evaluation of that determination. Therefore, Respondents' decision to revoke Mr. Quimi-Arellano's ability to pursue asylum while at liberty violates Mr. Quimi-Arellano's substantive due process rights.

COUNT III
Respondents' Months-long Detention of Mr. Quimi-Arellano under § 1225(b)(2) Violates his Fifth Amendment Procedural Due Process Rights.

46. Mr. Quimi-Arellano incorporates by reference the allegations of fact set forth in the preceding paragraphs.

47. The Government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. Amend. V. "Freedom from imprisonment – from government custody, detention, or other forms of physical restraint – lies at the heart of the liberty that the [Fifth Amendment's due process] Clause protects." *Zadvydas*, 533 U.S. at 690.

48. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty . . . ." *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified). The "touchstone" of due process is protecting people against arbitrary government action, whether from "denial of a fundamental procedural fairness, or the exercise of power without any reasonable justification in the service of a legitimate government objection." *Cty. of Sacramento v. Lewis*, 532 U.S. 833, 845–46 (1998).

49. Whether government action violates procedural due process is determined by the three-factor balancing test in *Mathews*, 424 U.S. at 335. The test requires the Court to balance (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Id.*

50. Mr. Quimi-Arellano has a fundamental interest in liberty and being free from official restraint, such as imprisonment in the Aurora Facility, *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) ("Freedom from bodily restraint has always been at the core of the liberty protected by the Due Process Clause from arbitrary government action"), and ICE's unilaterally imposed restrictions including, *inter alia*, 24/7 GPS monitoring, reporting requirements, and restrictions on movement, *Orellana*, 788 F.Supp.3d at 68. The risk of erroneous deprivation is high considering the government is not providing Mr. Quimi-Arellano any process at all—including ICE's initial

decision to reincarcerate Mr. Quimi-Arellano — and the administrative burden on the government to provide him with a notice and process at the time of his rearrest was negligible.

51. The "meaningful time" to provide Mr. Quimi-Arellano with adequate process regarding his reincarceration would have been over two months ago. *See Mathews*, 424 U.S. at 333. Respondents' detention of Mr. Quimi-Arellano for months on end without providing him with either an initial custody determination or a hearing before a neutral adjudicator to determine whether he is a flight risk or danger to others violated his right to Due Process.

COUNT IV

Respondents' Months-long Detention of Mr. Quimi-Arellano under § 1225(b)(2) Violates his Fifth Amendment Substantive Due Process Rights.

52. Mr. Quimi-Arellano incorporates by reference the allegations of fact set forth in the preceding paragraphs.

53. "[T]he Due Process Clause applies to all 'persons' within the United States, including [noncitizens], whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. at 693.

54. The civil incarceration of noncitizens is only authorized for specific, non-punitive purposes. *Id.* at 690. Those purposes are limited to "certain special and narrow nonpunitive circumstances" including the mitigation of flight and danger to the community. *Id.*

55. Here, Respondents jailed Mr. Quimi-Arellano pursuant to the wrong statute and refused to permit an independent adjudicator to consider whether the decision to incarcerate Mr. Quimi-Arellano is limited to certain special, narrow, and non-punitive purposes. Mr. Quimi-Arellano has been wrongfully incarcerated for four months. This incarceration serves no purpose and violates substantive due process.

COUNT V

Respondents Jail Mr. Quimi-Arellano in Violation of 8 U.S.C. § 1226(a).

56. Mr. Quimi-Arellano incorporates by reference the allegations and facts set forth in the preceding paragraphs.

57. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to Mr. Quimi-Arellano because he was present and residing in the U.S., has been placed in § 1229a removal proceedings, and charged with inadmissibility pursuant to 8 U.S.C. § 1182. Simply, § 1225 does not apply to people like Mr. Quimi-Arellano who previously entered the country and reside in the U.S. prior to being detained and placed in removal proceedings. Such noncitizens may only be detained pursuant to § 1226(a), unless they are subject to mandatory detention provisions of § 1226(c) irrelevant here.

58. An IJ's jurisdiction to hear a noncitizen's request for liberty in a custody hearing is not contingent upon ICE conducting an initial custody determination. 8 U.S.C. § 1226(a). Noncitizens subject to § 1226(a) incarceration require access to a bond hearing; the only exceptions are found in § 1226(c) which are not relevant here.

59. Respondents' decision to apply § 1225 to Mr. Quimi-Arellano unlawfully for over two months violated the INA.

Count VI

Respondents Jail Mr. Quimi-Arellano in Violation of the INA Bond Regulations (8 C.F.R. §§ 236.1, 1236.1 & 1003.19)

60. Mr. Quimi-Arellano incorporates by reference the allegations and facts set forth in the preceding paragraphs.

61. Respondent EOIR and the then Immigration and Naturalization Service issued a rule to interpret and apply the IIRIRA under the heading "Apprehension, Custody, and Detention of [Noncitizens]," which explained: "Despite being applicants for admission, [noncitizens] who are

present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond*." 62 Fed. Reg. at 10323 (emphasis added). Respondents thus long-ago made clear that people like Mr. Quimi-Arellano who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and the implementing regulations.

62. Nonetheless, Respondents here deemed Mr. Quimi-Arellano subject to mandatory detention under § 1225, which unlawfully mandated his ongoing detention

63. Respondents' application of § 1225(b)(2) to Mr. Quimi-Arellano unlawfully requires his continued detention in violation of 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

64. Mr. Quimi-Arellano suffered this unlawful harm for nearly four months while he was held in violation of the bond regulations.

Count VII

Respondents' Reincarceration of Mr. Quimi-Arellano Violates the Administrative Procedures Act (5 U.S.C. § 706(2)).

65. Mr. Quimi-Arellano incorporates by reference the allegations and facts set forth in the preceding paragraphs.

66. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be arbitrary [or] capricious." 5 U.S.C. § 706(2)(A).

67. Respondents' revocation of Mr. Quimi-Arellano's release on his own recognizance was arbitrary and capricious because it violated the Constitution and agency precedent requiring materially changed circumstances.

Count VIII

Respondents' Months-long Detention of Mr. Quimi-Arellano Under § 1225(b)(2) Violates the Administrative Procedures Act (5 U.S.C. § 706(2))

68. Mr. Quimi-Arellano incorporates by reference the allegations and facts set forth in the preceding paragraphs.

69. Under the APA, a court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law," that is "contrary to constitutional right [or] power," or that is "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right." 5 U.S.C. § 706(2)(A)-(C).

70. Respondents' detention of Mr. Quimi-Arellano pursuant to § 1225 is arbitrary and capricious, and in violation of the Fifth Amendment of the U.S. Constitution. Respondents do not have statutory authority under § 1225 to detain Mr. Quimi-Arellano.

71. Respondents' detention of Mr. Quimi-Arellano without access to bond is arbitrary, capricious, an abuse of discretion, violative of the U.S. Constitution, the statute, the implementing regulations and therefore in violation of 5 U.S.C. § 706(2).

PRAYER FOR RELIEF

Mr. Quimi-Arellano respectfully asks that this Court take jurisdiction over this matter and grant the following relief:

1. Issue a writ of *habeas corpus* ordering Respondents to *immediately release* Mr. Quimi-Arellano from all forms of custody and enjoin ICE from unilaterally imposing additional restraints on liberty like 24/7 GPS monitoring, reporting requirements, or restrictions on movement. Further, this Court should enjoin Respondents from re-arresting Mr. Quimi-Arellano without procedural due process protections including notice and an opportunity to respond via a pre-deprivation process at which the Respondents bear the burden to establish changed circumstances that merit the deprivation of liberty.

2. In the alternative, schedule him for a custody hearing pursuant to 8 U.S.C. § 1226(a) before this Court within seven days, regardless of whether ICE conducted an initial custody determination, and at which Respondents must demonstrate by clear and convincing evidence that continued custody of any kind is necessary;
3. Or also in the alternative, order the Immigration Court to provide a bond hearing within seven days and at which Respondents must demonstrate by clear and convincing evidence that continued custody of any kind is necessary, and further order the following:
    a. Enjoin Respondents from unilaterally imposing additional forms of custody like 24/7 GPS monitoring, reporting requirements, or restrictions on movement, or delays in bond payment or delays in effectuating release through the CeBONDS system unless this Court or an IJ orders those conditions after Respondents convince this Court or an IJ by clear and convincing evidence in the custody hearing that they are necessary;
    b. Enjoin Respondents from invoking the automatic stay provision in 8 C.F.R. § 1003.19(i)(2) if bond is granted;
    c. Enjoin ICE from delaying the payment or processing of bond once one is issued due to its claim that 8 C.F.R. § 1003.19(i)(2) permits it to do so.
    d. Enjoin Respondents from denying Petitioner a custody hearing due to DHS' refusal to conduct, claiming a failure to conduct, or failure to evidence, an initial custody determination;
    e. Require the IJ to consider the Respondent's financial circumstances and ability to pay a bond when deciding what bond amount is appropriate;

4. Enjoin Respondents from transferring Petitioner outside the jurisdiction of the District of Colorado pending resolution of this case;
5. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and,
6. Grant any other and further relief that this Court deems just and proper.

Dated: July 21, 2026

/s/ Hans Meyer
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VERIFICATION

I, Anahi Quezada-Villa, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that, on information and belief, the factual statements in the foregoing Petition for Writ of Habeas Corpus are true and correct.:

/s/ Anahi Quezada-Villa
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CERTIFICATE OF SERVICE

I, Hans Meyer, hereby certify that on July 21, 2026, I filed the foregoing with the Clerk of Court using the CM/ECF system. I, Ana Loera, hereby certify that I will mail a hard copy of the document to the individuals identified below pursuant to Fed.R.Civ.P. 4 by certified mail or hand delivery within 72 business hours or sooner pursuant to any forthcoming Court order regarding service. Kevin Traskos, attorney for Respondents, confirmed with undersigned counsel that he will accept service on behalf of all Respondents.

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