

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Denis Alonso Soza-Romero v. Warden, Denver Contract Detention Facility

Soza-Romero · No. 1:26-cv-02306-CNS · Decided June 11, 2026

SUMMARY

The United States District Court for the District of Colorado grants Denis Alonso Soza-Romero’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court holds that mandatory detention under 8 U.S.C. § 1225(b)(2)(A) does not apply on the facts presented and orders the respondent to release Soza-Romero within 24 hours, subject to previously imposed parole conditions. The court also restricts re-detention absent clear and convincing evidence of flight risk or danger to the community at a pre-deprivation bond hearing.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Charlotte N. Sweeney
JURISDICTION	United States District Court for the District of Colorado
DECIDED	June 11, 2026
DOCKET	1:26-cv-02306-CNS
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention under 8 U.S.C. § 1225(b), requesting immediate release or, alternatively, a bond hearing. The district court granted the habeas application, ordered immediate release, denied the emergency motion for a temporary restraining order and preliminary injunction as moot, and imposed conditions governing any future detention.
STANDARD OF REVIEW	The petitioner bears the burden of proving that custody violates the Constitution or laws of the United States. The court resolved the legal detention question without an evidentiary hearing under 28 U.S.C. § 2243.
PRECEDENTIAL VALUE	unpublished district court order; persuasive authority only
PARTIES	Denis Alonso Soza-Romero v. Warden, Denver Contract Detention Facility

TOPICS

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QUESTIONS PRESENTED

1. Whether 8 U.S.C. § 1225(b)(2)(A) requires mandatory detention of a noncitizen who has been present in the United States for more than two years after being paroled into the country and has not been admitted.
2. Whether continued immigration detention was justified when DHS had previously released the petitioner on humanitarian parole after determining that he was not a flight risk or danger to the community, and the government identified no changed circumstances.
3. Whether the appropriate relief was immediate release rather than a bond hearing under 8 U.S.C. § 1226(a).

HOLDINGS

1. Section 1225(b)(2)(A)'s mandatory-detention requirement does not apply to a noncitizen like Soza-Romero who has been residing in the United States for more than two years and has no qualifying criminal convictions.
2. When immigration officials previously released a noncitizen on humanitarian parole after determining that the person was neither a flight risk nor a danger to the community, and the government identifies no relevant changed circumstances, continued physical detention is unjustified.
3. Immediate release, rather than merely a bond hearing, was the appropriate remedy because the record already established a prior individualized release determination and the government identified no changed circumstances warranting renewed detention.

KEY QUOTATIONS

“As outlined below, the Court GRANTS the application and ORDERS Respondent to immediately release Petitioner from immigration detention within 24 hours of this Order.”

“Petitioner must be released.”

“Respondent SHALL release Petitioner from custody immediately, but no later than within 24 hours of this Order”

FACTUAL BACKGROUND

Soza-Romero, a Nicaraguan citizen, entered the United States in or around June 2022 and was found inadmissible. DHS released him on humanitarian parole under 8 U.S.C. § 1182(d)(5), and he participated in an ICE alternatives-to-detention program while complying with immigration and reporting requirements. In February 2026, ICE officers arrested and detained him while he was traveling to work; the government did not

dispute his account of compliance, lack of criminal history, or the absence of changed circumstances showing that he had become a flight risk or danger to the community.

PROCEDURAL HISTORY

Soza-Romero filed a pro se § 2241 habeas application and an emergency motion for a temporary restraining order and preliminary injunction. Respondent filed responses, and the court declined to hold a hearing because the challenge was fundamentally legal. The court granted habeas relief, ordered release within 24 hours, required a compliance report, and denied the emergency motion as moot.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondent must release Soza-Romero immediately and no later than 24 hours after the order; file a status report within two days certifying compliance; may not impose additional release or supervision conditions beyond those previously imposed in connection with the 2022 parole; and may not re-detain him unless the government first demonstrates by clear and convincing evidence at a pre-deprivation bond hearing that he is a flight risk or danger to the community. The emergency motion for a temporary restraining order and preliminary injunction was denied as moot.

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Gallagher v. Shelton, 587 F.3d 1063, 1067 (10th Cir. 2009)
- Walker v. Johnston, 312 U.S. 275, 286 (1941)
- Hernandez v. Baltazar, No. 1:25-cv-03094-CNS, 2025 WL 2996643 (D. Colo. Oct. 24, 2025)
- Singh v. Baltazar, 819 F. Supp. 3d 1247, 1251 (D. Colo. 2026)
- Perdomo-Casana v. Lyons, No. 1:26-CV-345-RP, 2026 WL 607267, at *3 (W.D. Tex. Mar. 4, 2026)
- Valencia Reyes v. Noem, 5:25-CV-1921-XR, at *5 (W.D. Tex. Feb. 25, 2026)
- Uzcategui v. Brooksby, No. 4:26-cv-00020-DN-PK, 2026 WL 622751, at *10-*11 (D. Utah Mar. 5, 2026)
- Martinez v. Chestnut, No. 1:25-cv-1826 TLN CKD P, 2026 WL 121221, at *3 (E.D. Cal. Jan. 16, 2026)
- Castro v. Hermosillo, No. C26-662-SKV, 2026 WL 817388, at *5 (W.D. Wash. Mar. 25, 2026)
- Perry v. Sindermann, 408 U.S. 593, 601-03 (1972)
- Valera v. Baltazar, No. 1:25-cv-03744-CNS, 2025 WL 3496174, at *3 (D. Colo. Dec. 5, 2025)
- Loa Caballero v. Baltazar, No. 1:25-cv-3120-NYW, 2025 WL 2977650, at *8 (D. Colo. Oct. 22, 2025)
- Guerrero Orellana v. Moniz, 802 F. Supp. 3d 297, 304-05 (D. Mass. 2025)