

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Yassine Faycal v. Juan Baltazar, Robert Hagan, Todd M. Lyons,
Markwayne Mullin, and Pam Bondi

Faycal v. Baltazar, Civil Action No. 1:26-cv-01333-CNS (D. Colo. Apr. 15, 2026) · No. Civil Action No. 1:26-cv-01333-CNS · Decided April 15, 2026

SUMMARY

The United States District Court for the District of Colorado granted Yassine Faycal’s petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that his detention under 8 U.S.C. § 1231(a)(6) violated the Fifth Amendment and exceeded the limits established by Zadvydas v. Davis because respondents provided no concrete evidence that removal was reasonably foreseeable. Respondents were ordered to release Faycal within 24 hours and file a compliance status report within two days.

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	April 15, 2026
DOCKET	Civil Action No. 1:26-cv-01333-CNS
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 challenging his continued immigration detention after a final removal order. The court granted the petition without holding an evidentiary hearing and ordered immediate release subject to specified conditions.
STANDARD OF REVIEW	The court reviewed the legal challenge to detention under the constitutional and statutory standards governing post-removal-order detention and determined that no evidentiary hearing was necessary under 28 U.S.C. § 2243 because the briefing showed the challenge was fundamentally legal.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Yassine Faycal v. Juan Baltazar, in his official capacity as Warden of the Denver Contract Detention Facility, Robert Hagan, Field Office

Director, Denver Field Office, U.S. Immigration & Customs
Enforcement, Todd M. Lyons, Acting Director, U.S. Immigration and
Customs Enforcement, Markwayne Mullin, Secretary, U.S.
Department of Homeland Security, Pam Bondi, Attorney General, U.S.
Department of Justice

TOPICS

immigration detention federal habeas corpus due process remedies

PRACTICE AREAS

immigration detention federal habeas corpus constitutional law remedies

QUESTIONS PRESENTED

1. Whether continued detention under 8 U.S.C. § 1231(a)(6), after more than six months following a final removal order, violated the Fifth Amendment and the principles announced in *Zadvydas v. Davis*.
2. Whether Respondents rebutted Petitioner's showing that there was no significant likelihood of removal in the reasonably foreseeable future.
3. Whether the court needed to reach Petitioner's regulatory challenge to his detention.

HOLDINGS

1. A detained noncitizen satisfies the initial *Zadvydas* burden by showing good reason to believe that removal is not significantly likely in the reasonably foreseeable future. Here, the six-and-one-half-month detention, withholding of removal to Chad, lack of identified third-country destination, and Respondents' inability to provide concrete information about removal efforts were sufficient.
2. Respondents did not rebut Petitioner's showing because their concession that they had no information concerning removal efforts and their generalized statement that ICE was pursuing removal to a third country did not establish a significant likelihood of removal in the reasonably foreseeable future.
3. The court did not reach Petitioner's regulatory claim because the constitutional and statutory violations independently required habeas relief.

KEY QUOTATIONS

“For the reasons set forth above, Respondents have detained Petitioner in violation of the Fifth Amendment and § 1231.”

“Respondents are ORDERED to release Petitioner from custody immediately, but no later than within 24 hours of this Order, and may not impose on Petitioner any additional conditions of release or supervision beyond those Petitioner was subject to prior to his detention.”

FACTUAL BACKGROUND

Petitioner had a final order of removal and had been detained for approximately six and one-half months after that order became final. An immigration judge had granted him withholding of removal to Chad, and Respondents did not identify another country that would accept him or provide concrete information about efforts or a timeline for removing him. Respondents' evidence stated only that ICE was pursuing removal to a third country.

PROCEDURAL HISTORY

Faycal filed a verified petition for a writ of habeas corpus under § 2241. Respondents filed a response conceding that he had been detained for approximately six and one-half months after his removal order became final and stating that they had no information concerning their efforts to remove him. The district court granted the petition, denied Respondents' request for additional time to submit a status report, ordered release within 24 hours, and required a compliance report within two days.

DISPOSITION

writ_granted

CASES CITED

- *Zadvvydas v. Davis*, 533 U.S. 678, 701 (2001)
- *Shehata v. Mullin*, No. 26-cv-01038-PAB, 2026 WL 972352 (D. Colo. Apr. 10, 2026)
- *M.A. v. Baltazar*, No. 26-cv-00755-NYW, 2026 WL 809842 (D. Colo. Mar. 24, 2026)
- *Dupont v. Meserve*, No. 2:25-cv-00593-JAW, 2026 WL 74112, at *4 (D. Me. Jan. 9, 2026)
- *Grigorian v. Bondi*, No. 25-CV-22914-RAR, 2025 WL 1895479, at *7 (S.D. Fla. July 8, 2025)
- *Montoya v. Holt*, No. CIV-25-01231-JD, 2025 WL 3733302, at *13 (W.D. Okla. Dec. 26, 2025)
- *Tran v. Baltazar*, No. 1:26-cv-00940-CNS, 2026 WL 764002, at *3 (D. Colo. Mar. 18, 2026)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO Judge Charlotte N. Sweeney Civil Action No. 1:26-cv-01333-CNS YASSINE FAYCAL, Petitioner, v. JUAN BALTAZAR, In his official capacity as Warden of the Denver Contract Detention Facility; ROBERT HAGAN, Field Office Director, Denver Field Office, U.S. Immigration & Customs Enforcement; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security; PAM BONDI, Attorney General, U.S. Department of Justice, Respondents.

ORDER Before the Court is Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, ECF No. 1, and Respondents' Response to it, ECF No. 7. The Court GRANTS the petition. In doing so, the Court presumes familiarity with the factual allegations contained in the petition, as well as the parties' evidentiary submissions.

Because the parties' briefing demonstrates that Petitioner's challenge is fundamentally legal in nature, the Court declines to hold a hearing regarding Petitioner's challenge. See 28 U.S.C. § 2243. I. ANALYSIS Petitioner challenges his detention on constitutional, statutory, and regulatory bases. See generally ECF No. 1.

The Court addresses Petitioner's constitutional and statutory challenge first. Fundamentally, Petitioner argues that his detention exceeds the six-month, presumptively reasonable period of detention, see ECF No. 1 at 9, and that he has put forth "'good reason' to believe that his removal is not significantly likely in the reasonably foreseeable future," *id.* (quoting *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001)).

Regarding the length of his detention, Respondents concede it exceeds six months since his removal order became final. See ECF No. 7 at 8 ("To date, Petitioner has been detained for approximately six-and-a-half months since his removal order became final.").

Thus, the Court turns to whether Petitioner has met his reasonably foreseeable burden. See *Shehata v. Mullin*, No. 26-cv-01038-PAB, 2026 WL 972352, at *2 (D. Colo. Apr. 10, 2026) ("Respondents concede that petitioner has been detained for longer than the six-month presumptively reasonable period.

Therefore, the Court turns to whether petitioner has met his burden under *Zadvydas*." (citation modified)). Petitioner has met his reasonably foreseeable burden under *Zadvydas*. See 533 U.S. at 701 (articulating petitioners' burden to provide "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future"). Petitioner argues that he has received "no information" as to his detainment or custody status, ECF No. 1 at 10, as well as that Respondents have "not offered any concrete information about a timeline for when his indefinite detention will end," *id.* This last point is crucial, and Respondents effectively concede it: "At this time, Respondents do not have information to present to the Court concerning their efforts to remove Petitioner." ECF No. 7 at 8 (emphasis added).

See also ECF No. 7-1 at 5 (declaring that immigration judge granted petitioner's application of withholding of removal to Chad); ECF No. 1 at 7. Courts have concluded in similar circumstances that petitioners have met their reasonably foreseeable burden under *Zadvydas*. See, e.g., *Shehata*, 2026 WL 972352, at *2 ("Respondents have not identified any third countries where petitioner's removal would be possible.

Furthermore, petitioner cannot be removed to Egypt because an immigration judge granted petitioner's withholding of removal. Accordingly, the Court finds that petitioner has satisfied his burden under *Zadvydas*."); *M.A. v. Baltazar*, No. 26-cv- 00755-NYW, 2026 WL 809842, at *2 (D. Colo. Mar. 24, 2026) ("Because [the petitioner] has been granted withholding of removal to Iran, and because Respondents have not identified any other country that would accept him (or

indicated that they have made any efforts to locate such a country since July 2025), [the petitioner] has shown ‘good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.’” (quoting *Zadvydas*, 533 U.S. at 701)).

Indeed, “[c]ourts have considered the passage of time combined with the government [being] no closer to... repatriating a noncitizen than they were once they first took him into custody as sufficient to meet petitioner’s initial [*Zadvydas*] burden.” *Dupont v. Meserve*, No. 2:25-cv-00593-JAW, --- F. Supp. 3d ----, 2026 WL 74112, at *4 (D. Me. Jan. 9, 2026) (citation modified).

Accordingly, against the weight of these authorities and Respondents’ concession, ECF No. 7 at 8, the Court concludes that Petitioner has met his initial, reasonably foreseeable burden, see, e.g., *Dupont*, 2026 WL 74112, at *4.

Before proceeding to consider whether Respondents have rebutted Petitioners’ showing, see *Zadvydas*, 533 U.S. at 701, the Court pauses on Respondents’ argument that § 1231(a)(6) permits continued detention “past the removal period.” ECF No. 7 at 6. But this statutory provision is subject to *Zadvydas*’s due process analysis and does not— particularly given the length of Petitioner’s detention—absolve Respondents or Petitioner’s detention of constitutional scrutiny.

See, e.g., *Grigorian v. Bondi*, No. 25-CV- 22914-RAR, 2025 WL 1895479, at *7 (S.D. Fla. July 8, 2025); *Montoya v. Holt*, No. CIV- 25-01231-JD, 2025 WL 3733302, at *13 (W.D. Okla. Dec. 26, 2025); *Shehata*, 2026 WL 972352, at *1 (“[A] noncitizen ordered removed and detained under § 1231(a)(6) cannot be indefinitely detained without violating the Fifth Amendment of the United States Constitution.”).

Accordingly, the Court proceeds in asking whether Respondents have rebutted Petitioners’ showing. See *Zadvydas*, 533 U.S. at 701. They have not. For substantially the same reason that Petitioner met his initial burden: Respondents concede that “[a]t this time, [they] do not have information to present to the Court concerning their efforts to remove Petitioner.” ECF No. 7 at 8 (emphasis added).

And to the extent that Respondents submit evidence in the form of a declaration from a Deportation Officer, the Officer represents only that ICE “is pursuing Petitioner’s removal to a third country.” ECF No. 7-1 at 6 (emphasis added); see also *id.* (“Petitioner remains detained pending removal to a third country.”). This is insufficient to rebut Petitioner’s showing at *Zadvydas*’s first step.

See, e.g., *Shehata*, 2026 WL 972352, at *2 (concluding that “unsubstantiated assertions that respondents are working toward petitioner’s removal to a third country are insufficient to meet respondents’ burden” and collecting cases supporting this proposition); *M.A.*, 2026 WL 809842, at *3 (“[M]ere intent to find a third country is too speculative to permit indefinite detention or to

overcome [the petitioner's] showing.” (citation modified)); *Tran v. Baltazar*, No. 1:26-cv-00940-CNS, 2026 WL 764002, at *3 (D.

Colo. Mar. 18, 2026). Finally, Respondents ask that the Court grant them leave to submit a status report within thirty days “concerning [the status of] their efforts to remove Petitioner.” ECF No. 7 at 8. Because Respondents “provide no reason to believe [Petitioner's] removal would be any closer in another thirty days,” *Shehata*, 2026 WL 972352, at *3 (citation modified), the Court denies this request. * * * For the reasons set forth above, Respondents have detained Petitioner in violation of the Fifth Amendment and § 1231.

The Court therefore need not reach Petitioner's regulatory claim. Cf. ECF No. 1 at 15. II. CONCLUSION Consistent with the above analysis, the Court GRANTS Petitioner's Verified Petition for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241, ECF No. 1. Respondents are ORDERED to release Petitioner from custody immediately, but no later than within 24 hours of this Order, and may not impose on Petitioner any additional conditions of release or supervision beyond those Petitioner was subject to prior to his detention.

Additionally, Respondents SHALL FILE a status report within TWO DAYS of this Order certifying compliance. DATED this 15th day of April 2026. BY THE a RT: — Chértotte NYSWechey United States DiKtrict Judgé