

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PRECEDENTIAL VALUE	unpublished district court order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

- Zadvydas 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)