

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Pascal Karuhije v. David Venturella, Acting Director ICE, George Valdez, Field Director ICE, and Juan Baltazar, Warden

Civil Action No. 26-cv-00890-KAS · No. 26-cv-00890-KAS · Decided June 12, 2026

SUMMARY

The United States District Court for the District of Colorado denied Pascal Karuhije’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2241. The court held that his due process challenge to continued immigration detention was moot because respondents represented that they could deport him promptly, and concluded that he was not entitled to a credible fear interview or additional protections based on the record. The court vacated its removal-related show-cause order, directed respondents to deport him by July 13, 2026, and ordered status reports.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Kathryn A. Starnella
JURISDICTION	United States District Court for the District of Colorado
DECIDED	June 12, 2026
DOCKET	26-cv-00890-KAS
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241, alleging that his continued immigration detention violated due process and requesting release or a constitutionally adequate bond hearing. After briefing and supplemental briefing concerning mootness, credible-fear procedures, and withholding-of-removal protections, the court denied the petition without prejudice and vacated its order barring removal.
STANDARD OF REVIEW	The court reviewed the habeas petition under 28 U.S.C. § 2241 and construed the pro se filings liberally. No evidentiary hearing was required because the challenge was fundamentally legal in nature.
PRECEDENTIAL VALUE	unpublished_nonprecedential
PARTIES	Pascal Karuhije v. David Venturella, Acting Director ICE, George Valdez, Field Director ICE, Juan Baltazar, Warden

TOPICS

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removal proceedings

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Karuhije's due process challenge to his continued immigration detention was moot because Respondents were able and willing to deport him immediately.
2. Whether Karuhije was entitled to a credible-fear interview under 8 C.F.R. § 208.30.
3. Whether Karuhije established entitlement to protections under 8 U.S.C. § 1231(b), including withholding of removal based on fear of persecution in the Democratic Republic of Congo.
4. Whether any remaining legal obstacle required the court to prevent Respondents from deporting Karuhije.

HOLDINGS

1. The due process challenge to Karuhije's continued detention was moot because Respondents represented that they were ready and able to deport him immediately, which would end his immigration detention.
2. Karuhije was not entitled to a credible-fear interview under 8 C.F.R. § 208.30 because he was detained under 8 U.S.C. § 1231, not under 8 U.S.C. § 1225.
3. Karuhije failed to establish that the Attorney General was required to provide additional protection against removal to the Democratic Republic of Congo under 8 U.S.C. § 1231(b).
4. No legal obstacle required the court to prevent Respondents from deporting Karuhije, and the court therefore vacated its prior order directing that he not be removed from Colorado or the United States.

KEY QUOTATIONS

“Even if Respondents failed to provide Petitioner with due process in determining whether Petitioner should remain detained pending his removal, in the absence of any argument from Petitioner otherwise, the Court finds that this issue is now moot because Respondents are ready and able to deport Petitioner immediately.” (ECF p. 7)

“The Court agrees with Respondents that Petitioner is not entitled to—and was never entitled to—a credible fear interview because he was never detained pursuant to 8 U.S.C. § 1225, and only individuals detained pursuant to § 1225 are entitled to credible fear interviews.” (ECF p. 8)

FACTUAL BACKGROUND

Pascal Karuhije, a noncitizen, had been detained in immigration custody since approximately February 6, 2024. He was subject to a final order of removal entered on November 26, 2024, and was detained under 8 U.S.C. § 1231(a)(6). He alleged that continued detention without a constitutionally adequate bond hearing violated due

process and stated that he feared for his life if returned to the Democratic Republic of Congo. Respondents represented that they were able and willing to deport him immediately.

PROCEDURAL HISTORY

Karuhije filed an amended § 2241 habeas petition while detained under a final order of removal. The court issued orders to show cause, Respondents represented that they could deport him immediately, and the court directed supplemental briefing regarding his claimed fear of return to the Democratic Republic of Congo. The court concluded that the detention challenge was moot because Respondents could effectuate immediate deportation, rejected the claimed entitlement to a credible-fear interview or additional § 1231 protections, denied the petition without prejudice, and ordered deportation by July 13, 2026.

DISPOSITION

writ_denied

CASES CITED

- Haines v. Kerner, 404 U.S. 519, 520-521 (1972)
- Whitney v. New Mexico, 113 F.3d 1170, 1175 (10th Cir. 1997)
- Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991)
- Garcia Cortes v. Noem, No. 25-cv-02677-CNS, 2025 WL 2652880, at *1 (D. Colo. Sept. 16, 2025)
- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Soberanes v. Comfort, 388 F.3d 1305, 1310 (10th Cir. 2004)
- Zadvydas v. Davis, 533 U.S. 678, 687-88 (2001)
- Singh v. Choate, No. 23-cv-02069-CNS, 2024 WL 309747, at *2 (D. Colo. Jan. 26, 2024)
- Millano Chirinos v. Fabbriatore, No. 21-cv-01127-CMA, 2021 WL 2529763, at *2 (D. Colo. June 21, 2021)
- Perez-Garcia v. Barr, 814 F. App'x 356, 360 (10th Cir. 2020)
- Elliott v. Lynch, No. 15-cv-6906-SDW, 2016 WL 632227, at *1 (D.N.J. Feb. 17, 2016)