

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Pedro Trejo Trejo v. Juan Baltazar, et al.

Pedro Trejo Trejo v. Baltazar, Civil Action No. 1:25-cv-4026-SKC-NRN (D. Colo. Jan. 8, 2026) · No. Civil Action No. 1:25-cv-4026-SKC-NRN · Decided January 8, 2026

SUMMARY

The United States District Court for the District of Colorado granted Pedro Trejo Trejo’s petition for a writ of habeas corpus. The court held that, because Trejo Trejo had lived continuously in the United States for more than 25 years, his detention under 8 U.S.C. § 1225(b)(2) was unlawful and that detention could properly proceed only under 8 U.S.C. § 1226(a). The court ordered Respondents to provide him with a bond hearing within seven days and to file a compliance report within ten days.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	S. Kato Crews
JURISDICTION	United States District Court for the District of Colorado
DECIDED	January 8, 2026
DOCKET	Civil Action No. 1:25-cv-4026-SKC-NRN
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging the statutory basis for immigration detention and seeking immediate release or, alternatively, a bond hearing.
STANDARD OF REVIEW	The Court reviewed the legal challenge under 28 U.S.C. § 2241 and considered the statutory legality of Petitioner's detention de novo; no evidentiary hearing was required because the challenge was fundamentally legal in nature.
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Pedro Trejo Trejo v. Juan Baltazar, et al.

TOPICS

- immigration detention
- removal proceedings
- statutory interpretation
- immigration
- remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether a noncitizen who has been present continuously in the United States for more than twenty-five years may be detained under 8 U.S.C. § 1225(b)(2), rather than under 8 U.S.C. § 1226.
2. Whether Petitioner was entitled to immediate release or, alternatively, a bond hearing under § 1226(a).

HOLDINGS

1. A noncitizen who has been present in the United States for more than twenty-five years cannot lawfully be detained under 8 U.S.C. § 1225(b)(2); detention is instead governed by 8 U.S.C. § 1226.
2. Section 1226(a) does not require Petitioner's immediate release; it gives the Department of Homeland Security discretion to release a noncitizen on bond.
3. Respondents must provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) before an immigration judge within seven days of the order.

KEY QUOTATIONS

“Because Mr. Trejo Trejo has been in the United States for over 25 years, he cannot lawfully be held pursuant to § 1225(b)(2); rather, he is only properly detained under § 1226—his current detention under § 1225, therefore, is unlawful.” (Analysis)

“The Court agrees with Respondents that § 1226(a) does not require release but instead provides the Department of Homeland Security with the discretion to grant a noncitizen release on bond.” (Analysis)

FACTUAL BACKGROUND

Pedro Trejo Trejo, a Mexican citizen, entered the United States without inspection in 1999 and had lived continuously in the United States for more than twenty-five years. After Florida law enforcement stopped a vehicle in which he was a passenger on November 23, 2025, he was arrested as an undocumented noncitizen and transferred first to a Florida detention center and then to the Denver Contract Detention Facility. He was detained without bond under 8 U.S.C. § 1225(b)(2), although he argued that any detention was governed by 8 U.S.C. § 1226(a).

PROCEDURAL HISTORY

Petitioner filed a § 2241 habeas petition on December 16, 2025. The Court ordered Respondents to show cause, and Respondents filed an answer on January 6, 2026. Without holding a hearing because the challenge was fundamentally legal, the Court granted the petition and ordered a bond hearing before an immigration judge within seven days, along with a compliance status report.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) before an immigration judge within seven days of the order and file a status report within ten days certifying compliance. The status report must state whether and when the hearing occurred, whether bond was granted or denied, and, if denied, the reasons for denial.

CASES CITED

- Preiser v. Rodriguez, 411 U.S. 475, 484 (1973)
- Zadvydas v. Davis, 533 U.S. 678, 687-88 (2001)
- Hernandez v. Baltazar, No. 1:25-cv-3688-SKC-SBP, 2025 WL 3718159, at *1, *6 (D. Colo. Dec. 23, 2025)
- J.G.O. v. Francis, No. 25-CV-7233 (AS), 2025 WL 3040142, at *4 (S.D.N.Y. Oct. 28, 2025)
- Loa Caballero v. Baltazar, No. 25-cv-03120-NYW, 2025 WL 2977650, at *9 (D. Colo. Oct. 22, 2025)

INSTRUCTIONS FOR AN AI ASSISTANT

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