

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

**Julio Jesus Buitrago Murzi v. Kristi Noem, Secretary, U.S.
Department of Homeland Security, Pam Bondi, U.S. Attorney
General, Todd M. Lyons, Acting Director, U.S. Immigration and
Customs Enforcement, and Dawn Ceja, Warden of Denver Contract
Detention Facility**

Civil Action No. 1:26-cv-00359-CNS (D. Colo. Feb. 12, 2026) · No. 1:26-cv-00359-CNS · Decided February 12, 2026

SUMMARY

The United States District Court for the District of Colorado granted Julio Jesus Buitrago Murzi’s petition for a writ of habeas corpus, concluding that his detention was improperly governed by 8 U.S.C. § 1225 rather than § 1226. The court ordered his immediate release, denied his motion for a temporary restraining order and preliminary injunction as moot, and imposed conditions on any future re-detention.

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	February 12, 2026
DOCKET	1:26-cv-00359-CNS
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 from immigration detention and separately moved for a temporary restraining order and preliminary injunction.
STANDARD OF REVIEW	The court resolved the legal issue presented under the governing immigration-detention statutes and considered habeas relief under 28 U.S.C. § 2241(c)(3).
PRECEDENTIAL VALUE	district court order; precedential status unknown
PARTIES	Julio Jesus Buitrago Murzi v. Kristi Noem, Secretary, U.S. Department of Homeland Security, Pam Bondi, U.S. Attorney General, Todd M.

TOPICS

immigration detention

removal proceedings

due process

statutory interpretation

injunctions

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QUESTIONS PRESENTED

1. Whether Petitioner's detention was governed by 8 U.S.C. § 1225 or 8 U.S.C. § 1226 after he had been paroled into the United States and released pending removal proceedings.
2. Whether the detention violated due process.
3. Whether the appropriate remedy was immediate release or a bond hearing.

HOLDINGS

1. Because Petitioner had been paroled into the United States after arriving at a port of entry and had thereafter lived in the United States, his detention was governed by 8 U.S.C. § 1226 rather than 8 U.S.C. § 1225. His detention under the § 1225 framework was therefore improper.
2. Petitioner's continued detention was unlawful and violated due process, or at minimum established a likelihood of success on the merits of his due-process claim.
3. Immediate release, rather than a bond hearing, was the appropriate remedy because Respondents did not identify evidence that Petitioner posed a flight risk or danger to the community.

KEY QUOTATIONS

“Critically, here, as Respondents acknowledge, following his arrival at a port of entry, Petitioner was released on parole.” (Analysis)

“Respondents SHALL RELEASE Petitioner from custody immediately, but no later than within 12 hours of this Order” (Conclusion)

“Respondents are further ENJOINED AND RESTRAINED from re-arresting or re-detaining in any form Petitioner unless they demonstrate, by clear and convincing evidence at a pre-deprivation bond hearing before a neutral decisionmaker, that Petitioner is a flight risk or danger to the community such that his physical custody is legally justified.” (Conclusion)

FACTUAL BACKGROUND

Petitioner entered the United States through a port of entry and presented himself as an applicant for admission. Following processing for a notice to appear, he was paroled into the United States pending a removal hearing

and lived in the United States. ICE later assumed custody after his arrest by Wyoming police for a minor traffic-related matter. Respondents did not argue that Petitioner posed a flight risk or danger to the community.

PROCEDURAL HISTORY

The petition was filed in the United States District Court for the District of Colorado and was fully briefed. The court declined to hold a hearing because the challenge was fundamentally legal, granted the habeas petition, denied the temporary restraining order and preliminary injunction motion as moot, and ordered Petitioner's immediate release subject to specified restrictions on any future detention.

DISPOSITION

writ_granted

CASES CITED

- Depelian v. Baltazar, No. 25-cv-03765-SKC-TPO, ECF No. 18 at 8-9
- Sidqui v. Almodovar, No. 25-CV-9349 (VSB), 2026 WL 251929, at *10, *17 (S.D.N.Y. Jan. 30, 2026)
- Aviles-Mena v. Kaiser, No. 25-cv-06783-RFL, 2025 WL 2578215, at *4 (N.D. Cal. Sept. 5, 2025)
- Coalition for Humane Immigrant Rights v. Noem, Case No. 25-cv-872 (JMC), 2025 WL 2192986, at *27 (D.D.C. Aug. 1, 2025)
- Ahmadi v. Becerra, Case No. 1:25-cv-01044-CDB (HC), 2026 WL 309561, at *10, *12-13 (E.D. Cal. Feb. 5, 2026)
- Valencia Zapata v. Kaiser, 801 F. Supp. 3d 919, 935 n.4 (N.D. Cal. 2025)
- Ramirez Clavijo v. Kaiser, No. 25-cv-06248-BLF, 2025 WL 2419263, at *4 (N.D. Cal. Aug. 21, 2025)
- Castellon, 2025 WL 2373425, at *9, *12
- Garcia v. Andrews, No. 1:25-cv-01006-JLT-SAB, 2025 WL 2420068, at *5, *7 (E.D. Cal. Aug. 21, 2025)
- Buenrostro-Mendez v. Bondi, No. 25-20496, 2026 WL 323330 (5th Cir. Feb. 6, 2026)
- Singh v. Baltazar, No. 1:26-cv-00336-CNS, 2026 WL 352870, at *3-6
- Loper Bright Enterprises v. Raimondo, 603 U.S. 369, 400 (2024)