

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 14-cv-02458-CMA-MEH

OSCAR NUNEZ CARRASCO,

Petitioner,

v.

JOHN LONGSHORE, Field Director, Immigration and Customs Enforcement,  
JEH JOHNSON, Secretary of the Department of Homeland Security,  
JOHN MORTON, Director for Immigration and Customs Enforcement, and  
ERIC HOLDER, Attorney General, United States of America,

Respondents.

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**ORDER GRANTING PETITION FOR WRIT OF HABEAS CORPUS**

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This matter is before the Court on Petitioner Oscar Rolando Nunez Carrasco's Application for a Writ of Habeas Corpus (Doc. # 1), and Motion for a Temporary Restraining Order (Doc. # 5). The government has responded to these motions, opposing both forms of relief. (Doc. # 12-2.)

This case concerns Mr. Nunez Carrasco's access to a bond hearing, which in the immigration context is governed by 8 U.S.C. § 1226(a). The government argues that Mr. Nunez Carrasco is not entitled to such a hearing because he is subject to the mandatory detention provision outlined in 8 U.S.C. § 1226(c). Mr. Nunez Carrasco argues in part that, as a matter of statutory interpretation, he is not subject to this mandatory detention provision and is therefore entitled to a bond hearing. The Court has already effectively endorsed Mr. Nunez Carrasco's interpretation of § 1226(c).

See *Sanchez-Penunuri v. Longshore*, -- F. Supp. 2d --, 2013 WL 6881287 (D. Colo. Dec. 31, 2013), *Castillo-Hernandez v. Longshore*, -- F. Supp. 2d --, 2013 WL 6840192 (D. Colo. Dec. 27, 2013).

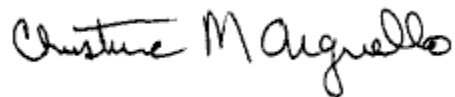
Nothing in the government's briefing changes this Court's mind and the Court adheres to the position it first articulated in *Sanchez-Penunuri* and *Castillo-Hernandez*.

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This Court GRANTS Mr. Nunez Carrasco's Application for a Writ of Habeas Corpus (Doc. # 1), which moots the need to grant the Motion for a Temporary Restraining Order (Doc. # 5)—a motion that is therefore DENIED. Respondents shall provide Mr. Nunez Carrasco with an individualized bond hearing pursuant to 8 U.S.C § 1226(a) within 14 days of the date of the entry of this Order.

DATED: September 23, 2014

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge