

DISTRICT COURT, WELD COUNTY, STATE OF COLORADO 901 9TH AVE GREELEY, CO 80631 PLAINTIFFS: TOGETHER COLORADO and JANET E. CARLSON, v. DEFENDANTS: TOWN OF HUDSON, TOWN OF HUDSON TOWN COUNCIL, TOWN OF HUDSON PLANNING COMMISSION, and JENNIFER WOODS, in her official capacity as the Town of Hudson Planning Director.	Δ COURT USE ONLY Δ
Attorneys for Plaintiffs: David Seligman, Atty Reg. # 49394 Rachel Dempsey, Atty Reg. # 57708 Alexander Hood, Atty Reg. # 42775 Towards Justice PO Box 371680, PMB 44465 Denver, CO 80237-5680 Tel.: 720-239-2606 Email: david@towardsjustice.org alex@towardsjustice.org rachel@towardsjustice.org	Case Number: Ctrm/Div:
COMPLAINT	

INTRODUCTION

1. This case is about whether the Town of Hudson is powerless to act in the face of plans to open a 1,200-bed immigration detention facility within its borders. It is not. Under Colorado law, Hudson has not only the authority but the obligation and the duty to treat the proposed facility the way it would treat any other new facility proposed within the Town: by applying and enforcing its own Land Development Code. The property at issue is not zoned for use as a detention facility. To develop and operate the facility lawfully, its private owner and operator must obtain a conditional use approval through the public processes set forth in Hudson's own Code—just as the facility's prior operator did in 2008, when Hudson granted a conditional use permit approved by its own voters.

2. That is not what is happening here. Instead, U.S. Immigration and Customs Enforcement (“ICE”) and its private contractor, The GEO Group, Inc. (“GEO”), are proceeding as if Hudson’s laws simply do not apply to them—and Hudson has responded by disclaiming any authority at all. The facility they intend to open would confine over a thousand people—most of whom have never been convicted of any crime—at a remote site whose nearest fire station is two miles away and whose nearest hospital is twelve miles away. The facility would be run by a private operator whose existing Aurora detention facility is already near capacity and has been the subject of years of litigation and public concern. As alleged below, the operation of the facility would inflict precisely the systemic detention and family separation that Plaintiff Together Colorado and its member congregations work to prevent and repair, diverting the organization’s staff and resources from its existing mission; it would upend the quiet use and enjoyment of neighboring properties like Plaintiff Carlson’s; and it would strain Hudson’s water, wastewater, roads, and emergency services—all without a single public hearing.

3. ICE and GEO do not get to bully the Town of Hudson, the State of Colorado, or their residents into abandoning the rule of law. The facility is owned by a private real estate trust and would be operated by a private, for-profit contractor, and federal law does not preempt the application of Hudson’s generally applicable zoning and land-use requirements to private parties. Local governments in Colorado must listen and answer to their residents. Plaintiffs bring this action to establish that Hudson must follow and enforce its own Code.

PARTIES, JURISDICTION, AND VENUE

4. Plaintiff Together Colorado is a nonprofit corporation and charitable organization that is incorporated and registered in the State of Colorado.

5. Plaintiff Janet E. Carlson is an individual and resident of the State of Colorado.

6. Defendants (together “Hudson”) are a Colorado home rule municipal corporation located in Weld County and its Town Council, Planning Commission, and Planning Director Jennifer Wood, Hudson’s governing and land-use decision-making entities.

7. Venue in this Court is proper pursuant to C.R.C.P. 98 because the acts or omissions giving rise to the claims occurred in this county.

8. This Court has jurisdiction over the parties and subject matter of this action pursuant to the Colorado Constitution.

FACTUAL BACKGROUND

Allegations Pertaining to Plaintiff Together Colorado

9. Plaintiff Together Colorado is a multi-faith non-profit organization comprised of more than 220 member congregations, faith leaders, and mobile home parks working to protect human dignity in Colorado, including by advocating for humane treatment in the immigration

system and working to mitigate the negative impacts of civil detention, incarceration, and family separation.

10. Together Colorado provides services, including pastoral care, mutual aid, and logistical support to individuals detained inside Colorado's existing detention facilities and their family members outside who are affected by the sudden absence of a loved one.

11. Together Colorado also provides training to local nonprofit organizations and volunteers, such as food bank volunteers, to help equip them to meet the needs of families affected by detention and family separation.

12. Together Colorado's membership includes at least six congregations and/or faith leaders in Weld County, including one located less than 10 miles from Hudson, in Fort Lupton, Colorado.

13. Together Colorado employs approximately seven full-time staff and relies on the labor of member-volunteers.

Allegations Pertaining to Plaintiff Carlson

14. Plaintiff Carlson resides at real property located at 22811 County Road 16, in unincorporated Weld County, Colorado (the "Carlson Property").

15. Plaintiff Carlson is the sole beneficiary of the Janet Carlson Trust, which owns the Carlson Property.

16. The Carlson Property directly abuts the property located at 3001 N. Juniper Street in Hudson of Hudson, Colorado, which contains improvements commonly known as the Hudson Correctional Facility (the "Facility").

17. The primary entrance to the Facility is located at end of a quiet, two-lane road that runs along the north and east edges of the Carlson Property, approximately 500 yards from Plaintiff's house.

18. At present, Plaintiff Carlson estimates that no more than a handful of vehicles travel along the road each day.

19. Plaintiff Carlson rents the southeastern portion of her property to a hay farmer and receives rental income from the arrangement.

Allegations Pertaining to Town of Hudson & Planned Operation

20. According to Hudson's official zoning map, the Facility is located in an "Industrial Three" or "I-3" zoning district.

21. A complete and specific list of the uses permitted—either by-right or after conditional use review—in I-3 zoning districts is set forth in Hudson’s Land Development Code.

22. The Land Development Code does not list “immigration detention facility” or “correctional facility” as uses that are permitted in I-3 zoning districts and indicates “unlisted uses” are generally not allowed.

23. The Land Development Code sets forth detailed procedures by which a nonconforming or conditionally permitted use may be authorized, including by code amendment, rezoning, conditional use review, or variance.

24. The Facility was previously operated as a private prison for the Alaska Department of Corrections from approximately November 2009 through October 2013.

25. Prior operation of the Facility as a prison impacted Plaintiff Carlson’s use and enjoyment of her Property in significant ways, including increased traffic along her fenceline; increased noise audible in her backyard and inside her home; and intense light pollution from outdoor flood lights along the Facility’s perimeter that shone directly into her bedroom.

26. Prior operation of the Facility as a prison also impacted Plaintiff Carlson’s sense of safety and security, as guards and other prison staff frequently trespassed onto her land to smoke cigarettes and talk during their breaks.

27. During its period of operation, the Facility operated pursuant to a conditional use permit for an “adult medium security correctional facility” that was issued in 2008 and approved by Hudson voters through a ballot measure.

28. The 2008 conditional use permit specifically stated that “[a]ny proposed change to the specified use of the facility must be brought back to Hudson for a revision to the Conditional Use.”

29. Following its closure in or around 2013, the Facility ceased operations and has been vacant ever since, for more than 12 years.

30. Under Hudson’s Land Development Code, nonconforming uses that are terminated or abandoned lose their legal status and may not be resumed without new approvals.

31. Despite the Facility’s extended closure and expiration of the 2008 conditional permit, recent developments reflect imminent plans to reopen the Facility as a civil immigration detention center.

32. In or around February 2025, the current owner of the Facility, Highlands REIT, submitted a bid to U.S. Immigration and Customs Enforcement (“ICE”) to operate the Facility as a civil immigration detention center and stated that the Facility was “available immediately and could accept detainees in a matter of months.”

33. Thereafter, Highlands REIT awarded a contract to operate the Facility as a civil immigration detention center to a private contract operator, The GEO Group, Inc. (“GEO”).

34. ICE subsequently awarded a Letter Contract to GEO to operate the Facility as a civil immigration detention center referred to as the “Big Horn” facility.

35. The Letter Contract is dated December 1, 2025, and specifies a “Period of Performance” of “180 days from the date of the award or before completion of 40% of the work to be performed, whichever occurs first.”

36. On July 9, ICE awarded an additional a “support services” contract to GEO to operate the Facility as a civil immigration detention center for a term lasting five years. *See Allison Sherry, ICE Contractor GEO Group to Open New Immigrant Detention Center in Hudson, Colo. Pub. Radio* (July 13, 2026), <https://www.cpr.org/2026/07/13/ice-detention-center-hudson-confirmed/>.

37. According to federal securities filings, the Facility is owned by a subsidiary of Highlands REIT, and GEO has agreed to pay rent for the Facility of \$250,000 per month beginning on August 1, 2026, with that rent increasing to nearly \$1 million per month in six months or as soon as the Facility is occupied, whichever occurs first. GEO has stated that the “Big Horn Facility” will generate approximately \$85 million in annual revenue in its first full year of operations.

38. GEO has indicated that it is prepared to begin operations at the facility in a matter of months.

39. On information and belief, GEO or Highlands REIT have already begun work to prepare the Facility to begin operating, potentially including structural modifications, electrical and plumbing upgrades, remodeling, or restoration, without obtaining the requisite permits or approvals.

40. Operation of the Facility as planned will entail the large-scale detention of individuals for federal immigration purposes and will immediately and significantly intensify the use of the Facility and surrounding land and roads.

41. Operation of the Facility as planned will also clearly violate the Land Development Code.

42. Hudson is aware of the Letter Contract and has considered or is considering whether to allow the Facility to operate as an immigration detention center notwithstanding noncompliance with the Land Development Code.

43. In doing so, Hudson has received input from numerous members of the public, including Hudson residents, who have raised concerns that operation of the Facility as an immigration detention center will violate Hudson’s Land Development Code, including provisions

governing nonconforming uses, abandonment, and permissible uses within the applicable zoning district.

44. On May 17, 2026, Plaintiff Carlson filed a formal complaint with Hudson, by way of Defendant Woods, alleging that violations of the Land Development Code were occurring at the Facility and requesting both a verification of the alleged violations and a written interpretation of the Land Development Code as it applies to the Facility no later than June 1, 2026.

45. Hudson has not responded to Plaintiff Carlson's May 17, 2026 complaint.

46. Hudson is also aware of multiple ways that operating the Facility will impact strain local resources and municipal services, including water supply and wastewater treatment.

47. Hudson has hired a public relations firm to help develop public messaging concerning Hudson's role in the planned operation.

48. News of the Facility's imminent reopening has drawn large crowds of protesters to the site, armed with signs, bullhorns, and loudspeakers to the site, including at least two days with more than a hundred protesters and another two more than fifty.

49. The news has also generated concern among Together Colorado's membership—particularly members located in and around Weld County—about an increased incidence of civil detention, family separation, and demand for Together Colorado's services if a large detention facility is opened nearby.

50. Together Colorado's staff and members have diverted substantial time, energy, and organizational resources in responding to member concerns about the Facility and preparing to meet the increased demand for logistical, spiritual, and material support.

51. If the Facility is reopened, Together Colorado expects that at least two of its full-time staff members will be diverted from their current work supporting immigrant communities in other parts of Colorado to meet increased and urgent demand in and around Weld County.

52. Hudson has announced that it does not intend to enforce or attempt to enforce the Land Development when GEO's operations at the Facility begin.

53. On information and belief, Hudson has determined not to enforce the Land Development Code based on the mistaken belief that doing so is foreclosed by federal preemption.

54. Hudson's assertion that it lacks zoning authority over the Facility or The GEO Group's operations at the Facility is contrary to Colorado law and applicable federal preemption principles.

55. On or about, mid-July 2026, Hudson issued a further public "Community Update" stating its position that "the Town does not have authority to approve or deny federal use of this

private facility,” while simultaneously representing that the Town “does maintain responsibility for several local services that could be affected,” including local roads and traffic management, water and wastewater service, emergency response coordination, fire and EMS services, protection of public infrastructure, and community safety within Town boundaries.

56. The mid-July update further acknowledged that numerous operational details remain unknown to the Town, including the confirmed operational timeline, number of detainees or facility staff, transportation patterns and traffic volumes, utility demand projections, and medical or emergency coordination needs, and stated that the Town is nonetheless “taking proactive steps to prepare for potential impacts.”

57. Hudson’s acknowledgment of ongoing responsibility for the infrastructure, safety, and service impacts generated by the Facility’s operation is inconsistent with, and undermines, its stated position that it lacks any zoning or land-use authority over the use generating those impacts.

58. Hudson’s actions or inaction have the effect of permitting nonconforming operations the Facility in violation of applicable zoning, permitting, and land use requirements.

Impact on Plaintiffs

59. Plaintiffs will suffer injury from the unlawful reopening and operation of the Facility.

60. Operation of the Facility will also impact Together Colorado in ways that are concrete, immediate, significant, and distinct from the public at large, including:

- a. Increased demand for Together Colorado’s services and resources;
- b. Ongoing and additional diversion of staff and volunteer that is currently spent on other work related to the organization’s mission; and
- c. Impairment of Together Colorado’s ability to carry out its existing work, including support for detainees and their families, in other parts of the state.

61. Given the proximity of the Carlson Property and residence, operation of the Facility will adversely affect Plaintiff Carlson in ways that are concrete, immediate, significant, and distinct from the public at large, including:

- a. Adverse impacts on Plaintiff Carlson’s quiet use and enjoyment of her property including but are not limited to increased noise, traffic congestion, dust, light, and security needs as a direct result of the Facility’s daily operations;
- b. Adverse impacts on Plaintiff Carlson’s quiet use and enjoyment as a result of ongoing protest activity at the Facility, which is expected to intensify if

the Facility is used for the immigration detention purposes; and

- c. Adverse financial impacts on Plaintiff Carlson, including but not limited to diminishing her property value and rental income, and necessitating the installation of additional security measures such as privacy fencing, locks, and signage.

62. Hudson's refusal to enforce the Land Development Code deprives Plaintiffs of their legally protected rights to, among other things, receive notice, participate in a public hearing and/or neighborhood meeting, and appeal a final decision.

63. Plaintiffs have no plain, speedy, and adequate remedy other than to obtain relief from this Court under C.R.C.P. 106(a)(2) and/or declaratory judgment.

FIRST CLAIM FOR RELIEF
(C.R.C.P. 106(a)(2) – Mandamus)

64. Plaintiffs incorporate by reference all paragraphs above.

65. Hudson has a clear and nondiscretionary legal duty to apply and enforce its Land Development Code and other applicable regulations with respect to the Facility.

66. Hudson's duty is ministerial in nature and does not permit a wholesale refusal of enforcement.

67. Hudson has refused or failed to perform its mandatory duties by:

- a. Refusing to investigate or verify whether a violation of the Land Development Code has occurred notwithstanding receipt of a complaint from an adjacent property owner;
- b. Refusing to render an interpretation of the Land Development Code's application to the Facility notwithstanding a request from an adjacent property owner;
- c. Refusing to apply and/or enforce the Land Development Code provisions governing nonconforming uses and abandonment;
- d. Knowingly allowing or intending to allow a use that is not permitted in the applicable zoning district;
- e. Effectuating an amendment to the Land Development Code without complying with the requisite procedural requirements;
- f. Effectuating approval of or revision to a conditional use permit without complying with the requisite procedure requirements;

g. Treating the proposed use as exempt from local land use review despite the absence of federal ownership or direct federal operation; and

h. Failing to require required approvals, permits, or hearings under applicable law.

68. As an organization whose members will be adversely affected by the operation of a noncompliant detention facility, Together Colorado also has a legally protected interest in the enforcement of local zoning law.

69. As an adjacent property owner and person aggrieved, Plaintiff Carlson has a clear and legally protected interest in the enforcement of local zoning law.

70. Plaintiffs have no adequate remedy other than to secure mandamus relief.

71. Unless set aside, Hudson's decision will result in the imminent and unlawful operation of the Facility in violation of local zoning law.

SECOND CLAIM FOR RELIEF

(C.R.C.P. 106(a)(4) – Certiorari Review of Quasi-Judicial Action)

72. Plaintiffs incorporate by reference all paragraphs above.

73. This is an action for review pursuant to C.R.C.P. 106(a)(4).

74. In or around mid-July 2026, Hudson determined, and publicly stated in a "Community Update," that it "does not have authority to approve or deny federal use of this private facility."

75. In making that determination, Hudson's Town Council, Planning Commission, and/or Planning Director exercised a quasi-judicial function by applying Hudson's Land Development Code and applicable law to the specific facts of the Facility and reaching a final determination as to the scope of Hudson's own authority over it.

76. That determination constitutes a final decision affecting Plaintiffs' legally protected interests, and no further administrative appeal or remedy is available to Plaintiffs.

77. Hudson's determination that it lacks authority to approve or deny the Facility's use as an immigration detention center is contrary to Colorado law and applicable federal preemption principles, and in making that determination, Hudson exceeded its jurisdiction and/or abused its discretion.

78. The Facility's use as an immigration detention center is operated by a private contractor, GEO, pursuant to a contract with Highlands REIT, a private property owner, and does not involve federal ownership or direct federal operation of the Facility such that Hudson's zoning and land-use authority would be displaced.

79. Hudson's own Land Development Code vests it with authority to determine whether a given use is permitted within its zoning districts, including the I-3 district in which the Facility sits, and nothing in federal law strips Hudson of that authority merely because the Facility's ultimate occupants are subject to federal detention.

80. Moreover, Hudson's determination that it lacks authority to approve or deny the Facility's use, and its consequent refusal to require Highlands REIT and/or GEO to comply with the Land Development Code's otherwise-applicable review procedures, further exceeds Hudson's jurisdiction and constitutes an abuse of discretion because it defrays costs, and/or confers a financial incentive or benefit on private entities, related to the development and operation of the Facility as an immigration detention center, in violation of C.R.S. § 24-76.7-102(1)(c) and/or (e).

81. Plaintiffs have no plain, speedy, and adequate remedy other than review under C.R.C.P. 106(a)(4).

82. Unless reviewed and set aside, Hudson's determination that it lacks authority to approve or deny the Facility's use will result in the imminent and unlawful operation of the Facility without any local zoning review, in violation of local zoning law, and will deprive Plaintiffs of their rights to notice, hearing, and appeal.

THIRD CLAIM FOR RELIEF
(Declaratory Judgment – C.R.C.P. 57)

83. Plaintiffs incorporate by reference all paragraphs above.

84. This is an action for declaratory relief under C.R.C.P. 57 and § 13-51-101, et seq., C.R.S.

85. An actual, present, and justiciable controversy exists between Plaintiffs and Hudson regarding the applicability and enforceability of Hudson's Land Development Code to the Facility.

86. The controversy is ripe because Hudson has taken and/or is taking action to allow the Facility to reopen and operate as an immigration detention center without requiring compliance with applicable zoning and land use regulations.

87. Plaintiffs contend that:

- a. The prior correctional use of the Facility has been discontinued for a sufficient period such that any right to operate the Facility granted by the 2008 conditional use permit has been extinguished;
- b. Use of the Facility as an immigration detention center constitutes a new or materially different use requiring compliance with current zoning regulations;
- c. Use of the Facility as an immigration detention center is not permitted within the

applicable zoning district absent an amendment to the Land Development Code and/or issuance of a new permit;

- d. Hudson is required to enforce its Land Development Code, including provisions governing abandonment and permissible uses;
 - e. Federal law does not preempt Hudson's authority to apply and enforce its zoning and land use regulations to a privately operated detention facility; and
 - f. Hudson's refusal to require compliance with its Land Development Code's review procedures defrays costs and/or confers a financial incentive or benefit on private entities in connection with the Facility's development and operation, in violation of C.R.S. § 24-76.7-102(1)(c) and/or (e).
88. Hudson contends, or is likely to contend, that:
- a. The Facility may operate without full compliance with current zoning requirements; and/or
 - b. Federal law preempts or limits Hudson's authority to regulate the proposed use; and
 - c. Its non-enforcement of the Land Development Code does not defray any cost or confer any financial incentive or benefit within the meaning of C.R.S. § 24-76.7-102.

89. A judicial declaration is necessary to resolve the parties' rights and obligations and to prevent ongoing and future harm to Plaintiff.

OTHER ALLEGATIONS

90. Plaintiffs' claims are good faith, non-frivolous claims filed for the express purpose of extending, limiting, modifying, or reversing existing precedent, law, or regulation; or for the express purpose of establishing the meaning, lawfulness, or constitutionality of a law, regulation, or United States or state constitutional right and the meaning, lawfulness, or constitutionality has not been determined by the Colorado Supreme Court, or for cases presenting questions under the United States constitution, to the Supreme Court of the United States. In particular, Plaintiffs bring claims, as a matter of first impression, to determine if federal law preempts local zoning laws in Colorado.

REQUEST FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court grant the following relief, in the alternative and as appropriate:

1. Grant expedited review of this action and an expedited hearing schedule, pursuant to C.R.C.P. 57(l) and C.R.C.P. 106(a)(4), in light of the imminent and irreparable harm Plaintiffs will suffer absent prompt resolution;
2. Order Defendants, pursuant to C.R.C.P. 106(a)(2), to enforce the Land Development Code with respect to the Facility, including by investigating alleged violations; rendering an official interpretation; initiating and/or pursuing appropriate enforcement proceedings; and abiding by relevant procedures for amending the Land Development Code and/or granting or amending a conditional use permit;
3. Review and set aside, pursuant to C.R.C.P. 106(a)(4), Hudson's determination that it lacks authority to approve or deny the federal use of the Facility, on the grounds that Hudson exceeded its jurisdiction and/or abused its discretion in reaching that determination;
4. Enter a declaratory judgment that:
 - a. Any prior nonconforming-use status associated with the Facility has been extinguished;
 - b. The immigration detention use is subject to Hudson's Land Development Code;
 - c. The proposed use requires compliance with all applicable zoning, permitting, and land use requirements;
 - d. Federal law does not preempt Hudson's authority to enforce its zoning and land use regulations in this context; and
 - e. Hudson must apply and enforce its Land Development Code with respect to the Facility; and
 - f. Hudson's refusal to require compliance with the Land Development Code's review procedures violates C.R.S. § 24-76.7-102(1)(c) and/or (e).
5. Award Plaintiff costs as permitted by law; and
6. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted July 22, 2026.

s/David Seligman

David Seligman

s/Rachel Dempsey

Rachel Dempsey

s/Alexander Hood

Alexander Hood

Counsel for Plaintiffs