

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge William J. Martinez**

Civil Action No. 25-cv-3078-WJM-KAS

JESUS MORALES LOPEZ

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as warden
of the Aurora Contract Detention Facility, et al.

Respondents.

**PETITIONER'S EMERGENCY MOTION TO ENFORCE COURT ORDER
AND FOR IMMEDIATE RELEASE**

Petitioner, JESUS MORALES LOPEZ, by and through undersigned counsel, respectfully moves this Court to enforce its December 15, 2025, Order requiring Respondents to provide a bond hearing pursuant to 8 U.S.C. § 1226(a) and to ensure compliance with that statute and the Immigration Judge's resulting bond order.

Morales Lopez respectfully notes for the Court that Respondents' status report pertains to a different petitioner. ECF No. 41. The status report includes an Immigration Judge decision that does not correspond to Morales Lopez's case. *See* ECF No. 41 at Attachment 1. Morales Lopez submits here the correct Immigration Judge decision in his case, issued on December 22, 2025, which granted him bond. *See Decision of the Immigration Judge, dated December 22, 2025, attached hereto as Attachment A.*

This Motion is brought on an emergency basis because Morales Lopez remains unlawfully detained despite having been granted bond, posting that bond, and being entitled to release under

8 U.S.C. § 1226(a). Each additional day of detention constitutes an irreparable deprivation of liberty that cannot be remedied after the fact. Immediate court intervention is therefore necessary.

PROCEDURAL BACKGROUND

On December 15, 2025, this Court ordered Respondents to provide Morales Lopez a constitutionally adequate bond hearing before the Immigration Court under 8 U.S.C. § 1226(a). ECF No. 40. That hearing occurred on December 18, 2025, and on December 22, 2025, the Immigration Judge issued a written decision granting Morales Lopez release on bond in the amount of \$ 10,000.00. *See Decision of the Immigration Judge, dated December 22, 2025, attached hereto as Attachment A.*

Morales Lopez immediately posted the bond amount as ordered. *See ICE CeBONDS Screenshot, dated December 22, 2025, attached hereto as Attachment B.* However, ICE has refused to effectuate his release. On December 22, 2025, the portal stated that no decision was in the system despite the Immigration Judge issuing a decision. *See Attachment B.* On December 23, 2025, the ICE CeBONDS portal changed listing the bond is not approved because “it is a duplicate request. DHS has appealed the bond order.” *See screenshot of ICE CeBONDS, dated December 23, 2025, attached hereto as Attachment C.*

Undersigned counsel has not been served with an Automatic Stay (EOIR-43) within 24 hours of the Immigration Judge’s decision, nor has an emergency stay been issued by the BIA. Under governing regulations, Morales Lopez’s continued detention is unlawful because “if the Department of Homeland Security [wishes to] appeal[], the Immigration Judge’s decision remains in effect while the appeal is pending unless the Board issues an emergency stay or the decision is automatically stayed by regulation.” *See 8 C.F.R. § § 1003.6(c), 1003.19(i).*

Morales Lopez requests immediate enforcement of the Court's order, and an Order from this Court compelling Respondents to comply with this Court and 8 U.S.C. § 1226(a) by releasing Morales Lopez immediately from ICE custody.

CONFERRAL ON MOTION

Pursuant to D.C.COLO.LCivR 7.1, counsel for Morales Lopez conferred with counsel for Respondents. Respondents' position is that no court intervention is necessary at this time because Respondents have abided by the Court's Order by providing Petitioner with a bond hearing (ECF No. 40) and Respondents are following their process for releasing Petitioner pursuant to his posted bond.

ARGUMENTS

This Court ordered a bond hearing under 8 U.S.C. § 1226(a). That hearing occurred. Bond was granted. The bond was posted. At this point, Respondents' authority to continue detention ended absent a valid stay. DHS may appeal a bond decision, but an appeal alone does not stay release. No automatic stay applies here, and no emergency stay has issued.

Respondents' continued detention of Morales Lopez is unlawful and violates 1) this Court's December 15, 2025, Order; 2) 8 U.S.C. § 1226(a); and 3) Morales Lopez's procedural and substantive due process rights.

Respondents' assertion that they have "complied" by merely holding a bond hearing ignores the operative consequence of that hearing. Compliance with the Court's Order and the statute necessarily includes effectuating release once bond is granted and posted.

Morales Lopez has been unlawfully detained since August 14, 2025, *has prevailed in two bond proceedings under 8 U.S.C. § 1226(a)*, and remains detained solely due to Respondents' refusal to follow controlling law. Court intervention is therefore necessary and appropriate.

REQUESTED RELIEF

Given Respondents' noncompliance with 8 U.S.C. § 1226(a), Morales Lopez respectfully requests that the Court provide the following relief:

1. Grant this Motion to Enforce this Court's prior order, dated December 15, 2025;
2. Order Respondents to immediately release Morales Lopez from ICE custody by December 24, 2025, at 4:00 PM MST; and
3. Grant any further relief the Court deems just and proper to ensure compliance with 8 U.S.C. § 1226(a).

Dated this 24th day of December 2025.

Respectfully submitted,

/s/ Skylar M. Larson

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ATTORNEY FOR PETITIONER

CERTIFICATE OF SERVICE

I hereby certify that on December 24, 2025, I electronically filed the foregoing **Petitioner's Emergency Motion to Enforce Court Order and for Immediate Release with Attachments A-C** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Skylar M. Larson
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ATTORNEY FOR PETITIONER