

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-03078-WJM-KAS

JESUS MORALES LOPEZ,

Petitioner,

v.

JUAN BALTASAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado,
in his official capacity;

ROBERT HAGAN, Field Office Director, Denver Field Office, U.S. Immigration and
Customs Enforcement, in his official capacity;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official
capacity;

TODD LYONS, Acting Director of Immigration and Customs Enforcement, in his official
capacity; and

PAM BONDI, Attorney General, U.S. Department of Justice, in her official capacity,

Respondents.

RESPONDENTS' STATUS REPORT

Respondents submit the following Status Report pursuant to the Court's Order dated December 15, 2025. ECF No. 40.

PROCEDURAL BACKGROUND

Petitioner was first detained by Immigration and Customs Enforcement (ICE) in July 2025. See ECF No. 35-1 at ¶ 13. Petitioner was originally detained under 8 U.S.C. § 1226(a), and in August 2025 he appeared before an immigration judge for a bond hearing, who granted release on bond. *Id.* at ¶¶ 15, 23. The Department of Homeland

Security (DHS) appealed that bond to the Board of Immigration Appeals (BIA) on the basis that because Petitioner was subject to detention under Section 1225(b)(2)(A), he was not entitled to bond. *Id.* at ¶¶ 23-24. This invoked the automatic stay of Petitioner's bond, authorized by 8 C.F.R. § 1003.19(i)(2), until resolution by the BIA. *Id.* at ¶ 23.

Petitioner then initiated this habeas action, challenging his detention on the ground that the automatic stay regulation violated his rights. See ECF No. 1. Some weeks after Petitioner filed his Petition, the BIA granted DHS' appeal of Petitioner's bond, concluding that Petitioner was detained under Section 1225(b) and thus not entitled to bond. *Id.* at ¶ 31.

On November 17, 2025, Petitioner filed his Amended Petition, challenging his detention under Section 1225(b)(2). See ECF No. 31. On November 21, 2025, the Court issued an order indicating that it would likely conclude that Petitioner's detention under Section 1225(b)(2)(A) was unlawful. See ECF No. 34. Based on this Order, the parties filed a Joint Motion to Vacate, in which the parties stated that were the Court to rule, as it suggested it would, in Petitioner's favor on his challenge to his detention under Section 1225(b)(2)(a), the proper relief would be to order that Petitioner be afforded a bond hearing under Section 1226(a). See ECF No. 39.

On December 15, 2025, the Court ordered that Respondents provide Petitioner with a bond hearing pursuant to Section 1226(a). See ECF No. 40. And the Court directed Respondents to provide a status report within five days of that bond hearing, "informing the Court of his current detention status." *Id.* at 2. The Court also directed the parties to "inform the Court as to which next steps they believe are appropriate with

respect to this habeas action,” including “whether they believe Morales Lopez’s amended habeas petition (ECF No. 31) remains pending, and if they seek a more detailed written decision on the matters raised therein.” ECF No. 40 at 2 & n.1.

STATUS UPDATE

Pursuant to that order, Respondents provide the following status update.

As required by the Court’s Order, Petitioner has been provided a bond hearing. Specifically, on December 18, 2025, Petitioner appeared for a bond hearing before an immigration judge pursuant to Section 1226(a). A written bond order, granting Petitioner bond, was signed yesterday, on December 22, 2025. See Exhibit 1 (Bond Order).

Petitioner is expected to be released on bond shortly. The bond process ordinarily takes 1-2 business days, although delays can result if ICE is experiencing a particularly high volume of bond orders or if there are technical difficulties with the electronic bond system. Petitioner’s counsel has informed Respondents’ counsel that on December 22 and 23, 2025, Petitioner attempted to post bond. ICE’s Enforcement and Removal Operations is aware of the bond order for Petitioner and his attempt to post bond and expects him to be released within 24 hours of this status report. If the Court desires, Respondents can file a further status report once Petitioner has been released.

As to next steps, Respondents submit that at this point, the Court has resolved the issues presented in the amended habeas petition (ECF No. 31), which, as explained above, challenged Petitioner’s detention under Section 1225(b)(2) without an opportunity to seek bond. Now that Petitioner received a bond hearing and was granted release on bond (which is being processed), no further proceeding are necessary on

that amended habeas petition. Respondents also do not seek a more written detailed decision from the Court. Respondents thus submit that this case is concluded, unless Petitioner intends to seek to amend his habeas petition yet again to raise other issues, and Respondents are not aware of whether Petitioner intends to seek to do so.

Respectfully submitted this 23rd day of December, 2025.

PETER MCNEILLY
United States Attorney

s/ Leslie Schulze
Leslie Schulze
Assistant United States Attorney
U.S. Attorney's Office
1801 California Street, Suite 1600
Denver, CO 80202
Telephone: (303) 454-0131
Email: Leslie.schulze@usdoj.gov

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Skylar Madison Larson, Esq.
8275 East 11th Avenue
Suite 200176
Denver, CO 80220
skylarmlarsonesq@gmail.com

s/ Leslie Schulze
U.S. Attorney's Office