

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

Civil Action No. 25-cv-03195-PAB

MOUAD EL AHRACH,

Petitioner,

v.

JUAN BALTAZAR, Warden, Aurora Contract Detention Facility,  
ROBERT GUADIAN, Acting Field Office Director, Denver Field Office, Immigration and  
Customs Enforcement,  
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,  
TODD LYONS, Acting Director of Immigration and Customs Enforcement, and  
PAMELA BONDI, Attorney General, U.S. Department of Justice,

Respondents.

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**UNOPPOSED MOTION FOR EXTENSION OF  
TIME TO RESPOND TO PETITIONER'S  
MOTION FOR ATTORNEY FEES (ECF No. 20)**

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Pursuant to D.C.COLO.LCivR 6.1, Respondents move for an order extending the deadline to respond to Petitioner's "Motion for Attorney Fees" (ECF No. 20, filed on December 28, 2025), by 45 days, up to and including March 6, 2026. Pursuant to D.C.COLO.LCivR 7.1(a), undersigned counsel certifies that she conferred about this motion with Petitioner, through counsel, and Petitioner does not oppose the relief sought. Good cause exists to grant the requested relief, as follows:

1. Petitioner Mouad El Ahrach filed a Petition for a Writ of Habeas Corpus (the "Petition") pursuant to 28 U.S.C. § 2241 on October 10, 2025. *See* ECF No. 1. In the Petition, Petitioner claimed that Petitioner's continued detention by Immigration and Customs Enforcement ("ICE") violated 8 U.S.C. § 1231, *Zadvydas v. Davis*, 533 U.S. 678 (2001), and

Petitioner's procedural and substantive due process rights under the Fifth Amendment of the United States Constitution. ECF No. 1 ¶¶ 114-133.

2. On October 17, 2025, the Court ordered Respondents to show cause as to why the Petition should not be granted on or before October 31, 2025. *See* ECF No. 13.

3. Respondents responded to the Petition arguing that it should be denied because Petitioner failed to meet Petitioner's burden to show Petitioner's continued detention while awaiting removal violated 8 U.S.C. § 1231 or due process under the standards prescribed in *Zadvydas*. ECF No. 14 at 7-10. Further, Respondents argued that Petitioner failed to show that Petitioner's detention otherwise violated due process or that ICE had failed to conduct a Post-Order Custody Review. *Id.* at 10-13.

4. On November 7, 2025, Petitioner replied to Respondents response and reasserted Petitioner's claim that Petitioner's removal was unlikely in the reasonably foreseeable future. *See* ECF No. 15 at 1.

5. On November 19, 2025, the Court granted Petitioner's habeas petition and ordered Petitioner released from ICE custody on or before December 3, 2025. *See* ECF No. 16 at 12. The Court found that Respondents failed to effectively rebut Petitioner's belief that her removal was not likely in the reasonably foreseeable future. Further, the Court directed Petitioner that any request for an award of costs and attorney fees must be filed in a separate motion pursuant to the local rules, D.C.COLO.LCivR 54.3 & 16.1(b). *Id.* at 12 fn. 12.

6. Petitioner was released from ICE custody on November 20, 2025. *See* ECF No. 17.

7. On December 3, 2025, final judgment was entered and the Court denied

Petitioner's request for attorney fees without prejudice. *See* ECF No. 19 at 2.

8. On December 28, 2025, Petitioner filed a Motion for Attorney Fees in which Petitioner requests fees in the amount of \$7,175.19 under the Equal Access to Justice Act ("EAJA"). *See* ECF No. 20 at 2. Respondents' deadline to respond to the motion is currently January 20, 2026.

9. Fed. R. Civ. P. 6(b)(1)(A) permits the Court to extend the time for taking any action, on a motion filed before the deadline for such action, upon a showing of good cause. There is good cause for granting a 45-day extension of Respondents' deadline to respond to Petitioner's fees motion for several reasons. First, upon conferral, the parties have agreed to try to negotiate settlement of Petitioner's attorneys' fees. Thus, the extension of time will allow the parties to work toward settling this matter, which will preserve the Court's limited resources and reduce litigation costs in this matter going forward. Second, the extension of time will allow undersigned counsel to seek settlement authorization from the U.S. Attorney's Office, and the Department of Homeland Security. Third, no party would be prejudiced by the requested extension. There are no upcoming deadlines or proceedings scheduled in this matter. Indeed, final judgment has been entered, and the case has been closed. *See* ECF No. 19.

8. Pursuant to D.C.COLO.LCivR 6.1(b), undersigned counsel states that no extensions of the deadline to respond to the Motion for Attorney Fees have previously been requested or granted.

9. Pursuant to D.C.COLO.LCiv R 6.1(c), undersigned counsel certifies that this motion will be served on Petitioner and agency counsel as a representative for Respondents.

WHEREFORE, for the reasons set forth above, Respondents respectfully request that the

Court issue an order extending the time for Respondents to respond to Petitioner's fees motion by 45 days, up to and including March 6, 2026.

DATED: January 14, 2026

PETER MCNEILLY  
United States Attorney

s/ Erika A. Kelley

***Erika A. Kelley***

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*Counsel for Respondents*

**CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2026, 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 e-mail addresses:

elizabeth.jordan@du.edu  
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*Counsel for Petitioner*

s/ Erika A. Kelley  
U.S. Attorney's Office