

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

Civil Action No. 25-cv-03260-CNS-CYC

OSCAR ARTOLA ARAUZ,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as warden of the Aurora ICE Processing Center,

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

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

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

PAMELA BONDI, in her official capacity as Attorney General of the United States, in her official capacity,

Respondents.

RESPONSE TO ORDER TO SHOW CAUSE (ECF No. 20)

Respondents respond to the Order to Show Cause (OSC) (ECF No. 20) as follows. In short, the OSC required Respondents to show cause why the Court should not order Immigration and Customs Enforcement (ICE) to terminate surveillance of Petitioner while Petitioner is released on bond. ICE has terminated that surveillance, so there is no need for any further action by the Court. This is explained in greater detail below.

Petitioner sought in the petition "a writ of habeas corpus requiring that Respondents release Mr. Artola Arauz or provide Mr. Artola Arauz with a bond hearing

pursuant to 8 U.S.C. § 1226(a) within seven days.”¹ ECF No. 1 at 25.

The Court provided that relief when it ordered Respondents to:

either (1) provide Petitioner with a bond hearing under 8 U.S.C. § 1226(a) within SEVEN DAYS (on or before November 7, 2025), at which the government shall bear the burden of justifying Petitioner’s continued detention by clear and convincing evidence of dangerousness or flight risk; or (2) in the alternative, immediately release Petitioner from custody under reasonable conditions of supervision.

ECF No. 16 at 10.

Respondents complied with that order when an Immigration Judge held a bond hearing and ordered that Petitioner be released from custody on a bond of \$1,500. See ECF No. 18-1. The Immigration Judge’s order did not order anything else regarding Petitioner’s release. See *id.* Upon Petitioner’s payment of bond, ICE also enrolled Petitioner in the Intensive Supervision Appearance Program (ISAP). One purpose of that program is to ensure that Petitioner appears at further proceedings in hearings regarding ICE’s attempts to remove him from the United States. See ECF No. 13-1 ¶¶ 20-30 (describing removal proceedings).

Petitioner filed a “Notice of Noncompliance” arguing that Respondents’ “actions are not compliant with this Court’s order” because the Court “did not order both a bond hearing *and* supervision.” ECF No. 19 at 2-3.

The Court issued an OSC as follows:

MINUTE ORDER: Pursuant to Petitioner's Notice of Noncompliance, ECF No. [19], Respondents are ORDERED TO SHOW CAUSE no later than December 5, 2025, why the Court should not order the termination of Petitioner's continued surveillance by Immigration and Customs Enforcement (ICE) while Petitioner is released on bond, in accordance

¹ The petition sought other relief that is not relevant here.

with the Immigration Judge's November 7, 2025 order releasing petitioner on bond without the imposition of any surveillance conditions, see ECF No. 18-1.

ECF No. 20.

After the OSC was issued, ICE terminated Petitioner's enrollment in ISAP. In order to effectuate that, ICE contacted the contractor for the ISAP program, which in turn set an appointment with Petitioner to report in and have the monitoring equipment removed. ISAP terminated its surveillance of Petitioner. Petitioner's counsel has confirmed to the undersigned that ISAP has terminated its surveillance of Petitioner.

Because ICE has terminated its surveillance of Petitioner while Petitioner is released on bond, there is no need for the Court to order ICE do so. The Court should discharge the OSC.

Dated: December 11, 2025.

Respectfully submitted,

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Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on December 11, 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 recipients by e-mail:

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