

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

Civil Action No. 25-cv-03475-RMR

I.F.M.,

Petitioner,

v.

JUAN BALTAZAR, in his official capacity as Warden of the Aurora Contract Detention Facility,

GEORGE VALDEZ, 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 of Immigration and Customs Enforcement,

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

Respondents.

RESPONDENTS' RESPONSE TO ORDER TO SHOW CAUSE, ECF No. 32

Respondents¹ respond to the Court's March 17, 2026, Order to Show Cause, ECF No. 32, to address whether the Court has jurisdiction to weigh the merits of Petitioner's claims in the Emergency Motion for Temporary Restraining Order, ECF No. 30 ("TRO Motion"), and Emergency Motion to Enforce the Court's Order and Judgment, ECF No. 31 ("Motion to Enforce").

The Court lacks jurisdiction over the TRO Motion and Motion to Enforce because

¹ Pursuant to Fed. R. Civ. P. 25(d), George Valdez, in his official capacity as Director of the Denver Field Office, U.S. Immigration and Customs Enforcement, has automatically been substituted as a party.

Petitioner is challenging a new detention outside the District of Colorado. But requests for habeas relief—which is what Petitioner seeks through the TRO Motion and the Motion to Enforce—must be brought in the district of confinement and must name the Petitioner's immediate custodian. Thus, any challenge to Petitioner's new detention must be brought as a new habeas action in the district of confinement.

BACKGROUND

Petitioner's immigration history has been summarized by the Court. ECF No. 23. In brief, Petitioner is from El Salvador and entered the United States in 2019. *Id.* at 2. Petitioner was arrested and pled guilty to a charge of evading arrest in violation of Texas Penal Code § 38.04. *Id.* Petitioner ultimately was sentenced to three years in prison. *Id.* In 2024, Petitioner was released from state custody into ICE custody and transferred to the Denver Contract Detention Facility in Aurora, Colorado. *Id.* at 3. An immigration judge ordered Petitioner's removal from the United States in February 2025. *Id.* The immigration judge ordered withholding of removal to El Salvador. *Id.*

On October 31, 2025, Petitioner brought a habeas petition, challenging the detention at the Denver Contract Detention Facility in Aurora, Colorado pending removal as unconstitutionally prolonged under *Zadvydas v. Davis*, 533 U.S. 678 (2001), because there was no significant likelihood of removal in the reasonably foreseeable future. ECF No. 1. On November 24, 2025, the Court granted the habeas petition and found that Respondents had not provided "concrete evidence necessary to rebut [Petitioner's] reasoning that there is no significant likelihood of removal in the reasonably foreseeable future." ECF No. 23 at 10. The Court ordered Petitioner's release

from custody subject to an appropriate order of supervision. *Id.* Petitioner had also brought a motion for a temporary restraining order that the Court denied as moot. *Id.* at 11. On March 6, 2026, the Clerk of Court entered final judgment and closed the case. ECF No. 29.

ICE released Petitioner from custody on November 26, 2025. R. App'x at 2. Petitioner moved to Texas after being released. ECF No. 30-1. Petitioner was enrolled in the Alternatives to Detention Program, which is intended to ensure noncitizens—including those subject to a final order of removal—comply with the conditions of release from detention. R. App'x at 2. Texas authorities arrested Petitioner on or about February 27, 2026. *Id.* at 3. On March 3, 2026, Petitioner was convicted of theft of property in violation of Texas Penal Code § 31.03. *Id.* On March 4, 2026, Petitioner was released from state custody and ICE took Petitioner into custody because it determined that Petitioner's arrest violated the conditions of release. *Id.* at 3. Petitioner is detained at the South Texas ICE Process Center in Pearsall, Texas (in the Western District of Texas). *Id.* at 2.

On March 17, 2026, Petitioner brought the TRO Motion and the Motion to Enforce. In the TRO Motion, Petitioner requests an emergency restraining order that (1) restrains Respondents from removing Petitioner from the United States and (2) orders Petitioner's immediate release from custody. ECF No. 30 at 1. In the TRO Motion, Petitioner also requests that the Court order Respondents to "show cause explaining why they should not be held in contempt" for violating the Court's order and judgment. *Id.* at 12. In the Motion to Enforce, Petitioner requests an order granting immediate

release because Petitioner believes that the new detention in Texas violates the Court's order. ECF No. 31.

Also on March 17, 2026, the Court entered an order denying Petitioner's request for issuance of an ex parte TRO. ECF No. 32. The Court also noted that "[b]ecause the District of Colorado is not the district of Petitioner's current confinement," it was "rais[ing] the question of whether it has jurisdiction to weigh the merits of Petitioner's claims." *Id.* It ordered the parties to show cause by Friday, March 20, 2026 at noon MST why the Court does or does not have jurisdiction to consider the Motions. *Id.*

ARGUMENT

I. **Because Petitioner is newly detained in a different jurisdiction, the Court lacks jurisdiction to consider the merits of the Motions.**

Petitioner's Motions are challenges to a new detention. Petitioner already challenged the previous detention in Aurora as violating *Zadvydas*. The Court agreed and ordered release. ECF No. 23. Petitioner was released. ECF No. 30-1; R. App'x at 2. Petitioner now challenges the new detention in Texas on similar grounds: that detention pending removal violates due process because there is not a significant likelihood of removal in the reasonably foreseeable future. ECF No. 30 at 9; ECF No. 31 at 4-6. But this Court has recently recognized that a challenge to a new detention should be raised in a "new Habeas petition challenging the due process of [the petitioner's] re-detention in the district where [the petitioner] is confined." *Ramirez v. Bondi*, 25-cv-1002-RMR, 2026 WL 456722, at *4 (D. Colo. Feb. 18, 2026).

Because Petitioner seeks habeas relief—release from detention—Petitioner needs to file a habeas petition in the Western District of Texas—where Petitioner is now

in custody. Section 2241 of Title 28 provides in relevant part that “[w]rits of habeas corpus may be granted by . . . the district courts . . . within their respective jurisdictions” when a petitioner “is in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(a), (c)(3). “[T]he general rule” is that, for “habeas petitions challenging present physical confinement, jurisdiction lies in only one district: the district of confinement.” *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004); *see also United States v. Scott*, 803 F.2d 1095, 1096 (10th Cir. 1986) (“A § 2241 petition for a writ of habeas corpus must be addressed to the federal district court in the district where the [petitioner] is confined.”). A habeas petition filed “outside ‘the district of confinement’” is, therefore, “outside the scope of the district court’s habeas jurisdiction.” *Griffin v. Kastner*, 507 F. App’x 801, 802 (10th Cir. 2013) (quoting *Padilla*, 542 U.S. at 442); *see also Emmanuel v. Barr*, No. 20-cv-53-TKW-CAS, 2020 WL 1917341, at *1 (N.D. Fla. Mar. 26, 2020) (determining that the “case was not initiated in the proper district” because the immigration habeas petition was not filed in the district where petitioner was “in custody”), *report and recommendation adopted* by 2020 WL 1917631 (N.D. Fla. Apr. 20, 2020).

Also, any challenge to Petitioner’s detention would need to name Petitioner’s immediate custodian—*i.e.*, an ICE official located in the Western District of Texas. Longstanding habeas rules require a petitioner challenging detention to name the person in the district of confinement who has physical custody over the petitioner. “The federal habeas statute straightforwardly provides that the proper respondent to a habeas petition is ‘the person who has custody over [the petitioner].’” *Padilla*, 542 U.S.

at 434 (quoting 28 U.S.C. § 2242). The federal habeas statute thus “contemplate[s] a proceeding against some person who has the *immediate custody* of the party detained, with the power to produce the body of such party before the court or judge” *Id.* at 435 (citation omitted) (emphasis in original). As a result, when a habeas petitioner challenges current physical detention, the petition must name the person “responsible for maintaining—not authorizing—the custody of the [petitioner].” *Id.* at 440 n.13. The immediate custodian is thus the local official with physical custody of the petitioner. See *id.* at 444 (“By definition, the immediate custodian and the [petitioner] reside in the same district.”).

To be sure, a district court retains jurisdiction over a habeas petition if the petitioner is transferred to another district while the petition is pending. See *Padilla*, 542 U.S. at 441 (“when the Government moves a habeas petitioner *after* she properly files a petition naming her immediate custodian, the District Court retains jurisdiction”) (emphasis added). But that is not the case here. Here, Petitioner was granted relief in this district and was released from detention. ECF No. 30-1; R. App’x at 2. Petitioner then voluntarily moved to a new district. ECF No. 30-1. This Court’s jurisdiction does not carry over to a challenge to Petitioner’s new period of detention in another district.

This case is similar to one recently decided by this Court: *Ramirez v. Bondi*, 25-cv-1002-RMR, 2026 WL 456722 (D. Colo. Feb. 18, 2026). There, the Court ordered a bond hearing for a noncitizen detained pursuant to § 1231. *Id.* at *2. At the bond hearing, an immigration judge granted the petitioner release on bond and ICE released the petitioner. *Id.* The petitioner in *Ramirez* was subsequently arrested by local police

in Texas for possession of a controlled substance and then placed in ICE detention. *Id.* at *3. There, this Court determined that it did not have jurisdiction to consider a new due process claim brought by the petitioner as part of a motion to enforce the judgment. *Id.* The Court acknowledged that there were some circumstances where a district court may retain jurisdiction after a petitioner is transferred outside the Court's jurisdiction. *Id.* at *4. But it determined that case was not one of those circumstances. *Id.*

Petitioner's case bears many similarities to *Ramirez*. Petitioner filed an initial habeas petition in this district, ECF No. 1, that the Court granted, ECF No. 23. Respondents complied and released Petitioner. ECF No. 30-1; R. App'x at 2. Petitioner then subsequently moved to Texas (i.e., a different judicial district). ECF No. 30-1. Months later, the local police arrested Petitioner in Texas. R. App'x at 3. Petitioner is now detained in ICE's South Texas Processing Center in Pearsall, Texas. *Id.* That facility is in the Western District of Texas. *Id.*

Petitioner now seeks immediate release from that new detention, but does so through a motion to enforce the order. ECF Nos. 31 & 32. As in *Ramirez*, the Court should conclude that it lacks jurisdiction to consider Petitioner's claims. Any habeas claim challenging the new basis for Petitioner's detention and seeking new relief would need to be filed in a new habeas petition where Petitioner is in custody—the Western District of Texas—and name Petitioner's immediate custodian there.

II. Because Respondents complied with the Court's order, the Court does not have jurisdiction over the Motions pursuant to its inherent authority.

Petitioner is likely to argue that the Court retains jurisdiction because it has

authority to enforce its order and final judgment. See ECF No. 31 at 3. To be sure, courts “retain[] ancillary jurisdiction to enforce its own orders and judgments.” *Metzger v. UNUM Life Ins. Co. of Am.*, 151 F. App’x 648, 651 (10th Cir. 2005). But the Court’s jurisdiction to enforce its orders and judgments does not grant it limitless authority to provide Petitioner habeas relief related to a new detention in a different judicial district.

Here, Respondents complied with the Court’s order. Faced with a similar situation, this Court in *Ramirez* indicated that it was “not convinced that [the petitioner’s] re-detention after an arrest for the possession of a controlled substance violates this Court’s order for a bond hearing, considering that the bond hearing took place within the parameters ordered by this Court.” 2026 WL 456722, at *3. Likewise, here, Respondents complied with the Court’s order and released Petitioner. There is nothing left from the prior habeas petition for the Court to enforce. See *Sopan Pok v. U.S. I.N.S.*, 169 F. Supp. 2d 1194, 1196 (S.D. Cal. Sept. 26, 2001) (explaining in the context of a request to enforce an order brought as part of habeas proceedings that though a court retains jurisdiction to enforce its judgment, the court’s prior order requiring release had already been complied with).

The fact is that Petitioner is challenging a new detention that began on March 4, 2026, based on new circumstances—Petitioner’s arrest and conviction for violating Texas law. Petitioner is not challenging the same detention that gave rise to the initial habeas petition. Petitioner has not been detained in the District of Colorado during the current period of detention. To the extent that Petitioner believes the current detention in the Western District of Texas is unlawful, there is a straightforward recourse: file a

habeas petition in that district challenging the detention.

In the Motion to Enforce, Petitioner argues that other courts have granted the same relief sought here. ECF No. 31 at 6-7. Petitioner points to *Santamaria Orellana v. Baker*, 25-cv-1788-TDC, 2025 WL 2841886 (D. Md. Oct. 7, 2025), as support for the requested relief. But *Santamaria Orellana* involved a much different situation. There, the court had ordered a petitioner's release and ICE redetained him only two weeks later in the same district when he went into a local ICE office of an interview with an asylum officer. 2025 WL 2841886, at *1-2. The court determined that his re-detention, like his initial detention, had been done in violation of due process because ICE did not follow necessary regulations in revoking his release. *Id.* at *5-6. Here, ICE detained Petitioner three months after the release stemming from the Court's order in this case and in a different district than the one in which Petitioner initially obtained habeas relief. ECF No. 30-1; R. App'x at 3. And Petitioner seems to argue just that the new detention would continue to violate *Zadvydas*. ECF No. 31 at 4-8. *Santamaria Orellana* does not support Petitioner's position that the Court has jurisdiction here.

Petitioner's reliance on *Cervantes Arredondo v. Baltazar*, 25-cv-03040-RBJ, ECF No. 26 (D. Colo. Dec. 18, 2025), also does not support the Court granting the requested relief here. That case did not involve a new detention of a noncitizen months after the court's order. It did not involve a new detention of a noncitizen in a different district. Instead, that case dealt with whether the bond hearing the government provided to a detained noncitizen complied with a court's order to provide a bond hearing at which the government had the burden of justifying continued detention. *Id.* at 7-15. Here, there is

no such dispute over Respondents' compliance with the Court's order. ICE complied with the Court's order of immediate release, releasing Petitioner within days after the Court's order. That this Court previously issued an order requiring Petitioner's release does not mean that Petitioner can continue to use this Court to challenge any future detentions.

CONCLUSION

The Court lacks jurisdiction over the TRO Motion and the Motion to Enforce. It should deny the Motions.

Dated March 20, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 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:

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