UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Civil Action No. 25-cv-03475-RMR

I.F.M.,

Petitioner-Plaintiff,

v.

JUAN BALTAZAR, Warden, Aurora ICE Processing Center,
ROBERT HAGAN, Field Office Director, U.S. Immigration and Customs Enforcement,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,
TODD LYONS, Acting Director of Immigration and Customs Enforcement,
PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice,

In their official capacities,

Respondents-Defendants.

PETITIONER'S RESPONSE TO ORDER TO SHOW CAUSE, ECF No. 32

Petitioner, I.F.M. respectfully submits this Response to the Court's Order to Show Cause, ECF No. 32, directing the parties to address whether this Court retains jurisdiction following ICE's re-detention of Petitioner outside of this District.

Jurisdiction exists here because I.F.M. properly filed her habeas petition in this District, where she was detained at the time of filing. Under settled caselaw, a court's jurisdiction is not defeated when a petitioner is subsequently detained in another district. I.F.M. seeks enforcement of this Court's judgment which determined that her detention was unlawful and ordered her release. Critical to her claim is that this Court found that "Respondents have not provided evidence or pointed to any specific fact that creates a

significant likelihood that I.F.M. will be removed in the reasonably foreseeable future." ECF No. 23 at 9. These facts and circumstances have not changed and I.F.M. seeks immediate intervention from this Court to enforce its order. ECF No. 31.

Federal courts retain jurisdiction to enforce their habeas judgments and because Petitioner's re-detention presents the same constitutional defects previously adjudicated by this Court—without any materially changed circumstances—jurisdiction lies in this District.

I. ARGUMENT

A. Respondents Re-detention of I.F.M. in a New District Does Not Strip this Court of Its Enforcement Power

If venue was proper at the time of filing, the district court ordinarily retains jurisdiction even if the petitioner is subsequently detained in another district. *Ex Parte Endo*, 323 U.S 283, 304-05 (1944). Whether the subsequent detention in a different district was the result of transfer or reapprehension does not weigh on the Court's analysis.

As a general rule, "[w]henever a § 2241 habeas petitioner seeks to challenge [her] present physical custody within the United States, [s]he should name [her] warden as respondent and file the petition in the district of confinement."[1] *Rumsfeld v. Padilla*,

[1] Note also that in order to exercise personal jurisdiction over a habeas petition, a district court need only find that one named respondent is proper. *Dunn v. U.S. Parole Commission*, 818 F.2d 742, 744 (10th Cir. 1987) ("So long as the petitioner names as respondent a person or entity with power to release him, there is no reason to avoid reaching the merits of his petition.") (quoting *Lee v. United States*, 501 F.2d 494, 502-03 (8th Cir. 1974) (Webster, J. concurring)).

542 U.S. 426, 447 (2004). These "district of confinement" and "immediate custodian" rules for filing "do not implicate the Court's subject-matter jurisdiction and are treated functionally as matters of personal jurisdiction or venue." *Ozturk v. Trump*, 779 F. Supp. 3d 462, 475 (D. Vt.), *amended sub nom. Ozturk v. Hyde*, 136 F.4th 382 (2d Cir. 2025) (citing *Padilla*, 542 U.S. at 434 n 7, 451; 28 U.S.C. § 2241(a)). Crucially, however, these rules apply to the filing of the *initial* habeas petition, not—as is the case here—a motion to enforce a final judgment already entered by this Court.

Here, the district of confinement and immediate custodian rules have already been satisfied because I.F.M. was detained in Colorado when she filed her habeas petition on October 31, 2025. ECF No. 1. The Court granted that petition on November 24, 2025. ECF No. 23. And on March 6, 2026, it entered final judgment. ECF No. 28. At no point did Respondents contest that the District of Colorado was the proper venue for I.F.M.'s habeas claims. Therefore, it remains the appropriate venue to enforce the Court's own order. *See Gall v. Scroggy*, 603 F.3d 346, 354 (6th Cir. 2010) ("Venue was proper when the petition was originally filed under 28 U.S.C. 2241(d), venue is proper in the same district 'to seek enforcement of that court's judgment on the petition.'").

In *Ex Parte Endo*, 323 U.S 283, 304-05 (1944) the Supreme Court first recognized an exception to the general rule that a district court only has power to grant habeas relief when the petitioner is being held within its jurisdiction. The petitioner in *Endo* was a Japanese-American citizen, who was first interned in California by the War Relocation Authority (WRA), which then transferred her to Utah *after* she filed her habeas petition with the district court in California. *Id.* at 306. In a later case, *Rumsfeld*

v. Padilla, 542 U.S. 426, 447 (2004), the Court clarified that its decision in *Endo* was premised on the fact that even if the court no longer had jurisdiction over the Petitioner's new immediate physical custodian in Utah, the district court could still grant relief through any other respondents within the district of California who had "legal authority to effectuate [her] release," such as the assistant director of the WRA. *Id.* at 441. Similarly here, although this Court lacks jurisdiction over the warden of the South Texas Detention Center, the Court continues to have jurisdiction over the other Respondents in this case, including Kristi Noem, Todd Lyons, and Pamela Bondi, who each have authority to order I.F.M. released.

Courts have consistently applied these precedents to find that detention in a new district after a habeas petition is filed does not defeat the filing court's jurisdiction. *See Santillanes v. U.S. Parole Comm'n*, 754 F.2d 887, 888 (10th Cir. 1985); *Pinson v. Berkebile*, 604 F. App'x 649, 652-53 (10th Cir. 2015). As one district court applying these principles in the immigration habeas context explained, "ICE should not be able to render this Court powerless merely by transferring petitioner in its discretion, and at any rate, ICE and the United States Attorney are responsible for complying with this Court's directives." *Kaliku v. U.S. Immigr. & Customs Enf't*, No. 24-3144-JWL, 2024 WL 4854523, at *2 (D. Kan. Nov. 21, 2024). Indeed, this Court agrees. *Ramirez v. Bondi*, No. 25-CV-1002-RMR, 2026 WL 456722, at *4 (D. Colo. Feb. 18, 2026) (recognizing that "the district of confinement is measured at the moment the habeas petition is filed.").

That courts have determined the immediate custodian and place of confinement rules apply only at the time of initial filing make sense in light of the intended purpose of these rules. Specifically, these jurisdictional bars were enacted to prevent habeas petitioners from forum shopping by choosing to sue a supervisory government official "wherever he is amenable to long-arm jurisdiction." *Padilla*, 542 U.S. at 447. No such concern exists in post-judgment enforcement cases like this one. Rather, here it is Respondents, not Petitioner, who are more likely to be "forum-shopping," if their position is that I.F.M. must file a new habeas petition with a different court based on identical circumstances that formed the basis for this Court's order.

Under these circumstances, ICE's re-detention of I.F.M. in another district does not defeat this Court's jurisdiction.

B. Under Controlling Precedent Courts Retain Jurisdiction to Enforce Habeas Judgements

The Supreme Court and Tenth Circuit have recognized that district courts have authority to enforce a writ of habeas corpus. That precedent controls and the Court should grant the requested relief.

In issuing a writ of habeas corpus, a federal court has the power and authority to dispose of habeas corpus matters "as law and justice require." 28 U.S.C. § 2243. The Supreme Court has recognized that the habeas corpus statute's "mandate is broad with respect to the relief that may be granted." *Carafas v. LaVallee,* 391 U.S. 234, 239 (1968). A federal court is vested with "'the largest power to control and direct the form of judgment to be entered in cases brought up before it on *habeas corpus.*'" *Hilton v. Braunskill,* 481 U.S. 770, 775 (1987) (citation omitted). "Habeas lies to enforce the right

of personal liberty; when that right is denied and a person confined, the federal court has the power to release him." *Fay v. Noia*, 372 U.S. 391, 430–31 (1963).

The Tenth Circuit has explicitly recognized that courts retain jurisdiction over prior habeas orders. *Burton v. Johnson*, 975 F.2d 690, 693 (10th Cir. 1992) (explaining that district court has authority to enforce its habeas judgment). Where a writ of habeas corpus is granted, and there "[n]o supervening events, such as a change of law, have been demonstrated," the prior judgment stands. *Bromley v. Crisp*, 561 F.2d 1351, 1363 (10th Cir. 1977) *cert. denied,* 435 U.S. 908 (1978) (citing *Davis v. United States*, 417 U.S. 333, 342 (1974)).

Burton is responsive to this Court's jurisdictional inquiry. 975 F.2d at 691-94. In December 1989, Shirley Burton prevailed on a petition for writ of habeas corpus before the District Court for the District of New Mexico challenging a state court conviction. *Id.* at 691. The order required that Ms. Burton be released unless a new trial began within 90 days. Both parties appealed. Less than two weeks after the court entered its order, Ms. Burton was released and state officials immediately re-detained her. *Id.* at 691-92. "The District Court then claimed exclusive jurisdiction over the conditions of Petitioner's release and held the arrest unlawful." *Id.* at 692. The Tenth Circuit later affirmed the district court's grant of petitioner's writ. *Id.*

In 1991, the state attempted to retry Ms. Burton, which she challenged. *Burton*, 975 F.2d at 692. On appeal, the Tenth Circuit clarified that its "disposition [on the appeal of the writ] does not prevent the District Court from interpreting, as well as enforcing, its initial judgment in this case" and "the remedy will be enforced as it stands." *Id.* 693-94

(remanding for the district court to enforce its judgment and, where the order was ambiguous, for it to clarify its prior order).

Other circuits also provide helpful guidance on this issue. Writs granting habeas relief "'would be meaningless' if a habeas court could not determine compliance with them." *Mason v. Mitchell*, 729 F.3d 545, 549 (6th Cir. 2013) (quoting *Satterlee v. Wolfenbarger*, 453 F.3d 362, 369 n.5 (6th Cir. 2006)).

Most informative here is *Gall*. 603 F.3d at 350. In 2000, the Sixth Circuit reversed the district court's denial of Gall's habeas petition, finding that his 1978 murder conviction was unconstitutional. *Gall v. Parker (Gall III),* 231 F.3d 265 (6th Cir.2000). The circuit court directed the lower court to grant a conditional writ of habeas corpus—whereby the state could decide whether to release petitioner to the state of Ohio or initiate voluntary commitment proceedings. In 2001, under the caption of his initial habeas claim, Gall filed a motion to enforce the judgment, based on the proposition that if the court did not follow the order in the original writ, there would be collateral consequences flowing from an unconstitutional conviction. The Commonwealth of Kentucky opposed Gall's motion on five grounds, two of which are relevant here.

First, the Commonwealth argued that the district court lacked jurisdiction to grant the motion or that the matter was moot because Gall was released in accordance with the writ. On this point, the Sixth Circuit found that "because a federal court always retains jurisdiction to enforce its lawful judgments, including habeas judgments, the court has the authority to see that its judgment is fully effectuated." *Gall v. Scroggy*, 603 F.3d 346, 352 (6th Cir. 2010). The court found that "[t]he district court retained

jurisdiction to consider and grant Gall's motion." *Id.* at 352. "An absolute writ immediately provides the petitioner the right to relief from all direct and collateral consequences of the unconstitutional conviction." *Id.* at 353.

Second, the Commonwealth of Kentucky argued that venue was improper in Kentucky because Gall was incarcerated in Ohio. However, the circuit court also rejected this proposition. The Court explained that Gall's claim was "necessarily tied to his original petition for a writ of habeas corpus." *Id.* at 354. Thus, because venue was proper when the petition was originally filed under 28 U.S.C. 2241(d), venue was proper in the same district "to seek enforcement of that court's judgment on the petition." *Id.*

Courts routinely exercise their jurisdiction to enforce habeas orders in immigration detention cases. *See e.g. Batz Barreno v. Baltasar*, No. 25-CV-03017-GPG-TPO, 2026 WL 120253, *2 (D. Colo. Jan. 15, 2026); *Cervantes Arredondo v. Baltazar*, 25-cv-3040-RBJ, Order, ECF No. 26 at 4–7 (D. Colo. Dec. 18, 2025). In a recent case before this District, Judge Brimmer recognized the court's inherent authority to enforce its orders where—as is the case here—petitioner filed a motion to enforce after habeas relief was granted, the case was closed, and a final judgment was entered.[2] *Pena-Gil v. Lyons*, No. 25-CV-03268-PAB-NRN, 2026 WL 25143, at *1 (D. Colo. Jan. 5, 2026) (recognizing a federal court's authority to retain jurisdiction "'to enforce its lawful judgments, including habeas judgments'") (quoting *Gall*, 603 F.3d at 352); *see also Meija-Bonilla v. Castro*, No. 2:26-CV-00405 KWR-KK, 2026 WL 776462

[2] The Court ultimately denied the motion because the Petitioner failed to request in his petition the relief he subsequently sought to enforce. *Id.* at * 3-4.

(D.N.M. Mar. 19, 2026) (quoting *Gall*, 603 F.3d at 352 and explaining that because courts always have inherent authority to enforce their habeas judgments, "[t]he Court need not delay entry of judgment to wait for Respondents to comply with the Court's order").

Many of these enforcement cases arise when DHS fails to provide the constitutionally adequate bond hearings courts have ordered or imposes additional conditions upon release. I.F.M. could not locate any cases where a District Court found a Petitioner's detention unlawful and ordered release pursuant to a *Zadvydas* analysis, only for DHS to then re-detain the petitioner on the same grounds. There are however many cases where *DHS* made the initial release determination based on a finding that removal was not likely—and courts across the country have found subsequent re-detention unlawful because the government failed to establish a change in circumstances to show a significant likelihood of removal now existed. *See, e.g., Morales-Fernandez v. INS*, 418 F.3d 1116, 1124 (10th Cir. 2008) (ordering petitioner's release where "[t]here is no contention that conditions in Cuba have changed so that [the petitioner's] removal to Cuba is reasonably foreseeable," and therefore he must "be released") (citing *Clark v. Martinez*, 543 U.S. 371, 386–87 (2005)).

In sum, under binding precedent, Courts retain jurisdiction, even after entry of final judgment, to enforce habeas orders in re-detention and other types of cases. The Court thus has authority to enforce its judgment in this case and should order I.F.M's release.

C. ICE's Re-detention of I.F.M. under the Same Circumstances this Court has Determined are Unlawful is a Direct Violation of This Court's Order

This Court ordered I.F.M.'s release based on a finding that "Respondents have not provided the concrete evidence necessary to rebut I.F.M.'s reasoning that there is no significant likelihood of removal in the reasonably foreseeable future." ECF No. 23 at 10. Those facts and circumstances have not changed. I.F.M.'s current claim against her unlawful detention is the mirror image of the claim that formed the basis of this Court's order, ECF No. 23, granting her Petition for writ of habeas corpus, ECF No. 1. As such, this Court should enforce its writ.

The facts presented in I.F.M.'s case are similar to those before this Court in *Ramirez v. Bondi*, but the legal analysis is starkly different. No. 25-CV-1002-RMR, 2026 WL 456722, at *1 (D. Colo. Feb. 18, 2026).

Ramirez involved a transgender woman from El Salvador who ICE detained at the Aurora ICE Detention Center in Aurora, Colorado. *Id.* On May 5, 2025, this Court granted her petition for writ of habeas corpus and ordered a bond hearing. *Ramirez v. Bondi*, No. 25-CV-1002-RMR, 2025 WL 1294919, at *7 (D. Colo. May 5, 2025). The immigration court granted release on May 14, 2025. *Id.* Ms. Ramirez moved to Austin, Texas and was subsequently arrested by local law enforcement before being transferred to ICE custody in Texas on October 17, 2025. *Id.* She then filed a motion to enforce this Court's prior habeas order. *Id.*

Despite these similar facts, the legal basis for the underlying grant of I.F.M. and Ms. Ramirez's writs are distinct as were the remedies granted. Ms. Ramirez had a prior order of removal that was reinstated and she was subject to pending withholding-only proceedings. *Ramirez*, 2025 WL 1294919, at *1. In its analysis of her claims, this Court

found Ms. Ramirez's detention was not unlawfully indefinite under *Zadvydas*, explaining "Petitioner's removal *is reasonably foreseeable* because it depends solely on her pending withholding-only proceedings and her Tenth Circuit appeal." *Id.* at *5 (emphasis added). Ms. Ramirez did, however, prevail on her as-applied due process challenge, and the Court found she was entitled to a bond hearing. *Id.* at *8.

Here, I.F.M, also a transgender woman from El Salvador, has a final order of removal that was withheld based on a grant of withholding of removal, and no pending appeal. ECF No. 1 at ¶ 2. In contrast to *Ramirez*, the Court determined that I.F.M.'s detention *was* unlawfully indefinite under *Zadvydas*, because "Respondents have not provided evidence or pointed to any specific fact that creates a significant likelihood that I.F.M. will be removed in the reasonably foreseeable future." ECF No. 23 at 9. Because this Court itself determined that I.F.M.'s detention lacked a legal basis, it directly ordered her release.

When considering Ms. Ramirez's motion to enforce, this Court found that her subsequent re-detention did not violate the Court's prior habeas order because "[t]he order was to conduct an individualized bond hearing, in which Respondents bore the burden of establishing, by clear and convincing evidence, that continued detention was justified, meaning they had to prove that Ms. Ramirez was a danger to the community or a flight risk." *Ramirez*, 2026 WL 456722, at *3. This Court found that the "bond hearing took place as ordered" and determined that Ms. Ramirez's re-detention "after an arrest for the possession of a controlled substance" did not violate its prior order. *Id.*

However, under *Zadvydas*, the basis for relief in this case, the relevant inquiry is not dangerousness or flight risk—but whether there is a reasonable likelihood of removal in the reasonably foreseeable future. Notably, both petitioners in *Zadvydas* had lengthy criminal records implicating dangerousness and Kestutis Zadvydas had a prior history of flight risk. *Id.* at 684. Nevertheless, when assessing whether their detention was permissible, under 8 U.S.C. 1231(a)(6), the Court found that the statute, "read in light of the Constitution's demands, limits [a noncitizen's] post-removal-period detention to a period reasonably necessary to bring about that [noncitizen's] removal from the United States. It does not permit indefinite detention." *Id.* at 689.

Based on information and belief, I.F.M.'s current re-detention happened by chance—she contacted police in Texas for help after her belongings and documents were stolen and the police contacted ICE and they took her into custody. There is no evidence that ICE decided in advance to re-detain her based on any changed circumstances regarding the foreseeability of her removal.

Respondents thus have no legitimate, non-punitive objective in re-detaining I.F.M. *See Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). The substantive due process issue in *Zadvydas* focused on "whether the detention in question exceeds a period reasonably necessary to secure removal." 533 U.S. at 699. "[N]othing supports the argument that danger to the community is a relevant factor to consider in conducting a *Zadvydas* analysis." *Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO), 2025 WL 1750346, at *8 (D.N.J. June 24, 2025). At least two circuit courts have agreed. *Tran v. Mukasey*, 515 F.3d 478 (5th Cir. 2008); *Tuan Thai v. Ashcroft*, 366 F.3d 790 (9th Cir.

2004). Here, Respondents presumably seek to justify I.F.M.'s present confinement based on a recent arrest that has no bearing on the *Zadvydas* analysis. Consequently, I.F.M.'s current detention violates this Court's order, ECF No. 23, and final judgment, ECF No. 28.

By way of example, when a noncitizen is released from detention based on DHS's *own* determination that removal is not reasonably foreseeable, DHS cannot re-detain the person without following a "constitutionally required" regulatory process. *Hall v. Nessinger*, No. 25-CV-667-JJM-PAS, 2026 WL 18583, at *4 (D.R.I. Jan. 2, 2026) (citing *Jimenez v. Cronen*, 317 F. Supp. 3d 626, 652 (D. Mass. 2018)). This process requires "(1) an individualized determination (2) by ICE that, (3) based on changed circumstances, (4) removal has become significantly likely in the reasonably foreseeable future." *Kong v. United States*, 62 F.4th 608, 619-20 (1st Cir. 2023) (citing 8 C.F.R. § 241.13(i)(2)).

Here, the only way for Respondents to prevail is if they can demonstrate to this Court's satisfaction that, based on an individualized determination, changed circumstances exist such that removal *has* become significantly likely in the reasonably foreseeable future. They cannot meet this burden.

Moreover, unlike in *Ramirez*, here release from custody was explicitly ordered by this Court. The Court thus has jurisdiction over this matter because I.F.M. raises a direct challenge based on this Court's writ: The court ordered her released from detention and without any material changes in fact or law, Respondents have re-detained her. Thus, the Court must enforce its prior order.

If Respondents disagree with this Court's order, the proper avenue to challenge the decision is through the appeal process. Allowing Respondents to instead re-detain I.F.M. in another district under the same factual and legal basis already determined unlawful, would render this Court's judgment meaningless. It could also set a concerning precedent at a time when DHS has been criticized for widespread violations of district court orders in immigration habeas cases. *See e.g. Juan T.R. v. Noem*, No. 26-CV-0107 (D. Minn. Jan. 26, 2026) at *2 (observing that "ICE has likely violated more court orders in January 2026 than some federal agencies have violated in their entire existence").

The inherent power of the judiciary is essential to ensure that there are, in fact, three equitable branches of government in the United States. "Courts of justice are universally acknowledged to be vested, by their very creation, with power to impose silence, respect, and decorum, in their presence, and submission to their lawful mandates." *Anderson v. Dunn,* 19 U.S. 204 (1821). "If a party can make himself a judge of the validity of orders which have been issued, and by his own act of disobedience set them aside, then are the courts impotent, and what the Constitution now fittingly calls 'the judicial power of the United States' would be a mere mockery." *Gompers v. Bucks Stove & Range Co.,* 221 U.S. 418, 450 (1911); *Bessette v. W.B. Conkey Co.,* 194 U.S. 324, 333 (1904) (recognizing the importance of a court's ability to "enforce its judgments and orders necessary to the due administration of law and the protection of the rights of suitors"). The Tenth Circuit has also applied this maxim. A federal court "possesses

power to grant *any form of relief necessary* to satisfy the requirement of justice." *Levy v. Dillon,* 415 F.2d 1263, 1265 (10th Cir.1969) (emphasis added).

Asserting this Court's authority to enforce its order and final judgment in I.F.M.'s case is necessary to ensure compliance with the already established legal relationship between the parties and to protect I.F.M.'s right to personal liberty.

II. CONCLUSION

This Court ruled that I.F.M.'s detention is unlawful under *Zadvydas*. No new facts exist to show that I.F.M.'s removal is likely in the reasonably foreseeable future. The Court should grant I.F.M.'s Motion to Enforce, ECF No. 31, and order her immediate release. In the alternative, the Court should grant injunctive relief. *See* ECF No. 30.

Dated: March 20, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 20, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system pursuant to Fed. R. Civ. P. 5., which will send notification of such filing to the following recipients by email:

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/s/ Laura P. Lunn
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