

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

ISSAM MOHAMAD TAMAYZA FADWA,)
(A [REDACTED])
Petitioner,)
v.)
TODD M. LYONS, Acting Director, U.S.)
Immigration and Customs Enforcement, in)
his official capacity; ROBERT HAGAN,)
Field Director of the Denver Field Office, in)
his official capacity; and JUAN)
BALTAZAR, Warden of Denver Contract)
Detention Facility, in his official capacity,)
Respondents.)

Case No. 25-cv-03660-PAB

EMERGENCY MOTION TO ENFORCE OR ALTERNATIVE MOTION TO AMEND JUDGMENT UNDER FED. R. CIV. P. 59(e)

On December 9, 2025, the Court granted the petition for habeas corpus and ordered Petitioner Issam Mohamad Fadwa released from custody. He was released from custody as of December 14, 2025.

On January 14, 2026, Mr. Fadwa went to a scheduled check-in with Immigration and Customs Enforcement (ICE). See Ex. (Declaration). At that check-in, three ICE officers handcuffed him, removed his ankle monitor, and re-detained him. Id. The officers did not provide any reason for his detention, including giving him any reason to believe that ICE has secured travel documents to Palestine, see ECF No. 12 at 17, that it has properly designated any other country of removal, id. at 17-18, or that he somehow violated the terms of his release. See Ex.

In its December 9, 2025 order, the Court ordered that Mr. Fadwa was to be released from custody. Inherent in that order is that he would not be shortly thereafter be re-detained in violation of law or his Constitutional rights. For the same reasons the Court granted the petition just weeks ago, and without any evidence of any changed circumstances or a likelihood of removal in the

reasonably foreseeable future, the Court should enforce its prior order. *Gall v. Scroggy*, 603 F.3d 346, 352 (6th Cir. 2010) (“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.”); accord *Pena-Fil v. Lyons*, 2026 WL 25143, at *2 (D. Colo. Jan. 5, 2026) (citing *Gall*).

In the alternative, Mr. Fadwa seeks an order under Fed. R. Civ. P. 59(e) to amend the Court’s order to be clear that Respondents cannot re-detain Mr. Fadwa without following the requisite statutes and regulations. See *Banister v. Davis*, 590 U.S. 504, 507 (2020) (noting that a Rule 59(e) motion “enables a party to request that a district court reconsider a just-issued judgment”). For example, if Respondents sought to arrest Mr. Fadwa, they would need an arrest warrant under 8 U.S.C. § 1357. “Except at the border and its functional equivalents,” immigration officers may stop individuals in public only after identifying “specific articulable facts, together with rational inferences from those facts, that reasonably warrant suspicion” of a violation of immigration law. *United States v. Brignoni-Ponce*, 422 U.S. 873, 884 (1975). Alternatively, while unclear if Respondents placed Mr. Fadwa on an Order of Supervision after his release, if they had they would nevertheless be required to comply with the regulations at 8 C.F.R. §§ 241.13(i), 241.4, which provide that ICE can only re-detain if the noncitizen violates any terms of the supervised release or if there is a significant likelihood of removal in the reasonably foreseeable future. There is no evidence of either. A growing number of courts around the country have recently ruled that ICE violates this regulation when revoking Orders of Supervision by failing to provide notice or opportunity to respond, and/or if the order is not signed by the proper official. See, e.g., *Santamaria Orellana v. Baker*, No. 25-1788-TDC, 2025 WL 2444087 (D. Md. Aug. 25, 2025); *Roble v. Bondi*, No. 25-cv-3196 (LMP/LIB), --- F. Supp. 3d ----, 2025 WL 2443453 (D. Minn. Aug. 25, 2025);

Hoac v. Becerra, No. 2:25-cv-01740-DC-JDP, 2025 WL 1993771 (E.D. Cal. July 16, 2025); *Liu v. Carter*, No. 25-3036-JWL, 2025 WL 1696526 (D. Kan. June 17, 2025); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (holding that ICE violated the petitioner’s due process rights by failing to comply with both 8 C.F.R. §§ 241.4 and 214.13). As Mr. Fadwa was given no documents at the time of his re-detention, Respondents did not comply with the regulations. Moreover, because this Court did not set any terms of his release in the December 9 order. Accordingly, and in light of the clear legal violations in re-detaining Mr. Fadwa, he requests the Court amend its prior order to explicitly state that Respondents cannot detain or re-detain him unless they establish and provide notice of a significant likelihood of removal in the reasonably foreseeable future. Unless Respondents can provide such justification for their detention of Mr. Fadwa on January 14, 2026, the Court should order Mr. Fadwa again be released from custody.

This motion is being filed as an emergency insofar as this Court retains jurisdiction to enforce its judgments and Mr. Fadwa’s detention today was without articulated warrant or cause and violates his Constitutional rights. He has already spent more than one year in custody and Respondents should release him immediately absent providing evidence of a significant likelihood of removal to Palestine in the reasonably foreseeable future.

January 14, 2026

Respectfully submitted,

/s/ Jessica A. Dawgert
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