

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

Civil Action No. 25-cv-03919-RMR

KENDERSON MIGUEL NAVAS MEDINA,

Petitioner,

v.

JUAN BALTASAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado,  
in his official capacity;

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

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

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

PAM BONDI, Attorney General, U.S. Department of Justice, in her official capacity,

Respondents.

---

**UNOPPOSED MOTION BY RESPONDENTS TO PARTIALLY VACATE THE  
COURT'S DECEMBER 29, 2025 ORDER (ECF No. 17)**

---

Respondents respectfully submit the following Unopposed Motion, requesting that the Court vacate, in part, its Order on the Petition for Writ of Habeas Corpus (ECF No. 17). Pursuant to the Court's Order, Respondents released Petitioner from custody on December 29, 2025. Petitioner's immigration proceedings are now proceeding in the non-detained docket, and Respondents do not intend to re-detain Petitioner absent a change in circumstances. Respondents therefore request that the Court vacate the portion of its

Order directing Respondents to provide Petitioner with a bond hearing, and in support, provide the following grounds:

On October 12, 2025, Petitioner was detained by Immigration and Customs Enforcement (ICE). In December, he filed this habeas proceeding, challenging his detention on legal grounds. ECF No. 1. Following briefing on the Petition, on December 29, 2025, the Court entered an Order directing that Respondents: (1) immediately release Petitioner; (2) provide him a bond hearing within seven days; and (3) file a status report confirming compliance within five days of that hearing. See ECF No. 17 at 9.

Pursuant to the Court's Order, Respondents released Petitioner on December 29, 2025. Upon release, Petitioner's immigration proceedings were transferred to the immigration court's non-detained docket. Respondents have no intent to re-detain Petitioner absent new circumstances (for example, if Petitioner were to commit a crime warranting detention under 8 U.S.C. § 1226(c)). Accordingly, Respondents' position—which Petitioner does not oppose—is that in light of the change in Petitioner's custody status, a bond hearing is not necessary and holding one would not serve any functional purpose.

The Court has discretion to vacate the portion of its prior order that directed Respondents to hold a bond hearing. See, e.g., *Elephant Butte Ir. Dist. of N.M. v. U.S. Dep't of Interior*, 538 F.3d 1299, 1306 (10th Cir. 2008) (“[E]very order short of a final decree is subject to reopening at the discretion of the district judge.” (citation omitted)); *Friedman v. Dollar Thrifty Auto. Grp., Inc.*, No. 12-cv-02432-WYD-KMT, 2015 WL

8479746, at \*2 (D. Colo. Dec. 10, 2015) (noting that the court has “plenary power to revisit and amend interlocutory orders as justice requires” (citation omitted)).

For the reasons stated herein, Respondents respectfully request that the Court exercise its discretion to vacate the portion of its order directing Respondents to hold a bond hearing.

Dated: January 5, 2026

PETER MCNEILLY  
United States Attorney

s/ Leslie Schulze  
**Leslie Schulze**  
Assistant United States Attorney  
U.S. Attorney's Office  
1801 California Street, Suite 1600  
Denver, CO 80202  
Telephone: (303) 454-0131  
Email: Leslie.schulze@usdoj.gov

*Counsel for Respondents*

### CERTIFICATE OF SERVICE

I hereby certify that on January 5, 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:

Hans Meyer, Esq.  
Conor Gleason, Esq.  
Mary Jo Highland  
Meyer Law Office, P.C.  
1547 Gaylord St.  
Denver, CO 80206  
T: (303) 831 0817  
[hans@themeyerlawoffice.com](mailto:hans@themeyerlawoffice.com)  
[conor@themeyerlawoffice.com](mailto:conor@themeyerlawoffice.com)  
[mlo.maryjo@themeyerlawoffice.com](mailto:mlo.maryjo@themeyerlawoffice.com)

s/ Leslie Schulze  
U.S. Attorney's Office