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UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

Federico Reyes Vasquez,

Petitioner

v.

KRISTI NOEM, in her official capacity as
Secretary of the Department of Homeland
Security,

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

Michael Bernacke, in his official capacity as
ICE Field Officer Director and Warden in
current custody of Pettioner,

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

The Executive Office for Immigration Review

United States Immigration and Customs
Enforcement.

Respondents

Civil No.: **2:25-cv-01146-JNP**

**MOTION FOR SANCTIONS AGAINST ICE
FOR VIOLATION OF COURT ORDER**

IMMIGRATION HABEAS CASE

1 Petitioner, by and through undersigned counsel, respectfully moves this Court for an Order to
2 Show Cause why Respondents, including Immigration and Customs Enforcement (“ICE”), should not
3 be held in civil contempt and sanctioned for violating this Court’s December 22, 2025 Order prohibiting
4 Petitioner’s removal from the United States while this habeas action remained pending. This motion is
5 brought pursuant to the Court’s inherent authority to enforce its orders, 18 U.S.C. § 401, 28 U.S.C. §
6 1651, Federal Rule of Civil Procedure 65, and the Court’s equitable powers to protect its jurisdiction
7 and vindicate the integrity of judicial proceedings.
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9 **I. PROCEDURAL AND FACTUAL BACKGROUND**

10 On December 19, 2025, Petitioner filed a petition for writ of habeas corpus with this Court
11 challenging his detention and imminent removal from the United States. Immediately upon filing the
12 petition, undersigned counsel took affirmative steps to notify the Government of the pendency of these
13 proceedings. Counsel contacted ICE through its designated outreach email address and informed ICE
14 that a habeas petition had been filed in the United States District Court for the District of Utah. Counsel
15 also emailed a courtesy copy of the habeas petition directly to the assigned Assistant United States
16 Attorney (“AUSA”).
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18 On December 22, 2025, after reviewing the petition, this Court issued an Order directing that
19 Petitioner not be removed from the United States until the habeas petition had been decided. The Order
20 was clear, unambiguous, and effective immediately. Notice of the Order was transmitted to the AUSA
21 through the Court’s electronic filing system. In addition, undersigned counsel immediately emailed a
22 copy of the Court’s Order directly to the AUSA to ensure actual notice.
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1 Notwithstanding the filing of the habeas petition, the Court’s express Order barring removal,
2 and Respondents’ actual notice of that Order, ICE removed Petitioner from the United States on
3 December 23, 2025—one day after the Court issued its non-removal directive.

4 ICE’s conduct directly contravened a binding federal court order and has materially interfered
5 with this Court’s ability to adjudicate Petitioner’s claims.

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7 **II. THIS COURT HAS AUTHORITY TO ENFORCE ITS ORDERS AND IMPOSE**
8 **SANCTIONS**

9 Federal courts possess multiple, overlapping sources of authority to enforce their orders and to
10 sanction parties who disregard them.

11 First, under 18 U.S.C. § 401, a federal court has statutory authority to punish contempt of its
12 authority, including “[d]isobedience or resistance to its lawful writ, process, order, rule, decree, or
13 command.” ICE’s removal of Petitioner in violation of a clear court order squarely implicates this
14 statute.

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16 Second, under the All Writs Act, 28 U.S.C. § 1651(a), this Court “may issue all writs necessary
17 or appropriate in aid of [its] jurisdiction[] and agreeable to the usages and principles of law.” This
18 includes authority to issue orders preventing executive action from frustrating the Court’s jurisdiction
19 and to remedy conduct that renders judicial review ineffective or illusory.

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21 Third, this Court possesses inherent authority to enforce compliance with its lawful orders and
22 to impose sanctions necessary to preserve the dignity of the judicial process and ensure respect for its
23 rulings. This inherent power exists independently of any rule or statute and is essential to the
24 functioning of the judiciary.

25
26 Fourth, Federal Rule of Civil Procedure 65(d) makes clear that injunctions and restraining
27 orders bind not only named parties but also their officers, agents, servants, employees, and attorneys
28 who receive actual notice of the order. ICE, as a component of the Department of Homeland Security

1 and an agent of Respondents, was bound by the Court's December 22, 2025 Order upon receiving
2 notice.

3 Collectively, these authorities empower the Court to hold Respondents in civil contempt, to
4 impose coercive or compensatory sanctions, and to fashion equitable relief necessary to remedy the
5 violation and prevent recurrence.

7 **III. RESPONDENTS' CONDUCT SATISFIES THE STANDARD FOR CIVIL
8 CONTEMPT**

9 Civil contempt is appropriate where a valid court order existed, the order was clear and
10 unambiguous, the alleged contemnor had notice of the order, and the order was violated. *Reliance Ins.*
11 *Co v. Mast Constr. Co.*, 159 F.3d 1311, 1315 (10th Cir. 1998); *FTC v. Kuykendall*, 371 F.3d 745, 756-
12 57 (10th Cir. 2004) (en banc)..

13 Here, each element is satisfied.

14 The Court's December 22, 2025 Order was valid and unequivocal. It plainly prohibited
15 Petitioner's removal from the United States while the habeas petition remained pending. The Order
16 contained no exceptions, contingencies, or ambiguity.

18 Respondents had actual notice of the Order. The AUSA received electronic notice through the
19 Court's filing system, and undersigned counsel separately transmitted a copy of the Order via email.
20 ICE had also been alerted days earlier to the existence of the habeas petition itself.

22 Despite this notice, ICE removed Petitioner from the United States on December 23, 2025. That
23 removal was not accidental, unavoidable, or compelled by circumstances beyond Respondents' control.
24 It was a deliberate act taken in direct contravention of a federal court order.

25 Civil contempt does not require a finding of bad faith. It is sufficient that Respondents failed to
26 take all reasonable steps within their power to comply with the Court's directive. *Id.* The facts here
27 demonstrate not merely a failure to comply, but an outright disregard for the Court's authority.
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1 **IV. ICE’S VIOLATION HAS CAUSED SERIOUS AND ONGOING PREJUDICE**

2 ICE’s unlawful removal of Petitioner has caused concrete and irreparable harm. It has deprived
3 Petitioner of meaningful access to this Court, complicated the adjudication of his habeas claims, and
4 potentially undermined the availability of effective relief.

5 More broadly, Respondents’ conduct threatens the integrity of the judicial process. If executive
6 agencies may ignore court orders barring removal, habeas review becomes meaningless, and judicial
7 oversight of detention and removal decisions is rendered illusory.

8 Sanctions are necessary not only to remedy the harm to Petitioner, but also to vindicate the
9 authority of this Court and deter future violations.
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11 **V. PRAYER FOR RELIEF**

12 For the foregoing reasons, Petitioner respectfully requests that the Court:

- 13
- 14 1. Issue an Order to Show Cause requiring Respondents to explain why they should not be held
15 in civil contempt pursuant to 18 U.S.C. § 401 for violating the Court’s December 22, 2025
16 Order;
 - 17 2. Impose appropriate sanctions under the Court’s inherent authority and 28 U.S.C. § 1651,
18 including coercive or compensatory sanctions sufficient to ensure future compliance with court
19 orders;
 - 20 3. Award attorneys’ fees and costs incurred as a result of Respondents’ noncompliance; and
21 4. Grant such other and further relief as the Court deems just and proper.
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Dated: December 23, 2025

Respectfully submitted,

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