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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,

PAMELA 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

**EMERGENCY MOTION TO ENFORCE  
COURT ORDERS AND COMPEL  
IMMEDIATE ISSUANCE OF PAROLE  
DOCUMENTATION**

IMMIGRATION HABEAS CASE

1 **EMERGENCY MOTION TO ENFORCE COURT ORDERS AND COMPEL IMMEDIATE**  
2 **ISSUANCE OF PAROLE DOCUMENTATION**

3 Petitioner respectfully moves for emergency relief to enforce this Court’s prior orders, compel  
4 Respondents to immediately facilitate Petitioner’s lawful return to the United States through issuance  
5 of parole documentation, and prevent Respondents from obtaining dismissal  
6 through delay, shifting litigation positions, and noncompliance.

7 Although Respondents initially represented that they would cooperate to effectuate the Court-  
8 ordered return and restore the status quo, the record now reflects a pattern of delay, obfuscation, and  
9 strategic repositioning that threatens to nullify the Court’s remedial orders and undermine its  
10 jurisdiction.

11  
12 **I. Emergency Relief Is Necessary to Preserve the Court’s Jurisdiction and Authority**

13 This Court ordered Petitioner’s return for a specific purpose: to restore the status quo ante  
14 following an unlawful removal, so that Respondents could thereafter lawfully assert whatever authority  
15 they believe exists. Rather than comply and then litigate, Respondents have attempted to litigate for  
16 dismissal in lieu of compliance, using delay to preserve the effects of the removal the Court ordered  
17 remedied.

18  
19 Emergency relief is warranted where a party’s conduct threatens to frustrate jurisdiction, render  
20 court orders ineffective, and irreparably prejudice the opposing party. *FTC v. Dean Foods Co.*, 384  
21 U.S. 597, 604 (1966). That is precisely what is occurring here.

22  
23 **II. The Email Record Demonstrates Bad-Faith Delay and “Hiding the Ball”**

24 The contemporaneous email record confirms that Respondents repeatedly changed course  
25 without notice, withheld material information, and urged Petitioner to “wait” while compliance was  
26 delayed. See Ex. 1.

1 First, Respondents represented that ICE was pursuing parole authorization but declined to  
2 disclose any concrete plan or timeline. On January 10, 2026, Assistant Field Office Director Evan  
3 Tjaden advised counsel that “ERO has initiated the parole authorization application process for your  
4 client” and that officers would provide updates “when there are updates to its status.” Ex. 1 at 8 (email  
5 from Evan Tjaden to Alec Bracken, Jan. 10, 2026). No timeline, process, or contingency was disclosed,  
6 leaving counsel unable to advise Petitioner or update the Court before pending deadlines.  
7

8 Second, on the eve of deadlines, Respondents abruptly abandoned the parole process and  
9 substituted an entirely different plan—requiring Petitioner to self-present at a port of entry—only to  
10 reverse course again days later. On January 2, 2026, AUSA Joel Ferre asked counsel to identify “what  
11 port that is, and when he can present himself,” signaling a shift away from parole and toward self-  
12 presentation. Ex. 1 at 3 (email from Joel Ferre to Alec Bracken, Jan. 2, 2026). Counsel responded  
13 immediately that Petitioner lacked means to reach the border and proposed government-coordinated  
14 transport. *Id.* When counsel followed up to proceed with that plan, Respondents later abandoned it.  
15

16 Third—and most tellingly—Respondents expressly tied further compliance to their efforts to  
17 dismiss the case and urged delay. On January 26, 2026, AUSA Michael Kennedy stated:  
18

19 “Therefore, unless the petition is dismissed, more time will be required to facilitate the alien’s  
20 return. I will move for an extension. So, purchasing a bus ticket for the 2nd doesn’t seem appropriate  
21 at the moment.” Ex. 1 at 9 (email from Michael Kennedy to Alec Bracken, Jan. 26, 2026) (emphasis  
22 added).  
23

24 That communication makes clear that Respondents’ delay was not logistical—it was strategic.  
25 Compliance with the Court’s return order was explicitly conditioned on Respondents’ parallel effort to  
26 obtain dismissal.  
27  
28

1 Fourth, January communications repeatedly assured counsel that ICE would “reach out soon,”  
2 while withholding the fact that Respondents were reconsidering whether to comply at all. For example,  
3 on January 2, 2026, AUSA Ferre told counsel only, “Please provide us this information asap,” without  
4 disclosing any plan or internal disagreement about compliance. Ex. 1 at 2–3 (emails from Joel Ferre,  
5 Jan. 2, 2026). Those assurances deprived Petitioner of meaningful notice and prevented counsel from  
6 responsibly advising his client or the Court.  
7

8 Finally, Respondents falsely alleged that Petitioner’s counsel was not communicating, despite  
9 the written record to the contrary. Docs 18. On January 9, 2026, counsel was forced to correct the  
10 record after a status filing suggested non-responsiveness, writing:  
11

12 “As you can see from our correspondence, the last correspondence came from me... I have  
13 responded to every communication.” Ex. 1 at 4 (email from Alec Bracken to Joel Ferre, Jan. 9, 2026).

14 Although Respondents later “corrected” that assertion, they did so only by copying counsel’s  
15 email verbatim, without acknowledgment or explanation. Doc. 19.  
16

17 Taken together, these communications show a pattern of withholding material information,  
18 changing plans without notice, and urging delay while pursuing dismissal. This is not good-faith  
19 coordination. It is strategic delay designed to frustrate compliance with the Court’s order and to secure  
20 dismissal before the status quo can be restored.

21 **III. Respondents Refused to Comply with the Court’s Order to Pay for Petitioner’s**  
22 **Return**

23 The Court expressly ordered Respondents to bear the cost of Petitioner’s return. Despite that  
24 clear directive, Respondents refused to arrange or pay for return travel, instead offering only to  
25 reimburse Petitioner after the fact.  
26

27 That refusal is significant for two reasons.  
28

1 First, it is noncompliance. The Court ordered Respondents to effectuate return, not to shift  
2 financial risk to a removed individual located outside the United States.

3 Second, it underscores Respondents' bad faith. Petitioner's counsel nevertheless acted flexibly  
4 and in good faith, offering to advance travel costs himself if necessary to avoid further delay. Even  
5 then, Respondents continued to stall, change plans, and withhold concrete information.  
6

7 Respondents cannot simultaneously refuse to comply with the Court's order, reject reasonable  
8 accommodations offered by counsel, and then attribute delay to logistics.

9 **IV. Petitioner Has Acted in Consistent Good Faith, Including Agreeing to Every**  
10 **Extension**

11 The contrast between the parties' conduct is stark.

12 Petitioner has:

- 13 • Agreed to every extension requested by Respondents;
- 14 • Responded promptly to all communications;
- 15 • Provided all requested information;
- 16 • Attempted repeatedly to move forward with return logistics; and
- 17 • Refrained from seeking enforcement relief despite mounting delays.  
18

19 Respondents, by contrast, have used extensions not to comply, but to retool their litigation  
20 strategy—including raising a jurisdictional challenge nearly a month after conceding jurisdiction, and  
21 only after the Court ordered return and attorneys' fees.  
22

23 **V. Respondents' Belated Jurisdictional Challenge Is Inconsistent with the Record and**  
24 **is in Bad Faith.**

25 Respondents' attempt to dismiss this case for lack of jurisdiction is irreconcilable with their  
26 prior conduct:

- 27 • Respondents conceded jurisdiction at the December 31 hearing.  
28

- 1 • They filed multiple briefs, declarations, and status reports without raising jurisdiction.
- 2 • No DHS affidavit contemporaneous with removal alleged that Petitioner was transferred out of
- 3 Utah before the petition was filed.
- 4 • Respondents actively coordinated return logistics for weeks before pivoting to dismissal.

5 Courts do not permit parties to accept jurisdiction when convenient and repudiate it when  
6 compliance becomes inconvenient—particularly after remedial orders have issued. *Insurance Corp. of*  
7 *Ireland v. Compagnie des Bauxites de Guinée*, 456 U.S. 694, 704–05 (1982).

#### 9 **VI. Proper Procedure Would Be Transfer, Not Dismissal**

10 Even assuming arguendo that Respondents’ jurisdictional theory had merit, outright dismissal  
11 is improper.

12 Where jurisdiction is disputed after a good-faith filing, the proper mechanism is transfer, not  
13 termination. Federal courts routinely apply 28 U.S.C. § 1631 to preserve claims and prevent prejudice.

14 Indeed, in an analogous habeas case provided to the Court, this District ordered transfer while  
15 expressly preserving the non-removal order to maintain the status quo. Ex. 2. Respondents’ attempt to  
16 obtain outright dismissal before complying with the return order is inconsistent with that precedent and  
17 the Court’s expressed intent.

18 Dismissal would be especially inappropriate here because Respondents’ own conduct created  
19 the very jurisdictional uncertainty they now seek to exploit. As this Court has already recognized, ICE’s  
20 actions effectively caused Petitioner to “disappear,” depriving him of access to counsel and preventing  
21 meaningful judicial review. *See* Ex. 3. (Court order noting that ICE had “disappeared” the respondent  
22 and severed access to counsel).

23 Courts do not permit a party to benefit from jurisdictional defects of its own making—  
24 particularly where those defects arise from concealment, lack of notice, or interference with the  
25

1 attorney–client relationship. Respondents removed Petitioner without notice, failed to disclose his  
2 location, and cut off communication with counsel, thereby frustrating the very mechanisms by which  
3 jurisdiction could be promptly clarified. Having created that opacity, Respondents cannot now invoke  
4 it as a basis for dismissal.

5  
6 Rewarding Respondents for hiding Petitioner and impairing access to counsel would invert  
7 fundamental principles of fairness and judicial oversight. Transfer—not termination—ensures that  
8 Respondents are not incentivized to evade review through removal, concealment, or delay, and it  
9 preserves the integrity of this Court’s remedial authority. Accordingly, even under Respondents’ own  
10 theory, dismissal is not an appropriate remedy.

#### 11 **VII. Respondents Are Attempting to Run Out the Clock**

12  
13 Petitioner was unlawfully removed in December. More than a month has elapsed. Respondents  
14 now estimate another month for internal processing—after previously representing that return was  
15 imminent.

16 This accumulating delay is not neutral. It threatens to moot the Court’s remedial authority and  
17 incentivizes noncompliance whenever removal occurs first and litigation follows later.

#### 18 19 20 **VIII. Court Orders Must Be Obeyed Until Vacated**

21 It is settled law that court orders must be obeyed unless and until they are stayed or vacated.  
22 *Walker v. City of Birmingham*, 388 U.S. 307, 314–15 (1967). Respondents’ obligation to return  
23 Petitioner exists independent of their views on jurisdiction or merits.

24  
25 The purpose of the return order was not to grant Petitioner immunity from removal, but to  
26 restore the status quo so Respondents could then lawfully proceed. Attempting to delay return to  
27  
28

1 preserve the effects of an unlawful removal inverts that remedial purpose and undermines judicial  
2 authority.

3 **IX. Respondents' Communications Border on coercive and unprofessional**  
4 **communications with Petitioner and Counsel**

5 Respondents' communications with Petitioner's counsel reflect a pattern of unnecessary,  
6 coercive, and at times disrespectful rhetoric that goes well beyond legitimate litigation positioning and  
7 instead functions to intimidate, pressure, and discourage enforcement of this Court's orders.

8  
9 Most notably, Respondents repeatedly raised the specter of indefinite detention—not as a  
10 necessary clarification of legal posture, but as a recurring threat reiterated even after counsel  
11 demonstrated flexibility, cooperation, and good faith. One reference to potential detention would have  
12 sufficed to preserve Respondents' position. Instead, Respondents repeatedly emphasized detention in  
13 a manner that served no legitimate purpose and had the practical effect of pressuring counsel and  
14 Petitioner to acquiesce in delay and dismissal.

15  
16 On January 26, 2026, AUSA Michael Kennedy stated: "If your client returns to the  
17 UnitedStates, ICE will detain him pending removal proceedings." Ex. 1 at 9 (email from Michael  
18 Kennedy to Alec Bracken, Jan. 26, 2026).

19  
20 In the same communication, Respondents expressly tied compliance with the Court's return  
21 order to their effort to dismiss this case and urged counsel not to proceed with return logistics:  
22 "Therefore, unless the petition is dismissed, more time will be required to facilitate the alien's return.  
23 I will move for an extension. So, purchasing a bus ticket for the 2nd doesn't seem appropriate at the  
24 moment." Ex. 1 at 9 (email from Michael Kennedy to Alec Bracken, Jan. 26, 2026) (emphasis added).

25  
26 That email also included a remark that was unnecessary, dismissive, and wholly inappropriate  
27 in the context of ongoing court-ordered compliance. Respondents' counsel wrote: "I wonder why you  
28 want him here so badly." Ex. 1 at 9 (email from Michael Kennedy to Alec Bracken, Jan. 26, 2026).

1 This statement served no legitimate legal or logistical purpose. Coming from government  
2 counsel charged with enforcing—not evading—court orders, it reflected a dismissive attitude toward  
3 Petitioner’s right to compliance and toward counsel’s efforts to vindicate that right. Such rhetoric is  
4 particularly troubling where, as here, Respondents had already been ordered to return Petitioner to  
5 restore the status quo and were obligated to act promptly and in good faith.  
6

7 In that context, repeatedly invoking detention, discouraging compliance, and questioning  
8 counsel’s motives functioned not as coordination but as pressure. Courts expect counsel—particularly  
9 government counsel—to communicate in a manner that is candid, respectful, and proportional. Here,  
10 the cumulative effect of Respondents’ communications, especially those on January 26, 2026, bordered  
11 on coercive and unprofessional communications and underscores why informal assurances are no  
12 longer sufficient.  
13

14 Clear, enforceable judicial directives are now necessary to ensure compliance, protect the  
15 integrity of these proceedings, and prevent further coercive or obstructive conduct.

16 **X. Respondents Delay of the Issuance of the Parole Document is Unreasonable, and**  
17 **this Court has Authority to Order Respondents to Issue the Document in a Timely**  
18 **Manner.**

19 Respondents’ continued delay in issuing parole documentation is unreasonable, unjustified, and  
20 inconsistent with both their own representations and this Court’s remedial orders. The record reflects  
21 that DHS began working on parole authorization early in January 2026, yet weeks later Respondents  
22 still claim they require additional time—while simultaneously seeking dismissal before compliance is  
23 complete. Ex. 1.  
24

25 As early as January 10, 2026, ICE represented that it had already “initiated the parole  
26 authorization application process” for Petitioner. Ex. 1 at 8 (email from Evan Tjaden to Alec Bracken,  
27  
28

1 Jan. 10, 2026). That representation confirms that DHS has long since possessed the information  
2 necessary to process parole and that this is not a newly identified logistical hurdle.

3 Despite that early initiation, Respondents have repeatedly shifted plans, paused processing, and  
4 conditioned further action on the outcome of their dismissal efforts. Most tellingly, Respondents  
5 expressly stated that “unless the petition is dismissed, more time will be required to facilitate the alien’s  
6 return.” Ex. 1 at 9 (email from Michael Kennedy to Alec Bracken, Jan. 26, 2026). That admission  
7 makes clear that delay in issuing parole is not the product of administrative necessity, but of litigation  
8 strategy.  
9

10 **A. The Delay Is Unreasonable Given the Purpose of the Court’s Return Order**

11 The Court ordered Petitioner’s return to restore the status quo ante following an unlawful  
12 removal—not to permit indefinite administrative delay while Respondents attempt to preserve the  
13 effects of that removal.  
14

15 Although parole is discretionary as a matter of immigration law, it is the only mechanism—  
16 short of granting a visa—by which Petitioner may lawfully reenter the United States, and this Court  
17 lacks authority to grant a visa. *See* 8 U.S.C. § 1182(d)(5)(A) (authorizing parole as the sole  
18 discretionary entry mechanism absent admission or visa). Where, as here, the Court has ordered  
19 Petitioner’s return to restore the status quo ante, that remedial order necessarily carries with it the  
20 authority to require Respondents to employ the only lawful means available to effectuate return.  
21 Discretion over parole does not include discretion to frustrate a court order through inaction or delay.  
22 As the Supreme Court has explained, courts will not read discretionary immigration statutes to strip  
23 habeas jurisdiction absent clear congressional command. *INS v. St. Cyr*, 533 U.S. 289, 307 (2001). Nor  
24 does discretion permit indefinite or strategic delay where such delay would defeat judicial relief. *See*  
25 *Telecomms. Research & Action Ctr. v. FCC*, 750 F.2d 70, 80 (D.C. Cir. 1984) (agency delay must be  
26  
27  
28

1 governed by a “rule of reason”); *United States v. New York Tel. Co.*, 434 U.S. 159, 172 (1977) (courts  
2 may issue orders necessary to prevent frustration of prior orders). Because parole is the only lawful  
3 vehicle for Petitioner’s return and Respondents have already initiated parole processing, ordering  
4 timely issuance of parole documentation does not intrude upon discretionary immigration  
5 adjudication—it enforces this Court’s remedial authority and ensures that its return order is not  
6 rendered illusory by delay.  
7

8 Here, Respondents have identified no new factual development, security concern, or statutory  
9 barrier that would justify weeks of additional delay. The only articulated reason has been their pending  
10 motion to dismiss—a legally improper basis to withhold compliance.  
11

12 **B. This Court Has Authority to Compel Timely Issuance of Parole to Enforce Its  
Orders**

13 This Court has ample authority to order Respondents to issue parole documentation within a  
14 defined timeframe where necessary to enforce its orders and preserve jurisdiction.  
15

16 Under the All Writs Act, federal courts may issue orders “necessary or appropriate in aid of  
17 their respective jurisdictions.” 28 U.S.C. § 1651(a). The Supreme Court has made clear that this  
18 authority includes orders preventing the frustration of prior judicial directives. *United States v. New*  
19 *York Tel. Co.*, 434 U.S. 159, 172 (1977).  
20

21 Likewise, courts possess inherent authority to enforce compliance with their orders and to  
22 ensure that remedial relief is not rendered illusory by delay. *See FTC v. Dean Foods Co.*, 384 U.S. 597,  
23 604 (1966) (recognizing courts’ power to preserve the status quo and prevent conduct that would defeat  
24 effective relief).

25 Ordering Respondents to complete and issue parole documentation—work they have already  
26 begun—is not an intrusion into discretionary immigration adjudication. It is a narrowly tailored  
27  
28

1 enforcement measure necessary to effectuate the Court's return order and to prevent Respondents from  
2 using administrative delay to defeat judicial relief.

3 **C. Absent a Court-Imposed Deadline, Respondents' Delay Will Continue to**  
4 **Undermine Judicial Authority**

5 The history of this case demonstrates that informal assurances and open-ended timelines are  
6 insufficient. Respondents have repeatedly altered plans, withheld information, and delayed compliance  
7 while litigation proceeds. Without a firm deadline for issuance of parole documentation, there is a  
8 substantial risk that further delay will continue, rendering the Court's return order ineffective and  
9 prejudicing Petitioner.  
10

11 Accordingly, the Court should exercise its authority to require Respondents to issue the  
12 necessary parole documentation within a specific, near-term timeframe sufficient to permit Petitioner's  
13 immediate lawful entry into the United States.

14 **XI. Requested Relief**

15 Petitioner respectfully requests that the Court:

- 16 1. Order Respondents to immediately issue parole documentation (including Significant Public  
17 Benefit Parole or equivalent authority) sufficient to permit Petitioner's lawful entry into the  
18 United States without further administrative delay;
- 19 2. Set a firm, near-term deadline for Petitioner's return;
- 20 3. Order Respondents to comply with the Court's prior directive regarding payment for return,  
21 rather than reimbursement after the fact;
- 22 4. Schedule an immediate status conference to discuss this issue moving forward; and
- 23 5. Grant such other relief as the Court deems just and necessary to enforce its orders and preserve  
24 jurisdiction.  
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28 Dated: January 26, 2026

1 Respectfully submitted,

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