IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-00112-CNS

KARIM CHENNAH,

Petitioner,

v.

JUAN BALTAZAR, Warden of the Aurora Contract Detention Facility owned and operated by GEO Group, Inc.,
ROBERT HAGAN, Acting Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security,
TODD LYONS, Acting Director of Immigration and Customs Enforcement, and
PAMELA BONDI, Attorney General, U.S. Department of Justice,

Respondents.

STATUS REPORT AND RESPONSE TO COURT'S ORDER

Pursuant to the Court's Minute Order, ECF No. 12, Respondents submit this Status Report regarding Petitioner's return to the District of Colorado.

As discussed in more detail below, U.S. Immigration and Customs Enforcement, Enforcement and Removal Operations (ICE ERO) is in the process of arranging for Petitioner's return to the District of Colorado, but Petitioner has not yet returned to the District of Colorado. The Court's Order made mention of contempt of Court; as discussed below, a contempt finding is not appropriate.

BACKGROUND

On Sunday, January 11, 2026, after this action was filed, and before the Court had entered any orders, Petitioner was transferred out of the District of Colorado. *See* ECF No. 8-1, Decl. of Irma Quinones ¶ 8 (noting a departure from the District of Colorado at 11:55 a.m. MST on January 11, 2026). That transfer occurred under removal arrangements that were initiated before the filing of this action. *See id.* ¶ 7 (stating that Petitioner was notified of his impending removal on January 9, 2026). Petitioner was ultimately transferred to the Port Isabel Service Processing Center near Harlingen, Texas. *See id.* ¶ 10.

Later in the day on January 11, 2026, *after* Petitioner had already left the District of Colorado, the Court entered a Minute Order invoking its authority under the All Writs Act, 28 U.S.C. § 1651(a), to prohibit Petitioner's transfer out of the District of Colorado or the United States without further leave of court "in order to preserve the Court's jurisdiction." ECF No. 5. The Court also ordered Respondents to file a status report on the day counsel for Respondents entered their appearance "confirming Petitioner's location in the District of Colorado." *Id.*

On January 13, 2026, counsel for Respondents appeared, and Respondents notified the Court of Petitioner's location in a status report. *See* ECF No. 7, 8. That status report informed the Court that Petitioner had been removed from the District of Colorado before the Court enjoined his transfer, that ICE ERO had been made aware of the Court's order not to remove Petitioner, and that ICE ERO was then in the process of arranging for Petitioner's return to the District of Colorado. ECF No. 8 at 2; ECF No. 8-1 ¶¶ 7-8, 11.

On January 14, 2026, the Court Ordered Respondents to file a status report "confirming that Petitioner has arrived back in District of Colorado no later than January 16, 2026." *See* ECF No. 9. On January 16, 2026, Respondents filed a status report informing the Court that Petitioner had not yet been transferred back to the District of Colorado, but that Respondents anticipated his return on or before January 20, 2026. *See* ECF No. 11.

Today, January 20, 2026, the Court ordered Respondents to file a status report by 5 p.m., "confirming that Petitioner has arrived back in District of Colorado." *See* ECF No. 12. The Court's Order further stated that failure to comply with the Order "may result in Respondents being held in contempt of Court." *Id.*

This status report follows.

STATUS REPORT

As of the date of this Status Report, Petitioner remains located at the Port Isabel Service Processing Center near Harlingen, Texas. Undersigned counsel for Respondents has been informed that the next scheduled flight back to the District of Colorado from there is Thursday, January 22, 2026, and undersigned counsel for Respondents has also been informed that ICE ERO anticipates Petitioner to return back to the District of Colorado that day.

Accordingly, Respondents remain in the process of transferring Petitioner back to the District of Colorado. As noted in previous status reports, ICE ERO has been made aware of the Court's Order prohibiting Petitioner's removal from the United States without further leave of court, and Petitioner will not be removed from the United States in accordance with that Order. *See, e.g.*, ECF No. 8-1 at ¶¶ 10-11.

Respondents respectfully submit that civil contempt sanctions are not warranted because Respondents have not violated any clear, unequivocal, and explicit order of the Court. The Supreme Court has held that a court considering whether to impose a contempt sanction can do so only if the order directing the person to comply was explicit as to what conduct the court was requiring or prohibiting. Because "civil contempt is a severe remedy, . . . principles of 'basic fairness requir[e] that those enjoined receive explicit notice' of "what conduct is outlawed" before being held in civil contempt." *Taggart v. Lorenzen*, 587 U.S. 554, 561 (2019) (quoting *Schmidt v. Lessard*, 414 U.S. 473, 476 (1974)). Contempt thus "usually is not appropriate unless 'those who must obey' an order 'will know what the court intends to require and what it means to forbid.'" *Longshoremen v. Philadelphia Trade Ass'n,* 389 U.S. 64, 76 (1967), *quoted in Taggart*, 587 U.S. at 561. In *Taggart*, the Court concluded that "civil contempt "should not be resorted to where there is [a] *fair ground of doubt* as to the wrongfulness of the defendant's conduct." *Taggart*, 587 U.S. at 561 (emphasis in original).

This principle—that a contempt citation must be based on violation of a clear and unequivocal court order—was recently emphasized by another district court in the Tenth Circuit:

> In deciding whether an order is sufficiently clear to form the basis of a contempt claim, the Tenth Circuit and sister courts have further explained that any ambiguity should be construed in favor of the party charged with contempt. And that makes sense—after all it would be unfair for courts to hold a party in contempt unless that party was disobeying a clear and unequivocal court command.

Cvent, Inc. v. Rainfocus, Inc., No. 2:17-cv-00230-RJS-DBP, 2023 WL 3981571, at *4 (D. Utah June 13, 2023) (internal quotation marks and footnotes omitted).

Here, there has been no clear, unequivocal, and explicit order by the Court that Respondents have violated. As reflected in the procedural history set forth above, the Court has ordered Respondents to file a series of status reports, and Respondents have timely done so. *See* ECF No. 5 (order requiring status report); ECF No. 8 (status report); ECF No. 9 (order requiring second status report); ECF No. 11 (second status report); ECF No. 13 (order requiring third status report, to which this filing responds). While in each of those orders, the Court has required a status report confirming Petitioner's presence in the District of Colorado, Respondents respectfully note that the Court has not anywhere clearly, unequivocally, and explicitly ordered Petitioner's return to the District of Colorado.

Respondents further submit that no such transfer is necessary to "preserve the Court's jurisdiction," which is the rationale the Court used in its original order seeking to keep Petitioner in the District of Colorado. Petitioner's transfer out of the District of Colorado has not divested this Court of any jurisdiction that it may have in this matter, because Petitioner was present in the District of Colorado when this action was filed. *See Serna v. Commandant, USDB-Leavenworth,* 608 F. App'x 713, 714 (10th Cir. 2015) ("It is well established that jurisdiction attaches on the initial filing for habeas corpus relief and is not destroyed by a transfer of the petitioner.") (citation modified). There was (and is) thus no need for the Court to enjoin Respondents for it to retain jurisdiction.

As a result, Respondents further respectfully note that it is not clear that the All Writs Act authorizes the Court to command Petitioner's return. The All Writs Act provides that "[t]he Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the

usages and principles of law." 28 U.S.C. § 1651(a). The "express terms" of the All Writs Act "confine" courts "to issuing process 'in aid of' its existing statutory jurisdiction; the Act does not enlarge that jurisdiction." *Clinton v. Goldsmith*, 526 U.S. 529, 534-35 (1999). Thus, because Petitioner's continuing presence in Colorado is not necessary for the Court to exercise any jurisdiction it may have in this matter, the Court's authority to command Petitioner's return, if it chooses to do so, must be grounded in some authority beyond the All Writs Act.

Accordingly, Respondents submit that contempt sanctions are not warranted in this matter. Respondents have not violated any clear, unequivocal, and explicit order of the Court. They continue to work to effectuate Petitioner's return to this District, and while that has taken more time than initially anticipated, Petitioner's return to Colorado is not necessary for this Court to exercise any jurisdiction it may have.

Respondents propose to submit an additional status report on January 22, 2026, updating the Court as to whether Petitioner has returned to the District of Colorado.

Dated: January 20, 2026.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on January 20, 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 recipients by e-mail:

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and I certify that on the same date I am causing the foregoing to be delivered to the following non-CM/ECF participants in the manner (mail, email, hand delivery, etc.) indicated by the nonparticipant's name:

none.

s/ Andrew M. Soler
Andrew M. Soler