

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

LUIS GONZALEZ TOMATZIN,

Petitioner,

v.

*JUAN BALTAZAR, in his official
capacity as Warden of the Aurora ICE
Processing Center;*

*GEORGE VALDEZ, in his official
capacity as Field Office Director of the
Aurora Field Office of Enforcement and
Removal Operations, U.S. Immigrations
and Customs Enforcement;*

*TODD M. LYONS, in his official capacity
as Acting Director, Immigration and
Customs Enforcement,*

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

*PAMELA JO BONDI, in her official
capacity as Attorney General of the United
States;*

Respondents.

Case No. 1:26-cv-00289-RMR

**PETITIONER’S RESPONSE TO RESPONDENTS’ MOTION TO PARTIALLY
VACATE THE COURT’S MARCH 6, 2026 ORDER (ECF No. 13)**

Petitioner, by and through undersigned counsel, submits this Petitioner’s Response to Respondent’s Motion to Partially Vacate the Court’s March 26, 2026 Order.

Petitioner agrees that, now that he has been released from custody, holding a bond hearing before an Immigration Judge is no longer necessary and “would not serve any functional

purpose.” See ECF 13 at pg. 3. However, to ensure that the circumstances that necessitated this habeas corpus proceeding are not repeated at a later date, Petitioner opposes Respondents’ request to entirely vacate the portion of the Court’s March 6, 2026 Order requiring that:

- (1) a bond hearing under 8 U.S.C. 1226(a) be held within five days of the date of that order,
- (2) at that hearing, the government bear the burden of justifying Petitioner’s continued detention by clear and convincing evidence of dangerousness or flight risk, and
- (3) that Respondents file a status report within two days of the bond hearing to certify compliance, specifying if and when the bond hearing occurred, if bond granted or denied, the reasons for denial if it is denied, and any conditions of supervised release imposed.

ECF No. 11 at 4-5.

Petitioner respectfully requests that the Court instead modify this portion of the order, as described in Petitioner’s forthcoming Motion to Modify Order, which will be filed separately pursuant to D.C.COLO.LCivR 7.1(d).

Date: March 9, 2026

Respectfully Submitted,

/s/ Scott Brian Petiya
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Attorney for the Petitioner

CERTIFICATE OF SERVICE

I certify that on March 9, 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 email:

erika.kelley@usdoj.gov

/s/ Scott Brian Petiya

Scott Brian Petiya