

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

JAVIER ANDRES GARCIA CORTES)

Petitioner,)

v.)

TODD M. LYONS, Acting Director, U.S.)
Immigration and Customs Enforcement, in)
his official capacity; ROBERT HAGAN,)
Field Director of the Denver Field Office, in)
his official capacity; and JUAN)
BALTAZAR, Warden of Denver Contract)
Detention Facility, in his official capacity,)

Respondents.)

Case No. 1:26-cv-294

**MOTION TO ENFORCE
OR ALTERNATIVE MOTION TO AMEND
JUDGMENT UNDER FED. R. CIV. P. 59(e)**

On February 2, 2026, the Court granted the petition for habeas corpus and ordered Petitioner Javier Andres Garcia Cortes released from custody. He was released from custody as of February 3, 2026. However, Respondents did not return all of Mr. Garcia's property when they released him from the facility. Specifically, Respondents have retained all of Mr. Garcia's identification, including his Colorado Driver's License, his Employment Authorization Document, and his Colombian passport. Undersigned has been communicating with counsel for Respondents who has not provided any lawful basis for Respondents to retain these documents, nor have Respondents provided a way for Mr. Garcia to obtain his personal identification documents.

This is problematic for many reasons, but two in particular. First, Mr. Garcia cannot engage in certain requirements of his employment as a commercial painter without his identification as many buildings he has been contracted to paint require identification prior to entering. Second, Mr. Garcia is very concerned about driving without a copy of his license, or even going to the grocery store or federal buildings without his identification should he be encountered by law enforcement

or ICE. Mr. Garcia therefore requests the Court order Respondents to immediately return all of Mr. Garcia's personal belongings, including his identification cards. *See* ECF No. 1, Prayer for Relief ¶ 6. In the alternative, Mr. Garcia seeks an order under Fed. R. Civ. P. 59(e) to amend the Court's order to be clear that Respondents cannot retain Mr. Garcia's identification documents. *See Banister v. Davis*, 590 U.S. 504, 507 (2020) (noting that a Rule 59(e) motion "enables a party to request that a district court reconsider a just-issued judgment").

February 6, 2026

Respectfully submitted,

/s/ Jessica A. Dawgert
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