

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

ALEX ARMANDO MARTINEZ-ORELLANA, Petitioner, v. ROBERT HAGAN, et al., Respondents. Case No. 1:26-cv-355-WJM MOTION TO ENFORCE

On February 13, 2026, this Court granted Petitioner Alex Armando Martinez-Orellana’s petition for habeas corpus and ordered Mr. Martinez-Orellana’s immediate release from immigration custody “along with all his personal belongings.” ECF No. 14 at 11 (Order). The Court granted Mr. Martinez-Orellana leave to file for attorney’s fees pursuant under the Equal Access to Justice Act. Id. On February 24, 2026, while preparing an application for attorney’s fees, undersigned counsel learned that Respondents had not returned all of Mr. Martinez-Orellana’s belongings. Specifically, Mr. Martinez-Orellana reported that Immigration and Customs Enforcement (ICE) only returned 12 of the 950 dollars that he had in his wallet when he was apprehended. As discussed below, undersigned counsel has attempted to resolve this issue with counsel for Respondents but Respondents have not admitted to involvement in Mr. Martinez-Orellana’s theft allegation and have not provided any documentation or timeline for obtaining any documentation to support a position that they have not retained hundreds of dollars of Mr. Martinez-Orellana’s property. Accordingly, Mr. Martinez-Orellana moves the Court for

enforcement of the order, requiring ICE to return *all* of his personal belongings, including the \$938 in cash that was not returned.

### **FACTUAL BACKGROUND**

On February 24, 2026, undersigned counsel learned that ICE did not return all of Mr. Martinez-Orellana's belongings. In particular, Mr. Martinez-Orellana had \$950 in cash in his wallet when he was arrested, and that money was removed by the ICE officers when they processed him into custody in December 2025. *See* Exhibit 1 (Affidavit). The ICE officers recorded his belongings and placed the belongings in a plastic bag. *Id.* Mr. Martinez-Orellana noticed that the bag containing his property contained less money when ICE transferred him to the Denver Contract Detention Facility, but the officer who processed him into that facility did not provide any information about the missing funds. *Id.* After Mr. Martinez-Orellana confirmed the funds had not been placed in his detainee account (as had happened for other detainees), he submitted a "kite" or complaint through ICE's complaint system. *Id.* In response, ICE informed him that ICE was retaining his funds to pay for a plane ticket should they secure a removal order. *Id.* When Mr. Martinez-Orellana was released, ICE only returned \$12 in cash. *Id.*

Upon learning this information, undersigned counsel immediately contacted counsel for Respondents. *See* Exhibit 2 (Excerpts of E-mail Communication). Respondents have indicated that they sent Mr. Martinez-Orellana's files to the National Records Center and are thus unable to confirm whether there are any remaining records of Mr. Martinez-Orellana's property. Moreover, counsel for Respondents (who include the Warden for the Denver Contract Detention Facility) informed undersigned counsel that Respondents do not have access to the complaint system used at the detention facility and thus cannot provide any documentation regarding the complaint Mr.

Martinez-Orellana submitted.<sup>1</sup> Respondents are unable to confirm when they may receive the file that may contain any property records, only indicating that “it can take some time[.]” *Id.* Without any indication of when the file may be received, whether the file contains any property records or the missing money, and whether Respondents can produce a copy of the kite or complaint and response relating to the missing funds, Mr. Martinez-Orellana seeks this Court’s intervention.

### **ARGUMENT**

#### **This Court Should Order the Return of Mr. Martinez-Orellana’s Money**

This Court retains jurisdiction to review this motion because the Court possesses inherent authority to enforce its own orders. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (“[C]ourts of justice are universally acknowledged to be vested, by their very creation, with power to impose ... submission to their lawful mandates”) (internal citation omitted). This authority derives not “by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Id.* (quoting *Link v. Wabash R. Co.*, 370 U.S. 626, 630-31 (1962)).

The Court’s order granting Mr. Martinez-Orellana’s release specifically indicated that he should be released with “all of his personal belongings.” Order at 11. Respondents did not return the \$938 that Mr. Martinez-Orellana had in his wallet when he was arrested. He therefore requests an order requiring Respondents to return these funds. *Cortes v. Guadian*, 2026 WL 327906, at \*1 (D. Colo. Feb. 6, 2026).

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<sup>1</sup> Counsel for Respondents indicated that she only represents the Warden of the detention facility “for purposes of the habeas petition challenging a detainee’s detention” and such representation “does not extend to these property or records issues.” Exhibit 2. No such qualification was made in Respondents’ entry of appearance in this case, *see* ECF No. 9.

Dated: March 5, 2026

Respectfully submitted,

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### CERTIFICATE OF COMPLIANCE

In accordance with D.C.COLO.LCivR 7.1(a), I certify that, as described in this motion, I reached out to counsel for Respondents as soon as I learned of the missing funds. Counsel for Respondents has contacted Respondents about this issue and has requested Mr. Martinez Orellana's A-file, but not any complaint or communications files from the Denver Contract Detention Facility. Although counsel represents the Warden for the detention facility in this case, she indicated undersigned should contact the GEO Group, which runs the Denver Contract Detention Facility, to ask for any documents myself, or to reach out to the Wyoming State Police. Counsel for Respondents did not have any contact information for anyone at GEO Group and, as indicated in Mr. Martinez-Orellana's declaration, the Wyoming State Police did not process Mr. Martinez-Orellana into custody. Counsel for Respondents could not provide any timeline or confirmation that any property records would be contained in the A-file that was requested from the National Records Center. On March 4, 2026, during discussions with counsel for Respondents on the issues raised in this motion, I indicated that I would be filing a motion to enforce because the parties were unable to come to an agreement on how to proceed without the Court's involvement. Respondents oppose this motion.

Dated: March 5, 2026

/s/ Jessica A. Dawgert  
JESSICA A. DAWGERT  
Counsel for Petitioner