

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

Civil Action No. 1:26-cv-00418-RBJ

DEONICIO CASTILLO CABRAL
Petitioner-Plaintiff

v.

JUAN BALTAZAR, Warden of the Denver Contract Detention Facility, Aurora, Colorado, in his official capacity,

GEORGE VALDEZ, Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,¹

KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official capacity,

TODD LYONS, Acting Director of Immigration and Customs Enforcement, in his official capacity,

PAM BONDI, Attorney General, U.S. Department of Justice, in her official capacity,
Respondents

MOTION TO ENFORCE

Introduction

Petitioner Deonicio Castillo Cabral (“Mr. Castillo Cabral”) respectfully moves this Court for an expedited order enforcing its February 19, 2026 Order, ECF 14, granting Mr. Castillo Cabral’s Verified Petition for a Writ of Habeas Corpus (“Petition”), ECF 1. When granting Mr. Castillo Cabral’s Petition, this Court ordered Immigration and Customs Enforcement (“ICE”) to “bear the burden of proof by clear and convincing evidence to maintain [Mr. Castillo Cabral’s] detention” and, that “[i]f release is granted, respondents SHALL NOT impose additional release conditions other than those ordered by the Immigration Judge.” ECF 14, at *4 (emphasis in original).

¹ George Valdez, Acting Field Office Direct for ICE’s Denver Field Office, is substituted for Robert Hagan pursuant to Fed. R. Civ. Pr. 25(d).

ICE violated that order after the immigration judge (“IJ”) ordered Mr. Castillo Cabral’s release upon payment of bond without additional conditions. *See* ECF 16-1. ICE kept Mr. Castillo Cabral in custody for an additional five days, ECF 16; ECF 16-2; ECF 17,² and imposed release conditions on Mr. Castillo Cabral that the IJ did not order, *compare* ECF 16-1 (Order of the Immigration Judge, ordering release upon payment of \$2,500 without any additional conditions) *with* ICE Call-In Letter (attached as Exh. 1, requiring Mr. Castillo Cabral to report in-person to ICE for ICE to review his case, confirm his address, and review his identity documents). ICE’s violation of this Court’s order is unfortunately not surprising as ICE likely “violated more court orders in January 2026 than some federal agencies have violated in their entire existence.” *Juan T.R. v. Noem*, 26-cv-0107 (PJS/DLM), 2026 WL 232015, at *1 (D. Minn. Jan. 28, 2026).

Factual and Procedural Background

On February 19, 2026 this Court found Respondents’ incarceration of Mr. Castillo Cabral pursuant to 8 U.S.C. § 1225(b)(2) unlawful and ordered Respondents to provide Mr. Castillo Cabral with a § 1226(a) bond hearing at which ICE “SHALL bear the burden of proof by clear and convincing evidence to maintain [Mr. Castillo Cabral’s] detention.” ECF 14, at *4 (emphasis in original). The Court also ordered that ICE “SHALL NOT impose additional release conditions other than those ordered by the Immigration Judge” should ICE fail to meet its burden. *Id.* (emphasis in original).

² Mr. Castillo Cabral does not seek to enforce this Court’s order with respect to its requirement that ICE meet a clear and convincing evidence burden to keep him incarcerated since ICE eventually released him. Nevertheless, Mr. Castillo Cabral, through counsel, respectfully reminds the Court of this additional violation because ICE does “not get to repeatedly violate [Mr. Castillo Cabral’s] due process rights.” *Cortes v. Guadian*, 1:26-cv-00294-CNS, 2026 WL 265688, at *2 (D. Colo. Feb. 2, 2026).

Respondents brought Mr. Castillo Cabral before an IJ on February 25, 2026 for a bond hearing at which ICE did not meet its clear and convincing evidence burden to keep Mr. Castillo Cabral incarcerated. *See* ECF 16-1. The IJ therefore ordered Mr. Castillo Cabral's release upon payment of a \$2,500 bond. *Id.* The IJ's bond order does not order or allow ICE to place additional conditions on Mr. Castillo Cabral's release beyond the payment of bond. *Id.*

Mr. Castillo Cabral's bond obligor attempted to pay bond the following day, February 26, 2026. ECF 16; ECF 16-2. ICE did not allow the obligor to pay bond. *Id.* On February 27, 2026, Mr. Castillo Cabral's bond obligor again attempted to pay bond. *Id.* ICE did not allow the obligor to pay bond. *Id.* Later on February 27, 2026, Mr. Castillo Cabral's bond obligor attempted to pay bond a third time. *Id.* ICE accepted the obligor's payment but did not process Mr. Castillo Cabral for release until March 3, 2026, five days after the IJ ordered his release on bond. ECF 17.³

Immediately upon release, ICE unilaterally imposed release conditions on Mr. Castillo Cabral that the IJ did not order. Exh. 1. Namely, ICE requires Mr. Castillo Cabral to report in-person to ICE, the same law enforcement agency that arrested him unlawfully, jailed him under the wrong statute, failed to meet its burden to keep Mr. Castillo Cabral in its custody, and refused to release him for five days after an IJ granted his release on bond.

Shortly after Mr. Castillo Cabral's release on conditions, Counsel for Mr. Castillo Cabral and Counsel for Respondents conferred to avoid further litigation. While cordial and in good faith,

³ ICE's unlawful custody of Mr. Castillo Cabral for five days after the IJ found ICE did not meet its burden of proof to keep him incarcerated raises significant concerns of bad faith considering this Court's order that Respondents needed to convince an IJ of its authority to "maintain" Mr. Castillo Cabral in its custody. ECF 14, at *4 (emphasis added). The same concern applies to ICE's decision to unilaterally impose additional conditions on Mr. Castillo Cabral's liberty not issued by the IJ.

that conferral did not result in ICE removing the conditions it unilaterally placed on Mr. Castillo Cabral.

Legal Standard

“[F]ederal courts are not reduced to issuing [orders] . . . and hoping for compliance.” *Hutto v. Finney*, 437 U.S. 678, 690 (1978). “The power of a federal court to protect and enforce its judgments is unquestioned.” *Marshall v. Loc. Union No. 639*, 593 F.2d 1297, 1302 (D.C. Cir. 1979). Indeed, “courts of justice are universally acknowledged to be vested, by their very creation, with power to impose . . . submission to their lawful mandates.” *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991); *Hayes v. SkyWest Airlines, Inc.*, 12 F.4th 1186, 1194 (10th Cir. 2021) (same). Those powers include “the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases.” *Hayes*, 501 12 F.4th at 1194.

ARGUMENT

ICE violated this Court’s explicit order to not impose additional conditions on Mr. Castillo Cabral’s release. Exh. 1. Considering ICE’s recalcitrance to follow Court orders, Mr. Castillo Cabral respectfully requests that the Court remind ICE that it is not a “law unto itself.” *Juan T.R.*, 2026 WL 232015, at *1. Instead, ICE must comply with this Court’s instruction not to impose conditions on Mr. Castillo Cabral upon payment of bond as it failed to meet its clear and convincing evidence burden to convince the IJ that they were necessary. *See* ECF 16-1.

I. ICE’s Imposition of Release Conditions Flouts this Court’s Order and is Unsupported by the Statute and Regulations.

This Court ordered Mr. Castillo Cabral released without conditions unless ICE convinced an IJ by clear and convincing evidence that Mr. Castillo Cabral’s continued custody or conditions on his release were necessary. ECF 14, at *4. ICE failed to meet its burden, ECF 16-1, and “ICE’s use of . . . other measures instead of a ball and chain” to restrict Mr. Castillo Cabral’s liberty

violates this Court's order. See *Batz Barreno v. Baltasar*, ---F.Supp.3d---, 2026 WL 120253, at *2 (D. Colo. Jan. 15, 2026). It is also why Mr. Castillo Cabral requested immediate release, ECF 1, as ICE's pattern and practice of violating Court orders and the law is now commonplace, ECF 2, at **15–20. ICE's unilateral imposition of an in-person check-in requirement violates this Court's order, the IJ's order, and finds no support in the statute or regulations.

While section 1226(a) and 8 C.F.R. § 236.1(c)(8), 1236.1(c)(8) provide ICE with authority to *initially* set" conditions of release, ICE's unilateral imposition of conditions after an IJ orders release on bond ignores the regulations' "sequential framework." *Orellana Juarez v. Moniz*, 788 F.Supp.3d 61, 69 (D. Mass 2025) (emphasis in original). "The implementing regulations for 8 U.S.C. § 1226(a) create a two-level administrative review over conditions of supervised release initially set by any officer authorized to issue a warrant of arrest." *da Silva v. LaForge*, No. 25cv17095 (EP), 2026 WL 45165, at *4 (D.N.J. Jan. 7, 2026). "The first level of review is before the [IJ]" and the "second level is an appeal to the BIA." *Id.* "The authority to impose conditions of supervised release is not shared across the established procedures" once a noncitizen requests EOIR's review of ICE's initial custody determination *Id.*

Instead, "based on ICE's own regulations, an [IJ] and the BIA may determine custody conditions. Permitting ICE to impose additional conditions *after* an [IJ] has ordered release and set conditions renders the administrative adjudicatory process null." *N-N- v. McShane*, ---F.Supp.3d---, 2025 WL 3143594, at *3 (E.D. Pa. Nov. 10, 2025) (emphasis in original). Judge Sweeney agrees. *Cortes v. Guadian*, 1:26-cv-00294-CNS, 2026 WL 265688, at *2 (D. Colo. Feb. 2, 2026) ("Respondents may not impose additional conditions *after an IJ has ordered release on bond and set conditions of release*") (emphasis in original) (citation and quotation omitted).

In other words, the regulations provided ICE a process to express its displeasure of an IJ's bond redetermination through an appeal to the BIA. 8 C.F.R. §§ 1236.1(d)(2); 236.1(d)(3); *Mojica v. Lyons et al.*, 25-cv-13783-ADB, 2026 WL 266502, at *1 (D.Mass. Feb. 2, 2026)..("[T]here is nothing in the procedural scheme that authorizes ICE to impose additional conditions following the immigration judge's decision. ICE's only recourse following a decision not to its liking is an appeal to the BIA"). ICE's decision to unilaterally impose in-person reporting requirements with ICE upon Mr. Castillo Cabral's release on bond violates this Court's express order. It also violates the regulations and statute.

CONCLUSION

Based on Respondents' violation of this Court's order to not impose any conditions on his release beyond those set by the IJ, Mr. Castillo Cabral respectfully requests that this Court order ICE to immediately remove the additional conditions ICE unilaterally imposed on Mr. Castillo Cabral, including the ICE check-in on March 10, 2026 and any subsequent in-person appointments ICE intends to impose. Mr. Castillo Cabral also respectfully requests that this Court explicitly enjoin ICE from imposing any and all additional conditions in the future. That order is necessary considering ICE's recalcitrance here and across the country to follow the law. Mr. Castillo Cabral also respectfully requests this Court order any additional relief the Court deems fair and appropriate, including attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law

"ICE is not a law unto itself." *Juan T.R.*, 2026 WL 232015, at *1. Mr. Castillo Cabral respectfully requests this Court remind ICE of that fact.

Dated: March 6, 2026

Respectfully submitted,

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CERTIFICATE OF CONFERRAL

I hereby certify, consistent with D. Colo. Local Rule 7.1, that I conferred via email and telephone with counsel for Respondents, Tim Jafek of the US Attorney's Office for the District of Colorado, regarding the relief requested herein. Respondents oppose this motion.

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CERTIFICATE OF SERVICE

I, Conor T. Gleason, hereby certify that on March 6, 2026, I filed the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Conor T. Gleason
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