IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CASE NO. 1:26-cv-00418-RBJ

DEONICIO CASTILLO CABRAL,

Petitioner,

v.

JUAN BALTAZAR, Warden of the Denver Contract 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,
PAMELA BONDI, Attorney General, U.S. Department of Justice, in her official capacity,

Respondents.

RESPONSE TO MOTION TO ENFORCE (ECF No. 18)

The Court ordered Respondents to provide a bond hearing and, if bond was granted, not to "impose additional release conditions other than those ordered by the Immigration Judge." ECF No. 14 at 4. Respondents complied with that order. A bond hearing was held and Petitioner released on bond. Immigration and Customs Enforcement (ICE) issued Petitioner a "Call-In Letter," on Form G-56 at the time of his release, requiring Petitioner to attend a check in and case review on March 10, 2026. *See* ECF No. 18-1 at 2. That is not a release condition. ICE issues such call-in letters for a variety of routine reasons to manage persons in removal

[1] George Valdez, Acting Director of ICE's Denver Field Office, is automatically substituted for Robert Hagan pursuant to Fed. R. Civ. P. 25(d).

proceedings who are not detained. Such call-in letters are not only issued to persons recently released from detention. Thus, requiring Petitioner to attend the check-in does not violate the orders of this Court or the Immigration Judge.

FACTUAL BACKGROUND

I. Petitioner, his detention, his petition, and the Court's order.

When Petitioner was detained by ICE, he was present in the United States without being admitted or paroled. *See* ECF No. 2-3 at 2 (Notice to Appear), *id.* at 5 (Warrant for Arrest for Alien). He has lived in the United States for nearly thirty years. *See* ECF No. 1 ¶ 1. Respondents' position is that Petitioner is, therefore, subject to mandatory detention under § 1225(b), under the interpretation of that provision adopted by the Fifth Circuit in *Buenrostro-Mendez v. Bondi*, 166 F.4th 494, 502–08 (5th Cir. 2026).

While Petitioner was detained, his removal proceedings were pending before the Aurora Immigration Court. *See* Ex. 1 ¶ 7. The Aurora Immigration Court solely maintains a detained docket. *Id.* 8. Petitioner's case, like that of every detained alien, was assigned to the docket of an ICE ERO officer at the Denver CDF. *See id.* ¶ 8. Docket officers are assigned to a range of detained cases and are responsible for myriad case management duties, including tracking court schedules and orders, responding to kites or correspondence from detained aliens, and managing the alien's custody. *See id.*

Petitioner filed a habeas petition challenging his detention. *See* ECF No. 1. The Court granted that petition and ordered, among other things, (1) that Respondents provide a bond hearing within seven days; (2) that "[i]f release is granted, respondents SHALL NOT impose additional release conditions other than those ordered by the Immigration Judge"; and (3) that the

parties file a joint status report stating whether bond was granted and, if not, why not. *See* ECF No. 14 at 4.

Petitioner had a bond hearing within seven days as ordered. *See* ECF 16-1 (bond order). The Immigration Judge's order granted Petitioner's request for a change in custody status and "ordered that Respondent be released from custody under a bond of $2,500." *Id.* at 1. The parties submitted a joint status report informing the Court of the bond hearing. *See* ECF No. 15. The Immigration Judge did not make any additional orders regarding Petitioner's release. *Id.* Documentation submitted to the Court regarding the bond payment indicated that Petitioner's obligors submitted bond payment requests on February 26 and 27, 2026. *See* 16-2 at 2, 3. The bond payment was under review by ICE. *See id.* at 5. That review was completed and Petitioner released on March 3, 2026. *See* ECF No. 17.

II. Post-release events.

ICE did not impose any conditions on the alien's release from custody. *See* Ex. 1 ¶ 11. Petitioner is not enrolled in ICE's Alternatives to Detention program. *See id.* ¶ 12. Release on parole, an Order of Release on Recognizance, or an Order of Supervision are conditions of release. *See id.* ¶ 13. Petitioner was not released on any of these conditions. *See id.* Petitioner was only released on bond as ordered by the IJ. *See id.*

Once released, ICE notified the Aurora Immigration Court that Petitioner is no longer detained and provided the court with his address. *See id.* ¶ 14. Based on the alien's address, the Aurora Immigration Court transferred jurisdiction to the Denver Immigration Court. *See id.* The Denver Immigration Court solely maintains a non-detained docket. *See id.*

Petitioner is subject to removal pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) and is currently in removal proceedings before the Executive Office for Immigration Review (EOIR), Immigration Court under 8 U.S.C. § 1229a, at the Denver Immigration Court. *See* Ex. 1 ¶¶ 6, 15. Because he is released, he is now assigned to the non-detained docket at Denver ERO and has a new docket officer. *See id.* ¶ 15.

A Form G-56, Call-In Letter (G-56) is an administrative tool that ICE officers use to manage cases on the non-detained docket. *See id.* ¶ 16. The G-56 is a letter that requests that the alien report to the field office on a specific date and during a specific time. ICE officers use the G-56 for various and routine purposes. *See id.* For example, an officer may issue a G-56 to verify the alien's address; to review the status of pending removal proceedings before the EOIR (i.e., ensure the alien is aware of his next hearing date in immigration court); or to review newly discovered derogatory information, such as a recent conviction. *See id.* In the case of an alien subject to a final order of removal, the G-56 may be issued to the bond obligor to surrender the alien for removal. *See id.*

A G-56 may be issued to any non-detained alien in removal proceedings and not only to aliens who have been recently released from detention. *See id.* ¶ 17.

In this case, Petitioner's G-56 was issued at the time of his release. *See id.* ¶ 18. The "Reason for Appointment" is described as "Check-in and case review," which is a typical reason to issue a G-56, particularly to an alien that has moved from the detained to the non-detained docket. *See id.* and ECF No. 18-1 at 2. The G-56 asks the alien to bring his immigration documents, photo identification, and proof of current address to the appointment. *See id.* While it is important to keep the appointment, the G-56 also provides the alien with the ability to

provide an explanation as to why he cannot attend the appointment. *See id.* The G-56 is for a single check in on March 10, 2026. *See* ECF 18-1 at 2.

Additionally, during the check-in and case review process, aliens also have the chance to ask ICE officers questions. *See* Ex. 1 ¶ 19. Aliens also routinely share concerns that they may have. *See id.* For example, ICE officers have encountered aliens in need of shelter; aliens subject to domestic violence; aliens in need of information on how to request a change of venue; and aliens who would like to immediately return to their native country. *See id.* Without providing legal advice, ICE officers routinely try to assist where they are authorized. *See id.*

ARGUMENT

Petitioner argues that ICE failed to comply with the Court's order that ICE not "impose additional release conditions other than those ordered by the Immigration Judge." The check-in is not a release condition.[2] ICE did not violate the Court's order.

As discussed above, a call-in letter like that issued here is simply a tool ICE uses to manage persons on the non-detained docket. It is not a condition of release. Indeed, ICE may issue call-in letters to aliens in removal proceedings who have *not* been recently released from detention.

DHS has broad authority for administering immigration laws. The Secretary of Homeland Security (Secretary) is charged with carrying out the mission of the Department of

[2] Petitioner's request for relief is also too broad even if the Court were to find that the call-in letter is a release condition. He asks that the Court enjoin ICE from requiring *any* in-person appointments or "any and all additional conditions in the future." ECF No. 18 at 6. As explained above, call-ins are used in a variety of circumstances, for example, if ICE becomes aware of a criminal conviction or requiring a person to surrender after a final order of removal is issued. *See* Ex. 1 ¶ 16. The relief Petitioner seeks would essentially exempt Petitioner from any ICE management in the future. The Court should not give Petitioner such an exemption.

Homeland Security (DHS). *See* 6 U.S.C. §§ 111(b) (mission of DHS); 112 (functions of the Secretary). The Secretary is also "charged with the administration and enforcement of [the Immigration and Nationality Act] and all other laws relating to the immigration and naturalization of aliens" and "shall . . . issue such instructions; and perform such other acts as he deems necessary for carrying out his authority under the provisions of this Act." 8 U.S.C. §§ 1103(a)(1), (3).

The cases Petitioner cites do not resemble this case. For example, Petitioner quotes *Batz Barreno v. Baltazar,* --- F.Supp.3d ---, 2026 WL 120253, at *2 (D.Colo. Jan. 15, 2026) as stating "ICE's use of . . . other measures instead of ball and chain." *See* ECF No. 4. What Petitioner omitted in the ellipses shows why that case is different from this one. The ellipsis said "a GPS monitor." 2026 WL 120253, at *2 ("ICE's use of a GPS monitor and other measures instead of a ball and chain makes no difference."). The *Batz Barreno* court considered the use of a GPS monitor *combined with* "other measures" which were specifically "various reporting requirements." *Id.* Of the cases *Batz Barreno* cited, one was about an ankle monitor, one was a "24/7 GPS device on his ankle," and one cited "electronic monitoring and mandatory reporting." *Id.* at *2. In that latter case, *Campbell v. Almodovar*, No. 1:25-CV-09509 (JLR), 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025), the "mandatory reporting" was "ongoing supervision requirements." At issue here is a single check in, not a GPS monitor combined with "various reporting requirements."

Other cases Petitioner relies on are also based on extensive conditions of release. For example, in *Cortes v. Guadian*, 26-cv-00294-CNS, 2026 WL 265688, at *1 (D. Colo. Feb. 2, 2026), ICE placed the petitioner in "in its 'Alternatives to Detention' program. This enrollment

required Petitioner to 'submit to GPS monitoring'—i.e., wear a monitoring device, as well as submit to periodic 'check-ins' through, for instance, a mobile app." (citation modified). And in *Orrellano Juarez v. Moniz*, 788 F.Supp.3d 61, 68 (D. Mass. 2025), the petitioner was "required to wear a 24/7 GPS device on his ankle which allows ICE to monitor him constantly." Furthermore, ICE put the petitioner in "an intensive supervision program which includes the requirements of regular reporting, allowing ICE to enter his residence at home visits, a curfew of 10 PM, and geographic restrictions which prohibit him from traveling outside of Massachusetts, New Hampshire, Rhode Island, and Connecticut." *Id. See also N- N- v. McShane,* No. CV 25-5494, 2025 WL 3143594, at *1 (E.D. Pa. Nov. 10, 2025) (petitioner put in "Intensive Supervision Program" which required him to "(i) wear the ankle monitor 24/7; (ii) charge it for two to three hours daily with a battery that prohibits N- N-'s ability to walk; (iii) prevent water from coming into contact with the ankle monitor; (iv) avoid running on treadmills, (v) attend in-person office and home visits; and (vi) secure advance permission before working or traveling outside Pennsylvania, New Jersey, or Delaware.") Those are far from what ICE is requiring Petitioner to do here.

In short, a call-in letter like that issued here is simply a tool ICE uses to manage persons on the non-detained docket. It is not a condition of removal. And the call-in letter itself provides Petitioner the option to provide an explanation if he cannot attend the appointment. *See id.* ICE did not violate the Court's order.

CONCLUSION

A call-in letter is not a condition of confinement. The Court should deny the Motion to Enforce.

Dated: March 9, 2026

Respectfully submitted,

PETER MCNEILLY
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s/ Timothy Bart Jafek

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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 those signed up to receive notice.

s/ Timothy Bart Jafek
Timothy Bart Jafek