

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

Civil Action No. 26-cv-00552-CNS

SEBASTIAN REPELA,

Petitioner,

v.

ICE Field Officer Director-Denver Field Office,

Respondent.

**RESPONDENT'S EXPEDITED MOTION TO VACATE ORDER DIRECTING
RESPONDENT NOT TO REMOVE PETITIONER FROM THE DISTRICT OF
COLORADO AND THE UNITED STATES (ECF No. 6)**

Respondent moves for an expedited ruling to vacate the Court's February 17, 2026, Order directing Respondent not to remove Petitioner from the District of Colorado or the United States unless or until that order was vacated by this Court or the Court of Appeals for the Tenth Circuit. See ECF No. 6. As described herein, Respondent plans to facilitate Petitioner's imminent voluntary departure from the United States in accordance with an immigration judge's order. Petitioner is scheduled to voluntarily depart the United States in three days, on March 21, 2026.

Out of an abundance of caution, Respondent files this Motion to the extent that the Court interprets its February 17, 2026, Order as precluding Respondent from facilitating Petitioner's voluntary departure. Respondent will not proceed with facilitating Petitioner's voluntary departure on March 21 if the Court's Order has not been vacated. Respondent seeks the requested relief on the following grounds:

1. On February 11, 2026, Petitioner Sebastian Repela filed a Petition for Writ of Habeas Corpus, asserting that his continued detention by Immigration and Customs Enforcement (ICE) violates due process because he has not received a bond hearing. See ECF No. 1 at 1-2.

2. On February 17, 2026, the Court ordered Respondent to show cause within thirty days why the Petition should not be granted. See ECF No. 3. The Court further ordered that Respondent should not remove Petitioner from the District of Colorado or the United States. See ECF No. 6.

3. Respondent has filed its Response to the Court's Order to Show Cause contemporaneously with this Motion. See ECF No. 19.

4. Petitioner is a native and citizen of Poland. See ECF No. 19-1, ¶ 4.

5. On February 12, 2026, an immigration judge granted Petitioner's request for voluntary departure to Poland under 8 U.S.C. § 1229c(a) until March 16, 2026, with a removal order to Poland in the alternative. See *id.*, ¶ 13.

6. On or about March 10, 2026, ICE submitted a travel document request to the Consulate of Poland. See *id.*, ¶ 14. ICE extended the period of voluntary departure to April 21, 2026, to accommodate the issuance of Petitioner's travel document and his departure from the United States. See *id.*, ¶ 15.

7. On March 17, 2026, ICE issued a travel itinerary in Petitioner's name. See *id.*, ¶ 16. Petitioner is scheduled to voluntarily depart the United States in three days, on March 21, 2026, via commercial airline leaving from Denver, Colorado, and arriving in Warsaw, Poland, on March 22, 2026. See *id.*

8. On March 18, 2026, the Consulate of Poland notified ICE that a passport was issued to Petitioner and that ICE should receive the passport the next day, March 19. *See id.*, ¶ 17.

9. The Court has discretion to vacate its prior February 17, 2026, Order prohibiting Respondent from removing Petitioner from this District and the United States. *See, e.g., Elephant Butte Ir. Dist. of N.M. v. U.S. Dep't of Interior*, 538 F.3d 1299, 1306 (10th Cir. 2008) (“[E]very order short of a final decree is subject to reopening at the discretion of the district judge.” (citation omitted)); *Friedman v. Dollar Thrifty Auto. Grp., Inc.*, No. 12-cv-02432-WYD-KMT, 2015 WL 8479746, at *2 (D. Colo. Dec. 10, 2015) (noting that the court has “plenary power to revisit and amend interlocutory orders as justice requires” (citation omitted)). Indeed, the Court’s Order expressly contemplated that the Court might vacate it at some point in the future; the Order stated that the Petitioner shall not be removed “unless or until this Court or the Court of Appeals for the Tenth Circuit vacates this Order.” ECF No. 6. The Court vacated a similar order under somewhat parallel circumstances in *Mankovskiy v. Baltasar et al.*, Case No. 25-cv-2886-CNS (D. Colo.), ECF No. 19.

10. Given the developments since the Court entered its February 17, 2026, Order, and in the interest of justice, the Court should exercise its discretion to vacate that Order on an expedited basis. As discussed above, since the Court entered the Order, Respondent has made arrangements to fulfill the immigration judge’s voluntary departure order. The only issue in the case is Petitioner’s continued detention. Petitioner’s voluntary departure to Poland would resolve that issue. And, if Petitioner

voluntary departs, he will no longer be in ICE custody, and this habeas case will therefore become moot. See *Rio Grande Silvery Minnow v. Bureau of Reclamation*, 601 F.3d 1096, 1110 (10th Cir. 2010) (“The crucial question [in determining mootness] is whether granting a *present* determination of the issues offered will have some effect in the real world.” (emphasis in original)). Since the Court entered the Order, Respondent has determined that it can arrange for Petitioner’s voluntary departure to his native country, Poland, imminently—in approximately 3 days, March 21. But Respondent is concerned that the Order could be read as precluding it from facilitating Petitioner’s voluntarily departure unless the Order is vacated.

11. In the interest of justice, the Court should vacate its Order, at ECF No. 6, prohibiting Respondent from removing Petitioner.

12. If this Motion is granted, undersigned counsel will notify the Court of Petitioner’s voluntary departure from the United States to Poland by filing a status report within two business days after Petitioner voluntary departs.

13. Undersigned counsel certifies under D.C.COLO.L.CivR 7.1(b)(1), no conferral with Petitioner is required. However, in addition to mailed service as indicated below in the Certificate of Service, Respondent will hand deliver this filing and ECF Nos. 19, 19-1 to Petitioner tomorrow morning.

14. Pursuant to D.C.COLO.LCivR 7.1(g), a proposed order is filed herewith.

For the reasons set forth above, Respondent respectfully requests that the Court enter an order, on an expedited basis, vacating its February 17, 2026, Order, directing Respondent not to remove Petitioner from the District of Colorado or the United States

of America (ECF No. 6).

Dated: March 18, 2026.

PETER MCNEILLY
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s/ Nicholas A. Deuschle

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CERTIFICATE OF SERVICE

I hereby certify that, on March 18, 2026, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and caused the foregoing document, along with any unpublished cases, to be sent by U.S. mail to the following:

Sebastian Renela



Ice Aurora Contract Detention Facility
3130 North Oakland Street
Aurora, Colorado 80010

Pro se

s/ Nicholas A. Deuschle _____
Nicholas A. Deuschle
United States Attorney's Office