

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

Civil Action No. 1:26-cv-0725-CNS

IVAN ARANA-HERNANDEZ,

Petitioner,

v.

JUAN BALTASAR, Warden of Denver Contract Detention Facility,
GEORGE VALDEZ, Acting Field Office Director, Denver Field Office, Immigration and
Customs Enforcement,
MARKWAYNE MULLIN, Secretary, Department of Homeland Security,
PAMELA BONDI, U.S. Attorney General,

Respondents.¹

MOTION TO ENFORCE

On March 12, 2026, this Court granted Petitioner Ivan Arana-Hernandez's petition for a writ of habeas corpus, and ordered that he "shall be released from custody subject to, and in accordance with, the terms and conditions, including bond conditions, imposed by the immigration judge in her February 22, 2026 order." ECF No. 14 at 5. The Court explicitly stated that "Respondents SHALL NOT IMPOSE any conditions beyond those imposed by the immigration judge in the February 22, 2026 order." *Id.*

On Friday, March 13, 2026, Respondent paid the bond, but that bond was not accepted by Immigration and Customs Enforcement until March 17, 2026, after counsel received Respondents' status report and Mr. Arana-Hernandez sent Immigration and Customs Enforcement ("ICE")

¹ Mr. Valdez and Secretary Mullin are automatically substituted for their predecessors under Fed. R. Civ. P. 25(d).

officials proof that bond had been paid. *See* ECF No. 15 (March 17, 2026 Status Report, indicating that Mr. Arana-Hernandez “has not yet posted bond, but will be released upon payment of a \$7,500 bond.”). Thus, Respondents (ultimately) complied with the first quoted portion of this Court’s order.

However, Respondents have not complied with the second quoted portion regarding any conditions imposed upon release. ICE required Mr. Arana-Hernandez to wear an ankle monitor when released from custody and he was given an order to check in with ICE officials days later where he believed the monitor would be removed. At that check-in, he was informed that he would be required to wear the ankle monitor for a year. This additional condition is ultra vires to the immigration judge’s bond order, which did not include *any* conditions on Mr. Arana-Hernandez’s release other than the payment of a monetary bond. *See* ECF No. 8-5 (ordering that the alternative finding in the January 29, 2026 order (ECF No. 8-2) “be given full effect”); *see* ECF No. 8-2 (“were the Court found to have jurisdiction to order release on bond, the Court would set a bond in the amount of \$7,500”). Respondents’ additional conditions, including an ankle monitor and check-in requirements, are ultra vires to the immigration judge’s order, violate Mr. Arana-Hernandez’s due process rights, and—most critical to the basis for this motion—are contrary to this Court’s order. *See* *Batz Barreno v. Baltasar*, -- F. Supp. 3d --, 2026 WL 120253 (D. Colo. Jan. 15, 2026); *Cortes v. Guadian*, 2026 WL 265688, *1 (D. Colo. Feb. 2, 2026); *accord* *Rodriguez Muniz v. Noem*, 2206 WL 803134, *2-3 (W.D. Tex. March 6, 2026); *Harrington v. Albarran*, 2026 WL 800113, at *4 (N.D. Cal. March 23, 2026); *Montes Aguillon v. Bondi*, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025); *N- N- v. McShane*, 2025 WL 3143594, at *2 (E.D. Pa. Nov. 10, 2025). Accordingly, Mr. Arana-Hernandez requests the Court issue an order requiring ICE to remove all additional conditions

beyond the payment of a monetary bond. *Batz Barreno*, 2026 WL 120253, at *2; *Cortes*, 2026 WL 265688, at *1; 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). Mr. Arana-Hernandez requests an order from this Court directing Respondents to immediately comply with the prior order and remove *all* conditions other than the monetary bond, including the ankle monitor.

March 31, 2026

Respectfully submitted,

/s/ Jessica A. Dawgert
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CERTIFICATE OF COMPLIANCE

In accordance with D.C.COLO.LCivR 7.1(a), I certify that on March 26, 2026, I contacted counsel for Respondents, Elizabeth Puskar, to ask if ICE would consider removing all conditions. In that email, I indicated that I would otherwise be moving to enforce the Court's order on March 27, 2026. I followed up via email again on March 27, 2026, and spoke with her on the phone, but ICE has not taken any steps to remove the ultra vires conditions on Mr. Arana-Hernandez's release.

Dated: March 31, 2026

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