

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-00782-SKC

JOSE LUIS RUIZ DIAZ,

Petitioner,

v.

KRISTI NOEM, et al.,

Respondents.

MOTION TO MODIFY ORDER (ECF No. 12)

Respondents hereby move to modify this Court's March 16, 2026, Order—*see* ECF No. 12—to ensure that Respondents comply with the Order.

The Order provides, in pertinent part:

1. Once Mr. Ruiz Diaz posts his \$40,000 bond, Respondents shall immediately release Petitioner from detention with any reasonable conditions of supervision as authorized by the immigration judge.
2. Mr. Ruiz Diaz shall remain in Respondents' temporary custody for the sole purpose of Respondents effectuating his return to Orlando, Florida.
3. Respondents **SHALL** transport Mr. Ruiz Diaz back to Orlando, Florida, **at their own expense**, within **36 hours** of the date and time of this Order.
4. To effectuate the purpose of this Court's Order and allow Mr. Ruiz Diaz to return home, Respondents are also temporarily enjoined from detaining Mr. Ruiz Diaz pursuant to 8 U.S.C. § 1226 for a period of fourteen days.

5. On or before Friday, March 20, 2026, Respondents shall confirm in writing Petitioner's release from custody and his return to Florida.

ECF No. 12 at 8-9 (bolding and capitalization in original). The Order was issued at approximately 3:00 p.m. on March 16, 2026, which means that Respondents are required to transport Mr. Ruiz Diaz back to Orlando, Florida by 3:00 a.m. on Wednesday, March 18.

Respondents submit that paragraphs 1-5, above, appear to be internally inconsistent. Paragraph 1 requires Respondents to immediately release Mr. Ruiz Diaz from detention once he posts his \$40,000 bond. But paragraphs 2, 3, 4, and 5 appear to require Respondents to engage in particular acts *regardless of whether Mr. Ruiz Diaz has posted—and ICE has processed—his \$40,000 bond*. In particular:

- Mr. Ruiz Diaz shall remain in Respondents' temporary custody for the sole purpose of Respondents effectuating his return to Orlando, Florida.
- Respondents must transport Mr. Ruiz Diaz back to Orlando, Florida, at Respondents' expense, within 36 hours of the Court's Order. *See* paragraph 3.
- Respondents are temporarily enjoined from detaining Mr. Ruiz Diaz pursuant to 8 U.S.C. § 1226 for a period of 14 days. *See* paragraph 4.
- And Respondents are required to confirm, no later than Friday, March 20, 2026, Mr. Ruiz Diaz's release from custody and return to

Florida. *See* paragraph 5.

The Order appears to require Respondents to engage in all of these actions even if Mr. Ruiz Diaz fails to post his \$40,000 bond, or if he fails to post it and/or ICE is unable to process it with sufficient time to enable his transport back to Florida by 3:00 a.m. on Wednesday, March 18.

To ensure that Respondents effectuate this Court's intent in issuing the Order, and to avoid any unintended violation by Respondents of the Order, Respondents move to modify the Order as follows:

1. Once Mr. Ruiz Diaz posts his \$40,000 bond, Respondents shall immediately release Petitioner from detention with any reasonable conditions of supervision as authorized by the immigration judge.
2. *If Mr. Ruiz Diaz posts his \$40,000 bond, he shall remain in Respondents' temporary custody for the sole purpose of Respondents effectuating his return to Orlando, Florida.*
3. *If Mr. Ruiz Diaz posts his \$40,000 bond, Respondents **SHALL** transport Mr. Ruiz Diaz back to Orlando, Florida, **at their own expense**, within **36 hours** of the date and time of the processing of his \$40,000 bond.*
4. To effectuate the purpose of this Court's Order and allow Mr. Ruiz Diaz to return home, Respondents are also temporarily enjoined from detaining Mr. Ruiz Diaz pursuant to 8 U.S.C. § 1226 for a period of fourteen days *from the date he arrives back in Orlando, Florida.*
5. *If Mr. Ruiz Diaz posts his \$40,000 bond, Respondents shall confirm in writing within five days of his posting bond Mr. Ruiz Diaz's release from custody and his return to Florida.*

Respondents note that the italicized portions of Respondents' proposed paragraphs 1-5 above represent their suggested modifications to the Order.

Respondents' counsel has contacted counsel for Mr. Ruiz Diaz to ascertain his position on this Motion to Modify Order, but as of the filing of this motion has not been informed of Mr. Ruiz Diaz's position on this motion. Since Respondents must comply with the Court's Order by 3:00 a.m. on Wednesday, March 18, Respondents are filing this Motion without waiting for a response.

For the foregoing reasons, Respondents request that the Court grant this Motion to Modify Order and modify the Order as proposed in this motion.

Respondents also request that the Court stay the original Order until such time as the Court rules on this Motion to Modify Order.

Dated: March 17, 2026

Respectfully submitted,

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Attorney for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2026, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system. All participants in that system will receive service via e-mail.

/s/ Michael C. Johnson
Assistant United States Attorney
U.S. Attorney's Office