UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-864-GPG

VICENTE JIMENEZ CHAUCA,

Petitioner,

v.

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

Respondents.[1]

MOTION TO ENFORCE

On March 13, 2026, this Court granted Petitioner Vicente Jimenez Chauca's petition for a writ of habeas corpus, and ordered Respondents to provide Petitioner with a bond hearing under § 1226(a) within seven days of the Order "at which Respondents bear the burden of proof of showing his continued detention is proper." ECF 10 at 3

On March 20, 2026, an immigration judge held a bond hearing but denied bond on the basis that Petitioner did not meet his burden to show he was not a "significant flight risk such that release from custody is warranted." ECF 11-3, Order of the Immigration Judge. Upon discussion with government counsel, the parties agreed that the immigration judge improperly placed the burden on Mr. Jimenez. ECF 11, ¶ 8. The parties further agreed that Mr. Jimenez's immigration counsel

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

would file a motion with the Executive Office of Immigration Review ("EOIR") requesting a new bond hearing that complies with this Court's order and request that such hearing take place within three days of the motion. *Id.* ¶ 9. Mr. Jimenez's immigration counsel filed the motion the evening of March 25, 2026. The Department of Homeland Security did not file any response. On March 30, 2026, the immigration court issued a notice that the new bond hearing was scheduled for April 2nd at 2:30 p.m., at the same time as Mr. Jimenez's individual hearing.

Undersigned counsel reached out to the Assistant U.S. Attorney for this case to request that the bond hearing be held sooner, as April 2 is almost two weeks after the initial noncompliant bond hearing, is over seven days after Mr. Jimenez's counsel requested a new bond hearing, and is even after the April 1, 2026, status report deadline for this Court. Government counsel indicated that he had forwarded the email to counsel for Immigration and Customs Enforcement ("ICE") but no change in hearing date has occurred.

At this time, Mr. Jimenez requests that the Court issue an order requiring ICE to release Mr. Jimenez. *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). Respondents failed to comply with this Court's order as noted in the March 25, 2026 Status Report. ECF 11. Undersigned counsel initially alerted Respondents to the noncompliance and tried to resolve the issue without this Court's involvement. However, Respondents appear unconcerned with their significant encroachment on Mr. Jimenez's substantive and procedural due process rights and have been unwilling to remedy the issue. The Court should therefore order Mr. Jimenez's release. *Pena-Gil v. Lyons*, No. 25-CV-03268-PAB-NRN, 2026 WL 25143, at *2 (D. Colo. Jan. 5, 2026) ("'[B]ecause a federal court always retains jurisdiction to enforce its lawful judgments, including habeas judgments, the court

has the authority to see that its judgment is fully effectuated.'") (quoting *Gall v. Scroggy*, 603 F.3d 346, 352 (6th Cir. 2010)).

March 31, 2026

Respectfully submitted,

/s/ Sarah L. Vuong
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CERTIFICATE OF COMPLIANCE

In accordance with D.C.COLO.LCivR 7.1(a), I certify that on March 30, 2026, I contacted counsel for Respondents, William Gillespie, to request that the bond redetermination hearing be held before April 2. In that email, I indicated that I would otherwise be moving to enforce the Court's order. Mr. Gillespie stated that he had forwarded my email to ICE but was unsure how much influence ICE would have on moving the hearing date. I responded to note that Pamela Bondi is also a Respondent in the lawsuit and thus, EOIR is also bound by this Court's order. Mr. Gillespie has not responded to this email and as of the time of filing, the bond hearing has not been rescheduled.

Dated: March 31, 2026

/s/ Sarah L. Vuong
SARAH L. VUONG
Counsel for Petitioner