IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-01047-CNS

LUZ AGUIRRE HERNANDEZ,

Petitioner,

v.

JUAN BALTAZAR, Warden of the Aurora ICE Processing Center, in his official capacity,
GEORGE VALDEZ, Field Office Director, Denver Field Office, U.S. Immigration and Customs Enforcement, in his official capacity,
MARKWAYNE MULLIN, Secretary, U.S. Department of Homeland Security, in her official capacity,
TODD LYONS, Acting Director, Immigration and Customs Enforcement, in his official capacity,
TODD BLANCHE, Acting Attorney General of the United States, in his official capacity,

Respondents.

RESPONSE TO MOTION TO ENFORCE (ECF No. 16)

The Court ordered Respondents[1] to release Petitioner "from custody subject to, and in accordance with, the terms and conditions, including bond conditions, imposed by the immigration judge in his March 5, 2026 bond order." ECF No. 13. In that March 5, 2026, order, the immigration judge ordered that Petitioner be released from custody under bond of $5,000. ECF No. 4-2. Following an order from this Court, ECF No. 13, Petitioner was released on bond. Immigration and Customs Enforcement ("ICE") then issued Petitioner a "Call-In Letter," on Form G-56, requiring her to attend a check in and

[1] Todd Blanche, Acting Attorney General of the United States, is substituted as a party pursuant to Fed. R. Civ. P. 25(d).

case review initially on March 31, 2026. *See* ECF No. 16-1 at 2. The date of the check-in was subsequently pushed back to June 25, 2026. ECF No. 16-2 at 2.

Petitioner now argues in the Motion to Enforce, ECF No. 16, that the appointment set pursuant to the G-56 call-in letter violates this Court's order. It does not. The check-in is not a condition of release. ICE issues such call-in letters for a variety of routine reasons to coordinate with persons in removal proceedings who are *not* detained, including persons who have not been recently released from detention. Thus, requiring Petitioner to attend the check-in does not violate the orders of this Court or the immigration judge.

BACKGROUND

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

Petitioner is a native and citizen of Mexico who entered the United States without inspection. Resp. App., Decl. of R. Carrizales, at 2 ¶ 6. When Petitioner was detained by ICE, she was present in the United States without being admitted or paroled. *See* ECF No. 1 ¶ 53. Respondents took the position that Petitioner was subject to mandatory detention under § 1225(b). Petitioner was detained at the Denver Contract Detention Facility in Aurora, Colorado and was granted bond by an immigration judge set at $5,000. *See* ECF No. 4-2. The Immigration Judge did not make any additional orders regarding Petitioner's release. *Id.* The Department of Homeland Security ("DHS") appealed the grant of bond and invoked the automatic stay provision under 8 C.F.R § 1003.19(i)(2), thereby keeping Petitioner in detention. *See* ECF No. 4-3.

While Petitioner was detained, her removal proceedings were pending before the

Aurora Immigration Court. *See* Resp. App. at 2 ¶ 8. The Aurora Immigration Court solely maintains a "detained docket"—*i.e.*, for individuals who are in custody. *Id.* Petitioner's case, like that of every detained noncitizen, was assigned to the docket of an ICE ERO officer at the Denver CDF. *See id.* at 2-3 ¶ 9. 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" (grievances or requests) or correspondence from detained noncitizens, and managing the noncitizen's custody. *See id.*

Petitioner filed a habeas petition challenging her detention based on DHS's invocation of the automatic stay under 8 C.F.R § 1003.19(i)(2). *See* ECF No. 1. The Court granted the habeas petition and ordered that Petitioner be released "subject to, and in accordance with, the terms and conditions, including bond conditions imposed by the immigration judge in his March 5, 2026 bond order." ECF No. 13. The Court also ordered that Respondents "SHALL NOT IMPOSE any conditions beyond those imposed by the immigration judge in the March 5, 2026 order." *Id.*

Petitioner was released on March 24, 2026. *See* Resp. App. at 3 ¶ 13.

II. Post-release events.

Petitioner is now released without any conditions.[2] Petitioner is not enrolled in ICE's Alternatives to Detention program, a program used by ICE that imposes

[2] Upon her release, ICE placed an ankle monitor on Petitioner. *See* ECF No. 15 at 2 n.2. When Petitioner's counsel identified this issue, ICE removed Petitioner's ankle monitor. *Id.*

conditions of release on individuals. *Id.* ¶ 14. Petitioner does not have any such conditions. *See id.* ¶¶ 14-15.

Once Petitioner was released, ICE notified the Aurora Immigration Court that Petitioner is no longer detained and provided the court with her address. *See id.* ¶ 16. Based on Petitioner'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* Resp. App. at 2 ¶¶ 7. Because she is released, she is now assigned to the non-detained docket at Denver ERO and has a new docket officer. *See id.* at 4 ¶ 17.

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.* at 4 ¶ 18. The G-56 is a letter that requests that the noncitizen report to the field office on a specific date and during a specific time. *Id.* ICE officers routinely issue a G-56 to a noncitizen for various purposes. *See id.* For example, an officer may issue a G-56 to verify the noncitizen's address; to review the status of pending removal proceedings before the EOIR (i.e., ensure the noncitizen is aware of his next hearing date in immigration court); or to review newly discovered derogatory information, such as a recent conviction. *See id.*

The recipient of a G-56 may not even be a noncitizen. In the case of a noncitizen subject to a final order of removal, the G-56 may be issued to the bond obligor to surrender the noncitizen for removal. *See id.*

A G-56 may be issued to *any* non-detained noncitizen in removal proceedings and not only to those noncitizens who have been recently released from detention. *See id.* ¶ 19. While it is important to keep the appointment, the G-56 also provides the noncitizen with the ability to provide an explanation as to why she cannot attend the appointment. *See id.* at 5 ¶¶ 21, 23. A noncitizen who is issued a G-56 but then fails to appear for the scheduled check-in may be—but will not necessarily be—later detained. *Id.* at 4 ¶ 20.

During the check-in and case review process, noncitizens also have the chance to ask ICE officers questions. *See id.* at 5 ¶ 24. Noncitizens also routinely share concerns that they may have. *See id.* For example, ICE officers have encountered noncitizens in need of shelter; noncitizens subject to domestic violence; noncitizens in need of information on how to request a change of venue; and noncitizens 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.*

Here, ICE issued Petitioner a G-56 shortly after her release. *See id.* at 4-5 ¶ 21. The "Reason for Appointment" is described as "Check-in and case review," which is a typical reason to issue a G-56, particularly to a noncitizen who has moved from the detained docket to the non-detained docket. *See id.* The G-56 asked Petitioner to bring her immigration documents, photo identification, and proof of current address to the

appointment. *See id.* The G-56 is for a single check-in, now to be held on June 25, 2026. *See id.* at 5 ¶ 22.

ARGUMENT

Petitioner argues that by issuing Petitioner a G-56, ICE failed to comply with the Court's order that ICE not impose additional release conditions other than those ordered by the Immigration Judge. Petitioner argues that because ICE could decide to detain her if she did not comply with a check-in required via a G-56, it violates the Court's order regarding not imposing conditions of release beyond those identified by the immigration judge. ECF No. 16 at 4. There are several issues with Petitioner's argument.

First, requiring the check-in does not violate this Court's order because it is not a condition of her release. Instead, a check-in pursuant to a G-56 is a requirement that can be made of any noncitizens in removal proceedings, not just those who have been recently released. As discussed above, a G-56 like that issued here is simply a tool ICE uses to manage persons on the non-detained docket. Petitioner has provided no evidence that ICE is requiring a check-in pursuant to a G-56 because of her previous detention. Indeed, ICE may issue call-in letters to noncitizens in removal proceedings who have *not* been recently released from detention. A call-in letter like that issued here is simply a tool ICE uses to coordinate with persons on the non-detained docket. It is not a condition of release. ICE did not violate the Court's order. *See Sopan Pok v. U.S. I.N.S.*, 169 F. Supp. 2d 1194, 1196 (S.D. Cal. Sept. 26, 2001) (explaining in the context of a request to enforce an order brought as part of habeas proceedings that

though a court retains jurisdiction to enforce its judgment, the court's prior order requiring release had already been complied with).

Indeed, another court in this district has considered whether the issuance of a call-in letter requiring a single check-in violated its order requiring that the government not "impose additional release conditions other than those ordered by the Immigration Judge." *Castillo Cabral v. Baltazar*, 26-cv-00418-RBJ, ECF No. 14 (D. Colo. Feb. 19, 2026). In that case, Judge Jackson explained that through his prior order he had not "mean[t] to suggest that any summons or check-in ordered by ICE throughout his removal proceedings [was] prohibited." *Id.*, ECF No. 21 (D. Colo. Mar. 9, 2026). Accordingly, Judge Jackson concluded that a call-in letter requiring a single check-in "does not rise to the level of violating the Court's order against the imposition of additional release conditions, such as an ankle monitor or mandating regular check-ins[.]" *Id.*

Moreover, Petitioner has not shown that any detention that would result from her failure to comply with the check-in requirement would be based on her recent release from custody. Even if ICE were to decide to detain Petitioner at some future point after she chose not to comply with a check-in scheduled pursuant to a call-in letter, that detention would not be related to her prior detention. Instead, it would be based on a new set of facts related to a new circumstance: noncompliance with a requirement that can be applied to all noncitizens in removal proceedings (not just those who have been recently released from detention). The remedy for challenging a new detention based

on a new set of circumstances would be a new habeas petition addressing the lawfulness of any new detention if it occurs.

Second, Petitioner's motion to enforce is premised on a hypothetical situation that Petitioner has *not* claimed will ever happen: that she will not comply with the requirement for a check-in pursuant to a call-in letter. Indeed, the call-in letter itself provides Petitioner the option to provide an explanation if she cannot attend the appointment. *See* ECF No. 16-1 at 2. Petitioner does not explain why her speculative concerns about her own potential future noncompliance are sufficient to show that this Court's order is currently being violated and thus must be enforced now.

Third, Petitioner's argument, in essence, is that it would violate this Court's order if she is subjected to *any* future immigration-related requirements that, if violated, could be a factor ICE relies on in seeking to detain her in the future. But this amounts to a sweeping argument that being released without conditions means that she must be exempted from any consequences of not complying with any immigration-related requirements. For example, an immigration judge might require Petitioner to appear for hearings in her removal proceeding; if Petitioner elected not to attend those hearings, she should not be insulated from the possibility that her refusal to comply with those requirements could be a factor in leading ICE to determine that detention (for example, detention pursuant to a warrant issued under 8 U.S.C. § 1226(a)) was warranted. The Court should not give Petitioner such an exemption. She should be in the same position as other aliens who are in the midst of removal proceedings.

Fourth, Petitioner has not identified any other courts that have granted a motion to enforce in the context of a solitary check-in pursuant to a G-56. Indeed, the cases Petitioner cites in arguing that Respondents have violated the Court's order here 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 supporting the statement that "ICE's use of . . . other measures instead of ball and chain" could violate the Court's order. *See* ECF No. 16 at 4. What Petitioner omitted in the ellipses shows why that case is different from this one. The ellipsis said "a GPS monitor." *Batz Barreno*, 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," namely "various reporting requirements." *Id.* at *1-2. 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, Petitioner relies on *Cortes v. Guadian*, 26-cv-00294-CNS, 2026 WL 265688, at *1 (D. Colo. Feb. 2, 2026), for the proposition that "Respondents may not impose additional conditions after an IJ has ordered release on bond and set

conditions of release." ECF No. 16 at 5. But in *Cortes*, ICE placed the petitioner in "in its 'Alternatives to Detention' program'" which "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." 2026 WL 265688, at *1 (citation modified).

Petitioner also relies on *Orrellano Juarez v. Moniz*, 788 F.Supp.3d 61 (D. Mass. 2025), to support her argument that the issuance of the call-in letter after Petitioner's release usurps the authority given to the immigration judge to set conditions of release. ECF No. 16 at 4-5. But the types of conditions placed on the petitioner in *Orellana Juarez* were much more restrictive on the petitioner than a call-in letter requiring a single check-in. There, the petitioner was "required to wear a 24/7 GPS device on his ankle which allows ICE to monitor him constantly." 788 F. Supp. 3d at 68. 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.").

In short, the cases Petitioner relies upon are different in kind and degree from what ICE is requiring Petitioner to do here.

Fifth, Petitioner appears to suggest that issuing the G-56 form is somehow beyond DHS's authority. But this argument does not relate to the narrow issue presented in the motion to enforce—whether the G-56 form is a condition of release that violates this Court's prior order. That argument is thus misplaced here.

But even if this argument were properly raised here, Petitioner is mistaken. Congress has granted DHS broad authority for administering immigration laws. The Secretary of Homeland Security ("Secretary") is charged with carrying out the mission of 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).[3] That provision amply authorizes DHS to determine that issuing G-56 forms are acts that aid in carrying out the immigration laws.

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[3] Petitioner argues that 8 U.S.C. § 1103(a)(1), (3), cannot serve as the basis for issuing G-56 call-in letters based on *Nagahi v. INS*, 219 F.3d 1166 (10th Cir. 2000). ECF No. 16 at 6 n.2. But *Nagahi* dealt with an entirely different issue: whether the Immigration and Naturalization Service—the predecessor to DHS—could issue a regulation that affected the ability of an Article III court to review agency action regarding a naturalization decision. *Id.* at 1167. There, the Tenth Circuit determined that a regulation limited judicial review of the Attorney General's acts regarding naturalization decisions could not be understood to be part of the delegation of authority in § 1103(a)(3). *Id.* at 1170. The G-56 call-in letter, by contrast, does not limit judicial review, but simply serves as an administrative tool used to support Respondents' authority to conduct removal proceedings.

CONCLUSION

The call-in letter setting a check-in appointment for Petitioner is not a condition of release and does not violate this Court's order. The Court should deny the Motion to Enforce.

Dated: April 27, 2026

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on April 27, 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/ Benjamin Gibson
Benjamin Gibson