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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Lester Bladimir Eguigure Avila,
Petitioner,

v.

Luis Rosas Jr., et al.,
Respondents.

Case No. 2:26-CV-02632-DWL-ASB

**MOTION TO COMPEL
COMPLIANCE WITH COURT
ORDER**

Petitioner Lester Bladimir Eguigure Avila asks this Court to order that Respondents comply with the terms of the Court's April 28, 2026 Order that Petitioner be released from custody "immediately" and "under the same conditions that existed before his detention." Petitioner was released from custody with an order to report to U.S. Immigration and Customs Enforcement (ICE) and other restrictions on his liberty that did not previously exist. Additionally, Petitioner's driver's license and work permit were not returned to him.

I. BACKGROUND

As detailed in his Petition (Doc. 1), Petitioner entered the United States as an unaccompanied child in 2019. Since then, he has been diligently pursuing Special Immigrant Juvenile Status, Adjustment of Status and Asylum. On February 12, 2026, he

was detained without valid justification, notice or process. An Immigration Judge dismissed removal proceedings and DHS filed a notice of appeal, preventing Petitioner's release from detention. Petitioner filed a habeas petition, Respondents "did not oppose the habeas petition or the requested relief of release from custody" (Doc. 9), and this Court granted the Petition. (Doc. 11) Prior to his detention, Petitioner was not subject to a reporting requirement or other conditions by ICE. Prior to his detention, Petitioner had a driver's license and employment authorization document.

Respondents released the Petitioner from detention on April 30, 2026. Upon release, the Petitioner was issued a Form I-220A, Order of Release on Recognizance, included as an exhibit here. It states Petitioner is required to report to an ICE office on May 28, 2026.¹ It also imposes other restrictions on his liberty that did not previously exist. For example, it states that Petitioner must report to a parole or probation officer within 5 days and provide ICE with written proof,² and that he may not move without "first securing written permission," from a "Duty Officer." These conditions did not exist prior to his detention.

Additionally, Petitioner's belongings were returned to him,³ but his driver's license and work permit were not. He received no paperwork regarding this seizure.

¹ Curiously, at 7am. The Phoenix Field Office opens at 8am.

² This requirement states "as required," not "if required," suggesting it is referring to some other requirement, and that it is not optional. Petitioner has received no details regarding how he is supposed to comply.

³ Albeit wet and moldy. Petitioner had been wearing his work uniform, which is now ruined.

Undersigned counsel has emailed Respondents' counsel several times in an attempt to resolve these issues without involving the Court;⁴ She has not responded.

II. ARGUMENT

A. ICE's reporting requirement and other conditions violate the terms of this Court's Order.

Federal courts possess inherent authority to enforce their orders and ensure compliance by Respondents. *Shillitani v. United States*, 384 U.S. 364, 370 (1966); *Lasar v. Ford Motor Co.*, 399 F.3d 1101, 1110–11 (9th Cir. 2005). “Absent a stay, all orders and judgments of courts must be complied with promptly.” *In re Crystal Palace Gambling Hall, Inc.*, 817 F.2d 1361, 1365 (9th Cir. 1987) (citations omitted). A federal court retains jurisdiction to enforce its prior orders even after final judgment. *Id.*

The Ninth Circuit has affirmed district courts' authority to issue orders of enforcement and to hold parties in contempt where federal agencies disregard judicial directives. *See Stone v. City & County of San Francisco*, 968 F.2d 850, 856 (9th Cir. 1992) (“federal courts have inherent power to enforce compliance with their lawful orders through civil contempt”).

In the immigration context, this authority extends to enforcement of release or injunctive orders where ICE or DHS acts inconsistently with the court's judgment. *See Rodriguez v. Robbins*, 804 F.3d 1060, 1085–87 (9th Cir. 2015) (recognizing district courts' authority to issue and enforce injunctive relief in immigration detention cases) (reversed

⁴ On April 30, May 4 (twice), and again today, May 6.

on other grounds by *Jennings v. Rodriguez*, 583 U.S. 281 (2018)); *Arce v. United States*, 899 F.3d 796 (9th Cir. 2018) (rejecting the government's argument that district courts lack jurisdiction to sanction the Department of Homeland Security for violations of a court order in immigration proceedings), *Verdugi-Carrasco v. United States*, 2026 WL 1006473 (D. Nev. Apr. 13, 2026) (granting Petitioner's motion to enforce and ordering removal of ankle monitoring).

This Court's authority in immigration-related habeas matters extends beyond granting release, as "depending on the circumstances, more [relief] may be required." *Esquivel Pacheco v. LaRose*, No. 3:25-CV-2421-JO-AHG, 2026 WL 242300, at 7 (S.D. Cal. Jan. 29, 2026) ("Habeas orders also extend to defining the parameters of a petitioner's freedom when needed to provide complete relief from unlawful detention.").

This Court's April 28 Order required Respondents to release the Petitioner from custody "under the same conditions that existed before his detention." (Doc. 11) That directive was unambiguous. The Order was entered after Respondents stated their non-opposition. ICE's decision to release Petitioner on condition of his compliance with new requirements that did not exist prior to his re-detention is a direct violation of this Court's ruling and Respondents should be compelled to remove these new terms of Petitioner's release.

B. The seizure of Petitioner's identification documents is also a violation of this Court's Order.

Federal courts also have the authority under their habeas jurisdiction to order the return of identification documents seized during detention, and recent case law

demonstrates courts have been exercising this authority to ensure individuals receive their personal property upon release from unlawful custody. *See, e.g., Benitez v. Noem*, No. 4:26-CV-00727, 2026 WL 1103034, at 5 (S.D. Tex. Apr. 23, 2026) (granting writ of habeas corpus and ordering respondents "to return to the petitioner, at the time of his release from custody, any and all identification documents taken from him at the time of or during his detention"), *Acosta v. Lyons*, No. 2:26-CV-00838-DHU-JFR, 2026 WL 821902, at 2 (D.N.M. Mar. 25, 2026) (Ordering respondents "to return to Petitioner all identification documents in their possession that were taken from him at the time of his detention ... including his driver's license"), *Castro v. Hermosillo*, No. C26-662-SKV, 2026 WL 817388, at 7 (W.D. Wash. Mar. 25, 2026) ("Upon Petitioners' release, Respondents shall return to Petitioners any personal property, including personal identification documents (other than a passport) and employment authorization documents.").

Petitioner needs these documents to function in society, in all of the obvious ways (driving, working, etc.), and in one less obvious one: Petitioner cannot marry his U.S. Citizen fiancé without identification. Without these documents, Petitioner may have been released from detention but the liberty privation continues.

III. REQUEST FOR RELIEF

For the foregoing reasons, Petitioner respectfully requests that this Court:

1. Find that Petitioner's release with new conditions did not comply with this Court's order requiring that the Petitioner be released under the same conditions that existed prior to his detention;

2. Order that these new requirements be immediately removed;
3. Order the return of Petitioner's driver's license and employment authorization documents; and
4. Grant such other and further relief as this Court deems just and proper.

Dated: May 6, 2026

Respectfully submitted,

/s/ Amanda Hammond
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