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7 Attorneys for Respondents

8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10
11 JAVIER ORLANDO GIMENEZ
MONTILLA,

12 Petitioner,

13 v.

14 WARDEN; et al.,

15 Respondents.
16

Case No.: 26-cv-3798-JO-MMP

**EX PARTE MOTION TO
MODIFY ORDER GRANTING
HABEAS PETITION**

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19 On July 10, 2026, the Court issued an order granting the habeas petition and
20 ordering Respondents to “release Petitioner in his home state of Florida within three (3)
21 days of this order.” ECF No. 7 (emphasis omitted). Upon receiving the Court’s order,
22 counsel for Respondents conveyed the Court’s order to ICE counsel. ICE immediately
23 began taking steps to comply with the Court’s order and to transport Petitioner from
24 San Diego, California, to Florida for release. *See* Declaration of Jose Rosiles.

25 To transfer and release Petitioner in Florida pursuant to the Court’s order, ICE
26 must request an expedited mission to secure a travel itinerary. This request must be
27 reviewed by Headquarters Commercial Air Operations team (HQ Air). Approval of
28 such request and issuance of the ticketed itinerary can occur within a day or two;

1 however, the approval process may extend an additional number of days if it is
2 determined that escorting officers are required for the mission.

3 Since receiving the Court's order, ICE has made a domestic transfer request with
4 HQ Air. ICE has identified a commercial flight for Petitioner arriving in Florida on July
5 14, 2026. ICE is currently awaiting approval of the request from HQ Air. Once HQ Air
6 approves the request, ICE will be able to release Petitioner in Florida on July 14, 2026,
7 absent unforeseen circumstances.

8 Respondents are working diligently to comply with the Court's order but require
9 additional time. *See* Declaration of Jose Rosiles. Accordingly, Respondents respectfully
10 request that the Court extend the time for Respondents to release Petitioner in Florida
11 to July 14, 2026.

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13 DATED: July 10, 2026

ADAM GORDON
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15 *s/Erin M. Dimbleby*
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