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Attorneys for Petitioner Lidia Hernandez Ancelmo

IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

FRESNO DIVISION

LIDIA HERNANDEZ ANCELMO,

Petitioner,

v.

POLLY KAISER, Acting San Francisco
Field Office Director, Enforcement
and Removal Operations, United States
Immigration and Customs Enforcement
(ICE); CHRISTOPHER CHESTNUT,
Warden, California City Correctional
Facility; MARKWAYNE MULLIN,
Secretary, United States Department of
Homeland Security; TODD BLANCHE,
Attorney General of the United States;
EXECUTIVE OFFICE FOR
IMMIGRATION REVIEW,

Respondents.

No. 1:26-cv-05579-DJC-CSK (HC)

**PETITIONER'S EMERGENCY MOTION
TO ENFORCE COURT ORDER**

I. INTRODUCTION

Petitioner Lidia Hernandez Ancelmo, by and through undersigned counsel, respectfully moves this Court for an Emergency Order enforcing its August 4, 2026 mandate.

On August 4, 2026, this Court granted Petitioner's Motion to Compel Return. The Court explicitly ordered the Department of Homeland Security (DHS) to "facilitate transport of Petitioner" from the United States/Mexico border after Petitioner's counsel coordinates her transit from Mexico City. Petitioner will submit notice of the travel arrangements concurrently. However, ICE officials have subsequently informed Petitioner's counsel that it will require 4 to 8 weeks to process Petitioner and facilitate her entry into the United States once she arrives at the Port of Entry.

This extended processing timeframe effectively frustrates the Court's emergency mandate and subjects a medically vulnerable Petitioner to a severe health risk. Petitioner respectfully requests that the Court enforce its prior order by imposing a strict 24-hour deadline for Respondents to parole Petitioner into the United States and facilitate her transport upon her arrival at the Port of Entry.

II. FACTS

The procedural history of this matter reflects a critical need for expedited relief. On July 22, 2026, this Court issued an administrative stay of Petitioner's removal pending the resolution of her Temporary Restraining Order. Despite this order, Respondents executed her removal to Mexico the following morning on July 23, 2026. After Respondents failed to effectuate her return by the Court's subsequent July 31, 2026 deadline, this Court convened an emergency hearing on August 4, 2026.

During the August 4 hearing, the Court granted Petitioner's Motion to Compel Return.

1 Noting the government's inability or unwillingness to transport Petitioner from Mexico, the Court
2 directed Petitioner's counsel to facilitate her transportation from Mexico City to a United
3 States/Mexico border port of entry. The Court then expressly ordered the Department of
4 Homeland Security to facilitate transport of Petitioner thereafter. The Court also imposed
5 sanctions on the government for its failure to comply with prior orders.
6

7 Following the hearing, Petitioner's counsel immediately began coordinating flight logistics
8 to transport Ms. Hernandez to the border, Petitioner's counsel will provide the required notice of
9 travel costs concurrently. However, ICE representatives have since informed Petitioner's counsel
10 that once Ms. Hernandez presents herself at the border, the agency anticipates a 4-to-8-week
11 timeline to facilitate her entry into the United States.
12

13 III. ARGUMENT

14 This Court's August 4 Order was issued to urgently remedy the unlawful execution of a
15 removal while a federal stay was in effect. The Court's directive for DHS to "facilitate transport
16 of Petitioner" from the border was granted as emergency relief. A 4-to-8-week processing delay
17 at a port of entry does not constitute "facilitation" under the practical meaning of an emergency
18 judicial mandate; rather, it effectively nullifies the relief granted. District courts possess the
19 inherent authority to enforce their orders and to ensure compliance with the precise terms of
20 equitable relief. *See United States v. Sumitomo Marine & Fire Ins. Co.*, 617 F.2d 1365, 1370 (9th
21 Cir. 1980).
22

23 As established in the initial Petition and accompanying exhibits, Ms. Hernandez requires
24 consistent medical attention. She is a pancreatic cancer survivor who relies on prescribed
25 medication to maintain remission. Medical records from her time in detention confirm she
26 experienced an "Abnormal EKG" indicating an "Inferior myocardial infarction" (a cardiac event)
27 and suffered from ongoing "Abnormal uterine bleeding". She was removed to Mexico without her
28

1 necessary, prescribed medications.

2 Requiring a medically fragile individual to wait up to two months at a border crossing
3 without access to her specialized medical care or family support system creates an objectively
4 unreasonable risk of severe injury. The timeline proposed by Respondents fails to accommodate
5 the well-documented medical urgency of this case.
6

7 To ensure that the August 4 mandate is executed as intended, the Court must provide strict
8 logistical deadlines. Establishing a rigid timeframe for DHS to process, parole, and transport Ms.
9 Hernandez once she arrives at the designated Port of Entry is necessary to resolve this issue and
10 prevent further prolonged litigation over compliance, especially since petitioner has bought plane
11 tickets and is flying out tomorrow August 7, 2026. Additionally Respondent's should be
12 sanctioned \$3000 dollars per day that Petitioner's processing is delayed. Petitioner reserves the
13 right to seek additional remedies, including but not limited to coercive fines, further
14 reimbursement of costs, and attorney's fees.
15

16 **IV. CONCLUSION AND PRAYER FOR RELIEF**

17
18 WHEREFORE, Petitioner respectfully requests that this Court:

- 19 1. Enforce the August 4, 2026 Order by explicitly mandating that Respondents, including
20 DHS, ICE, and CBP, parole Petitioner Lidia Hernandez Ancelmo into the United States
21 and facilitate her transport within twenty-four (24) hours of her presentation at the
22 designated Port of Entry;
- 23 2. Order Respondents to coordinate promptly and in good faith with Petitioner's counsel
24 regarding the exact date, time, and location of the border handoff;
- 25 3. Impose the specific daily monetary sanction of \$3000 per day against Respondents in the
26 event Petitioner's processing is delayed beyond the ordered 24-hour deadline; and
- 27 4. Grant any such further relief as this Court deems just and proper to effectuate Petitioner's
28 safe return.

RESPECTFULLY SUBMITTED this 6th day of August, 2026.

/s/ Mari Alvarado

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