IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 1:26-cv-04891-CNS

RAMON QUINTERO ALVAREZ

Petitioner,

v.

JUAN BALTAZAR, et al.

Respondents.

EMERGENCY OPPOSED MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF AND APPEAR AND ARGUE AT THE CONTINUED EVIDENTIARY HEARING ON NOVEMBER 9, 2026

The American Civil Liberties Union ("ACLU") of Colorado and Professor Elizabeth Jordan respectfully move for leave to file the attached amicus curiae brief in support of Petitioner Ramon Quintero Alvarez and to appear and argue at the Continued Evidentiary Hearing scheduled for 9:00 a.m. on Monday November 9, 2026.

Certificate of Conferral. Pursuant to District of Colorado Local Rule of Practice 7.1(a), on November 6, 2026, counsel for proposed Amici conferred with counsel for Respondents, Andrew M. Soler, informing counsel that proposed Amici intend to file an amicus brief and a request to appear and argue. Counsel for Respondents indicated that Respondents oppose the request.

As this Court is aware, the Petitioner, who is proceeding pro se, filed an application for Writ of Habeas Corpus on October 1, 2026. On November 3, 2026, Respondents filed a status report informing the Court that Petitioner had been released from immigration custody on October 27, but was then immediately re-detained, and remained in detention as of November 3. This Court

held an evidentiary hearing on November 4 to address when Petitioner's re-detention occurred, why the re-detention occurred, and where the re-detention occurred. Immediately following the hearing, the Court ordered that the Petitioner be released and that Respondents file a status report providing a list of cases in this judicial district where ICE has immediately re-detained petitioners following a court-ordered release. The Court also scheduled a Continued Evidentiary Hearing to be held at 9:00 a.m. on November 9, 2026.

Proposed Amici – ACLU of Colorado and Professor Jordan – request that the Court accept the attached Amicus Brief and permit counsel for Amici to appear and argue at the upcoming hearing. Proposed Amici believe that the brief and argument would be useful to the Court to provide information regarding ICE's practice of continuing detention of immigrant-petitioners in habeas corpus cases following an order of release; the substantial number of noncitizens who have continuing detention after an order of release, including additional cases beyond those Respondents identified; the systemic nature of ICE's actions which are intended to circumvent explicit court orders; and the traumatic and harmful results of ICE's new re-detention practice.

Whether to permit amicus participation in the district court is in the sound discretion of the court. *Medina v. Catholic Health Initiatives*, 2015 WL 13683647, at *1 (D. Colo. Oct. 7, 2015). This Court has historically permitted amici participation, and ACLU of Colorado has frequently participated as amicus before both this Court and the Tenth Circuit. *See, e.g., St. Mary Catholic Parish v. Roy*, No. 24-1267 (10th Cir. Oct. 23, 2024), ECF No. 79; *Griffith v. El Paso County*, No. 23-1135 (10th Cir. Aug. 29, 2023); *Denver Homeless Out Loud v. Denver*, No. 1:20-cv-02985-WJM-SKC (D. Colo. 2020). Proposed Amici are dedicated to the constitutional rights and civil liberties of all those in our state, and the constitutional enforcement of immigration laws and have

a unique perspective on ICE's policies and practices that impact Coloradans. Petitioner, who is proceeding in this matter without counsel, and the Court, would benefit from proposed Amici's briefing and arguments.

The ACLU is a nationwide, non-partisan, non-profit organization with almost 2 million members, dedicated to safeguarding the principles of civil liberties enshrined in the federal and state constitutions for all Americans. The ACLU of Colorado, with over 40,000 members and supporters, is a state affiliate of the ACLU and was founded in 1952. The ACLU of Colorado has long advocated for the constitutional and civil rights of immigrants through know-your-rights presentations and other public education, legislative advocacy, and litigation – both as direct counsel and amicus. *See, e.g., Ramirez Ovando et al., v. Noem, et al*., Civil Action No. 25-cv-03183-RBJ (class-action lawsuit to enjoin ICE from conducting illegal warrantless arrests in Colorado); *Mendoza Gutierrez v. Baltasar, et al.*, Civil Action No. 25-cv-027200-RMR (class action lawsuit seeking to declare that ICE and DHS's new practice of denying release on bond to groups of noncitizens violates federal law); Emergency Motion for Temporary Restraining Order, *D.B.U. v. Trump*, No. 2025-cv-1163 (D. Colo. filed April 12, 2025) (challenging the removal of Coloradans under the Alien Enemies Act); *Nash v. Mikesell*, 507 P.3d 94 (Colo. App. 2024), (challenging the prolonged detention of incarcerated people who are otherwise eligible for release from jail at the request of ICE); *Smith v. Immigration and Customs Enforcement*, 429 F.Supp.3d 742 (D. Colo. 2019) (challenging ICE's refusal to disclose documents).

Professor Elizabeth Jordan is an assistant professor of law at the University of Denver Sturm College of Law who has practiced immigration law for more than ten years. Her scholarship focuses on the law of immigration detention, including the history, doctrine, and practice of habeas

corpus cases for noncitizens in civil immigration custody. Her current research agenda includes identifying and analyzing habeas corpus trends for the past two years, including consistent observation of and research on both the immigration court and federal court dockets. Her scholarship has appeared or is forthcoming in law reviews at Northwestern, Harvard, and Yale law schools. Through her clinic, Professor Jordan and her students have and continue to represent petitioners for writs of habeas corpus detained in ICE custody in Aurora, Colorado.

For the foregoing reasons, the ACLU of Colorado and Professor Jordan respectfully request that the Court exercise its discretion and permit the filing of the attached Amicus Brief and permit Amici to appear and argue at the hearing on November 9, 2026.

Dated: November 7, 2026

Respectfully submitted,

/s/ Elizabeth Jordan
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