IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLORADO

Civil Action No. 26-cv-04891-CNS

RAMON QUINTERO ALVAREZ,

Petitioner,

vs.

JUAN BALTAZAR, et al.,

Respondents.

REPORTER'S TRANSCRIPT
Evidentiary Hearing

Proceedings before the HONORABLE CHARLOTTE N. SWEENEY, Judge, United States District Court for the District of Colorado, commencing on the 9th day of November, 2026, in Courtroom A-702, United States Courthouse, Denver, Colorado.

APPEARANCES

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(The proceedings commenced at 9:02 a.m.)

THE COURT: We are here in 26-cv-4891, Ramon Quintero Alvarez vs. Juan Baltazar, et al. May I have entries of appearance. I'll start with the Government.

MR. TRASKOS: Your Honor, Kevin Traskos for the respondents. With me here at counsel table is Andrew Soler and Acting Field Officer Director Nathan Rasper.

THE COURT: Good morning to you all.

All right. And at the petitioner's table, an entry of appearance, please?

MR. MACDONALD: Good morning, Your Honor. Tim Macdonald on behalf of the ACLU of Colorado as amici. With me is my colleague from the ACLU, Conor Gleason, and I'll let Ms. Jordan introduce herself.

MS. JORDAN: Good morning, Your Honor. Elizabeth Jordan. I'm representing myself as an amicus party.

THE COURT: Good morning to you all. I will note, just for the record, I indicated to Mr. Alvarez last week that he did not need to be here if he did not want to. He's apparently elected not to be here. This is just a continuation of that hearing. He was ordered released by that afternoon of the hearing and was, in fact, released. I have granted the request of the ACLU to file an amicus brief and have reviewed that finding that it would be helpful to the

Court. Let me be clear, the ACLU is here to present argument. They will not be allowed to question the witness today, but may present argument.

All right. Let me start, Mr. Traskos, are you arguing today?

MR. TRASKOS: Yes, Your Honor. And if I could, I'd like to address a few preliminary points, if that's possible, about how to proceed today.

THE COURT: Yes, please.

MR. TRASKOS: Thank you, Your Honor. May I go to the podium?

THE COURT: Yes.

MR. TRASKOS: So first I want to address the filing that we submitted this morning at ECF No. 24 about ICE detainees in this district who were ordered released but then immediately re-detained. That filing was in response and in compliance with the Court's order last week. But I want to be clear that the list we provided at this point is what's been identified by ICE so far. ICE at this point has searched and has not identified any additional cases beyond those that are in the status report filed this morning and does not believe there are others, but we are still working with ICE to confirm that there are no others, and I say this because we take seriously our duty as officers of the court, and we want to make sure that we provide the Court with accurate and complete

information. If we find other cases, we will do so.

THE COURT: All right.

MR. TRASKOS: Also relating to the point about being officers of the court, I just want to briefly address a report that was in the Denver Post about a statement that was apparently submitted to them by an unidentified representative for ICE, so the Department of Homeland Security. I just want to make clear to the Court that my office did not know this statement was going to be submitted. I have not been provided with the statement that's submitted, and we take really seriously the duty as officers of the court to respect and not disturb the integrity of this court.

THE COURT: And I assume you're referring to the apparently unsigned memo indicating that it was the opinion of Homeland Security that this Court and other Courts in this jurisdiction were sabotaging ICE.

MR. TRASKOS: That is the statement I'm referring to.

THE COURT: All right.

MR. TRASKOS: So three procedural issues or requests related to the hearing today. First, understanding that the Court, as it said, set this hearing as a continuation of last week's evidentiary hearing after the Assistant Field Office Director Nichole Black referred to Acting Field Office Director Nathan Rasper, last week the Court gave Mr. Soler an opportunity to do a direct examination of Ms. Black followed

by questions from the Court. We thought that approach was efficient, and if it's possible, we'd like to follow the same approach today with a brief direct examination followed by whatever questions the Court may have.

THE COURT: All right. That's acceptable.

MR. TRASKOS: Second, I just want to raise an issue relating to Mr. Rasper's testimony. Last Tuesday the Court raised questions about what remedies it might consider such as contempt, and it specifically mentioned the possibility of criminal contempt which would be a sanction against an individual in their individual capacity, and I just want to clarify for the Court that in this case my office represents the federal government, and it represents individuals in their official capacity, but not in their individual capacity, and I just want to be clear that we are not here representing Mr. Rasper in his personal capacity, just in his official capacity.

So to the extent that there are issues or rights that he would have in a criminal contempt proceeding, such as the privilege against self-incrimination or other rights, since we represent the United States, not him, I just want to make clear that we want to flag this issue so the Court's aware of the scope of our representation in case that affects how the Court ultimately decides to proceed.

THE COURT: All right.

MR. TRASKOS: And then third, I just want to address the role of amicus and suggest an approach for the Court's consideration. As you know, the amicus filed a motion to appear on Saturday, and the Court granted that request. It raises questions about the exact nature of the amicus's representation, which I think raises some tricky issues since the amicus is not a party. The amicus, for example, concludes their brief by making a request for relief for the Court to stop this practice, in their words.

So, in other words, the amicus is seeking relief for parties other than the petitioner in this case, and that request implicates the Supreme Court's ruling in 2026 in *Trump vs. CASA*, the district court's lack of authority to grant equitable relief extending beyond the parties in the case. And, second, since the amicus is not a party, its arguments also implicate the Supreme Court's decision last year in a *Margolin vs. National Association of Immigration Judges*, and that case emphasized that the party presentation principle that Courts are not, in that Court's words, roving commissions looking for wrongs to right limits the Court to ruling on arguments presented by the parties in this case.

Now, we recognize the Court's granted the amicus's motion, but I think those principles still could inform what the Court decides to permit the amicus to do in this case, and we think there is an orderly way to proceed. When Courts in

this district generally have considered ordering relief in cases like habeas cases, the typical approach has been for the Court to identify what relief or remedy the Court's contemplating and on what basis and issue an order to show cause for the Government to explain why the Court should or should not award that remedy.

I think if amicus wants to weigh in on what the Court should order, we think that the amicus should weigh in first, and then the Court could then, if it decides to do so, issue an order to show cause, and then respondents would respond addressing all of the issues. We think that would be the orderly way to proceed rather than for respondents to be directly responding to a nonparty in the case such as amicus. So I realize the Court will probably defer its consideration of how to proceed, but I just wanted to mention that up front.

THE COURT: All right. Thank you.

MR. TRASKOS: If it's okay with the Court, we'd like to call Mr. Rasper to the stand.

THE COURT: Yeah, but let me ask some questions about the status report first.

MR. TRASKOS: Sure. Give me one second.

THE COURT: I did receive that. I appreciate the representation that it's complete as far as the inquiry has gone so far. Let me tell you one of the reasons why I granted the amicus request is because after review of the initial

status report, several judges informed me that many of their cases were missing. So given that there was a chance given to track this information down and it was not tracked down efficiently enough, it struck me that hearing from the amicus was the appropriate avenue to perhaps address some of that.

And, indeed, the amicus identified some of those missing cases. And then in the status report this morning, which I appreciate, some of those missing cases are, indeed, now included in the status report. But part and parcel of me wanting and allowing the ACLU to present argument is because clearly the ACLU had some evidence that until this morning was missing from our complete picture, so that is why that happened.

Let me ask another question about the status report. So following our hearing last week, what I was unclear of, and it seems as if there may only be one example, but I don't know the timing of it, this Eric Soto Bacerra is potentially the only one who was re-detained following our hearing. Do you know if that is accurate?

MR. TRASKOS: That is my understanding to the best of my knowledge based on the information I've received from the client.

THE COURT: All right. And as we sit here today, there's been no others other than what is on this chart that were released and then ordered re-detained immediately?

MR. TRASKOS: This information is current as of about 7:30 this morning.

THE COURT: All right. Do you know if the practice has ceased or has it just been that there hasn't been the opportunity for it to reoccur?

MR. TRASKOS: We will get into this, but the practice has ceased.

THE COURT: All right. Thank you. You may call your witness.

MR. TRASKOS: Thank you, Your Honor. We'd like to call Assistant Field Office Director Nathan Rasper to the stand.

THE COURT: Sir, if you would come forward, Ms. Dynes will administer an oath to you.

NATHAN RASPER,

having been first duly sworn, was examined and testified under oath as follows:

THE COURTROOM DEPUTY: Please have a seat. Once you're situated, if you could state your name and spell your last name, please.

THE WITNESS: Good morning. Nathan Rasper, R-a-s-p-e-r.

DIRECT EXAMINATION

BY MR. TRASKOS:

Q. Good morning, Mr. Rasper. Can you tell us what agency do

you work for?
A. I work for U.S. Immigration and Customs Enforcement, Enforcement Removal Operations.
Q. How long have you worked for ICE?
A. I've worked for ICE 20 years.
Q. What is your current position and title?
A. My current position and title is the Acting Field Office Director for the Denver field office.
Q. On what date did you assume that position?
A. October 14th, 2026.
Q. What had been your previous position?
A. My previous position of record is the Deputy Center Director for the National Criminal Analysis and Targeting Center for ICE in Williston, Vermont.
Q. And how long have you been appointed to serve as the acting field office director in Denver?
A. For 120 days from October 14th.
Q. When you came to Denver, did you hear about a trend in habeas cases?
A. Yes.
Q. Can you describe what trend you heard about?
A. The trend I'd heard was that there were a lot of arrests that were being found unlawful and those arrested were being released.
Q. Is your understanding that ICE has an obligation to make

lawful arrests?
A. Yes.
Q. Was it your understanding that there were paperwork errors or other errors that can make arrests not compliant with the law?
A. Yes.
Q. And what was your understanding about whether fixing a paperwork error could allow ICE to do a proper lawful arrest?
A. My understanding was with the technical nature of the serving of the documents, that if we were to serve the documents correctly, that it would solve the issue.
Q. Did you hear from others in your agency about ways to address the trend?
A. Yes, I did.
Q. What did you hear?
A. I had heard that we were able to rearrest cases based on a release.
Q. And who did you hear from?
A. Colleagues within the agency.
Q. Did you hear any specific approaches to address the paperwork issue?
A. Just the rearrest and service of the forms.
Q. Was there any specific district that you heard from?
A. I'm sorry?
Q. Was there any specific district that you heard from?

A. Yes, from Minnesota.
Q. And what had you heard from Minnesota?
A. I had heard that the Courts had allowed the immediate rearrest of an alien released from the habeas.
Q. So what was the approach you decided to consider in Colorado?
A. The approach was to speak with my deputy field office directors, our ICE Office of Principal Legal Advisor, and to go through the processes in place of what we could lawfully rearrest these individuals.
Q. And what was your understanding of the type of case where such a rearrest would be permitted?
A. Where the habeas release request was based on a technical nature of the documents.
Q. Did anyone instruct you to take this approach?
A. No.
Q. Did you ultimately conclude to execute some rearrests for individuals who had been ordered released?
A. Yes.
Q. What was your understanding of why it would be permissible to rearrest them?
A. My understanding was that it would be permissible because as ICE we had the statutory authority, but it was to fix the situation of the forms, the technical.
Q. And who had you talked to about this approach?

A. Colleagues from the agency, my deputy field office directors, and our ICE Office of Principal Legal Advisor counsel.
Q. Did you specifically define which group of individuals in that category you would pursue rearrests for?
A. Yes. Based on public safety concerns, I -- my instructions were to prioritize those that had a criminal history and those with final orders of removal.
Q. Now, ICE has to follow Court orders, correct?
A. Correct.
Q. In considering this approach, did you have an understanding of whether the approach you were considering would comply with Court orders directing release?
A. Yes.
Q. Had you heard anything from other field office directors that informed your decision that such arrests would be consistent with Court orders requiring release?
A. Yes.
Q. Any particular district?
A. Minnesota.
Q. And what was your understanding from that district?
A. My understanding was once the individual was released, they could be rearrested based on our statutory authority.
Q. Did you think that the new approach you were going to adopt would violate any Court orders?

A. No.
Q. So what date did you decide to begin carrying out this approach?
A. October 27th, 2026.
Q. And who did you give the instruction to to adopt this approach?
A. To my deputy field office directors.
Q. How did you give this instruction?
A. I gave the general instructions that they were to look at the cases that were subject to release, review them with our Office of Principal Legal Advisor chief counsel and make sure that there were no restrictions or circumstances restricting rearrest, and that they would be -- the arrests would be lawful and in compliance with statute, and then they were to follow those and then release the alien and then to rearrest them.
Q. In what form did you give these instructions?
A. It was verbal instructions in a meeting.
Q. Was it your understanding that before doing these rearrests, that your officers were supposed to fix any paperwork errors that had been identified by the habeas petitioner?
A. Yes.
Q. I want to ask you about your role in selecting the individuals where rearrests would take place. Did you

personally select which detainees would be rearrested under this approach?

A. No.

Q. Did you review the cases where this approach would be followed before their rearrest?

A. No.

Q. Did you personally review the facts of Mr. Quintero's case before he was arrested?

A. No.

Q. In giving instructions about releases, was your -- was it your understanding that the individuals had to be actually released before they could be rearrested?

A. Yes.

Q. Did you specify what general facility where their release would take place?

A. Yes, I did. In consultation with my deputy field office directors, it was to be at the Aurora detention facility.

Q. And why did you choose to do the releases at the detention facility in Aurora?

A. Because I was advised that was our standard operating practice, and that's why we stuck with that.

Q. Beyond that, did you specifically give instructions about where in a facility or outside a facility the release should take place?

A. No.

Q. Did you tell any others of the specific steps they should follow in releasing the individual before rearresting them?
A. No.
Q. Was your expectation that the individuals would be released before being rearrested?
A. Yes.
Q. Was it your intention to comply with Court orders requiring release?
A. Yes.
Q. Were you personally present at Mr. Quintero's rearrest?
A. No.
Q. Since October 27th, have you changed your approach?
A. Yes.
Q. What prompted you to change your approach?
A. The hearing on this case that was on November 4th.
Q. And what did you decide to do to change your approach?
A. Based on the concerns noted from the Court, I directed the rearrest practice to stop and that those who were arrested based on the rearrests would be released.
Q. So both to stop the rearrests practice and to release those who had been rearrested under that practice?
A. Yes.
Q. Is it your expectation that your instructions to them on those two matters are being carried out?
A. Yes.

Q. At any point in this process did you intend to refuse to comply with any Court orders?

A. No.

MR. TRASKOS: Your Honor, that's what we have.

THE COURT: Thank you.

Mr. Rasper, thank you for being here today. Let me ask some follow-up because I was curious about the reference to the Minnesota as a model of where this practice came from.

EXAMINATION

BY THE COURT:

Q. Does Minnesota have the same memorandum of understanding with that U.S. Attorney's Office, do you know?

A. I don't know, ma'am.

Q. Do you know that we entered into a memorandum -- a memorandum of agreement, really, with the U.S. Attorney's Office as to how these cases were initially going to be handled?

A. No, Your Honor. Only until recently.

Q. But you are aware of that now?

A. Yes, ma'am.

Q. So under this agreement, the Government has agreed to accept service, and in return the judges of this court have somewhat standardized our initial order, and part of that order gives the Government seven days to respond to the order and identify why the petition should not be granted, meaning

why is the detainment of this individual lawful, and if they do not respond within seven days, release will be ordered and that essentially argument has been waived. Were you aware of that agreement when you started the practice?

A. No, Your Honor.

Q. And just to confirm, when did you become aware of that agreement?

A. Most recently, a day or two ago.

Q. All right. Having now been aware of it, were you better able to understand the Court's concern on why individuals were being immediately rearrested?

A. Yes, Your Honor.

Q. All right. And you have stopped the practice presumably, but then I'm curious as to the last gentleman on the status report, Eric Soto Bacerra, who the initial release date was November 4th, but he was rearrested November 4th. Was that apparently during the interim of the Court's order? Meaning maybe you hadn't learned of the Court's order yet?

A. Yes, ma'am. I wasn't here. I was in D.C., so there could have been a possibility, but I don't know exactly what timeframe that happened. I'm not aware of that case.

Q. But we can rest assured that going forward this will not be happening again?

A. Yes, Your Honor.

Q. Can you confirm that it will not happen again based on the

Court's initial order issued in the case we're here for, Mr. Alvarez -- did you read that order?

A. His -- I'm sorry. Can you clarify?

Q. Let me just read it to you. I'm going to skip the part about providing notice to the U.S. Attorney's Office. My order dated October 20th, 2026, read: Within seven days of the notice to the U.S. Attorney's Office, that is on or before October 27th, 2026, respondents shall show cause why the petition should not be granted. Unless otherwise ordered by the Court, if respondents do not file a response to the petition and Court order by this deadline, petitioner shall be released from custody no later than 24 hours after the response deadline, and respondents shall file no later than seven days after that deadline a status report informing the Court that the petitioner has been released. Can you confirm that if that order was issued by me today in a case, that the petitioner would not be released and immediately re-detained?

A. No, they would not be re-detained.

Q. So you're confirming that to me?

A. As of today, yes, ma'am.

Q. All right. And in terms of using Minnesota as a model, you are unaware if they had a similar initial order in place?

A. Yes, I'm unaware of that.

Q. Let me just explore kind of the nature of the technical issues that you were talking about that you felt could be

corrected that would amount or allow an immediate rearrest. What kind of issues there are you talking about?

A. Specifically the sequence of servicing of the I-200, the warrant for arrest, and I-862, notice to appear.

Q. All right. And did you review the facts of Mr. Alvarez's case?

A. Can you be more specific? Prior to my order or as of recently?

Q. As of recently.

A. I have reviewed some of the specifics of his case, yes.

Q. And in his case it looked like the warrant was issued back in February, but apparently not effectuated until I released him.

A. So my understanding with that is that at the time of arrest in Wyoming, there was actually an I-200 warrant served on him at the time of his arrest with his notice to appear. As of now, that would be -- that's my understanding of that case. So there could be one in February, but this most recent one, and so in this instance this would be one where I think the Government would file a rebuttal to this habeas based on the fact that the 200 was served with the I-862.

Q. So moving forward, it sounds like the Government, if they see any issues, they will bring that to the Court's attention in the seven-day time period allowed; is that fair?

A. Yes, Your Honor.

Q. All right. There's a case -- well, let me ask it this way. On the status report, the individuals listed on that, is it your understanding they all have a final order of removal?
A. No, ma'am. I don't have -- I have not reviewed any of the cases in the status report.
Q. All right. In terms of the instruction you gave to -- that verbal instruction to your employees who were effectuating this possibility, Ms. Black when she testified -- and let me get her exact language, because I don't want to put words in her mouth. Basically she was told that they were to re-detain anybody that had some -- let's see -- I received a direct order from my Deputy Field Office Director George Valdez who received a direct order from our Acting Field Office Director Nathan Rasper to re-detain habeas releases that had some type of criminality. Did you describe that for them, what they were looking for?
A. No, I didn't.
Q. I mean, what does that mean?
A. I didn't speak to her. So I gave the instructions to my field deputy field office directors. They passed it down.
Q. All right.
A. I think that was an overly compressed and kind of myopic view of what my instructions were. They were not clear, and so maybe it was a misunderstanding, but my instructions were clear to my deputy field office director about my

expectations.
Q. All right. And what did you convey to your direct reports there about this?
A. I instructed them that all the cases that were subject to this release would be reviewed by OPLA, Office of Principal Legal Advisor, and a determination made about the legality of us being able to rearrest, to review those habeas orders to make sure there's no additional restrictions or circumstances or, you know, guidelines set around this habeas release. Specifically if the order, you know, specified no rearrest or something along that lines, right? But to make sure all these cases were reviewed and that they would be compliant with the judge's order and our statutory authority, and that would be prior to any enforcement -- additional enforcement action being taken.
Q. Do you know if any of the folks -- and you may not -- in the status report were on bond that had been approved by an immigration judge?
A. No, Your Honor.
Q. No, you don't know or --
A. No, I don't -- yes, I'm not aware of any of the cases in the status report.
Q. All right. In terms of the Court order that I read to you that is in place according to the memorandum of agreement, if we don't see a response within that seven days, you agree that

the appropriate remedy is immediate release?
A. I mean, it's the Court's order. I would comply with the Court's order.
Q. I've just received something in another one of my cases this morning indicating that has not happened. Is there any policy or instruction lurking that I need to know about as to why that would not have happened in accordance with my order?
A. No, ma'am. I gave specific instructions it was to stop and those rearrested were to be released.
Q. All right. And this wasn't a rearrest. This was just the initial release was ordered. There was no response received from the Government. The seven days had passed, so release should have been effectuated, but wasn't. Have you issued any sort of policy that would address that?
A. No, Your Honor. My expectation is that the orders of the Court would be followed.
Q. All right. I guess since Mr. Traskos brought it up, I'm going to bring it up. Do you have any idea who the official or person that leaked some statement to the Denver Post was about this Court sabotaging ICE's effort?
A. No, Your Honor. I don't have anything other than rumors. But it was not me. I can tell you that with hundred percent certainty.
Q. All right.
THE COURT: I do not have any further questions for

you, Mr. Rasper. You're excused and may return to your seat.

THE WITNESS: Thank you, Your Honor.

MR. MACDONALD: Your Honor?

THE COURT: Yes.

MR. MACDONALD: I know you said that we would not be allowed to cross-examine. I'm just going to ask the Court to reconsider that for the following reason. Mr. Rasper testified about what he called technical paperwork violations in these arrests. We think there are far more than that. As class counsel in Ramirez Ovando, which is our case in which we obtained an injunction against ICE's unlawful warrantless arrest practices, we think that these rearrests are, in fact, tied to another backdoor effort to get around the Court's injunction in that case, and I would -- I would like to explore with the witness what he described, the technical violations, which we think are fundamental violations of the statute and the way in which the arrests were carried out. With leave of the Court, we'd ask to -- leave to ask some of those questions, Your Honor.

THE COURT: All right. I'm going to deny the request really for one primary reason. That is in another case over which Judge Jackson is presiding. I would hate to deprive him of the opportunity to preside over that questioning, so I'm going to deny it, and you may revisit that with him.

All right. But that being said, I am going to go

ahead and let the ACLU present its argument, and I assume that will be coming from the professor who wrote the agreement; is that correct?

MS. JORDAN: Yes, Your Honor.

THE COURT: If you would go to the podium. Thank you.

MS. JORDAN: Good morning.

THE COURT: Good morning.

MS. JORDAN: May it please the Court, Elizabeth Jordan as a friend of the court. With apologies to the Court for the fairly roughhewn nature of our emergency filing, we have three simple points. The first, the Government underrepresented to the Court the extent of their misconduct. As mentioned in the brief and as discussed already this morning, we were aware of three cases not listed in the status report filed at ECF 14, and the Government this morning has added a fourth.

Just for clarity of the record, those three that we identified were Rodriguez Hernandez, 26-cv-5219; Hernandez-Hurtado (sic), 26-cv-4681, and Perez Carrillo, 26-cv-5024. And then as the Court has discussed already, Mr. Soto was the fourth case.

An important subpoint here is that we are not confident that this is the complete list, and taking a look at the dockets in, for example, the Hernandez-Hurtado case can

make clear why that is. First of all, Mr. Hurtado-Hernandez, excuse me, filed his petition pro se. That case was before Judge Domenico, and that case was filed on September 22nd. Also for purposes of the record, Mr. Hurtado-Hernandez also challenged the statute of detention, not merely his arrest, and the initial remedy he received was a bond hearing.

And then he filed pro se a further challenge to the conduct of that bond hearing. There was some additional back-and-forth. And then when no response was received, the memorandum of agreement's release provision appears to have kicked in, but he was not released on the date -- sorry -- on October 30th he was released -- purportedly released, Your Honor. We take the position that that was not, in fact, a release since the person was never at liberty in any meaningful sense, and re-detained that same day.

However, he was unable to file -- because he was pro se, he filed an emergency motion that was not received by the Court until the 3rd of November, although this conduct occurred on the 30th of October, and then the follow-up release appears to have happened on the 5th of November. So the docket makes clear that the difficulties of pro se petitioners and actually quickly addressing the Court is not always straightforward. Mr. Perez Carrillo, in fact, never filed anything with the Court after he experienced the defiance of the Court order. And so the fact that this

happened overwhelmingly to pro se petitioners, including some who may have not been able to access the Court for additional relief, gives us great concern that this list is not complete.

Our second point is that the Court should not treat this as an accident or a one-off isolated incident. That 18 people experienced this in this district alone is significant. The witness this morning described Minnesota as a model, but, in fact, federal courts in Minnesota have condemned this practice, and we've provided a citation to *Pablo F.* in our brief where the Court did not tolerate the practice that was apparently the model here.

Moreover, one pro se petitioner, Yvenson Lebrun, in an emergency motion that he filed included a sworn statement that this appears to have come from Washington, and that's what he was told by the ICE officer who took him to Centennial and then brought him back. And this is a part of a widespread practice by this agency of Court order defiance on a number of issues in this district and across the country, and we've provided citations in the brief where the Court can review those cases.

The third point we want to make is that this is not a technical paperwork error. The harms are profound. The petitioner in this case mentioned calling his family thinking that he was free and then being surprised to find out that he was, in fact, taken back to a holding cell. Again, Mr. Lebrun

in his declaration describes officers turning off their body-worn cameras, threatening him with new charges if he did not comply, and other incidents that appear to inspire fear.

We'd ask the Court also to take notice of the Denver Post article published right around the time we filed in which on-the-record comments were made by people directly impacted about being injured, that the impact this has had on people within the detention center, that people are no longer believing they're actually going to be released because they think this might happen to them.

And then, finally, the harms are also profound to this Court and Courts in this district because this has triggered the Court to put even more resources into this issue, and as we also provided in the brief, several people have filed requests for additional relief in their cases watching what happened to other people who had petitioned for a writ of habeas corpus and seeking to avoid the same fate, and so those additional requests will now also need to be adjudicated by this Court, and so it is further pulling on the Court's scarce resources to have to address this problem.

Let me quickly confer. Thank you, Your Honor.

MR. MACDONALD: Your Honor, may I say a few words as well?

THE COURT: Yes, go ahead.

MR. MACDONALD: Thank you. Tim Macdonald on behalf

of amici ACLU of Colorado, Your Honor. Mr. Quintero Alvarez in his petition identifies and the records support that the I-200 administrative warrant was dated February 23rd, 2026. The NTA, the notice to appear, was dated two months later on April 16th, 2026. The statutory authority to arrest someone -- for ICE's authority to arrest someone based on an administrative warrant requires that warrant to happen after or contemporaneously with the notice to appear, the NTA.

And that's super important for the protection of due process so that the individual, A, gets a prompt hearing before an immigration judge and they know what the charges are against them for unlawful -- alleged unlawful presence. That happened in the reverse order here. Mr. Alvarez sat in jail first up in Sweetwater, Wyoming, in a county jail, the conditions of which have been reported to be deplorable, and then later here at the ICE facility.

So what was described by Mr. Rasper as a technical violation is a sort of a fundamental violation of law and statute. We're seeing it repeatedly. As I mentioned as class counsel in Ramirez Ovando, we have been following just these types of warrantless arrests, and I will certainly at the appropriate time raise the warrantless arrest issues with Judge Jackson.

But I think relevant for Your Honor is this pattern stems from, we believe, the injunction against the warrantless

arrests, and one of the means by which ICE has been seeking to evade that order is issuing what are called field warrants, which is they find someone in the field, they don't have a warrant for the person, they may not know their identity, and so they have someone in the field issue that warrant before the NTA just like happened to Mr. Quintero Alvarez, and that warrant that precedes the NTA is unlawful as many judges of this court have held in many of these habeas petitions.

So this flood of cases has stemmed from their effort to evade their statutory limitations. And so when this Court and the judges of this Court have been granting these habeas petitions because of unlawful warrantless arrests, this practice now of forcing them through the doors, and then rearresting them in the parking lot, still on federal property, was a means to -- an unlawful means to try to get around that warrantless arrest prohibition in the statute. We think it's serious, and we appreciate Your Honor's time.

THE COURT: All right. Thank you.

Mr. Traskos, would you like to respond?

MR. TRASKOS: Just very briefly, Your Honor. First, as we said up front and I won't repeat it, we take the obligation to provide complete information very seriously and are working on that and will supplement if we identify additional cases. Second, on the point about whether it's a one-off, I think Mr. Rasper testified that it was an actual

approach that was taken for a period of time, so we are not arguing that this was a one-off case.

On the issues of the timing of issuing the arrest warrant and the notice to appear, I mean, I realize it was referred to as a paperwork violation. We don't suggest that following Court regulations is -- sorry -- the ICE regulations is not something, and I think that Mr. Rasper testified that his goal was to actually do it right with the new arrests.

But on the last point about arrests in the field, I just wanted to follow what Your Honor said about the Ramirez Ovando case, and the questions of ICE arrest practices in the field is the subject of a class action pending before Judge Jackson, and we think that the issues relating to general practices should be resolved in that action, not here.

THE COURT: All right. Thank you.

MR. TRASKOS: Thank you.

THE COURT: All right. So the posture of this case is really that I already ordered Mr. Alvarez released again with, I assure you, more detailed instructions as to his release and the circumstances of his release. I will issue an order -- a written order on this matter, which is namely my concern is was there a blatant violation of this Court's order in rearresting Mr. Alvarez upon his first release and whether a notice of show cause regarding why the Court should not consider contempt proceedings is appropriate.

So I will issue a written order on that, but let me just note what the effect of all this has been. First, as I mentioned, Mr. Alvarez is not here, and, frankly, who can blame him? He had a Court order of release, was released and immediately picked up again. So it saddens me to know that one of the likely reasons he is not at his own hearing is because he has no faith that he will not be picked up again, even despite two Court orders trying to guarantee that for him. So that is a very concerning effect of what's gone on in this district.

I have received several notices in other cases of people who were released and just wanted to send a note and said everybody is terrified. We're watching our friends and family in some cases being released only to be rearrested. So it has instilled a new level of fear at the facility that I find completely inappropriate and needs to be addressed.

And third, and most importantly, perhaps -- well, I'd say Mr. Alvarez not being here is the most important -- so second in the list of important things here is that somehow it needs to be clear that ICE is not in a position to monitor its own conduct in terms of legality, so the notion that ICE could self-review to find technical violations is not something the Court will tolerate. What happened to Mr. Alvarez is not a technical violation. It's a due process violation. It's a violation of his constitutional rights, and that it could be

swept under the table by definition of some technical paperwork violation is just not appropriate.

And only two of the 18 cases on the list were petitioners in front of me, and, of course, I am mindful that I am not going to issue classwide relief or any such thing. But one of my two involved a truly egregious situation in terms of a constitutional violation, so I take this matter very seriously and will be issuing an order that reflects that seriousness. I think the only bright spot of all of this is the practice was brought to our attention fairly rapidly and continued for what looks to be approximately a week and now has been stopped. So if there's a bright light in all of this, it is that.

So with that, we'll be in recess. An order will issue. It will be forthcoming. Thank you all for being here.

THE COURTROOM DEPUTY: All rise. Court is in recess.

(The proceedings were concluded at 9:47 a.m.)

REPORTER'S CERTIFICATE

I, SARAH K. MITCHELL, Official Court Reporter for the United States District Court for the District of Colorado, a Registered Professional Reporter and Certified Realtime Reporter, do hereby certify that I reported by machine shorthand the proceedings contained herein at the time and place aforementioned and that the foregoing pages constitute a full, true and correct transcript.

Dated this 10th day of November, 2026.

/s/ Sarah K. Mitchell

SARAH K. MITCHELL
Official Court Reporter
Registered Professional Reporter
Certified Realtime Reporter