

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 25-cv-02059-DDD-STV

HOSSEIN BATOOIE,

Petitioner,

v.

MARK BOWEN, Acting Warden, Aurora ICE Processing Center,
ROBERT GUADIAN, Field Office Director, U.S. Immigration & Customs Enforcement, U.S.
Department of Homeland Security,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, and
PAMELA BONDI, U.S. Attorney General, U.S. Department of Justice, in their official
capacities,

Respondents.

RESPONSE TO JULY 19, 2025, LETTER (ECF No. 20)

Pursuant to the Court's July 21, 2025, Order (ECF No. 21), Respondents submit this response Petitioner Hossein Batooe's July 19, 2025, letter. *See* ECF No. 20. Petitioner's letter states that Petitioner was moved from the District of Colorado to Casper, Wyoming, in violation of the Court's Temporary Restraining Order. *See id.*

On Saturday, July 19, 2025, Petitioner was mistakenly transferred from the U.S. Immigration and Customs Enforcement (ICE) contract detention facility in Aurora, Colorado, to a state-operated facility in Casper, Wyoming. *See* Ex. 1 (Declaration of R. Transfiguracion), ¶¶ 9-12. ICE transferred Petitioner as part of an effort to manage detention space in Colorado, not in an effort to remove Petitioner from the United States. *See id.*, ¶¶ 9, 14. Petitioner's transfer occurred because of an administrative error through which Petitioner's inability to be

moved from the District of Colorado was not properly reflected in ICE's internal records. *See id.*, ¶ 13. More specifically, ICE mistakenly understood that it could freely transfer Petitioner to different facilities within its Denver Field Office's area of responsibility, which includes both Colorado and Wyoming. *See id.*, ¶¶ 10, 13. ICE has since corrected that misunderstanding and its records to make clear that Petitioner should not be removed from the District of Colorado. *See id.*, ¶ 18. After learning of the mistaken transfer on Saturday, ICE immediately prioritized Petitioner's return to the District of Colorado. *See id.*, ¶ 15. Given the logistics of returning Petitioner to the District of Colorado, which includes a round-trip journey from Denver to Casper, Wyoming, ICE will return Petitioner to the District of Colorado, by tomorrow, July 22, 2025. *See id.*

Respondents sincerely regret and apologize for Petitioner's transfer from the District of Colorado. Under the Court's Temporary Restraining Order (ECF No. 10), Petitioner should not have been transferred to Wyoming. Petitioner's transfer was inadvertent and based on ICE's misunderstanding of the Temporary Restraining Order. *See id.*, ¶¶ 10, 13. ICE did not intend to violate the Temporary Restraining Order and was only attempting to manage its limited resources within the District of Colorado. *See id.*, ¶¶ 9, 16. Upon learning of Petitioner's mistaken transfer, ICE has corrected its internal records to reflect that Petitioner should not be transferred from the District of Colorado and will return Petitioner to the District of Colorado tomorrow. *See id.*, ¶¶ 15, 18. Per the Court's Temporary Restraining Order, ICE will not again transfer Petitioner from the District of Colorado. *See id.*, ¶ 17. Respondents again apologize for Petitioner's temporary transfer from the District of Colorado.

Dated: July 21, 2025.

Respectfully submitted,

PETER MCNEILLY
United States Attorney

s/ Nicholas A. Deuschle

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CERTIFICATE OF COMPLIANCE

Counsel for Respondents hereby certifies that the foregoing pleading complies with the type-volume limitation set forth in DDD Civ. P.S. III(A)(1).

CERTIFICATE OF SERVICE

I hereby certify that, on July 21, 2025, I filed the foregoing with the Clerk of Court using the CM/ECF system, which caused the foregoing to be sent to:

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s/ Nicholas A. Deuschle

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