

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Marcia S. Krieger**

Civil Action No. 13-cv-00793-MSK-MEH

ROSAURA ESPINOZA AVILA,

Petitioner,

v.

**DAGOBERTO MARRUFO MORALES and concerning the minor Children A.G.E.M. and
A.E.M,**

Respondent.

OPINION AND ORDER FINDING RESPONDENT IN CIVIL CONTEMPT

THIS MATTER comes before the Court *sua sponte*.

This case involves a claim by the Petitioner, Ms. Avila, seeking the return of her minor children by the Respondent pursuant to the International Child Abduction Remedies Act, 42 U.S.C. § 11601. On October 1, 2013, this Court entered an Order (# 44) granting Ms. Avila's Petition and directing Mr. Morales to effect the return of the minor children to Ms. Avila. The Order directed that Mr. Morales effect the return of the children within 21 days. On October 22, 2013, the deadline for complying with that Order, passed. The Court is advised by Ms. Avila's counsel that Mr. Morales has not complied with the Order.

Separately, Ms. Avila moved (# 51) that the Court grant accelerated enforcement of the Court's Order, based on the belief that Mr. Morales was preparing to abscond with the children. On October 16, 2012, the Court granted in part and denied in part (# 52) that motion. That Order directed that if Mr. Morales had not effected the return of the children by October 22, he was

required to appear in person in Court at 4:00 pm on October 23, 2013 and show cause why he should not immediately return the children to an agent of Ms. Avila.¹ Mr. Morales did not appear at the October 23, 2013 hearing.

Pursuant to 18 U.S.C. § 401(3), the Court finds Mr. Morales in civil contempt of both the Court's October 1, 2013 Order and the October 16, 2013 Order. Accordingly, the Court issues a warrant for Mr. Morales' immediate arrest. Upon such arrest, Mr. Morales shall be promptly brought before this Court and, if he remains in contempt of the October 1, 2013 Order, shall be incarcerated until such time as he purges that contempt by returning the minor children to Ms. Avila or her agents.

Dated this 23d day of October, 2013.

BY THE COURT:

A handwritten signature in black ink that reads "Marcia S. Krieger". The signature is written in a cursive style with a horizontal line underneath it.

Marcia S. Krieger
Chief United States District Judge

¹ That Order was served on Mr. Morales' counsel. Although that counsel had previously moved to withdraw (# 46), citing an inability to contact Mr. Morales, that motion was denied (# 48) by the Court and Mr. Morales remains represented by his counsel at this time. Thus, notice of the October 16 Order on Mr. Morales' counsel is constructive notice of that Order to Mr. Morales himself.