

United States District Court
Western District of Texas
El Paso Division

Melika Mohammadi Gazvar Olya,
Petitioner,

v.

Angel Garite, *et al*,
Respondents.

No. 3:25-CV-00083-DCG

Respondents' Supplemental Brief

In response to this Court's order dated July 14, 2025 (ECF No. 14), Respondents provide the following clarifications to supplement their original Response to the pending habeas petition (ECF No. 9):

1. Despite recent escalations between the United States and Iran, the likelihood of Petitioner's removal in the reasonably foreseeable future has only strengthened. *See* Ex. A (Supplemental Declaration from SDDO Sarellano) ¶¶ 2, 4. Following a meeting between U.S. and Iranian officials on April 10, 2025, the two countries have continued negotiations to repatriate this Petitioner. *Id.* ¶ 2. In the latest request on July 4, 2025, related to the travel document issuance, Iran requested ICE provide new passport photographs of Petitioner wearing a headscarf. *Id.*

2. On July 8, 2025, Petitioner refused to take photos with a headcover, contrary to Iran's request. *Id.* ¶¶ 2, 4. To compromise, ICE asked if Iran would use the same photos that were in her expired passport. *Id.* ¶ 2. The two countries continued repatriation talks, and despite her refusal to wear a headscarf, Iran ultimately agreed to issue the travel document. *Id.* ¶ 4. Removal to Iran is pending, and there is significant likelihood of removal in the reasonably foreseeable future. *Id.*

3. Respondents deny Petitioner's allegation that ICE agents gave her an option to reject her removal flight in September 2024. *See id.* ¶ 3; ECF No. 14; ECF No. 1 ¶ 31; ECF No. 9 at 3, 7-10; ECF No. 9-1 at ¶ 24. Respondents further deny that there is any ICE policy that requires escorting officers to notify an alien of the option to decline removal efforts. *See* Ex. A (Supplemental Declaration) ¶ 3. In contrast, ICE policy requires the officers to routinely notify aliens of their ongoing duties to comply with removal efforts and the consequences for failing to do so. *See* https://www.ice.gov/doclib/foia/dro_policy_memos/09684drofieldpolicymanual.pdf at sections 17.4, 17.6 (last accessed July 21, 2025).

4. By September 2024, when Petitioner alleges ICE told her she could refuse the removal flight, ICE had notified her in writing no fewer than eight times of her obligations to comply with removal efforts and the consequences for failing to comply. *See* ECF No. 9-1 ¶¶ 10–23 (confirming notice and/or warnings served on Petitioner on a least eight occasions between September 28, 2023, and August 19, 2024). In other words, Petitioner was fully aware of her obligations to comply.

5. On September 17, 2024, ICE ERO Deportation Officer (DO) Jesus Santiago Ortego drafted and digitally signed (with a time/date stamp) a memorandum for the ICE ERO Field Officer Director (“FOD”), submitted through the Acting ICE ERO Supervisory Detention and Deportation Officer (SDDO), Osvaldo Saucedo. *See* Ex. B (Memo to FOD). The Memo documents for the file Petitioner's failure to comply with her removal flight the previous day. *Id.*

6. In that Memo, the DO explains that he and another DO were assigned to escort and witness the removal of Petitioner from the United States via the El Paso International Airport. *Id.* The DOs advised Petitioner at the El Paso Processing Center (EPC) that she would be removed

from the United States to Iran. *Id.* Petitioner began to cry, “begging” them not to remove her. *Id.* DO Ortega advised Petitioner that she would be transported to the El Paso Airport, regardless. *Id.*

7. Upon arrival at the El Paso Airport, Petitioner started crying again, saying that she would not get out of the van. *Id.* She continued “begging” the officers to not remove her. *Id.* DO Ortega advised her that she needed to get out of the van to continue with her removal, but Petitioner stated she would not. *Id.* DO Ortega contacted Acting SDDO Saucedo to advise him that Petitioner would not comply with removal efforts and was refusing to leave the van. *Id.* In response, SDDO Saucedo cancelled the escort, and ERO transported her back to EPC. *Id.*

8. On April 22, 2025, ICE issued a Decision to Continue Detention, notifying Petitioner of ICE’s confidence that a travel document to Iran would be issued for her removal. *See* Ex. C (April 2025 POCR Decision). ICE served the document on Petitioner in person on April 24, 2025. *Id.* at 2 (reflecting Petitioner’s signature).

9. Removal to Iran remains significantly likely in the reasonably foreseeable future. Respondents will update the Court with the appropriate paperwork once Petitioner is successfully removed. Unless Petitioner is removed prior to the scheduled hearing on August 6, 2025, Respondents are prepared to further defend their detention authority at the hearing.

Respectfully submitted,

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