

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

**RÜMEYSA ÖZTÜRK,**  
*Petitioner*

*v.*

No. 2:25-cv-00374

**DONALD J. TRUMP, et al.,**  
*Respondents*

**Petitioner’s Opposition to Respondents’  
Request for Conditions of Release**

Petitioner Rümeyisa Öztürk respectfully opposes the government’s additional proposed conditions of release, as well as the government’s proposal to enforce these conditions through the threat of criminal prosecution and/or re-detention. *See* Dkt. No. 133-2 at 2. Because the government has provided no argument to demonstrate why any of the conditions it advocates are needed in this case—and no argument for them is possible—, the Court should reject all additional proposed conditions.<sup>1</sup>

In its May 9, 2025, bail hearing, this Court found that Ms. Öztürk “does not pose a danger to the community, nor does she present a risk of flight.” Bail Hearing Transcript at 111:24-112:1. The Court ordered that Ms. Öztürk engage in the support and supervision of the Burlington Community Justice Center (BCJC), including at least monthly contact and reports to the Court. *See id.* at 112:14-24.

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<sup>1</sup> Counsel for Respondents did not confer with counsel for Ms. Öztürk before submitting Respondents’ proposed additional conditions of release. Counsel for Ms. Öztürk has contacted counsel for Respondents in a good faith attempt to resolve this request and has not yet received a response to her to offer to meet and confer.

Nevertheless, the government has requested numerous additional conditions of release.

Upon the Court's invitation, *id.* at 113:16-18, Becky Penberthy of the BCJC submitted her response to the government's proposed conditions of release and recommended that this Court impose no additional conditions. Dkt. No. 136 (May 13, 2025, Declaration of Becky Penberthy) ¶ 8 ("Based on the Court's assessment [of lack of dangerousness or flight risk], I do not believe additional conditions of release are necessary or appropriate at this time."). Petitioner respectfully requests that the Court accept that recommendation and reject the government's requested additional conditions.

This Court has already determined that Ms. Öztürk has raised "very substantial claims of both due process and First Amendment violations," and that "[t]here is no evidence here as to the motivation [for her detention] absent consideration of the op-ed" she co-authored in her campus newspaper. Bail Hearing Transcript at 106:8-107:23. In light of these findings, the government's proposed conditions are particularly inappropriate because they would subject Ms. Öztürk to the constant threat of criminal prosecution or re-detention for her protected speech, this time based on alleged violations of vague and/or overbroad conditions. The proposed conditions would also unduly permit ICE to maintain control over Ms. Öztürk's choice of residence, travel, associations, medical treatment, and other aspects of her life, without the government propounding any legitimate justification for doing so. And any unnecessary interaction with ICE that this Court orders solely as a result of Ms. Öztürk's detention for her lawful speech creates a further chilling effect on her and other non-citizens' protected First

Amendment activities. Because no justification is provided for these additional conditions, Ms. Öztürk opposes all of them, but provides further responses below to each of the proposed conditions:

**1. Reporting for any hearing or interview as directed by U.S. Immigration and Customs Enforcement (ICE) or the Executive Office for Immigration Review.**

Ms. Öztürk will attend any scheduled immigration court hearings, but a requirement to attend an unspecified number of ICE interviews for unspecified purposes—including potentially to allow ICE to make further unlawful inquiry into protected speech and beliefs—is unwarranted and would be easily abused. Accordingly, this condition should be rejected.

**2. Reporting to Boston Enforcement and Removal Operations (ERO) by calling (781) 359-7500 within 48 hours of the issuance of this order for further reporting instructions.**

This proposed condition should be rejected as it appears to delegate full authority to ICE to establish additional reporting requirements as a condition of her release. Given this Court's finding that Ms. Öztürk "does not pose a danger to the community, nor does she present a risk of flight," and its instruction to the government to propose any conditions of release to the Court, Bail Hearing Transcript at 111:24-113:19, this Court should not allow ICE to create new reporting requirements that it has not requested or justified to this Court.

**3. Surrendering for removal from the United States if so ordered.**

This proposed condition is unnecessary and vague. It is unnecessary because Ms. Öztürk has given no reason to believe that she would ever seek to remain in the country beyond her authorized stay. The condition is vague because

it could be read to preclude the pursuit of legal remedies, including appeals from an order of removal.

**4. Not changing her place of residence without first securing written permission from ICE.**

Before ordering her release, the Court heard testimony that Ms. Öztürk's lease expires at the end of May, and Ms. Öztürk intends to move into housing provided by Tufts University. Bail Hearing Transcript at 38:15-25. She testified that "Tufts University offered me multiple options, and I would like to go with one of their options." *Id.* This Court inferred no risk of flight from her imminent move. *Id.* at 111:24-112:1. Likewise, Ms. Penberthy concluded:

Given this Court's findings and my own assessment of Ms. Öztürk's extensive ties to the Tufts community and the substantial requirements of her Ph.D. program, I...would not recommend that she be required to alert or secure permission from U.S. Immigration and Customs Enforcement (ICE) or the Boston Enforcement and Removal Operations (ERO) to travel, change her residence, or otherwise move freely.

Dkt. No. 136 ¶ 9 (emphasis added). Nor is there any statutory basis for ICE to grant or refuse Ms. Öztürk permission regarding which housing option she chooses. *See* 8 U.S.C. § 1305(a) (regarding "notice" but not "permission" of address changes). This proposed condition should be rejected.

**5. Advising ICE in advance of any overnight travel outside the states of Massachusetts or Vermont.**

Conditioning Ms. Öztürk's release on a requirement that she notify ICE of any overnight travel outside of Vermont or Massachusetts poses an unwarranted restriction on her right to travel. *See* Bail Hearing Transcript at 112:6-8 ("I am not going to put a travel restriction on her because, frankly, I don't find that she poses

any risk of flight.”); *see also* Dkt. No. 136 ¶ 9. Accordingly, this proposed condition should be rejected.

- 6. Not violating any local, State or Federal laws or ordinances, including but not limited to:**
  - a. 18 U.S.C. § 922(g)(5) (relating to possessions of firearms by aliens);**
  - b. 8 U.S.C. § 1302 (relating to registration as an alien);**
  - c. 8 U.S.C. § 1304(e) (relating to the need to carry proof of registration); and**
  - d. 8 U.S.C. § 1305(a) (relating to timely updating address changes).**

There is no evidence that Ms. Öztürk has violated any laws or that this Court’s intervention is required to enforce any pre-existing statutory requirements, to the extent they apply. Because the government has advanced no justification for this provision or any specific concern about Ms. Öztürk’s compliance with laws, this additional proposed condition should be rejected.

- 7. Assisting ICE in obtaining any necessary travel documents.**

This condition should be rejected as improper in that it does not define “necessary travel documents” or clarify what it means for ICE to “obtain” them. ICE is already in possession of Ms. Öztürk’s passport, presumably on the theory that it may one day need that passport in order to execute an order of removal. But the government does not contend that there is any danger that Ms. Öztürk would remain in the country beyond her authorized stay (there is not). Far from seeking a court order requiring Ms. Öztürk to provide unspecified assistance with additional travel documents, ICE should return her passport to Ms. Öztürk in order to allow her to participate in the domestic travel that this Court anticipated would

be required as part of her course of studies. *See* Bail Hearing Transcript at 112:6-12; *see also* Dkt. No. 136 ¶ 9.

**8. Prohibiting association with known gang members, criminal associates, or “any such activity.”**

There is no “legitimate case” for further infringement of Ms. Öztürk’s First Amendment right to freedom of association. Bail Hearing Transcript at 110:2-4. As this Court found:

There is absolutely no evidence that she has engaged in violence or advocated violence. She has no criminal record. She has done nothing other than essentially attend her university and expand her contacts within the community in such a supportive way. I do not find that any of the contacts that she’s had in the community create any danger or any risk of flight in my mind.

*Id.* at 111:18-24.

Furthermore, in the experience of Ms. Penberthy, “requiring an individual not to associate with certain groups or people is only ordered in cases involving allegations of coordinated criminal activity or harm directed toward specific groups or individuals.” Dkt. No. 136 ¶ 10. Because the Court has found no criminal activity or “harm toward specific groups or individuals in Ms. Öztürk’s case,” Ms. Penberthy does “not recommend this condition.” *Id.* The Court should reject this proposed condition.

**9. Continuing to follow any prescribed doctor’s orders whether medical or psychological including taking prescribed medication.**

Ordering Ms. Öztürk to submit to any and all prescribed medical treatments as a condition of her liberty is a significant violation of her fundamental rights. *See Cruzan by Cruzan v. Dir., Missouri Dep’t of Health*, 110 S. Ct. 2841, 2851 (1990) (“a competent person has a constitutionally protected liberty interest in refusing

unwanted medical treatment”). The government has introduced no evidence to suggest a compelling government purpose sufficient to overcome Ms. Öztürk’s right to make independent decisions about her own health in consultation with her healthcare providers.

Moreover, in Ms. Penberthy’s experience, such conditions are “only ordered in cases involving substance use disorder or psychological conditions that may impact an individual’s dangerousness or flight risk.” Dkt. No. 136 ¶ 11. Because there are no such allegations or findings here, such a condition is highly inappropriate. *See id.*

**10. Providing ICE with copies of correspondence to or from Embassies or Consulates regarding any requests for issuance of travel documents.**

Such a condition is inconsistent with this Court’s findings that Ms. Öztürk is not a flight risk and its determination that she be allowed to travel freely in the United States. *See* Bail Hearing Transcript at 112:6-8; *see also* Dkt. No. 136 ¶ 9. The Court should reject this condition as inconsistent with its prior findings and orders.

**CONCLUSION**

WHEREFORE, Petitioner Rümeysa Öztürk respectfully requests that this Court impose no additional conditions of release.

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