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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 EMAN ZAERI,

9 Petitioner,

10 v.

11 KRISTI NOEM, *et. al.*,

12 Respondents.
13

Case No. 2:25-cv-02219-CDS-NJK

PETITIONER’S STATUS REPORT

14
15 Petitioner, through undersigned counsel, respectfully submits this Status Report to
16 inform the Court of developments following the Court’s Order granting in part the writ of
17 habeas corpus and directing Petitioner’s release under the reinstated Order of Supervision.

18 **I. RELEASE FROM ICE CUSTODY**

19 On December 31, 2025, Respondents released Petitioner from ICE custody. Petitioner is
20 no longer physically detained and has returned to the community.

21 Petitioner acknowledges Respondents’ compliance with the Court’s directive to
22 effectuate his release.
23

24 **II. SERVICE OF FORM I-220A IN LIEU OF REINSTATEMENT OF PRIOR ORDER**
25 **OF SUPERVISION**

26 At the time of release, ICE did not reinstate Petitioner’s prior Order of Supervision
27 (Form I-220B), which governed Petitioner’s release for nearly five years preceding his re-
28

1 detention and which the Court ordered reinstated. Instead, ICE served Petitioner with Form I-
2 220A, Order of Release on Recognizance, and imposed conditions associated with that form.

3 This substitution is procedurally significant and raises concerns regarding compliance with the
4 Court's Order and the governing statutory and regulatory framework.
5

6 Form I-220A is the release instrument used for individuals in ongoing removal
7 proceedings whose custody is governed by 8 U.S.C. § 1226. It does not apply to individuals
8 subject to final orders of removal who are released from post-order detention. Individuals in
9 Petitioner's posture—those ordered removed and released from custody after the removal
10 period—are supervised pursuant to 8 U.S.C. § 1231(a)(3) and the implementing regulations at 8
11 C.F.R. §§ 241.4 and 241.5, which contemplate release under an Order of Supervision (Form I-
12 220B).
13

14 Petitioner is not in pending removal proceedings. His removal order became final years
15 ago, and both his detention and release are governed exclusively by the post-order detention
16 framework. The Court's habeas ruling addressed that framework and ordered release under the
17 reinstated Order of Supervision that previously applied to Petitioner.
18

19 **III. IMPOSITION OF ATD/ISAP MONITORING AS A CONDITION OF RELEASE**

20 In addition to serving Form I-220A, the new release order requires Petitioner to
21 participate in the Alternatives to Detention ("ATD") program, including reporting for an ISAP
22 check-in to be fitted with an electronic ankle monitor.
23

24 This requirement was **not** a condition of Petitioner's prior Order of Supervision, under
25 which he lived compliantly in the community for nearly five years. Nor was electronic
26 monitoring referenced or authorized in the Court's Order granting the writ and reinstating the
27 prior OSUP.
28

1 The imposition of ATD monitoring materially alters the conditions of Petitioner's
2 release and imposes a level of restraint approaching custodial control. This is particularly
3 concerning given that:

- 4 1. Petitioner has been granted deferral of removal under the Convention Against Torture;
- 5 2. Respondents have acknowledged that no third country has been identified for removal;
- 6 3. No travel documents exist; and
- 7 4. The Court has already determined that continued detention was unlawful.

8 Under these circumstances, electronic monitoring appears excessive and inconsistent
9 with the purpose of post-order supervision, which is to ensure availability for removal where
10 removal is reasonably foreseeable. Where no removal pathway has been identified, and where
11 Petitioner has a long history of compliance under far less restrictive conditions, the addition of
12 ankle-monitoring raises substantial questions regarding whether Respondents have implemented
13 the Court's Order in the manner directed.

14 **IV. UPDATED STATUS REPORT REGARDING REMOVAL**

15 Petitioner further notes that Respondents previously filed an Updated Status Report
16 asserting that DHS is "actively working" to identify a third country for removal, while
17 acknowledging that no third country has been identified and that no travel documents have been
18 completed.

19 As of the date of this filing:

- 20 1. No third country has been identified;
- 21 2. No travel documents have been produced;
- 22 3. Petitioner has not received notice of any proposed country of removal; and
- 23 4. Petitioner has not been afforded any opportunity to seek protection related to third-
24 country removal.

1 Petitioner submits this information to ensure transparency and to preserve the integrity
2 of the Court's habeas ruling, which ordered release under supervision rather than continued
3 custodial or quasi-custodial control.

4 **V. PURPOSE OF THIS STATUS REPORT**

5
6 Petitioner submits this Status Report to inform the Court of post-release developments
7 and to avoid ambiguity regarding compliance with the Court's Order. Petitioner does not allege
8 contempt and does not suggest that Respondents have acted in bad faith. Rather, Petitioner
9 respectfully seeks clarification to ensure that supervision proceeds under the correct statutory
10 and regulatory framework and that the relief granted by the Court is not diluted through the
11 imposition of new, more restrictive conditions.

12
13 Petitioner will file a Motion to Enforce and Clarify the Court's Order seeking limited
14 clarification regarding the proper form of supervision and the scope of Respondents' authority
15 following issuance of the writ if the Court deems it necessary.

16 **VI. CONCLUSION**

17
18 Petitioner remains committed to full compliance with lawful supervision and will attend
19 his ISAP appointment scheduled for January 22, 2026 unless otherwise directed by this Court.
20 Petitioner submits this Status Report to assist the Court in overseeing compliance with its Order
21 and to prevent further disputes arising from procedural ambiguity.

22 DATED this 15th day of January, 2026.

23
24 Respectfully Submitted,

25 SHAMOON ELIADES, LLP

26 /s/ Michael T. Shamoan
27 Michael T. Shamoan, Esq.
28 Nevada Bar. No. 15324
Attorney for Petitioner

Certificate of Service

I hereby certify that on January 15, 2025, I electronically filed the foregoing with the Clerk of the Court for the United States District Court, District of Nevada by using the CM/ECF system. All participants in the case are registered CM/ECF users and will be served by the CM/ECF system.

s/ Michael T. Shamoon

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