

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

GOLNAZ ZAMANPOUR,

MAHSA KARIMAGHAEI;

*Petitioners,*

v.

ORLANDO PEREZ, in his official capacity as  
Warden of the Laredo Processing Center,

MIGUEL VERGARA, in his official capacity as  
Field Office Director of the Harlingen Field  
Office, Immigration and Customs Enforcement,

KRISTI NOEM, in her official capacity as  
Secretary of the United States Department of  
Homeland Security, and

PAMELA BONDI, in her official capacity as  
Attorney General of the United States Department  
of Justice;

*Respondents.*

**EMERGENCY MOTION TO  
AWARD THE WRIT OR ISSUE AN  
ORDER TO SHOW CAUSE**

Case No.: 5:25-cv-00224

**TABLE OF CONTENTS**

	<b>Page</b>
INTRODUCTION .....	1
BACKGROUND .....	3
ARGUMENT .....	4
I. THE COURT SHOULD EITHER GRANT THE WRIT OR ORDER RESPONDENTS TO SHOW CAUSE WHY MS. ZAMANPOUR AND MS. KARIMAGHAEI’S HABEAS PETITION SHOULD NOT BE GRANTED.....	4
II. THE COURT SHOULD ENJOIN RESPONDENTS FROM TRANSFERRING MS. ZAMANPOUR AND MS. KARIMAGHAEI OUTSIDE THE COURT’S JURISDICTION AND SHOULD REQUIRE ADEQUATE NOTICE BEFORE ANY ATTEMPTED REMOVAL. ....	7
CONCLUSION.....	9

**TABLE OF AUTHORITIES**

	<b>Page</b>
<b>CASES</b>	
<i>AARP v. Trump</i> , 605 U.S. 91 (2025).....	3
<i>Bichara v. Vasquez</i> , Order, No. 5:25-cv-00126 (S.D. Tex. Sep. 22, 2025), Dkt. No. 3 .....	7
<i>Bohorquez Murcia v. Douglass</i> , No. 25-cv-01825, 2025 WL 3080427 (S.D. Ind. Nov. 4, 2025).....	6
<i>Cavieres Gomez v. Mattos</i> , No. 25-cv-00975, 2025 WL 3101994 (D. Nev. Nov. 6, 2025).....	6
<i>Chen v. Noem</i> , Order, No. 5:25-cv-00150 (S.D. Tex. Sep. 16, 2025), Dkt. No. 5 .....	7
<i>Clark v. Suarez Martinez</i> , 543 U.S. 371 (2005).....	4, 5
<i>J.A.V. v. Trump</i> , 780 F. Supp. 3d 705 (S.D. Tex. 2025) .....	8
<i>Jackson v. Indiana</i> , 406 U.S. 715 (1972).....	4
<i>Lemos Correia v. U.S. Immigr. &amp; Customs Enf’t</i> , No. 24-CV-3105, 2025 WL 2957806 (N.D. Tex. Oct. 9), <i>R. &amp; R. adopted</i> , No. 3:24-CV-3105-N-BW, 2025 WL 2962569 (N.D. Tex. Oct. 20, 2025).....	8
<i>M.A.P.S. v. Garite</i> , 786 F. Supp. 3d 1026 (W.D. Tex. 2025).....	7
<i>Misirbekov v. Venegas</i> , No. 25-cv-00168, 2025 WL 3033732 (S.D. Tex. Oct. 29, 2025) .....	5
<i>N.Z.M. v. Wolf</i> , No. 20-CV-24, 2020 WL 2813557 (S.D. Tex. May 28, 2020).....	4

*Nieto-Ramirez v. Holder*,  
 583 F. App’x 330 (5th Cir. 2014) .....8

*Padron Covarrubias v. Vergara*,  
 No. 5:25-cv-00112 (S.D. Tex. Sep. 25, 2025) .....2, 7, 8

*Paiva Alves v. DOJ*,  
 No. EP-25-CV-306, 2025 WL 2629763 (W.D. Tex. Sep. 12, 2025).....8

*Platas Acros v. Noem*,  
 No. 4:25-cv-04599 (S.D. Tex. Sept. 29, 2025).....7

*Trejo Trejo v. Warden of ERO El Paso E. Montana*,  
 No. 25-CV-401, --- F. Supp. 3d ---, 2025 WL 2992187 (W.D. Tex. Oct. 24,  
 2025) .....5, 6

*Sagastizado Sanchez v. Noem*,  
 Order, No. 5:25-cv-00104 (S.D. Tex. June 26, 2025), Dkt. No. 3.....2, 6, 7

*Vargas Istamo v. Perez*,  
 Order, No. 5:25-cv-00186 (S.D. Tex. Oct. 21, 2025), Dkt. No. 5 .....2, 7

*Zadvydas v. Davis*,  
 533 U.S. 678 (2001).....1, 4, 5

**STATUTES**

8 U.S.C. § 1231 .....4

Federal Habeas Corpus Statute, 28 U.S.C. § 2243 .....2, 6, 7

50 U.S.C. § 21 .....8

All Writs Act, 28 U.S.C. § 1651 .....2, 7, 8

**OTHER AUTHORITIES**

U.S. CONST. art. V.....1

## INTRODUCTION

Petitioners, Golnaz Zamanpour (“Ms. Zamanpour”) and Mahsa Karimaghvae (“Ms. Karimaghvae”)—a mother and daughter, respectively—have been detained at the Laredo Processing Center for nearly eleven months, and now more than six months after an Immigration Judge (“IJ”) granted them withholding of removal and Convention Against Torture (“CAT”) protection, prohibiting their removal to their home country of Iran. Meanwhile, they have received no indication that their removal from the United States is reasonably foreseeable. Ms. Zamanpour and Ms. Karimaghvae’s continued detention is unreasonable under both statutory and constitutional law. They thus challenge their continued detention as a violation of the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment to the U.S. Constitution. *See* Emergency Pet. for Writ of Habeas Corpus (the “Petition”), Dkt. No. 1; U.S. CONST. art. V; *see also Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (noting that immigration detainees are civil detainees and, under the Fifth Amendment, there is “no sufficiently strong special justification” for indefinite detention); *Zadvydas* at 701 (noting that the presumptively reasonable post-removal detention period under the INA is six months and that, after six months, “once an alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must furnish evidence sufficient to rebut that showing”).<sup>1</sup>

In light of their unreasonable detention under both constitutional and statutory law, Ms. Zamanpour and Ms. Karimaghvae request that the Court immediately grant the writ. In the alternative, they request that the Court:

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<sup>1</sup> This petition is being filed on an emergency basis due to the length of Ms. Zamanpour and Ms. Karimaghvae’s post-order detention and given the unknown but irreparable risk of removal to a third country without adequate notice from the government.

- (1) Serve a copy of their Emergency Petition, its accompanying exhibits, this Emergency Motion, and its accompanying Proposed Order upon the U.S. Attorney's Office for the Southern District of Texas. *Cf.* Order, *Sagastizado Sanchez v. Noem*, No. 5:25-cv-00104 (S.D. Tex. June 26, 2025) (dos Santos, J.), Dkt. No. 3 (ordering respondents to respond to petitioner's petition, and ordering the Clerk of Court to serve copies of the case documents on respondents via certified mail).
- (2) Issue an order directing Respondents to show cause, within three days, why the writ should not be granted. 28 U.S.C. § 2243.
- (3) Under the jurisdiction granted to this Court by the All Writs Act, enjoin Respondents from transferring Ms. Zamanpour or Ms. Karimaghaee outside this Court's jurisdiction. 28 U.S.C. § 1651.
- (4) Require Respondents to provide, to Ms. Zamanpour and Ms. Karimaghaee, their undersigned counsel, and this Court, at least ten days' written notice of the name of the proposed country of removal, and confirmation that the third country has agreed to accept them, before initiating any removal of Ms. Zamanpour or Ms. Karimaghaee. *Cf.* Order at 2–3, *Vargas Istamo v. Perez*, No. 5:25-cv-00186 (S.D. Tex. Oct. 21, 2025) (Kazen, J.), Dkt. No. 5 (ordering respondents to notify petitioner's counsel of any planned removal of petitioner outside the United States at least ten days before such removal); Order, *Padron Covarrubias v. Vergara*, No. 5:25-cv-00112 (S.D. Tex. Sep. 25, 2025) (Kazen, J.), Dkt. 23 (requiring the same, but with five days' notice).

## BACKGROUND

In December 2024, Ms. Zamanpour and Ms. Karimaghvae entered the United States after fleeing Iran based on a fear of persecution and torture. Pet., Dkt. No. 1 ¶ 21. They then filed for asylum, withholding of removal, and CAT protection. On May 21, 2025, an IJ in Laredo, Texas ordered Ms. Zamanpour and Ms. Karimaghvae removed but granted their request for withholding of removal and CAT protection, thereby prohibiting their removal to Iran. *Id.* ¶¶ 22–23. The IJ did not designate an alternate country of removal. *Id.* ¶ 22. Although the IJ indicated at the hearing that Ms. Zamanpour and Ms. Karimaghvae would likely be released within five days of the IJ’s order, both have remained in the continuous custody of the Department of Homeland Security, now more than six months after the IJ granted them relief. *Id.* ¶¶ 24, 56.<sup>2</sup> Ms. Zamanpour and Ms. Karimaghvae have repeatedly addressed their case status with deportation officers but, to date, the government has failed to identify any country willing to accept Ms. Zamanpour and Ms. Karimaghvae, provide notice of any intent to remove them from the United States, or initiate any removal efforts. *Id.* ¶¶ 25–26, 49.

Despite the government’s inaction, Ms. Zamanpour and Ms. Karimaghvae are concerned that the present Petition may prompt the government to hastily remove them from the United States without their entitled due process. *See AARP v. Trump*, 605 U.S. 91, 94 (2025) (“[T]he Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.”) (citation omitted). Accordingly, in addition to their request that the Court order their release from unconstitutional detention, Ms. Zamanpour and Ms. Karimaghvae also seek emergency relief from the Court to prevent any removal efforts, thereby securing access to due process.

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<sup>2</sup> Ms. Zamanpour’s and Ms. Karimaghvae’s declarations note that they have been detained for 154 days since the IJ’s order. *See* Dkt. No. 1-2 ¶ 13; Dkt. No. 1-3 ¶ 13. They executed those declarations on October 22, 2025, but have remained in continuous detention since. Thus, as of this filing, they have now been detained for 181 days after the IJ’s May 21, 2025, Order and over 320 days since initially entering detention.

## ARGUMENT

### I. THE COURT SHOULD EITHER GRANT THE WRIT OR ORDER RESPONDENTS TO SHOW CAUSE WHY MS. ZAMANPOUR AND MS. KARIMAGHAEI'S HABEAS PETITION SHOULD NOT BE GRANTED.

The Court should grant Ms. Zamanpour and Ms. Karimaghaei's Emergency Petition for Writ of Habeas Corpus and order them released from detention, as their continued, indefinite detention violates their statutory rights under the INA and their constitutional rights under the Fifth Amendment's Due Process Clause.

The INA affords the government a 90-day period to detain and remove a noncitizen after an immigration court enters a final order of removal. 8 U.S.C. § 1231(a). That 90-day period may only be exceeded “for so long as is reasonably necessary to achieve removal.” *Clark v. Suarez Martinez*, 543 U.S. 371, 371 (2005). Courts presume detention for up to six months reasonable; beyond that, if the noncitizen “provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future,” *Zadvydas*, 533 U.S. at 701, the government must demonstrate that continued detention remains “reasonably necessary” to achieve removal. *See id.* at 699–701; *Clark*, 543 U.S. at 371. Otherwise, the noncitizen is “eligible for conditional release.” *See Clark* at 378 (citing *Zadvydas*, 533 U.S. at 701).

The Fifth Amendment's Due Process Clause prohibits the indefinite detention of a non-citizen absent a “reasonable relation” to a nonpunitive governmental purpose. *See Zadvydas*, 533 U.S. at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Although the “basic purpose [of] effectuating an alien's removal” is legitimate, *Zadvydas*, 533 U.S. at 697, that justification has limits. *Cf. N.Z.M. v. Wolf*, No. 20-CV-24, 2020 WL 2813557, at \*2 (S.D. Tex. May 28, 2020) (Marmolejo, J.) (“[I]n cases involving removable aliens, . . . unjustified, *indefinite* detention violates due process.”) (emphasis added) (citing *Zadvydas*, 533 U.S. at 692–93).

Here, the government has exceeded its limits. Ms. Zamanpour and Ms. Karimaghvae's more than six-month detention (i.e., over 180 days post-removal order) surpasses both the INA's 90-day removal period and the presumptively reasonable period established by *Zadvydas*. 533 U.S. at 701. And there is "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Id.* Since their detention, the government has not identified any country willing to accept Ms. Zamanpour and Ms. Karimaghvae. It has failed to provide notice of any intent to remove them from the United States. And it has not taken any affirmative steps to initiate removal. *See id.*; Dkt. No. 1 ¶¶ 26, 49; *see also Trejo Trejo v. Warden of ERO El Paso E. Montana*, No. 25-CV-401, --- F. Supp. 3d ----, 2025 WL 2992187, at \*5 (W.D. Tex. Oct. 24, 2025) (finding that petitioner met initial *Zadvydas* burden by demonstrating that he was granted CAT protection prohibiting removal to his home country, that he was not a citizen of any other country, and that the government had not affirmatively identified a third country willing to accept him). Ms. Zamanpour and Ms. Karimaghvae's continued detention is no longer "reasonably necessary to achieve removal" and therefore violates the INA. *See Clark*, 543 U.S. at 378 ("Once removal is no longer reasonably foreseeable, continued detention is no longer authorized.") (quoting *Zadvydas*, 533 U.S. at 699). Likewise, their continued detention is also unconstitutional because the government's inaction for more than six months demonstrates that their detention is not reasonably related to the stated purpose of "effectuating an alien's removal." *See Zadvydas*, 533 U.S. at 690, 697.

This Court has recently found due process violations in similar circumstances. Just last week, the Court granted a habeas petition in favor of a noncitizen granted withholding of removal to El Salvador after the government detained him for more than six consecutive months and, despite indicating that Mexico agreed to accept him, had not "demonstrated that they have taken

steps to lawfully remove him” there. *See Sagastizado*, Dkt. No. 29 at 2, 18. And less than a month ago, this Court granted a habeas petition in favor of a noncitizen previously granted withholding of removal after the government detained the petitioner for nine consecutive months following the IJ’s removal order. *See Misirbekov v. Venegas*, No. 25-cv-00168, 2025 WL 3033732, at \*2 (S.D. Tex. Oct. 29, 2025) (Olvera, J.). The government failed to perform the petitioner’s 90-day and 180-day detention reviews, and that, combined with the government’s apparent “lack of progress” in identifying a third country, led this Court to find the petitioner’s release “proper under both *Zadvydas* and the Fifth Amendment.” *Id.* That decision comes on the heels of a wave of recent successful habeas petitions presenting similar facts in this and other courts. *See Cavieres Gomez v. Mattos*, No. 25-cv-00975, 2025 WL 3101994, at \*5 (D. Nev. Nov. 6, 2025) (granting habeas petition in favor of Chilean noncitizen granted withholding of removal after government detained him nearly eight months post-removal because petitioner “identified a barrier preventing him from being repatriated to Chile, has demonstrated that he is not a citizen of any other country, and that ICE has not identified a third country that will accept him”); *Bohorquez Murcia v. Douglass*, No. 25-cv-01825, 2025 WL 3080427, at \*2 (S.D. Ind. Nov. 4, 2025) (granting habeas petition in favor of noncitizen detained for eight months after entry of removal order where government did not tender any evidence of plans to remove petitioner); *Trejo*, 2025 WL 2992187, at \*6, \*11 (granting, in part, habeas petition in favor of noncitizen granted CAT protection after government detained him for seven months while seeking third country removal, but amounted only to pending requests with third countries).

Continued violations of the INA and Due Process Clause permit the Court, at minimum, to order the Respondents to show cause as to why the writ should not be granted. *See* 28 U.S.C. § 2243 (directing that a court “entertaining an application for a writ of habeas corpus shall

forthwith award the writ or issue an order directing the respondent to show cause why the writ should not be granted, unless it appears from the application that the applicant or person detained is not entitled thereto”). Given the time-sensitive nature of the requested relief, and the risk of compounded statutory and constitutional violations, the Court should order a response within three days. *See id.* (noting that when a court “direct[s] the respondent to show cause why the writ should not be granted,” the respondent shall do so “within three days unless for good cause additional time, not exceeding twenty days, is allowed.”).

Courts in this District, especially of late, frequently issue these show cause orders when immigration detainees seek a writ based on unconstitutionally prolonged detention. *See, e.g., Vargas*, Dkt. No. 5 at 2–3; *Padron*, Dkt. No. 6; *Sagastizado*, Dkt. No. 3; *Platas Acros v. Noem*, No. 4:25-cv-04599 (S.D. Tex. Sept. 29, 2025), Dkt. No. 3; Order at 1, *Bichara v. Vasquez*, No. 5:25-cv-00126 (S.D. Tex. Sep. 22, 2025) (dos Santos, J.), Dkt. No. 3; *Chen v. Noem*, No. 5:25-cv-00150 (S.D. Tex. Sep. 16, 2025) (dos Santos, J.), Dkt. No. 5. This Court should follow suit.

**II. THE COURT SHOULD ENJOIN RESPONDENTS FROM TRANSFERRING MS. ZAMANPOUR AND MS. KARIMAGHAEI OUTSIDE THE COURT’S JURISDICTION AND SHOULD REQUIRE ADEQUATE NOTICE BEFORE ANY ATTEMPTED REMOVAL.**

To protect Ms. Zamanpour and Ms. Karimaghaei’s due process rights, the Court should also maintain the status quo by enjoining Respondents from transferring Ms. Zamanpour or Ms. Karimaghaei outside the Court’s jurisdiction, and should further require Respondents to provide at least ten days’ written notice of the third country, and confirmation that the third country has agreed to receive them, before initiating any removal. Under the All Writs Act, 28 U.S.C. § 1651, a court may enjoin conduct “which left unchecked, would have . . . the practical effect of diminishing the court’s power to bring the litigation to a natural conclusion.” *M.A.P.S. v. Garite*, 786 F. Supp. 3d 1026, 1061 (W.D. Tex. 2025) (citation omitted). That applies here. The requested

relief is necessary for due process, preserves the status quo, and maintains this Court’s jurisdiction as it considers Ms. Zamanpour and Ms. Karimaghaee’s petition in due course.

Courts, including those in this District, have utilized the All Writs Act to enjoin the government from transferring petitioners outside the United States during the pendency of their habeas proceedings. *See Padron*, Dkt. No. 23 (ordering respondents to notify petitioner’s counsel of any planned removal of petitioner “[t]o preserve the status quo while the Court considers this matter”); *see also J.A.V. v. Trump*, 780 F. Supp. 3d 705, 708 (S.D. Tex. 2025) (Rodriguez, J.) (enjoining removal of any individual designated as an alien enemy under 50 U.S.C. § 21 and detained in the Southern District of Texas to afford the Court the “ability to consider the request for a preliminary injunction and other forms of relief”); *Paiva Alves v. DOJ*, No. EP-25-CV-306, 2025 WL 2629763, at \*5 (W.D. Tex. Sep. 12, 2025) (enjoining the government from removing petitioner from the country “during the pendency of this [habeas] Petition” and collecting cases where other courts held similarly). The step is necessary—even crucial—because a petitioner removed from the United States would be “unable to seek habeas relief.” *J.A.V.*, 780 F. Supp. 3d at 708; *cf. Nieto-Ramirez v. Holder*, 583 F. App’x 330, 331 (5th Cir. 2014) (finding petitioner’s habeas petition mooted by the petitioner’s removal to Mexico); *Lemos Correia v. U.S. Immigr. & Customs Enf’t*, No. 24-CV-3105, 2025 WL 2957806, at \*1 (N.D. Tex. Oct. 9) (same); *R. & R. adopted*, No. 24-CV-3105, 2025 WL 2962569 (N.D. Tex. Oct. 20, 2025).

While the government has not presented any plans to effectuate Ms. Zamanpour and Ms. Karimaghaee’s removal, as immigration detainees subject to current ICE directives, they face a palpable threat of cursory removal from the United States at any moment. And should the government proceed with removal, this Court would lose the ability to adjudicate their habeas claims. To ensure this Court retains jurisdiction to properly consider the merits, the Court should

use its power under the All Writs Act to enjoin Respondents from removing Ms. Zamanpour and Ms. Karimaghaee outside of this Court's jurisdiction and further order Respondents to provide them, this Court, and their undersigned counsel with at least ten days' written notice, including the name of the proposed country of removal and confirmation that the third country has agreed to accept them, before initiating any removal.

### CONCLUSION

Ms. Zamanpour and Ms. Karimaghaee respectfully request that the Court promptly grant this motion.

Dated: November 18, 2025

*s/ Micah Doak*

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*Pro Bono Counsel for Petitioners*

**CERTIFICATE OF CONFERENCE**

Pursuant to 3.A.1., 6.A.1. and 6.A.2. of this Judge's Court Procedures in Civil Cases, undersigned counsel states that Petitioners' habeas petition was filed today, and service of process is pending in that the undersigned has mailed the habeas petition to the U.S. Attorney's Office and the other entities required under Fed. R. Civ. P. 4(i) on the same day the habeas petition was filed. Thus, the undersigned has not had an opportunity to know who the government will assign to this matter and, consequently, has not been able to confer with opposing counsel about this motion.

*s/ Micah Doak*

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 18 day of November 2025, I electronically filed the foregoing Emergency Motion to Award the Writ or Issue an Order to Show Cause with the Clerk of the Court using the CM/ECF system, and served a copy of such filing via mail and/or electronic mail upon:

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS**

GOLNAZ ZAMANPOUR,

MAHSA KARIMAGHAEI;

*Petitioners,*

v.

ORLANDO PEREZ, in his official capacity as  
Warden of the Laredo Processing Center,

MIGUEL VERGARA, in his official capacity as  
Field Office Director of the Harlingen Field  
Office, Immigration and Customs Enforcement,

KRISTI NOEM, in her official capacity as  
Secretary of the United States Department of  
Homeland Security, and

PAMELA BONDI, in her official capacity as  
Attorney General of the United States Department  
of Justice;

*Respondents.*

**[PROPOSED] ORDER TO SHOW  
CAUSE**

Case No.:

THIS CAUSE comes before the Court upon review of Petitioners' Emergency Motion to Award the Writ or Issue an Order to Show Cause. This Court has considered the Motion, the pertinent portion of the record, and being otherwise fully advised of the premises, it is:

**ORDERED** that the Motion shall be granted. The Clerk is directed to serve Petitioners' Emergency Petition for a Writ of Habeas Corpus (Dkt. No. 1), the Emergency Petition's accompanying Exhibits (Dkt No. 1-1, Dkt. No. 1-2, Dkt. No. 1-3, Dkt. No. 1-4, Dkt No. 1-5, Dkt No. 1-6, Dkt No. 1-7), Petitioners' Emergency Motion, and a copy of this Order upon the United States Attorneys' Office for the Southern District of Texas.

**IT IS FURTHER ORDERED** that, following service, Respondents shall submit a response to Petitioners' Emergency Petition and serve it on Petitioner on or before \_\_\_\_\_, which is between the three-to-twenty day time period contemplated by 28 U.S.C. § 2243.

**IT IS FURTHER ORDERED** that, to maintain the status quo while the Court considers Petitioners' habeas petition and to preserve this Court's jurisdiction, Respondents may not transfer either Petitioner outside of this Court's jurisdiction, and Respondents must provide at least ten days' written notice, including the name of the proposed country of removal and confirmation that the third country has agreed to accept the individual Petitioner, to Petitioners, their undersigned counsel, and this Court, before initiating any removal.

**IT IS SO ORDERED.**

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**UNITED STATES DISTRICT JUDGE**