

**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.

**PETITIONERS' OBJECTION TO
THE ELECTRONIC
MONITORING REQUIREMENT
IN THEIR ORDERS OF
SUPERVISION**

Case No.: 5:25-cv-00224

Pursuant to the Court's December 24, 2025, Memorandum Opinion and Order (the "Order"), Dkt. No. 24, the Parties submitted a Status Report to confirm Petitioners Golnaz Zamanpour ("Ms. Zamanpour") and Mahsa Karimaghaei's ("Ms. Karimaghaei") release from custody and advise the Court of the conditions of their release. Dkt. No. 25. In that Report, Ms. Zamanpour and Ms. Karimaghaei reserved their right to object to individual conditions of release and indicated that they intended to submit a separate filing for the Court's consideration regarding their objection to the electronic monitoring requirement in their Orders of Supervision ("OSUP"). *See id.* Ms. Zamanpour and Ms. Karimaghaei dispute the necessity and lawfulness of the OSUPs'

electronic monitoring requirement because the Government has not articulated any individualized, evidence-based reason to impose electronic monitoring as a condition of supervision, as required by the 5th Circuit. Ms. Zamanpour and Ms. Karimaghvae briefly support their objection as follows:

1. On December 24, 2025, this Court ordered Ms. Zamanpour and Ms. Karimaghvae released from custody subject to reasonable conditions of supervision. Dkt. No. 24.
2. Ms. Zamanpour and Ms. Karimaghvae were released from the Laredo Processing Center on December 24, 2025. Dkt. No. 25.
3. Ms. Zamanpour and Ms. Karimaghvae were released from the Laredo Processing Center, each with GPS monitors fixed to one of their ankles.
4. Ms. Zamanpour's and Ms. Karimaghvae's OSUPs each require that they be "subject to electronic monitoring" through the Alternatives to Detention ("ATD") program. *See* Dkt. No. 25 at 9, 16. A noncitizen remains in custody sufficient for habeas relief when released subject to continuous GPS monitoring. *See Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 68 (D. Mass. 2025) (finding that released noncitizen who was "required to wear a 24/7 GPS device on his ankle which allows ICE to monitor him constantly[,]” among other conditions, was in custody for purposes of habeas relief).
5. Ms. Zamanpour and Ms. Karimaghvae acknowledge that an OSUP can require noncitizens to "obey reasonable written restrictions on [their] conduct or activities." 8 U.S.C. § 1231(a)(3); *see also Ahmed v. Tate*, No. 19-CV-4889, 2020 WL 3402856, at *4 (S.D. Tex. June 19, 2020) ("The Supreme Court in *Zadvydas* specifically reaffirmed the right of Congress and the Executive Branch to place aliens who are subject to removal under supervision with restrictive conditions.”).

6. Ms. Zamanpour and Ms. Karimaghvaei also recognize that electronic monitoring can be a reasonable restriction when it is “rationally related to the government’s interest in monitoring aliens under a final removal order and protecting the community.” *Gozo v. Mayorkas*, No. 23-CV-159, 2024 WL 2027510, at *4 (S.D. Tex. Mar. 4, 2024); *see also* 8 C.F.R. § 241.13(h) (ICE may impose “appropriate conditions” designed to “protect the public safety” and promote ICE’s ability to effectuate a noncitizen’s removal).
7. However, the Fifth Circuit engages in an individualized assessment in determining whether person-specific risk factors justify electronic monitoring as a condition of supervision. *See United States v. Miller*, 530 F. App’x 335, 337–38 (5th Cir. 2013) (evaluating a district court’s imposition of GPS monitoring on defendant and concluding that risks imposed by defendant’s criminal history outweighed impairments to the defendant’s liberty and privacy).
8. Here, the government offers no evidence of flight, danger, noncompliance, or any individual basis to justify electronically monitoring Ms. Zamanpour and Ms. Karimaghvaei. On this basis, electronic monitoring is an unnecessary and burdensome restraint on Ms. Zamanpour and Ms. Karimaghvaei’s liberty that lacks individualized, evidence-based support. Current ICE directives sanction this indiscriminate approach. *See Douglas MacMillan & Silvia Foster-Frau, ICE Moves to Shackle Some 180,000 Immigrants with GPS Ankle Monitors*, WASH. POST (July 24, 2025), <https://www.washingtonpost.com/immigration/2025/07/24/ice-check-in-ankle-monitor-immigrants/> (reporting a June 9, 2025, memo from ICE to ISAP contractors directing that they place ankle monitors on all people enrolled in ISAP “whenever possible”); *see also* Ex. 1.

9. The face of the OSUPs further demonstrate that the government did not support the electronic monitoring restriction with an individual assessment. The check-box nature of the form lacks any independent explanation or justification supporting the restriction, and the government has not otherwise offered Ms. Zamanpour and Ms. Karimaghvaei reason why the restriction is rationally related to community protection.
10. In the parties' joint status report, the Government posits that 28 U.S.C. § 1226(e) strips the Court of jurisdiction to consider the reasonableness of the ankle monitor conditions. *See* Dkt. No. 25 at 1. But § 1226(e) does not apply here. That section grants the Attorney General detention and release authority "pending a decision on whether the [noncitizen] is to be removed from the United States." § 1226(a). An immigration judge already determined Ms. Zamanpour and Ms. Karimaghvaei's removability. As noncitizens with final removal orders who cannot currently be removed, Ms. Zamanpour and Ms. Karimaghvaei are not among the class of noncitizens § 1226 covers, and any conditions of release are now made pursuant to 8 U.S.C. § 1231, which lacks a jurisdiction-stripping provision comparable to § 1226(e).
11. Accordingly, Ms. Zamanpour and Ms. Karimaghvaei request that this Court strike the electronic monitoring condition from their OSUPs and direct Respondents to remove the attached ankle monitoring devices.

Conclusion

The government's indiscriminate imposition of the electronic monitoring condition does not satisfy its obligations under the law. Because Ms. Zamanpour and Ms. Karimaghvaei present no flight risk, have no record of criminal conduct, and do not otherwise present a cognizable danger to the community, the Court should strike the electronic monitoring requirement from their OSUPs

and order Respondents to remove their ankle monitors. At minimum, the government should be ordered to submit specific, record-supported findings for the electronic monitoring condition that it seeks to maintain.

Dated: December 30, 2025

/s/ Micah Doak

Micah Doak (Attorney in Charge)
Bar No. 24097607
SDTX Fed. No. 2799047
JONES DAY
717 Texas, Suite 3300
Houston, Texas 77002
Office: +1.832.239.3939
Facsimile: +1.832.239.3600

Lisa Furby
Pro Hac Vice
JONES DAY
110 North Wacker Suite 4800
Chicago, Illinois 60606
Office: +1.312.782.3939
Facsimile: +1.312.782.8585

Amelia A. DeGory
Pro Hac Vice
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001
Office: +1.202.879.3813
Facsimile: +1.202.626.1700

Pro Bono Counsel for Petitioners

CERTIFICATE OF SERVICE

I certify that on the 30th day of December, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will provide notice to all counsel of record. I further certify that a copy of the foregoing has been mailed via USPS First Class Mail to all parties who do not receive CM/ECF notifications.

/s/ Micah Doak

Micah Doak (Attorney in Charge)
Bar No. 24097607
SDTX Fed. No. 2799047
JONES DAY
717 Texas, Suite 3300
Houston, Texas 77002
Office: +1.832.239.3939
Facsimile: +1.832.239.3600

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Office: +1.312.782.3939
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Pro Bono Counsel for Petitioners