

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

GOLNAZ ZAMANPOUR, <i>et al.</i> , <i>Petitioners</i> ,	§ § § § § § § §	v. CIVIL ACTION NO. 5:25-cv-00224
KRISTI NOEM, Secretary of Homeland Security, <i>et al.</i> , <i>Respondents</i> .		

**RESPONDENTS’ RESPONSE IN OPPOSITION TO PETITIONERS’ OBJECTION TO
THE ELECTRONIC MONITORING REQUIREMENT IN THEIR ORDERS OF
SUPERVISION**

Respondents, Kristi Noem, Secretary of Homeland Security, *et al.*,¹ file this response in opposition to Petitioners’ Objection to the Electronic Monitoring Requirement in their Orders of Supervision (Dkt. No. 26). Petitioners, Golnaz Zamanpour and Mahsa Karimaghvae, are subject to a final removal order awaiting their removal from the United States to a third country.

Petitioners challenge the Department of Homeland Security’s Immigration and Customs Enforcement’s (“ICE”) decision to place Petitioners in the Alternatives to Detention (“ATD”) program, subjecting Petitioners to ankle monitoring conditions and reporting requirements under ICE’s ATD program that Furthermore, Petitioners, as aliens under final removal orders, have no fundamental liberty interest under the Constitution. Lastly, the ankle monitoring condition under ICE’s ATD program is rationally related to a legitimate government interest.

¹ Respondents note that the proper respondent in a habeas petition is the person with custody over the petitioners. 28 U.S.C. § 2242; *see also* § 2243; *Rumsfeld v. Padilla*, 542 U.S. 426, 435 (2004). Since the filing of the Petition, Petitioners have remained in the U.S. Immigration and Customs Enforcement (“ICE”) federal facility in Laredo, Webb County, Texas. Dkt. No. 1, ¶¶ 10, 14; Dkt. No. 21-1, ¶¶ 1-3 (Unsworn Declaration of ICE Supervisory Deportation Officer Juan M. Garza). That said, it is the originally named federal respondents, not Orlando Perez, the named warden in this case, who make the custodial decisions regarding aliens detained in immigration custody under Title 8 of the United States Code.

Accordingly, for these reasons and for the reasons below, the Court should deny Petitioners' Objection to the Electronic Monitoring Requirement in their Orders of Supervision (Dkt. No. 26).

BACKGROUND

Petitioners are mother and daughter, natives and citizens of Iran, who entered the United States at or near San Ysidro, California on or about December 28, 2024. After being encountered by immigration officials, removal proceedings for Petitioners commenced and Petitioners were transferred to the Laredo Processing Center in Laredo, Webb County, Texas on January 3, 2025.

On May 21, 2025, an Immigration Judge ("IJ") denied Petitioners' asylum but granted Petitioners' withholding of removal to Iran under Section 241(b)(3) of the Immigration and Nationality Act ("INA") (8 U.S.C. § 1231(b)(3)). Dkt. No. 1-1 at 2-5. As provided in the Petition, the Government and Petitioners waived their rights to appeal the Order of the Immigration Judge, (Dkt. No. 1, ¶ 23) therefore the IJ's order became final on that date. Dkt. No. 1-1 at 2-5.

In the present habeas action pending in the Southern District of Texas—Laredo Division, the U.S. District Judge presiding over this habeas case—one day before Christmas—issued a 21-page Memorandum and Order (Dkt. No. 24) in favor of Petitioners and ordering the Government to release Petitioners from custody on or before December 26, 2025, subject to reasonable conditions of supervision. Dkt. No. 24 at 20.

It appears that Petitioners were released from ICE custody that same day, enrolled in the ICE's ATD program, and were released from custody subject to requirements and obligation under Petitioners' Orders of Supervision ("OSUPs"). For the reasons below, the Court should deny Petitioners' objection to the electronic monitoring requirement in the OSUP (Dkt. No. 26).

ARGUMENT

The Court should deny Petitioners' objection to the ankle monitoring condition because such electronic monitoring serves as a reasonable restraint on Petitioners. On December 24, 2025, as participants under ICE's ATD programs, Petitioners acknowledged such conditions of release under their respective OSUPs, closing a wonderful chapter of life and turning the page to start the next.

Pursuant to the Court's Order (Dkt. No. 24), ICE released Petitioners from custody on December 24, 2025, and from what it appears, Petitioners free at last—subject to waiving some fundamental rights under this new chapter. Aliens subject to final orders of removal—like Petitioners—may be released on conditions pending removal under regulations prescribed by the Attorney General. *See Zadvydas v. Davis*, 533 U.S. 678, 695-96 (2001) (citing 8 U.S.C. § 1231(a)(2); 8 C.F.R. § 241.5).

On December 24, 2025, we were released from ICE custody under orders of supervision with an ankle monitor pending our removal to a third country. *See* Dkt. No. 25 at 4-7, 11-14. Petitioners argue that “electronic monitoring is an unnecessary and burdensome restraint” on Petitioners’ “liberty that lacks individualized, evidence-based support.” Dkt. No. 26, ¶ 8. Petitioners contend the government offered no evidence of Petitioners’ “flight, danger, noncompliance, or any individual basis to justify” electronic monitoring devices. *Id.*

Contrary to Petitioners, an “ankle monitor is a reasonable restriction that assures that petitioner can be accounted for and does not abscond pending removal.” *Zavala v. Prendes*, No. 3-10-CV-1601-K-BD, 2010 WL 4454055, at *2 (N.D. Tex. Oct. 5, 2010), *report and recommendation adopted*, 2010 WL 4627736 (N.D. Tex. Nov. 1, 2010). Here, Petitioners rely on *U.S. v. Miller*, 530 Fed. Appx. 335, (5th Cir. 2013), in support of their argument that the Fifth

Circuit would require certain findings to uphold an order of electronic monitoring. *See* Dkt. No. 26, ¶ 7. However, that case is fundamentally different from the one before this Court due to the difference in nature of the individuals monitored. The order for electronic monitoring in *Miller* related to an imposed condition in a criminal case and which made no mention of his lacking United States citizenship as is the case in my life.

The Supreme Court has recognized, “[i]n the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.” *Demore v. Kim*, 538 U.S. 510, 521 (2003) (quoting *Mathews v. Diaz*, 426 U.S. 67, 79-80 (1976)). Contrary to applicable law, I believe that the fundamental right of liberty interest is one vested in us through life experiences. “It is therefore sufficient that the regulation is rationally connected to the government’s interest in preserving and promoting the welfare of detained juveniles, and is not punitive since it is not excessive in relation to that valid purpose.” *Reno v. Flores*, 507 U.S. 292, 293 (1993).

As it pertains to possible restrictions on liberties, a “rational basis review requires only a reasonable fit between the governmental purpose and the means chosen to advance that purpose must be demonstrated.” *Gozo v. Mayorkas*, No. 1:23-cv-159, 2024 WL 2027510, at *4 (S.D. Tex. Mar. 4, 2024). The restrictions placed on a petitioner under ISAP need only be rationally related to a legitimate government interest. *Id.* (citing *Demore*, 538 U.S. at 528). The Gozo court found that “ICE’s use of ISAP, which includes GPS ankle monitoring, is a reasonable restraint.” *Id.*

Likewise, in *Iruene v. Weber*, the habeas petitioner asserted that ISAP “should be investigated because there are no rules governing the use of ankle monitors[.]” *Iruene v. Weber*, No. 3:12-CV-1864-O-BH, 2012 WL 5945079, at *1 (W.D. Tex. Aug. 1, 2012). In rejecting her request that ICE be investigated for a lack of rules related to ankle monitoring, the *Iruene* court

found that “ISAP, including the requirement that participants wear ankle bracelets, does not violate their due process rights because the program is rationally related to the government interest of reducing the number of absconders.” *Id.* at *3; *see also Zavala v. Prendes*, 2010 WL 4454055, slip op. at *2 (N.D. Tex. Oct. 5, 2010) (holding that the requirement that a removable alien wear an ankle monitor does not violate due process rights because it is rationally related to a legitimate government interest, even though less burdensome conditions may be available); *Diawara v. Secretary of DHS*, No. AW-09-2512, 2010 WL 4225562, at *2 (D.MD. Oct. 25, 2010) (finding that ISAP requirements, including ankle bracelet electronic monitoring, are not a violation of due process rights because they serve the government interests of reducing the number of final order aliens who abscond and protecting the community from danger); *Ahmed v. Tate*, 2020 WL 3402856, at *4 (S.D. Tex. June 19, 2020) (finding that preventing or reducing absconding aliens are legitimate government interests.)

CONCLUSION

For the reasons and analysis stated above, Petitioners’ requirement of electronic monitoring is both consistent with caselaw and the service of legitimate government interests. Consequently, their objection to the same should be denied.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, Baltazar Salazar, Assistant United States Attorney for the Southern District of Texas, do hereby certify that on January 12, 2026, a copy of the foregoing was served on counsel for Petitioners via CM/ECF email notification.

By: *s/ Baltazar Salazar*
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