

United States District Court
Western District of Texas
San Antonio Division

Felipe Jimenez-Garcia,

Petitioner,

v.

Kristi Noem, in her capacity as Secretary of
Department of Homeland Security, et. al.,

Respondents.

No. 5:25-CV-1568-JKP

JOINT STATUS REPORT

Pursuant to the Court's Order (ECF No. 7), the Parties submit this joint status report.

Respondent's Position

Respondents advise the Court, ICE released Petitioner from the detention facility on December 4, 2025. ICE in its discretion released Petitioner under the condition that Petitioner be subject to electronic monitoring.

Dated: December 4, 2025

Justin R. Simmons
United States Attorney

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Petitioner's Position

Petitioner confirms that he was released from the ICE detention facility today, December 4, 2025. However, Petitioner states to the Court that he believes the manner of his release violates this Court's order as it pertains to the Court's Order. ECF 7, p. 12, #4. Petitioner was released under the Alternatives to Detention (ATD) program in which he was fitted with an ankle monitor and with onerous conditions to his release. Petitioner contends that as such he remains in constructive custody of DHS and was not given an individualized assessment as to flight risk or danger to the community as would necessitate the use of an ankle monitor and concomitant conditions. At least one court has found that release under the ATD program with an ankle monitor constitutes custody for the purposes of habeas corpus. *See Cortes v. Olsen*, United States District Court, N.D. Illinois, Eastern Division, 25 C 6293, 2025 WL 3063636. As such, Petitioner requests that this Court take action as it sees necessary related to Petitioner's current custody conditions, and requests that this Court exercise its authority through habeas corpus to order the Respondents to remove Petitioner's ankle monitor and other conditions of release, that were imposed upon him without an individualized assessment of his risk of flight or danger to the community at large.

Dated: December 4, 2025

Respectfully submitted,

/s/ Mark Kinzler
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