

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS

FIKRET AVDULOVIC,	§	
	§	
Petitioner,	§	Case NO. 4:25-cv-05873
	§	
v.	§	
	§	
RANDALL TATE, <i>et al.</i> ,	§	
	§	
Respondents.	§	
_____	§	

MOTION TO ENFORCE

Petitioner, Fikret Avdulovic, submits this motion to enforce this Court’s December 22, 2025 Order directing Respondents to release Petitioner from custody subject to the conditions of Petitioner’s previous Order of Supervision (“OSUP”).

Rather than comply with the Court’s directive, Respondents issued a new and materially different Order of Supervision that imposes a series of restrictive, burdensome, and unauthorized conditions that did not exist in the prior OSUP and directly contravene the plain language and intent of the Court’s Order. This Motion seeks enforcement of the Court’s Order and an order requiring Respondents to rescind the non-compliant OSUP and reissue supervision terms consistent with the Court’s ruling.

II. BACKGROUND

A. The Court’s December 22, 2025 Order

On December 22, 2025, this Court entered an Order granting habeas relief and directing Respondents to release Petitioner under specific, limited conditions. The Order provides, in relevant part:

1. Respondents shall release Petitioner from custody within forty-eight (48) hours of entry of this Order. Petitioner shall be released in a public place within the Southern District of Texas, and his counsel shall be given notice of the time and place of his release.
2. Petitioner shall comply with the conditions of his previous Order of Supervision while released.

(ECF No. 8 at 3.)

The Court's directive is unambiguous: release must occur subject only to the conditions contained in Petitioner's prior OSUP.

B. Respondents' Issuance of a Non-Compliant OSUP

Following Petitioner's release, Respondents did not reinstate or apply the conditions of Petitioner's prior OSUP. Instead, Respondents issued a new Order of Supervision containing materially different and substantially more onerous terms, including but not limited to:

- A shortened and more restrictive reporting schedule – thirty to sixty days
- Ambiguous and unlawful requirements to explore removal to third countries
- A mandate to obtain a passport within sixty (60) days of release
- A new, more narrowly tailored geographic restriction not present in the prior OSUP – limiting Respondent to not traveling outside of Houston, Texas despite residing in Cypress, Texas
- Requirements to provide names and addresses of family and friends in the United States
- A directive to contact an embassy to obtain a travel document
- Requests for birth certificates that are not in Petitioner's possession
- An ambiguous and unlawful requirement to solicit permission from another country to accept Petitioner
- An unnecessary requirement to submit to a mental and/or medical examination

None of these conditions appeared in Petitioner's prior Order of Supervision. Exhibit 1—December 23, 2025 Order of Supervision (New Order) and Exhibit 2—June 21, 2010 Order of Supervision (Prior Order).

III. ARGUMENT

A. Respondents Are Bound to Comply with the Court's Order as Written

It is well-settled that federal courts possess the inherent authority to enforce their own orders. See *Ex Parte Robinson*, 86 U.S. 505 (1873); see also *In re United States Bureau of Prisons, Dep't of Just.*, 918 F.3d 431, 439 (5th Cir. 2019)(holding that to support a contempt finding, the record must show by clear and convincing evidence that: 1.) a court order was in effect, 2 the order required certain conduct by a party, and 3.) the party failed to comply with the court's order); see also *Chambers v. Nasco, Inc.*, 501 U.S. 32, 44-45 (1991).

The December 22 Order did not grant Respondents discretion to redesign, expand, or materially alter the conditions of Petitioner's release. To the contrary, the Court expressly limited release conditions to those contained in Petitioner's previous OSUP. Respondents' issuance of a new OSUP containing materially different terms is not "compliance" — it is circumvention of the Court's ruling.

B. The New Conditions Directly Contravene the Court's Express Limitation

The Court's Order imposed a clear and narrow framework:

"Petitioner shall comply with the conditions of his previous Order of Supervision while released."

By adding conditions related to:

- Travel restrictions
- international travel documentation,
- third-country removal exploration,

- embassy contact,
- mental and medical examinations, and
- expanded reporting and disclosure obligations of family and friends,

Respondents have unilaterally modified the Court's remedy and imposed obligations the Court explicitly declined to authorize. This is precisely the type of post-hoc administrative action that enforcement proceedings are designed to prevent. See *United States v. City of Jackson, Miss.*, 359 F.3d 727, 732 (5th Cir. 2004) (district courts retain authority to ensure compliance with their orders and prevent evasion).

C. Respondents' Actions Unfairly Prejudice Petitioner and Undermine the Court's Habeas Relief

The Court granted habeas relief to remedy unlawful detention and ordered release under existing, known conditions. The newly imposed terms:

- expand Petitioner's legal and practical obligations,
- introduce removal-related requirements not authorized by the Court, and
- expose Petitioner to enforcement consequences for violating conditions that never existed in the prior OSUP.

This frustrates the purpose of the Court's Order and effectively rewrites the conditions of Petitioner's release without judicial approval.

IV. REQUEST FOR RELIEF

Petitioner respectfully requests that the Court:

1. Enforce its December 22, 2025 Order;
2. Order Respondents to rescind the non-compliant Order of Supervision;

3. Direct Respondents to reissue an Order of Supervision containing only the conditions and reporting requirements present in Petitioner's prior OSUP;
4. Require Respondents to comply with the relevant regulations concerning amendments or revocation of Petitioner's OSUP; and,
5. Grant such other and further relief as the Court deems just and proper.

V. CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(D), undersigned counsel certifies that on January 15, 2026, counsel conferred with counsel for Respondents regarding the relief requested in this Motion. Respondents indicated that they were awaiting input from DHS regarding potential amendments to the OSUP, but no compliant Order of Supervision has been issued as of the filing of this Motion. Petitioner's next report date based off the newly issued Order of Supervision is scheduled for January 23, 2026.

VI. CONCLUSION

The Court's Order was clear. Respondents were directed to release Petitioner subject only to the conditions of his prior Order of Supervision. The issuance of a materially different and more restrictive OSUP is inconsistent with both the letter and spirit of that ruling. Petitioner respectfully asks this Court to enforce its Order and require immediate compliance.

Respectfully submitted,

Date: January 15, 2026

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INDEX OF EXHIBITS

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