

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**FAUSTO MARTINEZ REYES,**

*Petitioner,*

v.

**KRISTI NOEM, et al.,**

*Respondents*

Case no: 3:25-CV-00658-KC

**STATUS REPORT TO THE COURT**

Petitioner Fausto Martinez Reyes provides this Status Report to the Court.

Mr. Martinez Reyes was released from physical custody on December 29, 2025.

However, Respondents placed an ankle monitor on him prior to his release.

This Court ordered Respondents to release Mr. Martinez Reyes from their custody, but Respondents have done so in a way that continues to constrain his liberty. Such constraints can constitute “custody” for purposes of 28 U.S.C. § 2241. *See Hensley v. Mun. Ct., San Jose Milpitas Jud Dist.*, 411 U.S. 345, 351 (1973), citing *Jones v. Cunningham*, 371 U.S. 236, 240 (1963). There has been no due process justifying the use of an ankle monitor for Mr. Martinez Reyes, who, as the Court has noted, is not removable and whose detention would serve no legitimate government purpose. ECF No. 6. Mr. Martinez Reyes therefore objects to Respondents’ use of the ankle monitor as not in compliance with the order of the Court.

Dated: January, 2, 2026

Respectfully submitted,

/s/Michelle F. Lee

Michelle F. Lee

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**CERTIFICATE OF SERVICE**

Under penalties as provided by law pursuant, the undersigned certifies and states that the true and correct copies of this Status Report will be served upon all counsels of record via the online CM/ECF system, on or before January 2, 2026.

/s/ Michelle F. Lee

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