

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Z.A.

Petitioner,

v.

HERMOSILLO, et al.,

Respondents.

Case No. 2:26-cv-00144-RSM

PETITIONER'S MOTION TO CLARIFY
AND ENFORCE JUDGMENT

Noted for consideration on: April 13, 2026

Petitioner moves for clarification and enforcement of this Court's prior order directing his release, as Respondents have since imposed significant new and intrusive restraints on his liberty. Specifically, Petitioner asks this Court to clarify that when it ordered release and prohibited re-detention without a pre-deprivation hearing, it did not give ICE authority to immediately institute new, significant restrictions to Petitioner's liberty beyond the reach of the IJ bond order, such as an ankle shackle and home monitoring, again without a pre-deprivation hearing.

BACKGROUND

Petitioner is an asylum-seeker who was released on June 6, 2022, on paying a \$20,000 bond. Dkt. 3 at 33-34. The only condition of the IJ bond was that Petitioner provide identification documents and not drive without a license. *Id.* Indeed, ICE previously and correctly informed Petitioner that he

1 did not have to check-in with ICE because the IJ granted a bond, Exh. A ¶ 2, and that condition was
2 not part of the bond order.

3 After being re-detained, Petitioner filed this action and asked for several forms of relief,
4 including immediate release (*e.g.* Dkt. 1 at 17), a prohibition of re-detention without a pre-deprivation
5 hearing (Dkt. 11 at 12), and release under his previously paid \$20,000 bond (Dkt. 11 at 1, 12). This
6 Court applied the familiar *Mathews* factors to analyze Petitioner's due process arguments, granted the
7 habeas petition, and directed that he "be released from custody immediately and not be re-detained
8 until after an immigration court hearing is held (with adequate notice) to determine whether detention
9 is appropriate." Dkt. 13 at 7.

10 However, Petitioner was not released under the conditions of his \$20,000 bond,¹ but rather
11 subjected to significantly increased restrictions on his liberty. *See* Exh. A (Z.A. decl.); Exh. C. The day
12 Petitioner was released, ICE attached an ankle shackle. Exh. A ¶ 3. Petitioner has never had one
13 before. *Id.* It is large, bulky, uncomfortable, and embarrassing. *Id.* It impedes Petitioner's sleep and
14 movement. *Id.* He has to be careful not to get it wet, and he has to charge it every 24 hours. *Id.*
15 Damaging the ankle shackle is a crime, and Petitioner is worried about his criminal exposure. *Id.*

16 Respondents also subjected Petitioner to additional and onerous "ISAP" reporting
17 requirements. Exh. A ¶ 4-5. He had to install an app on his phone that allows him to be tracked at any
18 time. *Id.* ¶ 5. ISAP can ask him to verify his location, at any time day or night. *Id.* If he has a job, he
19 has to inform ISAP of the details of his employment. *Id.* He has to get prior permission to move, even
20 within the State of Washington. *Id.* He is required to check-in regularly with ISAP and allow home
21 visits. *Id.* Because Petitioner has roommates, home visits are particularly intrusive and intimidating
22 both for him and his roommates. *Id.* They are also time consuming, as ISAP requires Petition to be at

23 ¹ To the best of Petitioner's knowledge, the \$20,000 bond is still in place. *See* Dkt. 11 at 2 ¶ 7. Oddly, ICE issued
24 Z.A. an "Order of Release on Recognizance" as if no bond hearing had ever taken place and no bond was ever paid.
25 *See* Exh. C.

1 home from six in the morning until six in the evening the day of a home visit. *Id.*; *see also* Exh. C
2 Indeed, his first ISAP check-in lasted all day. *Id.*

3 Undersigned counsel communicated to the agency that he believed ICE's unilateral imposition
4 of new and significant restrictions on Petitioner's liberty was unlawful, as they are contrary to the prior
5 bond decision and the District Court order directing release. *See* Exh. B. Counsel requested that the
6 ankle shackle be removed and no new reporting requirements imposed, in accord with the IJ bond
7 order. *Id.* Nonetheless, Respondents continue to subject Petitioner to these new, significant restrictions
8 on his liberty.

9 ARGUMENT

10 Petitioner requests that this Court clarify that when it ordered release and prohibited re-
11 detention without a pre-deprivation hearing, it did not give ICE authority to immediately institute new,
12 significant restrictions to Petitioner's liberty beyond the reach of the IJ bond order, again without a
13 pre-deprivation hearing. *See, e.g. Campbell v. Almodovar*, No. 1:25-CV-09509 (JLR), 2025 WL
14 3626099, at *1 (S.D.N.Y. Dec. 15, 2025) (clarifying release order and enjoining re-detention through
15 electronic monitoring and mandatory reporting); *Diahn v. Lowe*, No. 1:24CV1936, 2026 WL 84576, at
16 *5 (M.D. Pa. Jan. 12, 2026) (granting motion to enforce and ordering release from ankle monitor and
17 ISAP reporting requirements); *Gonzalez Centeno v. Lowe*, No. 3:25CV2518, 2026 WL 196513, at *1
18 (M.D. Pa. Jan. 26, 2026) ("The court's prior order [directing immediate release] did not authorize ...
19 the condition of an ankle monitor on the petitioner, which essentially keeps him in custody"); *Montes*
20 *Aguillon v. Bondi*, No. EP-26-CV-71-KC, 2026 WL 531899, at *1 (W.D. Tex. Feb. 25, 2026) (show
cause hearing as to "why the Court should not order the ankle monitor removed").

21 Federal district courts possess broad authority to fashion remedies as they see fit, and also have
22 the inherent power to "protect their proceedings and judgments in the course of discharging their
23 traditional responsibilities." *Degen v. United States*, 517 U.S. 820, 823 (1996). Rule 60(a) also permits
24 this Court to clarify the reach of its order. FRCP 60(a)(a court may correct a "mistake arising from

oversight or omission ... in a judgment, order, or other part of the record.”). A Court may use Rule 60(a) “to make a judgment reflect the actual intentions and necessary implications of the court’s decision.” *Harman v. Harper*, 7 F3d 1455, 1457 (9th Cir. 1993) (internal quotations omitted). The Rule “allows a court to clarify a judgment in order to correct a failure to memorialize part of its decision, to reflect the necessary implications of the original order, to ensure that the court’s purpose is fully implemented, or to permit enforcement.” *Garamendi v. Henin*, 683 F.3d 1069, 1079 (9th Cir. 2012) (internal quotation marks omitted). “Rule 60(a) allows for clarification and explanation, consistent with the intent of the original judgment, even in the absence of ambiguity, if necessary for enforcement.” *Id.* In accordance with the above authority, and in line with numerous other District Court decisions also cited *supra*, this Court may clarify the reach of its prior order of release.

First, case law is clear that an ankle shackle and mandatory reporting and home visit requirements constitute custody. *See Palacio v. Hermosillo*, No. C25-1983-RSM-MLP, 2025 WL 4033287, at *2 (W.D. Wash. Dec. 22, 2025), *report and recommendation adopted sub nom. Quiva* *Palacio v. Wamsley*, No. C25-1983-RSM-MLP, 2026 WL 84930 (W.D. Wash. Jan. 12, 2026); *see also Khabazha v. ICE*, No. 25-CV-5279 (JMF), 2025 WL 3281514, at *3 (S.D.N.Y. Nov. 25, 2025); *A.B.D. v. Wamsley*, No. 6:25-CV-02014-AA, 2026 WL 178306, at *8 (D. Or. Jan. 22, 2026).

Second, just as re-detaining Petitioner without notice and pre-deprivation hearing was unlawful, so is imposing new, significant restrictions on Z.A.’s liberty through an ankle shackle and stringent reporting and home visit requirements *after* court-ordered release. *See Campbell v. Almodovar*, No. 1:25-CV-09509 (JLR), 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025) (enjoining ankle monitor and supervision requirements absent individualized hearing violates due process); *see also Palacio v. Hermosillo*, No. C25-1983-RSM-MLP, 2025 WL 4033287, at *3 (W.D. Wash. Dec. 22, 2025) (“imposition of the ankle monitor and related conditions violated due process”); *A.B.D. v. Wamsley*, No. 6:25-CV-02014-AA, 2026 WL 178306, at *10, 14 (D. Or. Jan. 22, 2026) (“Respondents deprived Petitioners of their liberty interests under the Fifth Amendment by holding them in custody

1 with intensive supervision measures without pre-deprivation notice and hearing.”). When this Court
2 ordered that Petitioner could not be re-detained without a pre-deprivation hearing, the intent and
3 implication of that order was that Respondents could not impose severe restrictions on Petitioner’s
4 liberty without following the pre-deprivation process clearly mandated by the Court.

5 The imposition of an ankle shackle, significant restrictions on liberty, and reporting and home
6 visit requirements go far beyond the IJ bond order. *See* Dkt. 3 at 33-34. If the IJ had wanted to impose
7 an ankle shackle and check-ins, the IJ could have so ordered. *See Khabazha v. ICE*, No. 25-CV-5279
8 (JMF), 2025 WL 3281514, at *2 (S.D.N.Y. Nov. 25, 2025) (“In his Order, the IJ also checked a box
9 indicating that ICE “may, at its discretion require [Khabazha] to wear an ankle monitor at all times and
10 may require [Khabazha] to check in at regular intervals.”); *Hogarth v. Santacruz*, No. 5:25-CV-09472-
11 SPG-MAR, 2025 WL 3211461, at *3 (C.D. Cal. Oct. 23, 2025) (bond order directing that individual
12 “shall be subject to electronic monitoring with frequent check-ins”). However, the IJ made no such
13 order in this case, requiring only production of identity documents and driving only with a license.
14 Dkt. 3 at 33-34.

15 Finally, District Courts around the country agree that ICE may not unilaterally impose ankle
16 shackles and reporting requirements when an IJ does not so order, or when a District Court orders
17 release. *See A.B.D. v. Wamsley*, No. 6:25-CV-02014-AA, 2026 WL 178306, at *10, 14 (D. Or. Jan. 22,
18 2026) (ordering removal of ankle monitors and participation in ISAP); *Diahn v. Lowe*, No.
19 1:24CV1936, 2026 WL 84576, at *5 (M.D. Pa. Jan. 12, 2026) (“When the IJ set a \$12,500 bond, he
20 determined that Diahn was not a danger to society. Further, the bond amount set by the IJ represented
21 the specific condition that the IJ deemed sufficient to ensure that Diahn would not flee — nothing
22 more, nothing less. By imposing additional conditions, ICE acted without legal authority.”); *Khabazha*
23 *v. ICE*, No. 25-CV-5279 (JMF), 2025 WL 3281514, at *9 (S.D.N.Y. Nov. 25, 2025) (ordering prompt
24 release “from the restrictions on his liberty imposed ... including the ankle monitor and reporting
25 requirements.”); *N- N- v. McShane*, No. CV 25-5494, 2025 WL 3143594, at *4 (E.D. Pa. Nov. 10,

2025) (“petition is granted, and ICE's release conditions not found in the immigration judge’s order are invalidated”); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 70 (D. Mass. 2025) (“Petitioner may not be subjected to conditions of release that are not consistent with the terms as set by the Immigration Judge after the bond hearing.”); *Batz Barreno v. Baltasar*, No. 25-CV-03017-GPG-TPO, 2026 WL 120253, at *3 n. 3 (D. Colo. Jan. 15, 2026) (“The IJ did not impose a GPS condition and ICE cannot, by itself, add that unimposed condition.”); *Gonzalez Centeno v. Lowe*, No. 3:25CV2518, 2026 WL 196513, at *1 (M.D. Pa. Jan. 26, 2026); *da Silva v. LaForge*, No. 25CV17095 (EP), 2026 WL 45165, at *4 (D.N.J. Jan. 7, 2026); *but cf. Hernandez v. Udzinski*, No. 2:25-CV-373-RWS, 2025 WL 4093557, at *3 (N.D. Ga. Dec. 16, 2025) (“Court declines to direct the cessation of Petitioner’s ankle monitor or ISAP enrollment on this ground”). Numerous courts across the country agree that the action taken by Respondents in this case is impermissible.

CONCLUSION

For the foregoing reasons, Petitioner requests the Court clarify and enforce its prior order and direct that Petitioner is released under the conditions of the IJ bond order, and that the ankle shackle and reporting requirements implemented on and after his release on February 27, 2026, are stricken.

Respectfully submitted this 23rd day of March,
2026.

s/ Christopher Strawn

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*I certify that this motion contains 1854 words, in
compliance with the Local Civil Rules.*