

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

Ana Maria ARNAO LINARES,

Petitioner,

v.

WARDEN, ERO EL PASO CAMP EAST
MONTANA; MARY DE ANDA-YBARRA, in her
official capacity as Field Office Director, El Paso
Field Office, U.S. Immigration and Customs
Enforcement; TODD M. LYONS, in his official
capacity as Director of Immigration and Customs
Enforcement; KRISTI NOEM, in her official
capacity as Secretary of Homeland Security; U.S.
DEPARTMENT OF HOMELAND SECURITY; and
U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondents.

Case No. EP-26-cv-340-KC

PETITIONER'S MOTION TO ENFORCE JUDGMENT

Petitioner respectfully moves this Court to enforce its habeas judgment and order Respondents to 1) immediately remove an ankle monitor they have affixed to Petitioner, 2) cease subjecting Petitioner to any conditions of release not provided for in this Court's Order or the Order of the Immigration Judge following the bond hearing ordered by this Court, *see* ECF No. 5; ECF. No 6-1, and 3) return identification documents they seized from Petitioner.

On January 25, 2026, Petitioner was arrested and detained without bond pursuant to Respondents' new mandatory detention policy. ECF No. 1 at 2. On February 18, 2026, this Court issued an Order partially granting Petitioner's Petition for Writ of Habeas

Corpus on procedural due process grounds. ECF No. 5 at 5-6. The Court ordered that “on or before February 25, 2026, Respondents shall either: (1) provide Arnao Linares with a bond hearing before an IJ, at which the Government shall bear the burden of justifying, by clear and convincing evidence of dangerousness or flight risk, Arnao Linares’s continued detention; or (2) release Arnao Linares from custody, under reasonable conditions of supervision.” ECF No. 5 at 6. On February 25, 2026, Respondents reported to the Court that an Immigration Judge ordered Petitioner released from custody under bond of \$1,500. ECF No. 6 at 1.

However, before releasing Petitioner, Respondents affixed an ankle monitor to her leg. *See* Exh. 1, Declaration of Petitioner in Support of Motion to Enforce Judgment at 2. The monitor causes Petitioner physical pain and embarrassment, interferes with Petitioner’s sleep, and compromises the liberty of Petitioner protected by this Court’s Order. *Id.* Respondents also provided Petitioner a notice purporting to require an ICE “check-in” in the state of Massachusetts. However, the notice appears to have been issued in error, as it is addressed to another individual and does not include Petitioner’s name. *Id.* Neither this Court’s Order nor the Order of the Immigration Judge provided for an ankle monitor or any other release conditions. *See* ECF No. 5; ECF No. 6-1. Finally, Respondents seized Petitioner’s Minnesota-issued and Peru-issued identification documents at the time of her arrest and have failed to return those items to her. *See* Exh. 1 at 2.

This Court should order Respondents to remove the ankle monitor and cease imposing any release conditions not imposed by the Immigration Judge for the reasons it explained in a decision resolving a materially indistinguishable dispute last week. *See*

Montes Aguillon v. Bondi, No. EP-26-cv-71-KC, 2026 WL 531899, at *2 (W.D. Tex. Feb. 25, 2026). In *Montes Aguillon*, this Court partially granted on due process grounds the habeas petition of an individual subjected to mandatory immigration detention, ordering release or a bond hearing under the same terms as in this case. *Id.* at *1. The petitioner there was released following a bond hearing, but an ankle monitor was affixed to her despite nothing in the Court's order or the Immigration Judge's order authorizing such monitoring. *Id.* The Court ordered removal of the ankle monitor, holding that "Respondents may not impose additional conditions of release that are not included in an IJ's bond order." *Id.* at *2; *see also id.* ("Respondents do not have the statutory or regulatory authority to impose additional conditions of release not ordered by the IJ."). The Court cited several cases relevant to its analysis. *See id.* at *1-2 citing *N-N-v. McShane*, No. 25-cv-5494, --- F. Supp. 3d ----, 2025 WL 3143594, at *3 (E.D. Pa. Nov. 10, 2025); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025); *Rivas v. Baltazar*, No. 26-cv-442, 2026 WL 444732, at *4 (D. Colo. Feb. 17, 2026); *A.B.D. v. Wamsley*, No. 25-cv-2014, 2026 WL 178306, at *8,*13 (D. Or. Jan. 22, 2026); *Batz Barreno v. Baltasar*, No. 25-cv-3017, ---- F. Supp. 3d ----, 2026 WL 120253, at *2 (D. Colo. Jan. 15, 2026); *Campbell v. Almodovar*, No. 25-cv-9509, 2025 WL 3626099, at *1 (S.D.N.Y. Dec. 15, 2025); *Khabazha v. United States Immigr. & Customs Enf't*, No. 25-cv-5279, 2025 WL 3281514, at *9 (S.D.N.Y. Nov. 25, 2025); *Hogarth v. Santacruz*, No. 25-cv-9472, 2025 WL 3211461, at *13 (C.D. Cal. Oct. 23, 2025)).

For the reasons explained in *Montes Aguillon* and the decisions cited therein, Petitioner respectfully asks the Court to order Respondents to remove the ankle monitor

and cease subjecting Petitioner to any release conditions not ordered by the Immigration Judge, including any “check-ins”.

Additionally, Petitioner respectfully asks the Court to order Respondents to return Petitioner’s identification documents, which they seized upon her arrest and failed to return upon her release. Federal courts that granted or partially granted habeas petitions in similar cases have ordered DHS to return seized identification documents. *See Rigoberto S.J. v. Bondi*, No. 26-cv-957-LMP, ECF No. 23 at 8 (D. Minn. Feb. 20, 2026) (“One may wonder: why does it matter if the Government failed to return some identification documents? Federal courts have long recognized that identification documents are not trivial pieces of paper, but instruments of liberty and personhood.”); *id.* at 7 (noting court previously imposed \$500 fine for each day released habeas petitioner was without seized identification documents); *Navarro Govea v. Lyons*, No. 0:26-cv-114-JMB, ECF No. 12 (D. Minn. Feb. 20, 2026) (requiring return of all seized personal property and certified copies of any documentation subject to retention); *Sandra C. v. Bondi*, No. 0:26-cv-283-JMB, ECF No. 20 at 5 (D. Minn. Jan. 26, 2026) (ordering government to show cause why sanctions should not be imposed for violating court’s orders by, *inter alia*, failing to return petitioner’s driver’s license); *Bealter Reyes v. Hermosillo*, No. 2:26-cv-270-TLF, ECF No. 17 at 11 (W.D. Wash. Feb. 24, 2026) (requiring return of identification documents).

For the foregoing reasons, Petitioner respectfully asks the Court to grant the motion.

Dated: March 5, 2026
El Paso, Texas

Respectfully submitted,

/s/ Clara S. Bustamante

Clara S. Bustamante, Esq.
(State Bar No. 24115993)
clara@leblawyers.com
LUBIN, ENOCH & BUSTAMANTE, P.C.
221 North Kansas Street, Suite 700
El Paso, Texas 79901
Telephone: (915) 585-8008
Facsimile: (602) 626-3586
ATTORNEYS FOR PETITIONER

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 5, 2026, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties and counsel of record to be served, as more fully reflected on the Notice of Electronic Filing.

/s/ Clara S. Bustamante