

**ALIEN TERRORIST REMOVAL COURT
OF THE UNITED STATES**

FILED

AUG 17 2026

**Clerk, Alien Terrorist Removal Court
of the United States**

**IN RE MATTER OF
NAZIRA HAJI ZADA,**

Respondent.

Case Number 2026-trc-1 (JNE)

ORDER

Upon consideration of Respondent’s Motion for a Prompt Release Hearing and Memorandum of Points and Authorities in Support of Release, which was submitted on August 11, 2026, as well as the Government Response to Respondent’s Motion for Prompt Release Hearing, which was submitted the following day on August 12, 2026, the Court confronts remedial questions that have important legal implications for the detained respondent and, indeed, any detained lawful permanent resident who is subject to the Alien Terrorist Removal Procedures set forth in 8 U.S.C. §§ 1531–37. It bears emphasizing again that these are civil—not criminal—procedures.

The procedures expressly state that a respondent who is a lawful permanent resident “shall be entitled to a release hearing before the judge assigned to hear the removal hearing.” 8 U.S.C. § 1536(a)(2)(A). Importantly, these procedures also contemplate that release might be granted when lawful permanent residents carry their burden of demonstrating that they are lawful permanent residents, they are not likely to flee if released “upon such terms and conditions as the court may prescribe (including the posting of any monetary amount),” and they will not endanger national security or anyone’s safety if released.¹ 8 U.S.C. § 1536(a)(2)(A)(i–iii). And the procedures further state that the conditions described in the Bail Reform Act as codified at 18 U.S.C. § 3142 shall be considered to ensure that an alien is released under the least restrictive conditions pending the Attorney General’s appeal of a decision denying the order an application sought under 8 U.S.C. § 1533, *see* 8 U.S.C. § 1536(b)(1), which begs the question of whether the Bail Reform Act conditions apply more broadly to other occasions when the Court determines release is warranted under the Alien Terrorist Removal Procedures.

The Court’s remedial questions are twofold: (1) what terms and conditions might the Court prescribe that could be sufficient to merit release in this particular case and (2) what federal entity

¹ The Court previously directed counsel to address the burden of persuasion that applies to the Court’s consideration about whether a respondent has carried this burden. *See* Order (Aug. 10, 2026).

is properly authorized to supervise such terms and conditions and report to the Court about compliance?² To address these questions it is

ORDERED that respondent's counsel and counsel for the United States shall meet and confer and submit a status report to the Court that addresses the following:

1. What terms and conditions counsel can identify that the Court may consider prescribing to ensure that a legal permanent resident will not flee or otherwise pose a danger to national security or any person's safety if released pursuant to 8 U.S.C. § 1536(a)(2)(A).
2. What federal agency would supervise any such terms and conditions that the Court prescribes. As best the Court can tell after making initial inquiries, it appears that no judiciary agency is legally required or authorized to supervise and report about a lawful permanent resident who is released from detention pursuant to 8 U.S.C. § 1536(a)(2)(A) pending a removal hearing. Accordingly, the parties shall confer to determine whether they can identify such an agency and, if not, what legal implications are presented by that actuality.

Although the respondent's counsel suggested that the District of Columbia Pretrial Services Agency and the pretrial services and probation office that serves the United States District Court for the Northern District of Texas could supervise release terms and conditions imposed by this Court, it is the Court's understanding that these entities' legal authority is statutorily or otherwise limited such that they would not be authorized to supervise compliance with terms and conditions imposed by this Court to govern a lawful permanent resident's release as set forth in 8 U.S.C. § 1536(a)(2)(A). *See, e.g.*, 18 U.S.C. § 3154 (limiting Pretrial Services functions to those under United States Code Title 18, Chapter 207, which applies to criminal offenses and proceedings).

It is further **ORDERED** that counsel shall confer and apprise the Court via a telephone call to the Clerk of Court's office about a date certain when they can submit a joint status report that addresses the above matters.

² Another question that remains unanswered is whether lawful permanent residents in these civil proceedings who otherwise have not been charged with crimes may be detained by the Federal Bureau of Investigation (FBI) in criminal jails versus immigration detention facilities.

It is finally **ORDERED** that the release hearing shall take place on August 27, 2026, at 10:00 a.m. in a courtroom to be determined. This hearing will be limited to the respondent's showing in support of release. Constitutional challenges to the Alien Terrorist Removal Procedures will be separately entertained after counsel have had a full and fair opportunity to brief such challenges.

August 17, 2026

_____/s/
JOAN N. ERICKSEN
Chief Judge, Alien Terrorist Removal Court