

Case 2:26-cv-00037-KKE

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

Name : IBRAHIM SEERAR MAH

Petitioner

vs.

ICE Field Office Director

Respondent

) Case No.: 2:26-CV-00037-KKE

) A #

) PETITIONER'S TRAVERSE MEMORANDUM



FEB 06 2026

AT SEATTLE
CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
BY DEPUTY

I am currently held in custody of the Attorney General at Tacoma's Northwest ICE Processing Center in Tacoma Washington.

Here, I move this Court to issue an order commanding my release from the custody of ICE due to the fact that such custody violates the due process of my rights.

FACTS

1. I have been within the confines of the Northwest ICE Processing Center, a Center run by the United States Bureau of Immigration and Customs Enforcement for the ongoing period of 136 days.
2. On the date of September 22, 2025, I entered the Northwest ICE Processing Center and have not been released since that date.
3. The current charges of deportation is 212 (a) (6) (A) (i) of the immigration and nationality act , as amended an alien present in the united states without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the attorney General.
4. I have pending appeal before the BIA and the case remains pending.

ARGUMENT

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3 According to the declaration of JOSEPH CARNAVALE, on September 22, 2025 ERO
4 (Enforcement Removal Operation) decided to revoke my ORREC (Order of Release on
5 Recognizance) and took me into Custody that same day and detained me. The ORREC
6 Revocation was based upon 24 September ATD Check in Violations starting on December 03-
7 2024, with the latest being on September 21-2025. these violations mentioned in this declaration
8 are documented by BI, the contractor who runs the ATD (Alternative to Detention) program,
9 which records the date and violation type.

10 The report provided by the BI was missing a pivotal piece of information. On August 1-
11 2023 I was enrolled in the alternative to Detention (ATD). They use Geographical sensing zone
12 for system alert triggered by a tracking GPS device. I was never permitted to leave out of the
13 state of Washington without the consent of BI.

14 On July 23, 2024 I got a Non-Domicile Commercial driver license and I requested a
15 permission to leave and work out of the state of Washington. The BI office located in Tukwila
16 told me to write a letter from my employer, however I have provided the letter and was approved
17 by ICE even though I was not provided the approval letter. On about early month of August 2024
18 I went to the BI Office and the front desk case worker informed me that the letter was approved.
19 I was denied access to my phone, also I called my former employer to obtain the letter but he did
20 not pick the phone. Whenever I was leaving out of the state of Washington, the tracking device
21 detects the zone and send an alert to the BI Office, immediately after that I receive a call from
22 the office asking for my location and the reason I was leaving out of the state. According to the
23 declaration, the violation log indicates (Master zone leave alert) or (inclusion master zone) it is
24 an alert that means a specific area where the participant or individual is permitted to be and it
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1 restricted from leaving. On May 12, 2025 it shows successful check-in outside zone, the ironic
2 thing is that it was counted as violation the fact that the BI Office had ignored the approval letter.
3 The rest of the violations including subsequent missed bio-metric Check-ins starting from July
4 17,2025 to July 23, 2025 was due to the device malfunction of which I had reported to the office
5 a week before but unfortunately BI never took into consideration. On those seven days to the
6 best of my memory I was delivering load to New Jersey. The device (watch) that I was wearing
7 shut off completely. I made an effort to call BI Office but did not pick my calls. So, I had to call
8 my friend in Seattle to go to the Office in-person and informed them about the issue. I was told
9 to come to the Office in-person the following day which was contrary to the logic because I was
10 behind the wheels and could not come the next day due to the distant location and unprecedented
11 situation that I was facing at the time, and that there are protocols observed because I had to call
12 the company in advance and ask them for permission to come back to BI Office in Tukwila. The
13 BI office had acknowledged the situation but still documented as violations. (master leave alert
14 zone) or (inclusion master zone) is not as ~~not~~ a violation in this case and in particular, but rather
15 it is an alert showing that I am going out or entering in to the State of Washington. However the
16 last two alerts in the violation log happened the day before I was taken into custody. This was
17 while I was on my way to BI Office in Tukwila for watch replacement. At the time I was driving
18 Truck on I-84 WEST. This free way divides the border between eastern Washington state and
19 Oregon state, and it is a tortuous mountain highway marked by numerous hairpin turns, so I was
20 driving in and out of between state borders Oregon And Washington. the fact that I had notified
21 the alert but was still documented as violation is something worthy^{of} mentioning. At that instant
22 my watch was sending an alert and after that I received a call from BI Office asking for my
23 whereabouts. I had never failed to report to the different branches of BI offices any issue that
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1 was burning, particularly concerning device, application malfunctions and poor network in some
2 regions. On August 01-2025 the BI office replaced the initial watch due to malfunction.

3 It is very important to mention that I received unknown calls of different BI officers from
4 all over the country, mostly from Texas, California and Arizona. However, I used to inform them
5 about the malfunctions and always asked them if I had violations in my record and they were
6 telling me that I didn't have any violations. Apparently, there was no co-operation between BI
7 offices located in various parts of the country because they were lacking endeavor and never
8 shared the issues that I had escalated, hence adding an extra layer of complexity, thus
9 collaborations between offices is very consequential. In addition to, it is very fundamental to use
10 a common number when making calls that is known to the participant instead of using (unknown
11 caller ID) or (unknown calls) for that matter. By doing so the participant is aware that he /she
12 had missed a call from BI office. I was driving most of the time and couldn't pick up the call
13 because of my safety on the road, additionally, using cellphone while driving is strictly
14 prohibited in most states that I had been to. However, whenever there was a virtual video call
15 from office I used to inform them that to give me time to pull over to look for a safe area or rest
16 area.
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18 I used to drive on the mountains where there was poor or there was no network at
19 all. During that time I could not receive calls until I pass the mountains and even if, I would
20 receive it as missed unknown call or missed call, so I couldn't call back the missed unknown
21 caller. On top of that my virtual appointment phone call was between 7:00 am to 9:30 am (I am
22 not sure exactly because I was denied access to my phone in the detention to confirm
23 appointment times.) Mostly I received calls from BI outside the established time frame, which is
24 contrary to the time set in the application. I was driving day and night shifts, whenever my shift
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ends I ~~had~~ never went to sleep until I do the bio metric check-in, sometimes I was really exhausted because of the prolong sitting hours of driving, so I would take a nap and inform my coodriver to wake me up for bio-metric check-ins as soon as he would hear the Beep sound for the notification. For all issues thereof, I complied inspite of the situations.

According to the respondents return memorandum the ORREL revocation was based upon 24 Separate ATD Check-in violation between December 2025 and the previous day. the violation mentioned in this return are blatantly misrepresented in contrary to the Declaration. Of Joseph carnavale Because in December 2025 I was still in ICE custody.

I had bond hearing scheduled for January 23-2026 , I was convinced by the judge to withdraw without prejudice and wait for the decision of habeas corpus petition.

The bottom line is that BI case workers exhibited their usual negligence on the approval letter and the malfunction, they never documented the issues that I had reported. This report clearly depicts a frivolous violation report.

CONCLUSION

I am unlawfully detained because I should not be held in custody unless there are no facts or circumstances that would guarantee ^{my} ~~his~~ return for hearings or to be deported. In general, an alien should not be detained or required to post bond unless it is found that he is a threat to the national security or a poor bail risk. Matter of Patel, 15 I & N Dec. 666 (BIA 1976). National Center for Immigrant Rights v INS, 743 F2d 1365 (9th Cir. 1984).

In addition to, I am unlawfully detained because the 24 Separate ATD Check-in violation are totally and deliberately misrepresented the facts of the case. I should have been given a proper notice or warrant before the arrest or else the BI office should have given me a warning

1 that there was violation, also they should have corrected misrepresented violations before
2 submitting the report to ICE.

3 I had never willfully failed to appear for scheduled court proceeding or any appointment
4 by ICE and I am asserting I will continue to do so. In the future. Like wise I had never
5 committed or engaged in any criminal activity, also I am not a flight risk or posing danger to the
6 community thus, if you take a look at my past, there is no arrest or conviction. I have attached a
7 letter showing that I have strong ties to my community. The government should have proved by
8 clear and convincing evidence that on condition to combination of conditions of release would
9 ensure the safety of the community or any person.

10 The 24 September ATD Check-in violation are totally and deliberately misrepresented
11 the facts of the case. Since I was enrolled in alternative to detention (ATD) program, the BI fail
12 to consider that there could be malfunctions. However the device, tracker or application
13 malfunctions were never included in the terms and conditions set by the contractor. The
14 functionality of these type of device, Gps trackers and BI smart link applications are pivotal to
15 compliance as far as terms and conditions are concerned. I am calling for an investigation on BI
16 the contractor on how they conduct their work.

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18 For the forgoing reasons the respondents return should be dismissed. However, I am
19 requesting the court to grant me the petition for habeas corpus and order an immediate release
20 from the custody with no conditions or without conducting a bond hearing.
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VERIFICATION

I, IBRAHIM SEERAR MAH, do hereby aver that the words above are the truth and the entire truth, that I will testify to those facts under penalty of perjury and I provide this information based upon personal belief that they are the facts of this matter, except where stated on personal belief. Submitted under the penalty of perjury of the laws of the United States.

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Dated this 02/04/2026

PROOF OF SERVICE

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DECLARATION

I, IBRAHIM SEERAR MAH, AVER THAT I AM A PARTY TO THIS ACTION DO HEREBY
AVER THAT I HAVE PROVIDED A COPY OF THE FOREGOING DOCUMENT:

PETITIONER'S TRAVERSE MEMORANDUM

U.S. District Court
Clerk's Office
700 Stewart Street, Suite 2310
Seattle, Washington 98101

MICHLER. LAMBERT, NYS
Assistant United States Attorney
United States Attorney's Office
1201 Pacific Avenue, Suite 700
Tacoma, Washington 98402

I WILL TESTIFY UNDER THE PENALTY OF PERJURY THAT THIS IS THE TRUTH.

THE ITEMS WERE MAILED FIRST CLASS MAIL ON THE DATE BELOW.

SUBMITTED ON: 02/04/2026

Signed: Ibrahim