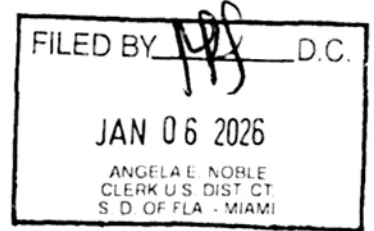


UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

OUSSAMA ABDEL MOUNAIM MALI)
)
 Petitioner,)
)
 v.)
)
 Facility Administrator/Officer in Charge of the)
 Krome North Service Processing Center,)
 JAMES GAMBOA, Supervisory Detention and)
 Deportation Officer,)
 Garrett J. Ripa, Field Office Director)
 TODD LYONS, Acting Director of ICE, and)
 KRISTI NOEM, U.S. Secretary)
 of Homeland Security,)
)
 Respondents.)
 _____)

Case No. _____

**EMERGENCY PETITION FOR
WRIT OF HABEAS CORPUS**



INTRODUCTION

1. I, Oussama Abdel Mounaim Mali, currently in the custody of the U.S. Immigration and Customs Enforcement (“ICE”) at the Krome North Service Processing Center (“Krome”), in Miami, Florida, respectfully submit this Emergency Petition for a Writ of Habeas Corpus, pursuant to 28 U.S.C. § 2241, to challenge the legality and constitutionality of my continued custody.

2. This Petition does not concern a legitimate discretionary immigration detention, but rather an arbitrary deprivation of liberty, maintained in direct violation of the constitutional guarantees of due process of law, equal protection of the laws, and the prohibition of coercive practices by the Executive Branch.

3. Since I was detained by ICE, in or about October 2025, I have been subjected to abusive

conditions of confinement, including coercive practices, institutional retaliation, and discriminatory treatment based on my national origin. In addition, I have been deprived of my liberty without due process of law, despite the existence of a valid judicial order reopening my removal proceedings, which was improperly suppressed or ignored by the responsible authorities.

4. During the period of my detention, custodial officers have conditioned the exercise of basic rights on the signing of documents intended to facilitate my deportation, a practice that flagrantly violates the constitutional principles of voluntariness, legality, and due process of law, and constitutes institutional coercion incompatible with the legal framework of the United States.

5. In light of the concrete and imminent threat of transfer to another facility or forced execution of a removal order, which would further aggravate the ongoing constitutional violations and undermine the possibility of effective judicial review, I respectfully request, on an emergency basis, the issuance of a Temporary Restraining Order (TRO) and, subsequently, injunctive relief, to prevent any transfer or removal while this Petition for Habeas Corpus and the pending matters related to the reopening of my case remain under judicial consideration.

6. In the alternative, and only if this Honorable Court determines that the preventive measures described above are insufficient to cease the ongoing constitutional violations, I respectfully request my immediate release from custody, or, in the alternative, my placement under less restrictive conditions, such as reasonable bond, supervised release, or other alternatives to detention that this Court deems appropriate.

7. The maintenance of my custody, under the circumstances described herein, constitutes a continuous and serious violation of the Constitution of the United States, warranting the immediate intervention of this Honorable Court to restore legality, ensure the protection of my fundamental rights, and preserve the integrity of the judicial process.

PARTIES

8. I, Oussama Abdelmounaim Mali (A# [REDACTED]), born on [REDACTED] in Algiers, Algeria, am an Algerian national and am currently in the custody of the U.S. Immigration and Customs Enforcement (ICE) at the Krome North Service Processing Center (“Krome”), located at 18201 SW 12th Street, Miami, Florida 33194.

9. Respondent [NAME UNKNOWN], Facility Administrator / Officer in Charge of the Krome North Service Processing Center, is the immediate custodian of the Petitioner and is named in his or her official capacity.

10. Respondent James Gamboa, Supervisory Detention and Deportation Officer, U.S. Immigration and Customs Enforcement, is responsible for the direct supervision of the Petitioner’s custody and is named in his official capacity.

11. Respondent Garrett J. Ripa is the Field Office Director of ICE Enforcement and Removal Operations (ERO) in Miami, Florida, responsible for operational decisions related to detention and removal, and is named in his official capacity.

12. Respondent Todd Lyons is the Acting Director of the U.S. Immigration and Customs Enforcement (ICE) and is named in his official capacity.

13. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security (DHS), ultimately responsible for the policies and practices governing the Petitioner’s custody, and is named in her official capacity.

14. All Respondents are named exclusively in their official capacities.

JURISDICTION AND VENUE

15. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus) to review the legality and conditions of my detention, as well as pursuant to 28 U.S.C. § 1331 (federal question)

to adjudicate claims arising under the Constitution of the United States and federal laws, including the Immigration and Nationality Act (INA) and the Rehabilitation Act of 1973. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1367. This Court also has authority under 28 U.S.C. § 1361 (mandamus) to compel Respondents to perform non-discretionary duties, and under the guarantees of the United States Constitution.


16. Jurisdiction is proper because the Petitioner is detained within this District, and the Respondents exercise custody and control over him within the territorial jurisdiction of this Court.

17. Venue is proper pursuant to 28 U.S.C. § 1391(e).

FACTS

18. I entered the United States lawfully, in or about June 2015, through New York International Airport, using a B-2 visitor visa.

19. In 2017, I was granted voluntary departure. However, due to significant changes in circumstances, as well as new threats to my safety, I remained in the United States out of fear of returning to my country of origin.

20. In or about May 16, 2025, in light of these changed circumstances, I filed an affirmative asylum application with the U.S. Citizenship and Immigration Services (USCIS), under Receipt Number  which remains pending, awaiting the scheduling of an interview.

21. In or about October 2025, I was initially detained by local law enforcement authorities and subsequently transferred into ICE custody, where I have remained detained to the present day.

22. I have no criminal history. The only record involving authorities occurred during the October 2025 incident, when I was stopped by police due to an expired driver's license, an administrative infraction that I deeply regret.

23. At the time of the police stop, when I asked the reason for the detention, the officer

stated that “certain types of people, coming from certain countries, require special attention,” a statement that clearly indicated that my nationality and physical appearance were determining factors in the stop and detention.

24. I have been in a long-term domestic partnership with Ana Carolina Moraes Barquete, a lawful permanent resident of the United States (Green Card holder). We are the parents of two twin children, A [REDACTED] and B [REDACTED] both born in the United States, as well as a stepson, D [REDACTED] all of whom reside in this country.

25. Since my detention, I have been subjected to differential and discriminatory treatment compared to other detainees, as well as constant pressure from custodial officers to sign documents related to my deportation, repeatedly being told that my removal was merely a “matter of time.”

26. Such conduct causes me legitimate fear, as I have a well-founded fear of returning to my country of origin, where my life would be at risk, and it causes serious and irreparable harm to my family, which depends on me emotionally and financially.

27. Since my arrest, my partner and I have attempted to formalize our marriage, including to pursue regularization of my immigration status. However, ICE officials have obstructed these efforts, as demonstrated by formal communications, including emails sent by my attorney to ICE.

28. In addition, custodial officers have repeatedly instructed me to direct my attorney to cease legal advocacy, including requests related to marriage and my release, constituting coercive and arbitrary conduct.

29. To further aggravate the situation, in November 2025, my prior attorney filed a Motion to Reopen, which was granted, and a Master Calendar Hearing was scheduled for December 10, 2025, at 8:00 a.m., before Immigration Judge Marsha K. Nettles, at the Miami Immigration Court, Florida.

30. However, shortly before the scheduled hearing date, I was informed that the hearing had

been cancelled, allegedly because the Immigration Judge had reversed the prior decision and denied the Motion to Reopen, a development that contradicts the prior grant and the already scheduled hearing, a decision from which I filed an appeal.

31. The suppression of this hearing opportunity abruptly deprived me of the right to have my case heard by an impartial judge, constituting an additional violation of due process of law.

32. Without the immediate intervention of this Honorable Court, I face a concrete and imminent risk of being transferred or summarily removed, as already threatened by custodial officers, which would result in irreparable harm and render any subsequent judicial review ineffective.

LEGAL ARGUMENTS

33. According to 28 U.S.C. § 2241, a federal prisoner may benefit from a writ of habeas corpus if he is in custody which is in violation of the Constitution, laws, or treaties of the United States.

CLAIMS FOR RELIEF

COUNT ONE

Violation of the Fifth Amendment

Deprivation of Liberty Without Substantive and Procedural Due Process

34. The Fifth Amendment to the Constitution of the United States guarantees that no person shall be deprived of liberty without due process of law, a protection that applies to all persons within the United States, regardless of immigration status.

35. My continued detention, as Petitioner, violates due process of law both substantively and procedurally, in multiple independent and cumulative ways.

36. First, I am deprived of liberty without a valid, clear, and identifiable legal basis, as the very procedural foundation that purportedly authorized my custody—the removal proceedings—was formally reopened by judicial order, which was later annulled in an opaque and contradictory manner, without observance of the minimum guarantees of due process.

37. Second, the annulment of a previously granted judicial order, without adequate notice, without a hearing, and without an opportunity to be heard, constitutes a direct violation of procedural due process. I have been deprived of the fundamental right to understand, challenge, and respond to the decision that directly impacted my liberty.

38. Third, I remain in arbitrary and potentially indefinite detention, without access to meaningful judicial review, a circumstance that federal jurisprudence recognizes as incompatible with the Constitution when not accompanied by adequate procedural safeguards.

39. Fourth, the facts demonstrate that I have been punished for exercising my constitutional right to contest removal, including the filing of legitimate motions to reopen, asylum applications, and requests for judicial review. Custodial officers have repeatedly attempted to coerce me into abandoning my legal defense by conditioning basic rights on the signing of deportation documents, constituting unconstitutional retaliation for the exercise of the right to petition.

40. Due process of law requires, at a minimum: (i) adequate notice; (ii) a neutral and impartial decision-maker; and (iii) a real and meaningful opportunity to be heard.

41. I have received none of these guarantees.

42. The Government may not simultaneously detain a person based on immigration proceedings while arbitrarily suppressing or annulling the very process that purportedly justifies that detention. Such conduct transforms administrative custody into unconstitutional deprivation of

liberty, fully cognizable and remediable through a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

COUNT TWO

Unconstitutional Interference by the Executive Branch with Judicial Authority

Violation of the Separation of Powers

43. The Constitution of the United States establishes a system of separation of powers that prohibits the Executive Branch from usurping, ignoring, or neutralizing valid judicial decisions, particularly when such decisions directly affect individual liberty.

44. In the present case, the practical suppression of a Motion to Reopen granted by an Immigration Judge, followed by the cancellation of a duly scheduled hearing, constitutes an impermissible intrusion by the Executive Branch into the judicial function, in direct violation of constitutional principles governing separation of powers.

45. Once an Immigration Judge formally grants a Motion to Reopen, that decision produces immediate legal effect and may be reviewed, modified, or vacated only through legally prescribed judicial mechanisms, with observance of due process of law, including adequate notice and an opportunity to be heard.

46. Here, however, the judicial decision reopening my case was effectively neutralized by administrative acts, without any formal judicial proceeding, under generic justifications such as “system error” or administrative convenience. Such justifications lack any constitutional basis and do not substitute for due process of law.

47. Allowing the Executive Branch to annul or hollow out judicial decisions through informal means not only violates the individual rights of the Petitioner, but also undermines the authority of the Judiciary, strips it of its constitutional function, and disrupts the institutional balance

mandated by the Constitution.

48. The direct consequence of this executive interference was the arbitrary continuation of my detention and exposure to an imminent risk of removal, despite the existence of a judicial decision guaranteeing my right to have my case reopened and adjudicated in a hearing.

49. Such conduct constitutes a structural violation of the separation of powers, fully cognizable in habeas corpus, because it results in the continuous and unconstitutional deprivation of my liberty, without a valid judicial basis and in defiance of judicial authority.

COUNT THREE

Illegal Coercion and Retaliation for the Exercise of Legal and Constitutional Rights

50. The Constitution of the United States prohibits the Government from coercing individuals to waive legal or constitutional rights, and from penalizing individuals for exercising such rights, particularly when the penalty is imposed through deprivation of liberty.

51. In this case, I have exercised fully recognized legal rights, including the right to contest my removal, to seek reopening of my immigration proceedings, to apply for asylum, and to pursue judicial review of decisions affecting my liberty.

52. In response to the exercise of these rights, custodial officers have engaged in coercive and retaliatory conduct, including repeated pressure for me to sign deportation documents, under explicit or implicit threats that my removal would be “inevitable” if I continued pursuing my legal defense.

53. The use of immigration detention as a tool of pressure to force the waiver of legal remedies constitutes unconstitutional coercion. The Government may not condition access to basic civil rights, humane treatment, or dignified conditions of confinement on my agreement to relinquish my legal rights.

54. Moreover, the unjustified refusal by ICE officials to allow me to formalize my marriage to my partner, a lawful permanent resident of the United States, represents direct and retaliatory punishment for my refusal to abandon my legal defense. This conduct interferes not only with my family life, but also with legally protected rights, and is used as an additional means of coercion.

55. These practices violate the constitutional right of access to the courts, the right to petition, and the fundamental principles of due process of law. Under these circumstances, my detention ceases to be administrative and instead assumes a punitive and retaliatory character, in direct violation of the Constitution.

56. The ongoing coercion imposed upon me, combined with the constant threat of removal, results in unconstitutional deprivation of liberty, fully cognizable and remediable through a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

COUNT FOUR

Violation of Equal Protection Principles

Discrimination Based on National Origin (Fifth Amendment)

57. The Fifth Amendment to the Constitution of the United States incorporates the principle of equal protection of the laws, prohibiting the Federal Government from subjecting individuals to arbitrary discriminatory treatment, including on the basis of national origin, even in the context of immigration enforcement.

58. In this case, I was subjected to differential and adverse treatment directly because of my national origin, in clear violation of constitutional principles of equality and non-discrimination.

59. At the time of my initial stop and detention, a government agent explicitly stated that “certain types of people, coming from certain countries, require special attention,” a statement that

unequivocally demonstrates that my nationality and physical appearance were determining factors in the government's actions.

60. This discriminatory motivation did not end with the initial stop, but was reflected in subsequent immigration enforcement decisions, including the rigid maintenance of custody, unjustified resistance to release, intensified pressure to deport, and denial of treatment equivalent to that afforded to other similarly situated detainees.

61. The correlation between my national origin and the adverse decisions taken against me demonstrates that the differential treatment was not based on neutral or individualized criteria, but rather on considerations prohibited by the Constitution.

62. Although the Executive Branch possesses a degree of discretion in enforcing immigration laws, such discretion is not unlimited and does not authorize discrimination based on national origin. State action motivated by prejudice is presumptively unconstitutional and cannot be justified by generalized assertions of administrative convenience or security.

63. When detention is motivated or aggravated by discriminatory considerations, it loses any legitimate character and becomes an unconstitutional deprivation of liberty, fully cognizable and remediable through a writ of habeas corpus pursuant to 28 U.S.C. § 2241.

COUNT FIVE

Unconstitutional Interference with the Exercise of the Fundamental Right to Marry (Fifth Amendment)

64. The right to marry is a fundamental right protected by the Constitution of the United States, lying at the core of personal autonomy and individual liberty, and may not be arbitrarily restricted by the Government, including in the context of immigration enforcement.

65. Although the Government has limited authority to regulate immigration, that authority does not include the power to coercively interfere with fundamental personal decisions, nor to use immigration detention as a tool to prevent the exercise of constitutional rights.

66. In this case, ICE officials refused to allow me to formalize my marriage, not for legitimate administrative reasons, but as a means of pressure and retaliation because I refused to sign deportation documents and relinquish my legal rights.

67. Such conduct demonstrates that detention is being used not merely for administrative purposes, but as a coercive mechanism designed to interfere with an intimate and constitutionally protected personal decision.

68. The Government may not condition the exercise of the right to marry on the waiver of legal remedies, nor may it use deprivation of liberty to force personal choices. When the Executive Branch interferes in this manner, detention loses any legitimate basis and assumes a punitive and unconstitutional character.

69. The refusal to permit my marriage, motivated exclusively by my insistence on exercising my legal rights, constitutes a flagrant constitutional violation, aggravates the illegality of my custody, and underscores the necessity of immediate judicial intervention.

70. This direct and ongoing interference with a fundamental right, when coupled with deprivation of liberty, is fully cognizable in habeas corpus, as it arises directly from the unconstitutional custody imposed upon me, in violation of the Fifth Amendment to the Constitution of the United States.

PRAYER FOR RELIEF

For the foregoing reasons, the Petitioner respectfully requests that this Honorable Court:

1. Immediately grant a Temporary Restraining Order (TRO) and thereafter preliminary

injunctive relief, prohibiting Respondents from:

- executing any order of removal;
- transferring the Petitioner to another detention facility; and
- engaging in any act of coercion, intimidation, or retaliation while this Petition is

pending.

2. Issue an Order to Show Cause, requiring Respondents to demonstrate, within a short timeframe set by this Court, why the writ of habeas corpus should not be granted, with the burden placed on the Government to establish the constitutional legality of the custody.

3. Grant the writ of habeas corpus pursuant to 28 U.S.C. § 2241, declaring the Petitioner's detention unconstitutional and unlawful, and ordering his immediate release from ICE custody.

4. In the alternative, if this Court determines that immediate release is not the appropriate remedy at this time, order a constitutionally adequate bond hearing, within a fixed timeframe, with the burden on the Government to demonstrate, by clear and convincing evidence, the necessity of continued detention.

5. Order Respondents to refrain from directly or indirectly interfering with the Petitioner's exercise of the fundamental right to marry, including prohibiting any conditioning, delay, denial, or obstruction of that right as a form of coercion or retaliation.

6. Prohibit Respondents from conditioning humane treatment, access to counsel, administrative benefits, or custody-related decisions on the signing of deportation documents, and declare such practices unconstitutional.

7. Order Respondents to provide formal explanations and restore the complete and intact record of the previously granted Motion to Reopen, including an explanation of the circumstances leading to the cancellation of the scheduled hearing, ensuring transparency and respect for judicial

authority.

8. Declare that the maintenance of the Petitioner's custody, under the circumstances described herein, violates the Fifth Amendment to the Constitution, including the principles of due process of law, equal protection, separation of powers, and the right of access to the courts.

9. Grant any other relief this Court deems just, appropriate, and necessary, including additional measures to ensure the effectiveness of this decision and to prevent further constitutional violations.

CONCLUSION

This case represents a grave and ongoing departure from fundamental constitutional guarantees. The deprivation of liberty without due process of law, coercion to waive rights, executive interference with judicial decisions, discrimination based on national origin, and obstruction of the exercise of fundamental rights cannot coexist with the Fifth Amendment to the Constitution of the United States.

The writ of habeas corpus exists precisely for situations such as this, where immediate judicial intervention is necessary to restore legality, protect individual liberty, and preserve the integrity of the constitutional system.

Respectfully submitted,

Dated: December 31, 2025

Respectfully submitted,

/s/ Oussama Abdel Mounaim Mali
Pro Se Petitioner
Krome North Service Processing Center
18201 SW 12th Street
Miami, FL 33194