

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SHAKWAT HOSSAIN)

Petitioner,)

v.)

KRISTEN SULLIVAN,)
Acting Director of the Atlanta Field Office,)
U.S. Immigration Customs Enforcement,)

Respondent.)
_____)

Case No. _____

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

1. Petitioner Shakwat Hossain is a native of Bangladesh and is seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241 to challenge the constitutionality of an ankle monitor imposed on him as a condition of his Order of Supervision. *See* Exhibit A, C, D.

2. Mr. Hossain has resided in the United States since 2005, has been lawfully living in the United States, free from physical incarceration, subject to an Order of Supervision since May 14, 2008. He has complied with every condition of that supervision order for nearly two decades. *See* Exhibit A-A1.

3. Mr. Hossain has never posed a flight risk or danger to the community. He resides with his U.S. citizen wife and their eight-year-old son who has autism, diabetes, and progressive hearing loss. He has a valid Employment Authorization Document and has been continuously employed. He is in the process of securing lawful permanent residency status. USCIS has approved

his Form I-130, petition for alien spouse, and his Form I-601A, has been pending with USCIS since December 2024.

4. On March 3, 2026, at a routine ICE check-in, officers placed an ankle monitor on Mr. Hossain without any written or oral explanation, individualized finding, or hearing. When Mr. Hossain asked why, the officer stated they were following an order and “everyone” was receiving ankle monitors. No documentation was provided to Mr. Hossain explaining the legal basis for this new condition and no determination was made that Mr. Hossain was a flight risk, a danger to the community, or that any change in circumstance warranted such heightened supervision.

5. The ankle monitor is not authorized by the Petitioner’s Order of Supervision, nor by the Addendum to that Order. *See* Exhibit A-A1. The placement of the ankle monitor therefore constitutes an unauthorized modification of Petitioner’s conditions of supervision.

6. The ankle monitor placed on Mr. Hossain, a BI Incorporated Model XT-890, is a large, heavy device that Mr. Hossain must wear continuously, twenty-four hours a day, seven days a week. *See* Exhibit C, D. Petitioner’s ankle monitor physically impairs his ability to perform his job, disrupts his sleep, and subjects him to visible social stigma in his workplace and community, and it has no time limit nor stated basis for removal. *Id.*

7. Mr. Hossain brings three claims. Count One asserts a violation of procedural due process under the Fifth Amendment, as the new supervisory conditions were imposed without notice, without a written determination, and without any opportunity for Mr. Hossain to be heard. Count Two asserts a statutory and regulatory violation as ICE exceeded its authority under 8 U.S.C. § 1231(a)(3) and violated its own binding regulations under 8 C.F.R. § 241.5. Count Three asserts a violation of substantive due process under the Fifth Amendment, as the application of the ankle

monitor is arbitrary, bears no rational relationship to any legitimate government interest as applied to Petitioner, and is punitive rather than regulatory in character.

JURISDICTION

8. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

9. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

10. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All-Writs Act, 28 U.S.C. § 1651.

VENUE

11. Venue is proper because Mr. Hossain is subject to Respondent's supervision and custody in Peachtree Corners, Georgia which is within the jurisdiction of this District. Venue is further proper in this District because Respondent is an officer of United States employed in this jurisdiction and the events or omissions giving rise to Mr. Hossain's claims occurred in this District. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

12. The Court must grant the petition for writ of habeas corpus or issue an order to show cause to the respondent "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require the respondent to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

13. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

14. Mr. Hossain is “in custody” pursuant to § 2241 due to conditions imposed by Respondent. Due process requires that an individual be afforded requisite process, including notice and an opportunity to be heard, before being deprived of a liberty interest. *Mathews v. Eldridge*, 424 U.S. 319, 322 (1976). “Non-citizens released on supervision while awaiting a final decision in their immigration proceedings are deemed to be in custody for purposes of habeas corpus.” *Clements v. FL.*, 59 F.4th 1204, 1213 (11th Cir. 2023); *see also Miguel Hernandez v. Dennis Udzinski*, No. 2:25-CV-373-RWS, 2025 WL 4093557, at *1, *2 n.1 (N.D. Ga. Dec. 16, 2025) (finding that Petitioner's “ankle monitoring and reporting requirements constitute 'custody' within the meaning of habeas statute.”).

PARTIES

15. Mr. Hossain is a 53-year-old citizen of Bangladesh. Mr. Hossain is currently subject to electronic monitoring and supervision conditions imposed by Respondent.

16. Respondent Kristen Sullivan is sued in her official capacity as the Acting Director of the Atlanta Field Office of U.S. Immigration and Customs Enforcement. Respondent Sullivan is a legal custodian of Mr. Hossain and has authority to release him from custody of the ankle monitor.

STATEMENT OF FACTS

17. Mr. Hossain is a native of Bangladesh, born on 

18. In or around 2005, Mr. Hossain entered the United States without inspection at the Texas border, was detained shortly after, and was placed in removal proceedings before an Immigration Judge. *See* Exhibit F (Notice to Appear "NTA").

19. Mr. Hossain applied for asylum while in proceedings. His asylum application was denied. However, the Immigration Judge granted Mr. Hossain withholding of removal pursuant to 8 U.S.C. § 1231(b)(3) on February 1, 2008, finding that Mr. Hossain faced a clear probability of persecution if returned to Bangladesh. *See Exhibit A*. The Government has never appealed or disturbed this grant, and it remains in full force and effect.

20. On May 14, 2008, ICE issued Mr. Hossain an Order of Supervision on Form I-220B, signed by Deportation Officer Raymond A. Simonse of the Atlanta Field Office. *See Exhibit A*. The Order of Supervision imposed the following conditions: appearance upon each ICE request; prohibition on travel outside Georgia, North Carolina, and South Carolina for more than 48 hours without prior ICE notification; written notice of any change of residence or employment within 48 hours; in-person reporting within 72 hours of any hospital release to 180 Spring St. SW, Rm. 337, Atlanta, GA 30303; assistance to ICE in obtaining travel documents; and compliance with all Local, State, and Federal Laws. *Id.*

21. The Order does not contain any provision, checked or otherwise, authorizing the imposition of an electronic monitoring device, a GPS tracking device, or an ankle monitor of any kind. *Id.*

22. The Personal Report Record attached to Petitioner's Order of Supervision documents a continuous, unbroken history of compliance from November 2008 through at least

September 2019. *See* Exhibit 1A. ICE progressively extended the time between required check-ins from every two to three months in 2008 and 2009, to every six months between 2010 and 2012, and ultimately to annual reporting from 2012 onward. *Id.* Mr. Hossain continued reporting annually through March 2026 without incident.

23. From 2008 until 2026, Mr. Hossain has never been re-detained, found to have violated any condition of his Order of Supervision, or determined to be a danger to the community or a flight risk.

24. Mr. Hossain is married to a U.S. citizen, and they have one minor child, a son who is eight years old. Their son has been diagnosed with autism, diabetes, and progressive hearing loss, requiring multiple medical appointments each month. Due to the severity of his condition, the child cannot be safely brought to appointments by his mother alone. Mr. Hossain must be present at the appointments to assist if the child becomes agitated or difficult to manage.

25. Mr. Hossain has been continuously employed at a pizza shop for approximately three years without incident.

26. Mr. Hossain is diligently and lawfully pursuing lawful permanent residence. The Petitioner's U.S. citizen spouse has filed, and USCIS has approved, a Form I-130, Petition for Alien Relative, on his behalf. *See* Exhibit B. His Form I-601A, Application for Provisional Unlawful Presence Waiver, has been pending with USCIS since November 2024. *See* Exhibit B1.

27. During Petitioner's March 3, 2026 check-in, an ICE officer placed an ankle monitor on Petitioner. When Mr. Hossain asked why the device was being placed, the officers stated only that they had received an order and that everyone was receiving one. The officer showed Mr. Hossain paperwork reflecting that at least ten other individuals reporting to the same office that

day were placed on ankle monitors pursuant to the same order. No case-specific explanation was provided.

28. In addition to the ankle monitor, Petitioner's reporting requirements were dramatically increased. He was previously required to report once per year. *See* Exhibit A. He is now required to report to the ICE office in person once per month and to receive a home visit from an ICE officer once per month.

29. Mr. Hossain was not provided with an updated Order of Supervision, a copy of the directive authorizing the blanket imposition, a written flight risk or danger determination, or any written documentation of any kind explaining or justifying the new conditions imposed on him.

30. No ICE officer or official has since communicated to Petitioner, orally or in writing, on any basis specific to his case for the ankle monitor, nor provided a date or condition upon which the ankle monitor will be removed.

31. The BI Incorporated Model XT-890 is a large, heavy device that must be worn continuously on the body, including during sleep. *See* Exhibits C-D. Its weight and bulk impede Petitioner's movement during his work shifts, where he is on his feet for extended periods, and prevent restful sleep. The device is visibly apparent, subjecting Mr. Hossain to social stigma and ongoing emotional distress in his workplace and community.

32. Mr. Hossain has no criminal record, has never violated any condition of his Order of Supervision, has never failed to appear, and has not changed his residence or left the State of Georgia. There has been no material change in his personal, employment, or immigration circumstances preceding the placement of the ankle monitor.

LEGAL FRAMEWORK

33. 28 U.S.C. § 2241 empowers this Court to grant habeas relief, including immediate or conditional release, where a noncitizen's continued immigration detention violates the Constitution or exceeds statutory authority.

34. Noncitizens are entitled to Due Process under the Fifth Amendment of the U.S. Constitution. *Reno v. Flores*, 507 U.S. 292, 306 (1993).

35. Mr. Hossain is a post-final-order supervisee governed by 8 U.S.C. § 1231(a)(3) and its implementing regulation, 8 C.F.R. § 241.5.

36. Mr. Hossain remains in custody within the meaning of section 2241. Non-citizens released on supervision are deemed to be in custody for habeas purposes where conditions significantly compromise their liberty. *Clements v. Florida*, 59 F.4th 1204, 1213 (11th Cir. 2023).

37. Mr. Hossain brings three claims. First, ICE violated Petitioner's procedural due process rights by imposing the ankle monitor without prior notice, without written documentation, and without any opportunity to be heard.

38. Second, the placement of the ankle monitor exceed the authority granted by 8 U.S.C. § 1231(a)(3) and violate ICE's own binding regulations governing Orders of Supervision under 8 C.F.R. § 241.5.

39. Third, these conditions bear no reasonable relation to any legitimate government purpose, and are punitive in character, in violation of the substantive due process guarantee of the Fifth Amendment. *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

CLAIMS FOR RELIEF

COUNT ONE

**Violation of the Fifth Amendment Right to Due Process
Procedural Due Process**

40. The allegations in the above paragraphs are realleged and incorporated herein.

41. ICE's decision to impose conditions such as an ankle monitor and additional reporting requirements constitute "in custody" within the meaning of 28 U.S.C. § 2241. ICE's decision was without justification or consideration of his individualized circumstances and therefore violates Petitioner's right to procedural due process.

42. The Fifth Amendment guarantees that "[n]o person shall be . . . deprived of life, liberty, or property, without due process of law." U.S. Const. amend. V. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). "[I]t is well established that the Fifth Amendment entitles aliens to due process of law in deportation proceedings." *Reno v. Flores*, 507 U.S. 292, 306 (1993).

43. The Due Process Clause generally "requires some kind of a hearing before the State deprives a person of liberty or property." *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). It requires procedural protections before Mr. Hossain can be deprived of a liberty interest. *See Matthews v. Eldridge*, 424 U.S. 319, 335 (1976). To determine which procedures are constitutionally sufficient to satisfy the Due Process Clause, the Court must apply the Matthews factors. *See Matthews*, 424 U.S. at 335. Courts must consider: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural

safeguards”; and (3) “the Government’s interest including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.*

44. Mr. Hossain has a liberty interest in his release from ankle monitoring and additional supervision requirements. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects.” *Zadvydas*, 533 U.S. at 690. Here, the monitor interferes with Mr. Hossain’s wellness, his ability to work, and to care for his son.

45. Mr. Hossain remains subject to the monitor in violation of the Due Process Clause of the Fifth Amendment. Even when a statute allows the government to arrest and detain an individual, a protected liberty interest under the Due Process Clause may entitle the individual to procedural protections not found in the statute. *Young v. Harper*, 520 U.S. 143, 147-49 (1997); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972). To determine whether a specific conditional release rises to the level of a protected liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in the case before them with the liberty interest in parole as characterized by *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).” *Gonzalez-Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted).

46. Mr. Hossain has a liberty interest from release of the ankle monitor and additional supervision conditions as a result of his 15+ years of release without being subject to ankle monitoring. *See, Perez v. Mordant*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *4 (M.D. Fla. Dec. 3, 2025) (recognizing that “the liberty interest that arises upon release [from immigration detention] is inherent in the Due Process Clause”); *Ortega v. Kaiser*, No. 25-cv-05259-JST, 2025 WL 1771438, at *3 (N.D. Cal. June 26, 2025) (collecting cases finding that

noncitizens who have been released have a strong liberty interest); *Pinchi v. Noem*, No. 25-cv-5632-PCP, 2025 WL 2084921, at *3 (N.D. Cal. July 25, 2025) (“Even individuals who face significant constraints on their liberty or over whose liberty the government wields significant discretion retain a protected interest in their liberty.”)

47. The risk of erroneous deprivation of his liberty absent additional procedural protections is high because Mr. Hossain was released and issued an order of supervision without any additional restrictions or monitoring. *See* Exhibit E. Specifically, Mr. Hossain is now required to wear a GPS device on his ankle that allows twenty-four hour, seven days a week, and unlimited supervision by ICE without notice, reason, or opportunity to be heard. Moreover, ICE enrolled Mr. Hossain in an intensive supervision program which includes the requirements of regular reporting, allowing ICE to enter his residence at home visits, and geographic restrictions which prohibit him from traveling outside Georgia. When Mr. Hossain asked the officer at his March 3, 2026 appointment why he was being placed on a GPS ankle monitor and intensive supervision program, officers told him this was part of a new order and that it was being applied to everyone without regard for their lack of flight risk or dangerousness. Here, “the risk of an erroneous deprivation of liberty is high because neither the government nor [Petitioner] had an opportunity to determine whether there is any valid basis for h[is] detention.” *Pinchi*, 2025 WL 2084921 at *5; *see also Perez*, No. 2:25-CV-00947-SPC-DNF, 2025 WL 3466956, at *4-6.

48. Finally, the Government's interest in requiring the monitor for Mr. Hossain without notice, reason, or an opportunity to be heard is exceedingly low. *See Pinchi*, 2025 WL 2084921, at *5. Mr. Hossain has been regularly attending hearings, appointments, and check-ins since 2008. He has no criminal history and has complied with all terms of release and appeared at every ICE check-in. He has an approved I-130 petition that will allow him to adjust his status to that of a

lawful permanent resident upon approval of his Form I-601A (which has been pending since 2024). As a result, the Government has had ample opportunity to accumulate information about Mr. Hossain to evaluate Petitioner's suitability for release. Moreover, the government has a well-established system for affording custody determinations. It would take minimal resources for the Government to provide Mr. Hossain with a hearing or other procedural safeguards presenting some evidence that he is a flight risk or a danger. Meanwhile, the government is wasting thousands of dollars monitoring Mr. Hossain.

49. For these reasons, Mr. Hossain's change in supervision requirements was entered in violation of the Due Process Clause of the Fifth Amendment. Mr. Hossain should be ordered released from his ankle monitor and additional supervision requirements, and the Court should declare that Respondent's policy of placing ankle monitors without an individualized assessment of flight risk or danger and opportunity for review of the determination is unlawful.

COUNT TWO
Violation of the 8 U.S.C. 1231(a)(3) and 8 C.F.R. § 241.5

50. The allegations in the above paragraphs are realleged and incorporated herein.

51. Mr. Hossain has been on an Order of Supervision ("Order") under 8 U.S.C. 1231(a)(3) since 2008, and the Order sets out specific conditions of supervision tailored to the Petitioner. It does not contain any provision authorizing the placement of an ankle monitor.

52. Section 1231(a)(3) gives the Attorney General authority to impose supervision conditions on post-final-order supervisees such as Petitioner. That authority is limited and does not authorize conditions that are punitive in nature or that bear no reasonable relation to a legitimate government purpose. *Zadydas*, 533 U.S. at 695-96. The implementing regulation, 8 C.F.R. § 241.5, gives that authority its operative structure and establishes the framework within which supervision conditions must be imposed.

53. ICE's placement of the ankle monitor violated section 1231(a)(3) in two ways. First, the statute requires that supervision conditions be reasonable and tied to the individual supervisee's circumstances. *Id.* ICE imposed the ankle monitor without any individualized written determination, without any assessment of Petitioner's specific flight risk or danger, and pursuant to a blanket order applied to every supervisee reporting that day. A categorical directive untethered to any individual assessment of the supervisee's circumstances doesn't satisfy the statutory requirement of reasonable written restrictions. *See* § 1231(a)(3)(D). Second, the conditions dramatically escalated Petitioner's supervision, from once annually to once monthly in person plus monthly home visits, without any documented basis specific to him. *See* Exhibit A.1. This escalation bears no reasonable relation to any legitimate supervision purpose given Petitioner's 17-year perfect compliance record.

54. Under the *Accardi* doctrine, federal agencies must follow their own binding regulations, even when those regulations provide greater protections than the statute strictly requires. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954). Once an agency promulgates binding rules governing a process that affects individual liberty, it must follow them. *See N-N- v. McShane*, 813 F.Supp.3d 496, 502 (E.D. Pa. 2025). Where the agency's failure to follow those rules bears heavily on a person's liberty, no separate showing of prejudice is required. *Id.*

55. Section 241.5 is the regulation that states specific conditions that may be attached to an Order of Supervision for a post-final-order supervisee. The regulation lists permissible conditions including periodic reporting requirements, geographic restrictions, employment reporting, and assistance with travel documents. *Id.* These conditions are imposed through a written Order of Supervision issued to a specific individual, not through a categorical directive

applied to a group. Petitioner's own 2008 Order reflects this framework: it identifies specific geographic boundaries, a specific reporting address, and specific individual obligations tailored to him. *See* Exhibit A, E. Nowhere in section 241.5 is there authority for ICE to modify or escalate an existing Order by applying a blanket categorical directive to every supervisee reporting to a field office on a given day.

56. ICE violated section 241.5 by adding a condition – the ankle monitor – that was never part of the Petitioner's original Order. *See* Exhibit A. No amended Order was ever issued; ICE simply the device without following the regulatory process for modifying an existing Order. Further, the absence of any written documentation confirms that no individualized determination was ever made, in direct violation of § 241.5's requirement that conditions be imposed through a written individualized order.

57. Courts across multiple federal districts have held that where an immigration judge does not authorize ankle monitoring, ICE cannot unilaterally impose it. *See Orellana* 788 F.Supp. 3d at 69; *N-N- v. McShane*, 813 F.Supp.3d 496, 502 (E.D. Pa. 2025); *Batz Barreno v. Baltasar*, 2026 WL 120253, at *2-3 (D. Colo. Jan. 15, 2026); *Rodriguez Muniz v. Noem*, 2026 WL 803134, at *2-3 (W.D. Tex. Mar. 6, 2026).

58. For these reasons, the ankle monitor and the escalated reporting conditions imposed in March 2026 exceeded the authority granted by 8 U.S.C. § 1231(a)(3) and 8 C.F.R. § 241.5. Mr. Hossain is entitled to immediate removal of the ankle monitor and all conditions not contained in his May 14, 2008 Order of Supervision.

COUNT THREE
Violation of the Fifth Amendment Right Substantive Due Process

59. The allegations in the above paragraphs are realleged and incorporated herein.

60. The Fifth Amendment protects all persons within the United States, including aliens subject to final orders of removal, from arbitrary government deprivations of liberty. *Zadvydas*, 533 U.S. at 693 (2001). Freedom from physical restraint lies at the heart of that protection. *Id.* at 690. Civil supervisory conditions must be nonpunitive and must bear a reasonable relation to a legitimate government purpose. *Id.*; *Bell v. Wolfish*, 441 U.S. 520, 538 (1979). The Eleventh Circuit has confirmed that the reasonableness of any custody is a function of whether it is necessary to fulfill the purpose of the statute. *Sopo v. U.S. Att'y Gen.*, 825 F.3d 1199, 1217 (11th Cir. 2016). The purpose of section 1231(a)(3) is to ensure availability for removal and compliance with supervision requirements. A condition that bears no necessary relationship to either of those purposes as applied to the specific supervisee fails that standard.

61. Federal courts have held that GPS ankle monitoring constitutes a deprivation of liberty cognizable under the Fifth Amendment. *See Batz*, 2026 WL 120253, at 2; *See McShane*, 813 F.Supp.3d, at 502; *See Rodriguez Muniz*, 2026 WL 803134, at 2.

62. The conditions placed on Mr. Hossain bear no reasonable relation to any legitimate government purpose and are not necessary to fulfill the purpose of section 1231(a)(3). ICE progressively reduced Petitioner's reporting from every few months in 2008 to once annually, its own repeated confirmation that he required less supervision over time, not more. *See Exhibit A.1*. He has never missed a check-in, never violated any condition, and has no criminal record. *Id.* The officers who placed the monitor confirmed it was not based on anything specific to Petitioner, showing him paperwork reflecting that at least ten others received monitors under the same blanket order that same day. There is no changed circumstance, and no individualized finding of any kind. Further, Mr. Hossain has a pending USCIS case to obtain his residency showing that he is not a flight risk. *See Exhibit B*. A condition that ICE's own 17-year conduct proves unnecessary cannot

be said to be necessary to fulfill the purpose of section 1231(a)(3). *See Sopo*, 825 F.3d at 1217; *Zadvydas*, 533 U.S. at 690.

63. Further, the conditions are punitive rather than regulatory. The BI Incorporated Model XT-890 is a large, heavy device worn continuously, including during sleep. *See Exhibit C, D*. It impedes Petitioner's movement at work, prevents restful sleep, and carries visible social stigma at work when he takes his son to doctor's appointments. When the ankle monitor was placed on Mr. Hossain who had a 17-year compliance record, no criminal history, and no individualized justification, they function as punishment rather than regulation. *See Bell*, 441 U.S. at 538.

64. For these reasons, the placement of the ankle monitor violates the substantive due process guarantee of the Fifth Amendment. Mr. Hossain is entitled to immediate removal of the ankle monitor and all conditions not contained in his May 14, 2008 Order of Supervision.

PRAYER FOR RELIEF

WHEREFORE, Mr. Hossain respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondent to show cause why this Petition should not be granted within three (3) days;
- (3) Declare Respondent's blanket policy of requiring ankle monitors unlawful;
- (4) Declare that Mr. Hossain's ankle monitor was placed in violation of the Due Process Clause of the Fifth Amendment, and 8 U.S.C. § 1231;
- (5) Issue a Writ of Habeas Corpus ordering Respondent to remove Mr. Hossain's ankle monitor; or, in the alternative, order a prompt, individualized hearing at which Respondent bears the burden of justifying their continued imposition of the ankle monitor and at which Mr. Hossain is afforded a meaningful opportunity for rebuttal.

- (6) Award Mr. Hossain attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- (7) Grant any further relief this Court deems just and proper.

Respectfully submitted,

/s/ Sarah Wilson
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*Please note that Colombo & Hurd does not represent this Petitioner. Petitioner is represented by counsel in her capacity as the Supervising Attorney for the Cumberland School of Law Immigration Advocacy Clinic. Local Rules require counsel to include the address, telephone number, and email address associated with the PACER filing account on pleadings. Although counsel has a separate PACER account for filing in her capacity with the clinic, this district does not permit an admitted attorney to be connected to multiple PACER filing accounts. The correct representation information for this Petitioner is listed below.

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Counsel for Petitioner
Dated: April 15, 2026

VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I Petitioner, Shokwat Hossain, submit this verification and hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 14th day of April 2026.

*/s/ Shokwat Hossain**

*original on file with clinic