

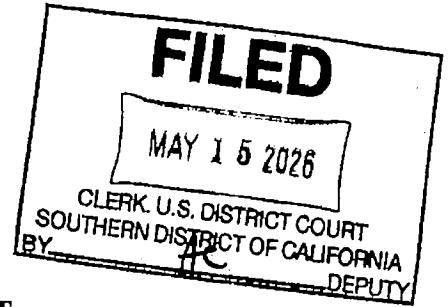
PETITION FOR WRIT OF HABEAS CORPUS

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Petitioner Pro Se



**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

RAMZI FAISAL SALEH AL NAQEEB,

Petitioner,

v.

MARKWAYNE MULLIN, Secretary of the Department of Homeland Security; TODD M. LYONS, Acting Director, U.S. Immigration and Customs Enforcement; JESUS ROCHA, Field Office Director, San Diego Field Office; TODD BLANCHE, Acting Attorney General of the United States,

Respondents.

Civil Case No.: '26CV3052 RSH DEB

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CORPUS**

INTRODUCTION

1. Petitioner Ramzi Faisal Saleh Al Naqeeb challenges the continued imposition of GPS ankle monitoring by U.S. Immigration and Customs Enforcement ("ICE") following his release on bond by an Immigration Judge.
2. Although the Immigration Judge authorized ICE to impose alternatives to detention at its discretion, ICE has imposed the most restrictive form of supervision—continuous GPS monitoring—and has maintained it for months without any individualized justification, meaningful review, or consideration of less restrictive alternatives.
3. Petitioner has fully complied with all conditions of his release, has appeared at all required hearings, and presents no danger to the community. The government's own records confirm he has no criminal history and is charged only with a civil immigration violation.
4. Despite these facts, ICE continues to subject Petitioner to a severe and ongoing restraint on his liberty. Petitioner therefore seeks habeas relief under 28 U.S.C. § 2241 to remove or modify these conditions as unlawful and unconstitutional.

JURISDICTION & VENUE

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5. This Court has jurisdiction to grant a writ of habeas corpus pursuant to 28 U.S.C. § 2241(c)(3) because Petitioner is “in custody in violation of the Constitution or laws or treaties of the United States.”
6. Although Petitioner is not physically detained, he remains subject to significant restraints on his liberty through continuous GPS ankle monitoring imposed by ICE.
7. Individuals released from physical detention but subject to ongoing conditions of supervision, including electronic monitoring, are considered “in custody” for purposes of habeas jurisdiction because such conditions impose restraints not shared by the public at large. See *Jones v. Cunningham*, 371 U.S. 236, 240–43 (1963); *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 67–68 (D. Mass. 2025); *Khabazha v. U.S. Immigration & Customs Enforcement*, No. 1:25-cv-05279, 2025 WL 3281514 (S.D.N.Y. Nov. 25, 2025).
8. This Court also has jurisdiction to grant declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201–2202 and the All Writs Act, 28 U.S.C. § 1651.
9. Petitioner’s claims arise under the Fifth Amendment to the United States Constitution and federal law governing immigration detention and supervision.
10. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) because a substantial part of the events giving rise to Petitioner’s claims occurred in this District. Petitioner was arrested by ICE in this District, detained at the Otay Mesa Detention Center, released pursuant to an order issued by an Immigration Judge in this District, and continues to be subjected to GPS monitoring by ICE within this District.
11. Respondents are located within this District or exercise authority within this District, and the acts and omissions giving rise to this Petition occurred here.

PARTIES

12. Petitioner Ramzi Faisal Saleh Al Naqeeb is a native and citizen of Yemen. He resides in San Diego County and challenges ICE’s continued imposition of GPS ankle monitoring following his release on bond.
13. Respondent Markwayne Mullin is sued in his official capacity as Secretary of the United States Department of Homeland Security.
14. Respondent Todd M. Lyons is sued in his official capacity as Acting Director of U.S. Immigration and Customs Enforcement.
15. Respondent Jesus Rocha is sued in his official capacity as Acting Field Office Director for the San Diego Field Office of U.S. Immigration and Customs Enforcement.
16. Respondent Todd Blanche is sued in his official capacity as Acting Attorney General of the United States and the senior official of the United States Department of Justice, which has authority over the Executive Office for Immigration Review.

STATEMENT OF FACTS

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17. Petitioner is a native and citizen of Yemen who lawfully entered the United States on October 3, 2022, on an F-1 student visa through San Francisco International Airport. Exhibit B.
18. Petitioner entered the United States to attend an English-language school program.
19. After completing his English-language program, and in light of the ongoing war and unstable conditions in Yemen, Petitioner applied for asylum in July 2023. Exhibit B.
20. Petitioner has since received employment authorization, obtained lawful work, and enrolled in Grossmont College to pursue business administration. Exhibits B-C.
21. On August 28, 2025, Petitioner was arrested by ICE agents outside his residence in San Diego while he was on his way to class.
22. ICE then served Petitioner with immigration paperwork, including an I-213, and placed him in removal proceedings.
23. ICE records reflect that Petitioner has no criminal history, no outstanding warrants, and no public safety concerns. Exhibit B.
24. Petitioner is charged solely with removability based on a visa overstay under INA § 237(a)(1)(B). Exhibit B.
25. Petitioner was detained at the Otay Mesa Detention Center for approximately 28 days pending a custody determination.
26. On September 15, 2025, an Immigration Judge conducted a custody redetermination and ordered Petitioner released on bond in the amount of \$1,500. Exhibit A.
27. In granting release, the Immigration Judge necessarily determined that Petitioner did not present a danger to the community or a sufficient flight risk to warrant continued detention.
28. The Immigration Judge's order further provided that alternatives to detention, including electronic monitoring, "may be imposed at DHS discretion." Exhibit A.
29. The Immigration Judge's order did not mandate GPS monitoring.
30. The Immigration Judge's order did not specify that GPS monitoring must be imposed.
31. The Immigration Judge's order did not authorize indefinite GPS monitoring.
32. The Immigration Judge's order did not authorize GPS monitoring without meaningful review, individualized justification, or consideration of less restrictive alternatives.
33. Petitioner was released from detention on or about September 29, 2025.
34. Upon release, ICE placed Petitioner on GPS ankle monitoring, the most restrictive form of supervision under the Alternatives to Detention program.
35. Since his release, Petitioner has complied fully with all conditions imposed by the Court and DHS.
36. Petitioner has appeared at all scheduled immigration court hearings, including his hearing on January 5, 2026.
37. Petitioner's next immigration court hearing is scheduled for June 5, 2026.

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38. Petitioner has maintained a stable residence, continued his education, and remained employed.
39. ICE has continued GPS monitoring for approximately eight months.
40. ICE has not provided Petitioner with any individualized assessment explaining why continued GPS monitoring remains necessary.
41. ICE has not provided Petitioner with meaningful written reasons explaining why less restrictive alternatives are insufficient.
42. ICE has not provided Petitioner with a meaningful opportunity to challenge the continued monitoring.
43. ICE has not conducted any meaningful review of whether continued GPS monitoring remains necessary in light of Petitioner's full compliance and low-risk profile.
44. The GPS ankle monitor imposes substantial restraints on Petitioner's liberty.
45. The GPS ankle monitor subjects Petitioner to continuous government surveillance.
46. The GPS ankle monitor interferes with Petitioner's daily activities, including work, school, sleep, and ordinary movement.
47. The device has caused Petitioner physical discomfort and ongoing psychological distress, including anxiety associated with constant monitoring and the risk of re-detention for alleged technical violations. Petitioner describes these harms in his declaration. Exhibit D.
48. Petitioner sought medical evaluation and submitted medical documentation regarding the harm caused by the ankle monitor. Exhibit D.
49. ICE and/or ISAP verbally refused to remove or downgrade the GPS monitor despite Petitioner's compliance, low-risk profile, and medical documentation, and did not provide Petitioner with a written individualized explanation. Exhibit D.
50. The record contains no evidence that Petitioner poses a danger to the community.
51. The record contains no evidence that Petitioner has failed to appear at any court hearing or ICE check-in.
52. The record contains no evidence that Petitioner presents a heightened risk of absconding.
53. To the contrary, the Immigration Judge's bond determination, Petitioner's compliance history, and the government's own records confirm that Petitioner is a low-risk individual charged only with a civil immigration violation.
54. Despite these facts, ICE continues to impose the most restrictive form of supervision without individualized justification, rendering continued GPS monitoring excessive, unnecessary, arbitrary, and unconstitutional.

CLAIMS FOR RELIEF

COUNT ONE

Violation of Fifth Amendment Procedural Due Process

55. Petitioner incorporates and realleges each of the foregoing paragraphs.

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56. The Fifth Amendment provides that no person shall be deprived of liberty without due process of law. U.S. CONST. amend. V.
57. The Due Process Clause applies to all persons within the United States, including noncitizens. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
58. Freedom from government custody, detention, and other forms of physical restraint lies at the heart of the liberty protected by the Due Process Clause. *Zadvydas*, 533 U.S. at 690.
59. GPS ankle monitoring is a substantial restraint on liberty because it subjects Petitioner to continuous surveillance, physical restraint, mandatory compliance obligations, and the threat of re-detention for alleged technical violations.
60. Although Petitioner has been released from physical detention, he remains “in custody” for purposes of 28 U.S.C. § 2241 because ICE continues to impose significant restraints on his liberty through GPS ankle monitoring and ATD supervision. See *Jones v. Cunningham*, 371 U.S. 236, 240–43 (1963); *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 67–68 (D. Mass. 2025).
61. District courts have recognized that electronic monitoring, including GPS ankle monitoring, may constitute custody for habeas purposes where the person remains subject to government control and conditions of release. See *Orellana Juarez*, 788 F. Supp. 3d at 67–68; *Khabazha v. U.S. Immigration & Customs Enforcement*, No. 1:25-cv-05279, 2025 WL 3281514 (S.D.N.Y. Nov. 25, 2025).
62. Procedural due process requires consideration of three factors: the private interest affected by the government action; the risk of erroneous deprivation under the procedures used and the value of additional safeguards; and the government’s interest. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).
63. Petitioner’s private liberty interest is substantial. GPS ankle monitoring imposes continuous government surveillance, physical restraint, stigma, anxiety, interference with work and school, charging and reporting obligations, and the threat of re-detention for alleged violations.
64. These burdens are not ordinary incidents of release; they are significant restraints not shared by the public at large.
65. Petitioner’s private interest is especially weighty here because he has been subjected to GPS monitoring for months despite full compliance with all conditions of release.
66. Petitioner has appeared at all scheduled hearings and check-ins, maintained a stable residence, continued his education, and remained employed.
67. The risk of erroneous deprivation is high because ICE has continued GPS monitoring without providing Petitioner a meaningful individualized review, written explanation, neutral hearing, or clear criteria for removal or downgrade from GPS supervision.
68. ICE has not explained why GPS monitoring remains necessary despite Petitioner’s compliance, lack of criminal history, lack of any failure to appear, and lack of any evidence that he poses a danger to the community.

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69. ICE has not meaningfully considered less restrictive alternatives, including SmartLINK, telephonic reporting, periodic in-person check-ins, or other conditions sufficient to ensure Petitioner's appearance in immigration proceedings.
70. Petitioner submitted medical documentation showing that the GPS ankle monitor is causing physical and/or mental health harm.
71. ICE and/or ISAP nevertheless verbally refused to remove or downgrade the device and did not provide a written individualized explanation.
72. ICE's verbal refusal further demonstrates the lack of meaningful review and the high risk of erroneous deprivation.
73. Additional procedural safeguards would substantially reduce the risk of erroneous deprivation.
74. Such safeguards include written reasons for continued GPS monitoring, periodic individualized review, supervisor review, consideration of medical evidence, consideration of less restrictive alternatives, and an opportunity to contest continued monitoring before a neutral decisionmaker.
75. The government's interest is limited to ensuring Petitioner's appearance at immigration proceedings and protecting the community.
76. Those interests are legitimate, but they are already served by Petitioner's bond, compliance history, stable residence, pending asylum application, and continued appearance at all required hearings.
77. The government's interest in GPS monitoring is especially weak here because the government's own records do not identify any criminal history, outstanding warrants, public safety concern, prior failure to appear, or attempt to abscond.
78. Petitioner is charged only with a civil immigration violation.
79. Under Mathews, the balance strongly favors Petitioner.
80. ICE's continued imposition of GPS monitoring without meaningful individualized review, written justification, or consideration of less restrictive alternatives violates procedural due process.
81. Petitioner therefore requests that this Court declare ICE's continued GPS monitoring unlawful unless ICE provides constitutionally adequate process and individualized justification for continued use of the most restrictive form of ATD supervision.

COUNT TWO

Violation of Fifth Amendment Substantive Due Process

82. Petitioner incorporates and realleges each of the foregoing paragraphs.
83. Civil immigration supervision must remain regulatory, not punitive.
84. Because immigration proceedings are civil, restrictions imposed on a released noncitizen must bear a reasonable relation to legitimate government objectives and may not become arbitrary,

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excessive, or punitive in effect. See *Zadvydas*, 533 U.S. at 690; *Bell v. Wolfish*, 441 U.S. 520, 539 (1979).

85. ICE may have legitimate interests in ensuring appearance at hearings and protecting public safety.
86. But a restraint becomes constitutionally excessive when it is not reasonably related to those objectives or when it is imposed without individualized necessity.
87. Here, the Immigration Judge released Petitioner on bond after custody redetermination.
88. The Immigration Judge's order did not mandate GPS monitoring.
89. The Immigration Judge's order provided only that alternatives to detention, such as electronic monitoring, may be imposed at DHS discretion.
90. The word "may" is permissive, not mandatory.
91. The Immigration Judge's order gave DHS discretion to impose ATD as appropriate; it did not authorize indefinite, unreviewable, or maximally restrictive GPS monitoring.
92. DHS discretion is not unlimited.
93. Even where an Immigration Judge permits DHS to impose ATD, that discretion must be exercised reasonably, consistently with due process, and based on individualized facts rather than blanket policy, administrative convenience, or inertia.
94. ICE has continued GPS monitoring for months despite Petitioner's full compliance, lack of criminal history, stable residence, school enrollment, employment, and demonstrated willingness to appear for immigration proceedings.
95. Continued GPS monitoring is not reasonably related to preventing flight where Petitioner has already appeared for court, complied with all conditions, maintained contact with ICE, and has a pending asylum application giving him every incentive to remain in proceedings.
96. Continued GPS monitoring is not reasonably related to public safety where the government's own records identify no criminal history, no outstanding warrants, no violence, no gang affiliation, no drug activity, and no public safety concern.
97. ICE's continued imposition of the most restrictive ATD condition despite these facts renders the GPS monitoring excessive in relation to any legitimate regulatory purpose.
98. The punitive effect of the GPS monitor is substantial.
99. The device causes physical discomfort, mental distress, stigma, interference with daily life, and constant fear of technical violations and re-detention.
100. The availability of less restrictive alternatives further demonstrates that continued GPS monitoring is excessive.
101. ICE can ensure compliance through SmartLINK, telephonic reporting, in-person check-ins, residence reporting, and continued bond conditions.

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102. Because Petitioner has demonstrated compliance for months and presents no individualized risk requiring continuous GPS surveillance, ICE's refusal to downgrade the device is arbitrary and constitutionally unreasonable.
103. ICE has effectively converted the Immigration Judge's limited grant of discretionary ATD authority into an indefinite restraint on Petitioner's liberty.
104. The Constitution does not permit civil immigration supervision to become an open-ended, punitive restraint untethered to individualized necessity.
105. Petitioner therefore requests habeas relief ordering ICE to remove the GPS monitor or, at minimum, prohibiting continued GPS monitoring absent an individualized determination supported by specific findings that no less restrictive alternative would reasonably ensure Petitioner's appearance and compliance.

COUNT THREE

Ultra Vires Action, Abuse of Delegated Discretion, and Violation of the Accardi Doctrine

106. Petitioner incorporates and realleges each of the foregoing paragraphs.
107. Under 8 U.S.C. § 1226(a), the government may detain a noncitizen pending removal proceedings or release the noncitizen on bond or conditional parole.
108. Once a noncitizen seeks custody redetermination, the Immigration Judge has authority to review custody and determine conditions of release. See 8 C.F.R. §§ 1003.19, 1236.1(d); *Orellana Juarez v. Moniz*, 788 F. Supp. 3d 61, 69 (D. Mass. 2025).
109. Courts have recognized that ICE may not disregard or nullify an Immigration Judge's custody order by imposing additional or inconsistent conditions outside the regulatory scheme. See *Orellana Juarez*, 788 F. Supp. 3d at 69.
110. This case differs from cases where the Immigration Judge ordered release with no ATD language at all.
111. Here, the Immigration Judge's order provided that ATD, such as electronic monitoring, may be imposed at DHS discretion.
112. But that distinction does not give ICE unlimited authority.
113. The Immigration Judge authorized discretion, not indefinite and unreviewable GPS monitoring.
114. The Immigration Judge's order allowed DHS to impose ATD as a condition of release.
115. It did not require GPS monitoring.
116. It did not select GPS as the required form of ATD.
117. It did not specify that GPS must continue for the duration of removal proceedings.
118. It did not authorize ICE to ignore changed circumstances, medical evidence, or Petitioner's compliance history.
119. ICE's authority under the Immigration Judge's order must be read as limited by the order's text, governing regulations, and the Fifth Amendment.

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120. "May be imposed at DHS discretion" means DHS may select an appropriate ATD condition.
121. It does not mean DHS may impose the most restrictive condition indefinitely without reassessment.
122. The Accardi doctrine requires federal agencies to follow their own binding regulations and formally established procedures. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).
123. Where an agency creates procedures governing release conditions, review, or custody redetermination, it must follow those procedures and may not act arbitrarily.
124. ICE's continued GPS monitoring violates these principles because ICE has failed to provide meaningful review.
125. ICE has failed to explain why GPS remains necessary.
126. ICE has failed to give meaningful weight to Petitioner's medical documentation and declaration describing the harm caused by GPS monitoring.
127. ICE has failed to consider less restrictive alternatives.
128. If ICE's position is that GPS monitoring cannot be downgraded despite Petitioner's compliance and medical harm, then ICE is treating the Immigration Judge's permissive language as a mandatory and unreviewable restraint.
129. That interpretation exceeds the scope of the Immigration Judge's order and renders the phrase "at DHS discretion" constitutionally problematic.
130. If ICE's position is that GPS monitoring can be reviewed and modified, then ICE's verbal refusal to do so here is arbitrary, unsupported by individualized evidence, and an abuse of discretion.
131. Either way, ICE's continued GPS monitoring exceeds the lawful scope of its delegated discretion and unlawfully restrains Petitioner's liberty.
132. Petitioner therefore requests that this Court declare that DHS discretion under the Immigration Judge's order is limited, reviewable, and subject to due process, and order ICE to remove or downgrade the GPS monitor unless it provides individualized, written findings showing that continued GPS monitoring is necessary and that no less restrictive alternative would suffice.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests that this Court:

- a. Assume and maintain jurisdiction over this matter to ensure full compliance with Court orders;
- b. Issue a writ of habeas corpus under 28 U.S.C. § 2241 declaring that ICE's continued imposition of GPS ankle monitoring without meaningful individualized review violates the Constitution and laws of the United States;
- c. Declare that ICE's continued GPS monitoring violates Petitioner's Fifth Amendment right to procedural due process;

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- d. Declare that ICE's continued GPS monitoring violates Petitioner's Fifth Amendment right to substantive due process because it is arbitrary, excessive, and not reasonably related to any legitimate regulatory purpose;
- e. Declare that DHS discretion under the Immigration Judge's bond order is limited, reviewable, and subject to constitutional constraints;
- f. Declare that ICE has abused its delegated discretion by imposing and maintaining the most restrictive form of ATD supervision without individualized justification, meaningful review, or consideration of less restrictive alternatives;
- g. Order ICE to remove Petitioner's GPS ankle monitor and downgrade Petitioner to a less restrictive form of supervision, such as SmartLINK, telephonic reporting, periodic check-ins, or another non-GPS alternative;
- h. In the alternative, order ICE to provide Petitioner with an individualized review within a short period of time, with written findings explaining why GPS monitoring remains necessary and why less restrictive alternatives are insufficient;
- i. Enjoin Respondents from reimposing GPS monitoring absent new, individualized evidence that Petitioner presents a specific flight risk or danger that cannot be addressed through less restrictive conditions;
- j. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, if applicable; and
- k. Grant such other and further relief as the Court deems just and proper.

EXHIBIT LIST

Exhibit A – Order of the Immigration Judge dated September 15, 2025.

Exhibit B – I-213 / EARM Encounter Summary.

Exhibit C – Grossmont College Business Administration A.S. DARS Degree Audit.

Exhibit D – Declaration of Ramzi Faisal Saleh Al Naqeeb.

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

I, Ramzi Faisal Saleh Al Naqeeb, declare under penalty of perjury that I am the Petitioner in this action and that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Executed on: May 14, 2026

San Diego, California



Ramzi Faisal Saleh Al Naqeeb

Petitioner

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PROOF OF SERVICE

I, Ramzi Faisal Saleh Al Naqeeb, am the Petitioner in this action.

On May 14, 2026, I served a true and correct copy of the attached Petition for Writ of Habeas Corpus on the United States Attorney's Office for the Southern District of California by electronic mail at: USACAS.Habeas2241@usdoj.gov.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed on May 14, 2026, at San Diego, California.

A black rectangular box with a white 'X' inside, used to redact the signature of the petitioner.

Ramzi Faisal Saleh Al Naqeeb

Petitioner