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CLERK. U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY TAC DEPUTY

RAMZI FAISAL SALEH AL NAQEEB
[redacted]
Petitioner Pro Se

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAMZI FAISAL SALEH AL NAQEEB, Petitioner, v. MARKWAYNE MULLIN, Secretary of the U.S. 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, Attorney General of the United States, Respondents.	Case No.: 3:26-cv-03052-RSH-DEB **PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner Ramzi Faisal Saleh Al Naqeeb respectfully submits this traverse in response to Respondents' Return to the Petition for Writ of Habeas Corpus.

INTRODUCTION

Respondents ask this Court to dismiss the Petition on procedural grounds. But their Return does not meaningfully address the central facts presented by Petitioner: he has complied with all conditions of release for approximately eight months, has no criminal history, has appeared for all immigration proceedings and check-ins, submitted medical documentation regarding harm caused by the GPS ankle monitor, and was verbally refused removal or

downgrade of the monitor without written individualized reasons. GPS monitoring has caused significant hardship, including interference with Petitioner's education, employment opportunities, and mental well-being.

Respondents' position incorrectly treats DHS discretion as unlimited and unreviewable. But the Immigration Judge's bond order did not mandate GPS monitoring. It stated only that alternatives to detention, such as electronic monitoring, "may be imposed at DHS discretion." That permissive language authorized DHS to impose appropriate ATD conditions; it did not authorize indefinite, medically harmful, and unreviewed GPS monitoring despite Petitioner's full compliance and available less restrictive alternatives.

Petitioner is not asking this Court to reweigh an ordinary bond decision. He is challenging ICE's ongoing implementation of GPS ankle monitoring after release, including ICE/ISAP's later refusal to remove or downgrade the monitor despite medical documentation, full compliance, and lack of any individualized explanation. This is a constitutional and legal challenge to the manner in which Respondents are restraining Petitioner's liberty, not merely a disagreement with the amount of bond or the Immigration Judge's discretionary custody determination.

Recent district court decisions support Petitioner's position that GPS ankle monitoring and ISAP conditions may constitute custody for purposes of Section 2241 and may violate due process when imposed or continued without meaningful individualized review. See Orellana Juarez v. Moniz, 788 F. Supp. 3d 61, 67-69 (D. Mass. 2025); Khabazha v. U.S. Immigration & Customs Enforcement, No. 25-cv-05279, 2025 WL 3281514, at *8-9 (S.D.N.Y. Nov. 25, 2025); A.B.D. v. Wamsley, No. 6:25-cv-02014-AA, 2026 WL 178306, at *8-10 (D. Or. Jan. 22, 2026);

Harrington v. Albarran, No. 4:26-cv-01889-JST, 2026 WL 800113, at *4 (N.D. Cal. Mar. 23, 2026).

For the reasons below, the Petition should not be dismissed. The Court should grant habeas relief, order removal or downgrade of the GPS monitor

ARGUMENT

I. PETITIONER REMAINS "IN CUSTODY" FOR PURPOSES OF 28 U.S.C. § 2241.

Respondents argue that Petitioner is not "in custody" because he has been released on bond. That argument ignores the substantial restraints imposed by continuous GPS ankle monitoring and ATD supervision.

The habeas "custody" requirement is not limited to physical jail custody. A person may be "in custody" where the government imposes restraints on liberty not shared by the public generally. See Jones v. Cunningham, 371 U.S. 236, 240-43 (1963); Hensley v. Municipal Court, 411 U.S. 345, 351 (1973).

Petitioner is not merely living freely in the community. He is subject to continuous GPS ankle monitoring, government surveillance, reporting obligations, charging obligations, restrictions tied to ICE/ISAP supervision, and the threat of re-detention for alleged technical violations. These restraints are substantial and are not shared by the public.

Recent cases involving ICE electronic monitoring confirm this point. In Orellana Juarez, the court found habeas custody where the petitioner was released from detention but placed on ISAP conditions including a 24/7 GPS ankle monitor, reporting requirements, geographic restrictions, and home visits. 788 F. Supp. 3d at 67-68. The court analogized these restraints to parole-like custody under Jones and Hensley. Id.

Similarly, in A.B.D. v. Wamsley, the court recognized that ankle monitoring and ISAP restrictions may constitute custody where petitioners are subject to ongoing physical monitoring and control. 2026 WL 178306, at *8-10. In Harrington v. Albarran, a California district court recognized that GPS/ISAP conditions can raise serious habeas and due process concerns. 2026 WL 800113, at *4. And in Khabazha, the court granted habeas relief and ordered release from unlawful liberty restrictions including an ankle monitor and reporting requirements. 2025 WL 3281514, at *8-9.

Respondents rely on Miranda v. Reno, 238 F.3d 1156 (9th Cir. 2001), but Miranda is distinguishable. In Miranda, the petitioner had already been removed from the United States and was not subject to ongoing restraints in the United States. The Ninth Circuit held he was not in custody because he was "subject to no greater restraint than any other non-citizen living outside American borders." Id. at 1159. Petitioner here is physically present in the United States and subject to ongoing GPS and ATD restraints imposed by ICE.

Modern electronic monitoring is a far greater restraint than ordinary release. It physically attaches a device to Petitioner's body, continuously monitors him, interferes with daily life, and subjects him to possible re-detention. Petitioner therefore satisfies the "in custody" requirement for habeas jurisdiction.

II. SECTION 1226(e) DOES NOT BAR REVIEW OF PETITIONER'S CONSTITUTIONAL AND LEGAL CLAIMS.

Respondents next argue that 8 U.S.C. Section 1226(e) bars jurisdiction because this case involves DHS discretion. But Petitioner is not asking the Court to substitute its judgment for a discretionary bond decision. He is challenging the constitutional legality of ICE's ongoing GPS monitoring and the lack of meaningful individualized review.

Section 1226(e) does not bar constitutional claims or questions of law. The Ninth Circuit has recognized that jurisdictional bars on discretionary immigration decisions do not prevent courts from reviewing claims that the discretionary process itself is constitutionally flawed. Hernandez v. Sessions, 872 F.3d 976, 987-88 (9th Cir. 2017).

That is exactly the claim here. Petitioner does not dispute that DHS had some discretion to impose ATD initially. Rather, Petitioner argues that DHS abused that discretion and violated due process by maintaining the most restrictive form of ATD for months without written reasons, meaningful review, consideration of medical documentation, or consideration of less restrictive alternatives.

The Immigration Judge's order used permissive language. It said ATD "may be imposed at DHS discretion." It did not require GPS. It did not state that GPS must remain in place for the duration of removal proceedings. It did not authorize indefinite monitoring without reassessment. And it did not exempt DHS from constitutional limits.

DHS discretion is not unlimited. Even where the government has discretion over detention or release conditions, the Constitution prohibits arbitrary restraints and requires meaningful process when liberty is substantially burdened. Petitioner's due process claims are therefore reviewable.

Recent ATD cases are consistent with this principle. In Orellana Juarez, the court rejected the government's attempt to treat ICE release conditions as unreviewable where GPS and ISAP conditions were imposed after an immigration judge's custody decision. 788 F. Supp. 3d at 69. In Khabazha, the court ordered the government to release the petitioner from restrictions on liberty, including ankle monitoring and reporting requirements, where those restraints followed unlawful

government action. 2025 WL 3281514, at *8-9. These cases confirm that federal courts may review legal and constitutional challenges to ICE-imposed liberty restraints.

III. HERNANDEZ DOES NOT AUTHORIZE INDEFINITE GPS MONITORING WITHOUT REVIEW; IT SUPPORTS CONSIDERATION OF LESS RESTRICTIVE ALTERNATIVES.

Respondents cite Hernandez v. Sessions to argue that GPS monitoring is constitutionally permissible. But Hernandez does not hold that ICE may impose GPS indefinitely without individualized review.

Hernandez involved detained noncitizens who could not afford bond. The Ninth Circuit affirmed an injunction requiring immigration officials to consider financial ability and alternative conditions of release. Hernandez recognized alternatives to detention as a way to avoid unnecessary detention; it did not hold that GPS ankle monitoring may be imposed for months or indefinitely without reassessment.

The issue here is not whether GPS is less restrictive than detention. It obviously is. The issue is whether GPS remains justified compared to less restrictive alternatives after Petitioner has demonstrated compliance for months, has no criminal history, has appeared at all required hearings and check-ins, and has submitted medical documentation showing harm.

A condition can be less restrictive than jail and still be excessive when compared to other available alternatives. SmartLINK, telephonic reporting, periodic check-ins, residence reporting, and continued bond conditions are all less restrictive than GPS ankle monitoring.

Respondents' reading of Hernandez would turn a safeguard against unnecessary detention into a justification for indefinite electronic surveillance. That is not what Hernandez held. Hernandez supports Petitioner's position because it confirms the constitutional importance of considering less restrictive alternatives.

IV. RECENT ATD/GPS HABEAS CASES SUPPORT PETITIONER'S REQUEST FOR RELIEF OR, AT MINIMUM, INDIVIDUALIZED REVIEW.

Recent decisions confirm that GPS ankle monitors and ISAP conditions are not ordinary releases. They are substantial restraints that can trigger habeas and due process protections.

In Orellana Juarez, the court found that GPS monitoring and ISAP restrictions constituted custody for habeas purposes and held that ICE's imposition of release conditions not present in the IJ's order violated due process. 788 F. Supp. 3d at 67-69. In Khabazha, the court granted habeas relief and ordered release from restrictions including an ankle monitor and reporting requirements. 2025 WL 3281514, at *8-9. In A.B.D., the court recognized that electronic monitoring and ISAP conditions can amount to custody and that due process required meaningful process before severe restraints were imposed or maintained. 2026 WL 178306, at *8-10. Harrington likewise recognized that recent courts have found due process violations in similar GPS/ISAP circumstances. 2026 WL 800113, at *4.

Other recent decisions have treated ICE-imposed supervision conditions as reviewable where those conditions restrain liberty after release. See Gonzalez Mojica v. Lyons, No. 25-cv-13783-ADB, 2026 WL 266502, at *3 (D. Mass. Feb. 2, 2026); N-N- v. McShane, No. 25-cv-05494, 2025 WL 3143594, at *3-4 (E.D. Pa. Nov. 10, 2025).

These cases are not identical, and Petitioner acknowledges that the Immigration Judge's order here stated that ATD "may be imposed at DHS discretion." But that distinction does not defeat Petitioner's claim. It narrows the question. The question is not whether ICE had any authority to impose ATD initially. The question is whether ICE may maintain the most restrictive ATD condition indefinitely, after months of compliance and medical documentation, without meaningful review, written reasons, or consideration of less restrictive alternatives.

These cases illustrate that even where ICE has authority to impose some form of supervision, prolonged GPS monitoring without meaningful review raises serious habeas and due process concerns.

V. EXHAUSTION SHOULD NOT BAR REVIEW BECAUSE PETITIONER CHALLENGES ICE'S ONGOING POST-RELEASE IMPLEMENTATION OF GPS MONITORING, NOT MERELY THE ORIGINAL BOND ORDER.

Respondents argue that Petitioner failed to exhaust administrative remedies because he did not appeal the Immigration Judge's bond order to the BIA or challenge the ATD condition through the bond appeal process. This argument mischaracterizes the Petition.

Petitioner does not seek review of the bond amount. He does not ask this Court to overturn the Immigration Judge's decision to release him on bond. And he does not argue that the Immigration Judge lacked authority to allow DHS to impose ATD. Instead, Petitioner challenges ICE's continued implementation of GPS monitoring after release and after months of compliance.

The facts giving rise to this habeas petition developed after the bond order. ICE placed Petitioner on GPS monitoring upon release, continued it for approximately eight months, received medical documentation regarding harm caused by the monitor, verbally refused to remove or downgrade the device, and failed to provide written individualized reasons. These later events are not simply an appeal of the original bond order.

Exhaustion should not apply mechanically where the challenged conduct is ongoing ICE implementation and refusal to modify supervision conditions after release. The BIA is not the agency actor that placed the GPS monitor on Petitioner, received his medical documentation, verbally refused his request, or currently controls the monitor. ICE and ISAP are the actors continuing the restraint.

Recent cases support skepticism toward exhaustion arguments where ICE imposes or maintains post-release restrictions outside a clear, adequate review path. In Gonzalez Mojica, the court rejected the government's attempt to rely on exhaustion where ICE imposed restrictions beyond the IJ's release decision and the regulatory scheme did not clearly provide an adequate path to challenge those conditions. 2026 WL 266502, at *3. Although Petitioner's IJ order here included ATD-at-DHS-discretion language, the same principle applies: ICE's ongoing implementation of the most restrictive ATD condition must be subject to some meaningful review.

Even if exhaustion is prudentially required, it should be waived here. Exhaustion is prudential where Congress has not clearly made it jurisdictional, and courts may waive prudential exhaustion where administrative remedies are inadequate, futile, or would cause irreparable harm. Petitioner has already sought relief directly from ICE/ISAP by submitting medical documentation and requesting removal or downgrade. That request was verbally refused without written individualized reasons. Requiring Petitioner to pursue further administrative proceedings would not provide prompt relief from the ongoing physical and psychological harm caused by the monitor.

Respondents argue that Petitioner should have appealed the bond order. But the bond order itself did not require GPS. It merely allowed DHS discretion to impose ATD. Petitioner's challenge is to DHS's current exercise of that discretion after months of compliance and after the later medical request was refused. That issue is properly before this Court.

VI. PETITIONER'S DUE PROCESS CLAIM REMAINS UNREBUTTED ON THE FACTS.

Respondents' return does not meaningfully address Petitioner's strongest factual points.

Petitioner has complied with all conditions of release. He has appeared at all required hearings and check-ins. He has no criminal history. The Immigration Judge released him on bond. The IJ's order did not mandate GPS monitoring. Petitioner submitted medical documentation and requested removal or downgrade. ICE/ISAP verbally refused and gave no written individualized explanation. Respondents have not identified any specific fact showing that GPS monitoring remains necessary.

Procedural due process requires meaningful process before the government continues imposing a substantial liberty restraint. Under Mathews v. Eldridge, 424 U.S. 319, 335 (1976), the Court considers the private interest affected, the risk of erroneous deprivation, and the government's interest.

Petitioner's private interest is substantial. GPS ankle monitoring is a physical restraint, a form of continuous surveillance, and a condition that interferes with daily life, sleep, school, work, and mental health.

The risk of erroneous deprivation is high because ICE has not provided written reasons, neutral review, meaningful reassessment, or criteria for removal or downgrade. ICE has not explained why GPS remains necessary despite Petitioner's compliance and medical documentation.

The government's interest is legitimate but can be served through less restrictive alternatives. Petitioner is willing to comply with SmartLINK, telephonic reporting, periodic check-ins, residence reporting, and all other lawful conditions. The government has not shown why GPS is necessary when these less restrictive alternatives are available.

At minimum, under the Mathews balancing test, Petitioner's substantial private interest in freedom from physical restraint and documented medical harm, combined with the high risk of

erroneous deprivation due to the absence of written findings or meaningful reassessment, outweighs any minimal administrative burden on Respondents to conduct an individualized review and consider less restrictive alternatives.

Therefore, due process requires at least an individualized review with written findings explaining why GPS remains necessary and why less restrictive alternatives are insufficient.

VII. CONTINUED GPS MONITORING IS EXCESSIVE AND ARBITRARY.

Civil immigration supervision must remain regulatory, not punitive. Petitioner does not dispute that ICE may supervise him. He objects to the continued use of the most restrictive form of ATD without individualized justification.

After months of compliance, no criminal history, no missed court hearings, medical documentation, and no written explanation from ICE, continued GPS monitoring is no longer reasonably related to ensuring appearance or public safety. It has become excessive compared to the government's stated interests.

The Immigration Judge gave DHS discretion to impose ATD; he did not give DHS authority to impose indefinite, unreviewed, medically harmful GPS monitoring. Discretion must be exercised reasonably and consistently with due process. It cannot be treated as a blank check.

The recent ATD/GPS habeas cases reflect this principle. Orellana Juarez, Khabazha, A.B.D., Harrington, Gonzalez Mojica, and N-N- recognize that ICE supervision conditions can become unlawful when they impose significant restraints without adequate process, legal authority, or individualized justification. Petitioner seeks the same limited relief here: removal or downgrade of the GPS monitor, or at minimum a meaningful individualized review with written reasons.

RELIEF REQUESTED

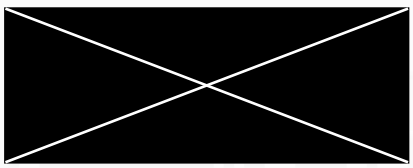
For these reasons, Petitioner respectfully requests that the Court reject Respondents' request for dismissal and grant the Petition.

Petitioner respectfully requests that the Court:

1. Order ICE to remove Petitioner's GPS ankle monitor and downgrade him to a less restrictive form of supervision, such as SmartLINK, telephonic reporting, or periodic check-ins;
2. Declare that DHS discretion under the Immigration Judge's bond order is limited, reviewable, and subject to due process; and
3. Grant such other relief as the Court deems just and proper.

DATED: June 8, 2026

Respectfully submitted,



Ramzi Faisal Saleh Al Naqeeb

Petitioner Pro Se

PROOF OF SERVICE

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

On June 8, 2026, I served a true and correct copy of the foregoing PETITIONER'S TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS by electronic mail to counsel for Respondents:

Hunter V. Norton

Assistant United States Attorney

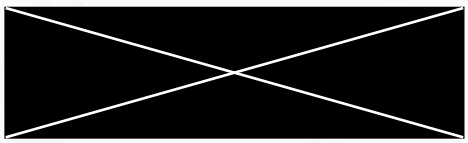
Hunter.Norton2@usdoj.gov

I also served a copy by electronic mail to the United States Attorney's Office for the Southern District of California 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 June 8, 2026, at San Diego, California.



Ramzi Faisal Saleh Al Naqeeb