

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

FILED

JUN 13 2025

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Cheikh DIAW, Pro Se
Petitioner

v.

Case No. 3:25-CV-131
(Supplied by Clerk of Court)

LEONARD ODDO, FACILITY ADMINISTRATOR
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: CHEIKH MOUNTAGA AMADOU DIAW
(b) Other names you have used: ADAM DIAW
2. Place of confinement:
(a) Name of institution: MOSHANNON VALLEY PROCESSING CENTER
(b) Address: 555 GEO DRIVE
PHILIPSBURG, PA 16866
(c) Your identification number: A [REDACTED]
3. Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
4. Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
 Being held on an immigration charge
 Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court: IMMIGRATION & CUSTOMS ENFORCEMENT

31 HOPKINS PLAZA, BALTIMORE, MD 21201

(b) Docket number, case number, or opinion number: _____

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: April 3, 2025

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: I was taken into custody even though I am unable to be removed from the U.S. Appeal and administrative remedies are not available to me.

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

Yes No

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(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: I did not file a first appeal. There is no appeal available to me.

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: _____
- (2) Date of filing: _____
- (3) Docket number, case number, or opinion number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: I did not file a second appeal. There is no appeal available to me.

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: N/A I am not challenging a conviction or sentence

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: April 3, 2025
- (b) Date of the removal or reinstatement order: January 24, 2013
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I cannot be removed from the United States

(a) Supporting facts (Be brief. Do not cite cases or law.):

On 6/14/2013, after 6 months of detention, I was released from ICE custody under an order of supervision. In the decade since my release, ICE has not been able to remove me from the United States.

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: My current confinement is due to a clerical error by ICE.

(a) Supporting facts (Be brief. Do not cite cases or law.):

ICE supervisor C. Lewis stated the above when I was taken into custody, and Mr. Lewis also stated since I was in custody, I would have to wait 90 days for a review of my case. Mr. Lewis was the deportation agent assigned to my case in 2013.

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: I am not a flight risk or a danger to the public

(a) Supporting facts (Be brief. Do not cite cases or law.):

Since my release a decade ago, I have not had any legal issues nor have I missed an appointment with ICE. ICE confirmed this by having me on the lowest supervision level. I was only required to report once a year.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR: n/a

(a) Supporting facts (Be brief. Do not cite cases or law.):

n/a

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Appeals were not available to me

Request for Relief

15. State exactly what you want the court to do: I would like the Court to order my immediate release from detention under an order of supervision, and prevent ICE from re-detaining me unless or until my removal is significantly likely in the reasonably foreseeable future.

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Declaration Under Penalty Of Perjury

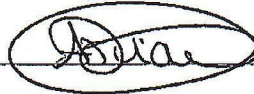
If you are incarcerated, on what date did you place this petition in the prison mail system:

6/3/25

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

6/3/25



Signature of Petitioner

Signature of Attorney or other authorized person, if any