

UNITED STATES DISTRICT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

FILED
WILLIAMSPORT

JUL 31 2025

ALEX AGYEMANG, Petitioner,

PER EA
DEPUTY CLERK

v

PAM BONDI, U.S. ATTORNEY GENERAL; KRISTI NOEM, SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT(ICE); WARDEN, CLINTON COUNTY CORRECTIONAL FACILITY, Respondents.

Civ. No.

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C § 2241

INTRODUCTION

Petitioner, Alex Agyemang ("Petitioner"), currently detained by U.S. Immigration and Customs Enforcement (ICE) at Clinton County Correctional Facility, respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C § 2241. Petitioner is unlawfully detained under 8 U.S.C § 1226(c) despite not being properly subject to mandatory detention. The Immigration Judge (IJ) refused to consider Petitioner's bond request on the merits, solely on the basis that his motion did not specify the content of his direct criminal appeal, effectively denying him due process.

JURISDICTION AND VENUE

This Court has jurisdiction over this petition pursuant to 28 U.S.C § 2241 and Article I, § 9 of the U.S. Constitution. Venue is proper in this District because Petitioner is currently detained in ICE custody in Clinton County, Pennsylvania.

PARTIES

Petitioner: Alex Agyemang , A#  is a native and citizen of Ghana and is currently detained by ICE at Clinton County Correctional Facility, 58 Pine Mountain Road, P. O. Box 419 , McElhattan PA 17748

Respondents:

1. Pam Bondi, Attorney General of the United States.
2. The Department of Homeland Security (DHS).
3. U.S. Immigration and Customs Enforcement (ICE).
4. The Warden of the detention facility where Petitioner is held.

FACTUAL BACKGROUND

1. Petitioner was convicted in federal court and is presently pursuing a direct appeal in the U.S Court of Appeals for the Third Circuit (Case No. 24-3241).
2. The Third Circuit appeal includes grounds that challenge the validity of the conviction itself, including due process violations and the knowing and voluntary nature of the plea agreement.
3. On June 25 2025, Petitioner filed a motion for bond redetermination with the Newark Immigration Court.
4. On July 1 2025, the IJ denied Petitioner's bond request without reaching the merits of whether Petitioner posed a flight risk or danger to the community. Instead, the IJ concluded that Petitioner failed to adequately prove that his conviction was not final because the bond motion did not detail the basis of his direct appeal.
5. The IJ's refusal to consider the substance of the Petitioner's eligibility for bond denied him meaningful opportunity to be heard and challenge his detention.

LEGAL ARGUMENT

I. PETITIONER IS NOT SUBJECT TO MANDATORY DETENTION UNDER 8 U.S.C. § 1226(c)

Because Petitioner's criminal conviction is on direct appeal and the appeal raises constitutional and factual challenges to the validity of the conviction, it is not final for immigration purposes. See *Matter of Punu*, 22 I&N Dec. 224 (BIA 1988); *In re Ozkok*, 19 I&N Dec (BIA 1988). Therefore, Petitioner is not subject to mandatory detention under § 1226(c) and is eligible for a bond hearing.

II. THE IJ VIOLATED PETITIONER'S DUE PROCESS RIGHTS

The IJ denied Petitioner's bond request without evaluating whether he posed a danger or flight risk, the central issue in any bond hearing. See *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006). This refusal deprived Petitioner of meaningful opportunity to seek release and constitute a due process violation. See *Diop v. ICE/Homeland Security*, 656 F. 3d 221 (3d Cir. 2011); *Guerrero-Sanchez v Warden*, 905 F. 3d 208 (3d Cir. 2018).

RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue a writ of habeas corpus directing Respondents to release Petitioner from custody or provide him with a constitutionally adequate bond hearing before an IJ who considers the full merit of his case;
2. Grant such other and further relief as the Court deems proper.

Respectfully submitted,

Alex Agyemang Pro Se Petitioner A# 
Clinton County Correctional Facility
58 Pine Mountain Road
P.O. Box 419

McElhattan Pa 17748

DATE:

07/24/25

A handwritten signature in black ink, consisting of a large, stylized capital 'A' followed by a vertical line and a horizontal stroke at the bottom.

ALEX AGYEMANG A# ~~XXXXXXXXXX~~

CLINTON COUNTY CORRECTIONAL FACILITY

58 PINE MOUNTAIN RD. ~~PIECE~~

P.O. Box 419

McElhattan PA 17748



HARRISBURG PA 171

TUE 29 JUL 2025 PM

INMATE MAIL
THIS CORRESPONDENCE IS FROM A
COUNTY CORRECTIONAL FACILITY
AND THE SENDER IS AN INMATE.
THE CONTENTS HAVE NOT BEEN
EVALUATED. CLINTON COUNTY
CORRECTIONAL FACILITY IS NOT
RESPONSIBLE FOR THE CONTENTS
OR FOR DEBTS INCURRED.

CLERK OF COURT U.S DISTRICT COURT

MIDDLE DISTRICT OF PENNSYLVANIA

240 WEST THIRD STREET

SUITE 218

WILLIAMSPORT PA 17701

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