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**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

SHOLA ADEDIJI,	:	No. 3:25-cv-1464
Petitioner,	:	
	:	
v.	:	(Camoni, M.J.)
	:	
CRAIG LOWE, Warden of Pike	:	
County Correctional Facility,	:	
Respondent.	:	Filed Electronically

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

This is a habeas action filed on August 7, 2025, through counsel, by Petitioner, SHOLA ADEDIJI, an immigration detainee in the custody of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), at the Pike County Correctional Facility in Hawley, Pennsylvania. Doc. 1, Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241, ¶ 1. Adediji requests the Court to declare his detention without a bond hearing violative of Due Process, and either conduct or order the Government to schedule a bond hearing before an Immigration Judge within 14 days. *Id.* at 18. On August 12, 2025, this Court entered an order directing Respondent to respond to the Petition within twenty-one (21) days, or on or before

September 2, 2025. Doc. 2, Order to Show Cause. This Response is filed in accordance with that Order.

FACTS

Adediji is a native and citizen of Nigeria. Ex. 1, DHS Record of Deportable at 1; Ex. 2, Notice to Appear at 2. On or about July 3, 2017, Adediji was admitted to the United States at Atlanta, Georgia, as a K-1 Visa holder.¹ Ex. 2 at 1. His immigration status was adjusted to that of a lawful permanent resident on September 24, 2018. *Id.*

On February 2, 2021, an indictment was filed against Adediji in the United States District Court for the Western District of New York. Ex. 3, Indictment. Specifically, the indictment charged Adediji with four counts of conspiracy to commit wire fraud, wire fraud, and aggravated identity theft, in violation of 18 U.S.C. §§ 1349, 1343, 1028A, and 2. *Id.* Adediji pleaded guilty to Count I of the Indictment on March 31, 2022. Ex. 4, Plea Agreement. On September 28, 2023, he was sentenced to a 24-month term of imprisonment. Ex. 5, Criminal Judgement at 2.²

¹ A K-1 Visa is for the fiancées of United States citizens.

² Exhibits 1, 3, 4, and 5 were extracted from DHS evidence submitted to the Immigration Court.

On January 17, 2024, while Adediji was serving his criminal sentence at the Low Security Correctional Institution Allenwood (LSCI Allenwood), ICE served him with a Notice to Appear. Ex. 2 at 2. The Notice to Appear charged Adediji as removable based upon two separate sections of the Immigration and Nationality Act (INA). *Id.* at 4. First, the Notice to Appear alleged that Adediji was removable pursuant to Section 237(a)(2)(A)(iii), in that at any time after admission, he was convicted of an aggravated felony as defined in Section 101(a)(43)(M) of the Act, a law relating to an offense that (i) involves fraud or deceit in which the loss to the victim or victims exceeds \$10,000, or (ii) as described in Internal Revenue Code of 1986, Section 7201 (relating to tax evasion) in which the revenue loss to the Government exceeds \$10,000. *Id.* Second, the Notice to Appear charged Adediji as removable pursuant to Section 101(a)(43)(U) of the Act, because Adediji's aggravated felony conviction related to an attempt or conspiracy to commit an offense described in section 101(a)(43) of the Act. *Id.*

Adediji appeared before the Honorable William McDermott, Immigration Judge, from LSCI Allenwood via video teleconferencing on February 26, 2024, and he requested additional time to secure counsel.

Ex. 6, Hearing Transcript, Feb. 26, 2024, at 9-14. Adediji appeared before Immigration Judge McDermott with counsel on March 26, 2024, and he conceded to his removability for the federal aggravated felony conviction, but counsel indicated his intent to file an application for withholding of removal and relief under the Convention Against Torture (CAT). Ex. 7, Hearing Transcript, Mar. 26, 2024, at 18-20. The Immigration Court received Adediji's application on April 25, 2024, and scheduled an individual merits hearing on September 24, 2024, attempting to conduct the hearing in advance of Adediji's anticipated release from LSCI Allenwood. Ex. 8, Hearing Transcript, Apr. 29, 2024, at 23-28.

Adediji completed his federal sentence and entered ICE custody on July 12, 2024. Ex. 9, Notice to EOIR: Alien Address. He was initially confined at the Clinton County Correctional Facility. *Id.* DHS filed a motion to recalendar the individual merits hearing, and the parties next appeared before the Honorable Adrian N. Armstrong, United States Immigration Judge, on July 29, 2024, and the judge scheduled a merits' hearing for September 16, 2024. Ex. 10, Respondent's Motion to

Recalendar Individual Merits Hearing; Ex. 11, Hearing Transcript, July 29, 2024.

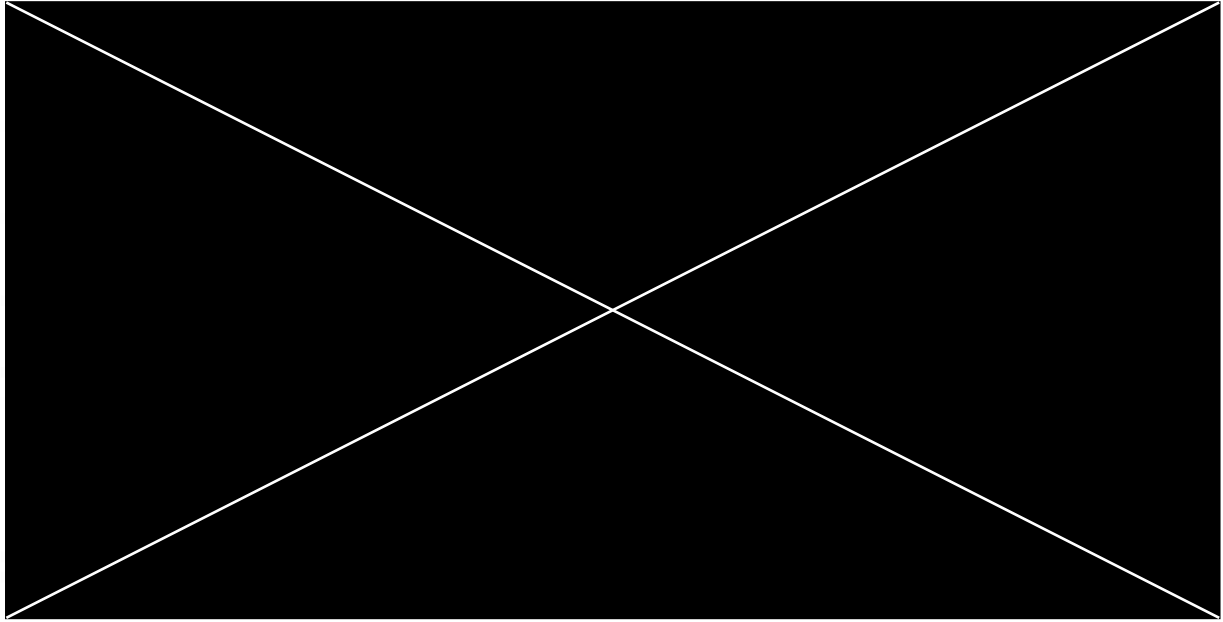
On September 24, 2024, Judge Armstrong denied Adediji's application for withholding of removal but granted his application for deferral of removal under the Convention Against Torture. Ex. 12, Order of the Immigration Judge at 6-11. Judge Armstrong held that Adediji submitted credible evidence that he would likely be tortured 



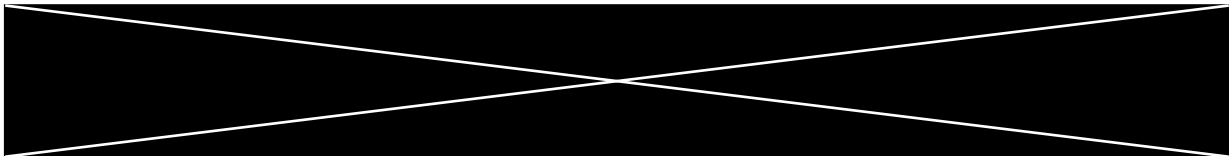
DHS appealed to the Board of Immigration Appeals (BIA). *See* Ex. 13, BIA Decision. On February 13, 2025, without expressing opinion as to the ultimate outcome of the case, the BIA found the Immigration Judge's decision lacked sufficient factual findings or legal analysis regarding Adediji's claims for CAT protections and remanded the case to the Immigration Judge. *Id.* at 2-3.

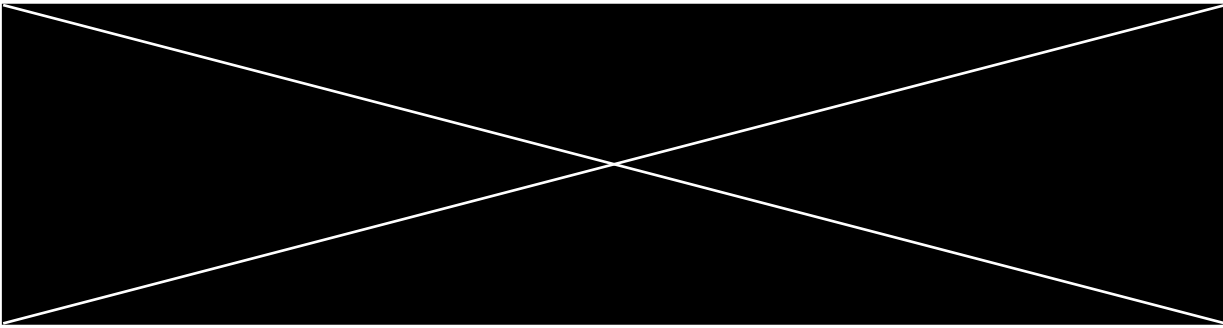
On April 29, 2025, immigration officials transferred Adediji to Pike County Correctional Facility. Ex. 14, Notice to EOIR: Alien Address, Apr. 9, 2025. In light of this transfer, an immigration judge granted DHS's motion for a change in venue on July 15, 2025. Ex. 15, Order of

the Immigration Judge, July 15, 2025. On July 25, 2025, the Honorable Tamar Wilson, Immigration Judge, issued an order indicating her intent to deny Adediji's application for CAT relief 



 Judge Wilson noted that Adedihi “repeatedly violated the terms of his pretrial supervision and was arrested for violation of bail and suspicion of identity theft after being in possession of identity documents of victims of identity theft. The PSIR was drafted on 9/28/2023.” *Id.* Judge Wilson noted that Adediji's sentencing range was only reduced due to a change in the guidelines immediately preceding his sentencing. *Id.*





Judge Wilson thus

concluded that Adediji's claim was fabricated and noted that letters he provided by his sister and brother did not sufficiently support his claim.

Id. Judge Wilson indicated she would issue a formal oral decision denying Adediji CAT relief but gave Adediji an opportunity to waive the formal decision and accept her order as a final removal order. *Id.* Adediji opposed the July 25, 2025 Order and requested a "full and complete decision as it relates to his application for relief under the Convention Against Torture." Ex. 17, Respondent's Response to the Order of the Immigration Judge.

An internet-based master hearing occurred on August 21, 2025. Ex. 18, Notice of Hearing, Aug. 11, 2025. Another hearing has been set for September 4, 2024. Ex. 19, Notice of Hearing, Aug. 21, 2025.

ARGUMENT

Adediji's pre-final order of removal, mandatory detention does not violate the due process clause of the Fifth Amendment because it has not been prolonged or arbitrary. The Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. ---, 138 S. Ct. 830 (2018), overruled the United States Court of Appeals for the Third Circuit's statutorily based decisions in *Diop v. ICE/Homeland Sec.*, 656 F.3d 221 (3d Cir. 2011), and *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 478 (3d Cir. 2015), that Section 1226(c) contained a fixed point in a noncitizen's detention necessitating a bond hearing because those decisions fundamentally relied on the doctrine of constitutional avoidance. Instead, the Supreme Court held that the canon could not be applied to 8 U.S.C. § 1226(c), the statute that governs Adediji's detention. To the extent Adediji is able to mount a constitutional challenge to his detention, that claim fails.

In discussing the effect of *Jennings* on mandatory detention, the Third Circuit confirmed the well-settled principle within this District that the statutory holding and explicit time-frames set forth in both *Diop* and *Chavez* have been abrogated; however, a petitioner may still raise an as-applied challenge to the constitutionality of his detention. *See*

German Santos v. Warden of Pike County Correctional Facility, 965 F.3d 203, 208 (3d Cir. 2020) (holding an as-applied constitutional challenge to mandatory detention is allowable even though *Jennings* abrogated the construction of the statute as implicitly limiting detention without a bond hearing, because it left the framework for as-applied constitutional challenges intact). Specifically, where a petitioner challenges the constitutionality of Section 1226(c) as applied to him, the Court must apply the constitutional reasoning underlying *Diop* and *Chavez* and, in order for petitioner to show he is entitled to a bond hearing, he must show that the ongoing detention is so unreasonable or arbitrary that it has actually violated his rights under the Due Process Clause. *Id.* at 210.

In *Jennings*, the Supreme Court specifically held open the question of whether 8 U.S.C. §§ 1225(b), 1226(a), and 1226(c) are constitutional. 138 S. Ct. at 851. With respect to Section 1226(c), however, the Supreme Court has already determined that this statute is constitutional on its face. *Demore v. Kim*, 538 U.S. 510, 531 (2003).

A. *Demore* upheld the constitutionality of Section 1226(c) as applied to a criminal alien.

In *Demore*, the Supreme Court affirmed the mandatory detention pending removal proceedings of a criminal alien. Similarly, Adediji's

detention pursuant to Section 1226(c) is lawful. It is well-established that “detention during deportation proceedings [i]s a constitutionally valid aspect of the deportation process.” *Id.* at 523. In every case in which detention incident to removal proceedings has arisen, the Supreme Court has concluded that it is constitutional. *Id.* See also *Reno v. Flores*, 507 U.S. 292, 306 (1993) (“Congress has the authority to detain aliens suspected of entering the country illegally pending their deportation hearings.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“[d]etention is necessarily a part of this deportation procedure.”); *Wong Wing v. United States*, 163 U.S. 228, 235 (1896) (“We think it clear that detention, or temporary confinement, as part of the means necessary to give effect to the provisions for the exclusion or expulsion of aliens would be valid.”). And in *Demore*, the Court squarely rejected a constitutional challenge to Section 1226(c), which mandates detention of certain criminal and terrorist aliens pending removal proceedings, without the opportunity for release on bond. The Court affirmed Congress’s categorical judgment, holding that “Congress, justifiably concerned that deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers, may require that persons

such as [the LPR in that case] be detained for the brief period necessary for their removal proceedings.” *Demore*, 538 U.S. at 513.

B. The justifications for detaining a criminal alien during his removal proceedings continue for the full duration of those proceedings.

Mandatory detention of a criminal noncitizen³ under Section 1226(c) during removal proceedings is constitutional where it continues to “serve its purported immigration purpose.” *Demore*, 538 U.S. at 527 (citing *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001)). *See also Flores*, 507 U.S. at 306; *Carlson*, 342 U.S. at 540; *Wong Wing*, 163 U.S. at 235-36; *Demore*, 538 U.S. at 532 (Kennedy, J., concurring). As *Demore* itself illustrates, that detention mandate does not cease to be justified whenever the removal proceedings to which the detention is tied exceed a finite period.

First, the Government’s interest in effectuating removal of a criminal noncitizen, if he is ordered removed at the end of the proceedings, does not dissipate at any particular fixed point. It cannot be conclusively established until the end of removal proceedings whether

³ The INA employs the term “alien,” defined as “any person not a citizen or national of the United States.” 8 U.S.C. § 1101(a)(3). Herein, “noncitizen” means any person as defined in 8 U.S.C. § 1101(a)(3).

a noncitizen will be ordered removed, because those proceedings are the “sole and exclusive” means for making that determination. 8 U.S.C. § 1229a(a)(3). The prospect of removal, and the Government’s interest in effectuating it, thus remains concrete throughout.

Second, the risk that a criminal noncitizen will commit further crimes or otherwise present a danger to the community if released will ordinarily remain constant until removal proceedings are completed. Moreover, the Government’s interest in keeping the noncitizen in custody (and the noncitizen’s incentive to abscond) will typically increase over time as removal proceedings progress towards their completion. *See Coello-Udiel v. Doll*, No. 17-1414, 2018 WL 2198720, *4 (M.D. Pa. May 14, 2018) (recognizing that a noncitizen “who has already been ordered removed has less to lose by fleeing while released on bond”). A criminal noncitizen on the cusp of removal has a greater incentive to abscond than one who is at the beginning of his proceedings. Here, there are ongoing hearings before the Immigration Judge for the limited purpose of opposing the issuance of an oral decision to deny CAT relief. Additionally, the likelihood that Adediji will commit further crimes is evidence by his felony conviction of conspiracy to commit wire fraud, his

repeated violations of the terms of his pretrial supervision, and his subsequent arrest after being found in possession of identity documents belonging to victims of identity theft while on pretrial supervision and bail. Ex. 18 at 1.

Third, Section 1226(c) does not cease to be justified when a criminal noncitizen makes choices during the proceedings that necessarily add time to the resolution of his case—and therefore to the detention that Congress found to be a necessary aspect of those proceedings. For example, in *Demore*, the Court noted that, if a criminal noncitizen decided to appeal to the BIA, that typically added about four months to removal proceedings—and thus to the accompanying detention under Section 1226(c). *See id.* at 529. But the Court similarly treated the added detention time reasonably consumed in disposing of the appeal as fully justified. “As we have explained before,” the Court stated, “the legal system . . . is replete with situations requiring the making of difficult judgments as to which course to follow,’ and, even in the criminal context, there is no constitutional prohibition against requiring parties to make such choices.” *Id.* at 530 n. 14 (quoting *McGautha v. California*, 402 U.S. 183, 213 (1971)). *See also Chaffin v. Stynchcombe*, 412 U.S. 17, 30-31

(1973); *Coello-Udiel*, 2018 WL 2198720 at *4. The record of Adediji's removal period demonstrates the Immigration Court made every effort to adjudicate his application for relief from removal while he was serving his federal criminal sentence to avoid any need of his further detention under § 1226(c), and the proceedings have proceeded without undue delay. The BIA appeal admittedly took approximately four months, resulting in the current remand. At the current stage in his removal proceedings, Adediji has chosen not to accept Judge Wilson's July 25, 2025 Order as an administratively final removal order, so the additional detention time he must endure to challenge that decision is justified.

C. The liberty interests of criminal noncitizen detained under Section 1226(c) are ordinarily substantially diminished.

The criminal grounds on which a noncitizen is subject to mandatory detention are also grounds on which the noncitizen is removable from the United States. *See* 8 U.S.C. § 1226(c)(1). The Government's interest becomes stronger (and a criminal noncitizen's liberty interest weaker) when an Immigration Judge has ordered an individual removed. At that point, the Government has devoted considerable resources to completing those proceedings; the Immigration Judge has concluded that the criminal noncitizen is removable and ordered him removed; and further

review will ordinarily leave that order intact. If a criminal noncitizen nonetheless makes the “difficult judgment[]” to appeal to the BIA, he does so knowing that it will extend his removal proceedings and result in mandatory detention. *Demore*, 538 U.S. at 530 n.14 (citation omitted).

The imbalance becomes even greater if the BIA orders removal. And if the noncitizen files a petition for review in a court of appeals, he need not abandon his claims to be released from immigration detention. Rather than seeking a stay of removal, he can depart or be removed and litigate from abroad. *Nken v. Holder*, 556 U.S. 418, 424 (2009). Thus, a criminal noncitizen has a particularly weak interest in being released into the United States while seeking BIA review of an Immigration Judge removal order; weaker still when he files a petition for review and obtains a stay of removal, rather than litigating from abroad; and weaker further still when, at any stage, the stay of removal is denied. Here, while Adediji remains at the administrative stage, the Immigration Judge has indicated an intent to deny his CAT relief, which will thereby make him removable. Therefore, the Immigration Judge is likely to order Adediji’s removal in the near future.

D. Petitioner's detention does not violate due process.

When a noncitizen is detained incident to removal proceedings under 8 U.S.C. § 1226(c), as Adediji has been, those proceedings themselves supply extensive safeguards against the arbitrary deprivation of liberty. As of this filing, Adediji has been detained for approximately 13 months. During the course of his detention, Adediji has availed himself of those procedural safeguards. Since he was taken into custody, Adediji has chosen to seek relief from removal, and he is currently challenging the Immigration Judge's stated intent to issue a formal order denying CAT relief.

The passage of time in any ongoing proceeding reflects Adediji's litigation decisions in seeking relief from his removal. When considering the constitutionality of mandatory detention for aliens detained under 8 U.S.C. § 1226(c), courts have upheld periods of detention similar to Adediji's detention. *Coello-Udiel*, 2018 WL 2198720 at *3 (holding 15 months of detention did not violate due process where the case had proceeded at a reasonable pace with no evidence the government had willfully delayed the case and "[w]hile Coello-Udiel certainly has the right to pursue all available avenues to combat his removal, post-

Jennings, he does not have the right to parlay the resulting delay into a bond hearing”); *Vukosavljevic v. Lowe*, Civil No. 18-1235, 2018 WL 6706691 (M.D. Pa. December 20, 2018) (Munley, J.) (prolonged mandatory detention will amount to unconstitutional application of 1226(c) only when “so unreasonable that it amounts to an arbitrary deprivation of liberty which cannot comport” with Due Process; however, alien’s mandatory detention for 15 months where the case has progressed at a reasonable pace with no indication the government had improperly or unreasonably delayed the case was not arbitrary application of statute); *Ohaimhirgin v. Lowe*, Civil No. 18-1934, 2018 WL 6650270 (M.D. Pa. Dec. 19, 2018) (Jones, J.) (holding alien’s mandatory detention for 9 months where most of delays are attributable to alien’s counsel was not arbitrary application of statute); *Crooks v. Lowe*, Civil No. 18-0047, 2018 WL 6649945 (M.D. Pa. Dec. 18, 2018) (Jones, J.) (18 months mandatory detention not arbitrary); *Rosales v. Lowe*, Civil No. 18-1302, 2018 WL 6650304 (M.D. Pa. Dec. 18, 2018) (Jones, J.) (15 months mandatory detention not arbitrary).

Here, Adediji’s case is not of the type of extraordinary that warrants a constitutional remedy. Adediji’s detention continues to fulfill the

purpose of facilitating removal and protecting against flight or dangerousness. DHS is lawfully detaining Adediji for removal proceedings because his criminal record places him within the ambit of Section 1226(c). *Jennings*, 138 S. Ct. at 847. Moreover, based on Adediji's history of violating the terms of his criminal pretrial supervision, it is likely that Adediji will commit further crimes if released for the remainder of his immigration litigation. An aggravating factor to further consider is Adediji's alleged possession of identity theft documents, and whether such documents could be used to abscond from supervision.

In *German Santos*, the Third Circuit set forth a "non-exhaustive" list of four factors for a court to consider in assessing the constitutionality of continued mandatory detention. *See German Santos*, 965 F.3d at 211. Those factors include the duration of detention, the likelihood of continued detention, reasons for the delay in the administrative proceedings, and the conditions of confinement. *Id.* at 211-212.

To the extent that Adediji makes a direct challenge to the constitutionality of his detention, his claims are unavailing. Of the four *German Santos* factors, three favor the Government: the total length of

detention to date, the likelihood of continued detention, and attributable delays in the removal proceedings. One of the *German Santos* factors favors granting a bond hearing: conditions of confinement. On balance of these factors, Adediji's detention does not violate due process, and his petition should therefore be denied with leave to renew.

1. The total length of detention to date.

Adediji has been detained for approximately 13 months. Adediji has received a considerable amount of process as to the merits of his claims, including numerous hearings to permit him to present his claim for CAT relief. He has received detailed and thorough consideration of his challenges to his removal by two Immigration Judges and the BIA. During his detention, the issues of Adediji's request for CAT relief removal have been presented to and reviewed by Immigration Judges and the BIA.

As the Supreme Court stated in *Demore*, when considering the added detention time incident to the detainee's appeal, "[t]he legal system . . . is replete with situations requiring the making of difficult judgments as to which course to follow, and, even in the criminal context, there is no constitutional prohibition against requiring parties to make

such choices.” 538 U.S. at 530 n.14 (alteration in original). Indeed, “[a]lthough this litigation strategy is perfectly permissible,” courts have held an alien “may not rely on the extra time resulting therefrom to claim that his prolonged detention violates substantive due process.” *Doherty v. Thornburgh*, 943 F.2d 204, 211 (2d Cir. 1991). Accordingly, the Court should consider the reasons for the length of detention, rather than simply totaling the months that Adediji has been detained.

While the Courts in this District have not been uniformed in their decision-making, several have found that a petitioner in Adediji’s timeframe (13 months) is not entitled to an individualized bond hearing. *See Appiah v. Lowe*, No. 3:24-cv-2222, 2025 WL 510974 (M.D. Pa. Feb. 14, 2025) (Mariani, J.) (holding that 18 months’ detention did not violate due process); *White v. Lowe*, No. 1:23-CV-1045, 2023 WL 6305790 (M.D. Pa. September 27, 2023) (Conner, J.), (finding that petitioner’s continued detention for approximately 15 months did not require an individualized bond hearing), *abrogated by White v. Warden Pike County Correctional Facility*, No. 23-2872, 2024 WL 4164269 (3d Cir. Sept. 12, 2024) (finding White’s detainment, which had reached 25 months at the time of his appeal, violated due process); *McDougall v. Warden, Pike*

County Correctional Facility, No. 3:23-cv-00759, 2023 WL 6161038 (M.D. Pa. September 21, 2023) (Mariani, J.) (finding petitioner's detention for a little over 13 months did not weigh in favor of relief); *Flores-Lopez v. Lowe*, No. 1:21-CV-1839, 2021 WL 6134453, at *2 (M.D. Pa. December 29, 2021) (Conner, J.) (denying habeas corpus relief where petitioner had been detained for approximately 19 months after his first bond hearing); *Gabriel v. Barr*, No. 1-20-CV-1054, 2021 WL 268996 (M.D. Pa. January 27, 2021) (Jones III, J.) (finding that petitioner was not entitled to an individualized bond hearing after 18 months in custody); *Crooks*, 2018 WL 6649945 at *2 (denying a bond hearing to a petitioner who had been detained for 18 months). *Compare Elyardo v. Lechleitner*, No. 1:23-cv-01089, 2023 WL 8259252 (M.D. Pa. November 29, 2023) (Kane, J.) (finding petitioner was entitled to individualized bond hearing after being detained for approximately 19 months); *Smith v. Ogle*, No. 3-21-cv-1129, 2023 WL 3362597 (M.D. Pa. May 10, 2023) (Rambo, J.) (holding over four years of detention required individualized bond hearing); *Rad v. Lowe*, No. 1-21-cv-00171, 2021 WL 1392067 (M.D. Pa. April 13, 2021) (Kane, J.) (37 months in custody required individualized bond hearing); *Malede v. Lowe*, No. 1-22-cv-01031, 2022 WL 3084304 (M.D. Pa. August

3, 2022) (Schwab, M.J.) (finding 18 months detention required an individualized bond hearing). Given that Adediji's case has "proceeded through the removal process at a reasonable pace and there [was] no indication on the record that the government ha[d] improperly or unreasonably delayed the proceedings," this factor should weigh in favor of denying Adediji's habeas petition. *Crooks*, 2018 WL 6649945 at *2.

2. The likely duration of future detention.

Although considered by this Court in almost every habeas petition challenging 1226(c) detention post *Jennings*, this factor relies on unhelpful hypothesizing of future events and improperly requires litigants to argue to this Court the merits of their position at the administrative level. Nevertheless, in Adediji's case, the future procedural process is clear. Once the Immigration Judge issues the intended decision on the Petitioner's CAT relief, he will be ordered removed. While Adediji may appeal that decision to the BIA or the Third Circuit, that decision remains with the Petitioner. As a result, this factor should weigh in favor of denying Adediji's petition.

3. Delays in the removal proceedings caused by the detainee or the government.

The government has not intentionally delayed or unreasonably prolonged Adediji's proceedings. Conversely, Adediji's proceedings have moved forward at the normal rate for noncitizens who contest removability and apply for relief. Adediji's initial ICE proceedings occurred while he was serving his federal criminal sentence. *See* Exhibits 2, 6-8. Adediji entered ICE custody on July 12, 2024. *See* Exhibit 9. Adediji testified and introduced evidence in support of his withholding and CAT relief claims within two months of entering ICE custody, and received the written decision of the Immigration Judge on September 24, 2024. *See* Ex. 12. The BIA remanded on February 13, 2025. *See* Ex. 13. During the five months after the remand, Adediji was transferred to the Pike County detention facility, resulting in a change of venue, but the new Immigration Judge expeditiously reviewed the record in his case and issued an order on July 25, 2025. *See* Exs. 14-16. Finally, the Immigration Judge offered to provide Adediji with a verbal order, but Adediji requested a written decision on the CAT relief denial. As such, it is the Government's position that this factor should weigh in favor of denying the Petition.

4. Conditions of Confinement.

In *German Santos*, the Third Circuit found that the conditions at Pike County Correctional Facility were punitive as to immigration detainees. *German Santos*, 965 F.3d at 213. The Respondent does not challenge that rationale and submits that this factor should weigh in favor of granting the Petitioner a bond hearing. It should be noted, however, Adediji has only spent four (4) of his thirteen (13) months of detainment at Pike County Correctional Facility. *See* Exhibit 14.

* * *

In *German Santos*, the Third Circuit found that a weighing of the factors required grant of a bond hearing for a petitioner who had been detained for over two and a half years without an end in sight. 965 F.3d at 212-13. In this matter, Adediji's administrative hearings have progressed in a timely manner and appear near their conclusion. Respondent submits that a weighing of the *German Santos* factors favors denial of Adediji's Petition.

CONCLUSION

The Court should deny Adediji's petition because he is lawfully detained under 8 U.S.C. § 1226(c), Respondent respectfully requests the Court deny the Petition for Writ of Habeas Corpus.

Respectfully submitted,

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Dated: September 2, 2025

**UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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	:	
CRAIG LOWE, Warden of Pike	:	
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Respondent.	:	Filed Electronically

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers. That on September 2, 2025, she served a copy of the

RESPONSE TO THE PETITION FOR WRIT OF HABEAS CORPUS

by electronic service pursuant to Local Rule 5.7 and Standing Order 04-6, ¶12.2 to the following individual(s):

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