



### JURISDICTION

1. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*
2. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).
3. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

### VENUE

4. Venue is proper because Petitioner is detained at Strafford County Department of Corrections, which is located at 266 Country Farm Rd, Dover, New Hampshire 03820. In addition, a substantial part of the events or omissions giving rise to his claims occurred in the neighboring States to this District.

### PARTIES

5. The Petitioner, **Mahamat Tahir Ahmat Mahamat Macka**, is a native and citizen of Chad who entered the United States when he was twenty five (25) years old in May 2023. He has remained in the United States since then. Prior to his detention, he resided in Maine, with his U.S. Citizen mother, Fatime DJidda Mahamat, who became a naturalized citizen in June 2017.
6. Respondent, **Kathryn L. Mone**, is the Sheriff of the Strafford County Sheriff's Office. The Strafford Sheriff is located at 295 County Farm Road, Suite 105 Dover, New Hampshire, NH 03820.

7. Respondent, **Patricia Hyde**, is the New England Field Office Director for U.S. Immigration and Customs Enforcement which is the agency that apprehended and detained the Petitioner.
8. Respondent, **Michael Krol**, is the New England Special Agent in Charge for Homeland Security Investigations for the U.S. Immigration and Customs Enforcement.
9. Respondent, **Todd Lyons**, is the Acting Director for U.S. Immigration and Customs Enforcement.
10. Respondent, **Kristi Noem**, is the U.S. Secretary of Homeland Security.
11. All respondents are named in their official capacities only.

#### **FACTS**

12. Petitioner is currently in the custody of the Respondents and at least one of the Respondents is his immediate custodian.
13. On information and belief, the Petitioner was detained by U.S. Immigration and Customs Enforcement agents on or about September 22, 2025. Although he is currently detained at the Strafford County Department of Corrections, he is unable to attend his criminal hearing on November 12, 2025, and any future hearings relating to pending charges, which the government has already agreed to dismiss upon completion of certain conditional requirements. The Plaintiff is in the process of applying for Adjustment of Status through his U.S. Citizen mother and applying for asylum. Keeping Plaintiff in federal custody will cause him and his family irreparable harm and prevent him from applying for Adjustment of Status which he is eligible for. Petitioner further intends to apply for Asylum, Withholding of Removal, and Protection under the Convention Against Torture based on his fear of returning to his home country of Chad.

14. In addition, Federal Respondents have a policy and practice of not allowing detainees in their custody to appear at state court proceedings where they stand accused as defendants. This policy and practice violates the clearly established rights of Petitioner of access to criminal process, to confrontation of witnesses against him and of his right of access to counsel. Respondents will not honor these rights without intervention from this Court.

**CLAIM FOR RELIEF**

**COUNT ONE**

**Violation of Fifth Amendment Right to Due Process**

15. On information and belief, Petitioner is currently being detained by federal agents without cause and in violation of his constitutional rights to due process of law. The Petitioner does intend to seek an appeal regarding his release from custody on bond, before an Immigration Judge. In addition, the Executive Office of Immigration Review of the Department of Justice has issued several administrative decisions vastly expanding the scope of mandatory detention. These decisions exceed or contradict the provisions of the Immigration and Nationality Act that they purport to apply.

16. On information and belief, the Plaintiff will not be allowed to attend hearings in the State of Maine which will deny him the right to defend himself against pending criminal charges, access to his attorney and his family. This Court is empowered to issue the writ in order to ensure the orderly operation of the criminal legal system, as the writ need not be premised on any prior violation of state or federal law by either state or federal authorities. See, e.g., *Carbo v. United States*, 364 U.S. 611 (1961); *Muhammad v. Warden, Baltimore Cnty. Jail*, 849 F.2d 107, 114 (4th Cir. 1988). Further, detainees in federal custody have a constitutional right to access criminal proceedings where they are

defendants. See, *Doe v. United States Dep't of Homeland Security*, 2025 U.S. Dist. LEXIS 18000 (W. Dist. Penn, Jan. 31, 2025)

**PRAYER FOR RELIEF**

Wherefore, Petitioner respectfully requests this Court to grant the following:

- A. Assume jurisdiction over this matter;
- B. Order, on an emergency basis, that Petitioner shall not be transferred outside the District of New Hampshire until further notice from this Court;
- C. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- D. Order that the Clerk of Court serve the Petition on the Respondents as well as the U.S. Attorney for the District of New Hampshire and order that this shall constitute good and sufficient service;
- E. Declare that the Respondents' detention of Petitioner violates the Due Process Clause of the Fifth Amendment;
- F. Declare that Respondents must transport Petitioner to any pending criminal or immigration court proceedings at which his presence is required;
- G. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately or issue a Conditional Writ ordering Respondents to release Petitioner if they are not able or willing to effectuate his appearance at state court proceedings;
- H. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and on any other basis justified under law; and
- I. Grant any further relief this Court deems just and proper.

*Respectfully submitted,*

*Mahamat Tahir Ahmat Mahamat Macka,  
By his attorney,*

/s/Maeve Healy/s/

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

I am submitting this verification on behalf of the Petitioner because he is detained and I am his attorney of record for immigration proceedings. I have reviewed the record in this matter, consulted affidavits and records obtained in the course of my office's representation of Petitioner. Based on personal knowledge and, on information and belief, I hereby verify that the factual statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

*/s/ Maeve Healy /s/, Immigration Counsel for Petitioner*

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