

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO**

Abdoulaye Ba,

Petitioner,

v.

Robert Lynch, in his official capacity as
Acting/Director, Detroit Field Office, Immigration
and Customs Enforcement;

Kristi Noem, Secretary, in her official capacity as
U.S. Department of Homeland Security;

Todd M. Lyons, in his official capacity as Acting
Director of U.S. Immigration and Customs
Enforcement;

Pamela Bondi, in her official capacity as Attorney
General of the United States;

Ed Voorhies, in his official capacity as Warden of
the Northeast Ohio Correctional Center.

Respondents.

Civil No.:

PETITION FOR A WRIT OF HABEAS CORPUS

1. Petitioner, Abdoulaye Ba (Mr. Ba), petitions this Court to issue a Writ of Habeas Corpus or order Respondents to show cause for his continued detention within 3 days, or no later than 20 days, in accordance with 28 U.S.C. § 2241.

STATEMENT OF THE CASE

1. Petitioner, Abdoulaye Ba, is in the physical custody of Respondents at the Northeast Ohio Correctional Center. He now faces unlawful detention because the Department of

Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have concluded he is subject to mandatory detention.

2. Mr. Ba is charged with, inter alia, having entered the United States without inspection. 8 U.S.C. § 1182 (a)(6)(A)(i). He was initially released on his own recognizance under 8 U.S.C. § 1226 and lived for nearly two years in the United States pending removal proceedings.
3. Based solely on the allegation that Mr. Ba entered the United States without admission or inspection, which Respondents knew in August 2023 when they released him, DHS reversed its decision to release him on his own recognizance two years prior and continues to detain him based solely on a policy issued on July 8, 2025 instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) – i.e., those who entered the United States without admission or inspection – to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
4. The Immigration Judge (IJ) essentially rubber stamped this position by finding the court lacks jurisdiction to review Mr. Ba's custody determination. The IJ's decision is based on a BIA precedent decision issued on September 5, 2025, which holds that an immigration judge has no authority to consider bond requests for any person who entered the United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). The Board determined that such individuals are subject to detention under 8 U.S.C. § 1225(b)(2)(A) and therefore ineligible to be released on bond.
5. Mr. Ba's detention on this basis violates the plain language of the Immigration and Nationality Act (INA). 8 U.S.C. § 1225(b)(2)(A) does not apply to individuals like Mr.

Ba who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), that allows for release on conditional parole or bond. That statute expressly applies to people who, like Mr. Ba, are charged as inadmissible for having entered the United States without inspection. Moreover, DHS released Mr. Ba under § 1226 nearly two years ago on his own recognizance.

6. Respondents' new legal interpretation, and total reversal of course as it relates to Mr. Ba specifically, is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to Mr. Ba and others like him.
7. Moreover, Respondents' interpretation renders obsolete the INA's mandatory detention statute, 8 U.S.C. § 1226(c), including the very recent amendments implemented by the Laken Riley Act. These provisions require mandatory detention without bond for certain classes of aliens, namely aliens charged or convicted of certain crimes. If all aliens who entered without inspection are subject to mandatory detention, as Respondents assert as their basis for detaining Mr. Ba and others like him, there would be no need for the mandatory detention provisions of the statute.
8. Mr. Ba has been detained in ICE custody at the Northeast Ohio Correctional Center since July 9, 2025.
9. Accordingly, Mr. Ba asks this Court to order his immediate release from detention via a writ of habeas corpus.

JURISDICTION AND VENUE

10. This Court has jurisdiction under Art. I, § 9, cl. 2 of the United States Constitution (the Suspension Clause); 28 U.S.C. § 2241 (the general grant of habeas authority to the district

courts); 28 U.S.C. § 1331 (federal question jurisdiction); and 28 U.S.C. §§ 2201, 2202 (Declaratory Judgment Act).

11. The district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of their detention by DHS. *See Zadvydas*, 533 U.S. at 687; *Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Diaz- Calderon v. Barr*, No. 2:20-CV-11235-TGB, 2020 WL 5645191 (E.D. Mich. Sept. 22, 2020).
12. This action also arises under the Due Process Clause of the Fifth Amendment to the United States Constitution.
13. This Court has jurisdiction to grant declaratory and injunctive relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201, *et seq.*; the All Writs Act, 28 U.S.C. § 1651; 28 U.S.C. § 2241(a); and Fed. R. Civ. P. 57 and 65.
14. Venue is proper under 28 U.S.C. § 1391(e) because Petitioner is presently detained at the Northeast Ohio Correctional Center in Youngstown, Ohio, within the jurisdiction of the Northern District of Ohio. *See* 28 U.S.C. § 2241(d).

THE PARTIES

15. Mr. Ba is a 38-year-old Mauritanian national who entered the United States on or about August 1, 2023. He has been in DHS custody in conditions indistinguishable from penal confinement since July 9, 2025, when he was arrested after appearing for a hearing in the immigration court, during which the immigration judge dismissed his removal proceedings and asylum application on DHS's motion without providing Mr. Ba the opportunity to respond.
16. Respondent Robert Lynch is sued in his official capacity as Detroit Field Director of U.S. Immigration and Customs Enforcement (ICE), which has administrative jurisdiction over

Mr. Ba's detention and which contracts with the Northeast Ohio Correctional Center where Mr. Ba is held. Mr. Lynch is the legal custodian of Mr. Ba with authority to authorize his release.

17. Respondent Kristi Noem is the Secretary of Homeland Security (DHS). She is sued in her official capacity. In that capacity, Defendant Noem is responsible for overseeing the enforcement of federal immigration policies, including those that resulted in the detention of Mr. Ba.
18. Respondent Todd Lyons is named in his official capacity as Acting Director of ICE. As the head of ICE, he is responsible for decisions related to the detention and removal of certain noncitizens, including Mr. Ba. As such, he is also a legal custodian of Mr. Ba.
19. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States, which has executive authority over the Executive Office for Immigration Review (EOIR), pursuant to 8 U.S.C. § 1103(g). She is legally responsible for administering removal and bond proceedings as well as the procedural standards used in those proceedings. She is therefore a legal custodian of Mr. Ba.
20. Respondent Ed Voorhies is sued in his official capacity as Warden of the Northeast Ohio Correctional Center (NEOCC), where Mr. Ba is detained. Mr. Voorhies is the immediate custodian of Mr. Ba.

FACTS AND PROCEDURAL HISTORY

21. Mr. Ba is a native and citizen of Mauritania, who left his country after being arrested and tortured by authorities for opposing the theft of his family's land and livelihood. He fled Mauritania to seek protection in the United States.
22. Mr. Ba entered the United States without inspection or parole on or about August 1, 2023.

23. He was quickly apprehended by ICE, released on his own recognizance under 8 U.S.C. § 1226(a), and issued a Notice to Appear before an immigration judge for removal proceedings under 8 U.S.C. § 1229a, entitling Mr. Ba to the due process rights associated with such proceedings.
24. ICE charged Mr. Ba with, *inter alia*, being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.
25. Mr. Ba timely applied for asylum on January 22, 2024.
26. Mr. Ba has complied with every request, demand, and requirement imposed by Respondents, in addition to complying with all the court and legal timelines for his asylum case.
27. After appearing for an immigration court hearing on July 9, 2025, DHS moved to dismiss Mr. Ba's case, and with it his timely-filed asylum application, stripping Mr. Ba of the right to due process so that they could rapidly remove him under an entirely separate and inapposite law, 8 U.S.C. § 1225.
28. Mr. Ba was not given any opportunity to respond to the government's motion to dismiss, as required by the immigration court's own procedure manual. The immigration judge granted the government's motion.
29. Mr. Ba was arrested and taken into custody as soon as he left the courtroom and has been detained at the Northeast Ohio Correctional Center (NEOCC) since July 9, 2025.
30. Mr. Ba timely appealed the immigration judge's dismissal of his removal proceedings to the Board of Immigration Appeals.¹

¹ On October 15, 2025, the Office of the Principal Legal Advisor (OPLA) in Brooklyn Heights, Ohio informed undersigned counsel it intended to file a motion to remand Mr. Ba's case to the IJ in Cleveland, Ohio. Undersigned counsel signed a joint motion, which OPLA filed with the Board of Immigration Appeals on the same day this Petition is being filed. This action does not affect the issue of Mr. Ba's unlawful detention.

31. Mr. Ba requested a bond from the immigration judge. At a hearing on September 25, 2025, the IJ found, pursuant to *Matter of Yajure Hurtado*, the court lacked jurisdiction to grant a bond to Mr. Ba and denied the request.
32. As a result, the government continues to detain Mr. Ba in conditions that are indistinguishable from penal confinement. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from his family and community.
24. He has also faced other concerns while in detention. For example, the food he is receiving has upset his stomach so much that he has been taken to the hospital twice. Each time, he was put in a uniform assigned to the criminal inmates at NEOCC and his hands and legs are bound for hours at a time during transport and appearance at the hospital. Mr. Ba was held in solitary confinement for approximately one week after his most recent hospital visit.
25. Furthermore, Mr. Ba has very limited access to the outdoors. Detained individuals have outdoor access for only one hour once a day.
26. Upon release, Mr. Ba will reunite with his family, including his brother, sister-in-law, their children, and his niece.
27. Upon release, Mr. Ba plans to seek employment. He previously worked with authorization at Jabil, an electronics manufacturing company in Florence, Kentucky (just across the river from Cincinnati, Ohio).
28. Mr. Ba is a devout Muslim who, prior to his detention, attended mosque regularly in Cincinnati and volunteered his time to help clean and prepare the mosque for worship, direct traffic and parking for services, and provide food for families in need. Upon release, he intends to continue this important work in his religious community.

LEGAL FRAMEWORK

29. The Immigration and Nationality Act (INA) prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.
30. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an immigration judge (IJ). *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).
31. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).
32. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).
33. This case concerns the detention provisions at §§ 1226(a), under which Mr. Ba was initially released after his entry more than two years ago, and 1225(b)(2), under which DHS and EOIR now detain Mr. Ba.²
34. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585.

² When the IJ granted DHS’s motion to dismiss Mr. Ba’s removal proceedings, and his pending asylum application, DHS detained Mr. Ba for the purpose of subjecting him to expedited removal under § 1225(b)(1). Mr. Ba appealed the dismissal and, therefore, his removal proceedings under 8 U.S.C. § 1229a, and his asylum application, remain pending. DHS and undersigned counsel have since filed a Joint Motion to Remand Mr. Ba’s case to the IJ in Cleveland so that his 1229a proceedings may move forward. As such, § 1225(b)(1) is not directly implicated in this matter. Regardless, Mr. Ba continues to be subject to unlawful detention.

Section 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

35. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).
36. Thus, for almost three decades, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).
37. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework, reversed decades of practice, and renders obsolete the mandatory provisions of 8 U.S.C. § 1226(c), including the Laken Riley Act.
38. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,”³ claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under §

³ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

39. On September 5, 2025, the BIA adopted the same position in a published decision, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). There, the Board held that all noncitizens who entered the United States without admission or parole are arriving aliens subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

40. However, *Yajure Hurtado* should not be applied so broadly to *all* aliens who entered the United States without inspection, as Respondents' policy intends to do.

41. First, the respondent in *Yajure Hurtado* conceded that he was an applicant for admission under 8 U.S.C. § 1225, so the Board's arduous opinion describing who is an applicant for admission is mere dicta. *See* 28 I&N Dec. 216 at 221. Mr. Ba, who entered the United States without inspection and was later apprehended and released on his own recognizance pursuant to 8 U.S.C. § 1226, has never conceded that he is an applicant for admission under § 1225.

42. Second, Mr. Ba timely applied for asylum before the immigration court, which means he is an applicant for asylum. Because asylum is not an admission, *see Matter of V-X-*, 26 I&N Dec. 147 (BIA 2013), Mr. Ba is not applying for admission and cannot be treated as an applicant for admission.

43. Since Respondents adopted their new policies, dozens of federal courts have rejected their new interpretation of the INA's detention authorities. Courts have likewise rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

44. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered

the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

45. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich.

Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at *2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at *3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at *2 (D. Neb. Aug. 14, 2025) (same).

46. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Mr. Ba.
47. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].”
48. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions, the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp.

3d at 1257 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also* *Gomes*, 2025 WL 1869299, at *7.

49. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

50. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C.

§ 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[] [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

51. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Mr. Ba, who have already entered and were residing in the United States at the time they were detained. More specifically, DHS cannot retroactively apply § 1225(b)(2)(A) to Mr. Ba after previously releasing him under §1226 pending proceedings under § 1229a.

CLAIMS FOR RELIEF

COUNT I **Violation of the INA**

24. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

25. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to the grounds of

inadmissibility. As relevant here, it does not apply to those who were previously released under § 1226(a) and placed in removal proceedings under § 1229a.

26. The application of § 1225(b)(2) to Mr. Ba unlawfully mandates his continued detention and violates the plain language of the INA.

COUNT II
Violation of the Bond Regulations

24. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
25. In 1997, after Congress amended the INA through IIRIRA, EOIR and the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of “Apprehension, Custody, and Detention of [Noncitizens],” the agencies explained that “[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) will be eligible for bond and bond redetermination.” 62 Fed. Reg. at 10323 (emphasis added). The agencies thus made clear that individuals who had entered without inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. § 1226 and its implementing regulations.
26. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has adopted a policy and practice of applying § 1225(b)(2) to individuals like Mr. Ba.
27. The application of § 1225(b)(2) to Mr. Ba unlawfully mandates his continued detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

COUNT III

Violation of Due Process

28. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.
29. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V.
30. 8 U.S.C. §1229a(b)(4) provides rights to aliens in removal proceedings: “(a) the alien *shall* have the privilege of being represented, at no expense to the Government, by counsel of the alien’s choosing who is authorized to practice in such proceedings, (b) the alien *shall* have a reasonable opportunity to examine the evidence against the alien, to present evidence on the alien’s own behalf, and to cross-examine witnesses presented by the Government [...]” (emphasis added). These rights essentially boil down to the crux of due process – the right to a full and fair hearing on an alien’s removal.
31. Mr. Ba was initially released by Respondents pursuant to 8 U.S.C. § 1226(a) and placed in removal proceedings. He timely filed an application for asylum. He complied with all orders of the immigration court and reporting requirements of ICE.
32. Still, DHS moved for dismissal of his removal proceedings (and with it, his asylum application), and the IJ granted the motion without providing Mr. Ba the opportunity to respond, in violation of his right to due process. The dismissal of Mr. Ba’s removal proceedings deprived him of his constitutional and statutory right to a full and fair hearing regarding his removal, in which he filed a defensive application for asylum. The government’s backhanded strategy of dismissing Mr. Ba’s case after initially placing him

in removal proceedings and bestowing upon him the rights that come with those proceedings, stripped him of due process.⁴

33. ICE arrested Mr. Ba as he walked out of court after his proceedings were dismissed.

34. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

35. Mr. Ba has a fundamental interest in liberty and being free from official restraint.

36. The government’s detention of Mr. Ba without a bond redetermination hearing to determine whether he is a flight risk or danger to others violates his right to due process.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. Order that Mr. Ba shall not be transferred outside the Northern District of Ohio while this habeas petition is pending;
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days;
- d. Issue a Writ of Habeas Corpus requiring that Respondents release Mr. Ba or, in the alternative, provide Mr. Ba with a bond hearing pursuant to 8 U.S.C. § 1226(a) within seven days;
- e. Declare that Mr. Ba’s detention is unlawful;

⁴ If the Joint Motion to Remand filed on October 15, 2025 is granted by the Board of Immigration Appeals, the government’s unlawful detention of Mr. Ba continues to deprive him of his right to due process. If his case proceeds before the immigration court while he is detained, Mr. Ba will not have a meaningful opportunity to access his counsel of choice (located over 4 hours from NEOCC), or collect required evidence to support his asylum application.

- f. Award Mr. Ba attorney's fees and costs under the Equal Access to Justice Act (EAJA), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this 15th day of October, 2025.

Dated: October 15, 2025

s/ Sarah C. Larcade
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Counsel for Petitioner

VERIFICATION

I, Sarah C. Larcade, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 2242 that, on information and belief, the factual statements in the foregoing Petition for Habeas Corpus are true and correct.

s/ Sarah C. Larcade

Dated: October 15, 2025