

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA**

RAMATA DOUKOURE,

Case No.

Petitioner,

**PETITION FOR WRIT OF
HABEAS CORPUS**

v.

LISA BOWEN, Facility Director, Richwood Federal
Corrections Center;
KRISTI NOEM, Secretary, Department of Homeland
Security (DHS);
TODD LYONS, Acting Director, U.S. Immigration
and Customs Enforcement (ICE);
PAMELA BONDI, Attorney General; and
DAREN K. MARGOLIN, Director, Executive Office for
Immigration Review (EOIR);
Respondents.

INTRODUCTION

1. Petitioner Ramata Doukoure (“Petitioner” or “Ms. Doukoure”) hereby seeks a writ of habeas corpus directing that she be provided with a bond hearing before an Immigration Judge forthwith.
2. Petitioner is a citizen of Guinea, who has been physically present in the U.S. since on or about December 2023, when she entered the country by crossing the Mexico-US border.
3. She was detained by US Customs and Border Patrol (CBP), released on recognizance under Section 236 of the INA (8 U.S.C. § 1226) and placed in removal proceedings before the Immigration Court. She subsequently filed an application for asylum, which remains pending, and her next hearing is currently scheduled for November 13, 2025.
4. On or about October 10, 2025, CBP officials revoked her release and detained her, after she mistakenly drove onto the Thousand Island Bridge, connecting the US and Canada

11. in upstate New York. She subsequently transferred to the Richwood Correctional and Center in Louisiana, where she remains detained. CBP provided no justification for the
5. Petitioner has not provided with any legal justification for the revocation of her release, nor has she been afforded a bond hearing, and under 8 U.S.C. § 1226(a), she is entitled to such a hearing.
6. Ms. Doukoure now brings this Petition for a writ of habeas corpus, seeking her
13. immediate release, or in the alternative, an immediate bond hearing before an ed States, Immigration Judge.

JURISDICTION

7. This action arises under the U.S. Constitution and the Immigration and Nationality Act, at 8 U.S.C. §1101 et seq. This Court has habeas corpus jurisdiction pursuant to 5 U.S.C. §703, 28 U.S.C. §2241 et seq., and Article I, § 9, Clause 2 of the United States for Constitution (suspension clause).
8. Petitioner is in custody under color of the authority of the U.S., in violation of the constitution and laws of the U.S.

VENUE

9. Venue is proper in this Court, pursuant to 28 U.S.C. § 1391(e), because Petitioner is physically detained in this District and Respondents' principal place of business is in this district.

PARTIES

10. Petitioner Ramata Doukoure is a citizen of Guinea, who is currently detained by US immigration officials at the Richwood Correctional Center in Richwood, LA.

11. Lisa Bowen is the warden or facility director at the Richwood Correctional Center, and is Petitioner's immediate custodian.
12. Todd Lyons is the acting director of U.S. Immigration and Customs Enforcement, and is sued in his official capacity. ICE oversees the enforcement of the immigration laws and is responsible for, inter alia, decisions regarding the detention of non-citizens inside the US, including those regarding Ms. Doukoure.
13. Kristi Noem is Secretary of the Department of Homeland Security of the United States, an agency of the US government, responsible for administration and enforcement of the nations' immigration laws, including the detention of non-citizens such as Ms. Doukoure.
14. Pamela Bondi is the United States Attorney General, who is responsible for the actions of the US Department of Justice, including its sub-agency the Executive Office for Immigration Review, of which the US Immigration Courts are a part.
15. Darin K. Margolin is director of the Executive Office for Immigration Review ("EOIR"), an agency within the Department of Justice, which administers the Immigration Courts and the Board of Immigration Appeals.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Ms. Doukoure has no administrative remedies to exhaust. Although she has not requested a bond hearing from Respondents, they have consistently alleged in response to such requests that she would not be eligible for one, based on the recent Board of Immigration Appeals ("BIA") decision in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In that case, the BIA interpreted the detention provisions of the INA to preclude the right to a bond hearing for most noncitizens who, like Petitioner, entered

the U.S. without inspection. Immigration Judges are bound by precedential BIA decisions. Thus, her any request she would make to Respondents to hold a bond hearing would be futile.

17. Further, there are no exhaustion requirements with regard to the claim of unlawful detention, and exhaustion is only required when specifically mandated by Congress.

RELEVANT LAW

18. The Immigration and Nationality Act (“INA”) establishes the statutory framework governing the entry, presence, and removal of noncitizens in the United States.
19. Two statutory provisions govern the detention of non-citizens present in the US pending the outcome of their removal proceedings. Broadly speaking, 8 U.S.C. § 1225 governs detention of non-citizens arriving in the US, while 8 U.S.C. § 1226 governs detention of non-citizens already physically present here.
20. When a noncitizen arrives at the border seeking entry into the United States, they are deemed an “applicant for admission.” The INA defines several grounds of “inadmissibility.” For example, a noncitizen such as Petitioner who arrives at a port of entry without being admitted or paroled may be found inadmissible pursuant to 8 U.S.C. § 1182(a)(6)(A)(i), as an “alien present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the attorney general.”
21. Under 8 U.S.C. § 1225, “An alien present in the United States who has not been admitted or who arrives in the United States (whether or not at a designated port of arrival and including an alien who is brought to the United States after having been interdicted in international or United States waters) shall be deemed for purposes of this

- chapter an applicant for admission.” Applicants for admission are among the individuals who can be placed into a truncated process known as expedited removal, in which case they are subject to mandatory detention until the expedited removal process is completed. 8 U.S.C. §1225(b)(1)(B)(i)(IV).
22. If an applicant for admission is placed in removal proceedings under 8 U.S.C. § 1229a (instead of expedited removal proceedings under 8 U.S.C. § 1225), their detention is pursuant to 8 U.S.C. § 1226, and they are eligible for release from custody, either by DHS or else on a bond after a bond hearing before an Immigration Judge (8 U.S.C. § 1226(a)). If an individual who is already in the United States is later detained for immigration purposes, that detention would be pursuant too 8 U.S.C. § 1226(a) and not § 1225(b). This has been accepted law and practice for decades, by both DHS and the Immigration Courts, as well as non-immigrants themselves.
23. In July 2025, DHS stated that, in conjunction with the Department of Justice, it had “revisited its legal position on release and detention authority”, and that henceforth, all applicants for admission are subject to mandatory detention without bond, regardless of whether they arrived at a port or entry or otherwise, and that the only non-citizens eligible for release on a bond by an Immigration Judge are those who have been already admitted to the US and are subject to the charges of deportability at 8 U.S.C. § 1227. See DHS Memo, July 8, 2025, Interim Guidance Regarding Detention Authority For Applicants For Admission (Exhibit A). A subsequent Board of Immigration Appeals (BIA) decision ratified this novel position, and precludes Immigration Judges from exercising jurisdiction to provide a bond hearing to any non-citizen alleged to have

- 23 entered the US without inspection, *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025).
24. However, over one hundred US District Court decisions have disagreed vehemently with the DHS and BIA position, finding that violates the Fifth Amendment, and is also
- 28 contrary “to the plain text of the statute and the overall statutory scheme.” *Aguiriano Romero v. Hyde*, No. 25-cv-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025). Several decisions from this District have held similarly, see, e.g., *Lopez Santos v. Noem*, 3:25-cv-01193, 2025 WL 2642278 (W.D. La. Sept. 11, 2025), *Ventura Martinez v. US Trump*, 3:25-cv-01445 (W.D. La. Oct. 22, 2025), *Pineda Parada v. Rice*, 1:25-cv-1660 (W.D. La. Nov. 4, 2025).

29. **FACTS**

25. Petitioner is a native and citizen of Guinea, who entered the US by crossing the US/Mexico border on December 10, 2023. She was detained for two days by US Customs and Border Patrol (CBP), and then given a Form I-220A, stating that she was being released under INA § 236 (8 U.S.C. § 1226) (Exhibit B), and that she had to comply with certain conditions.
26. On the same date, December 12, 2023, she was issued a Notice to Appear in removal proceedings before the Immigration Court at 290 Broadway, New York NY in August 2024. The Notice to Appear alleges that she is subject to removal under 8 U.S.C. § 1182(a)(6)(A)(i), as “an alien present in the United States without being admitted or paroled”. (Exhibit C) She was then released from immigration custody, and has complied with all of the terms and conditions of her release.

27. In November 2024, Ms. Doukoure filed an application for asylum with the Immigration Court, alleging a fear of persecution, as a woman subjected to female genital mutilation, if returned to Guinea. That application remains pending, and the next hearing is currently scheduled for November 13, 2025.

28. On or about October 10, 2025, Petitioner and her cousin Yaya Komara (who is a US citizen) were traveling by car near Watertown, New York when they inadvertently drove onto the Thousand Island Bridge connecting the US to Canada. Thousand Island Bridge contains an international boundary between the two countries, with a Canadian and US immigration checkpoints inside the boundary. The two inspection points are across the road from one another and less than 100 feet apart.

29. Upon reaching the Canadian inspection point, which is located on the international boundary, Petitioner and Mr. Komara spoke with the Canadian immigration officials, realized that they had made a mistake, and turned around and drove up to the CBP checkpoint on the other side of the road. Instead of allowing them to continue on their journey, the CBP officials instead detained Ms. Doukoure, and subsequently transferred her to Louisiana, where she is currently detained at the Richwood Correctional Center.

30. Petitioner was not given any explanation for why her release from custody had been revoked.

31. Petitioner is not subject to detention, and if she is, it is under 8 U.S.C. § 1226(a).

32. Petitioner has not been afforded a bond hearing, and under 8 U.S.C. § 1226(a), she is entitled to such a hearing.

33. The recent Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025) decision precludes Immigration Judges from providing bond hearings to any non-citizen alleged to have entered the US without inspection,
34. The responsible administrative agency has therefore predetermined that Petitioner will be denied a bond hearing.
35. Petitioner is being irreparably harmed by her ongoing unlawful detention without a bond hearing.
36. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question).

COUNT THREE

Violation of Fourth Amendment right to be free from unlawful seizure and the Fifth Amendment Right to Due Process

COUNT ONE: Violation of 8 U.S.C. 1226(a) and Associated Regulations

37. Petitioner may be detained, if at all, pursuant to 8 U.S.C. § 1226(a).
38. Under § 1226(a) and its associated regulations at 8 C.F.R. 236.1(d) & 1003.19(a)-(f), Petitioner is entitled to a bond hearing.
39. Petitioner has not been, and will not be, provided with a bond hearing by Respondents as required by law.
40. Petitioner's continuing detention therefore violates the Immigration and Nationality Act at 8 U.S.C. § 1226(a) and its implementing regulations.

COUNT TWO: Violation of Fifth Amendment Right to Due Process (Failure to Provide Bond Hearing Under 8 U.S.C. § 1226(a))

41. Because Petitioner is a person arrested inside the United States, she is subject to detention, if at all, under 8 U.S.C. § 1226(a), and is therefore statutorily entitled to a bond hearing before an Immigration Judge. The Due Process Clause of the Fifth

- Amendment to the United States Constitution requires this bond hearing provide her with additional procedural protections, after which she is entitled to release unless Respondents show that she is a danger to the community or a flight risk. Petitioner is neither.
42. Petitioner has not been, and will not be, provided with a bond hearing by Respondents as required by law.
43. Petitioner's continuing detention therefore violates her rights to procedural due process as guaranteed by the Fifth Amendment to the US Constitution.

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

COUNT THREE

Violation of Fourth Amendment right to be free from unlawful seizure and the Fifth Amendment Right to Due Process

- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition
44. The Due Process Clause of the Fifth Amendment to the US constitution specifically forbids the Government to "deprive[]" any "person . . . of . . . liberty . . . without due process of law."
45. "[T]he Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
46. The Fourth Amendment guarantees all persons in the US the right to be free from unlawful search and seizure.
47. Petitioner has been physically present in the US with the full knowledge and awareness of Respondents, since 2023, when she was released from her brief initial detention. She fully complied with the terms of any conditions of her release, including updating her

address and attending any required check-ins with DHS. She therefore has a protected

Dated: November 14, 2025
liberty interest in her continued freedom from detention.

48. Respondents' abruptly terminated her release, without any legal justification and without any opportunity to contest it. This termination of her freedom from custody violates her right to due process under the Fifth Amendment.

49. This termination of her freedom and her continued detention also constitutes an unlawful seizure under the Fourth Amendment to the US Constitution.

PRAYER FOR RELIEF

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

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted;
- (3) Declare that Petitioner's detention is unlawful;
- (4) Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately, or, in the alternative, provide Petitioner with a bond hearing;
- (5) Award Petitioner her reasonable litigation costs and attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412.
- (6) Grant any further relief this Court deems just and proper.

Dated: New York, New
November 14, 2025

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