


United States District Court for the Middle District of Pennsylvania

MAHAMMADO LAMINE GAKOU,

A-Number: A-

Pike County Correctional Facility

Petitioner,

v.

WARDEN OF PIKE COUNTY CORRECTIONAL FACILITY,

ICE / DHS,

Respondents.

Case No.: _____

FILED
SCRANTON

NOV 26 2025

PER


DEPUTY CLERK

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

Petitioner, Mahammado Lamine Gakou, detained at Pike County Correctional Facility ("PCCF"), respectfully petitions this Court for a Writ of Habeas Corpus under 28 U.S.C. § 2241 and states:

I. JURISDICTION & VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody within this District under federal authority.
 2. Venue is proper because Petitioner is detained at Pike County Correctional Facility in Lords Valley, Pennsylvania, within the Middle District of Pennsylvania.
 3. Petitioner challenges the legality of his continued civil immigration detention, which has become unreasonably prolonged and unconstitutional.
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II. PARTIES

4. Petitioner:

Mahammado Lamine Gakou, A- is a civil immigration detainee held at PCCF.

5. Respondent:

The Warden of Pike County Correctional Facility is Petitioner's immediate custodian.

6. Additional Respondents include ICE/DHS, who direct and control Petitioner's detention.

III. STATEMENT OF FACTS

7. Petitioner has been detained by ICE since June 2025 — over [X] months — without a bond hearing.

8. Petitioner's BIA appeal remains pending, and adjudication is expected to take many additional months due to backlog.

9. Petitioner has never received an individualized bond hearing under 8 U.S.C. § 1226.

10. ICE continues to detain Petitioner indefinitely despite no statutory authority for prolonged detention without due process.

11. Petitioner is treated indistinguishably from criminal detainees at PCCF. His civil detention has become punitive.

12. Petitioner experiences mental distress, sleep disturbance, and emotional deterioration due to prolonged confinement.

13. There is no indication that removal is reasonably foreseeable.

IV. LEGAL CLAIMS

CLAIM ONE: UNCONSTITUTIONAL PROLONGED DETENTION UNDER THE DUE PROCESS CLAUSE

(Third Circuit: German Santos v. Warden, 965 F.3d 203 (3d Cir. 2020))

14. Under German Santos, due process is violated when detention becomes unreasonably prolonged.

15. Relevant factors include:

- Length of detention
- Likely future duration
- Responsibility for delays
- Whether detention is meaningfully different from criminal punishment
- Conditions of confinement

All weigh heavily in favor of Petitioner.

CLAIM TWO: DETENTION HAS BECOME PUNITIVE, VIOLATING THE 5TH AMENDMENT

(Chavez-Alvarez v. Warden, 783 F.3d 469 (3d Cir. 2015))

16. The Third Circuit holds that civil detention crosses into unconstitutionality when it ceases to be reasonably related to its purpose.

17. Here, conditions at PCCF mirror penal incarceration.

CLAIM THREE: ICE LACKS STATUTORY AUTHORITY FOR INDEFINITE DETENTION

18. Petitioner's detention under § 1226 cannot continue indefinitely without a bond hearing.

19. DHS has not shown that removal is significantly likely in the reasonably foreseeable future.

CLAIM FOUR: THE M.D. PA. HAS ALREADY RULED IN A PARALLEL CASE

(Ologbenla v. Warden Pike County Correctional Facility, 2025 U.S. Dist. LEXIS 157143)

20. In 2025, the Middle District granted habeas to an immigration detainee held at the same facility, with even shorter detention than Petitioner.

21. The Court emphasized that long BIA delays + no bond hearing = unconstitutional.

22. Petitioner's circumstances are more severe.

V. RELIEF REQUESTED

Petitioner respectfully requests:

1. A writ of habeas corpus ordering IMMEDIATE RELEASE

OR, in the alternative:

2. An order requiring an IMMEDIATE bond hearing before an IJ

within 7 days, with DHS bearing the burden of proof by clear and convincing evidence.

3. GRANT the Temporary Restraining Order (TRO)

and enjoin ICE from transferring or removing Petitioner until the Court rules.

4. Any other relief this Court finds just and proper.

VI. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays this Court:

- GRANT the writ
- ORDER release OR immediate bond hearing
- ISSUE the TRO
- Retain jurisdiction until compliance

Respectfully submitted,

Mahammado Lamine Gakou

Petitioner, Pro Se

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PCCF – Lords Valley, PA

TEMPORARY RESTRAINING ORDER (TRO)

Motion for Temporary Restraining Order

Petitioner moves this Court for a TRO enjoining ICE from:

1. transferring him,
2. removing him, or
3. taking any action that would interfere with this Court's jurisdiction,

until the habeas petition is fully adjudicated.

Grounds:

- Petitioner is experiencing prolonged unconstitutional detention.
- Transfer/removal would moot the action.
- TROs are routinely granted in this District in prolonged detention cases.
- Based on German Santos and Ologbenla, likelihood of success is high.

Respectfully submitted,

Mahammado Lamine Gakou

Petitioner, Pro Se

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PCCF – Lords Valley, PA