

November 21, 2025

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WILLIAMSPORT

DEC 01 2025

Pg. 1

PER EA.
DEPUTY CLERK

PETITION FOR WRIT HABEAS CORPUS (EXPEDITED PETITION)

PETITIONER

SAGAH, BELARINWA BOLUWATIFE (A-██████████)

vs.

DEPENDANT(S) (IN OFFICIAL CAPACITY)

- i ANGELA HOOVER - Warden Clinton County Correctional Facility
- ii ICE IERO WILLIAMSPORT SUB OFFICE, PA-Asst. Office Director REID
- iii CAMPBELL AMANDA - DEPORTATION, DETAINER & REMOVAL SUPERVISING OFFICER ICE IERO WILLIAMSPORT, PA.

DISCUSSION

I, Boluwatife Sagah, hereby petition to this court for a writ habeas corpus pursuant to 28 USC § 12241, challenging the continued detention of my person unconstitutionally at the Clinton Correctional Facility (county jail) in McEhater, PA, (CCCF), by federal agents "ICE" Immigration Customs and Enforcement, which is a violation of the provision of the Immigration Nationality Act (INA), 8 U.S.C § 1226(a), and the fifth Amendment due process clause. I have been unlawfully continued to be detained through errors in custody determination factors to detain, and deny my bond. I am detained under 8 U.S.C § 1226(f) according to my Notice to Appear (NTA), but was vindictively denied my bond / liberty by the Immigration judge and the ICE agency using a 8 U.S.C § 1226(c) as a determinant factors. This is an unconstitutional error that violates my due process right and the INA mandates, because the court/judge/ICE agents did not consider my evidence that warrants my release on conditional parole or a bond, and did not give me an adequate opportunity to respond to evidences presented, that are not admissible, by the ICE agency. I hereby petition this court to grant a writ of Habeas Corpus order for my immediate release based on these factual basis

FACTUAL BASIS

- i On November 7, 2025, I was detained by ICE agents and transported to Clinton County Correctional Facility (county jail) in McEhater, PA. I was issued a NTA charging me with visa overstay, under 8 USC § 1226(a) detention which mandates a conditional parole / OR on recognizance release or in the alternative a bond not less than \$1500, but ICE has violated by having the Immigration Judge use a 8 U.S.C 1226(c) factor to determine, and to violate my

FILED

November 21, 2025

Pg. 2

Custody and hereby deny me bond. This action is a prejudicial error that violates my due process right and the Immigration Nationality Act.

2. For the sake of 1226(a), detention factors does not include the consideration of a conviction if it is not final, and until procedures for a direct appeal have been exhausted or waived. ~~Within~~ the federal judicial system, such convictions are not final for immigration purposes, this is also supported by the BIA's own precedent in matter of Oztek, 19 I&N Dec. 546, 552 n. 7 (BIA 1988). These factors can only be considered for aliens detained under 8 USC 1226(c), of which I am not subjected to according to my NTA charges and circumstances of my case. I am under 1226(a)

3. The Immigration judge, based on fraudulent evidence presented to the court by the ICE agency, erred by using the 1226(c) factors to deny me a bond which I am entitled to according to due process of law and the Immigration and Nationality Act, 8 USC 1226(a). This action has resulted to my continued detention and is causing me an irreparable harm via infringement of my liberty to free. Moreover, this action has resulted and will continue to result to my continued detention at the Clinton Correctional Facility (County Jail) for up to at least twelve months because at the time of this petition, I am appealing the IJ decision for clear error, and if I receive an adverse decision ~~from~~ the BIA, I will then appeal such decision to the third Circuit Appeals Court. These process shows significant potential for my continued detention at the Clinton County Jail by ICE Agency Agents, which is a total violation of the constitution, the statute under which I am being charged and the NTA mandates. This is causing ~~me~~ irreparable harm and will continue to do so unless a writ of habeas corpus is ordered to order my immediate release on own recognizance (conditional bond).

November 21, 2025

Pg 3

- 4 Also, the conditions of detention here at Clinton County Correctional Facility where I am being detained resembles a penal confinement and criminal incarceration rather than a civil detention. Muse 409, F. Supp. 3d at 717. I am being detained alongside inmates who are criminally charged and serving criminal sentences here at Clinton Correctional Facility. There is a county jail and I, being a civil detainee, is prejudiced by this detention condition by ICE, arising out of their violation of my due process right to bond on 8 USC 1226(c) factors rather than 8 USC 1226(c) factors and the Immigration and Nationality Act.
- 5 I am not a flight risk nor a danger to my community, neither am I of violent or public threat attributes. In accordance to 9 USC 1226(c) bond hearing factors, I qualify to be awarded a bond or an OR bond. The immigration judge erred in not giving me adequate opportunity to respond to evidences not on file presented by ICE for custody determination. I am never a fugitive from justice, neither have I obstructed justice, nor flee prosecution, nor escape or attempt to escape authorities. I am married to a U.S. citizen and I am a resident of New York with a fixed address at "359 Beach 87th St Far Rockaway, NY 11693". I have continuously resided in the United States for eight (8) years without a conviction found for immigration purposes. I came into this country legally on a F-1 Visa at the New York Port of entry. I have a job before being detained, and I do pay my taxes as required by law. I have no warrants nor warrants in any state, local or federal agencies, outside of this ICE detention. Therefore, these factors attributes of my good moral character which shows I am not a threat to the society, nor a flight risk for immigration purposes or for any purpose.
- 6 Since I am not subjected to mandatory detention by 1226(c), and I have been prejudiced by the IJ decision to deny a bond and continue my detention on a 1226(c) factors, I petition this court to grant or writ habeas corpus order of my immediate release from jail within 30 days from the date of this petition on a conditional parole or Dion recognizance, or in the alternative grant me a bond hearing and an affordable bond that will not, as a ruse, continue to prolong my detention.

November 21, 2025

Pg. 4

7 Alternatively, if the court grants a bond hearing, also custody redetermination hearing, I urge the court to grant an injunction ordering the immigration judge to stay within the 8 USC 1226(e) bond factors which I am being detained under and an injunctive order exclusively placing a heightened burden of proof on the ICE agents to show, so that the interest of a fair justice is served. Moreover, my individual liberty is at stake and this continued detention is an irreparable harm to it, also I am significantly harmed because it has heightened potential to recur/continue if a writ of habeas corpus order is not granted. The whole process of appeal after a bond denied on an error constitutes a violation of due process and unlawful seizure.

8 I hereby respectfully move this court to grant an order of writ of habeas corpus on the Immigration Court, Immigration Judge, ICE agents, defendants listed et al, to release me on my own recognizance or conditional parole as mandated by 8 USC 1226(a) under which I am being detained, and this order is in the interest of justice to avoid a prejudicial bond redetermination hearing due to negligence, ~~being~~ evidence presented by ICE for custody purposes at the previous bond hearing, and to avoid prejudice to me, petitioner. I believe as a matter of fact that I will be prejudiced if awarded a bond redetermination, so therefore I request a release immediately on my own recognizance from this order of writ habeas corpus. If in the alternative, the court can order an injunctive order for a non-prejudicial bond hearing with heightened burden of proof on the government on why detention is warranted for this situation.

9 I hereby respectfully submit this petition alongside evidences of my Notice to Appear (NTA), and history sheet referencing my lack of writs and warrants, expiration of passport, citing my I-589 Asylum application, and proof of legitimate entry on F-1 visa status and my notice of Appeal for a ~~Case~~ which is not final for immigration purposes, proving that I am not a flight risk nor a danger to the community. I hereby urge the court to grant my request for an immediate release from detention within 30 days from this date upon review of this petition and documents.

Respectfully Submitted, *Salaw (Mose) K*

Pg 5

I JURISDICTION

This court has jurisdiction over this petition to 28 USC § 2241, which authorizes federal courts to grant habeas relief to individuals "in custody in violation of the Constitution or laws or treaties of the United States." Immigration detainees challenging the ~~validity~~ ^{constitutionality} of their detention—rather than the validity of a removal order—may seek relief under § 2241. *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner challenges the legality of his continued detention, making § 2241 the proper mechanism for relief. This court has jurisdiction under Article I and Article III of the United States Constitution because petitioner's continued violation of the Due Process Clause of the 5th Amendment, the INA, and 8 USC § 226(a)

II VENUE

Venue is proper in the middle district of Pennsylvania because petitioner is detained at the Clinton County Correctional Facility in McElhattan, Pennsylvania, which lies within this District. (*Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004)). (venue proper in district of confinement).

III CUSTODY STATEMENT

Petitioner is "in custody" for purposes of 28 USC § 2241 because he is currently detained by the U.S. Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and held at Clinton County Correctional Facility 58 Pine Mountain Rd, McElhattan, PA 17748.

Petitioner immediate custodian is Angela Hoover, warden of the facility, making her a proper respondent.

The Williamsport field office director for ICE enforcement and removal operations, as well as supervising officer of removal and detention for ICE Williamsport are also proper respondents because they exercise legal authority over petitioner ICE detention.

IV EXHAUSTION OF REMEDIES

Petitioner is not required to exhaust remedies before filing a § 2241 petition where: (1) detention ^{challenge} raises pure legal and constitutional questions; (2) Administrative remedies are futile and inadequate; and (3) Continued detention inflicts irreparable harm, including prolonged separation from family and worsening conditions.

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Petitioner, Bekirima B. Saley, has exhausted current available Immigration remedies; he has a pending petition for appellate review of the custody determinist hearing, and he has a pending appeal for his criminal case, meaning the underlying conviction - and thus the basis for the denial of bond - which cannot and should not be used for custody determination under 8 USC § 1226(c) which petitioner is being detained under. The legitimacy of the conviction - and the accuracy of the alleged loss amount remain subject to appellate review, and therefore not final for Immigration purposes. His current appeal is pending before the U.S. Court of Appeals for the Fourth Circuit, and his custody determination appeal is pending before the Board of Immigration Appeals court in Philadelphia, PA.