

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MAGNUS NGUM NGHHA,

Petitioner,

v.

KRISTI NOEM, Secretary
U.S. Department of Homeland Security, *et al.*,

Respondents.

Case No. 8:25-cv-04055-BAH

STATUS REPORT

Respondents, by and through undersigned counsel, hereby submit the following status report in response to the Court's paperless order at ECF 5, which asked for a status report regarding "the Government's basis for Mr. Ngha's detention and any updates regarding the status of Mr. Ngha's petition." This report is being provided based on information currently available.

1. Petitioner Ngha is a native and citizen of Cameroon who entered the United States in May 2024 near the U.S. / Mexico border, without being legally admitted, inspected or paroled by an immigration official. ECF 1 at

2. On June 16, 2024, he was issued a Notice to Appear in Removal Proceedings in Texas and was charged with being inadmissible under INA §212(a)(6)(A)(i) and INA 212(a)(7). See attached NTA. This corresponds to charges under both 8 U.S.C. §§ 1225, and 1226.

3. On July 12, 2024, Petitioner was enrolled in the Alternatives to Detention (ATD)

ISAP¹ program and signed an agreement providing that he would be electronically monitored and set the terms of his participation in that program.

4. On October 16, 2024, he submitted an application (I-589) for asylum, and withholding of removal. ECF 1. His asylum application is sent for a merits hearing in August 2026; as such, no final order of removal has been entered. *The parties agree that Petitioner is not currently removable.*

5. On December 9, 2025, Petitioner was issued a Warrant of Arrest, and detained based on his failure to comply with the terms of his ATD. Specifically, between July 2024, and December 2025, Petitioner violated the terms of his ATD eight times. Having repeatedly demonstrated an inability or unwillingness to comply with the ATD terms, Petitioner was re-detained.

6. The discretionary decision to re-detain Petitioner based on his violations is expressly permitted under 8 U.S.C. § 1226(b) to revoke Petitioner's release "at any time" and to arrest him thereafter. *See, e.g., Bermudez Paiz v. Decker*, No. 18-CV-4759 (GHW) (BCM), 2018 WL 6928794, at *17 (S.D.N.Y. Dec. 27, 2018). *See also* 8 C.F.R. § 236.1(c)(9) ("[S]uch release may be revoked at any time in the discretion of [immigration officials] in which event the alien may be taken into physical custody and detained."); *Salvador F.-G. v. Noem*, No. 25-cv-0243-CVE-MTS, 2025 WL 1669356, at *8–9 (N.D. Okla. June 12, 2025) (explaining that the "implementing regulation is likewise broad [and] nothing in the statute or the regulation even hints at a change in circumstances requirement").

¹ ISAP, is short for the Intensive Supervision Appearance Program which is part of the ATD program. The ATD-ISAP program utilizes case management and technology tools to support compliance with release conditions while on ICE's non-detained docket. Participants are required to meet all conditions of release which can include in-person ISAP office check ins, home visits, phone check-ins, and electronic monitoring like GPS ankle monitors.

7. Insofar as the Habeas Petition inherently challenges ICE's discretionary decision to return him to custody, this Court lacks jurisdiction to review that decision as 8 U.S.C. § 1226(e) states that "[n]o court may set aside any action or decision by the Attorney General under this section regarding the detention of any alien or the revocation or denial of bond or parole." 8 U.S.C. § 1226(e). As the Supreme Court explained in *Demore v. Kim*, 538 U.S. 510, 516-17 (2003), this provision blocks judicial review of discretionary judgments and decisions by immigration officials regarding the arrest, detention, and bond of aliens subject to 8 U.S.C. § 1226.

8. Given the discretionary re-detention of Petitioner under 8 U.S.C. § 1226(b), he *may* be able to secure a custody redetermination with an Immigration Judge; his entitlement to such relief under 8 C.F.R. § 236.1(d) is not entirely clear, based on the records currently available, including the charges in the NTA.

9. However, counsel for Petitioner has indicated his intention to file a motion seeking redetermination with the Immigration Court.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 11th day of December 2025, I electronically filed the above status report and thereby served it on all counsel of record receiving CM/ECF notices in this case.

/s/ Ariana Wright Arnold
Ariana Wright Arnold
Assistant United States Attorney