

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

NGHA MAGNUS NGUM

Petitioner,

v.

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

Respondents.

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

**JOINT STATUS REPORT AND STIPULATION OF DISMISSAL**

Petitioner<sup>1</sup> and Respondents, by and through counsel, hereby submit the following status report and request for dismissal. *Counsel for Respondents has been authorized to file this report on behalf of both parties.*

1. Petitioner Ngha Magnus Ngum is a native and citizen of Cameroon who entered the United States in May 2024 near the U.S. border with Mexico, without being legally admitted, inspected or paroled by an immigration official. ECF 1, ECF 8-1.

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), found at 8 U.S.C. §§ 1225, and 1226. *Id.* He was then released on July 12, 2024, and enrolled in the Alternatives to Detention (“ATD”) ISAP<sup>2</sup> program. As part of that program, he signed an

<sup>1</sup> Petitioner joins in this status report *in part* with respect to paragraphs 1-5, 7-10, 12-14, and the relief sought, including dismissal.

<sup>2</sup> 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.

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

3. On October 16, 2024, Petitioner submitted an application (I-589) for asylum, and withholding of removal, which remains pending. As such, no final order of removal has been entered, and the *parties agree that Petitioner is not currently removable*.

4. On December 9, 2025, Petitioner was issued a Warrant of Arrest and detained based on his alleged failure to comply with the terms of his ATD, including eight or more violations in less than eighteen months.

5. On December 10, 2025, the Petitioner filed a Petition for Habeas Corpus, and Motion for Temporary Restraining Order (“TRO”). (ECF 1, 2). The motion for TRO sought relief in the form of an order “release[ing] hi[m] from detention, block[ing] his transfer outside the district of Maryland, and stay[ing] his removal from the United States.” (ECF 2).

6. As noted in Respondents’ Status Report filed on December 11, 2025 (ECF 8), the discretionary decision to re-detain Petitioner based on his alleged violations of the conditions of his release is governed by 8 U.S.C. § 1226(b), which gives the government the authority 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 “regulation is likewise broad [and] nothing in the statute or the regulation even hints at a change in circumstances requirement”).

7. After a telephonic hearing, and without further briefing, on December 11, 2025, the Court entered an Order granting Petitioner’s Motion for Temporary Restraining Order at ECF 2.

That Order (ECF 10) granted Petitioner's motion a temporary restraining order (ECF 2), to the following extent;

- a. Respondents are directed to immediately release Petitioner Ngha from custody;
- b. Respondents, or anyone acting on their behalf, may not re-detain Petitioner Ngha until an immigration court hearing is held (with adequate notice) to determine whether detention is appropriate;
- c. The hearing shall be conducted under 8 U.S.C. § 1226(a) and 8 C.F.R. §§ 236.1, 1003.19, and 1236.1, and Respondents shall PROVIDE Ngha with any other process due to him under these provisions;

Any other relief sought in the motion for a temporary restraining order, ECF 2, is DENIED.

8. The Court's Order also required that the parties file a status report within 10 days of the Court's order to confirm Respondents' compliance. Due to the press of other work, *counsel for both parties inadvertently overlooked the deadline for the status report.*

9. The following information is provided as a Status Report:

- (a) Pursuant to the Court's December 11, 2025 Order, Petitioner was released on December 13, 2025 from the facility where he was being detained (in El Paso, Texas);
- (b) Under FRCP 65(b), the TRO expires after 14 days, if not extended;
- (c) The Petitioner did not file a request to extend the TRO, or a Motion for a Preliminary Injunction; as such the TRO expired on December 25, 2025 and is no longer in effect.

10. Based on Petitioner's release, Respondents' position is that the Petition for Habeas Corpus is moot and should be dismissed, and that the Court's TRO has expired.

11. In the alternative Respondents note that the portion of the Court's Order that requires a hearing with an Immigration Judge *prior to re-detention* is inconsistent with the express terms of 8 C.F.R. § 236.1(c)(9) which provides that an alien who has been arrested and released may have that release *revoked at any time* at the discretion of certain designated immigration officials, and that if that occurs, "the alien may be taken into physical custody and detained" and "any outstanding bond shall be revoked and canceled." *After* a previous release has been revoked

by an immigration officer and the alien has been detained, under 8 C.F.R. § 236.1(d), upon application by the detainee, they are entitled to a review of that decision by an Immigration Judge.

12. Consistent with 8 U.S.C. §1226, and 8 C.F.R. § 231.1, other Judges of this Court have held that the re-detention of someone in removal proceedings who was previously released is covered by 8 U.S.C. § 1226(b), and 8 C.F.R. § 236.1. See *Lopez v. Noem*, No. GLR-25-3662, 2025 WL 3496195, at \*8 (D. Md. Dec. 5, 2025) (ATD violations & re-detention); *Bautista Villanueva v. Bondi*, No. ABA-25-cv-4152, 2026 WL 100595 (D. Md. January 14, 2026) (re-detention after parole). In both cases the Courts concluded that the Petitioners were entitled to a bond hearing after they were re-detained and/or their release or parole was revoked and ordered that such a bond hearing take place within a certain number of days of the Court's order, and that if it was not held in such time, the Petitioner should be released. Neither of the opinions ordered prospective relief regarding any future re-detention.<sup>3</sup>

13. Here, Petitioner remains subject to discretionary re-detention by an Immigration Officer under 8 C.F.R. § 236.1(c)(8), and absent a new violation of any federal, state, or local law, failure to attend any properly noticed immigration or court hearing, or entry of a final order of removal, Petitioner may request review of any re-detention decision by an Immigration Judge under 8 C.F.R. § 236.1(9). See 8 U.S.C. § 1182(a)(2), 8 U.S.C. § 1227(a)(2), 8 C.F.R. § 236.1(c).<sup>4</sup>

---

<sup>3</sup> See also *Rojas-Lara v. U.S., et al.*, No. 2:25-cv-02544-RFB-EJY, 2026 WL 172676, at \*8 (D. Nev. Jan. 22, 2026) (specific harm is being detained without a constitutionally adequate bond hearing pursuant to § 1226(a); that harm is remedied by ordering a bond hearing); *Calzado Diaz v. Noem*, No. 3:25-cv-00458, 2025 WL 3628480, at \*8 (W.D. Pa. Dec. 15, 2025) (remedy for petitioner whose parole was revoked and who was re-detained was a bond hearing consistent with § 1226(a) and all related provisions of law).

<sup>4</sup> Moreover, the applicable regulations do not guarantee release. Instead, they provide that the detainee “may request” request review and “amelioration of the conditions under which he or she may be released” by an Immigration Judge, including a bond hearing. 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1). Further, the Immigration Judge “is authorized” to “detain the alien in custody, release the alien, and determine the amount of bond, if any, under which the respondent may be released, as provided in § 1003.19 of this chapter.” 8 C.F.R. § 236.1(d).

As such, there is no need for further relief or prospective relief, and the Petitioner's release deprives the Court or jurisdiction to order further relief under 28 U.S.C. § 2241.

14. Given Petitioner's release, failure to request extension of the TRO, and/or failure to file a Motion to Preliminary Injunction seeking prospective relief, the Habeas Petition should be dismissed, as Petitioner is not entitled to further relief from this Court under 28 U.S.C. § 2241.

WHEREFORE, the parties hereby report that the Petitioner was released on December 13, 2025, and ask that the Court enter an Order: (1) finding that Petitioner was re-detained under 8 U.S.C. § 1226; (2) dismissing the Habeas Petition; (3) requiring no further status reports; and (4) closing this case.

Respectfully submitted,

Kelly O. Hayes  
United States Attorney

/s/ Ariana Wright Arnold  
Ariana Wright Arnold  
DMD Bar No. 23000  
Assistant United States Attorney  
36 S. Charles Street, 4th Floor  
Baltimore, MD 21201  
410-209-4800  
[Ariana.Arnold@usdoj.gov](mailto:Ariana.Arnold@usdoj.gov)

*Attorney for Respondents*

**CERTIFICATE OF SERVICE**

I certify that on this 27th day of January 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