

UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

ABDOUL KARIMOU DIALLO,

*Petitioner,*

v.

DONALD J. TRUMP, *et al.*,

*Respondents.*

Civil Action No. 1:25-cv-2012

Judge Jerry Edwards, Jr.

Magistrate Judge Joseph H. L. Perez-Montes

**REPLY MEMORANDUM IN RESPONSE TO RESPONDENTS'  
OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS**

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### PRELIMINARY STATEMENT

Respondents offer no evidence that Abdoul was given any process upon his re-detention. Instead, they argue that he is entitled to none. In fact, they do not even appear to believe he is entitled to critical medical care. But their arguments have no basis in the law. The Court ordered Respondents to provide evidence regarding Petitioner's initial paroling, any notice given, relevant administrative decisions, and opportunities to review re-detention. *See* ECF 43. In other words, the Court asked them for *any* evidence of *any* process provided to Abdoul. They have none.

Abdoul was released on his own recognizance in 2023, and re-detaining him in 2025 without an individualized assessment of whether he was a risk of flight or danger to the community violates his due process rights. Courts in this Circuit have repeatedly rejected Respondents' argument that Petitioner has no procedural due process rights because he is subject to mandatory detention under § 1225(b). In the same vein, their assertion that Abdoul's procedural due process claim is somehow a substantive one is devoid of legal support. All three factors that courts consider in evaluating procedural due process claims weigh strongly in Abdoul's favor, *see Mathews v. Eldridge*, 424 U.S. 319, 333 (1976)—a fact Respondents do not even attempt to refute. Respondents' substantive due process arguments fail as well, because mandatory detention under § 1225(b) does not justify indefinite detention. Abdoul's substantive due process rights exist separate from the statute. Respondents assert no individualized justification to continue to deprive Abdoul of his liberty, and his continued detention violates his substantive due process rights.

Beyond these due process violations, the most concerning issue remains Abdoul's medical condition. If Respondents do not provide him with the medical treatment he needs for his HIV and anal fistula, he could lose his life. Respondents' Opposition suggests that they do not believe this is their problem. But a lack of medical care this severe amounts to punishment in violation of Abdoul's substantive due process rights and warrants immediate release.

## ARGUMENT

### I. Abdoul's Re-Detention Violates His Constitutional Right to Due Process

The Fifth Amendment's Due Process Clause forbids the government from "depriv[ing]" any person of liberty without due process of law. U.S. Const. amend V. "Freedom from imprisonment—from government . . . detention . . . —lies at the heart of the liberty that Clause protects," and is given to noncitizens in the United States, "whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 690, 693 (2001). These due process rights extend to Abdoul: "once released from immigration custody, noncitizens acquire 'a protectable liberty interest in remaining out of custody on bond.'" *Hernandez-Fernandez v. Lyons*, No. 5:25 Civ. 773, 2025 WL 2976923, at \*9 (W.D. Tex. Oct. 21, 2025).<sup>1</sup>

#### A. Procedural Due Process

Abdoul has a right to procedural due process under the Fifth Amendment, and the factors set forth by the Supreme Court in *Mathews*, 424 U.S. at 335, definitively establish that he was denied that process. Respondents proffer two convoluted arguments to avoid these conclusions: (1) that Abdoul is entitled only to the process set forth in § 1225(b), and therefore has no procedural due process claim; and (2) that, because of § 1225(b), his request for a bond hearing is actually a substantive due process claim. As set forth below, these arguments have no legal basis.

##### i. *Petitioner's re-detention violated his procedural due process rights.*

"The fundamental requirement of due process is the opportunity to be heard 'at a meaningful time and in a meaningful manner.'" *Mathews*, 424 U.S. at 333 (citation omitted). A court considers three factors when determining what procedures the Fifth Amendment requires: (1) "the private interest that will be affected by the official action"; (2) "the risk of erroneous

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<sup>1</sup> Though *Buenrostro-Mendez v. Bondi*, Nos. 25-20496, 25-40701, 2026 WL 323330 (5th Cir. Feb. 6, 2026), currently forecloses Petitioner's claim that he has a right to a bond hearing under 8 U.S.C. § 1226(a), Petitioner preserves this statutory claim, in the alternative, should *Buenrostro-Mendez* be overturned.

deprivation of such interest through the procedures used”; and (3) “the Government’s interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Id.* at 335. Respondents do not even bother to address these factors. This is unsurprising, given how soundly each weighs in Abdoul’s favor.

Instead, Respondents argue that because Petitioner was detained under § 1225(b), he has no due process rights to notice or a hearing. *See* Respondents’ Opposition to Petition for Writ of Habeas Corpus (“Opp.”), ECF 49, at 9–10. Courts in this Circuit have repeatedly rejected this argument, holding instead that detention without a bond hearing violates procedural due process regardless of the statutory application of § 1225,<sup>2</sup> including after the Fifth Circuit’s decision in *Buenrostro-Mendez v. Bondi*.<sup>3</sup> Indeed, this was the core holding in *Hernandez-Fernandez*, the case to which this Court asked Respondents to “pay[] special attention.” ECF 43 at 2, but which they hastily glossed over. There, the court explained that even if an individual is detained under § 1225(b), detaining him “without any individualized assessment of his flight risk and dangerousness deprives him of his constitutional right to procedural due process under the Fifth Amendment of the United States Constitution.” *Hernandez-Fernandez*, 2025 WL 2976923 at \*10; *see also Hassen*, No. 26 Civ. 48, ECF 8 at 3.

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<sup>2</sup> *See, e.g., Hernandez-Fernandez*, 2025 WL 2976923, at \*7; *Zafra v. Noem*, No. 25 Civ. 541, 2025 WL 3239526 (W.D. Tex. Nov. 20, 2025); *Martinez v. Noem*, No. 25 Civ. 430, 2025 WL 2965859, at \*3 (W.D. Tex. Oct. 21, 2025); *Vieira v. De Anda-Ybarra*, 806 F. Supp. 3d 690, 698 (W.D. Tex. 2025); Order at 2, *Tisighe v. De Anda-Ybarra*, No. 3:25 Civ. 593 (W.D. Tex. Dec. 5, 2025), ECF 4; *Erazo Rojas v. Noem*, No. 3:25 Civ. 443, 2025 WL 3038262, at \*1–5 (W.D. Tex. Oct. 30, 2025); *Santiago v. Noem*, No. 25 Civ. 361, 2025 WL 2792588, at \*1–14 (W.D. Tex. Oct. 2, 2025).

<sup>3</sup> *See, e.g., Order at 2, Cumbe Lema v. De Anda-Ybarra*, No. 3:26 Civ. 249 (W.D. Tex. Feb. 9, 2026), ECF 7; *Clemente Ceballos v. Garite*, No. 26 Civ. 312, 2026 WL 446509, at \*2 n.2 (W.D. Tex. Feb. 10, 2026); Order at 4 n.1, *Hassen v. Noem*, No. 26 Civ. 48 (W.D. Tex. Feb. 9, 2026), ECF 8. The District Court in *Buenrostro-Mendez* did not address due process, No. 25 Civ. 3726, 2025 WL 2886346, at \*3 n.4 (S.D. Tex. Oct. 7, 2025), and the Fifth Circuit did not reach the issue, *see Order at 2, Cumbe Lema*, No. 3:26 Civ. 249, ECF 7.

Respondents rely on *DHS v. Thuraissigiam*, 591 U.S. 103, 138 (2020), to argue that Abdoul is not entitled to any process beyond what Congress provided in § 1225(b).<sup>4</sup> But *Thuraissigiam* concerned a challenge to the legality of a removal order, not detention. 591 U.S. at 140. More importantly, and not discussed by Respondents, the Supreme Court has reiterated since then that, contrary to Respondents' view, "the Fifth Amendment entitles aliens to due process of law' in the context of removal proceedings." *Trump v. J.G.G.*, 604 U.S. 670, 673 (2025) (citation omitted).

Therefore, the Court must consider the *Mathews* factors to assess whether Abdoul has been deprived of procedural due process. Each factor weighs dispositively in his favor. *First*, freedom from physical detention is the "most elemental" of Abdoul's liberty interests. *De Leon Hernandez v. Bondi*, No. 1:25 Civ. 1384, 2025 WL 3217037, at \*3 (W.D. La. Nov. 18, 2025). Once Abdoul was "released from immigration custody," he acquired "a protectable liberty interest in remaining out of custody on bond." *Hernandez-Fernandez*, 2025 WL 2976923, at \*9. *Second*, detention under § 1225(b)(2), as applied here, "creates a substantial risk of erroneous deprivation of [Abdoul's] interest in being free from arbitrary confinement pending resolution of his removal proceedings"—particularly because he "has already been determined to not be a flight risk nor a danger to the community," *Vieira*, 806 F. Supp. 3d at 701.<sup>5</sup> *Third*, while the government has a general "interest in ensuring that noncitizens appear for their removal hearings and do not pose a danger to the community," *Hernandez-Fernandez*, 2025 WL 2976923, at \*9, the decision to release Abdoul on his own recognizance "in and of itself, 'reflects a determination by the

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<sup>4</sup> This argument has also been rejected by numerous courts. See, e.g., *Hernandez-Fernandez*, 2025 WL 2976923, at \*7–8; *Lopez-Arevalo v. Ripa*, 801 F. Supp. 3d 668, 681–85 (W.D. Tex. 2025) (collecting cases); *Zafra*, 2025 WL 3239526, at \*3; *Espinoza v. Kaiser*, No. 25 Civ. 1101, 2025 WL 2581185, at \*7 n.9 (E.D. Cal. Sept. 5, 2025); *Padilla v. U.S. Immigr. & Customs Enf't*, 704 F. Supp. 3d 1163, 1171 (W.D. Wash. 2023); *Santiago v. Noem*, No. 25 Civ. 361, 2025 WL 2792588, at \*7–10 (W.D. Tex. Oct. 2, 2025); *Vieira*, 806 F. Supp. 3d at 698–700.

<sup>5</sup> In light of the new application of § 1225(b), it would be futile for Abdoul to ask the Immigration Judge for a bond hearing to challenge his unlawful detention. See *Rojas*, 2025 WL 3038262, at \*3.

government that the noncitizen is not a danger to the community or a flight risk,” *Lopez-Arevelo*, 801 F. Supp. 3d at 687.<sup>6</sup> In sum, Abdoul’s re-detention clearly violates procedural due process.<sup>7</sup>

- ii. *Respondents’ argument that Petitioner’s procedural due process claim is actually substantive has no basis in the law.*

Instead of engaging with this complete lack of process, Respondents spend a substantial portion of their brief arguing that Abdoul does not make a procedural due process claim, but rather a substantive one. This is a red herring: Respondents cannot show that Abdoul was provided any process, thus their only hope is to convince the Court that no procedural due process claim exists.

Respondents rely on *Connecticut Department of Public Safety v. Doe*, 538 U.S. 1 (2003), in which the Court found that a convicted sex offender was not denied procedural due process when he failed to receive a hearing as to his dangerousness prior to being placed on a sex offender registry—because it was Doe’s conviction that determined whether he was placed on the registry, not his current dangerousness. Respondents’ attempt to graft this case onto the current situation stretches the decision beyond reason and ignores controlling Fifth Circuit precedent. The sex offender registry requirements in *Doe* “turn[ed] on an offender’s conviction alone—a fact that a convicted offender has *already had a procedurally safeguarded opportunity to contest.*” *Coleman v. Dretke*, 395 F.3d 216, 223 n.30 (5th Cir. 2004) (emphasis added) (quoting *Doe*, 538 U.S. at 7). *Doe* merely established that the plaintiff had no “right to *additional* ‘process.’” *Id.* (quoting *Doe*,

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<sup>6</sup> Whether a petitioner was released on his own recognizance, as opposed to paroled into the United States, is “a distinction without a difference,” *Hassen*, No. 26 Civ. 48, ECF 8 at 3, as both require the same “constitutional minima of due process”—a finding that the person poses no flight risk or danger to the community. *Singh v. Taylor*, No. 26 Civ. 155, 2026 WL 360913, at \*4 (W.D. Tex. Feb. 9, 2026). Respondents’ failure to afford Abdoul any process before his re-detention, notwithstanding his prior release under 8 C.F.R. § 1236.1(c)(8), violates procedural due process. See *Cruz-Reyes v. Bondi*, No. 5:26 Civ. 60, 2026 WL 332315, at \*5–7 (S.D. Tex. Feb. 3, 2026).

<sup>7</sup> Cf. *Cumbe Lema*, No. 3:26 Civ. 249, ECF 7 at 3; *Kostak v. Trump*, No. 3:25 Civ. 1093, 2025 WL 2472136, at \*3 (W.D. La. Aug. 27, 2025); *Espinoza*, 2025 WL 2581185, at \*11–12; *Singh v. Andrews*, 803 F. Supp. 3d 1035, 1048–49 (E.D. Cal. 2025) (collecting cases).

538 U.S. at 9 (Scalia, J., concurring)).<sup>8</sup> Unlike in *Doe*, Abdoul had no opportunity to contest his re-detention. He is not seeking “additional” process, *id.*; he is seeking his right to process in the first place. Therefore, *Doe* is inapplicable.

Respondents’ reliance on the unpublished decision in *Wekesa v. U.S. Attorney*, No. 22-10260, 2022 WL 17175818 (5th Cir. Nov. 22, 2022), is similarly misplaced. *Wekesa* concerned a “challenge to [a] prolonged, mandatory detention,” whereas Petitioner “challenges the decision to subject him to mandatory detention . . . at all.” *Lopez-Arevelo*, 801 F. Supp. 3d at 684. Further, *Wekesa* did not analyze due process: “[a]lthough the court fleetingly noted that [petitioner] raised a due process challenge, it did not address that argument or the facts . . . in its brief order.” *Alves v. U.S. Dep’t of Just.*, No. 25 Civ. 306, 2025 WL 2629763, at \*4 (W.D. Tex. Sept. 12, 2025).<sup>9</sup>

The flaws in Respondents’ argument are most evident in their lackluster attempt to circumvent *Hernandez-Fernandez*. Respondents’ treatment of that case comprises a mere two sentences summarily arguing that, even though “due process requires additional procedures in the form of a bond hearing,” “a bond hearing is merely the vehicle for making the *substantive* determination about flight risk or dangerousness.” Opp. 6. This assertion makes little sense. See *Chan*, 2026 WL 388605, at \*2 (“[T]he spurious leap made by Respondents from a procedural request for a bond hearing to a substantive request because of the topics to be reviewed in the bond hearing is not persuasive.”). More importantly, it ignores the clear holding of *Hernandez-Fernandez* that “detaining [a petitioner] without any individualized assessment of his flight risk

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<sup>8</sup> See *Chan v. Bondi*, No. 3:25 Civ. 298, 2026 WL 388605, at \*2 (W.D. Pa. Feb. 12, 2026) (“[T]he caselaw cited to for Respondents’ position, [*Doe*, 538 U.S. 1], does not correspond to this case in any way.”).

<sup>9</sup> Respondents also point to *Duarte v. City of Lewisville*, 858 F.3d 348 (5th Cir. 2017), and *Michael H. v. Gerald D.*, 491 U.S. 110 (1989). These cases are inapposite. The petitioner in *Duarte* “exercised his constitutional right to a trial by jury”—therefore, “the absence of an additional hearing allowing [him] to contest current dangerousness” did not violate due process. 858 F.3d at 352–53. *Michael H.* concerned a petitioner’s challenged to a decision terminating his parental rights without allowing him “to demonstrate his paternity in an evidentiary hearing,” but there, the statute prohibited such inquiries, rendering it a question of “substantive policy”—not process. 491 U.S. at 119.

and dangerousness deprives him of his constitutional right to *procedural due process*.” 2025 WL 2976923, at \*10 (emphasis added). As the Court explained, a petitioner’s “rights are not violated by the very fact of his detention,” but “because he has been detained without a bond hearing that accords with due process.” *Id.* Abdoul asserted a valid procedural due process claim. He should be immediately released from custody, or be afforded a prompt individualized bond hearing.<sup>10</sup>

#### **B. Substantive Due Process**

Substantive due process protects noncitizens from arbitrary confinement. *Hernandez*, 2025 WL 3217037, at \*2. In the immigration context, detention violates a noncitizen’s substantive due process rights except in “special and narrow nonpunitive circumstances where a special justification . . . outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Jacobo Ramirez v. Noem*, No. 2:25 Civ. 2136, 2025 WL 3270137, at \*8 (D. Nev. Nov. 24, 2025) (quoting *Zadvydas*, 533 U.S. at 690). The only lawful reason to detain a noncitizen is if he is a flight risk or dangerous, *Zadvydas*, 533 U.S. at 690–91, and Abdoul was already found to be neither, *see* ECF 53-1. Because Respondents have asserted no special or compelling justification to continue to deprive Abdoul of his liberty, he has established a violation of his substantive due process rights.

In their attempts to skirt Abdoul’s substantive due process claim, Respondents rely almost exclusively on *Demore v. Kim*, 538 U.S. 510 (2003), asserting that Abdoul’s detention does not implicate any fundamental rights, and thus “detention under §1225(b)(2) is constitutionally permissible” because it is “rationally related to legitimate government interests.” Opp. 11. Aside from being incorrect, it is also beside the point—even if “detention during removal proceedings is a constitutionally permissible part of that process,” Opp. 11, that “does not mean . . . that the United

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<sup>10</sup> *See Cruz-Reyes*, 2026 WL 332315, at \*7 (ordering release because “a post-deprivation bond hearing cannot cure the core [due process] violation”).

States may detain territorial aliens forever without any process,” *Castillo v. Ybarra*, No. 25 Civ. 1074, 2026 WL 370497, at \*41 (D.N.M. Feb. 10, 2026). Indeed, accepting this argument would “equate[] mandatory detention to indefinite detention.” *Chan*, 2026 WL 388605, at \*3.

“[T]he Due Process Clause limits detention without a bond hearing to a ‘reasonable period,’” and “when detention becomes unreasonable, the Due Process Clause demands a hearing.” *Id.* “All aliens, whether subject to the entry-fiction doctrine or territorial standing, have substantive due process rights separate and apart from [§ 1225].” *Castillo*, 2026 WL 370497, at \*41; *see Singh v. Noem*, No. 25 Civ. 1110, 2026 WL 146005, at \*39 (D.N.M. Jan. 20, 2026) (finding an alien “has substantive due process protections that extend beyond § 1225’s protections”). “*Demore* did not hold that mandatory detention of noncitizens . . . satisfies due process, regardless of whether the government establishes they are dangerous or a flight risk.” *Escobar Salgado v. Mattos*, No. 2:25 Civ. 01872, 2025 WL 3205356, at \*23 (D. Nev. Nov. 17, 2025).

The only government interest Respondents identify to justify Abdoul’s detention is that of “preventing aliens ‘from fleeing prior to or during their removal proceedings, thus increasing the change [*sic*] that, if ordered removed, the aliens will be successfully removed.” Opp. 17 (quoting *Demore*, 538 U.S. at 528). This “interest,” however, “is not implicated in the continued detention of [petitioners] who have no criminal convictions,” like Abdoul. *Escobar Salgado*, 2025 WL 3205356, at \*23.<sup>11</sup> Abdoul had already been determined not to be a flight risk, and his re-detention occurred shortly after he voluntarily attended his scheduled immigration hearing. *See Perez v. Kramer*, No. 4:25 Civ. 3179, 2025 WL 2624387, at \*4 (D. Neb. Sept. 11, 2025). In sum, Respondents “have asserted no individualized justification—let alone a special or compelling

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<sup>11</sup> *Demore* is further distinguishable because the Court found that “the detention without bond of a noncitizen satisfied due process because his criminal convictions were ‘obtained following the full procedural protections our criminal justice system offers.’” *Escobar Salgado*, 2025 WL 3205356, at \*23 (quoting *Demore*, 538 U.S. at 513–14).

justification—to continue to deprive [Abdoul of his] physical liberty,” and their “indifference . . . to the Constitution’s guarantee of freedom from arbitrary confinement is grave cause for concern,” *Jacobo Ramirez*, 2025 WL 3270137, at \*11; *see also Rodriguez Cabrera v. Mattos*, No. 2:25 Civ. 1551, 2025 WL 3072687, at \*14 (D. Nev. Nov. 3, 2025). Abdoul is thus currently detained in violation of his substantive due process rights and should be released.<sup>12</sup>

## II. Respondents’ Indifference to Abdoul’s Deteriorating Health and Continued Suffering Warrants Immediate Release

The Fifth Amendment “guarantees that . . . noncitizen detainees[] may not be subject to conditions of confinement or denial of medical care that ‘amount to punishment.’” *Munoz Materano v. Arteta*, 804 F. Supp. 3d 395, 423 (S.D.N.Y. 2025) (quoting *Bell v. Wolfish*, 441 U.S. 520, 535 (1979)).<sup>13</sup> Since his detention began, Abdoul has been denied adequate medical care. He has not consistently received his antiretroviral treatment for HIV, increasing his vulnerability to infections and progression to AIDS, which is life-threatening.<sup>14</sup> He is losing his eyesight, suffers frequent fevers, and is struggling to walk.<sup>15</sup> He has suffered an anal fistula for months; and after numerous cancelled surgeries, Abdoul underwent a hasty procedure on February 24.<sup>16</sup> Since then, Abdoul has been bleeding profusely from his anus and suffers from such agonizing pain that he is unable to sleep—let alone walk, sit, or stand for any length of time.<sup>17</sup> Respondents refused to address Abdoul’s dire conditions for nearly a week. There is no legitimate government interest or special justification that excuses this wanton disregard for human welfare. *See Zadvydas*, 533 U.S.

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<sup>12</sup> *Cf. Hernandez v. Bernacke*, No. 2:26 Civ. 355, 2026 WL 497340, at \*2 (D. Nev. Feb. 23, 2026) (finding respondents “must immediately release Petitioner” “given the arbitrary deprivation of liberty that [he] has suffered and continues to suffer,” “after an IJ has already found [he] does not present a danger to the community or a flight risk”).

<sup>13</sup> A civil immigrant detainee’s “constitutional claims are considered under the due process clause instead of the Eighth Amendment.” *Edwards v. Johnson*, 209 F.3d 772, 778 (5th Cir. 2000).

<sup>14</sup> *See Declaration of Alpha Diallo*, at ¶¶ 48–59, attached hereto as Exhibit A.

<sup>15</sup> *See Exhibit A* at ¶ 61.

<sup>16</sup> *Id.* at ¶ 31.

<sup>17</sup> *Id.* at ¶¶ 32–37.

at 690. All of his suffering is treatable. Respondents' persistence in denying Abdoul that treatment is decidedly punitive, violates Abdoul's substantive due process rights, and warrants immediate release. *See Materano*, 804 F. Supp. 3d at 425 (ordering release where respondent "failed to ensure that [petitioner] has the continuity of access to medications" despite awareness of his "worsening condition"); *Sorio v. Hermosillo*, No. 2:25 Civ. 02492, 2026 WL 413530, at \*12 (W.D. Wash. Feb. 13, 2026) (holding "the extreme consequences of Respondents' unreasonable treatment . . . constitute deprivations so excessive that the conditions of detention alone . . . render it punitive").<sup>18</sup>

Respondents dedicate only one sentence to Abdoul's conditions, arguing that habeas is not the proper channel for challenging the conditions of his confinement. Not so. A petitioner's deteriorating health and lack of treatment are relevant to his petition and substantive due process claim. *See Sorio*, 2026 WL 413530, at \*8–9; *Materano*, 804 F. Supp. 3d at 423. Abdoul's motion for release raised his medical conditions as "extraordinary circumstances" that would "make a grant of bail necessary to give effect to the requested habeas relief." ECF 43 at 1. The Court agreed that "serious deterioration of the petitioner's health while incarcerated constitute[d] an extraordinary circumstance" (a point Respondents "d[id] a poor job of refuting"). *Id.* Courts have ordered release because Respondent's neglect of a habeas petitioner's deteriorating health constitutes a substantive due process violation, and the same result should follow here.

### CONCLUSION

Abdoul's detention is unlawful and the Court should release Abdoul from custody or provide him with an individualized bond hearing before an Immigration Judge, at which Respondents shall bear the burden of justifying Abdoul's continued detention by clear and convincing evidence of dangerousness or flight risk.

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<sup>18</sup> This Court ordered Respondents to file an affidavit detailing Petitioner's medical condition and care. ECF 43 at 4. Respondents' untimely affidavit provides no information about Abdoul's health status or medical treatment. ECF 55.

Dated: March 2, 2026

Respectfully submitted,

/s/ Michael Ferrara

Michael Ferrara\*  
Helen Andrews\*\*  
Jocelyn Hassel\*  
HECKER FINK LLP  
New York, New York 10118  
Tel.: (212) 763-0883  
Fax: (212) 564-0883  
mferrara@heckerfink.com  
handrews@heckerfink.com  
jhassel@heckerfink.com

/s/ Anthony R. Enriquez

Anthony R. Enriquez\*  
Sarah T. Gillman\*  
ROBERT & ETHEL KENNEDY  
HUMAN RIGHTS CENTER  
88 Pine Street, 8th Floor, Suite 801  
New York, New York 10005  
Tel.: (646) 289-5593  
enriquez@rfkhumanrights.org  
gillman@rfkhumanrights.org

/s/ Marinda van Dalen

Marinda van Dalen\*  
Lucia Cuenca\*  
New York Lawyers for the Public Interest  
151 West 30th Street, 11th Floor  
New York, New York 10001-4017  
Tel.: (212) 336-9324  
mvandalen@nylpi.org  
lcuenca@nylpi.org

/s/ Charles Andrew Perry

Charles Andrew Perry  
LA Bar No. 40906  
Nora Ahmed\*  
NY Bar No. 5092374  
ACLU Foundation of Louisiana  
1340 Poydras St., Ste. 2160  
New Orleans, LA 70112  
Tel.: (504) 522-0628  
aperry@laaclu.org  
nahmed@laaclu.org

/s/ Sarah R. Decker

Sarah E. Decker\*  
ROBERT & ETHEL KENNEDY  
HUMAN RIGHTS CENTER  
1300 19th St N W Ste 750  
Washington, DC 20036  
Tel.: (908) 967-3245  
decker@rfkhumanrights.org

/s/ Alpha A. Diallo

Alpha A. Diallo\*  
AfroIndigo Group  
276 5th Avenue, Suite 704  
New York, New York 10001  
Tel.: (929) 785-8944  
alpha@afroindigo.com

*Attorneys for Petitioner*

*\*Admitted pro hac vice*

*\*\*Pro hac vice admission pending*