

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

AMAR JEIREB, :
 :
 Petitioner, :
 :
 v. : Civil Action No. 26-0070
 :
 JAMAL L. JAMISON, in his official :
 capacity as the Warden of the :
 Philadelphia Federal Detention :
 Center; MICHAEL T. ROSE, Acting :
 Field Office Director of Enforcement :
 and Removal Operations, Philadelphia :
 Field Office, Immigrations and :
 Customs Enforcement, :
 Respondents. :

RESPONSE IN OPPOSITION TO MOTION TO MODIFY ORDER

As directed by the Court in its January 8, 2026, Order (ECF No. 4), petitioner Amar Jeireb was provided a bond hearing on January 14, in accordance with 8 U.S.C. § 1226(a). At that hearing, petitioner was represented by counsel, who submitted evidence¹ in support of his request for release on bond, but the Immigration Judge denied relief. Petitioner’s appeal—if timely made by February 13, 2026—will be heard by the Board of Immigration Appeals in accordance with

¹ Among the evidence purportedly submitted by petitioner at the bond hearing was a letter, dated January 12, from petitioner’s brother, Mamine Jeireb. (ECF No. 7-1, at 20). Upon information and belief, Mamine Jeireb was detained by ICE on or about the same date as petitioner. He also filed a habeas petition, which was granted on January 8, with the Court ordering his immediate release from detention. *See Mamine Jeireb v. Jamison, et al.*, E.D. Pa. Civ. No. 26-0071, at ECF No. 4. He was released from detention on the same date.

the applicable regulatory framework and consistent with this Court's Order. *See, e.g.*, 8 C.F.R. § 1003.3.

Dissatisfied with the outcome of the bond hearing, as well as the denial of a last-minute motion for continuance, petitioner filed the pending Motion to Modify Court Order, pursuant to Federal Rule of Civil Procedure 60(b), asking this Court to amend its prior order to require his immediate release from detention or, in the alternative, to set a bond amount. (ECF No. 7). In petitioner's view, such relief is necessary to avoid a "grave miscarriage of justice," insofar as "the record demonstrates [he] has not been provided a fair opportunity to be heard on bond." (*Id.* at 3).

Petitioner's motion, however, fails to marshal any facts in support of these conclusions. To the contrary, he specifically acknowledges that he was provided a bond hearing, that he was represented by counsel at that hearing, and that his counsel submitted evidence and advanced argument in support of his request for bond. And while the Immigration Judge denied his requested relief, petitioner acknowledges that he retains the right to appeal that decision to the Board of Immigration Appeals. (*Id.*).

This Court's Order granting habeas relief expressly contemplates this turn of events. (*See* ECF No. 4, ¶ 3 ("Should the Immigration Judge deny bond, the Director of Immigration and Customs Enforcement for the Philadelphia Field Office shall provide Jeireb the opportunity to appeal to the Board of Immigration Appeals") (emphasis removed)). As the time for filing an appeal has not yet come to pass,

petitioner's motion is premature. *See, e.g., Martinez-McBean v. Gov't of V.I.*, 562 F.2d 908, 911 (3d Cir. 1977) ("courts must be guided by 'the well established principle that a motion under Rule 60(b) may not be used as a substitute for appeal'") (quoting *In re Imperial "400" National, Inc.*, 391 F.2d 163, 172 (3d Cir. 1968)).

Accordingly, respondents respectfully request that petitioner's motion be denied.

Respectfully submitted,

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Dated: January 28, 2026

CERTIFICATE OF SERVICE

I hereby certify that, on this date, I filed the foregoing Response in Opposition to Motion to Modify Order via the Court's Case Management/Electronic Case Filing system, thereby making said document available for viewing and download by all counsel of record.

/s/ Bryan C. Hughes
BRYAN C. HUGHES
Assistant United States Attorney

Dated: January 28, 2026