JS 44 (Rev. 04/21)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. *(SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)*

I. (a) PLAINTIFFS

Mohamed Camara

(b) County of Residence of First Listed Plaintiff Philadelphia
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys *(Firm Name, Address, and Telephone Number)*

David M Bercovitch, Bercovitch Law Offices, 100 S. Broad Street, Suite 1902, Philadelphia PA 19102,

DEFENDANTS

Warden, Philadelphia Federal Detention Center, et al.

County of Residence of First Listed Defendant Philadelphia
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys *(If Known)*

Unknown

II. BASIS OF JURISDICTION *(Place an "X" in One Box Only)*

- ☐ 1 U.S. Government Plaintiff
- ☐ 3 Federal Question *(U.S. Government Not a Party)*
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity *(Indicate Citizenship of Parties in Item III)*

III. CITIZENSHIP OF PRINCIPAL PARTIES *(Place an "X" in One Box for Plaintiff and One Box for Defendant)*
(For Diversity Cases Only)

	PTF	DEF		PTF	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated *or* Principal Place of Business In This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated *and* Principal Place of Business In Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. NATURE OF SUIT *(Place an "X" in One Box Only)*

Click here for: Nature of Suit Code Descriptions.

CONTRACT
- ☐ 110 Insurance
- ☐ 120 Marine
- ☐ 130 Miller Act
- ☐ 140 Negotiable Instrument
- ☐ 150 Recovery of Overpayment & Enforcement of Judgment
- ☐ 151 Medicare Act
- ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans)
- ☐ 153 Recovery of Overpayment of Veteran's Benefits
- ☐ 160 Stockholders' Suits
- ☐ 190 Other Contract
- ☐ 195 Contract Product Liability
- ☐ 196 Franchise

REAL PROPERTY
- ☐ 210 Land Condemnation
- ☐ 220 Foreclosure
- ☐ 230 Rent Lease & Ejectment
- ☐ 240 Torts to Land
- ☐ 245 Tort Product Liability
- ☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
- ☐ 310 Airplane
- ☐ 315 Airplane Product Liability
- ☐ 320 Assault, Libel & Slander
- ☐ 330 Federal Employers' Liability
- ☐ 340 Marine
- ☐ 345 Marine Product Liability
- ☐ 350 Motor Vehicle
- ☐ 355 Motor Vehicle Product Liability
- ☐ 360 Other Personal Injury
- ☐ 362 Personal Injury - Medical Malpractice

PERSONAL INJURY
- ☐ 365 Personal Injury - Product Liability
- ☐ 367 Health Care/ Pharmaceutical Personal Injury Product Liability
- ☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
- ☐ 370 Other Fraud
- ☐ 371 Truth in Lending
- ☐ 380 Other Personal Property Damage
- ☐ 385 Property Damage Product Liability

CIVIL RIGHTS
- ☐ 440 Other Civil Rights
- ☐ 441 Voting
- ☐ 442 Employment
- ☐ 443 Housing/ Accommodations
- ☐ 445 Amer. w/Disabilities - Employment
- ☐ 446 Amer. w/Disabilities - Other
- ☐ 448 Education

PRISONER PETITIONS

Habeas Corpus:
- ☐ 463 Alien Detainee
- ☐ 510 Motions to Vacate Sentence
- ☐ 530 General
- ☐ 535 Death Penalty

Other:
- ☐ 540 Mandamus & Other
- ☐ 550 Civil Rights
- ☐ 555 Prison Condition
- ☐ 560 Civil Detainee - Conditions of Confinement

FORFEITURE/PENALTY
- ☐ 625 Drug Related Seizure of Property 21 USC 881
- ☐ 690 Other

LABOR
- ☐ 710 Fair Labor Standards Act
- ☐ 720 Labor/Management Relations
- ☐ 740 Railway Labor Act
- ☐ 751 Family and Medical Leave Act
- ☐ 790 Other Labor Litigation
- ☐ 791 Employee Retirement Income Security Act

IMMIGRATION
- ☐ 462 Naturalization Application
- ☐ 465 Other Immigration Actions

BANKRUPTCY
- ☐ 422 Appeal 28 USC 158
- ☐ 423 Withdrawal 28 USC 157

INTELLECTUAL PROPERTY RIGHTS
- ☐ 820 Copyrights
- ☐ 830 Patent
- ☐ 835 Patent - Abbreviated New Drug Application
- ☐ 840 Trademark
- ☐ 880 Defend Trade Secrets Act of 2016

SOCIAL SECURITY
- ☐ 861 HIA (1395ff)
- ☐ 862 Black Lung (923)
- ☐ 863 DIWC/DIWW (405(g))
- ☐ 864 SSID Title XVI
- ☐ 865 RSI (405(g))

FEDERAL TAX SUITS
- ☐ 870 Taxes (U.S. Plaintiff or Defendant)
- ☐ 871 IRS—Third Party 26 USC 7609

OTHER STATUTES
- ☐ 375 False Claims Act
- ☐ 376 Qui Tam (31 USC 3729(a))
- ☐ 400 State Reapportionment
- ☐ 410 Antitrust
- ☐ 430 Banks and Banking
- ☐ 450 Commerce
- ☐ 460 Deportation
- ☐ 470 Racketeer Influenced and Corrupt Organizations
- ☐ 480 Consumer Credit (15 USC 1681 or 1692)
- ☐ 485 Telephone Consumer Protection Act
- ☐ 490 Cable/Sat TV
- ☐ 850 Securities/Commodities/ Exchange
- ☐ 890 Other Statutory Actions
- ☐ 891 Agricultural Acts
- ☐ 893 Environmental Matters
- ☐ 895 Freedom of Information Act
- ☐ 896 Arbitration
- ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision
- ☐ 950 Constitutionality of State Statutes

V. ORIGIN *(Place an "X" in One Box Only)*

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District *(specify)*
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing *(Do not cite jurisdictional statutes unless diversity)*:
28 U.S.C. 2241

Brief description of cause:
Illegal detention of a foreign national by Immigration and Customs Enforcement

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A **CLASS ACTION** UNDER RULE 23, F.R.Cv.P.

DEMAND $

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions): JUDGE _____ DOCKET NUMBER 2:26-cv-00212

DATE
January 13, 2026

SIGNATURE OF ATTORNEY OF RECORD
/s/ david m bercovitch

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: Philadelphia Federal Detention Center, Philadelphia, PA

RELATED CASE IF ANY: Case Number: 2:26-cv-00212 Judge: N/a

1. Does this case involve property included in an earlier numbered suit? Yes ☐
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes ☐
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes ☐
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes ☐
5. Is this case related to an earlier numbered suit even though none of the above categories apply? If yes, attach an explanation. Yes ☐

I certify that, to the best of my knowledge and belief, the within case ☐ **is** / ■ **is not** related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts)
☐ 2. FELA
☐ 3. Jones Act-Personal Injury
☐ 4. Antitrust
☐ 5. Wage and Hour Class Action/Collective Action
☐ 6. Patent
☐ 7. Copyright/Trademark
☐ 8. Employment
☐ 9. Labor-Management Relations
☐ 10. Civil Rights
☐ 11. Habeas Corpus
☐ 12. Securities Cases
☐ 13. Social Security Review Cases
☐ 14. Qui Tam Cases
☐ 15. Cases Seeking Systemic Relief ***see certification below***
☐ 16. All Other Federal Question Cases. *(Please specify)*:_____

B. *Diversity Jurisdiction Cases:*

☐ 1. Insurance Contract and Other Contracts
☐ 2. Airplane Personal Injury
☐ 3. Assault, Defamation
☐ 4. Marine Personal Injury
☐ 5. Motor Vehicle Personal Injury
☐ 6. Other Personal Injury (*Please specify*):_____
☐ 7. Products Liability
☐ 8. All Other Diversity Cases: *(Please specify)*_____

I certify that, to the best of my knowledge and belief, that the remedy sought in this case ☐ **does** / ■ **does not** have implications beyond the parties before the court and ☐ **does** / ■ **does not** seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

[X] Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of $150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

[ ] None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

Mohamed Camara, Petitioner, v. **Warden**, Philadelphia Federal Detention Center, Philadelphia, PA, **David O'Neill**, Acting Field Office Director, Philadelphia Field Office Immigration and Customs Enforcement, **Kristi Noem**, Secretary U.S. Department of Homeland Security **Pam Bondi**, Attorney General, U.S. Department of Justice, Executive Office for Immigration Review, Respondents.	Case No. 2:26-cv-00212 **PETITION FOR WRIT OF HABEAS CORPUS**

INTRODUCTION

1. Petitioner Mohamed Camara ("Mr. Camara"), A#[redacted], seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging his current detention by Immigration and Customs Enforcement ("ICE").

2. Respondents are detaining Mr. Camara as if he were subject to mandatory detention under INA § 235, 8 U.S.C. § 1225(b), and take the position that he is ineligible for a bond (custody redetermination) hearing before an Immigration Judge.

3. Mr. Camara is properly detained, if at all, under INA § 236(a), 8 U.S.C. § 1226(a), and therefore is entitled to a prompt custody redetermination (bond) hearing.

4. Absent an order from this Court, Mr. Camara will continue to be detained without the bond-hearing procedures Congress provided in § 1226(a).

5. Mr. Camara asks this Court to issue an Order to Show Cause, declare that § 1226(a) governs his detention, order Respondents to release Petitioner (or, in the alternative, order Respondents to provide him a prompt bond hearing before an Immigration Judge).

JURISDICTION AND VENUE

6. This action arises under the Constitution of the United States and the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 *et. seq.*

7. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause).

8. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et. seq.*, and the All Writs Act, 28 U.S.C. § 1651.

9. Venue is proper because Petitioner is detained at the Philadelphia Federal Detention Center in Philadelphia, PA, which is within the jurisdiction of this District.

PARTIES

10. Petitioner Mr. Camara is a citizen and national of Guinea. His A-Number is

11. Mr. Camara is currently in civil immigration detention. According to ICE documentation, he is being held at Philadelphia Federal Detention Center, 700 Arch Street, Philadelphia PA 19106 (See attached **Exhibit A**).

12. Respondent Warden, Philadelphia Federal Detention Center, Philadelphia, PA is Mr. Camara's immediate custodian at the facility where he is confined and has day-to-day control over him.

13. Respondent David O'Neill, Acting Field Office Director, Philadelphia Field Office Immigration and Customs Enforcement ("ICE") Enforcement and Removal Operations ("ERO"), is responsible for ICE detention operations and custody decisions in the Philadelphia area.

14. Respondent, Kristi Noem, Secretary of the U.S. Department of Homeland Security ("DHS") is sued in her official capacity and has authority to effectuate the relief requested.

15. Respondent, Pam Bondi, Attorney General of the United States is sued in her official capacity and has authority to effectuate the relief requested.

16. Respondent Executive Office for Immigration Review ("EOIR") is a federal government agency responsible for adjudicating immigration proceedings. EOIR has the authority to release and/or schedule a bond hearing for the unlawfully detained Petitioner Mr. Camara.

FACTUAL BACKGROUND

17. Upon information and belief, Mr. Camara was encountered by Border Patrol on or about December 24, 2023 at or near Sasabe, AZ (See attached, **Exhibit B**, "Respondent's Notice to Appear").

18. DHS then served Mr. Camara with a Notice to Appear charging Mr. Camara under INA § 212(a)(6)(A)(i) (See **Ex B**).

19. Upon information and belief, DHS issued a Notice of Custody Determination (Form I-286) stating that, pursuant to INA § 236 and 8 C.F.R. part 236, Mr. Camara would be released on his own recognizance pending removal proceedings.

20. Petitioner was placed in removal proceedings in Executive Office of Immigration Review (EOIR) with the opportunity to present his case why he should not be Ordered removed from the United States.

21. On March 23, 2024, Mr. Camara filed a form I-589 application for asylum, withholding of removal and protection from Convention Against Torture (See attached **Exhibit C**, "I-589 asylum application."

22. For approximately two years after his entry, Mr. Camara resided in the United States and complied with immigration reporting requirements.

23. Upon information and belief, on January 12, 2025, Mr. Camara reported to an ICE check-in appointment at the ICE Philadelphia Field Office and was taken into ICE custody.

24. ICE subsequently transferred Mr. Camara to the Philadelphia Federal Detention Center in Philadelphia, PA (See **Ext A**).

25. Respondents have taken the unconstitutional and unlawful position that Mr. Camara is subject to mandatory detention under INA § 235, 8 U.S.C. § 1225(b), and therefore is not eligible for a bond hearing before the Immigration Court.

LEGAL FRAMEWORK

28 U.S.C. § 2241

26. This court has authority to grant habeas relief under 28 U.S.C. § 2241, which

empowers federal courts to issue the writ to a person "in custody" in violation of the Constitution or laws of the United States. A noncitizen held in immigration detention satisfies the "in custody" requirement, and § 2241 is the proper vehicle to challenge the fact and legality of detention and to seek release or other relief directed to the custodian.

28 U.S.C. § 2243

27. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents "forthwith," unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return "within *three days* unless for good cause additional time, not exceeding twenty days, is allowed." *Id.* (emphasis added).

28. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as "perhaps the most important writ known to the constitutional law of England, affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement." *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added).

CLAIMS FOR RELIEF

COUNT I (Statutory/Ultra Vires) DHS lacks authority to detain under § 1225(b)(2); detention is governed by § 1226(a); refusal to provide bond hearing violates the INA/regulations

29. The averments contained in the preceding paragraphs one (1) – twenty-eight (28) are incorporated by reference as if fully contained herein.

30. Mr. Camara is in § 240 removal proceedings (as opposed to expedited removal proceedings) and has long been physically present in the United States for approximately two (2) years.

31. The INA establishes distinct detention frameworks for (a) arriving applicants for admission subject to inspection and expedited procedures, and (b) noncitizens in removal proceedings who are physically present in the United States.

32. Section 1225(b) (INA § 235) governs certain arriving applicants for admission; Section 1226 (INA § 236) governs arrest, detention, and release "pending a decision on whether the alien is to be removed from the United States." *INA* § 236(a) / 8 *U.S.C.* § 1226(a)

33. DHS previously exercised discretionary custody authority under INA § 236 (8 U.S.C. 1226) and released him on his own recognizance.

34. Now Respondents are attempting to reclassify Mr. Camara as subject to mandatory detention under § 1225(b) (INA § 235). However, this is inconsistent with the INA's text, structure, and purpose.

35. Federal courts have held that individuals arrested within the United States and placed in § 240 proceedings are detained, if at all, under § 1226—not § 1225(b)—and are entitled to the bond-hearing procedures provided by § 1226(a). See, e.g., *Lazaro Maldonado Bautista et al. v. Ernesto Santacruz Jr. et al.*, No. 5:25-cv-01873-SSS-BFM (C.D. Cal. Nov. 20, 2025) (order granting petitioners' motion for partial summary judgment).

36. Because § 1226(a) governs, Mr. Camara is entitled to a prompt bond (custody redetermination) hearing before an Immigration Judge pursuant to 8 C.F.R. § 236.1(d) and related regulations.

37. This Court should declare that § 1226(a) governs Mr. Camara's detention and order Respondents to release Mr. Camara unless and until such a hearing is provided.

COUNT II (Due Process): Misclassification and categorical denial of any bond hearing deprives liberty without due process

38. The averments contained in the preceding paragraphs one (1) – thirty-seven (37) are incorporated by reference as if fully contained herein.

39. Civil immigration detention must comport with due process. By holding Mr. Camara without the bond-hearing procedures Congress and the regulations provide under § 1226(a), Respondents are depriving him of liberty without due process of law.

40. Due to Respondents' deliberate and illegal detention of the Mr. Camara this Honorable Court should Order Respondents to immediately release Mr. Camara from custody.

41. At minimum, due process requires that Mr. Camara receive a prompt hearing at which an Immigration Judge may consider whether detention is necessary based on flight risk or danger and may impose conditions of release if appropriate.

42. This Court should grant any additional relief necessary to remedy the due process violation.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue an Order to Show Cause under 28 U.S.C. § 2243 directing Respondents to respond promptly to this Petition;

B. Declare that Respondents are unlawfully detaining Mr. Camara under 8 U.S.C. § 1225(b) and that 8 U.S.C. § 1226(a) governs his detention;

C. Order Respondents to immediately release Mr. Camara from custody until such a hearing is provided;

D. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

Date: January 13, 2026

/s/ David M. Bercovitch
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