

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

IBRAHIMA MBODJ

A#: 

6214 Addison St.  
Philadelphia, PA 19143,

Petitioner,

v.

WARDEN OF THE FEDERAL DETENTION  
CENTER PHILADELPHIA,  
700 Arch St.  
Philadelphia, PA 19106,

and

MICHAEL ROSE

*In his official capacity as Acting Field Office  
Director of Philadelphia ICE ERO;*

114 N. 8th St.,  
Philadelphia, PA 19107

and

TODD LYONS

*In his official capacity as Acting Director of ICE;*

500 12th St. SW  
Washington, D.C. 20536

and

KRISTI NOEM

*In her official capacity as Sec'y of DHS;*

2801 Nebraska Ave. NW  
Washington, D.C. 20528

and

PAMELA BONDI

*In her official capacity as U.S. Attorney General,*

950 Pennsylvania Ave. NW  
Washington DC 20530,

Respondents.

C.A. No.: 2:26-cv-00263

**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner, Ibrahima Mbodj, respectfully petitions this Court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents, as follows:

## INTRODUCTION


1. This case is one of numerous petitions for habeas corpus filed by immigration detainees challenging their unlawful detention without access to a bond hearing pursuant to a recent change in Department of Homeland Security (“DHS”) policy and a precedential decision of the Board of Immigration Appeals (“BIA”). See *Ronil Jose Gonzalez Centeno v. Lowe*, No. 3:25-cv-2518-JKM (M.D. Pa. Jan. 13, 2026) (Munley, J.). In that decision, Judge Munley relied on and joined the consensus of courts and overwhelming weight of authority holding Respondents misapply the law. See also, e.g., *Demirel v. Fed. Det. Ctr. Phila.*, No. 25-5488, 2025 WL 3218243, at \*1, \*5–13 (E.D. Pa. Nov. 18, 2025) (Diamond, J.) (collecting over 280 cases holding the government has misread the Immigration and Nationality Act (“INA”)); *Patel v. McShane*, No. 25-5975, 2025 WL 3241212, (E.D. Pa. Nov. 20, 2025) (Brody, J.) (granting habeas relief, ordering release, and permanently enjoining detention under 8 U.S.C. § 1225(b)(2)(A)).

2. As in these cases, Petitioner Ibrahima Mbodj has been detained, purportedly under 8 U.S.C. § 1225(b)(2)(A) without the opportunity for a bond hearing, despite having lived in the United States for several years, having complied with all reporting conditions, and having no criminal history.

3. For the same reasons articulated in Judge Munley’s thorough and well-reasoned opinion, collecting and synthesizing the overwhelming weight authorities, Petitioner’s detention violates the INA and the Due Process Clause of the Fifth Amendment. He is entitled to immediate release, consistent with *Gonzalez Centeno* and *Patel*.

4. Petitioner respectfully pleads that this Court follow *Gonzalez Centeno* and *Patel* order Petitioner’s immediate release because Petitioner’s continued detention under § 1225(b)(2)(A) is unlawful.

## PARTIES

5. Petitioner, Ibrahima Mbodj, is a noncitizen currently detained by Respondents pending removal proceedings. He is domiciled at  Philadelphia, PA 19143 before he was imprisoned.

6. Respondent WARDEN OF THE FEDERAL DETENTION CENTER PHILADELPHIA is an individual who, with reasonable diligence, cannot be identified, who acts as the Warden of the Facility and is the immediate custodian of Petitioner. He/she is sued in his/her official capacity. The facility where Petitioner is being held (upon information and belief) is 700 Arch St., Philadelphia, PA 19106.

7. Respondent Michael Rose is named in his official capacity as the Field Office Director of Philadelphia ICE ERO. In this capacity, Respondent Rose is responsible for administration and management of ICE Enforcement Removal Operations in this District and exercises control over Petitioner's custody at the Facility. Respondent Rose's office is located at 114 N. 8th St., Philadelphia, PA 19107.

8. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. In this capacity, Respondent Lyons is responsible for the administration of federal immigration law and the execution of detention and removal determinations, and, as such, he is a legal custodian of Petitioner. Respondent Lyons's office is located at 500 12th St. SW, Washington, D.C. 20536.

9. Respondent Kristi Noem is the Secretary of the U.S. Department of Homeland Security (DHS). DHS oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary Noem is the ultimate legal custodian of Petitioner. She is sued in her official capacity. Respondent Noem's office is located at 2801 Nebraska Avenue NW Washington, D.C. 20528.

10. Respondent Pamela Bondi is the Attorney General of the United States. The Attorney General is responsible for enforcing the laws of the United States. Respondent Bondi is sued in her official capacity. Respondent Bondi's office is located at 950 Pennsylvania Ave. NW, Washington, DC 20530.

### **JURISDICTION AND VENUE**

11. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody in violation of the Constitution and laws of the United States.


12. This petition challenges Respondents' asserted statutory authority to detain Petitioner under 8 U.S.C. § 1225(b)(2)(A), rather than any aspect of the removal proceedings themselves. Petitioner challenges a detention policy that misclassifies his custody, forecloses application of 8 U.S.C. § 1226(a), and results in continued physical detention without lawful statutory or Constitutional basis. Such claims are properly brought in habeas under 28 U.S.C. § 2241.

13. Venue is proper in the Eastern District of Pennsylvania because Petitioner is detained in Philadelphia, Pennsylvania. See *Rumsfeld v. Padilla*, 542 U.S. 426, 443 (2004).

### **FACTS**

14. Petitioner Ibrahima Mbodj is a native and citizen of Mauritania.

15. Petitioner fled Mauritania in early 2022 after experiencing persecution as 



16. On July 27, 2022, Petitioner entered the United States at the southern border and was detained by immigration authorities in Louisiana.

17. Petitioner had a credible fear hearing before the Buffalo, New York Immigration Court on September 29, 2022.

18. On October 2, 2022, DHS released Petitioner from detention and paroled him into the United States pursuant to INA § 212(d)(5)(A). *Exhibit A*, Parole Document

19. Upon release, Petitioner was instructed to report to ICE in Philadelphia. From November 2022 through January 2026, Petitioner complied fully with all ICE check-in requirements.

20. Petitioner filed an Application for Asylum and for Withholding of Removal (Form I-589), which remains pending. *Exhibit B*, USCIS receipt for I-589.

21. On January 15, 2026, Petitioner appeared for a routine ICE check-in in Philadelphia and was detained without explanation. *Exhibit C*, ICE Inmate Locator.

22. At the time of his detention, Petitioner maintained steady employment as a mechanic.

23. Petitioner's circumstances have not changed since his release from ICE custody in 2022. He has no criminal history in the United States, is lawfully employed, and has filed tax returns.

24. ICE is detaining Petitioner purportedly under 8 U.S.C. § 1225(b)(2)(A). It has taken the position that he is categorically ineligible for a bond hearing.

25. It would be futile to seek a bond hearing or other relief before the immigration courts because they have taken the position that they lack jurisdiction for custody determinations under *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025).

## CAUSES OF ACTION

### COUNT I – UNLAWFUL DETENTION IN VIOLATION OF INA

26. Repeats and realleges the preceding paragraphs as if set forth at length herein.

27. Respondents are detaining Petitioner, purportedly under 8 U.S.C. § 1225(b)(2)(A), even though that statute does not apply to noncitizens like Petitioner who were released into the interior of the United States and later re-detained years after entry.

28. Under the uniform and overwhelming authority of this District and the Third Circuit, detention of individuals in Petitioner's posture is governed by 8 U.S.C. § 1226(a), which authorizes release on bond after an individualized hearing.

29. Respondents' continued detention of Petitioner under § 1225(b)(2)(A) therefore exceeds their statutory authority and violates the Immigration and Nationality Act.

30. Accordingly, because Petitioner is in custody in violation of the laws of the United States, habeas relief is warranted pursuant to 28 U.S.C. § 2241, and the Court should order Petitioner's immediate release from unlawful detention.

### COUNT II – UNLAWFUL DETENTION IN VIOLATION OF THE FIFTH AMENDMENT

31. Repeats and realleges the preceding paragraphs as if set forth at length herein.

32. Petitioner has been deprived of his liberty through civil detention without any individualized determination that his detention is necessary to prevent flight or danger to the community.

33. Respondents' categorical detention of Petitioner without lawful statutory authority and without access to a bond hearing violates the Due Process Clause of the Fifth Amendment.

34. Accordingly, because Petitioner is in custody in violation of the Constitution of the United States, habeas relief is warranted pursuant to 28 U.S.C. § 2241, and the Court should order Petitioner's immediate release from unlawful detention.

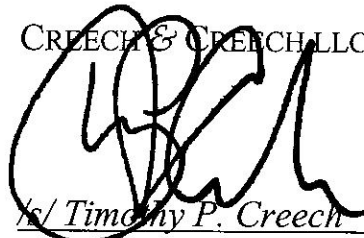
**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Grant the Petition for Writ of Habeas Corpus and order Petitioner's immediate release from custody, consistent with *Gonzalez Centeno* as his continued detention under 8 U.S.C. § 1225(b)(2)(A) is unlawful;
- B. Enjoin Respondents from detaining Petitioner under 8 U.S.C. § 1225(b)(2)(A);
- C. Grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

CREECH & CREECH LLC



/s/ Timothy P. Creech

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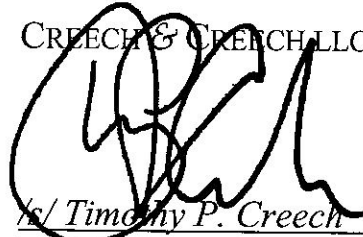
DATED: January 15, 2026

**VERIFICATION**

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that I am the attorney for Petitioner and that the facts asserted in this Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information and belief and after diligent inquiry.

Respectfully submitted,

CREECH & CREECH LLC

A handwritten signature in black ink, appearing to read 'Timothy P. Creech', is written over a horizontal line. The signature is stylized and somewhat cursive.

*/s/ Timothy P. Creech*

TIMOTHY P. CREECH

DATED: January 15, 2026