


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

IBRAHIMA MBODJ	:	
A#: 	:	
	:	Petitioner,
	:	
v.	:	C.A. No.: <u>2:26-cv-00263-CFK</u>
	:	
WARDEN OF THE FEDERAL DETENTION	:	
CENTER PHILADELPHIA; <i>et al.</i>	:	
	:	
	:	Respondents.

STATUS REPORT (SECOND)

Petitioner, Ibrahim Mbodj, by and through his undersigned attorneys, respectfully submits this Status Report (Third).

1. Petitioner respectfully submits newly discovered *Exhibit A*, Affidavit of Lawrence O. Burman, Immigration Judge who served for twenty-seven years and retired from the bench on December 31, 2025.

2. Judge Burman attests that, over decades on detained dockets, “flight risk” was ordinarily addressed by setting an appropriate bond amount rather than denying bond outright. Denial solely on flight risk grounds was rare, particularly where the respondent had a fixed address, employment, family ties, or a pending application for relief. Bonds at levels effectively impossible to post were uncommon, and ability to pay was considered.

3. However, beginning in 2025, Judge Burman describes irregularities in the administration of detained dockets, *e.g.*, abrupt judicial removals, heightened turnover, and a notable rise in bond denials.

4. Judge Burman states that, based on his observations, “judges were removed for their strong commitment to due process for those appearing before them.” *Id.* ¶19. He has “noticed increasing concern among members of the bench about institutional intimidation and the

perception that decisions unfavorable to the government could negatively affect judicial tenure.”
Id. ¶20.

5. This sworn testimony supports the “strong showing” referenced in Petitioner’s Second Status Report. A four-corners review of the bond transcript does not end the inquiry where surrounding evidence suggests that the asserted rationale may be pretextual. Judge Burman’s affidavit provides independent, sworn evidence that longstanding bond practices for flight risks have been replaced by blithe denials to advance the administration’s true agenda – *de facto* abolishment of the asylum laws and the use of detention as a deterrent to the exercise of asylum.

6. Under these circumstances, limited extra-record discovery is warranted, consistent with the equitable principles articulated in *Dept. of Commerce*. Absent such inquiry, the Court cannot meaningfully assess whether detention remains reasonably related to its statutory purpose.

7. Continued confinement under this pretext inflicts irreparable harm. Therefore, the equities favor Petitioner’s release pending resolution of these constitutional issues.

WHEREFORE, Petitioner respectfully requests this Court grant such relief as it deems just and proper.

Respectfully submitted,

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DATED: February 16, 2026

CERTIFICATE OF SERVICE

I certify a true and correct copy of the foregoing will be sent on this date *via* ECF

Notification to the following ECF Registered Users:

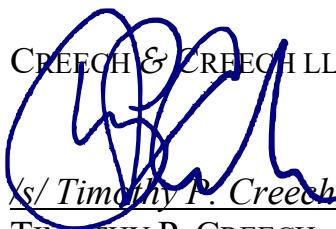
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/s/ Timothy P. Creech

TIMOTHY P. CREECH

DATED: February 16, 2026

AFFIDAVIT OF LAWRENCE O. BURMAN

I, Lawrence O. Burman, swear under penalty of perjury, that the following information is true and correct to the best of my knowledge, information, and belief:

Experience

1. I am over 18 years of age, and a citizen of the United States.
2. I was admitted to the Maryland Bar in November 1978 and have maintained active status since that time.
3. I was employed by the United States Department of Justice from September 1988 until my retirement on December 31, 2025.
4. I served as an Immigration Judge from my appointment in April 1998 until my retirement.
5. Before that, I worked as an assistant district counsel for the former Immigration and Naturalization Service (INS) in Baltimore, Maryland, from 1991 to 1998 – a role now absorbed by the Department of Homeland Security.
6. Prior to that, from 1990 to 1991, I served as assistant general counsel at INS Headquarters in Washington, D.C.
7. From 1988 to 1990, I worked as a general attorney for INS in Baltimore.

Experience as an Immigration Judge


8. During my 27 years as an Immigration Judge, I presided over both detained and non-detained dockets in Memphis TN and Northern Virginia. I also heard detained cases on detail to detention facilities in Texas, California, New Mexico, Louisiana and Pennsylvania. I was assigned to the Annandale VA detained docket most recently in December 2025 for a short period to cover judges who were on leave.
9. While presiding over the detained docket, I adjudicated requests for custody redetermination (also known as bond hearings). In making these adjudications, I considered whether the alien was a flight risk or a danger to the community.
10. I have been asked to prepare this affidavit to explain my decades of experience as an Immigration Judge regarding the application of “flight risk” when denying a bond, as well as my professional observations regarding recent adjudicatory patterns and their potential implications.
11. Over my time on the bench, I found that concerns about flight risk were usually addressed by setting an appropriate bond amount. It was rare for a bond to be denied solely based on flight risk; more often, a higher bond amount was imposed to ensure the individual’s appearance at future hearings.
12. In my experience, bond was not denied solely due to a person’s manner of entry into the United States or because they had not yet applied for relief before being encountered by immigration officials. Such factors were never the main reason for denial, and generally not considered at all.

13. It was also extremely rare to see a bond denial based on flight risk where the alien had a fixed address, a job, a proposed application for relief, or family ties to the United States.
14. In my experience, bonds in excess of \$15,000 were relatively uncommon on the dockets on which I served. This is largely because a person's ability to pay a bond should be considered when adjudicating a bond request, and because immigration delivery bonds generally require payment of the full amount to post.
15. Earlier in my tenure, judges typically maintained a regular detained docket. In the last decade, the Immigration Court in Annandale, Virginia, assigned certain judges to detained matters on a full-time basis, while others would substitute when needed.
16. Since around 2017, Immigration Judges Raphael Choi and Karen Donoso-Stevens had been assigned to the detained dockets. IJ Choi was previously the Chief Counsel of the Office of Principal Legal Advisor for Arlington, Virginia, and IJ Donoso-Stevens was a senior attorney for the detained docket for the Office of Principal Legal Advisor for Arlington, Virginia
17. I recently learned that both IJ Choi and IJ Donoso-Stevens were abruptly removed from the detained docket in January 2026, in the middle of their morning dockets, and were replaced by newly-appointed judges.

Concerns about the Immigration Court System

18. Since January 2025, I have observed a troubling trend of Immigration Judges being terminated without explanation or notice. In all my years on the bench, I have never witnessed such a high level of turnover.
19. From conversations within the immigration bench and professional organizations, including the National Association of Immigration Judges (of which I was an officer), it is clear that judges were removed for their strong commitment to due process for those appearing before them.
20. Although immigration judges are expected to act as neutral adjudicators, I have noticed increasing concern among members of the bench about institutional intimidation and the perception that decisions unfavorable to the government could negatively affect judicial tenure.
21. I am concerned that the notable rise in bond denials and adverse case outcomes undermines due process and erodes confidence in the Immigration Court system.

Signed this 14th day of February 2026 in the County of Arlington, Commonwealth of Virginia.



Lawrence O. Burman