

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MOHAMMAD FAHIM MEERAN,

Petitioner,

v.

MICHAEL T. ROSE, Acting Field Office
Director of Enforcement and Removal
Operations, Philadelphia Field Office,
Immigration and Customs Enforcement;
CRAIG LOWE, Warden of Pike County
Correctional Facility,

Respondents.

**PETITION FOR WRIT OF
HABEAS CORPUS**

Case No. 3:26-CV-00187

INTRODUCTION

1. Petitioner Mohammad Fahim Meeran is in the physical custody of Respondents at the Pike County Correctional Facility (“PCCF”). This case challenges Petitioner’s unlawful re-detention by Respondents.

2. Petitioner entered the United States at San Ysidro, California on April 27, 2024, with the intent to seek asylum. The Department of Homeland Security (“DHS”) detained Petitioner and subsequently released him on parole.

3. Petitioner filed a timely application for asylum, based on his fear of persecution in Afghanistan.

4. In the time since his release, Petitioner has complied with the conditions of his release set forth by Immigration and Customs Enforcement (“ICE”), including not having any criminal contacts and attending all required appointments with ICE and hearings with the Immigration Court.

5. Despite Petitioner's compliance, on January 5, 2026, four ICE agents stopped him near his home in Philadelphia and took him into custody, without providing any reason for his re-detention.

6. Petitioner was transferred to the Philadelphia Federal Detention Center ("FDC"), where he was held temporarily, before being transferred to PCCF, where he remains detained today.

7. Before re-detaining Petitioner, Respondents did not provide him with any notice, written or otherwise, regarding the basis for the revocation of his release on recognizance and his re-detention. Similarly, Respondents failed to provide a hearing before a neutral decisionmaker, where ICE would be required to justify the basis for Petitioner's re-detention, or explain why Petitioner presented new flight risk or danger to the community.

8. As several districts courts have recently held, due process demands that Respondents provide such a hearing *prior* to the government's decision to terminate a person's liberty—particularly where re-detention is concerned. *See O.F.B. v. Maldonado*, No. 25-cv-6336, 2025 WL 3277677 (E.D.N.Y. Nov. 25, 2025); *EA.T.-B. v. Wamsley*, --- F. Supp. 3d --- No. C25-1192-KKE, 2025 WL 2402130 (W.D. Wash. Aug. 19, 2025); *Ramirez Tesara v. Wamsley*, No. 2:25-CV-01723-MJP-TLF, 2025 WL 2637663 (W.D. Wash. Sept. 12, 2025); *Kelly v. Almodovar*, No. 25 CIV. 6448 (AT), 2025 WL 2381591 (S.D.N.Y. Aug. 15, 2025); *Duong v. Kaiser*, No. 25-CV-07598-JST, 2025 WL 2689266 (N.D. Cal. Sept. 19, 2025); *Kumar v. Wamsley*, 2025 WL 2677089 (W.D. Wash. Sept. 17, 2025); *Ledesma Gonzalez v. Bostock*, 2025 WL 2841574 (W.D. Wash. Oct. 7, 2025).

9. By failing to provide such a hearing prior to Petitioner's re-detention, Respondents have violated Petitioner's constitutional due process rights. Here, a "post-deprivation hearing" cannot serve as an adequate remedy, where Petitioner has already been erroneously deprived of

his liberty. *See E.A.T.-B.*, 2025 WL 2403130 at *6 (ordering immediate release because “a post-deprivation hearing cannot serve as an adequate procedural safeguard because it is after the fact and cannot prevent an erroneous deprivation of liberty”); *Ramirez Tesara*, 2025 WL 2637663, at *4 (similar); *Kumar*, 2025 WL 2677089, at *3–4 (similar); *Ledesma Gonzalez*, 2025 WL 2841574, at *9 (relying on *E.A. T.-B.*). Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be immediately released from Respondents’ custody.

JURISDICTION

10. Petitioner is in the physical custody of Respondents. Petitioner is detained PCCF in Lords Valley, Pennsylvania.

11. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

12. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

VENUE

13. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493–500 (1973), venue lies in the United States District Court for the Middle District of Pennsylvania, the judicial district in which Petitioner currently is detained.

14. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because Respondents are employees, officers, and agencies of the United States, and because a substantial part of the events or omissions giving rise to the claims occurred in the Middle District of Pennsylvania.

REQUIREMENTS OF 28 U.S.C. § 2243

15. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

16. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . 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). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

17. Petitioner Mohammad Fahim Meeran is alleged to be a native and citizen of Afghanistan, who has been in immigration detention since January 5, 2026.

18. Respondent Craig Lowe is employed as the Warden of the Pike Correctional Facility, where Petitioner is detained. He has immediate physical custody of Petitioner. He is sued in his official capacity.

19. Respondent Michael T. Rose is the Acting Director of the Philadelphia Field Office of ICE’s Enforcement and Removal Operations division. As such, he is Petitioner’s immediate custodian and is responsible for Petitioner’s detention and removal. He is sued in his official capacity.

LEGAL FRAMEWORK

20. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

21. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a); 1236.1(d), while noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

22. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission referred to under § 1225(b)(2).

23. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

24. Section 1226(a) applies by default to all persons “pending a decision on whether the [noncitizen] is to be removed from the United States.” These removal hearings are held under § 1229a, to “decid[e] the inadmissibility or deportability of a[] [noncitizen].” Section 1226 “authorizes the Government to detain certain aliens already in the country pending the outcome of removal proceedings,” including noncitizens “including noncitizens “who were inadmissible at the time of entry.” *Jennings v. Rodriguez*, 583 U.S. 281, 288–89, 138 S.Ct. 830, 200 L.Ed.2d 122 (2018).

25. Further, once released, due process requires that a person like Petitioner receive a hearing before a neutral decisionmaker to determine whether any re-detention is justified, and whether the person is a flight risk or danger to the community.

26. “Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty protected by the Due Process Clause.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). As several courts have recently recognized, this is

the “the most elemental of liberty interests.” *E.A. T.-B.*, 2025 WL 2402130, at *3 (citation modified); *see also Ramirez Tesara*, 2025 WL 2637663, at *5 (stating that the petitioner had “an exceptionally strong interest in freedom from physical confinement”).

27. Consistent with this principle, individuals released on parole or other forms of conditional release have a liberty interest in their “continued liberty.” *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972).

28. Such liberty is protected by the Fifth Amendment because, “although indeterminate, [it] includes many of the core values of unqualified liberty,” such as the ability to be gainfully employed and live with family, “and its termination inflicts a ‘grievous loss’ on the [released individual] and often on others.” *Id.*

29. To guarantee against arbitrary re-detention and to guarantee the right to liberty, due process requires “adequate procedural protections” that ensure the government’s asserted justification for a noncitizen’s physical confinement “outweighs the individual’s constitutionally protected interest in avoiding physical restraint.” *Zadvydus*, 533 U.S. at 690 (citation modified).

30. Due process thus guarantees notice and an individualized hearing before a neutral decisionmaker to assess danger or flight risk before the revocation of an individual’s release. *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970) (“The fundamental requisite of due process of law is the opportunity to be heard . . . at a meaningful time in a meaningful manner.” (citation modified)); *see also, e.g., Morrissey*, 408 U.S. at 485 (requiring “preliminary hearing to determine whether there is probable cause or reasonable ground to believe that the arrested parolee has committed . . . a violation of parole conditions” and that such determination be made “by someone not directly involved in the case” (citation modified)).

31. Several courts have recognized that these principles apply with respect to the re-detention of the many noncitizens, whom DHS has recently begun taking back into custody, merely to meet its daily arrest quotas. Such arbitrary re-arrests and re-detentions occur often after such persons have been released for months and years.

32. For example, in *E.A. T.-B.*, the court applied the *Mathews v. Eldridge*, 424 U.S. 319 (1976), framework to hold that even in a case where the government argued mandatory detention applied, a person's re-detention required a hearing.

33. In applying the three *Mathews* factors, the court held that the petitioner had “undoubtedly [been] deprive[d] . . . of an established interest in his liberty,” *E.A. T.-B.*, 2025 WL 2402130, at *3, which, as noted, “is the most elemental of liberty interests,” *id.* (citation modified). The court further explained that even if detention was mandatory, the risk of erroneous deprivation of liberty without a hearing was high because a hearing serves to ensure that the purposes of detention—the prevention of danger and flight risk—are properly served. *Id.* at *4–5. Finally, the Court explained that “the Government’s interest in re-detaining non-citizens previously released without a hearing is low: although it would have required the expenditure of finite resources (money and time) to provide Petitioner notice and hearing on [ISAP] violations before arresting and re-detaining him, those costs are far outweighed by the risk of erroneous deprivation of the liberty interest at issue.” *Id.* at *5. As a result, the court ordered the petitioner’s immediate release. *Id.* at *6.

34. Another court in the same district applied a similar analysis in *Ramirez Tesara*. There, the court reasoned that the petitioner had a “weighty” interest in his liberty and was entitled to the “full protections of the due process clause.” 2025 WL 2637663, at *3. When examining the value of additional safeguards, the court also noted that despite the government’s allegations of

ISAP violations, “the fact ‘that the Government may believe it has a valid reason to detain Petitioner does not eliminate its obligation to effectuate the detention in a manner that comports with due process.’” *Id.* at *4 (quoting *E.A. T.-B.*, 2025 WL 2402130, at *4). Finally, the court reasoned that any government interest in re-detention without a hearing was “minimal.” *Id.* Accordingly, there too, the court ordered the petitioner’s immediate release. *Id.* at *5. 44. The *Kumar* and *Ledesama Gonzalez* courts reached the same decision, again holding that all three factors weighed in favor of affording the petitioner a bond hearing, 2025 WL 2677089, at *3–4; 2025 WL 2841574, at *7-9.

35. The decisions in *Ledesama Gonzalez*, *E.A. T.-B.*, *Ramirez Tesara* and *Kumar* are consistent with many other district court decisions addressing similar situations. *See, e.g., O.F.B.*, 2025 WL 3277677 (ordering immediate release due to lack of pre-deprivation hearing); *Valdez v. Joyce*, 2025 WL 1707737 (S.D.N.Y. June 18, 2025) (ordering immediate release due to lack of pre-deprivation hearing); *Pinchi v. Noem*, -- F. Supp. 3d --, 2025 WL 2084921 (N.D. Cal. July 24, 2025) (similar); *Maklad v. Murray*, 2025 WL 2299376 (E.D. Cal. Aug. 8, 2025) (similar); *Garcia v. Andrews*, 2025 WL 2420068 (E.D. Cal. Aug. 21, 2025) (similar); *Rodriguez v. Kaiser*, 2025 WL 2855193 (E.D. Cal. Oct. 8, 2025), at *6 (similar); *Orellana v. Francis*, 2025 WL 2402780 (E.D.N.Y. August 19, 2025) (ordering immediate release due to violation of Administrative Procedure Act when petitioner was not provided hearing upon revocation and re-detention of his parole); *Y-Z-L-H v. Bostock*, 792 F.Supp.3d 1123, (D.Or. July 9, 2025) (similar).


36. The same framework and principles apply here and compel Petitioner’s immediate release.

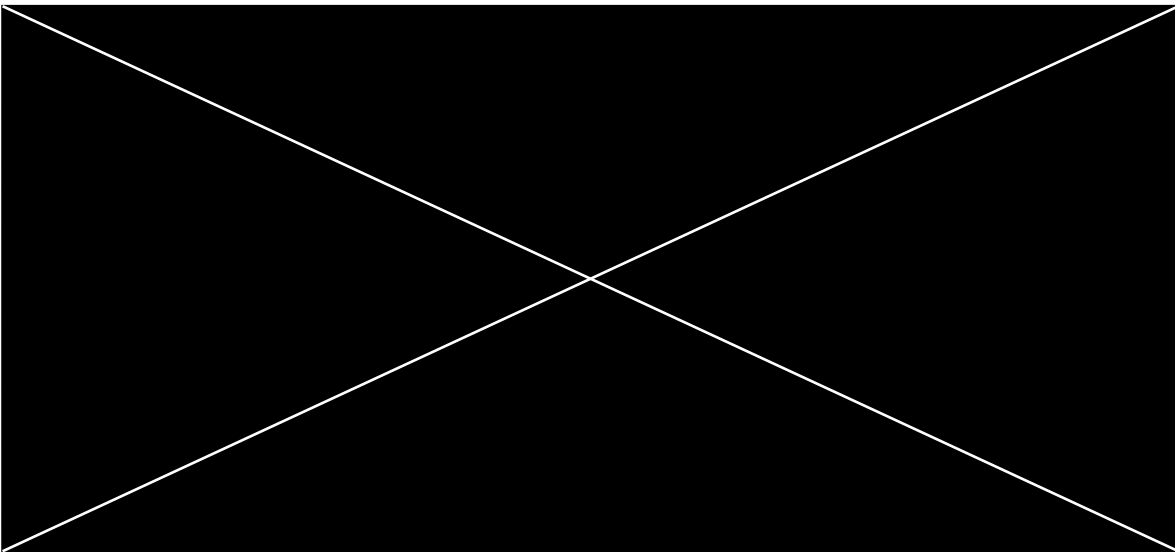
FACTS

37. Petitioner is a 37-year-old asylum-seeker, who has continuously resided in the United States since his entry on April 27, 2024.

38. Following Petitioner's entry at the southern U.S. border, DHS initially detained him and subsequently released him on humanitarian parole, deeming him to be neither a flight risk nor a danger to the community. DHS also issued him a Form I-94 ("Arrival/Departure Record"), confirming that he has been paroled into the United States for a renewable period, until at least April 26, 2026.

39. DHS then issued Petitioner a Notice to Appear ("NTA") in which he has been charged with, *inter alia*, having applied for admission into the United States without a valid immigrant visa or other valid entry document. *See* 8 U.S.C. § 1182(a)(7)(A)(i)(I). Upon issuance of this NTA, Petitioner was placed in removal proceedings under 8 U.S.C. § 1229a.

40. Petitioner subsequently filed a timely application for asylum on January 23, 2025, based on his fear of 



41. Since his entry to the United States, Petitioner has obtained lawful work authorization and maintains full-time employment at the W Hotel in Center City, Philadelphia. He has continuously resided in Philadelphia since his release by Respondents in 2024.

42. On January 5, 2026, Petitioner was arrested by four ICE agents, who suddenly surrounded him while he was on his way to work. The agents stopped him on the sidewalk, approximately 15 meters from his home, and asked to see his identification. When Petitioner provide his identification documents, the agents placed handcuffs on his wrists, tightened them to the point of inflicting severe pain and took him to their car. Further, as the agents were not in uniform, Petitioner initially believed he was being robbed. However, he realized they were ICE agents after they showed him their badges following the initial stop.

43. Critically, Petitioner was not provided a particular reason for his re-detention at any point prior to, during or after his arrest. The agents then brought him to FDC temporarily, after which he was transferred to PCCF, where he remains detained today.

44. Petitioner does not have any criminal contacts and had been compliant with DHS's conditions set forth following his entry and release into the United States in 2024. As such, he is neither a flight risk nor a danger to the community.

45. Prior to his re-detention, Petitioner was scheduled for his hearings before the Philadelphia Immigration Court. He had retained immigration counsel and was dutifully complying with the requirements of his removal proceedings. As he is now detained, his case will be placed on a vastly accelerated detained docket, leaving him little time to prepare his asylum case, and further posing significant challenges regarding working with his immigration counsel, gathering witnesses and obtaining evidence from his home country. If this Court grants his release, his immigration case would revert to the standard, non-detained docket in the Philadelphia

Immigration Court, where he would have a more complete meaningful opportunity to prepare and present his case.

46. Prior to Petitioner's re-detention, Petitioner did not receive written notice of the reason for his re-detention.

47. Prior to Petitioner's re-detention, Respondents did not assess whether Petitioner presented a flight risk or a danger to the community, or whether his arrest was justified for another reason.

48. Prior to Petitioner's re-detention, Petitioner never received a hearing before a neutral decisionmaker to determine if his re-detention is justified.

49. As a result, Petitioner remains in detention. Without relief from this Court, he faces the prospect of months, or even years, in immigration custody, separated from his work, family and community.

IMMEDIATE RELEASE IS WARRANTED

50. The Supreme Court has recognized that “[h]abeas has traditionally been a means to secure *release* from unlawful detention.” *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107, 140 S.Ct. 1959, 207 L.Ed.2d 427 (2020) (emphasis in original). As such, several decisions from the Third Circuit, including within this District, have ordered immediate release in similar cases. *See e.g.*, *Muev v. O'Neill et al.*, No. 25-cv-07172 (E.D. Pa. Jan. 13, 2026); *Muzafirov v. Jamison et al.*, No. CV 25-7371, 2026 WL 126153 (E.D. Pa. Jan. 16, 2026); *Gavrin v. Jamison et al.*, No. 26-cv-00308 (E.D. Pa. Jan. 27, 2026); *Patel v. O'Neill*, No. 15-cv-02181 (M.D. Pa. Jan. 21, 2026) (report and recommendation); *Samassa v. Lowe*, No. 25-cv-02197, 2025 WL 3653751 (M.D. Pa. Dec. 17, 2025); *Bhatia v. O'Neill, et al.*, No. 25-6809, Dkt. 8 (E.D. Pa. Dec. 10, 2025); *Rodrigues Pereira v. O'Neill, et al.*, No. 25-6543, Dkt. 11 (E.D. Pa. Dec. 8, 2025); *Morocho v.*

Jamison, et al., No. 25-05930, 2025 WL 3296300, at *3 (E.D. Pa. Nov. 26, 2025); *Diallo v. O'Neill, et al.*, 25-06358, Dkt. 10 (E.D. Pa. Nov. 26, 2025); *Patel v. McShane, et al.*, 25-05975 (E.D. Pa. Nov. 20, 2025). The Court should not depart from this norm.

51. Petitioner is now one of the approximately 68,000 people detained by Respondents.¹ Respondents' unlawful behavior is pervasive and defies decision after decision from the Courts. As Petitioner's arrest and detention were blatantly unlawful from the start, the only commensurate and appropriate equitable remedy to even partially restore Petitioner is to immediate release him and enjoin the Government from further similar transgressions. *See e.g., Martinez v. McAleenan*, 385 F. Supp. 3d 349, 373 (S.D.N.Y. 2019).

CLAIMS FOR RELIEF

COUNT I

Violation of Due Process Rights under the Fifth Amendment

52. Petitioner restates and realleges all the prior paragraphs as if fully set forth herein.

53. Petitioner has a fundamental interest in liberty and being free from official restraint. *See Zadvydas*, 533 U.S. at 690.

54. Due process does not permit the government to strip Petitioner of his liberty without written notice and a hearing before a neutral decisionmaker to determine whether re-detention is warranted based on danger or flight risk. *See Morrissey*, 408 U.S. at 487-88. Such written notice and a hearing must occur *prior* to any re-detention.

55. Respondents revoked Petitioner's release and deprived him of liberty without affording him any written notice or meaningful opportunity to be heard by a neutral decisionmaker prior to his re-detention.

¹ See ICE's publicly available detention data, available at: <https://www.ice.gov/detain/detention-management>

56. Accordingly, Petitioner's re-detention violates the Due Process Clause of the Fifth Amendment.

COUNT II

Violation of the INA

57. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

58. The mandatory detention provision at 8 U.S.C. section 1225 does not apply to all noncitizens residing in the United States who are subject to the grounds of inadmissibility. As relevant here, it does not apply to those who previously entered the country and have been residing in the United States prior to their re-detention by Respondents. Petitioner is not "seeking admission" at this time and is subject to the provisions under section 1226(a).

59. The application of section 1225 to Petitioner unlawfully mandates his continued detention and violates the INA.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

- a. Assume jurisdiction over this matter;
- b. **Order that Petitioner shall not be transferred outside the Middle District of Pennsylvania while this habeas petition is pending;**
- c. Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days as required by 28 U.S.C. § 2243;
- d. Issue a Writ of Habeas Corpus requiring that Respondents **immediately release Petitioner;**
- e. Declare that Petitioner's detention is unlawful;

- f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and
- g. Grant any other and further relief that this Court deems just and proper.

DATED this Twenty-Eighth Day of January 2026.

Respectfully Submitted,

s/Christopher M. Casazza
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