

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the
Middle District of Pennsylvania

DIAWARA, DIEYDI

Petitioner

v.

ICE FIELD OFFICE DIRECTOR
and

WARDEN OF PIKE COUNTY DETENTION CENTER

Respondent

(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

FILED
SCRANTON

FEB 02 2026

DEPUTY CLERK

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- 1. (a) Your full name: DIAWARA, DIEYDI
(b) Other names you have used:
2. Place of confinement:
(a) Name of institution: PIKE COUNTY DETENTION CENTER
(b) Address: 175 LORD'S COUNTY BLVD., LORD'S VALLEY PA 18428
(c) Your identification number:
3. Are you currently being held on orders by:
Federal authorities State authorities Other - explain:
US IMMIGRATION AND CUSTOMS ENFORCEMENT
4. Are you currently:
A pretrial detainee (waiting for trial on criminal charges)
Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
Being held on an immigration charge
Other (explain): I HAVE NOT BEEN FORMALLY CHARGED WITH ANY CRIMINAL ACTIVITY.
I HAVE AN ASYLUM PETITION PENDING, AND MY MASTER CALENDAR HEARING IS ON FEBRUARY 23, 2026


Decision or Action You Are Challenging

- 5. What are you challenging in this petition:
How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): THE US DEPT. OF HOMELAND SECURITY ADJUDICATOR HAS ERRED IN TRYING TO PRETERMIT MY CASE BY SENDING ME TO UGANDA. UGANDA DOES NOT MEET THE UN STANDARDS FOR A "SAFE THIRD COUNTRY" AND VIOLATES SECTION 2242 OF THE US FARRA

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: US DEPT OF HOMELAND SECURITY ELIZABETH IMMIGRATION COURT 625 EVANS ST., RM #148A, ELIZABETH NJ 07201
- (b) Docket number, case number, or opinion number: 
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
I HAVE BEEN DETAINED SINCE SEPTEMBER 22ND 2025 WITHOUT ANY FORMAL CHARGES, WHICH IS A VIOLATION OF MY DUE PROCESS RIGHTS. I HAVE A CASE PENDING WHICH COULD TAKE YEARS. I AM NOT A FLIGHT RISK. DHS IS USING ACA TO PRETERMIT MY CASE UNLAWFULLY
- (d) Date of the decision or action: _____


Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: ELIZABETH IMMIGRATION COURT 625 EVANS ST., ELIZABETH NJ 07201
- (2) Date of filing: 01/28/2026
- (3) Docket number, case number, or opinion number: 
- (4) Result: PENDING
- (5) Date of result: 01/28/2026
- (6) Issues raised: THE INVALIDITY OF THE PRETERMISSION OF MY CASE. I CANNOT BE SAFELY RELOCATED TO UGANDA. MY CASE MUST BE HEARD AND DETERMINED WITHIN THE UNITED STATES. THIS CASE COULD TAKE YEARS TO RESOLVE. I WOULD LIKE TO BE RELEASED SO I CAN ASSIST IN MY OWN DEFENSE

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

I CANNOT FILE AN APPEAL UNTIL THE PENDING CASE HAS BEEN RESOLVED

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

I CANNOT FILE AN APPEAL UNTIL THE CURRENT CASE HAS BEEN RESOLVED

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

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If "Yes," provide:

(1) Name of court: ELIZABETH IMMIGRATION CENTER

(2) Case number: [REDACTED]

(3) Date of filing: 1/28/2026

(4) Result: MASTER CALENDAR HEARING SET FOR 2/23/2026

(5) Date of result: 2/23/2026

(6) Issues raised: US DHS IS TRYING TO DISQUALIFY ME FOR ASYLUM BY PRETERMITTING MY CASE BY REFERRING ME FOR PROCESSING IN UGANDA, WHICH IS NOT A SAFE THIRD COUNTRY BY UN CAT STANDARDS. THE US AGREED TO ABIDE THESE STANDARDS THROUGH THEIR FARRA. DHS IS NOW CONTRAVENING THEIR AGREEMENT

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: THE DECISION IS STILL PENDING

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

(a) Date you were taken into immigration custody: 01/01/2025

(b) Date of the removal or reinstatement order: 01/09/2025

(c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

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If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

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Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: I HAVE BEEN DETAINED WITHOUT CHARGES

I AM BEING TREATED AS A CRIMINAL IN A CIVIL MATTER.

MY CIVIL MATTER HAS A MASTER CALENDAR HEARING ON FEBRUARY 23, 2026

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

IMMIGRATION MATTERS ARE CIVIL MATTERS. I HAVE BEEN DETAINED IN A MANNER CONSISTENT WITH CRIMINAL PROCEEDINGS EVEN THOUGH THE DHS HAS NOT ISSUED ME A CHARGING DOCUMENT

(b) Did you present Ground One in all appeals that were available to you?

Yes No

GROUND TWO: I AM NOT A CRIMINAL WHO IS A FLIGHT RISK.

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I HAVE NOT BEEN CHARGED. I LACK THE FINANCIAL RESOURCES TO RUN AWAY. EVEN IF I DID, I HAVE NOWHERE TO RUN AWAY TO. MY BENEFACTORS ARE DECENT PEOPLE ASSISTING ME TO LAWFULLY REMAIN IN SAFETY

(b) Did you present Ground Two in all appeals that were available to you?

Yes No

GROUND THREE: THE DHS HAS ERRED IN CATEGORIZING ME WHY HAS RESULTED IN ME BEING DENIE A BOND HEARING

(a) Supporting facts *(Be brief. Do not cite cases or law.):*

I WAS NOT DETAINED AS AN "ARRIVING ALIEN". I WAS ALREADY IN THE COUNTRY FOR A YEAR AND SEVERAL MONTHS WHEN I WAS ARRESTED DETAINED BY ICE

(b) Did you present Ground Three in all appeals that were available to you?

Yes No

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GROUND FOUR:

(a) Supporting facts (*Be brief. Do not cite cases or law.*):

(b) Did you present Ground Four in all appeals that were available to you?

Yes No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: I COULD NOT PRESENT THE GROUNDS BECAUSE MY CASE HAS NOT YET BEEN RESOLVED BY THE IMMIGRATION COURT. I CAN ONLY APPEAL TO THE BIA AND EOIR AFTER A DECISION HAS BEEN RE

Request for Relief

15. State exactly what you want the court to do: I RESPECTFULLY REQUEST THAT THE COURT GRANT ME RELEASE FROM CUSTODY SO THAT WITH THE HELP OF MY BENEFACTORS, I CAN EXERCISE MY DUE PROCESS RIGHTS TO MOUNT AN EFFECTIVE DEFENSE FOR MYSELF. RELEASING ME WILL ALLEVIATE THE BURDEN ON THE GOVERNMENT TO SUPPORT ME WHILE I AM IN CUSTODY ON A MATTER FOR WHICH I HAVE BEEN UNLAWFULLY DETAINED IN VIOLATION OF THE FOURTH AMENDMENT

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Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 01/30/2026

Dieydi Diawara
Signature of Petitioner

Signature of Attorney or other authorized person, if any

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