

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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BOUBOU CAMARA

Petitioner,

v.

CRAIG A. LOWE, in his official capacity as  
Warden of Pike County Correctional Facility  
In Lords Valley, PA; BRIAN MCSHANE, in his  
official capacity as Acting Philadelphia Field  
Office Director, United States Immigration and  
Customs Enforcement; TODD LYONS, in his  
Official capacity as Acting Director of  
Immigration and Customs Enforcement;  
KRISTI NOEM, in her official capacity as  
Secretary of the Department of Homeland  
Security; THE U.S. DEPARTMENT OF  
HOMELAND SECURITY; PAMELA BONDI,  
Attorney General of the United States


Respondents.

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Case No. 26-cv-

Before the Honorable

**PETITION FOR WRIT OF HABEAS CORPUS**

Boubou Camara,  hereinafter “Petitioner” or “Mr. Camara”), respectfully submits this Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the Suspension Clause, U.S. Const. art. I, § 9, cl. 2. Petitioner requests that this Court order his immediate release from custody of U.S. Immigration and Customs Enforcement (“ICE”) or, in the alternative, order a prompt bond hearing at

which Respondents bear the burden of justifying Petitioner's continued detention. Petitioner further requests that the Court set aside recent policies implemented by Respondents that unlawfully curtail the statutory right of noncitizens like Petitioner to seek release on bond through the exercise of discretion under the Immigration and Nationality Act ("INA").

Mr. Camara is a native and citizen of Mauritania who is seeking asylum in the United States. He entered the United States in March 2024 after being encountered by the Department of Homeland Security at the border with Mexico and was subsequently placed into removal proceedings and served with a Notice to Appear. Mr. Camara has a pending application for asylum. He has been issued employment authorization and a Social Security number. Mr. Camara is scheduled for an individual merits hearing on February 20, 2026, at the Immigration Court in Elizabeth, New Jersey. *See* EOIR Automated Case Information attached as Exhibit "A".

On September 24, 2025, Mr. Camara attended a routine check-in appointment at an ICE office in Pennsylvania. At that appointment, ICE officers arrested Mr. Camara without providing any individualized justification for his detention. Respondents have arbitrarily detained Mr. Camara despite the requirement under 8 U.S.C. § 1226(a) and its implementing regulations that immigration officials make

an individualized custody determination. Instead, Respondents have adopted and applied policies—reflected in administrative decisions of the Board of Immigration Appeals (“BIA”)—that treat noncitizens like Mr. Camara as subject to de facto mandatory detention, in violation of Section 1226(a).

Mr. Camara has no criminal history.

Mr. Camara is currently detained at the Pike County Correctional Facility in Pike County, Pennsylvania. *See* the Federal Bureau of Prisons and ICE Detainee locators are attached collectively as Exhibit “B”.

### **JURISDICTION AND VENUE**

1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241 (habeas corpus); 28 U.S.C. § 1651 (All Writs Act); 28 U.S.C. § 1331 (federal question); 5 U.S.C. § 702 (Administrative Procedures Act); U.S. Const. amend. V (Due Process Clause); and U.S. Const. art. I, § 9, cl. 2 (Suspension Clause).

2. Venue is proper in the Middle District of Pennsylvania pursuant to 28 U.S.C. §§ 1391(b) and 2241(d) because, at the time of filing this Petition, Mr. Camara is detained by U.S. Immigration and Customs Enforcement at the Pike County Correctional Facility in Pike County, Pennsylvania, which is located within this District.

### PARTIES

3. Petitioner **Boubou Camara** is a native and citizen of Mauritania seeking asylum in the United States. He is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the **Pike County Correctional Facility** in Pike County, Pennsylvania.

4. Respondent **Craig A. Lowe** is sued in his official capacity as the Warden of the Pike County Correctional Facility in Lords Valley, Pennsylvania, which detains individuals on behalf of ICE for civil immigration custody. Respondent Lowe is Petitioner’s immediate physical custodian

5. Respondent **Brian McShane** is sued in his official capacity as the Acting Philadelphia Field Office Director for ICE Enforcement and Removal Operations (“ERO”). In this capacity, he is responsible for the custody and detention of noncitizens detained by ICE within the Philadelphia Field Office area of responsibility, including Petitioner, and has authority over Petitioner’s continued detention or release.

6. Respondent **Todd Lyons** is sued in his official capacity as the Acting Director of ICE. In that role, he is responsible for the administration and enforcement of the immigration laws and is a legal custodian of Petitioner.

7. Respondent **Kristi Noem** is sued in her official capacity as Secretary of the Department of Homeland Security (“DHS”). She is charged by statute with the administration and enforcement of the immigration laws, see 8 U.S.C. § 1103(a)(1), and is a legal custodian of Petitioner.

8. Respondent **U.S. Department of Homeland Security** is the federal agency responsible for enforcing the immigration laws of the United States and exercises legal custody over Petitioner.

9. Respondent **Pamela Bondi** is sued in her official capacity as Attorney General of the United States and head of the Department of Justice, which includes the Executive Office for Immigration Review (“EOIR”), encompassing the immigration courts and the Board of Immigration Appeals (“BIA”). She shares responsibility for the administration and enforcement of the immigration laws and is a legal custodian of Petitioner.

### **LEGAL FRAMEWORK**

10. For non-citizens attempting to enter the United States, the INA provides under 8 U.S.C. § 1225(b)(2)(A) that “in the case of [a non-citizen] who is an applicant from admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be

admitted, the alien shall be detained.” “A noncitizen detained under Section 1225(b)(2) may be released only if he is paroled ‘for urgent humanitarian reasons or significant public benefit’ pursuant to 8 U.S.C. § 1182(d)(5)(A).” *Gomes v. Hyde*, 25 Civ. 11571, 2025 WL 1868288, at \*2 (D. Mass. July 7, 2025) (quoting *Jennings v. Rodriguez*, 583 U.S. 281, 300 (2018)).

11. In contrast, the Supreme Court has found that “U.S. immigration law authorizes the Government to detain certain [non-citizens] *already in the country* pending the outcome of removal proceedings under §§ 1226(a) and (c).” *Jennings*, 583 U.S. at 288-89.

12. Section 236 of the INA provides in relevant part as follows:

(a) Arrest, Detention, and Release. On a warrant issued by the Attorney General, *an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States*. Except as provided in subsection (c) and pending such decision, *the Attorney General—*

(1) *may continue to detain the arrested alien; and*

(2) *may release the alien on—*

(A) bond of at least \$1,500 with security approved by, and containing conditions prescribed by, the Attorney General; or

(B) conditional parole ...

13. The Supreme Court has interpreted similar “may” language in other provisions of the INA to require “some level of individualized determination.” *I.N.S. v. Nat’l Ctr. For Immigrants’ Rights*, 502 U.S. 183, 194

(1991). The regulation implementing Respondents' authority to arrest non-citizens present in the United States reads:

*“Any officer authorized to issue a warrant of arrest may, in the officer's discretion, release an alien not described in [8 U.S.C. § 1236(c)(1)] of the Act, under the conditions at section [8 U.S.C. § 1236(a)(2) and (3)]; provided that the alien must demonstrate to the satisfaction of the officer that such release would not pose a danger to property or persons, and that the alien is likely to appear for any future proceeding.”*

8 U.S.C. § 1236.1(c)(8).

14. Noncitizens may request a review of an initial custody determination before an Immigration Judge (“IJ”). 8 C.F.R. § 1236.1(d)(1); 8 C.F.R. § 1002.19(a). At this hearing an IJ may make the decision “upon any information that is available to the [Immigration Judge] or that is presented to him or her by the [non-citizen] or the [government].” 8 C.F.R. § 1003.19(d); *see also Matter of Guerra*, 24 I&N Dec. 37, 39 (BIA 2006). Non-citizens may appeal a negative decision in a custody review before an IJ to the Board of Immigration Appeals. 8 C.F.R. § 1236.1(d)(3)(i). The current statutory scheme was created through the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (“IIRIRA”).

15. For the first time in nearly three decades, Respondents have taken the position through a series of precedential decisions by the Board of Immigration Appeals that non-citizens residing in the interior of the United States

are not entitled to a custody redetermination (a “bond hearing”) before an Immigration Judge.

16. First, in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), the BIA held that a non-citizen who had been apprehended at the border and subsequently released into the United States is subject to mandatory detention without a possibility of bail upon re-detention, pursuant to 8 U.S.C. § 1225(b), even if that re-detention occurs years after their initial release from custody. The BIA reasoned that “an applicant for admission who is arrested and detained without a warrant while in the process of arriving in the United States, whether or not at a port of entry, and subsequently placed in removal proceedings is detained under section [1225(b)] [], and is ineligible for any subsequent release on bond under section [1226(a)].” *Q. Li*, 29 I&N Dec. at 74.

17. Then in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), the BIA stated that all non-citizens who are present in the United States without admission are subject to mandatory detention under Section 1225(b), regardless of how long they have been residing in the U.S. and absent any prior interaction with immigration authorities.

#### **FACTS AND PROCEDURAL HISTORY**

18. Mr. Camara is a native and citizen of Mauritania.

19. In March 2024, Mr. Camara entered the United States after being encountered by officials from U.S. Customs and Border Protection (“CBP”), a component of the Department of Homeland Security, near the United States border with Mexico.

20. After a brief period of detention Mr. Camara was released into the United States. He was subsequently issued a Notice to Appear charging him as removable from the United States pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) (“A [non-citizen] present in the United States without being admitted or paroled, or who arrives in the United States at any time or place other than as designated by the Attorney General, is inadmissible”).

21. After his release, Mr. Camara settled in Philadelphia, Pennsylvania. He complied with all conditions imposed by immigration authorities and remained at liberty in the community while his removal proceedings were pending.

22. Mr. Camara submitted an application for asylum and related relief. He was issued employment authorization and a Social Security number and has continued to pursue his immigration case lawfully.

23. Prior to his arrest, Mr. Camara reported as required to ICE for routine check-in appointments without incident.

24. In September 24, 2025, Mr. Camara attended a routine check-in appointment at an ICE office in Pennsylvania. Without prior notice or any individualized custody determination, ICE officers arrested Mr. Camara and placed him into detention. He was transferred to the Pike County Correctional Facility in Pike County, Pennsylvania, where he remains detained.

## **CLAIM FOR RELIEF**

### **COUNT ONE**

#### **VIOLATION OF DUE PROCESS, U.S. CONST. AMEND. V**

25. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

26. The Fifth Amendment's Due Process Clause prevents the Government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V.

27. The Due Process Clause extends to noncitizens residing in the United States, whether they have lawful status or not. *See Mathews v. Diaz*, 426 U.S. 67, 77 (1976); *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Specifically, "[i]t is well established that the Fifth Amendment entitles [non-citizens] to due process of law in deportation proceedings. *Reno v. Flores*, 507 U.S. 292, 306 (1993); *see also*

*Abdulai v. Ashcroft*, 239 F.3d 542, 549 (3d Cir. 2001) (“[Non-citizens] facing removal are entitled to due process”); *Calderon-Rosas v. Atty’ Gen.*, 957 F.3d 378, 386 (3d Cir. 2020) (“In sum, petitioners seeking discretionary relief are entitled to fundamentally fair removal proceedings, which constitutes a protected interest supporting a due process claim.”).

28. Evaluating the adequacy of the process provided to a non-citizen requires a balancing of factors. “First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

29. First, Mr. Camara faces “the most significant liberty interest there is—the interest in being free from imprisonment.” *Velasco Lopez v. Decker*, 978 F.3d 842, 851 (2d Cir. 2020) (citing *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004)). Second, Respondents have erroneously deprived Mr. Camara of his liberty without any individualized assessment of his circumstances. Third, Respondents did not make any individualized finding that Mr. Camara was a danger or flight risk, so

there does not appear to be a significant government interest in detaining Mr. Camara.

30. An application of these factors requires that Mr. Camara should have been provided with additional process before being detained.

### **COUNT TWO**

#### **VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a)**

31. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

32. The mandatory detention provision at 8 U.S.C. § 1225(b)(2) does not apply to all noncitizens residing in the United States who are subject to grounds of inadmissibility. As, relevant here, it does not apply to those who have been residing in the United States at liberty after being briefly detained at or near the border. Such noncitizens, if detained, are done so under § 1226(a), and are generally eligible release on bond.

33. Respondents' authority to detain Mr. Camara is derived from 8 U.S.C. § 1226(a) as Mr. Camara is already present in the United States.

34. Respondents have detained Mr. Camara without making an individualized determination regarding whether he posed a danger or flight risk as

required by 8 U.S.C. § 1226(a) and its regulations.

35. Moreover, Respondents' current policies as set forth in the BIA's decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* unlawfully prevent Petitioner from obtaining a custody redetermination in front of an Immigration Judge as is his right by statute.

### **COUNT THREE**

#### **VIOLATION OF THE BOND REGULATIONS, 8 C.F.R. § 236.1, 1236.1 and 1003.19**

36. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

37. In 1997, after Congress amended the INA through IIRIRA, EOIR the then-Immigration and Naturalization Service issued an interim rule to interpret and apply IIRIRA. Specifically, under the heading of "Apprehension, Custody, and Detention of [Non-citizens]," the agencies explained that "[d]espite being applicants for admission, [noncitizens] who are present without having been admitted or paroled (formerly referred to as [noncitizens] who entered without inspection) *will be eligible for bond and bond redetermination.*" 62 Fed. Reg. at 10323 (emphasis added). Thus, the agencies made clear that non-citizens present in the United States would be eligible for consideration for bond and bond hearings before IJs under 8

U.S.C. § 1226 and its implementing regulations.

38. Yet, Respondents have adopted a policy and practice of applying § 1225(b)(2) to non-citizens like Mr. Camara who are present in the United States without being admitted or paroled.

39. The application of § 1225(b)(2) to Mr. Camara unlawfully mandates his continued detention in violation of 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

#### **COUNT FOUR**

#### **VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT (“APA”), 5 U.S.C. § 701, et. seq.**

40. Petitioner repeats and incorporates by reference each and every allegation contained in the preceding paragraphs as if fully set forth herein.

41. Mr. Camara is aggrieved by agency action under the Administrative Procedure Act, 5 U.S.C. §§ 701 *et. seq.* Specifically, Respondents have acted arbitrarily in detaining Mr. Camara without conducting an individualized determination into his circumstances. In other words, Respondents have not presented any indication that Mr. Camara’s circumstances have changed such that he is now a danger or flight risk in a way that he was not when he was released from detention at the border in 2024.

42. Additionally, Respondents' recent policies announced through administrative decisions issued by the BIA unlawfully withhold the right to a bond hearing under 8 U.S.C. § 1226(a) to Mr. Camara.

43. These policies are arbitrary, capricious, and not in accordance with the text of the INA.

### **PRAYER FOR RELIEF**

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

Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately on his own recognizance or under parole, bond or reasonable conditions of supervision, on the ground that his continued detention by the Department of Homeland Security violates his Due Process rights;

Enjoin Respondents from re-detaining Petitioner absent a constitutionally adequate bond hearing at which DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary;

Set aside Respondents' unlawful detention policy contained *Matter of Q. Li* and *Matter of Yajure Hurtado* under the APA, 5 U.S.C. § 706(2), as contrary to law, arbitrary and capricious, and contrary to constitutional right;

Issue a writ requiring an immediate, constitutionally adequate hearing before an Immigration Judge, at which: (i) DHS bears the burden to demonstrate, by clear and convincing evidence, that Petitioner's continued detention is necessary, and (ii) the immigration judge considers Petitioner's ability to pay a bond.

While this petition is pending, order Petitioner's immediate release pursuant to the Court's inherent authority to release habeas corpus petitioners on bail;

Enter a judgment declaring that Respondents' detention of Petitioner is unauthorized by statute and contrary to law and the U.S. Constitution;

Award Petitioner reasonable costs and attorneys' fees;

Grant any further relief that this Court may deem fit and proper.

Dated: February 2, 2026

Respectfully submitted,

*s/Jose C. Campos, Esq.*

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