

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

MOUSSA DIAW :
 :
 :
 Petitioner, :
 :
 :
 v. : Civil Action No. 2:26-cv-761
 :
 :
 JAMAL L. JAMISON, ET AL., :
 :
 :
 Respondents. :

**RESPONSE IN OPPOSITION TO PETITION
FOR WRIT OF HABEAS CORPUS**

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Dated: February 11, 2026

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I. INTRODUCTION

Petitioner seeks a writ of habeas corpus, challenging the lawfulness of his detention under the Immigration and Nationality Act (INA), 8 U.S.C. § 1231, after Immigration and Customs Enforcement (ICE) revoked his Order of Supervision for purposes of effectuating his final order of removal. **This petition is distinguishable from the numerous petitions recently considered by this Court in the wake of the Board of Immigration Appeals' (BIA) decision in *Matter of Hurtado*, 29 I&N Dec. 216 (BIA 2025), which is not implicated here.**¹ See e.g., *Cantu-Cortes v. O'Neill, et al.*, No. 25-cv-6338, 2025 WL 3171639, at *1-2 (E.D. Pa. Nov. 13, 2025) (Kenney, J.); *Anirudh v. McShane, et al.*, No. 25-cv-6458 (E.D. Pa. Dec. 8, 2025) (Bartle, J.); *Juarez Velazquez v. O'Neill, et al.*, No. 25-cv-6191 (E.D. Pa. Dec. 3, 2025) (Henry, J.). The cases cited above address immigration detention of individuals who do not have final orders of removal.

In this case Petitioner is an alien with a final order of removal that ICE intends to effectuate in the reasonably foreseeable future. The statutory provision governing Petitioner's detention is 8 U.S.C. § 1231 not 8 U.S.C. § 1225(b)(2)(A). As discussed below, because Petitioner's detention comports with the INA, the regulations, the Fifth Amendment to the U.S. Constitution, and the

¹ Similarly, the claims here would not implicate the recent class-certification and partial-summary-judgment rulings issued by the U.S. District Court for the Central District of California. See *Bautista v. Santacruz*, 2025 WL 3289861, *4 (C.D. Cal. Nov. 20, 2025) (addressing arguments that 8 U.S.C. § 1226, not § 1225, should apply to detention claims).

Administrative Procedures Act, the Court should deny the petition for writ of habeas corpus.

II. DETENTION FRAMEWORK UNDER THE INA

In general, when an alien is ordered removed, the INA provides the United States with ninety days to execute the removal. 8 U.S.C. § 1231(a)(1)(A). This “removal period” begins to run on the latest of three dates:

- (i) the date the order of removal becomes administratively final.
- (ii) if the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court’s final order.
- (iii) if the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement.

Id. § 1231(a)(1)(B). During the removal period, the Attorney General is required to detain certain criminal aliens. *See id.* § 1231(a)(2)(A). Moreover, the detention of certain aliens, including inadmissible aliens like Petitioner, may be continued beyond the initial ninety (90) days, or the alien may be released. *Id.* § 1231(a)(6); 8 C.F.R. §§ 241.4(a), (d)(1). After ninety days have lapsed, ICE, in its discretion, may release an alien if he shows, to the satisfaction of ICE, that he “will not pose a danger to the community or to the safety of other persons or to property or a significant risk of flight pending such alien’s removal[.]” 8 C.F.R. § 241.4(d)(1).

An alien’s custody determination is made by either an ICE field office director, *see id.* § 241.4(h), or the Executive Associate Commissioner of ICE, *see id.* § 241.4(h). *See also id.* § 241.4(h)(5) (delegation authority of directors). If an

ICE field office director is conducting the custody determination, he must “provide written notice to the [alien] approximately 30 days in advance of the pending records review so that the alien may submit information in writing in support of his or her release.” *Id.* § 241.4(h)(2). The “custody review will consist of a review of the alien’s records and any written information submitted in English to the district director by or on behalf of the alien.” *Id.* § 241.4(h)(1). The director “*may*[,] in his or her discretion[,], schedule a personal or telephonic interview with the alien as part of this custody determination.” *Id.* Once the director makes his decision, he must notify the alien of such decision. *Id.* § 241.4(h)(4).

If an alien is released, he is subject to supervision by the Secretary of Homeland Security. *See* 8 U.S.C. § 1231(a)(3); 8 C.F.R. § 241.5 (conditions of release). An alien’s supervised release may be revoked in three instances: (1) if the alien violates the conditions of his release, (2) if the Executive Associate Commissioner of ICE determines, in its discretion, to revoke an alien’s release, or (3) if an ICE director, in his discretion, finds revocation is in the public interest to enforce a removal order or if he deems release would no longer be warranted. 8 C.F.R. §§ 241.4(l)(1), (2). If an alien is subject to either of ICE’s discretionary revocation decisions, ICE will review an alien’s record and schedule an interview, “which will ordinarily be expected to occur within approximately three months after release is revoked.” *Id.* § 241.4(l)(3). “That custody review will include a final evaluation of any contested facts relevant to

the revocation and a determination whether the facts as determined warrant revocation and further denial of release.” *Id.*

In making a custody determination, ICE shall consider the ability to obtain a travel document, *i.e.*, a passport, for the alien. 8 C.F.R. § 241.4(g)(3). If, in ICE’s judgment, travel documents can be obtained or are forthcoming, the alien will not be released unless immediate removal is not practicable or in the public interest. *Id.*

III. FACTUAL AND PROCEDURAL HISTORY

Petitioner, a native and citizen of Senegal, entered the United States without inspection on or about January 27, 2022. *See* Exh. A – Form I-213, Record of Deportable/Inadmissible Alien (Feb. 5, 2026). Given his time, manner, and place of entry, Customs and Border Protection determined that Petitioner was inadmissible to the United States and thereafter placed him into expedited removal proceedings. *Id.* However, after Petitioner expressed a fear of return to Senegal, he was referred to the United States Citizenship and Immigration Services (USCIS) for completion of his credible fear interview. *Id.* On February 18, 2022, USCIS made a negative finding of credible fear, prompting review of this finding by an immigration judge. *Id.* On March 1, 2022, an immigration judge affirmed the negative credible fear finding, thus making the expedited removal order administratively final, and returned the case back to ICE for removal of the petitioner. *See* Exh. B – Order of the Immigration Judge (Mar. 1, 2022); *see also* ECF 1, Exh. A.

ICE thereafter released Petitioner from custody on an Order of Supervision with conditions. ECF 1, Exh A. One such condition is that Petitioner assist ICE in obtaining any necessary travel documents, such as a passport, to facilitate his removal from the United States. *Id.* On February 5, 2026, ICE detained Petitioner at a check-in appointment mandated by his Order of Supervision. *Id.* ¶ 2; *see also* Exh. A.² At this appointment, ICE served Petitioner with a Notice of Revocation of his release based on a significant likelihood of removal in the foreseeable future. *See* Exh. C – Notice of Revocation of Release (Feb. 2026). Petitioner does not contest his removability from the United States pursuant to his lawful final order of removal and instead challenges ICE’s decision to revoke his order of supervision for purposes of effecting his timely removal from the United States. *See* ECF 1. Because ICE’s decision complied with the INA, applicable regulations, the Fifth Amendment to the U.S. Constitution, and the Administrative Procedures Act, that decision and Petitioner’s subsequent detention is lawful, and the Court accordingly should deny the petition for writ of habeas corpus.

IV. LEGAL STANDARD

A writ of habeas corpus is an “extraordinary remedy.” *Shinn v. Ramirez*, 596 U.S. 366, 377 (2022). The petitioner bears the burden of showing his confinement is unlawful. *Hawk v. Olson*, 326 U.S. 271, 279 (1945); *accord Cullen v. Pinholster*, 563

²The Form I-213 submitted at Exhibit A contains a typographical error as it relates to the year of Petitioner’s arrest. The correct date of Petitioner’s arrest is February 5, 2026, not February 5, 2025.

U.S. 170, 181 (2011) (habeas petitioner “carries the burden of proof”); *see also* 28 U.S.C. § 2241.

Judicial review of immigration matters, including of detention issues, is limited. *INS v. Aguirre-Aguirre*, 526 U.S. 415, 425 (1999); *Reno v. Am.-Arab Anti-Discrimination Comm. (AADC)*, 525 U.S. 471, 489–92 (1999); *Miller v. Albright*, 523 U.S. 420, 434 n.11 (1998); *Fiallo v. Bell*, 430 U.S. 787, 792 (1977); *Reno v. Flores*, 507 U.S. 292, 305 (1993); *Hampton v. Mow Sun Wong*, 426 U.S. 88, 101 n.21 (1976) (“[T]he power over aliens is of a political character and therefore subject only to narrow judicial review.”). The Supreme Court has “underscore[d] the limited scope of inquiry into immigration legislation,” and “has repeatedly emphasized that over no conceivable subject is the legislative power of Congress more complete than it is over the admission of aliens.” *Fiallo*, 430 U.S. at 792 (internal quotation omitted); *Mathews v. Diaz*, 426 U.S. 67, 79–82 (1976); *Galvan v. Press*, 347 U.S. 522, 531 (1954).

The plenary power of Congress and the Executive Branch over immigration necessarily encompasses immigration detention, because the authority to detain is elemental to the authority to deport and because public safety is at stake. *See Shaughnessy v. United States*, 345 U.S. 206, 210 (1953) (“Courts have long recognized the power to expel or exclude aliens as a fundamental sovereign attribute exercised by the Government’s political departments largely immune from judicial control.”); *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (“Detention is necessarily a part of this deportation procedure.”); *Demore v. Kim*, 538 U.S. 510, 531

(2003) (“Detention during removal proceedings is a constitutionally permissible part of that process.”); *Jennings v. Rodriguez*, 583 U.S. 281, 286 (2018) (“Congress has authorized immigration officials to detain some classes of aliens during the course of certain immigration proceedings. Detention during those proceedings gives immigration officials time to determine an alien’s status without running the risk of the alien’s either absconding or engaging in criminal activity before a final decision can be made.”).

Petitioner must make a strong showing to demonstrate that his continued detention violates the Constitution or laws of the United States. *See United States v. Five Gambling Devices*, 346 U.S. 441, 449 (1953) (“This Court does and should accord a strong presumption of constitutionality to Acts of Congress. This is not a mere polite gesture. It is a deference due to deliberate judgment by constitutional majorities of the two Houses of Congress that an Act is within their delegated power or is necessary and proper to execution of that power”).

V. ARGUMENT

The Court should deny the petition because: (1) Petitioner’s detention is lawful under 8 U.S.C. § 1231 and the U.S. Supreme Court’s holding in *Zadvydas v. Davis*, 533 U.S. 678 (2001); (2) revocation of Petitioner’s order of supervision complied with the regulations at 8 C.F.R. § 241.4; and (3) Petitioner’s detention comports with the Fifth Amendment’s Due Process Clause.

A. Petitioner’s detention is lawful under 8 U.S.C. § 1231 and *Zadvydas*

As discussed above, an alien with a final order of removal is subject to the detention and removal standards set forth at 8 U.S.C. § 1231. This statute directs that an alien ordered removed be removed within ninety days of his order becoming final and that he remain detained during that timeframe. 8 U.S.C. § 1231(a)(1)(A), (a)(2)(A). However, if the government is unable to remove an individual during that statutory period, the INA empowers ICE to release him on an order of supervision. 8 U.S.C. § 1231(a)(3).

When removal is not effectuated within the 90-day statutory period, the government may continue to detain an alien—or to detain him again in the future for the purpose of executing the order—and there is no statutory limit on how long that post-removal detention period may last. *Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). The U.S. Supreme Court has nevertheless interpreted the post-removal period to allow extended detention for “a period reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas*, 533 U.S. at 689. Pursuant to *Zadvydas*, detention for up to six months after the removal order becomes final is “presumptively reasonable.” *Id.* at 701. However, the lapse of the presumptive period does not mandate release, as the Supreme Court reasoned that “an alien may be held in confinement until it has been determined that there is no significant likelihood of removal in the reasonably foreseeable future.” *Id.*

Here, Petitioner’s expedited removal order became administratively final in March 2022, following affirmance by an immigration judge of USCIS’ negative

finding of credible fear. *See* Exh. B. While ICE initially released him from custody on an order of supervision, ICE has since determined that it is appropriate to move forward with executing his final order of removal and detained him to facilitate that process. *See* Exh. C. ICE detained Petitioner on February 5, 2026, meaning Petitioner has been detained for only six days as of the time of this writing. *Id.*; *see also* ECF 1 ¶ 2. This is well-within the ninety days set forth in 8 U.S.C. § 1231 and the “presumptively reasonable” six-month period articulated in *Zadvydas*. Thus, Petitioner’s detention is plainly lawful.

However, even if Petitioner had been detained for more than six months, he has not met his burden in demonstrating that there is not a significant likelihood of removal in the foreseeable future. *Zadvydas* makes clear that, after the six-month period of detention, the alien must then provide “good reason to believe that there is no significant likelihood of removal in the foreseeable future,” after which time the burden shifts to the government to “furnish evidence sufficient to rebut that showing.” *Zadvydas*, 533 U.S. at 680.

Petitioner alleges several times throughout the Petition that his removal is not reasonably foreseeable but fails to provide any factual basis for that determination. *See* ECF ¶ 6, 27, 39. Here, all signs point to ICE preparing to remove Petitioner in the reasonably foreseeable future following issuance of his travel document. *See* Exh. C. Any speculation to the contrary, especially only six days into his detention, is insufficient to merit habeas relief.³ Therefore,

³ To the extent Petitioner is alleging that ICE is not making reasonable efforts to obtain a travel document, such that there is not a significant likelihood of removal in the foreseeable future, that

Petitioner has not met his burden in demonstrating that his current detention of only six days is unlawful or that his removal is not reasonably foreseeable.

B. ICE’s revocation of petitioner’s release complies with 8 C.F.R. § 241.4

8 C.F.R. § 241.4 governs custody determinations for aliens like Petitioner who are inadmissible under 8 U.S.C. § 1182. 8 C.F.R. § 241.4(l)(2) permits ICE to revoke an alien’s release under an order of supervision and return the alien to custody “in the exercise of discretion when, in the opinion of the revoking official. . . it is appropriate to enforce a removal order.” This discretionary revocation of an alien’s release for purposes of enforcing a removal order does not expressly require that the alien be afforded an interview or opportunity to respond to the agency’s revocation. *Compare* 8 C.F.R. § 241.4(l)(1) (“The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification”) *with* 8 C.F.R. § 241.4(l)(2) (no such language). However, if an alien is not released from custody following the informal interview provided in 8 C.F.R. § 241.4(l)(1), a separate review process will commence under 8 C.F.R. § 241.4(l)(3).

Petitioner alleges that ICE failed to lawfully revoke his order of supervision such that its actions violate the regulations, the INA, the APA, and

claim is not ripe for review by this court only six days into Petitioner’s detention. *See Texas v. United States*, 523 U.S. 296, 300 (1998) (“A claim is not ripe for adjudication if it rests upon ‘contingent future events that may not occur as anticipated, or indeed may not occur at all.’”).

the *Accardi* doctrine.⁴ See ECF ¶ 3. Petitioner’s argument lacks merit. ICE complied with 8 C.F.R. § 241.4(l) by issuing a Notice of Revocation of Release and serving Petitioner with a copy of this notice on February 5, 2026. See Exh. C. That Notice confirms that ICE revoked Petitioner’s release pursuant to 8 C.F.R. § 241.4(l) in order to “enforce the removal order entered against [him], since ICE had the ability and means to effectuate [his] removal.” *Id.* The Notice further confirms that ICE is seeking a travel document to effect Petitioner’s expeditious removal to Senegal in light of his March 2022 final order of removal. *Id.*

Moreover, despite no regulatory obligation to do so, the Notice states that ICE scheduled Petitioner for an informal interview on February 12, 2026, at which time Petitioner would be given an opportunity to respond to the reasons for revocation and submit any evidence or information. Upon information and belief, the informal interview was advanced from February 12, 2026, to February 9, 2026, and completed that same day, with ICE making the discretionary determination to continue detention pending removal. Thus, contrary to Petitioner’s assertions, the record demonstrates that ICE provided Petitioner with notice and a meaningful opportunity to respond to the revocation—precisely

⁴ Petitioner cites to 8 C.F.R. § 241.13; however, this provision pertains to aliens who are detained under the custody review procedures provided at § 241.4 “*after the expiration of the removal period, where the alien has provided good reason to believe there is no significant likelihood of removal to the country to which he or she was ordered removed . . . in the reasonably foreseeable future.*” As Petitioner has been detained for only six days and has not provided any evidence that his removal is not reasonably foreseeable, his revocation and detention is not governed by 8 C.F.R. § 241.13.

what is required, and more, by the regulations. Accordingly, ICE has acted in accordance with 8 C.F.R § 241.4 and, in turn, the APA and *Accardi* doctrine when revoking Petitioner’s order of supervision and returning him to custody to effectuate his final order of removal.⁵

C. Petitioner’s detention comports with constitutional due process

The Supreme Court has already decided what constitutional due process is required under post-order removal cases to avoid violating the rights of an alien like Petitioner. As the Fourth Circuit Court of Appeals explained: “*Zadvydas* largely, if not entirely, forecloses due process challenges to § 1231 detention apart from the framework it established.” *Castaneda v. Perry*, 95 F.4th 750, 760 (4th Cir. 2024). In other words, “the *Zadvydas* standard *is* due process: a § 1231 detainee who fails the *Zadvydas* test fails to prove a due process violation.” *Id.* (emphasis in the original). The Supreme Court thus determined that the process it articulated for contesting post-removal detention is sufficient to avoid the “serious constitutional concerns” that “indefinite detention” would raise. *Zadvydas*, 533 U.S. at 682. The Third Circuit has recognized, however, that there may come a time when detention in post-order removal cases becomes unreasonable such that a bond hearing is required. *See*

⁵ To the extent Petitioner is challenging ICE’s decision to revoke his release, the Court lacks jurisdiction to review this decision under 8 U.S.C. § 1252(a)(2)(B), since it is plainly a discretionary “decision or action.” *See e.g., Samirah v. O’Connell*, 335 F.3d 545, 549 (7th Cir. 2003) (holding DHS’s authority to “grant or revoke” parole under § 1182(d)(5)(A) is a matter of agency discretion barred from review by § 1252(a)(2)(B)(ii)); *Hassan v. Chertoff*, 593 F.3d 785, 789 (9th Cir. 2010) (same).

German Santos v. Warden Pike Cnty. Corr. Facility, 965 F.3d 203, 211 (3d Cir. 2020) (analyzing detention under § 1226(c) and § 1231(a)).

Here, for many of the same reasons discussed *supra*, Petitioner has not met his burden to establish that the revocation of his release and subsequent detention violates constitutional due process under the Supreme Court’s standard in *Zadvydas*. After detaining Petitioner, ICE provided him with notice of its reasons for revoking his release—*i.e.*, to carry out the lawful final order of removal—and the opportunity to contest this determination by providing any evidence or information he deems appropriate. *See* Exhs. C, D. As of the date of this writing, Petitioner has not been detained for the ninety days afforded by 8 U.S.C. § 1231 or the “presumptively reasonable” period set forth in *Zadvydas*. Moreover, Petitioner has not demonstrated that his removal is not reasonably foreseeable, particularly in light of the evidence of record indicating ICE’s intent to obtain a travel document to facilitate Petitioner’s removal. Therefore, the Court should find that Petitioner’s detention comports with constitutional due process and deny the petition for writ of habeas corpus.

VI. CONCLUSION

For the foregoing reasons, Respondents respectfully request that the petition for writ of habeas corpus be denied.

Respectfully submitted,

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Dated: February 11, 2026

Counsel for Respondents

CERTIFICATE OF SERVICE

I certify that on this date, I filed the foregoing Response in Opposition to Petition for Writ of Habeas Corpus via the Court's CM/ECF System, thereby making it available for viewing and download for all parties to the case.

Dated: February 11, 2026

/s/ Daniella D. Lees

DANIELLA D. LEES
Special Assistant United States Attorney

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

MOUSSA DIAW	:	
	:	
<i>Petitioner,</i>	:	
	:	
v.	:	Civil Action No. 2:26-cv-761
	:	
JAMAL L. JAMISON, ET AL.,	:	
	:	
<i>Respondents.</i>	:	

Exhibit List

Exhibit A: Form I-213, Record of Deportable/Inadmissible Alien, dated February 5, 2026


Exhibit B: Order of the Immigration Judge, dated March 1, 2022

Exhibit C: Notice of Revocation of Release, dated February 5, 2026

U.S. Department of Homeland Security

Subject ID : ██████████

Record of Deportable/Inadmissible Alien

Family Name (CAPS) DIAW, MOUSSA		First	Middle	Sex M	Hair BLK	Eyes BRO	Cmpbn MED
Country of Citizenship SENEGAL	Passport Number and Country of Issue	File Number PHI260200111		Height 72	Weight 140	Occupation UNR	
U.S. Address ██████████ PENNSYLVANIA, 16866, UNITED STATES				Scars and Marks			
Date, Place, Time, and Manner of Last Entry 01/27/2022 Unknown Time, DNA,			Passenger Boarded at		F.B.I. Number ██████████		
Number, Street, City, Province (State) and Country of Permanent Residence				<input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated			
Date of Birth ██████████ Age: 35				Date of Action 02/05/2026		Location Code PHI/PHI	
City, Province (State) and Country of Birth DEMBA, SENEGAL		AR <input checked="" type="checkbox"/>		Form : (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>			
NIV Issuing Post and NIV Number		Social Security Account Name					
Date Visa Issued		Social Security Number					
Immigration Record NEGATIVE				Criminal Record			
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate) SOKHNAAMY NATIONALITY: UNITED STATES				Number and Nationality of Minor Children None			
Father's Name, Nationality, and Address, if Known DIAW, IBRA NATIONALITY: SENEGAL		Mother's Present and Maiden Names, Nationality, and Address, if Known DIENG, FATY NATIONALITY: SENEGAL					
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Systems Checks See Narrative		Charge Code Words(s) See Narrative	
Name and Address of (Last)(Current) U.S. Employer		Type of Employment Unemployed or Retired		Salary Hr		Employed from/to	
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FIN: ██████████ Left Index fingerprint Right Index fingerprint							
							
FAMILY INFORMATION ----- Father: DIAW, IBRA is a citizen of SENEGAL. Mother: DIENG, FATY is a citizen of SENEGAL. Spouse: SOKHNAAMY is a citizen of UNITED STATES. Child: Subject does not have children or dependents.							
SUBJECT HEALTH STATUS ----- The subject claims good health. ...(CONTINUED ON I-831)							
Alien has been advised of communication privileges _____ (Date/Initials)				J. 9037 MARTINEZ-CONTES Deportation Officer _____ (Signature and Title of Immigration Officer)			
Distribution:				Received: (Subject and Documents) (Report of Interview)			
				Officer: J. 9037 MARTINEZ-CONTES			
				on: February 5, 2026 (time)			
				Disposition: Other			
				Examining Officer: DEMURGUIONDO, ASD8132			

U.S. Department of Homeland Security

Continuation Page for Form I-213

Alien's Name DIAW, MOUSSA	File Number [REDACTED] Event No: PHI2602000111	Date 02/05/2026
<p>CURRENT CRIMINAL CHARGES ----- 02/05/2026 - 8 USC 1251 - DEPORTATION ONLY</p> <p>RECORDS CHECKED ----- AFIS checked on 02/05/2026 with Positive result. CIS checked on 02/05/2026 with Positive result. EARM checked on 02/05/2026 with Positive result. NCIC checked on 02/05/2026 with Negative result. TECS checked on 02/05/2026 with Positive result.</p> <p>ARRESTED AT/NEAR ----- 114 N 8 ST, PHILADELPHIA, PENNSYLVANIA, 19107, UNITED STATES</p> <p>RECORD OF DEPORTABLE/EXCLUDABLE ALIEN: ----- Encounter: On February 5, 2025, DIAW, Moussa a native and citizen of Senegal reported to the Immigration and Customs Enforcement (ICE) Enforcement and Removal Operations (ERO) Philadelphia Field Office for his scheduled Order of Supervision check-in appointment. The Philadelphia Non-Detained Unit confirmed DUONG's identity, alienage, and removability and served him a Notice of Revocation of released based on a significant likelihood of removal in the reasonable foreseeable future (SLRRFF).</p> <p>Alienage & Removability: DIAW is a citizen of Senegal and a national of Senegal by virtue of birth, who entered the United through the Del Rio, TX on 1/27/2022. Numerous checks using databases with the Department of Homeland Security (DHS) and the Department of Justice (DOJ) show no hearings, appeals, applications, petitions or waivers pending.</p> <p>Family/ Derivative Citizenship: DIAW has not asserted any claim to United States Citizenship, nor do any records indicate that he has obtained or derived such citizenship.</p> <p>Immigration History: On 1/27/2022, U.S. Border Patrol (USBP) arrested DIAW entering the United States at Del Rio, TX. USBP processed DIAW as an Expedited Removal with credible Fear. On 2/18/2022, United States Citizen and Immigration Services determined negative fear on DIAW's claim. On 3/15/2022, ICE released DIAW under Order of Supervision. On 1/31/2025, DIAW spouse files an I-130 Petition for Alien Relative under IR1/CR1-spouse of USC, 201(b). The petition is in process.</p> <p>Criminal History: DIAW has no criminal record.</p> <p>Health & Humanitarian: DUONG denied any significant humanitarian concerns. DUONG made a 5-minute phone call to his wife. DUONG declined his right to speak with the Senegalese Consulate. DUONG claim fear of removal to Senegal.</p>		
Signature J. 9037 MARTINEZ-CONTES	Title Deportation Officer	

U.S. Department of Homeland Security

Continuation Page for Form I-213

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DUONG did not claim any medical concerns or medication.

DIAW claims to be married.

DIAW claims to have one USC child.

DIAW stated that he did not serve in the United States Military.

Foreign Identity and Travel Documents:
 At the time of arrest, ERO was unable to obtain any foreign identity/travel documents.

Disposition:
 DIAW is a final order of removal and no applications, waivers or petitions pending. The subject will be remanded to ICE custody pending his removal. ICE served the subject with a Notice of Revocation of Release.



OTHER IDENTIFYING NUMBERS

 ALIEN-[REDACTED]
 Other-Medical Documents

Signature J. 9037 MARTINEZ-CONTES	Title Deportation Officer
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UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
SAN ANTONIO IMMIGRATION COURT

Respondent Name:

DIAW, MOUSSA

To:

DIAW, MOUSSA

T. DON HUTTO RESIDENTIAL CENTE

1001 WELCH STREET

TAYLOR, TX 76574

A-Number:



Riders:

In Credible Fear Review Proceedings

Initiated by the Department of Homeland Security

Date:

03/01/2022

ORDER OF THE IMMIGRATION JUDGE

On 03/01/2022, a review of the Department of Homeland Security's (DHS) credible fear review findings was held in this matter. This immigration court did did not take testimony regarding the noncitizen's background and the noncitizen's fear of returning to his/her country of origin or last habitual residence.

After consideration of the evidence, the court finds that the noncitizen has has not established a significant possibility that the noncitizen would be persecuted on account of a protected ground. *See* INA §§ 208, 241(b)(3); 8 C.F.R. § 1003.42(d).

The court further finds that the Applicant has has not established a significant possibility that he/she would be intentionally subjected to serious physical or mental harm inflicted by, or at the instigation of, or with the consent or acquiescence of, a government official or other person acting in an official capacity. *See* INA § 1208.18(a)(1); 8 C.F.R. § 1003.42.

ORDER: It is hereby ordered that the decision of the DHS immigration officer is:

Affirmed, and the case is returned to DHS for removal of the noncitizen.

Vacated, and the noncitizen is placed in removal proceedings before the immigration court under INA § 240.

This is a final order. There is no appeal available.



Immigration Judge: Tijerina, Eric 03/01/2022

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due:

Certificate of Service

This document was served:

Via: Mail | Personal Service | Electronic Service

To: Noncitizen | Noncitizen c/o custodial officer | Noncitizen's atty/rep. | DHS

By: R. J. REID, Court Staff

Date: 03/01/2022

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
Field Office Address
City, State, Zip Code



**U.S. Immigration
and Customs
Enforcement**


DAIW, Moussa
c/o Immigration and Customs Enforcement
Philadelphia Field Office



Notice of Imminent Removal Pursuant to 8 C.F.R. § 241.4(g)(4)

This letter is to inform you that, pursuant to 8 C.F.R. § 241.4(g)(4), U.S. Immigration and Customs Enforcement (ICE) will not conduct a custody review at this time. ICE intends on removing you to Senegal on a future date. You will remain in custody pending your removal.

You are advised that any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

Michael Rose 
Acting Field Office Director

02/05/2026
Date

Notice to Alien of File Custody Review

DIAW, Moussa [REDACTED]

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PROOF OF SERVICE

(1) Personal Service (Officer to complete both (a) and (b) below.)

(a) I [Martinez 009037], [DO], certify that I served [Moussa Diaou] with a copy of this document at [PHS/ICE] on [2/5/2026], at [1603].

(b) I certify that I served the custodian [Martinez 007032], [DO], at [PHS/ICE], on [2/5/2026] with a copy of this document.

OR

(2) Service by certified mail, return receipt. (Attach copy of receipt)

I _____, _____, certify that I served _____ and the custodian _____ with a copy of this document by certified mail at _____ on _____.

Detainee Signature: [Refused to sign] Date: [2/5/2026]

- () cc: Attorney of Record or Designated Representative
() cc: A-File

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
Philadelphia Field Office
114 North 8th St.
Philadelphia, PA 19107



U.S. Immigration
and Customs
Enforcement

Alien Name: DIAW, Moussa

Alien Number: [REDACTED]

Notice of Revocation of Release

Your release on the order of supervision (OSUP) issued to you on or about March 4, 2022, is hereby revoked. You will remain detained in U.S. Immigration and Customs Enforcement (ICE) custody at this time.

Your release has been revoked pursuant to 8 C.F.R. § 241.4(l), for the following reason(s):

It is appropriate to enforce the removal order entered against you as ICE has the ability and means to effectuate your removal.

ICE is seeking a travel document to effect your expeditious removal to Senegal.

On March 1, 2022, you were ordered removed to Senegal.

Notice of Informal Interview

On February 12, 2026, you will be afforded an informal interview at which you will be given an opportunity to respond to the reasons for this revocation. You may submit any evidence or information you wish to be reviewed in support of your release.

Penalties for Failure to Comply with Order of Removal

You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a) [and civil penalties under 8 U.S.C. § 1324d.](#)

Michael Rose
Acting Field Office Director

February 5, 2026
Date

Notice to Alien of Revocation of Release

DIAW, Moussa: [REDACTED]

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(Note: 8 C.F.R. § 241.4 revocation must be EAD or FOD where there is a public interest to do so and referral to EAD not reasonable; 241.13 may be by RMD)

PROOF OF SERVICE

(1) Personal Service

(a) I Anthony Lopez, DO,
Name of ICE Officer Title
certify that I served Moussa Diaw with a copy of
Name of detainee
this document at PHS/ICE on 2/5/2026 at 1656.
Institution Date Time

Detainee Signature: Refused to sign Date: 2/5/2026

- () cc: Attorney of Record or Designated Representative
- () cc: A-File