

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

IBRAHIMA TRAORE,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,  
Secretary of the U.S. Department of  
Homeland Security;

PAMELA BONDI, in her Official Capacity,  
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official  
Capacity, Philadelphia Office Director for  
Enforcement and Removal Operations, U.S.  
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as  
Warden of Federal Department of Corrections  
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. \_\_\_\_\_

Magistrate Judge: \_\_\_\_\_

No request for jury trial

**EMERGENCY PETITION FOR WRIT  
OF HABEAS CORPUS AND  
COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

## INTRODUCTION

This is a case involving an individual unlawfully detained by ICE. While we articulate our requested relief more fully below, we would like to note that should the Court grant this Petition, we request that the Court's Order include IMMEDIATE release of the Petitioner. We are aware that a number of Immigrations Judges, when ordered by a Federal Judge to hold a bond hearing, are effectively evading the mandate by (1) determining that everyone is a flight risk regardless of their circumstances, and/or (2) setting exorbitant bonds of up to \$30,000, tens of thousands of dollars in excess of the customary amount, a sum unreachable to nearly all Petitioners. This posture is an attempt to circumvent Federal Judges Orders. As such, should the Court grant this Petition, only an Order for IMMEDIATE release can ensure Petitioner's rights and protect against IJ's finding new ways to thwart Federal Court Orders.

## BACKGROUND

Petitioner, IBRAHIMA TRAORE, brings this Verified EMERGENCY Petition for Writ of Habeas Corpus and Complaint for Injunctive and Declaratory Relief pursuant to 28 U.S.C. § 2241; the All Writs Act, 28 U.S.C. § 1651; the Immigration and Nationality Act ("INA") and regulations thereunder; the Administrative Procedure Act; and the Suspension Clause of the Constitution, U.S. Const. Art. I § 9, cl. 2. The efforts to remove Petitioner constitute a "severe restraint" on his individual liberty such that Petitioner is "in custody" of the Respondents in violation of the . . . laws of the United States. *Hensley v. Municipal Court*, 411 U.S. 345, 351 (1973); 28 U.S.C. § 2241, including the Immigration Nationality Act, 8 U.S.C. § 1101 et seq.; the Administrative Procedure Act, 5 U.S.C. § 701 et seq.; and the Due Process Clause of the Fifth Amendment of the United States Constitution.

Petitioner was randomly detained by ICE at a scheduled check-in on February 5, 2026. *See Exhibit A.* Petitioner is currently detained at FDC Philadelphia at 700 Arch Street, Philadelphia, PA 19106. *See Exhibit B.*

In *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), the Board of Immigration Appeals held that Immigration Judges lack jurisdiction to redetermine custody for noncitizens charged as removable under section 236(a)(1) of the Immigration and Nationality Act. Immigration Judges are uniformly defying the self-executing restoration of bond eligibility for individuals such as Petitioner mandated by the Final Summary Judgment in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, ECF No. 94 (C.D. Cal. Dec. 18, 2025). The only appropriate remedy is for this Court to grant Petitioner's habeas Complaint and order his IMMEDIATE release.

Pursuant to this Court's inherent powers in habeas corpus proceedings, Petitioner respectfully requests that this Court enjoin Respondents from effectuating his removal from the United States and order his IMMEDIATE release from custody, or in the alternative, or enjoin Respondents from continuing to detain him without an opportunity for bond redetermination.

Petitioner has been and/or will be subjected to prolonged "mandatory" detention that far exceeds the brief period constitutionally permitted to facilitate removal. *See Zadvydas v. Davis*, 533 U.S. 678, 701 (2001); *Demore v. Kim*, 538 U.S. 510, 530 (2003). His continued detention does not serve any legitimate governmental purpose and has become arbitrary and punitive, in violation of the Due Process Clause of the Fifth Amendment.

The Immigration Court and the Board of Immigration Appeals have expressly disclaimed jurisdiction to review or redetermine custody in light of *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025), which held that Immigration Judges lack authority to conduct bond

hearings for individuals charged removable under certain provisions of the Immigration and Nationality Act. Even after *Bautista*, Immigration Judges are adhering to internal DHS guidance that conflicts with the U.S. Federal District Judge in that case. *See Exhibit C*. As a result, Petitioner is left without an adequate or available administrative remedy, and only this Honorable Court possesses jurisdiction under 28 U.S.C. § 2241 to review the legality of his continued detention and to grant appropriate relief. *See I.N.S. v. St. Cyr*, 533 U.S. 289, 314, 121 S. Ct. 2271, 150 L. Ed. 2d 347 (2001) (recognizing federal habeas jurisdiction where no other judicial forum is available to test the legality of executive detention).

### **PARTIES**

Petitioner is currently detained at FDC Philadelphia at 700 Arch Street, Philadelphia, PA 19106. Petitioner has been in the United States for over two years, since early 2024.

Respondent KRISTI NOEM is the Secretary of the U.S. Department of Homeland Security (“DHS”), the federal agency responsible for enforcing Petitioner’s arrest, detention and removal. Respondent Noem’s address is 2707 Martin Luther King Jr. Ave, SE Washington, DC 20528-0485.

Respondent PAMELA BONDI is named in her official capacity as the Attorney General of the United States. In this capacity, she is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review, pursuant to section 103(g) of the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1103(g). She routinely transacts business in the District of New Jersey, is legally responsible for administering Petitioner’s removal proceedings and the standards used in those proceedings, and as such, is the legal custodian of Petitioner. Respondent Bondi’s address is U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, District of Columbia 20530.

Respondent CAMMILLA WAMSELY is the Philadelphia Field Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement. She is the local ICE official who has immediate authority over the Petitioner. Respondent Wamsley's office address is 114 North 8th Street, Philadelphia, PA 19107.

Respondent J.L. JAMISON is the Warden of Federal Department of Corrections Philadelphia and responsible for the current site of Petitioner's detention at 700 Arch Street, Philadelphia, PA 19106.

### **JURISDICTION & VENUE**

The Court has jurisdiction under the Suspension Clause. The Suspension Clause provides, "The privilege of the Writ of Habeas Corpus shall not be suspended, unless in Cases of Rebellion or Invasion the public Safety may require it." U.S. Const. Art. I § 9, cl. 2. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. §§ 2241 *et seq.*, as protected under Art. I § 9, cl. 2 of the United States Constitution (Suspension Clause), and federal question jurisdiction under 28 U.S.C. § 1331. This case arises under the United States Constitution; the INA, 8 U.S.C. §§ 1101 *et seq.*; the APA, 5 U.S.C §§ 701 *et seq.*; the Due Process Clause of the Fifth Amendment and the Fourth Amendment. Petitioner's current detention as enforced by Respondents constitutes a "severe restraint[] on [Petitioner's] individual liberty," such that Petitioner is "in custody in violation of the . . . laws . . . of the United States." *See Hensley*, 411 U.S. at 351 (1973); 28 U.S.C. § 2241(c)(3). The petitioner is also subject to prolonged physical detention.

While the courts of appeals have jurisdiction to review removal orders directly through petitions for review, *see* 8 U.S.C. § 1252, federal district courts have jurisdiction under 28 U.S.C. § 2241(d) to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of

Respondents' conduct. *See Demore v. Kim*, 538 U.S. 510, 516–517 (2003); *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). No Supreme Court or Third Circuit precedent applicable to immigration detainees, nor the habeas statute, indicate that venue is not proper in the District Court of New Jersey. *See* 28 U.S.C. § 2241. Venue is proper in the United States District Court for the District of New Jersey because a substantial part of the events and omissions giving rise to this action occurred in the District. 28 U.S.C. § 1391(b)(2). Namely, Petitioner is currently being held at the FDC Philadelphia at 700 Arch Street, Philadelphia, PA 19106.

### **FACTS GIVING RISE TO THE HABEAS PETITION**

Petitioner is currently in removal proceedings before Philadelphia Immigration Court. *See Exhibit D*. He timely filed a Form I-589 asylum application for relief. *See Exhibit E*. Petitioner is charged under INA § 212(a)(6)(A)(i) as an alien present in the United States without being admitted or paroled, or who arrived at a time or place other than as designated by the Attorney General. *See Exhibit F*.

The inadmissibility charge reflects DHS's determination that Petitioner entered without inspection and is subject to removal proceedings under INA § 240. DHS does not classify him as an "arriving alien," and instead identifies him as an individual present in the United States without lawful admission, thereby placing him within the jurisdiction of the Immigration Court for full removal proceedings.

Petitioner remains in ICE custody despite substantial equities that warrant release. He has no criminal history, has complied with all legal obligations, has consistently demonstrated good moral character, and was detained arbitrarily by ICE, likely as a result of racial profiling.

### **REQUIREMENTS OF 28 U.S.C. § 2243**

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.* In this instance, where the facts and case law are clear, and where the consequences of delay could be removal from the United States, Respondents should not be granted additional time.

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, 83 S. Ct. 822, 9 L. Ed. 2d 837 (1963), overruled by Wainwright v. Sykes, 433 U.S. 72, 97 S. Ct. 2497, 53 L. Ed. 2d 594 (1977), and abrogated by Coleman v. Thompson, 501 U.S. 722, 111 S. Ct. 2546, 115 L. Ed. 2d 640 (1991) (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).

### **APPLICABLE LAW**

#### **A. The Government Is Detaining Petitioner Under the Wrong Statutory Provision and Lacks Authority to Hold Him Under 8 U.S.C. § 1225(b)(2)(A).**

1. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings. First, 8 U.S.C. § 1226 governs the arrest and detention of individuals placed in ordinary removal proceedings before an IJ pursuant to 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are subject to discretionary civil detention and are generally entitled to a bond hearing, *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, provided they cannot show an exception. *See* 8 U.S.C. § 1226(c).

2. 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). Third, 8 U.S.C. § 1231(a)-(b) governs detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

3. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

4. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No. 104--208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. § 1226(a) was most recently amended in 2025 by the Laken Riley Act, Pub. L. No. 119-1, 139 Stat. 3 (2025).

5. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining that, in general, people who entered the country without inspection were not considered detained under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 FR 10312, 10323, 62 FR 10312-01, 10323.

6. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent with many more decades of prior practice, in which noncitizens who were not deemed “arriving” were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)

(1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority previously found at § 1252(a)).

7. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that rejected well-established understanding of the statutory framework and reversed decades of practice.

8. The new policy, entitled “Interim Guidance Regarding Detention Authority for Applicants for Admission,” claims that all persons who entered the United States without inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

9. On September 5, 2025, the BIA adopted this same position in a published decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings. However, *Matter of Yajure Hurtado* does not hold that Immigration Judges lack bond jurisdiction under § 236(a)(1) as a general matter; rather, it reclassifies all individuals who entered without inspection as “applicants for admission” and places them within § 235(b)(2)’s mandatory detention scheme, which contains no bond authority. Because the Board treats such individuals as falling under § 235(b)(2), it concludes they cannot seek bond, since the section itself provides no mechanism for bond hearings.

10. Since Respondents adopted their new policies, dozens of federal courts, including nearly all of the federal courts in Pennsylvania and the Third Circuit more broadly, have rejected their new interpretation of the INA’s detention authorities. Dozens, if not hundreds, of Judges

nationwide have likewise declined to follow *Matter of Yajure Hurtado*, which mirrors ICE's restrictive interpretation of the statute.

11. Even before ICE or the BIA introduced these nationwide policies, IJs in the Tacoma, Washington, immigration court stopped providing bond hearings for persons who entered the United States without inspection and who have since resided here. There, the U.S. District Court in the Western District of Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez v. Bostock*, 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

12. Subsequently, court after court has adopted the same reading of the INA's detention authorities and rejected ICE and EOIR's new interpretation. *See, e.g., Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No. 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No. 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v. Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025); *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v. Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025

WL 2472136 (W.D. La. Aug. 27, 2025); *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D. Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM, 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*, No. 8:25CV494, 2025 WL 2531566, at \*2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-cv-03161-JFB-RCC, 2025 WL 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v. Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025) (same).

13. In addition to the many courts nationwide that have rejected DHS’s and EOIR’s new theory of retroactively treating long-term residents as “arriving aliens,” courts within the Third Circuit, including the District of New Jersey, have reached the same conclusion. The Third Circuit has repeatedly held that noncitizens who have been physically present in the United States for years and are apprehended in the interior are detained, if at all, under 8 U.S.C. § 1226(a), and are entitled to an individualized bond hearing. *See Guerrero-Sanchez v. Warden York Cnty. Prison*, 905 F.3d 208, 216–19 (3d Cir. 2018) (confirming that § 1226 governs detention of individuals in standard removal proceedings and requiring bond hearings with the government bearing the burden of proof); *Leslie v. Att’y Gen. of U.S.*, 678 F.3d 265, 269–72 (3d Cir. 2012) (holding that detention of a long-term resident under § 1226(a) requires due process protections including an individualized custody determination); *Diop v. ICE/Homeland Sec.*, 656

F.3d 221, 230–35 (3d Cir. 2011) (rejecting the government’s position that detention could be mandatory or indefinite, and holding that § 1226(a) detainees must receive a meaningful bond hearing). District courts in the Third Circuit similarly hold that DHS cannot retroactively classify long-present, interior-arrested individuals as “arriving aliens” to trigger § 1225(b)(2)(A) mandatory detention. See, e.g., *\*Vasquez v. Lowe*, 2019 WL 1922325, at 4–6 (M.D. Pa. Apr. 30, 2019) (rejecting DHS’s § 1225(b) theory and finding that a noncitizen with years of residence who was arrested in the interior is detained under § 1226(a)); *Hernandez v. Lowe*, 2019 WL 1545182 (M.D. Pa. Apr. 9, 2019) (same).

14. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. See 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)’s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). The Third Circuit has repeatedly recognized that § 1226(a) is the *default* detention authority for noncitizens in removal proceedings, absent narrow exceptions expressly created by Congress. See *Leslie v. Att’y Gen.*, 678 F.3d 265, 269–72 (3d Cir. 2012) (explaining that § 1226(a) governs detention of individuals in ordinary removal proceedings and entitles them to a bond hearing); *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 230–35 (3d Cir. 2011) (same). As the Supreme Court has noted, when Congress identifies specific statutory exceptions, “the enumeration of specific exceptions ... strengthens the implication that courts are to read no others.” *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010). The structure of § 1226 accordingly confirms that, unless a person fits into a specifically enumerated exception, detention occurs under § 1226(a) with the attendant procedural protections..

15. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

16. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. §1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a [noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

17. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner, who have already entered and were residing in the United States at the time they were apprehended.

18. Alarming and most significantly, Immigration Judges are uniformly defying the self-executing restoration of bond eligibility for individuals such as Petitioner mandated by the Final Summary Judgment in *Maldonado Bautista v. Santacruz*, No. 25-cv-1873, ECF No. 94 (C.D. Cal. Dec. 18, 2025). Even when ordered by a Federal Judge to grant a bond hearing, if the detainee is successful, Immigration Judges are regularly imposing unattainable bonds of up to \$30,000, tens of thousands of dollars in excess of the customary amount. This can only be read as an attempt to circumvent an Order by a Federal Judge.

**B. Petitioner's Continued Detention Violates the Fifth Amendment's Due Process Clause**

19. The Due Process Clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. at 693; *see also Yick Wo v. Hopkins*, 118 U.S. 356 (1886). The Supreme Court declared “that the Due Process Clause protects individuals against two types of government action” giving rise to distinct claims of substantive and procedural due process violations. *United States v. Salerno*, 481 U.S. 739, 746 (1987). Thus, “the touchstone of due process is protection of the individual against arbitrary action of government ... whether the fault lies in the denial of fundamental due process fairness [procedural due process] ... or in the exercise of power without any reasonable justification in the service of a legitimate government objective [substantive due process]...” *City of Sacramento v. Lewis*, 523 U.S. 833 (1998) (citations and internal quotations omitted).

20. Procedural due process constrains governmental decisions that deprive individuals of property or liberty interests within the meaning of the Due Process Clause of the Fifth Amendment. *See Matthews v. Eldridge*, 424 U.S. 319, 332 (1976); *see also Perry v. Sindermann*, 408 U.S. 593, 601–03 (1972) (reliance on informal policies and practices may establish a legitimate claim of entitlement to a constitutionally-protected interest). Infringing upon a protected interest triggers a right to a hearing before that right is deprived, and a right to meaningful process afforded at a meaningful time. *See Bd. of Regents v. Roth*, 408 U.S. 564, 569–70 (1972). “‘Substantive due process’ prevents the government from engaging in conduct that ‘shocks the conscience,’ ... or interferes with rights ‘implicit in the concept of ordered liberty.’” *Salerno*, 481 U.S. at 746. (internal citations omitted).

21. Respondents’ power to detain and deport someone is not limitless, nor is it shielded from judicial review. *See Calderon v. Sessions*, 330 F. Supp. 3d 944, 950 (S.D.N.Y. 2018) *appeal withdrawn sub nom. Villavicencio Calderon v. Sessions*, No. 18-2926, 2018 WL

6920377 (2d Cir. Oct. 5, 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process afforded by the government); *You Xiu Qing v. Nielsen*, 321 F.Supp.3d 451 (S.D.N.Y. 2018) (ordering a stay of removal and release from detention to permit the Petitioner to continue with the provisional waiver process and a motion to reopen); *S.N.C. v. Sessions*, No. 18 2018 WL 6175902, (S.D.N.Y. Nov. 26, 2018); *Compere v. Nielsen*, 2019 WL 332193, at \*9 (D.N.H. Jan. 24, 2019) (granting a stay of removal for petitioner because deportation to Haiti would vitiate his ability to pursue an appeal to the BIA of the IJ's denial for a motion to reopen); *Lin v. Nielsen*, 2019 WL 1958569 at \*15 (D. Md. May 2, 2019) (court found that a preliminary injunction was "in the public interest, as it requires DHS to comport with its own rules and regulations, and bars arbitrary and capricious action towards vulnerable undocumented immigrants."); *see also Martinez v. Nielsen*, 341 F.Supp.3d 400 (D.N.J. Sept. 14, 2018); *Fatty v. Nielsen*, 2018 WL 3491278 at \*2 (W.D. Wash. Jul. 20, 2018); *Gutierrez-Soto v. Sessions*, 317 F. Supp. 3d 917, 933-35 (W.D. Tex. 2018); *Jimenez v. Nielsen*, No. CV 18-10225-MLW, 2018 WL 4539687 (D. Mass. Sept. 21, 2018); *Sied v. Nielsen*, 2018 WL 1142202 (N.D. Cal. Mar. 2, 2018); *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018); *Ibrahim v. Acosta*, No. 17-CV-24574, 2018 WL 582520 (S.D. Fla. Jan. 26, 2018); *Chhoeun v. Marin*, 306 F. Supp. 3d 1147 (C.D. Cal. 2018); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017).

22. "Habeas corpus is at its core, an equitable remedy." *Schlup v. Delo*, 513 U.S. 298, 319 (1995). Judges have "broad discretion" to fashion an appropriate remedy. It may extend beyond simply ordering the release of a petitioner, *Carafas v. La Vallee*, 391 U.S. 234 (1968), and is to "be administered with the initiative and flexibility essential to ensure that miscarriages of justices within its reach are surfaced and corrected." *Harris v. Nelson*, 394 U.S. 286, 291

(1969). Habeas corpus “never has been a static, narrow, formalistic remedy; its scope has been to achieve its grand purpose - the protection of individuals against erosion of their right to be free from wrongful restraints upon their liberty.” *Jones v. Cunningham*, 371 U.S. 236, 243 (1963). At its historical core, habeas corpus “has served as a means of reviewing the legality of Executive detention, and it is in that context that its protections have been strongest.” *Rasul v. Bush*, 542 U.S. 466, 474 (2004) (citations omitted). These protections extend fully to noncitizens subject to an order of removal. *See I.N.S. v. St. Cyr*, 533 U.S. 289, 301 (2001); *see also Martinez v. McAleenan*, 385 F.Supp.3d 349, 355 (“Due to its talismanic significance in protecting individual liberty from unlawful detention, habeas corpus is fundamentally governed by equity. The Supreme Court has granted the writ when justice has so required.”) (citing *Munaf v. Geren*, 128 S.Ct. 2207 (2008) and *Carafas v. LaVallee*, 392 U.S. 234 (1968)). The Supreme Court has noted the writ’s “scope and flexibility--its capacity to reach all manner of illegal detention--its ability to cut through barriers of form and procedural mazes.” *Harris*, 394 U.S. at 291.

23. Furthermore, in *Demore*, the Supreme Court held that mandatory detention under § 1226(c) was not unconstitutional on its face, but limited its holding to a brief period of detention, stating "Congress, justifiably concerned that deportable criminal aliens who are not detained continue to engage in crime and fail to appear for their removal hearings in large numbers, may require that persons such as respondent be detained for *the brief period* necessary for their removal proceedings." 538 U.S. at 513 (emphasis added). The Court described the "brief period" that it held valid: "in the majority of cases," detention pursuant to § 1226(c) in 2003 "lasts for less than ... 90 days." *Id.* at 529.

24. Even if the government were correct in placing Petitioner under § 1225(b), *Demore* expressly applies only to § 1226(c) detainees and is limited to brief, finite detention; it

does not authorize indefinite, pre-hearing detention of long-term residents arrested years or decades after entry.

25. In the present case, there is no indication that Petitioner’s detention is temporary or limited to a brief period necessary to effectuate removal. To the contrary, Petitioner has been subjected to prolonged detention that may continue for an indefinite period, potentially extending for years. In addition, it demonstrates the significant hardship that his removal would impose on his U.S. citizen family member, who rely on his presence and support.

**C. Respondents’ Conduct Violates the Administrative Procedure Act (5 U.S.C. §§ 701–706).**

26. Respondents’ actions further violate the Administrative Procedure Act (“APA”), 5 U.S.C. §§ 701–706, because the decision to detain Petitioner under 8 U.S.C. § 1225(b)(2)(A)—despite his undisputed status as a long-term interior resident placed in removal proceedings under § 240—constitutes final agency action that is arbitrary, capricious, an abuse of discretion, and contrary to law. See 5 U.S.C. § 706(2)(A), (C). DHS’s retroactive reclassification of Petitioner as an “arriving alien” for the sole purpose of placing him in mandatory detention represents a fundamental departure from decades of consistent agency practice and violates the statutory framework Congress enacted. Such reclassification is not the product of reasoned decision-making, is unsupported by the INA’s text, structure, or purpose, and reflects an unexplained and irrational policy shift lacking any contemporaneous justification.

27. The APA forbids agencies from acting in a manner that is “arbitrary, capricious, [or] an abuse of discretion,” especially where— as here—an agency’s deviation from settled practice imposes severe restraints on liberty. DHS’s application of § 1225(b)(2)(A) to Petitioner is arbitrary and contrary to law because that provision governs recent entrants applying for

admission at or near the border, not individuals like Petitioner and are charged with inadmissibility under § 212(a)(6)(A)(i) in full § 240 proceedings. *See Jennings v. Rodriguez*, 138 S. Ct. 830, 837 (2018) (explaining § 1225(b) applies at ports of entry). Respondents' reclassification policy also constitutes final agency action reviewable under the APA because it determines Petitioner's custodial status, imposes mandatory detention with no administrative process for review, and marks the consummation of the agency's decision-making process as applied to him.

28. Accordingly, Respondents' detention of Petitioner under § 1225(b)(2)(A) must be set aside under 5 U.S.C. § 706(2) as unlawful agency action taken "in excess of statutory jurisdiction" and "without observance of procedure required by law," and this Court should order his IMMEDIATE release.

## **CLAIMS FOR RELIEF**

### **Count I**

#### **Habeas Corpus Under 28 U.S.C. § 2241 (Unlawful Executive Detention)**

29. Petitioner is being unlawfully detained in violation of 28 U.S.C. § 2241 because DHS has placed him under 8 U.S.C. § 1225(b)(2)(A), a statutory provision that does not authorize his detention after being placed in full removal proceedings under 8 U.S.C. § 1229a. His continued detention is unauthorized, exceeds the scope of statutory jurisdiction, and is not reasonably related to any legitimate removal purpose, rendering it unconstitutional and unlawful.

### **Count II**

#### **Violation of the Fifth Amendment (Substantive and Procedural Due Process)**

30. Respondents' detention of Petitioner violates the Fifth Amendment by subjecting him to prolonged, mandatory, and unreviewable incarceration without an individualized custody

determination. The absence of any opportunity to be heard, the government's refusal to consider less restrictive alternatives, and the arbitrary reclassification of Petitioner as subject to § 1225(b)(2)(A) constitute both procedural and substantive due process violations.

**Count III**

**Violation of the INA and Administrative Procedure Act (5 U.S.C. §§ 701–706)**

31. Respondents' application of § 1225(b)(2)(A) to Petitioner constitutes final agency action that is arbitrary, capricious, an abuse of discretion, and contrary to law, in violation of 5 U.S.C. § 706(2)(A), (C). DHS's unexplained and retroactive reinterpretation of the detention statutes, reclassifying long-term interior residents as "arriving aliens," is inconsistent with decades of agency practice, unsupported by statutory text, and results in unlawful mandatory detention. This action exceeds statutory authority and must be set aside under the APA.

**Count IV**

**Violation of the Suspension Clause (U.S. Const. Art. I § 9, cl. 2)**

32. By eliminating any administrative review of custody and foreclosing access to an Immigration Judge, Respondents have suspended the privilege of the writ of habeas corpus as applied to Petitioner. The government's reinterpretation of § 1225(b)(2)(A) prevents Petitioner from obtaining judicial review of the legality of his detention anywhere except this Court. The Suspension Clause prohibits such restrictions on habeas jurisdiction.

**REQUEST FOR RELIEF**

33. Pending the adjudication of this Petition, Petitioner respectfully requests that the Court use its authority under 28 U.S.C. §2243 to order the Respondents to file a return within three days. *See* 28 U.S.C. §2243. (Order to show cause why a petition for a writ of habeas

corpus should not be granted should be “returned within three days unless for good cause additional time, not exceeding twenty days, is allowed”).

34. Petitioner respectfully requests that Respondents be restrained from removing him from the United States pending adjudication of his removal proceedings. Premature removal would preclude him from pursuing the forms of relief for which he is eligible and would undermine his ability to seek protection under applicable immigration laws.

35. Without this Court’s intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm on Petitioner. Petitioner requests that this Court issue an order that Respondents must notify the Court and Petitioner’s counsel five days prior to any removal of Petitioner.

36. Furthermore, Petitioner respectfully requests to be released from detention pending resolution of his immigration proceedings. Continued detention imposes significant hardship and interferes with his ability to meaningfully prepare and present his claims for relief.

37. Without this Court’s intervention, the Respondents will seek to remove Petitioner in violation of law and inflict further cruel and unnecessary harm. Petitioner respectfully requests that this Court issue an order requiring Respondents to notify the Court and Petitioner’s counsel at least five days prior to any attempt to remove him from the United States.

### **EXHAUSTION OF REMEDIES**

38. Petitioner’s claims regarding the constitutionally inadequate process and unlawful deprivation of liberty are not subject to any statutory requirement of administrative exhaustion. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992). To the extent that prudential concerns might lead the Court to consider exhaustion as a discretionary matter, Petitioner has taken all reasonable steps available to him within the administrative framework.

39. Petitioner is currently in removal proceedings before the Immigration Court and is represented by counsel. This remedy remains pending or forthcoming, and no final order of removal has been issued.

40. Moreover, neither the Immigration Judge nor the Board of Immigration Appeals has jurisdiction to adjudicate the constitutional claims raised in this habeas petition. These claims fall squarely within the purview of this Court.

41. Finally, Petitioner faces irreparable harm in the form of continued detention, psychological trauma, and the risk of premature removal before he can pursue the legal remedies available to him. Respondents have the authority to parole Petitioner under 8 C.F.R. §§ 235.3(b)(2)(iii), 1235.3(b)(2)(iii), yet have declined to do so despite his eligibility and humanitarian circumstances. Further, because the administrative process offers no meaningful opportunity for relief due to the recent holding of the Board of Immigration Appeals in *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), exhaustion of remedies is not required. See *McCarthy v. Madigan*, 503 U.S. 140, 146–49 (1992) (exhaustion excused where administrative remedies are inadequate or futile); *INS v. St. Cyr*, 533 U.S. 289, 314 (2001).

#### **REQUEST FOR ORAL ARGUMENT**

42. Should the Court not grant Petitioner's request for IMMEDIATE release, Petitioner respectfully requests oral argument on this Petition.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue a Writ of Habeas Corpus on the ground that Petitioner's continued detention violates the Due Process Clause and order Petitioner's IMMEDIATE release;
3. In the alternative, issue injunctive relief ordering Respondents to IMMEDIATELY release Petitioner on the ground that his continued detention violates the Due Process Clause;
4. Enjoin Respondents from removing Petitioner from the United States;
5. Order Respondents file a return within three days pursuant to 28 U.S.C. § 2243.
6. Declare that the process as applied to Petitioner by Respondents violates the Suspension Clause, the Due Process Clause of the Fifth Amendment, the Fourth Amendment, the INA, the APA, and federal regulations;
7. Issue a writ of habeas corpus directing Respondents to pursue a constitutionally adequate process to justify adverse immigration actions against Petitioner;
8. Order Respondents to provide five days of notice to the Court and Petitioner of his imminent removal;
9. Order Respondents to comply with all applicable rules, regulations, laws, and constitutional protections in relation to pending removal proceedings;
10. Award Petitioner his costs and reasonable attorney's fees in this action as provided for by the Equal Access to Justice Act, 28 U.S.C. §2412, or other statutes;
11. Grant such further relief as the Court deems just and proper.

Dated: February 9, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld  
R&G Legal Solutions  
3662 N 21st Street  
Philadelphia, PA 19140  
215.779.6443  
eric@rglegalsolutions.com

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
IBRAHIMA TRAORE
(b) County of Residence of First Listed Plaintiff Pike
(c) Attorneys (Firm Name, Address, and Telephone Number) R&G Legal Solutions, Eric Rosenfeld, 3662 N 21st Street, Philadelphia, PA 19140, 215.779.6443

DEFENDANTS
KRISTI NOEM, in her Official Capacity, Secretary of the U.S. Department of Homeland Security
PAMELA BONDI, in her Official Capacity, Attorney General of the United States
CAMILLE WAMSLEY, in her Official Capacity as Philadelphia Office Director for Enforcement and Removal Operations, U.S. Immigration and Customs Enforcement
J.L. JAMISON, in his Official Capacity as Warden of Federal Department of Corrections Philadelphia
County of Residence of First Listed Defendant
NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.
Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)
1 U.S. Government Plaintiff
2 U.S. Government Defendant
3 Federal Question (U.S. Government Not a Party)
4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)
PTF DEF
Citizen of This State 1 1
Citizen of Another State 2 2
Citizen or Subject of a Foreign Country 3 3
Incorporated or Principal Place of Business In This State 4 4
Incorporated and Principal Place of Business In Another State 5 5
Foreign Nation 6 6

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: Nature of Suit Code Descriptions.

Table with columns: CONTRACT, REAL PROPERTY, TORTS, CIVIL RIGHTS, PRISONER PETITIONS, FORFEITURE/PENALTY, LABOR, IMMIGRATION, BANKRUPTCY, SOCIAL SECURITY, FEDERAL TAX SUITS, OTHER STATUTES. Includes codes like 110 Insurance, 210 Land Condemnation, 310 Airplane, 440 Other Civil Rights, 463 Alien Detainee, 625 Drug Related Seizure, 710 Fair Labor Standards Act, 820 Copyrights, 870 Taxes (U.S. Plaintiff or Defendant), 375 False Claims Act, etc.

V. ORIGIN (Place an "X" in One Box Only)
1 Original Proceeding
2 Removed from State Court
3 Remanded from Appellate Court
4 Reinstated or Reopened
5 Transferred from Another District (specify)
6 Multidistrict Litigation - Transfer
8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION
Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 28 U.S.C. § 2241; 28 U.S.C. § 1651; U.S. Const. Art. I § 9, cl. 2; INA; the Administrative Procedure Act; Suspension Clause of U.S. Const.
Brief description of cause: Unlawful immigration detention

VII. REQUESTED IN COMPLAINT:
CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE DOCKET NUMBER

February 9, 2026 /s/ Eric Rosenfeld
DATE SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY
RECEIPT # AMOUNT APPLYING IFP JUDGE MAG. JUDGE

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DESIGNATION FORM

Place of Accident, Incident, or Transaction: FDC Philadelphia at 700 Arch Street, Philadelphia, PA 19106

RELATED CASE IF ANY: Case Number: Judge:

- 1. Does this case involve property included in an earlier numbered suit? Yes
2. Does this case involve a transaction or occurrence which was the subject of an earlier numbered suit? Yes
3. Does this case involve the validity or infringement of a patent which was the subject of an earlier numbered suit? Yes
4. Is this case a second or successive habeas corpus petition, social security appeal, or pro se case filed by the same individual? Yes
5. Is this case related to an earlier numbered suit even though none of the above categories apply? Yes

I certify that, to the best of my knowledge and belief, the within case is / is not related to any pending or previously terminated action in this court.

Civil Litigation Categories

A. Federal Question Cases:

B. Diversity Jurisdiction Cases:

- 1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Wage and Hour Class Action/Collective Action
6. Patent
7. Copyright/Trademark
8. Employment
9. Labor-Management Relations
10. Civil Rights
11. Habeas Corpus
12. Securities Cases
13. Social Security Review Cases
14. Qui Tam Cases
15. Cases Seeking Systemic Relief
16. All Other Federal Question Cases.
1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury
7. Products Liability
8. All Other Diversity Cases

I certify that, to the best of my knowledge and belief, that the remedy sought in this case does / does not have implications beyond the parties before the court and does / does not seek to bar or mandate statewide or nationwide enforcement of a state or federal law including a rule, regulation, policy, or order of the executive branch or a state or federal agency, whether by declaratory judgment and/or any form of injunctive relief.

ARBITRATION CERTIFICATION (CHECK ONLY ONE BOX BELOW)

I certify that, to the best of my knowledge and belief:

[X] Pursuant to Local Civil Rule 53.2(3), this case is not eligible for arbitration either because (1) it seeks relief other than money damages; (2) the money damages sought are in excess of \$150,000 exclusive of interest and costs; (3) it is a social security case, includes a prisoner as a party, or alleges a violation of a right secured by the U.S. Constitution, or (4) jurisdiction is based in whole or in part on 28 U.S.C. § 1343.

[ ] None of the restrictions in Local Civil Rule 53.2 apply and this case is eligible for arbitration.

NOTE: A trial de novo will be by jury only if there has been compliance with F.R.C.P. 38.

U.S. Immigration and Customs Enforcement

NOTICE TO EOIR: ALIEN ADDRESS

Event No:

Date: February 5, 2026

To: Enter Name of BIA or Immigration Court I-830 ELIZABETH DETENTION CENTER  
 Enter BIA or Immigration Court Three Letter Code@usdoj.gov ELZ

From: Enter Name of ICE Office PHILADELPHIA, PA, DOCKET CONTROL OFFICE  
 Enter Street Address of ICE Office DOCKET CONTROL OFFICE PHILADELPHIA

Enter City, State and Zip Code of ICE Office PHILADELPHIA, PA

Respondent: Enter Respondent's Name TRAORE, IBRAHIMA  
 Alien File No: Enter Respondent's Alien Number

This is to notify you that this respondent is:

Currently incarcerated by federal, state or local authorities. A charging document has been served on the respondent and an Immigration Detainer-Notice of Action by the ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:  
 Enter Name of Institution where Respondent is being detained \_\_\_\_\_  
 Enter Street Address of Institution where Respondent is being detained \_\_\_\_\_  
 Enter City, State and Zip code of Institution where Respondent is being detained \_\_\_\_\_  
 Enter Respondent's Inmate Number \_\_\_\_\_  
 His/her anticipated release date is Enter Respondent's Anticipated Release Date. \_\_\_\_\_

Detained by ICE on Enter Date Respondent was Detained by ICE at: February 5, 2026  
 Enter Name of ICE Detention Facility where Respondent is being detained \_\_\_\_\_  
 Enter Street Address of ICE Detention Facility where Respondent is being detained \_\_\_\_\_  
 Enter City, State and Zip Code of ICE Detention Facility where Respondent is being detained \_\_\_\_\_

Detained by ICE and transferred on Enter Date Respondent was transferred to: \_\_\_\_\_  
 Enter Name of ICE Detention Facility where Respondent has been transferred MOSHANNON VALLEY PROCESSING CENTER  
 Enter Street Address of ICE Detention Facility where Respondent has been transferred 555 GEO DRIVE  
 Enter City, State and Zip Code of ICE Detention Facility where Respondent has been transferred PHILIPSBURG, PA 168660

Released from ICE custody on the following condition(s):  
 Order of Supervision or Own Recognizance (Form I-220A)  
 Bond in the amount of Enter Dollar Amount of Respondent's Bond  
 Removed, Deported, or Excluded  
 Other \_\_\_\_\_

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:  
 Enter Respondent's Street Address \_\_\_\_\_  
 Enter Respondent's City, State and Zip Code \_\_\_\_\_  
 Enter Respondent's Telephone Number (including area code) \_\_\_\_\_

I hereby certify that the respondent was provided an EOIR-33 Form and notified that they must inform the Immigration Court of any further change of address.

ICE Official: Enter Your First, Last Name and Title Deportation Officer JORGE ADAMES

EOIR - 1 of 1

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# Find an inmate.

Locate the whereabouts of a federal inmate incarcerated from 1982 to the present. Due to the First Step Act, sentences are being reviewed and recalculated to address pending Federal Time Credit changes. As a result, an inmate's release date may not be up-to-date. Website visitors should continue to check back periodically to see if any changes have occurred.

**If an individual is listed as "Released" or "Not in BOP Custody" and no facility location is indicated, the inmate is no longer in BOP custody, however, the inmate may still be in the custody of some other correctional/criminal justice system/law enforcement entity, or on parole or supervised release.**

**Find By Number**

**Find By Name**

Type of Number

Number

INS Number

**Search**

Result using number

[Clear Form](#)



## IBRAHIMA TRAORE

Register Number: 36678-506

Age: 23  
Race: Black  
Sex: Male

Located at: [Philadelphia FDC](#)

Release Date: UNKNOWN

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From: Riley, Teresa (EOIR) <Teresa.Riley2@uscdoj.gov>

Sent: Tuesday, January 13, 2026 3:09 PM

Subject: Guidance

Good afternoon/evening ACLJs:

Please provide the following guidance to all Immigration Judges forthwith:

*Maldonado Bautista* is not a nationwide injunction and does not purport to vacate, stay, or enjoin *Yajure Hurtado*. Therefore, *Yajure Hurtado* remains binding precedent on agency adjudicators. For clarification, declaratory judgments differ from injunctions in that the former clarifies parties' legal rights and relationships without ordering specific action, while the latter is a court order compelling a party to do or stop doing a specific act. A declaratory judgment is not an equitable remedy and does not, by itself, have the effect of compelling specific action by a party.

Thank you for your attention in this matter.

Sincerely,

**Teresa L. Riley**  
**Chief Immigration Judge**



An official website of the United States government

Here's how you know



**EOIR** Automated Case Information

### Court Closures Today February 9, 2026

Please check <https://www.justice.gov/eoir-operational-status> for up to date closures.

[Home](#) > [TRAORE, IBRAHIMA](#) ()



# Automated Case Information

Name: TRAORE, IBRAHIMA | A-Number:  |

Docket Date: 3/15/2024



## Next Hearing Information



*There are no future hearings for this case.*



## Court Decision and Motion Information



## BIA Case Information

No appeal was received for this case.



## Court Contact Information

If you require further information regarding your case, or wish to file additional documents, please contact the immigration court.

### **COURT ADDRESS**

900 MARKET STREET, SUITE 504  
PHILADELPHIA, PA 19107

### **PHONE NUMBER**

(215) 656-7000

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Department of Justice | Executive Office for Immigration Review  
5107 Leesburg Pike, Suite 2600, Falls Church, VA 22041



**EOIR** Automated Case Information

Jack Herzig, Esquire  
400 Greenwood Avenue  
Wyncote, PA 19095

NOT- DETAINED

**United States Department of Justice  
Executive Office for Immigration Review  
U.S. Immigration Court  
Newark, NJ**

In the Matter of

Traore, Ibrahima

File No.:



**IN REMOVAL PROCEEDINGS**

**Immigration Judge David Cheng**

**Next Hearing: 04/29/2025**

**Notice of Intent to Officer Evidence**

**TABLE OF CONTENTS OF PROFERRED EVIDENCE**

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A) Form I-589	1 – 10
B) Passport	11

In the Matter of

Traore, Ibrahima

File No. 


### CERTIFICATE OF SERVICE

I, Jack Herzig, Esquire, hereby certify that on this October 22, 2024 I caused to be served one copy of the notice of intent to offer evidence by

  X   ECAS

District Counsel  
Department of Homeland Security  
970 Broad Street  
Room 1300  
Newark, NJ 07102

I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
Jack Herzig, Esquire  
400 Greenwood Avenue  
Wyncote, PA 19095

DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO APPEAR**

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID: [REDACTED]

FINS #: [REDACTED]

File No: [REDACTED]

In the Matter of:

DOB: [REDACTED]

Event No: [REDACTED]

Respondent: IBRAHIMA TRAORE currently residing at:

FAILED TO PROVIDE ADDRESS EOIR-33 DOCKET CAMDEN, NEW JERSEY, 08104-1659

+1 (201) 780-1860

(Number, street, city, state and ZIP code)

(Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of GUINEA and a citizen of GUINEA ;
3. You arrived in the United States at or near LUKEVILLE, AZ , on or about January 16, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

970 BROAD STREET, ROOM 1200 NEWARK NJ 07102

(Complete Address of Immigration Court, including Room Number, if any)

on April 29, 2025 at 09:00 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

ACTING PATROL AGENT IN CHARGE

OCTAVIO C VIDRIO  
Date: 2024.01.17 13:30:58 -07:00

[REDACTED] CBP

(Signature and Title of Issuing Officer)

Date: January 17, 2024

TUCSON, ARIZONA

(City and State)

EOIR - 1 of 3

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

### Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

\_\_\_\_\_  
(Signature of Respondent)

Date: \_\_\_\_\_

\_\_\_\_\_  
(Signature and Title of Immigration Officer)

### Certificate of Service

This Notice To Appear was served on the respondent by me on January 17, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person     by certified mail, returned receipt # \_\_\_\_\_ requested     by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

\_\_\_\_\_  
(Signature of Respondent if Personally Served)

MICHAEL H BEAMAN  
Date: 2024.01.17 15:04:56 -07:00  
\_\_\_\_\_  
(Signature and Title of officer)

EOIR - 2 of 3

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

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

IBRAHIMA TRAORE,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,  
Secretary of the U.S. Department of  
Homeland Security;

PAMELA BONDI, in her Official Capacity,  
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official  
Capacity, Philadelphia Office Director for  
Enforcement and Removal Operations, U.S.  
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as  
Warden of Federal Department of Corrections  
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. \_\_\_\_\_

Magistrate Judge: \_\_\_\_\_

No request for jury trial

**PROPOSED ORDER**

**EMERGENCY PETITION FOR WRIT  
OF HABEAS CORPUS AND  
COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

**PROPOSED ORDER**

AND NOW, this \_\_\_ day of \_\_\_\_\_, 2026, upon consideration of Petitioner's EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF, it is hereby ORDERED as follows:

1. Respondents must IMMEDIATELY release Petitioner from Custody;
2. Respondents are ENJOINED from removing Petitioner from Pennsylvania pending the conclusion of these proceedings;

This Order shall remain in effect pending further order of the Court.

IT IS SO ORDERED.

Hon. Judge \_\_\_\_\_

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

IBRAHIMA TRAORE,

Petitioner,

v.

KRISTI NOEM, in her Official Capacity,  
Secretary of the U.S. Department of  
Homeland Security;

PAMELA BONDI, in her Official Capacity,  
Attorney General of the United States;

CAMMILLA WAMSLEY, in her Official  
Capacity, Philadelphia Office Director for  
Enforcement and Removal Operations, U.S.  
Immigration and Customs Enforcement;

J.L. JAMISON, in his Official Capacity as  
Warden of Federal Department of Corrections  
Philadelphia;

Respondents.

Case No. (To be Assigned)

Judge: Hon. \_\_\_\_\_

Magistrate Judge: \_\_\_\_\_

No request for jury trial

**CERTIFICATE OF SERVICE**

**EMERGENCY PETITION FOR WRIT  
OF HABEAS CORPUS AND  
COMPLAINT FOR INJUNCTIVE AND  
DECLARATORY RELIEF**

**CERTIFICATE OF SERVICE**

On February 9, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 9, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld  
R&G Legal Solutions  
3662 N 21st Street  
Philadelphia, PA 19140  
215.779.6443  
eric@rglegalsolutions.com