

**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. 2:26-cv-00851-MKC

Judge: Hon. Mary Kay Costello

No request for jury trial

TRAVERSE

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

TRAVERSE IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS

Respondents filed an Opposition to Petitioner’s Petition for Writ of Habeas Corpus. Petitioner files this traverse and asks the Court to rule without a hearing.

For expediency of the Court, Petitioner will not respond to each point raised by Respondents. On page one of its Response, Petitioner writes, “This legal question has been considered by numerous courts in the wake of the Board of Immigration Appeals’ (“BIA”) decision in *Matter of Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). The vast majority—including all decisions in this district (more than 150 to date)—have rejected the government’s position.”

Respondents concede that this case is no different from “all decisions in this district (more than 150 to date)” that ruled that similarly situated Petitioners are entitled to a bond hearing before an Immigration Judge. Therefore, this Honorable Court should rule in favor of the Petitioner and order the immediate release of Petitioner. Ordering a bond hearing would be an inadequate remedy. Undersigned counsel is aware that certain Immigration Judges are offering bond hearings in which (1) Petitioners are uniformly determined to be a flight risk regardless of the evidence and contrary to all history indicators of non-flight risk, and/or (2) Petitioners are granted bond in an exorbitant amount such as \$30,000. IJ’s are trying to evade Orders of federal judges. Therefore, the appropriate relief is for this Court to order Petitioner’s immediate release.

Should this Court require an additional basis for granting Petitioner’s habeas Complaint, Undersigned Counsel believe Immigrations Judges are bound by the Final Summary Judgement in *Maldonado Bautista v. Santacruz [Bautista II]*, No. 25-cv-1873, ECF No. 94 (C.D. Cal. Dec. 18, 2025); yet Immigration Judges continue to ignore this mandate. Chief IJ Teresa Riley has given express instructions for IJ’s to ignore *Bautista II*. See Exhibit A.

Dated: February 12, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld

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**TRAVERSE CERTIFICATE OF
SERVICE**

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CERTIFICATE OF SERVICE

On February 12, 2026, Undersigned Counsel filed the accompanying document through CM/ECF. All Respondents participate in CM/ECF.

Dated: February 12, 2026

Respectfully Submitted,

/s/ Eric Rosenfeld
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