

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

BANGALY TOURE,

*Petitioner,*

v.

PAMELA BONDI, Attorney General; KRISTI  
NOEM, Secretary of DHS; TODD M. LYONS,  
Acting Director, ICE; CRAIG A. LOWE, WARDEN, PIKE  
COUNTY CORRECTIONAL FACILITY,  
*Respondents.*

Civil Action No. 3:26-CV-00323

**EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS  
PURSUANT TO 28 U.S.C. § 2241**

**INTRODUCTION**

1. Petitioner Bangaly Toure, A# [REDACTED], a 31-year-old citizen of Guinea detained at Pike County Correctional Facility, seeks emergency habeas relief to prevent his unconstitutional removal to Uganda—a country with which he has no connection—pursuant to a defective "Asylum Cooperative Agreement" that would permanently deprive him of his statutory right to seek asylum in the United States.
2. Mr. Toure fled Guinea after being arrested, detained for four months, and brutally tortured by [REDACTED]  
[REDACTED]

[REDACTED]

[REDACTED] He has a pending, meritorious asylum application with substantial corroborating evidence.

3. On January 22, 2026—two days after the Court-ordered filing deadline and just five days before his scheduled individual hearing—DHS filed a motion to pretermite his asylum application based on the U.S.-Uganda ACA. This eleventh-hour tactic denies Mr. Toure any meaningful opportunity to present his persecution claims.

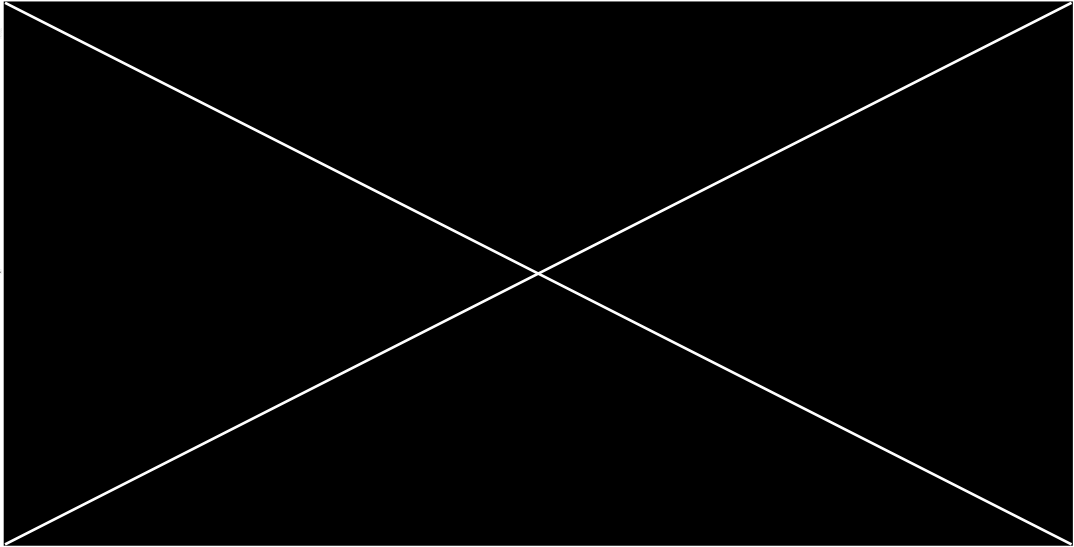
#### **JURISDICTION AND VENUE**

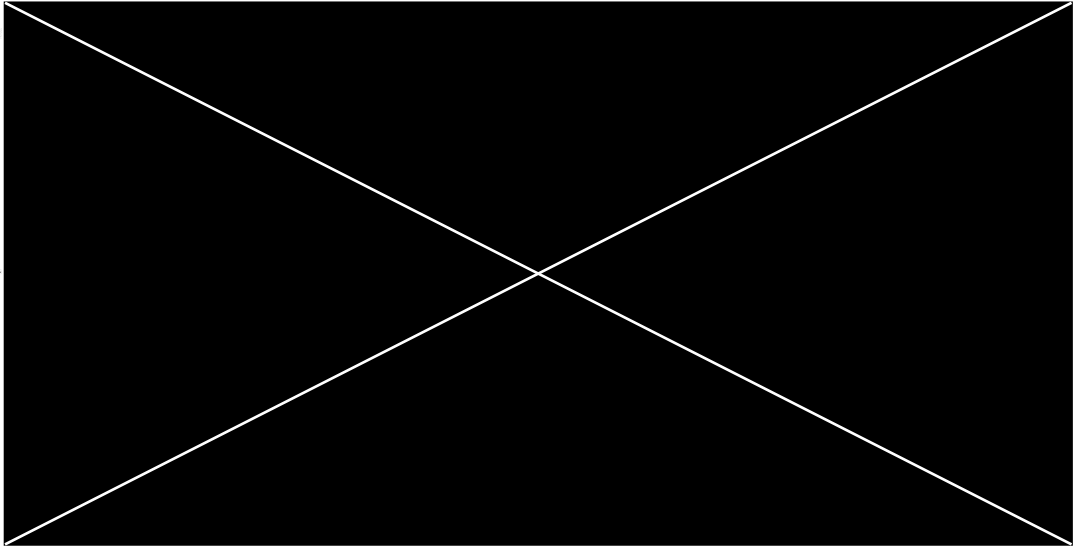
4. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331 (federal question). Habeas corpus "is available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004). Venue is proper because Petitioner is confined in this District.

#### **STATEMENT OF FACTS**


5. Petitioner is a native and citizen of Guinea, born [REDACTED] He was

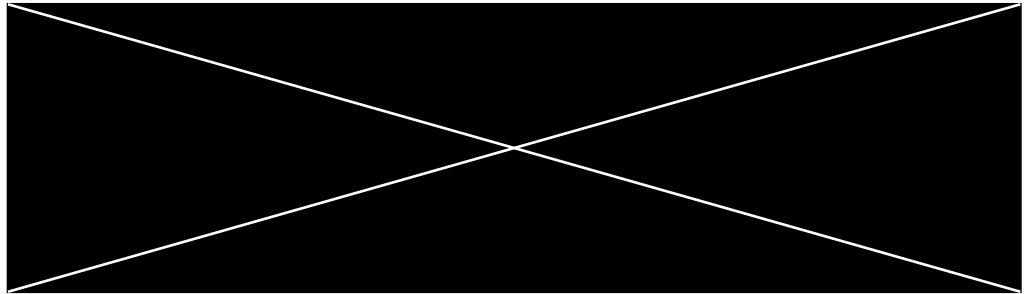
[REDACTED]

6. 

7. 

8. From April to August 2023, Petitioner was detained and systematically

tortured: 



9. In August 2023, Petitioner escaped with the help of 

 and fled to the United States, where he applied for asylum.

10. On November 10, 2025, the Immigration Court scheduled Petitioner's individual merits hearing for January 27, 2026, with a call-up deadline of January 20, 2026. Petitioner timely filed his evidence and applications on January 19, 2026.

11. On January 22, 2026—after the deadline—DHS filed a motion to pretermite Petitioner's applications based on the U.S.-Uganda ACA, seeking to remove this Guinean national to Uganda without any hearing on the merits of his persecution claims.
12. Petitioner has been detained for approximately two years pending resolution of his asylum claim.

### **LEGAL CLAIMS**

#### **COUNT I: VIOLATION OF INA § 208(a)(2)(A)**

13. The "safe third country" bar of INA § 208(a)(2)(A) requires that the third country provide "access to a full and fair procedure for determining a claim to asylum." 8 U.S.C. § 1158(a)(2)(A). Uganda cannot satisfy this requirement.
14. In December 2025, Uganda's Minister for Refugees announced that Uganda would no longer grant refugee status to nationals of multiple African countries, citing funding shortfalls and an overburdened system that "cannot provide full and fair asylum procedures." Uganda's UNHCR funding has dropped from \$240 million to under \$100 million annually.
15. Under Matter of C-I-G-M- & L-V-S-G-, 29 I&N Dec. 291 (BIA 2025), Immigration Judges must conduct individualized inquiries into whether

ACA exceptions apply before pretermittting. DHS's categorical motion, filed without any evidence that Uganda can provide full and fair procedures, violates both the statute and BIA precedent.

### **COUNT II: DUE PROCESS VIOLATION**

16. The Due Process Clause applies to "all persons within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).
17. Due process requires notice and a meaningful opportunity to be heard. *Mathews v. Eldridge*, 424 U.S. 319 (1976). DHS's last-minute filing—after the call-up deadline—denies Petitioner any meaningful opportunity to: (a) challenge the applicability of the Uganda ACA to his case; (b) present evidence that he faces persecution in Uganda; or (c) have his meritorious asylum claims adjudicated on the merits.
18. Petitioner has a compelling asylum claim including documented past persecution (torture, burning, beating by government forces), substantial corroborating evidence (membership card, summons, witness testimony, country conditions reports), and a clear nexus to a protected ground (political opinion). Pretermittting this claim without a merits hearing violates fundamental due process.

### **COUNT III: PROLONGED DETENTION**

19. Petitioner has been detained for approximately two years. The Government's refusal to adjudicate his asylum claims on the merits—instead seeking to transfer him to Uganda, which cannot process his claims—creates indefinite detention without any pathway to resolution, violating *Zadvydas v. Davis*, 533 U.S. 678 (2001).

### **IRREPARABLE HARM**

20. Removal to Uganda would permanently deprive Petitioner of his statutory right to seek asylum in the United States and subject him to a country that has admitted it cannot provide full and fair asylum procedures. He would have no meaningful recourse to present his persecution claims. This constitutes irreparable harm *per se*.

### **PRAAYER FOR RELIEF**

**WHEREFORE**, Petitioner respectfully requests that this Court:

- A. Issue a temporary restraining order and preliminary injunction enjoining removal to Uganda;
- B. Issue a writ of habeas corpus or, alternatively, order a bond hearing;
- C. Declare that premitting Petitioner's asylum application violates the INA and Due Process Clause;
- D. Order that Petitioner's asylum application be adjudicated on the merits;

E. Award costs and attorneys' fees under 28 U.S.C. § 2412; and

F. Grant such other relief as is just and proper.

Dated: February 10, 2026

Respectfully submitted,

/s/ Jonathan J. Sobel

**JONATHAN J. SOBEL, ESQUIRE**

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*Attorney for Petitioner*

**VERIFICATION**

I, Jonathan J. Sobel, Esquire, counsel for Petitioner, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the facts set forth in this Petition are true and correct to the best of my knowledge, information, and belief, based upon my review of the documents and communications with Petitioner and his wife.

/s/ Jonathan J. Sobel  
JONATHAN J. SOBEL, ESQUIRE

Date: February 10, 2026

