

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

AHMET BATUHAN AMAN,

Petitioner,

v.

Civil Action No. 3:26-CV-00418

LEONARD ODDO,
WARDEN OF MOSHANNON VALLEY
PROCESSING CENTER, in his official
capacity;
FIELD OFFICE DIRECTOR, ICE
ENFORCEMENT AND REMOVAL
OPERATIONS, PHILADELPHIA FIELD
OFFICE, in his/her official capacity;
TODD LYONS, Acting Director, U.S.
Immigration and Customs Enforcement,
in his official capacity;
KRISTI NOEM, Secretary, U.S.
Department of Homeland Security,
in her official capacity;
U.S. DEPARTMENT OF HOMELAND
SECURITY;
PAMELA BONDI, Attorney General of
the United States, in her official capacity,

Respondents.

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

Petitioner AHMET BATUHAN AMAN (“Petitioner”), by and through undersigned counsel, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and the Suspension Clause of the United States Constitution, Art. I, § 9, cl. 2. Petitioner is a citizen of Turkey who is currently detained by Immigration and Customs Enforcement (“ICE”) at the Moshannon Valley Processing Center in Philipsburg, Pennsylvania, without having been afforded a bond hearing. Petitioner seeks an Order directing Respondents to

provide him with an individualized bond hearing before an Immigration Judge pursuant to 8 U.S.C. § 1226(a), at which the Government bears the burden of justifying his continued detention by clear and convincing evidence, or in the alternative, ordering his immediate release from custody.

FACTUAL INTRODUCTION

Petitioner is a twenty-three-year-old citizen of Turkey who entered the United States on August 12, 2023, at or near San Ysidro, California. He was apprehended by U.S. Border Patrol and processed. Critically, his Notice to Appear (“NTA”) charged him under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien *present in the United States who has not been admitted or paroled*—not as an “arriving alien” or “applicant for admission.” On August 13, 2023, Petitioner was released from custody on his own recognizance pursuant to INA § 236, 8 U.S.C. § 1226. He was placed in removal proceedings before the Philadelphia Immigration Court, Immigration Judge Hoover, Forrest, and has expressed a credible fear of persecution in Turkey.

Petitioner complied with all conditions of his release, including reporting requirements, and resided in Pittsburgh, Pennsylvania. He was recently re-detained by ICE, initially held at Northern Regional Jail in West Virginia, and subsequently transferred to the Moshannon Valley Processing Center in Philipsburg, Pennsylvania, where he is currently confined. ICE is now classifying Petitioner under 8 U.S.C. § 1225(b)(2)(A) as an “applicant for admission” subject to mandatory detention and denying him a bond hearing—despite the fact that his own NTA charges him under § 212(a)(6)(A)(i) and he was previously released under § 1226.

This reclassification is based on the Board of Immigration Appeals’ decisions in *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA

2025), which have been overwhelmingly rejected by hundreds of federal district courts across the country. Most recently, in *Moran Valle v. Wamsley*, No. 2:25-cv-7110, slip op. (E.D. Pa. Jan. 27, 2026), Judge Gallagher of the Eastern District of Pennsylvania ordered the immediate release of a similarly situated petitioner, holding that § 1225(b)(2) does not apply to individuals present without admission in the interior. Courts in this District have reached the same result. *See, e.g., Arias Gudino v. Lowe*, 785 F. Supp. 3d 27 (M.D. Pa. 2025); *Centeno v. Lowe*, No. 3:25-cv-02518 (M.D. Pa. Jan. 13, 2026).

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. § 1331 (federal question), 5 U.S.C. § 702 (Administrative Procedure Act), and the Fifth Amendment to the United States Constitution (Due Process Clause), as well as the Suspension Clause of the United States Constitution, Art. I, § 9, cl. 2.
2. Venue is proper in this Court. Petitioner is detained within this judicial district at the Moshannon Valley Processing Center in Philipsburg, Centre County, Pennsylvania. 28 U.S.C. §§ 1391(b), 2241(d).
3. The jurisdictional bar provisions of 8 U.S.C. §§ 1252(a)(2)(B)(ii), 1252(b)(9), and 1252(g) do not strip this Court of jurisdiction because Petitioner does not challenge the commencement of removal proceedings, the Attorney General's decision to adjudicate his case, or the execution of a removal order. Rather, Petitioner challenges the statutory authority for his mandatory detention without a bond hearing—a question that is cognizable under § 2241. *See Demore v. Kim*, 538 U.S. 510, 517 (2003) (habeas jurisdiction preserved for challenges to detention authority).

PARTIES

4. Petitioner Ahmet Batuhan Aman is a twenty-three-year-old citizen of Turkey, A-Number [REDACTED] date of birth [REDACTED]. He is currently detained at the Moshannon Valley Processing Center, 555 Geo Drive, Philipsburg, Pennsylvania 16866. He has been placed in removal proceedings before the Philadelphia Immigration Court and has expressed a credible fear of persecution in Turkey.

5. Respondent Leonard Oddo, Warden of Moshannon Valley Processing Center is the immediate physical custodian of Petitioner and is sued in his official capacity. The facility is located at 555 Geo Drive, Philipsburg, PA 16866.

6. Respondent Field Office Director, ICE Enforcement and Removal Operations, Philadelphia Field Office, is the supervisory authority over Petitioner's detention and is sued in his or her official capacity. The Philadelphia ERO Field Office is located at 114 North 8th Street, Philadelphia, PA 19107.

7. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement and is sued in his official capacity. His office is located at 500 12th Street SW, Washington, DC 20536.

8. Respondent Kristi Noem is the Secretary of the United States Department of Homeland Security and is sued in her official capacity. Her office is located at 245 Murray Lane, Washington, DC 20528.

9. Respondent United States Department of Homeland Security is the federal agency responsible for Petitioner's detention and the enforcement and administration of the Immigration and Nationality Act. Its headquarters is located at 245 Murray Lane, Washington, DC 20528.

10. Respondent Pamela Bondi is the Attorney General of the United States and is sued in her official capacity as the head of the Department of Justice, which oversees the Executive Office for Immigration Review. Her office is located at 950 Pennsylvania Avenue NW, Washington, DC 20530.

LEGAL FRAMEWORK

11. The Immigration and Nationality Act establishes two distinct statutory frameworks governing the detention of noncitizens in removal proceedings. The first, codified at 8 U.S.C. § 1225(b), applies to “*applicants for admission*” who are “*arriving*” at borders or ports of entry. Under § 1225(b)(2)(A), such applicants “shall be detained for a [removal] proceeding.” This provision imposes mandatory detention with no bond eligibility.

12. The second framework, codified at 8 U.S.C. § 1226(a), is the default detention provision for noncitizens already present in the United States. Under § 1226(a), the Attorney General “*may*” arrest and detain a noncitizen pending a removal decision and “*may*” release the noncitizen on bond or conditional parole. This permissive language mandates individualized assessment. *See Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018) (distinguishing § 1225(b) mandatory detention from § 1226(a) discretionary detention).

13. The regulatory scheme implements this distinction. Under 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), and 1003.19, individuals detained under § 1226(a) are entitled to a bond hearing before an Immigration Judge and may seek bond redetermination.

14. When Congress enacted IIRIRA in 1996 and the implementing agencies promulgated the 1997 interim rule, they explicitly acknowledged that noncitizens who entered without inspection—i.e., individuals like Petitioner charged under § 212(a)(6)(A)(i)—“*will be eligible*

for bond and bond redetermination” under § 1226(a). 62 Fed. Reg. 10,323, 10,331 (Mar. 6, 1997). This regulatory pronouncement directly contradicts the government’s current position.

15. Notwithstanding the clear statutory text, regulatory history, and the overwhelming weight of judicial authority, the Board of Immigration Appeals issued two decisions purporting to strip Immigration Judges of authority to conduct bond hearings for noncitizens who entered without inspection: *Matter of Q. Li*, 29 I&N Dec. 66 (BIA 2025), and *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025). In *Yajure Hurtado*, the BIA extended *Q. Li* to all noncitizens present without admission—regardless of the duration of their United States residence and absent any prior interaction with immigration authorities.

16. Hundreds of federal district courts across the country have rejected the reasoning of *Yajure Hurtado*. As Judge Gallagher recently noted, “the vast majority of federal courts, including all decisions in this district (more than 100 to date), have rejected” the government’s arguments. *Moran Valle v. Wamsley*, No. 2:25-cv-7110, slip op. at 2 (E.D. Pa. Jan. 27, 2026).

FACTS AND PROCEDURAL HISTORY

17. Petitioner Ahmet Batuhan Aman is a twenty-three-year-old citizen of Turkey. His father is Murat Aman and his mother is Ebru Kaya.

18. On August 12, 2023, Petitioner entered the United States at or near San Ysidro, California.


19. On that same date, Petitioner was apprehended by U.S. Border Patrol agents east of Hollister, south of Interstate 5. The apprehending agent was Agent Luna, Hector I.

20. Petitioner was processed and issued a Notice to Appear (“NTA”) charging him with removability under INA § 212(a)(6)(A)(i), 8 U.S.C. § 1182(a)(6)(A)(i), as an alien present in the United States who had not been admitted or paroled.

21. Critically, Petitioner’s NTA designated him as an alien “*present in the United States who has not been admitted or paroled*”—not as an “arriving alien” or “applicant for admission.” The “arriving alien” box on the NTA was not checked.

22. On August 13, 2023, Petitioner was released from custody on an Order of Release on Recognizance (OREC, Form I-220A) pursuant to INA § 236, 8 U.S.C. § 1226. The OREC was signed by (A) Watch Commander Constantino L. Zarate and specifically cited “section 236 of the Immigration and Nationality Act” as the authority for release.

23. Petitioner was given an OREC G-56 form directing him to report to his local ICE office within sixty days.

24. Petitioner was placed in removal proceedings before the Philadelphia Immigration Court, 900 Market Street, Suite 504, Philadelphia, PA 19107, before Immigration Judge Hoover, Forrest. His proceedings were assigned Event No. 

25. Petitioner expressed a credible fear of persecution in Turkey, as documented on his A-File Jacket Starter.

26. Petitioner complied with the conditions of his release, including all reporting requirements.

27. Petitioner resided at 1116 Village Road, Pittsburgh, Pennsylvania 15205, and maintained regular contact with immigration authorities.

28. Upon information and belief, Petitioner was recently re-detained by ICE.

29. Following his re-detention, Petitioner was initially held at Northern Regional Jail in West Virginia.

30. Petitioner was subsequently transferred to the Moshannon Valley Processing Center in Philipsburg, Pennsylvania, where he is currently detained.

31. Upon information and belief, ICE is now classifying Petitioner under 8 U.S.C. § 1225(b)(2)(A) as an “applicant for admission” subject to mandatory detention, despite the fact that: (a) his NTA charges him under § 212(a)(6)(A)(i); (b) he was released under § 236/§ 1226; and (c) he has been residing in the interior of the United States for more than two years.

32. As a result of this reclassification, Petitioner has been denied a bond hearing before an Immigration Judge.

33. The denial of a bond hearing is based on the BIA’s decisions in Matter of Q. Li and Matter of Yajure Hurtado, which purport to strip Immigration Judges of authority to conduct bond hearings for noncitizens who entered without inspection.

34. Exhaustion of administrative remedies is futile because the BIA’s own precedential decisions prevent Immigration Judges from granting bond hearings to individuals in Petitioner’s circumstances.

CLAIMS FOR RELIEF

COUNT ONE VIOLATION OF DUE PROCESS (U.S. Const. amend. V)

35. Petitioner incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

36. The Fifth Amendment to the United States Constitution provides that “[n]o person shall . . . be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. This protection extends to all persons within the United States, regardless of immigration status. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

37. Under *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976), three factors determine what process is due: (1) the private interest affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used and the probable value of additional or substitute procedural safeguards; and (3) the Government’s interest, including the function involved and the fiscal and administrative burdens that additional or substitute procedural requirements would entail.

38. As to the first factor, Petitioner’s liberty interest is “the most elemental of liberty interests—the interest in being free from physical detention by one’s own government.” *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). “Commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection.” *Jones v. United States*, 463 U.S. 354, 361 (1983).

39. As to the second factor, there is a certainty—not merely a risk—that the failure to grant Petitioner a bond hearing will unlawfully deprive him of the opportunity to demonstrate that he is neither a flight risk nor a danger to the community. The government’s own initial actions in releasing Petitioner under § 1226 demonstrate the arbitrariness of the current reclassification.

40. As to the third factor, the Government’s interests in detaining noncitizens are “preventing flight and protecting the community.” *Zadvydas*, 533 U.S. at 690. These interests can be adequately served through an individualized bond hearing. The administrative cost of providing such a hearing is minimal.

41. All three Mathews factors weigh heavily in favor of Petitioner.

COUNT TWO
VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT
(8 U.S.C. § 1226(a))

42. Petitioner incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

43. Section 1225(b)(2) of the INA applies only to “applicants for admission” who are “arriving” at borders or ports of entry. It does not apply to noncitizens who have been residing in the interior of the United States. *See Jennings v. Rodriguez*, 583 U.S. 281, 306 (2018).

44. Petitioner is not an “applicant for admission” within the meaning of § 1225. He was charged on his NTA under § 212(a)(6)(A)(i) as an alien present without admission—not as an arriving alien. He was released under § 1226 and resided in the interior of the United States for more than two years. As the court held in *Moran Valle*, “[t]he vast majority of federal courts . . . have rejected” the government’s attempt to apply § 1225(b)(2) to individuals in Petitioner’s circumstances. *Moran Valle v. Wamsley*, No. 2:25-cv-7110, slip op. at 2 (E.D. Pa. Jan. 27, 2026).

45. Petitioner’s detention is governed by 8 U.S.C. § 1226(a), which provides for discretionary detention with bond eligibility. Respondents’ application of § 1225(b)(2) to Petitioner is contrary to the INA’s text, structure, and the overwhelming weight of judicial authority.

COUNT THREE
VIOLATION OF FEDERAL REGULATIONS
(8 C.F.R. §§ 236.1, 1236.1, 1003.19)

46. Petitioner incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

47. The regulations at 8 C.F.R. §§ 236.1(d)(1), 1236.1(d)(1), and 1003.19 provide that individuals detained under § 1226(a) are entitled to a bond hearing before an Immigration Judge and may seek bond redetermination.

48. When implementing IIRIRA, the agencies explicitly stated that noncitizens who entered without inspection “will be eligible for bond and bond redetermination” under § 1226(a). 62 Fed. Reg. 10,323, 10,331 (Mar. 6, 1997).

49. By classifying Petitioner under § 1225(b)(2) and denying him access to bond hearing procedures, Respondents violate the regulatory scheme that their own agencies promulgated.

COUNT FOUR
VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT
(5 U.S.C. § 701 et seq.)

50. Petitioner incorporates by reference the allegations set forth in all preceding paragraphs as though fully set forth herein.

51. The BIA’s decisions in *Matter of Q. Li* and *Matter of Yajure Hurtado* are contrary to the INA’s text and structure, arbitrary and capricious, and in excess of statutory authority. Agency action that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law” must be set aside. 5 U.S.C. § 706(2)(A).

52. Courts must ensure that agencies act within their delegated authority. *Loper Bright Enters. v. Raimondo*, 603 U.S. 369, 413 (2024). The BIA exceeded its authority by reinterpreting the INA to strip bond eligibility from noncitizens whom Congress intended to be subject to the discretionary detention framework of § 1226(a).

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (a) Issue a Writ of Habeas Corpus directing Respondents to release Petitioner from custody, or in the alternative, provide him with an individualized bond hearing before an Immigration Judge under 8 U.S.C. § 1226(a);
- (b) Declare that Petitioner's detention under 8 U.S.C. § 1225(b)(2) is unauthorized by statute and violates the Due Process Clause of the Fifth Amendment;
- (c) Order that at any such bond hearing, the Government bear the burden of justifying continued detention by clear and convincing evidence;
- (d) Order Respondents to consider Petitioner's ability to pay in setting any bond amount;
- (e) Set aside the BIA's decisions in Matter of Q. Li, 29 I&N Dec. 66 (BIA 2025), and Matter of Yajure Hurtado, 29 I&N Dec. 216 (BIA 2025), as contrary to law under the APA, 5 U.S.C. § 706(2);
- (f) Award Petitioner costs and attorneys' fees as permitted by law; and
- (g) Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

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Attorneys for Petitioner

Dated: February 19, 2026

LIST OF EXHIBITS

Exhibit A	Notice to Appear (Form I-862)
Exhibit B	A-File Jacket Starter
Exhibit C	Order of Release on Recognizance (Form I-220A)
Exhibit D	OREC G-56
Exhibit E	ICE Detainee Locator Results
Exhibit F	EOIR Case Information