

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

MAMADOU SAIDOU DIALLO, Pro Se

Petitioner,

v.

COGAN, J

WARDEN, Metropolitan Detention Center (Brooklyn);

**FIELD OFFICE DIRECTOR, ICE Enforcement and
Removal Operations, New York City Field Office;**

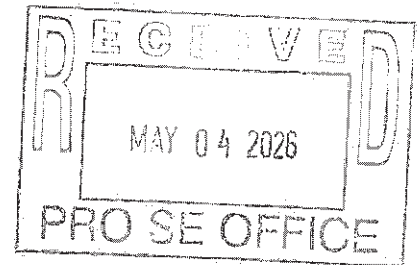
Civil Action No. **26-cv-1194-BMC**

**TODD M. LYONS, Acting Director,
U.S. Immigration and Customs Enforcement;**

**MARKWAYNE MULLIN, Secretary, U.S. Department of
Homeland Security;**

TODD BLANCHE, Acting Attorney General of the United States,

Respondents.



**VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241
AND REQUEST FOR TEMPORARY RESTRAINING ORDER**

Petitioner Mamadou Saidou Diallo respectfully petitions this Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and requests a temporary restraining order, and alleges as follows:

INTRODUCTION

1. This case presents a fundamental constitutional question at the intersection of liberty, statutory authority, and the separation of powers: whether the Executive Branch may detain an individual for a prolonged period while simultaneously eliminating, or functionally replacing, the adjudicative mechanism through which the legality and necessity of that detention must be tested. The answer, under both the Immigration and Nationality Act ("INA") and the Fifth Amendment, is no.

2. The structure of the INA reflects Congress's considered judgment that civil immigration detention must be tethered to individualized determinations and subject to meaningful review. The Constitution reinforces that structure by requiring that any deprivation of physical liberty be accompanied by a genuine opportunity to be heard before a neutral decisionmaker. This case presents the breakdown of both safeguards.

3. Petitioner has been confined in civil immigration detention for more than six months. During that time, he has not received a bond hearing, has not been afforded any individualized custody determination, and has not been provided any meaningful opportunity to contest the necessity of his detention. There is no evidentiary record supporting his continued confinement, no findings that he poses a danger to the community or a risk of flight, and no adjudicative decision evaluating whether detention is justified. His liberty has been restrained solely on the basis of executive assertion.

4. Respondents contend that this detention is authorized under 8 U.S.C. § 1225(b)(2), a provision governing the inspection-stage detention of individuals seeking admission at or near the border. That position is incorrect as a matter of statutory law. Petitioner was processed by immigration authorities, affirmatively released into the United States, resided in the interior, and was later re-detained only after complying with instructions to report to immigration authorities. Under the INA's structure, his detention is governed by 8 U.S.C. § 1226(a), which requires individualized custody determinations and permits release on bond or conditions.

5. The statutory error, however, is only part of the problem. This case presents a more profound defect: the absence of any adjudicative mechanism through which the legality of detention may be meaningfully tested. Petitioner sought a custody redetermination and appeared for a scheduled bond hearing, the very mechanism through which detention must ordinarily be justified. At that hearing, the Immigration Judge stated that he lacked jurisdiction or authority to adjudicate custody under the circumstances presented. The hearing did not proceed, and no adjudication occurred. The result is that Petitioner remains detained without any determination by a neutral decisionmaker that such detention is warranted.

6. That moment is dispositive. It confirms that Petitioner's continued detention is not merely proceeding without adequate process, but without any functioning adjudicative process at all. When the decisionmaker who is supposed to determine whether detention is necessary cannot exercise authority to decide, the proceeding ceases to function as an adjudication. The Constitution does not permit detention to be sustained under such a regime.

7. This case also presents an independent constitutional violation: prolonged detention without a meaningful hearing. Petitioner has been detained for more than six months without any meaningful opportunity to challenge his confinement. Under binding Second Circuit precedent, such detention cannot be sustained. The absence of process, combined with the duration of detention, renders the constitutional violation complete.

8. Respondents may attempt to justify this regime by invoking administrative interpretations of the INA. That effort fails as a matter of law. The Supreme Court has made clear that courts must exercise independent judgment in interpreting statutes and may not defer to agency

interpretations that expand authority beyond statutory limits. Where physical liberty is at stake, judicial scrutiny is at its highest, and administrative convenience cannot displace statutory and constitutional safeguards.

9. Habeas corpus exists to prevent precisely this form of unlawful detention. Where the Executive asserts authority to detain while the mechanism through which that authority must be tested is unavailable in practice, judicial intervention is not optional. It is required.

10. Petitioner therefore seeks a writ of habeas corpus ordering his immediate release. In the alternative, Petitioner seeks an order directing Respondents to provide a prompt and constitutionally adequate custody hearing under 8 U.S.C. § 1226(a), before a neutral decisionmaker with actual authority to adjudicate custody, at which the Government bears the burden of justifying continued detention through individualized evidence.

JURISDICTION AND VENUE

11. This Court has jurisdiction pursuant to 28 U.S.C. § 2241 because Petitioner is in custody within this District and challenges the legal and constitutional authority for that custody.

12. Federal courts retain habeas jurisdiction to determine whether immigration detention exceeds statutory limits or violates constitutional protections. See *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

13. The writ of habeas corpus has long served as the principal mechanism through which courts ensure that executive detention remains within lawful bounds. That role is particularly critical where, as here, the Executive asserts detention authority while no meaningful administrative mechanism exists through which that detention may be reviewed.

14. Venue is proper in this District because Petitioner is detained at the Metropolitan Detention Center in Brooklyn, New York, and his immediate custodian exercises control over his confinement within this District.

PARTIES

15. Petitioner is a citizen of Guinea currently detained in civil immigration custody at the Metropolitan Detention Center in Brooklyn, New York.

16. Respondent Warden of the Metropolitan Detention Center is Petitioner's immediate custodian.

17. Respondent Field Office Director, ICE Enforcement and Removal Operations, New York City Field Office, is responsible for immigration detention decisions affecting Petitioner.

18. Respondent Todd M. Lyons is the Acting Director of U.S. Immigration and Customs Enforcement.

19. Respondent Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security.

20. Respondent Todd Blanche is the Acting Attorney General of the United States.

EXHAUSTION IS UNAVAILABLE AND FUTILE

21. Although courts sometimes require exhaustion of administrative remedies in habeas proceedings, that requirement is prudential rather than jurisdictional and does not apply where no meaningful administrative remedy exists or where resort to such remedies would be futile.

22. In the ordinary course, individuals detained under 8 U.S.C. § 1226(a) may seek a custody redetermination before an Immigration Judge. That process is not incidental to the statutory scheme; it is the mechanism through which detention is justified, limited, and corrected. It provides the forum in which the Government must demonstrate that continued detention is necessary and in which the detainee may contest that assertion.

23. In this case, that mechanism does not exist in any meaningful sense.

24. Petitioner sought a custody redetermination and appeared for a scheduled bond hearing. He did precisely what the statutory framework contemplates: he invoked the process through which his continued detention could be reviewed and potentially terminated.

25. That process never occurred.

26. At the hearing, the Immigration Judge stated that he lacked jurisdiction or authority to adjudicate custody under the circumstances presented. The hearing did not proceed. No testimony was taken, no evidence was received, and no findings were issued.

27. This was not an adverse decision reached after adjudication. It was the absence of adjudication altogether.

28. Under these circumstances, there is no administrative remedy to exhaust. Where the adjudicator charged with conducting custody determinations cannot exercise authority to act, the statutory process ceases to function. Requiring Petitioner to pursue additional administrative steps would not lead to review; it would merely prolong detention under a system in which review is unavailable in practice.

29. Exhaustion is therefore excused because it is both unavailable and futile.

FACTUAL AND PROCEDURAL BACKGROUND

A. Entry, Initial Detention, and Government Release

30. Petitioner is a 29-year-old citizen of Guinea who came to the United States seeking safety and protection. (Exh. A).

31. Upon entry, Petitioner was briefly detained by the Department of Homeland Security for processing. That detention was temporary and limited in duration. (Exh. A; Exh. B).

32. After evaluating Petitioner's circumstances, the Government made an affirmative determination to release him from custody.

33. That decision is legally significant. It reflects that the Government exercised discretionary detention authority and determined that continued detention was not necessary. It further demonstrates that Petitioner was not treated as subject to mandatory detention, but rather as an individual eligible for release under the statutory framework governing discretionary custody.

34. Following his release, Petitioner was permitted to reside in the United States while his immigration case proceeded.

B. Residence in the United States and Full Compliance

35. During the period following his release, Petitioner established a stable and law-abiding presence in the United States. (Exh. A).

36. He supported himself through lawful work and maintained a consistent routine. He did not engage in criminal conduct, did not violate any conditions of release, and did not attempt to evade immigration authorities.

37. Petitioner complied with all obligations imposed upon him. He appeared when required, maintained contact with authorities, and conducted himself in a manner consistent with continued release.

38. Petitioner has no criminal convictions and no history of violence. His conduct reflects precisely the type of case for which the discretionary detention framework under 8 U.S.C. § 1226(a) is designed.

C. Brief Arrest and Immediate Dismissal

39. At a later point, Petitioner was involved in a dispute with an acquaintance, who called the police.

40. As a result of that incident, Petitioner was arrested. (Exh. A).

41. The incident did not involve violence, injury, or any conduct resulting in criminal liability.

42. The case was dismissed the same day. (Exh. E).

43. Petitioner was not convicted of any offense, and no further criminal proceedings resulted from the incident.

44. This event did not alter Petitioner's legal posture in any meaningful way. It did not result in a finding of dangerousness, did not establish any risk to the community, and did not justify continued detention.

D. ICE Check-In and Re-Detention

45. Following the dismissal of the case, Petitioner received notice directing him to report to Immigration and Customs Enforcement. (Exh. C).

46. Petitioner complied fully with that instruction.

47. He appeared at the scheduled check-in as directed. (Exh. A).

48. At that check-in, without any intervening violation, new charge, or evidence of noncompliance, Petitioner was taken into custody. (Exh. D).

49. Petitioner has remained detained since October 1.

50. The circumstances of this re-detention are critical. Petitioner was not apprehended while evading authorities, nor was he engaged in unlawful conduct. He was detained only after complying with a direction to appear.

51. His detention was therefore not the result of flight risk, noncompliance, or dangerousness. It was the result of executive decision alone.

E. Attempted Bond Hearing and Immigration Judge's Statement That He Lacked Authority

52. After being placed in detention, Petitioner sought a custody redetermination in accordance with the procedures ordinarily available under the INA.

53. A bond hearing was scheduled before an Immigration Judge. (Exh. F).

54. Petitioner appeared for that hearing prepared to present his case.

55. At the hearing, however, the Immigration Judge stated that he lacked jurisdiction or authority to adjudicate custody under the circumstances presented. (Exh. G).

56. The hearing therefore did not proceed.

57. No evidence was taken. No testimony was heard. No arguments were considered. No findings were issued.

58. The adjudicative process that Congress contemplated was terminated before it began.

59. This event is central to the Petition. It demonstrates that the absence of process in Petitioner's case is not merely theoretical or procedural. It is structural.

60. Even when a hearing is scheduled, the adjudicator cannot exercise authority to decide.

61. The system therefore does not function as an adjudicative framework. It functions as detention without review.

F. Current Detention Without Any Adjudication

62. Petitioner is currently detained at the Metropolitan Detention Center in Brooklyn, New York.

63. He has now been confined for more than six months. (Exh. A; Exh. H).

64. During that entire period, he has not received a bond hearing, has not been afforded a custody redetermination, and has not been provided any opportunity to contest the necessity of his detention.

65. No Immigration Judge has evaluated whether he poses a risk of flight or danger to the community.

66. No neutral decisionmaker has assessed whether continued detention is warranted.

67. No evidentiary record exists through which such a determination could be made.

68. The absence of process is complete.

G. Government's Detention Theory

69. Upon information and belief, Respondents assert that Petitioner is detained pursuant to 8 U.S.C. § 1225(b)(2) as an "applicant for admission," and that, as a result, he is subject to mandatory detention without eligibility for bond.

70. That classification is inconsistent with the facts.

71. Petitioner was processed, released into the United States, resided in the interior, and was later re-detained only after complying with instructions to report.

72. He is not an individual seeking admission at a port of entry or undergoing inspection at the threshold of entry.

73. He is an individual already present in the United States and engaged in ongoing proceedings.

H. The Combined Statutory and Constitutional Defects Render Petitioner's Detention Unlawful.

74. The facts of this case reveal a convergence of multiple legal defects.

75. First, Petitioner is detained under a statutory provision that does not apply to his circumstances.

76. Second, the administrative mechanism through which detention would ordinarily be reviewed is unavailable in practice.

77. Third, Petitioner has been deprived of liberty without any opportunity to be heard before a neutral decisionmaker with authority to adjudicate custody.

78. Fourth, his detention has become prolonged without any procedural safeguards.

79. Each of these defects independently renders his detention unlawful. Together, they establish a system of detention that cannot be reconciled with either the INA or the Constitution.

THE INA ESTABLISHES DISTINCT DETENTION REGIMES

80. The Immigration and Nationality Act establishes distinct statutory frameworks governing the detention of noncitizens, and those frameworks reflect Congress's deliberate allocation of authority and procedural protections.

81. Section 1225(b) governs individuals who are arriving at the threshold of entry into the United States and are undergoing inspection to determine admissibility. Under that provision, certain categories of individuals may be subject to mandatory detention during the inspection process.

82. By contrast, 8 U.S.C. § 1226(a) governs the detention of noncitizens who are already present in the United States and are placed in removal proceedings. That provision authorizes discretionary detention and expressly contemplates individualized custody determinations, including the possibility of release on bond or conditions.

83. The distinction between these two provisions is not merely formal. It reflects Congress's recognition that individuals who have entered the United States and are subject to ongoing proceedings stand in a materially different posture from those who are seeking admission at the border.

84. Courts have consistently emphasized that § 1226(a) requires individualized assessment of whether detention is necessary to ensure appearance at proceedings or to protect the community. That requirement serves as a critical safeguard against arbitrary detention.

85. The statutory structure therefore makes clear that detention authority is not boundless. It is conditioned on both the proper classification of the individual and the availability of procedures through which detention may be reviewed.

PETITIONER'S DETENTION FALLS UNDER § 1226(a)

86. The undisputed facts establish that Petitioner falls within the scope of § 1226(a), not § 1225(b).

87. Petitioner was processed by immigration authorities and affirmatively released into the United States. That release reflects the exercise of discretionary authority and confirms that he was not subject to mandatory detention at that time.

88. Following his release, Petitioner resided in the United States, complied with all obligations, and did not attempt to evade immigration authorities.

89. His subsequent re-detention occurred only after he complied with a direction to report to ICE.

90. Under these circumstances, Petitioner cannot reasonably be characterized as an individual seeking admission at the border or undergoing inspection within the meaning of § 1225(b).

91. Rather, he is an individual already present in the United States and engaged in removal proceedings. His detention is therefore governed by § 1226(a).

92. As a result, he is entitled to the procedural protections associated with that provision, including the right to seek a custody redetermination before an Immigration Judge.

**THE STATUTORY SCHEME PRESUPPOSES A FUNCTIONING
ADJUDICATIVE PROCESS**

93. The detention authority conferred by § 1226(a) does not operate in isolation. It is embedded within a regulatory and adjudicative framework designed to ensure that detention is justified and limited.

94. Under that framework, Immigration Judges are empowered to conduct custody redetermination hearings and to assess whether continued detention is necessary based on individualized factors.

95. This adjudicative process is not discretionary in the sense that it may be withheld at will. It is an integral component of the statutory scheme, providing the mechanism through which detention is reviewed and constrained.

96. Without that process, detention under § 1226(a) loses its statutory foundation. The authority to detain is conditioned on the availability of a meaningful opportunity for review.

97. Where that opportunity is unavailable in practice, detention ceases to be authorized by statute.

ADMINISTRATIVE INTERPRETATION CANNOT EXPAND DETENTION AUTHORITY

98. Respondents may attempt to justify Petitioner's detention by invoking administrative interpretations of the INA that classify him as subject to § 1225(b) or otherwise deny access to custody adjudication.

99. That effort fails as a matter of law.

100. In *Loper Bright Enterprises v. Raimondo*, 603 U.S. ___, 144 S. Ct. 2244 (2024), the Supreme Court held that courts must exercise independent judgment in interpreting statutes and may not defer to agency interpretations that expand regulatory authority beyond what Congress has authorized.

101. The Court rejected the notion that ambiguity in a statute permits agencies to assume expanded power, emphasizing that it is the judiciary's role, not the agency's, to determine the meaning of the law.

102. This principle has particular force in cases involving physical liberty. Where the Government seeks to detain an individual, courts must ensure that detention is grounded in clear statutory authority and accompanied by the safeguards that Congress and the Constitution require.

103. Respondents' interpretation of the INA would effectively rewrite the statutory scheme. It would allow the Government to treat individuals who have been released into the United States as if they were still at the threshold of entry, subject them to mandatory detention, and deny them access to custody adjudication.

104. Such an interpretation would expand detention authority beyond statutory limits, eliminate procedural protections, and authorize prolonged detention without review.

105. Under *Loper Bright*, that interpretation is not entitled to deference and must be rejected.

PROLONGED DETENTION REQUIRES HEIGHTENED PROCEDURAL PROTECTIONS

106. Independent of the statutory analysis, the Constitution imposes limits on the duration and conditions of civil immigration detention.

107. The Supreme Court has made clear that civil detention is permissible only so long as it remains reasonably related to its regulatory purposes and is accompanied by adequate procedural safeguards. See *Zadvydas*, 533 U.S. at 690-91.

108. As detention becomes prolonged, the need for procedural protections becomes more acute. The absence of such protections raises serious constitutional concerns.

109. The Second Circuit has addressed this issue directly. In *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020), the court held that prolonged detention without a meaningful bond hearing violates due process and requires that the Government justify continued confinement through individualized evidence.

110. The court emphasized that civil detention cannot be sustained where the individual has been confined for an extended period without a meaningful opportunity to challenge the necessity of detention.

111. Petitioner's detention has now exceeded six months without any custody determination.

112. Courts within this Circuit have consistently recognized that detention of this duration, absent a bond hearing, raises serious constitutional concerns. See also *Lora v. Shanahan*, 804 F.3d 601 (2d Cir. 2015), vacated on other grounds, 138 S. Ct. 1260 (2018); *Sajous v. Decker*, No. 18-CV-2447 (AJN), 2018 WL 2357266 (S.D.N.Y. May 23, 2018); *Hechavarria v. Sessions*, 891 F.3d 49 (2d Cir. 2018).

113. Under any of these standards, Petitioner's detention is unconstitutional.

114. This case presents a more severe form of prolonged detention than the typical prolonged-detention case. The issue is not merely that a hearing has been delayed. It is that no hearing has occurred at which a decisionmaker exercised authority to adjudicate custody.

115. Even if the Court were to accept Respondents' statutory position in full, Petitioner's detention cannot be sustained on this independent ground alone. Under binding Second Circuit precedent, prolonged detention without a meaningful hearing violates due process. Because Petitioner has received no hearing at all before a decisionmaker with authority to adjudicate custody, relief is required regardless of how the statutory question is resolved.

THE FIFTH AMENDMENT REQUIRES A MEANINGFUL OPPORTUNITY TO BE HEARD

116. The Fifth Amendment guarantees that no person shall be deprived of liberty without due process of law.

117. That guarantee applies fully in the context of civil immigration detention.

118. At its core, due process requires a meaningful opportunity to be heard before a neutral decisionmaker.

119. This requirement is not satisfied by the mere existence of procedures in theory. It requires a functioning adjudicative mechanism in practice.

120. This is not a case of delayed or inadequate process. It is a case in which no adjudicative process has occurred. The only attempted custody proceeding was terminated before any evidence was taken or any determination made.

121. Where detention proceeds in the absence of any meaningful opportunity to be heard before a decisionmaker with authority to adjudicate custody, the constitutional violation is complete.

122. The issue presented here is not merely procedural, but structural. Where an Immigration Judge states that he lacks authority to adjudicate custody, the mechanism through which detention is ordinarily reviewed is unavailable in practice. Under such circumstances, detention proceeds without the separation between enforcement and adjudication that the statutory and constitutional framework presumes.

HABEAS CORPUS IS THE APPROPRIATE AND NECESSARY REMEDY

123. Habeas corpus has long served as the principal safeguard against unlawful executive detention.

124. Its purpose is to ensure that detention remains within the bounds of statutory authority and constitutional limitation.

125. Where, as here, detention proceeds without statutory authorization, without adjudication, and without due process, habeas relief is not merely appropriate. It is required.

126. No alternative remedy exists through which Petitioner may obtain review of his continued detention.

CLAIMS FOR RELIEF

COUNT I

Detention in Excess of Statutory Authority (8 U.S.C. §§ 1225(b)(2) and 1226(a))

127. Petitioner repeats and incorporates by reference all preceding paragraphs as though fully set forth herein.

128. Respondents purport to detain Petitioner pursuant to 8 U.S.C. § 1225(b)(2), asserting that he is an "applicant for admission" subject to mandatory detention without eligibility for release.

129. That classification cannot be reconciled with either the statutory framework enacted by Congress or the undisputed facts of this case.

130. Section 1225(b) governs individuals at the threshold of entry into the United States who are undergoing inspection to determine admissibility. It applies in the limited context of initial entry and inspection, where the Government has not yet made a determination to admit or release the individual into the country.

131. Petitioner is not in that posture. He was processed by immigration authorities and affirmatively released into the United States. He thereafter resided in the interior for a substantial period of time, complied with all obligations imposed upon him, and was later re-detained only after appearing for a scheduled check-in with immigration authorities.

132. These facts place Petitioner squarely within the scope of 8 U.S.C. § 1226(a), which governs detention pending removal proceedings for individuals already present in the United States.

133. Section 1226(a) does not authorize mandatory detention without review. To the contrary, it presupposes individualized custody determinations and provides for the possibility of release on bond or conditions.

134. By invoking § 1225(b)(2) in lieu of § 1226(a), Respondents have eliminated the procedural protections that Congress required and have subjected Petitioner to a form of detention that exceeds statutory authority.

135. This is not merely a question of statutory interpretation. It is a question of whether the Executive may expand its detention authority beyond the limits imposed by Congress. The answer is no.

136. Because Respondents lack statutory authority to detain Petitioner under § 1225(b)(2), his continued detention is unlawful.

COUNT II

Ultra Vires Detention Through Absence of Any Adjudicative Mechanism

137. Petitioner repeats and incorporates all preceding paragraphs.

138. Even where detention is authorized under § 1226(a), the statutory scheme presupposes the existence of a functioning adjudicative mechanism through which the necessity of detention may be evaluated.

139. That mechanism is unavailable in practice.

140. Petitioner invoked the statutory process by requesting a custody redetermination and appearing for a scheduled bond hearing. Rather than adjudicating that request, the Immigration Judge stated that he lacked jurisdiction or authority to proceed.

141. The hearing did not occur. No evidence was taken, no testimony was heard, and no findings were issued.

142. This episode demonstrates that the adjudicative mechanism required by the INA does not function in practice. Even when a hearing is scheduled, no decisionmaker with authority to adjudicate custody is available.

143. Detention under these circumstances exceeds statutory authority. The INA does not authorize a system in which individuals may be confined while the process designed to justify that confinement is unavailable in practice.

144. Respondents' continued detention of Petitioner is therefore ultra vires and unlawful.

COUNT III

Violation of Procedural Due Process (Fifth Amendment)

145. Petitioner repeats and incorporates all preceding paragraphs.

146. The Fifth Amendment prohibits the deprivation of liberty without due process of law. Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause.

147. Procedural due process requires that the Government provide a meaningful opportunity to be heard before a neutral decisionmaker when it seeks to deprive an individual of liberty.

148. This requirement is not satisfied by the existence of procedures in theory. It requires a functioning adjudicative mechanism in practice - one in which evidence may be presented, arguments considered, and a determination rendered by a decisionmaker with authority to decide.

149. In this case, no such process exists.

150. Petitioner has been detained for more than six months without a bond hearing, without a custody determination, and without any forum in which to challenge the necessity of his detention.

151. The only attempted custody proceeding was terminated when the Immigration Judge stated that he lacked jurisdiction or authority to adjudicate custody.

152. This is not a case of inadequate or delayed process. It is a case of no process.

153. No evidence has been taken. No testimony has been heard. No findings have been made. No neutral decisionmaker has exercised judgment.

154. The absence of any functioning adjudicative mechanism creates an intolerable risk of erroneous deprivation of liberty.

155. Under these circumstances, Petitioner's continued detention violates procedural due process.

COUNT IV
Violation of Substantive Due Process (Fifth Amendment)

156. Petitioner repeats and incorporates all preceding paragraphs.
157. Substantive due process prohibits civil detention that is arbitrary or not reasonably related to a legitimate governmental purpose.
158. In the immigration context, permissible purposes of detention include ensuring appearance at proceedings and protecting the community.
159. Those purposes cannot be presumed. They must be established through individualized findings.
160. In this case, no such findings exist.
161. No adjudicator has determined that Petitioner poses a risk of flight or a danger to the community. No evidence has been evaluated, and no conclusions have been reached.
162. Detention without individualized justification is arbitrary and constitutionally impermissible.

COUNT V
Violation of the Administrative Procedure Act (5 U.S.C. § 706(2)(A))

163. Petitioner repeats and incorporates all preceding paragraphs.
164. The Administrative Procedure Act prohibits agency action that is arbitrary, capricious, or not in accordance with law.
165. Respondents' detention of Petitioner is based on an interpretation of the INA that contradicts its text and structure, eliminates required procedural safeguards, and results in detention without adjudication.
166. Such action is unlawful under the APA.

COUNT VI
Violation of the Fourth Amendment

167. Petitioner repeats and incorporates all preceding paragraphs.
168. The Fourth Amendment protects against unreasonable seizures, including prolonged detention without adequate justification.
169. Petitioner's continued detention without individualized findings, without adjudication, and without opportunity for meaningful review constitutes an unreasonable seizure.

ARGUMENT

A. This Case Presents Not Merely a Lack of Process, but the Absence of Any Adjudicative Mechanism Through Which Detention May Be Meaningfully Tested

170. This case presents not merely a lack of process, but the absence of any adjudicative mechanism through which the legality of detention may be meaningfully tested.

171. Petitioner appeared for a scheduled custody hearing before an Immigration Judge, the mechanism through which detention must ordinarily be justified.

172. At that hearing, the Immigration Judge stated that he lacked jurisdiction or authority to adjudicate custody under the circumstances presented.

173. The hearing did not proceed, and no adjudication occurred.

174. When no decisionmaker with authority to adjudicate custody is available in practice, detention proceeds without the mechanism through which it must be tested.

175. The Constitution and the statute do not tolerate such a result.

B. Prolonged Detention Without a Meaningful Opportunity to Be Heard Violates Binding Second Circuit Precedent

176. Petitioner has now been detained for more than six months without a custody determination.

177. Under binding Second Circuit precedent, prolonged detention without a meaningful opportunity to be heard violates due process.

178. *Velasco Lopez* makes clear that continued civil immigration detention cannot be sustained where the detainee has been held for an extended period without a meaningful hearing at which the Government must justify confinement.

179. Here, no hearing has occurred at which a decisionmaker exercised authority to adjudicate custody.

180. This case therefore presents a more severe defect than those typically addressed in prolonged-detention cases.

181. Relief is required on this ground alone.

182. Even if the Court were to accept Respondents' statutory position in full, Petitioner's detention cannot be sustained on this independent ground alone. Under binding Second Circuit precedent, prolonged detention without a meaningful hearing violates due process. Because Petitioner has received no hearing at all before a decisionmaker with authority to adjudicate custody, relief is required regardless of how the statutory question is resolved.

C. The Mathews Framework Confirms the Procedural Due Process Violation

183. Under *Mathews v. Eldridge*, due process requires balancing the private interest at stake, the risk of erroneous deprivation, and the Government's interest.

184. Each factor weighs decisively in Petitioner's favor.

185. Petitioner's liberty interest is fundamental. He has been physically confined for more than six months in civil detention.

186. The risk of erroneous deprivation is extreme where no adjudicative process exists. The only attempted custody proceeding was terminated before any evidence was taken or any determination made.

187. The Government's interest does not justify detention without process. Whatever interest the Government may have in ensuring appearance or protecting the community can be addressed through the individualized hearing that the statute and Constitution require.

188. The conclusion is unavoidable: procedural due process has been violated.

D. The Defect Is Structural as Well as Procedural

189. The issue presented here is not merely procedural, but structural.

190. Where an Immigration Judge states that he lacks authority to adjudicate custody, the mechanism through which detention is ordinarily reviewed is unavailable in practice.

191. Under such circumstances, detention proceeds without the separation between enforcement and adjudication that the statutory and constitutional framework presumes.

192. The Court need not characterize the cause of that unavailability more broadly than the record permits. It is enough that the adjudicative mechanism required to test detention was unavailable in practice when Petitioner invoked it.

E. This Case Does Not Require the Court to Resolve Complex Questions Beyond the Settled Principle That Detention Without a Real Hearing Is Unlawful

193. This case does not require the Court to resolve complex questions of immigration policy or to adopt an expansive interpretation of constitutional doctrine.

194. It requires only the application of a settled principle: the Government may not detain an individual for a prolonged period without providing a real opportunity to be heard before a neutral decisionmaker with authority to adjudicate custody.

195. Where, as here, no such opportunity exists, the detention is unlawful as a matter of law.

F. Immediate Release Is the Appropriate Remedy

196. Immediate release is warranted because Petitioner's detention is unlawful on multiple independent grounds, any one of which is sufficient to require relief.

197. The constitutional violation in this case is complete and ongoing.

198. In the alternative, if the Court does not order immediate release, any ordered hearing must occur before a neutral decisionmaker with actual authority to adjudicate custody and must require the Government to justify detention through individualized evidence.

TEMPORARY RESTRAINING ORDER

199. Petitioner seeks a Temporary Restraining Order pursuant to Federal Rule of Civil Procedure 65 prohibiting Respondents from transferring him outside the Eastern District of New York pending resolution of this Petition.

200. Such relief is necessary to preserve this Court's jurisdiction and to ensure that Petitioner retains meaningful access to counsel and to the judicial process.

201. Absent a Temporary Restraining Order, Respondents retain the authority to transfer Petitioner to a facility outside this District at any time. Such a transfer would significantly impair Petitioner's ability to communicate with counsel, prepare filings, and participate meaningfully in these proceedings.

202. Courts have repeatedly recognized that transfer of a habeas petitioner during the pendency of proceedings may frustrate judicial review and undermine the effectiveness of habeas relief.

203. Petitioner satisfies the requirements for temporary injunctive relief.

204. First, Petitioner is likely to succeed on the merits for the reasons set forth above. His detention exceeds statutory authority, proceeds without any functioning adjudicative mechanism, violates procedural due process, and constitutes prolonged detention without a meaningful hearing under binding Second Circuit precedent.

205. Second, Petitioner is suffering irreparable harm. The loss of physical liberty, even for minimal periods of time, constitutes irreparable injury. Here, Petitioner has been detained for months without process, and each additional day of confinement compounds that harm.

206. Third, the balance of equities favors Petitioner. He seeks only release from unlawful detention or, at minimum, access to the adjudicative process required by law. Respondents, by contrast, have no legitimate interest in maintaining detention that is unlawful or constitutionally defective.

207. Fourth, the public interest is served by ensuring that executive detention complies with statutory and constitutional limits.

208. A Temporary Restraining Order is therefore warranted.

PRAAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

209. Issue a writ of habeas corpus pursuant to 28 U.S.C. § 2241;

210. Order Petitioner's immediate release from custody;

211. In the alternative, order Respondents to provide a prompt custody hearing before a neutral decisionmaker with actual authority to adjudicate custody, at which the Government bears the burden of justifying continued detention through individualized evidence;

212. Declare that Petitioner's continued detention violates the Immigration and Nationality Act and the Constitution of the United States;

213. Issue a Temporary Restraining Order prohibiting Respondents from transferring Petitioner outside the Eastern District of New York pending resolution of this Petition;

214. Grant expedited consideration of this Petition;

215. Award costs and reasonable attorneys' fees pursuant to applicable law; and

216. Grant such other and further relief as the Court deems just and proper.

Dated: May 1, 2026
Brooklyn, New York

Respectfully submitted,



Mamadou Saidou Diallo
Petitioner

EXHIBIT LIST

Exhibit A: Declaration
Exhibit B: Notice to Appear
Exhibit C: ICE Call-In
Exhibit D: Re-Detention Documentation (October 1, 2025)
Exhibit E: Criminal Case Dismissal
Exhibit F: Bond Hearing Notice
Exhibit G: Bond Denial
Exhibit H: ICE Custody Records/Location

28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Mamadou Saidou Diallo, am the Petitioner in the above-captioned action; that the foregoing Petition was read to me in a language that I understand, and that I understand its contents. The facts stated in the Petition are true and correct to the best of my knowledge, information, and belief.



Mamadou Saidou Diallo
Petitioner

Dated: May 1, 2026
Brooklyn, New York

28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Mamadou Saidou Diallo, am the Petitioner in the above-captioned action; that the foregoing Petition was read to me in a language that I understand, and that I understand its contents. The facts stated in the Petition are true and correct to the best of my knowledge, information, and belief.



Mamadou Saidou Diallo
Petitioner

Dated: May 1, 2026
Brooklyn, New York

DECLARATION OF MAMADOU SAIDOU DIALLO

This affidavit was drafted by my immigration attorney, who took my statement in Puular, a language we both speak. Everything I state here is true and accurate to the best of my recollection.

1. My name is Mamadou Saidou Diallo. I am 29 years old and from Guinea. I came to the United States in October 2023 because I feared for my life in Guinea. I was detained for a short time and then released.
2. On September 8, I was arrested after an argument with someone I knew. It was a verbal dispute. No one was hurt, and there was no violence. The case was dismissed the same day, and I was not convicted of any crime.
3. After that, I received a notice to check in with ICE. I went to the check-in as instructed. I did not try to avoid the appointment.
4. At the check-in, I was told that I would be detained. I was taken into ICE custody on October 1, and I have remained detained since then.
5. I was scheduled for a bond hearing and appeared for it with my attorney. At the hearing, the judge said he could not decide my case. The hearing did not happen.
6. I have now been detained for more than six months without any decision. I am not a dangerous person.
7. Before my detention, I was working and supporting myself through food-delivery work. I have always tried to live a quiet life, respect others, and follow the law. Aside from the dismissed matter, I have never been in trouble before.
8. If I am released, I will follow all rules and attend all court dates. I have no reason to run.
9. I declare under penalty of perjury that the foregoing is true and correct.



Mamadou Saidou Diallo
Petitioner

Date: April 12, 2026

The Metropolitan Detention Center, Brooklyn, New York.

28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Mamadou Saidou Diallo, am the Petitioner in the above-captioned action; that the foregoing Petition was read to me in a language that I understand, and that I understand its contents. The facts stated in the Petition are true and correct to the best of my knowledge, information, and belief.



Mamadou Saidou Diallo
Petitioner

Dated: May 1, 2026
Brooklyn, New York

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

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

Subject ID: [REDACTED]

FINS #: [REDACTED]

DOB: [REDACTED]

File No: [REDACTED]

Event No: [REDACTED]

In the Matter of:

MAMADOU SAIDOU DIALLO

Respondent:

currently residing at:

[REDACTED]
(Number, street, city, state and ZIP code)

[REDACTED]
(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 OTAY MESA, CA , on or about October 22, 2023 ;
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:

26 FEDERAL PLZ, 12TH FL RM1237 NEW YORK NY 10278

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

on July 03, 2024 at 08:30 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

(Signature and Title of Issuing Officer) (Sign in Ink)

GARY M RICHARDSON
Date: 2023.10.23 10:07:00
0170252976.CB

Date: October 23, 2023

Murrieta, California

(City and State)

Uploaded on: 11/08/2023 at 12:38:42 PM (Eastern Standard Time) Base City: NYC

Notice to Respondent**Warning:** Any statement you make may be used against you in removal proceedings.**Allen 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. 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 124.1.1 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) (Sign in ink)

Date: _____

(Signature and Title of Immigration Officer) (Sign in ink)

Certificate of ServiceThis Notice To Appear was served on the respondent by me on October 23, 2023, 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 FRENCH 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) (Sign in ink)

BENJAMIN W METZ, BORDER PATROL

(Signature and Title of officer) (Sign in ink)

BENJAMIN W METZ
Date: 2023.10.23 10:47-07:00
CBP/EO

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/oeo/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.

28 U.S.C. § 2242 VERIFICATION STATEMENT

I, Mamadou Saidou Diallo, am the Petitioner in the above-captioned action; that the foregoing Petition was read to me in a language that I understand, and that I understand its contents. The facts stated in the Petition are true and correct to the best of my knowledge, information, and belief.



Mamadou Saidou Diallo
Petitioner

Dated: May 1, 2026
Brooklyn, New York

Exhibit D

Re-Detention (October 1, 2025)

Department of Homeland Security
US Immigration and Customs Enforcement

Notice to EOIR: Alien Address

Date: October 24, 2025

To: Office of the Immigration Judge, EOIR
201 Varick Street Room 507
New York, NY 10014

From: ICE ERO
201 Varick Street, Rm. 1219
New York, NY 10014

Respondent: Diallo, Mamadou Saidou

A 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 ICE (Form I-247) has been filed with the institution shown below. He/she is incarcerated at:

His/her anticipated release date is.

☐ Detained by ICE on:

☒ Detained by ICE and transferred on 10/24/2025 to: MDC Brooklyn
80 29th St
Brooklyn, NY 11232

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

Upon release from ICE custody, the respondent reported his/her address and telephone number would be:

☐ 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: So, Deportation Officer

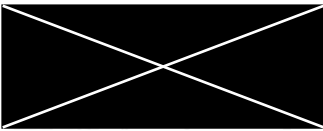
Exhibit E

Criminal Case Dismissal

Exhibit F

Bond Hearing Notice

IMMIGRATION COURT
80 29TH STREET
BROOKLYN, NY 11232



FILE: 

RE: DIALLO, MAMADOU SAIDOU

NOTICE OF CUSTODY REDETERMINATION HEARING IN IMMIGRATION PROCEEDINGS

PLEASE TAKE NOTE THAT THE ABOVE CAPTIONED CASE HAS BEEN
SCHEDULED/RESCHEDULED FOR A CUSTODY REDETERMINATION HEARING BEFORE THE
IMMIGRATION COURT ON Jan 14, 2026 AT 1:00 P.M. AT THE FOLLOWING ADDRESS:

80 29TH STREET
BROOKLYN, NY 11232

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 AN IMMIGRATION COURT. IF YOU WISH TO BE REPRESENTED, YOUR ATTORNEY
OR REPRESENTATIVE SHOULD APPEAR WITH YOU AT THIS HEARING.

**Two (2) business day callup for all documents – please adhere to the Immigration
Court Practice Manual (if it says “should”, “could”, etc., it means MUST) – all witnesses
and attorneys must be present in court at 201 Varick Street, New York, NY 10014,
Courtroom C on the 11th floor.**

CERTIFICATION OF SERVICE

THIS DOCUMENT WAS SERVED BY: MAIL ☐ PERSONAL SERVICE ☐ ELECTRONIC SERVICE ☐
TO: ☐ ALIEN ☐ ALIEN c/o Custodial Officer ☐ ALIEN's ATT/REP ☐ DHS
DATE: 1/8/26 BY: COURT STAFF VKEELEY
Attachments: ☐ EOIR-33 ☐ EOIR-28 ☐ Legal Services List ☐ Other

Exhibit G

Bond Order



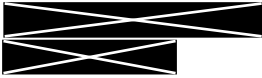
**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
NEW YORK - VARICK IMMIGRATION COURT**

Respondent Name:

DIALLO, MAMADOU SAIDOU

To:

Diallo, Alpha Amadou



A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/14/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

- ☐ Granted. It is ordered that Respondent be:
- ☐ released from custody on his own recognizance.
 - ☐ released from custody under bond of \$
 - ☐ other:

☒ Other:
Withdrawn without prejudice.



Exhibit G

Bond Order

Exhibit G

Bond Order

4/13/26, 7:26 PM

search

 Official Website of the Department of Homeland Security



Report Cri

Main Menu

Search Results: 1

MAMADOU SAIDOU DIALLO

Country of Birth : Guinea

A-Number: 

Status : In ICE Custody

State: NY

Current Detention Facility: BROOKLYN MDC

** Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

Related Information

Helpful Info

[Status of a Case](#)

[About the Detainee Locator](#)

[Brochure](#)

[ICE ERO Field Offices](#)

[ICE Detention Facilities](#)

[Privacy Notice](#)

External Links

JS 44 (Rev. 03/24)

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

Diallo, Mamadou Saidou

(b) County of Residence of First Listed Plaintiff Kings County (Brooklyn)
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTSWarden of Metropolitan Detention Center (MDC); New York
Field Office Director; TODD M. LYONS, Acting Director, County of Residence of First Listed Defendant Brooklyn
(IN U.S. PLAINTIFF CASES ONLY)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 ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 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 | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | ☐ 1 | ☐ 1 | Incorporated or Principal Place of Business in This State | ☐ 4 | ☐ 4 |
| Citizen of Another State | ☐ 2 | ☐ 2 | Incorporated and Principal Place of Business in Another State | ☐ 5 | ☐ 5 |
| Citizen or Subject of a Foreign Country | ☐ 3 | ☐ 3 | Foreign Nation | ☐ 6 | ☐ 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
☐ 110 Insurance ☐ 120 Marine ☐ 130 Miller Act ☐ 140 Negotiable Instrument ☐ 150 Recovery of Overpayment & Enforcement of Judgment ☐ 151 Medicare Act ☐ 152 Recovery of Defaulted Student Loans (Excludes Veterans) ☐ 153 Recovery of Overpayment of Veteran's Benefits ☐ 160 Stockholders' Suits ☐ 190 Other Contract ☐ 195 Contract Product Liability ☐ 196 Franchise	PERSONAL INJURY ☐ 310 Airplane ☐ 315 Airplane Product Liability ☐ 320 Assault, Libel & Slander ☐ 330 Federal Employers' Liability ☐ 340 Marine ☐ 345 Marine Product Liability ☐ 350 Motor Vehicle ☐ 355 Motor Vehicle Product Liability ☐ 360 Other Personal Injury ☐ 362 Personal Injury - Medical Malpractice	PERSONAL INJURY ☐ 365 Personal Injury - Product Liability ☐ 367 Health Care/Pharmaceutical Personal Injury Product Liability ☐ 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY ☐ 370 Other Fraud ☐ 371 Truth in Lending ☐ 380 Other Personal Property Damage ☐ 385 Property Damage Product Liability	☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 690 Other LABOR ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Management Relations ☐ 740 Railway Labor Act ☐ 751 Family and Medical Leave Act ☐ 790 Other Labor Litigation ☐ 791 Employee Retirement Income Security Act	☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS ☐ 820 Copyrights ☐ 830 Patent ☐ 835 Patent - Abbreviated New Drug Application ☐ 840 Trademark ☐ 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSII Title XVI ☐ 865 RSI (405(g)) FEDERAL TAXES ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609	☐ 375 False Claims Act ☐ 376 Qui Tam (31 USC 3729(a)) ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit (15 USC 1681 or 1692) ☐ 485 Telephone Consumer Protection Act ☐ 490 Cable/Sat TV ☐ 850 Securities/Commodities/Exchange ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 893 Environmental Matters ☐ 895 Freedom of Information Act ☐ 896 Arbitration ☐ 899 Administrative Procedure Act/Review or Appeal of Agency Decision ☐ 950 Constitutionality of State Statutes
REAL PROPERTY ☐ 210 Land Condemnation ☐ 220 Foreclosure ☐ 230 Rent Lease & Ejectment ☐ 240 Torts to Land ☐ 245 Tort Product Liability ☐ 290 All Other Real Property	CIVIL RIGHTS ☐ 440 Other Civil Rights ☐ 441 Voting ☐ 442 Employment ☐ 443 Housing/Accommodations ☐ 445 Amer. w/Disabilities - Employment ☐ 446 Amer. w/Disabilities - Other ☐ 448 Education	PRISONER PETITIONS Habeas Corpus: ☐ 463 Alien Detainee ☐ 510 Motions to Vacate Sentence ☒ 530 General ☐ 535 Death Penalty Other: ☐ 540 Mandamus & Other ☐ 550 Civil Rights ☐ 555 Prison Conditions ☐ 560 Civil Detainee - Conditions of Confinement			

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 ACTIONCite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. § 2241Brief description of cause:
Challenging the legality of detention by U.S. Immigration and Customs Enforcement (ICE)**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

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____