

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

**SHOLA ADEDIJI,**

**Petitioner,**

**V.**

**CRAIG LOWE**, *in his official capacity as  
Warden of Pike County Correctional Center,*

**Respondent.**

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# PETITION FOR A WRIT OF HABEAS CORPUS

**Civil Action No.**

## INTRODUCTION

1. Shola Adediji (“Petitioner”), a 42-year-old citizen of Nigeria who has lived in the United States as a lawful permanent resident for over eight years, has been detained in Immigration and Customs Enforcement (“ICE”) custody for over a year without receiving a bond hearing, all while separated from his four-year-old U.S. citizen daughter. Mr. Adediji petitions for a writ of habeas corpus under 28 U.S.C. § 2241 to remedy his unreasonably prolonged mandatory detention by Respondent at Pike County Correctional Facility (“Pike”), which violates his rights under the Due Process Clause of the Fifth Amendment to the United States Constitution.

2. In or about January 2024, ICE charged Mr. Adediji as removable under 8 U.S.C. § 1227(a)(2)(A)(iii) and, since July 12, 2024, has civilly detained him for the duration of his removal proceeding under 8 U.S.C. § 1226(c). Mr. Adediji admitted his removability based on a conviction under the federal wire fraud conspiracy statute, an aggravated felony under 8 U.S.C. § 1101(a)(43)(M). Mr. Adediji applied for withholding and deferral of removal under 8 U.S.C. § 241(b)(3) and the United Nations Convention Against Torture (“CAT”) based on his legitimate fear of being harmed, tortured, or killed if he returned to Nigeria.

3. On September 24, 2024, the Immigration Judge granted Mr. Adediji's application for deferral of removal under the CAT, finding that the record established that it is more likely than not that he will be tortured if removed to Nigeria and that his torture would be with the acquiescence of the Nigerian government. On February 13, 2025, the Board of Immigration Appeals ("BIA") vacated the Immigration Judge's decision and remanded Mr. Adediji's case for additional findings. The Immigration Judge assigned to Mr. Adediji's case thereafter left the bench. Several months passed before a new Immigration Judge was assigned to adjudicate Mr. Adediji's remanded CAT application. Through no fault of his own, Mr. Adediji's immigration case and CAT application sat in administrative limbo.

4. Mr. Adediji's year-long detention without a bond hearing violates his due process rights. *See German Santos v. Warden Pike Cty. Corr. Facility*, 965 F.3d 203 (3d Cir. 2020). His claims are substantially similar to other Pike petitioners to whom courts in this circuit have granted habeas relief. *See, e.g., White v. Warden Pike Cnty. Corr. Facility*, 2024 WL 4164269, at \*2 (3d Cir. Sept. 12, 2024); *Shonhai v. Lowe*, No. 3:24-cv-2292025, WL 510975, at \*3 (M.D. Pa. Feb. 14, 2025); *Davydov v. Doll*, No. 1:19-cv-2110, 2020 WL 969618, at \*8 (M.D. Pa. Feb. 28, 2020).

5. To remedy his unlawful detention, Mr. Adediji requests that this Court order a prompt bond hearing, before this Court or before an Immigration Judge, at which ICE bears the burden to show, by clear and convincing evidence, that Mr. Adediji is a flight risk or a danger to the community, and at which this Court or an Immigration Judge will consider Mr. Adediji's ability to pay bond and alternatives to detention, such as conditional release.

#### **JURISDICTION AND VENUE**

6. This case arises under the United States Constitution. This Court has subject matter jurisdiction under Article I, § 9, clause 2 of the United States Constitution, 28 U.S.C. § 2241, and 28 U.S.C. § 1331.

7. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness of their detention. *See German Santos*, 965 F.3d at 208; *see also Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Administrative exhaustion is unnecessary as it would be futile.

8. Venue is proper in this district and division pursuant to 28 U.S.C. § 2241(c)(3), 28 U.S.C. § 1391(b)(2), and 28 U.S.C. § 1391(e)(1) because Petitioner is detained at Pike, which is located in the Middle District of Pennsylvania.

### **PARTIES**

9. Petitioner Shola Adediji is a native and citizen of Nigeria who has been in ICE custody since July 12, 2024. He is currently detained at Pike in Hawley, Pennsylvania.

10. Respondent Craig A. Lowe is the Warden of Pike. In his capacity as Warden, he oversees the administration and management of Pike, which contracts with ICE to detain non-citizens alongside inmates serving criminal sentences. Though Mr. Lowe does not have the legal authority to release Mr. Adediji without ICE's permission, this Court has routinely deemed the Warden of Pike to be the immediate custodian of non-citizen habeas petitioners detained at Pike and the sole proper respondent under Third Circuit precedent. *See Yi v. Maugans*, 24 F.3d 500, 507 (3rd Cir. 1994). Respondent Lowe is sued in his official capacity.

### **STATEMENT OF FACTS**

#### **Mr. Adediji's Background and Immigration Proceedings**

11. Mr. Adediji was born and grew up in Nigeria. *See Exhibit A*, Declaration of Shola Adediji, ¶ 1 [hereinafter "Adediji Decl."]. He arrived in the U.S. on July 3, 2017, on a K-1 category nonimmigrant visa (commonly known as a fiancé(e) visa). *Id.* ¶ 2. Mr. Adediji became a Lawful Permanent Resident on September 24, 2018. *Id.* ¶ 3. Mr. Adediji lived in California for many

years with his U.S. citizen spouse and child. *Id.* ¶¶ 4-5. While in California, Mr. Adediji ran his own production studio and worked part-time at Universal Studios. *Id.* ¶ 5.

12. In September 2022, Mr. Adediji pleaded guilty to one-count of conspiracy to commit wire fraud, 18 U.S.C. § 1349, before the U.S. District Court for the Western District of New York. Mr. Adediji received a two-year prison sentence. *See* Adediji Decl. ¶ 9. He completed his federal sentence at FCI Allenwood Low (“Allenwood”). *Id.* ¶ 10.

13. On January 5, 2024, ICE issued Mr. Adediji a Notice to Appear, charging him as removable from the United States and initiating removal proceedings. *Id.* ¶ 11. On July 12, 2024, federal officials released Mr. Adediji from Allenwood directly into ICE custody. *Id.* ¶ 19. Initially, ICE detained Mr. Adediji at Clinton County Correctional Facility (“Clinton”) in Pennsylvania. *Id.* ¶ 21. On April 29, 2025, ICE transferred Mr. Adediji to Pike, where he has remained since without receiving a bond hearing or an opportunity to contest his detention. *Id.* ¶¶ 20, 22.

14. During a March 26, 2024 hearing before the Immigration Judge, Mr. Adediji admitted his removability under 8 U.S.C. § 1227(a)(2)(A)(iii). Mr. Adediji, through counsel, then filed a CAT petition to withhold and defer removal. *Id.* ¶ 13. During a September 16, 2024 hearing on his CAT petition, Mr. Adediji testified to the specific reasons that he feared being harmed, tortured, or killed if deported to Nigeria. *Id.* ¶ 14.

15. On September 24, 2024, the Immigration Judge granted Mr. Adediji’s application for relief under the CAT, finding that the record established that it is more likely than not that he will be tortured if removed to Nigeria and that his torture would be with the acquiescence of the Nigerian government. *Id.* at ¶ 15. The Immigration Judge therefore ordered that Mr. Adediji’s removal to Nigeria be deferred. *Id.* After the Government appealed, the BIA vacated the

Immigration Judge's grant of CAT relief and remanded Mr. Adediji's case for the Immigration Judge to make additional findings. *Id.* ¶ 16.

16. Upon remand, Mr. Adediji, through counsel, filed additional evidence in support of his application for withholding of removal under the CAT. *Id.* ¶ 20. The Immigration Judge assigned to Mr. Adediji's case then left the bench. *Id.* ¶ 21. Mr. Adediji remained in ICE detention for additional months without an Immigration Judge assigned to his case. *Id.* ¶ 18. In late July 2025, a new Immigration Judge was assigned to Mr. Adediji's case. *Id.* The newly assigned Immigration Judge scheduled a hearing for August 11, 2025, but before the hearing issued an order stating that she planned to deny his CAT application and encouraged him to waive a formal decision. *Id.* Mr. Adediji will appeal if the Immigration Judge issues an adverse decision and, if necessary, seek a stay of removal from a federal circuit court of appeals. *Id.*

**Mr. Adediji's Experience in ICE Custody**

17. ICE has detained Mr. Adediji since the completion of his criminal sentence at Allenwood on July 12, 2024. Adediji Decl. ¶ 19. ICE initially detained Mr. Adediji at Clinton, a correctional facility that houses inmates serving criminal sentences with individuals detained during removal proceedings. *Id.* ¶ 21. On April 29, 2025, ICE transferred Mr. Adediji to Pike, where he is detained today. *Id.* ¶ 22. Pike, like Clinton, houses inmates serving criminal sentences with individuals in civil detention for removal proceedings. *Id.* ¶¶ 21-22, 35-36. Pike, like Clinton, treats convicted felons the same as civil immigration detainees. *Id.*

18. The conditions at Clinton were, and conditions at Pike are, more punitive than conditions at Allenwood, where Mr. Adediji served his criminal sentence. *Id.* ¶¶ 23-36. At Pike, 18 of the 42 inmates in Mr. Adediji's unit have convictions for violent crimes. *Id.* ¶ 23. Mr. Adediji shares a cell with two other individuals, both of whom are serving criminal sentences. *Id.* ¶ 24. At Allenwood, Mr. Adediji shared a cell with only one prisoner. *Id.* Mr. Adediji and the

other Pike inmates get limited recreational time or time outdoors. *Id.* ¶ 25. Pike has no recreational facilities for inmates—there is only an empty concrete yard surrounded by a cage. *Id.* At Allenwood, Mr. Adediji had access to a soccer field, a track, and pickleball, tennis, and basketball courts. *Id.* Similarly, Allenwood has gym facilities for inmates that include a weight room and treadmills. *Id.* ¶ 26. Pike has no such facilities for inmates. *Id.*

19. At Allenwood, Mr. Adediji took advantage of the many courses offered to inmates. *Id.* ¶ 27. He took culinary classes, personal fitness classes, and completed a forklift operation training. *Id.* Pike has no such programs. *Id.* Allenwood offers a library with a large collection of current books and magazines. *Id.* ¶ 28. Pike does not have a library. *Id.*

20. Pike only allows inmates to meet with visitors behind glass. *Id.* ¶ 30. When Mr. Adediji was in Allenwood, he was permitted contact visits during which he could hug his family. *Id.* It is difficult for Mr. Adediji's family or friends to justify a trip from California to visit him in Pennsylvania when they know they will be separated by glass during their whole visit. *Id.* He has not seen his four-year-old daughter since he has been in ICE custody. *Id.*

21. At nine cents per minute, the cost of telephone calls at Pike is prohibitively expensive compared to Allenwood. *Id.* ¶ 31. At Allenwood, inmates were provided 500 free minutes of phone calls so that they could keep in touch with family and friends. *Id.*

22. Summertime at Pike has been especially challenging for Mr. Adediji because the facility's air conditioning is unreliable, and there have been multiple heat waves. *Id.* ¶ 32. There is no ice for inmates at Pike, which makes it hard to keep cool. *Id.* At Allenwood, the facility was climate-controlled and inmates had access to ice. *Id.*

23. At Pike, the corrections officers favor the criminal inmates because they are American. *Id.* ¶ 33. Officers routinely search the cells of the ICE detainees without providing a reason. *Id.*

24. Mr. Adediji is Muslim and prays several times a day. *Id.* ¶ 34. At Pike, his ability to practice his Muslim faith has been restricted. *Id.* The only prayer rug available to him was one he had to purchase for \$25 at the Pike commissary. *Id.* After he purchased the prayer rug, the Pike guards refused to allow him to take the prayer rug to pray outside of his cell. *Id.* Mr. Adediji had to file several grievances before he was permitted to use his prayer mat outside his cell. *Id.*

25. Being detained by ICE has taken a heavy physical and emotional toll on Mr. Adediji. *Id.* ¶ 37. Mr. Adediji developed stress and anxiety and now takes prescribed medication. *Id.* ¶ 38. He needed no medication for stress or anxiety at Allenwood. *Id.* Mr. Adediji's blood pressure increased after ICE detained him. *Id.* ¶ 39. A nurse at Pike advised him to improve his diet, but the food quality at Pike is poor and not nutritious. *Id.* ¶ 40. Mr. Adediji cannot afford to buy higher quality food available at the Pike commissary because he is not permitted to work at Pike. *Id.* Nor can Mr. Adediji exercise at Pike as he did at Allenwood. *Id.* ¶¶ 25-26.

26. If released on bond, Mr. Adediji will return to California to be with his four-year-old daughter. *Id.* ¶ 41. He would restart his production studio and work part-time with Universal Studios. *Id.*

### **LEGAL BACKGROUND**

27. The Third Circuit has held that the Fifth Amendment's Due Process Clause limits prolonged immigration detention without bond. *See Diop v. ICE*, 656 F.3d 221, 233 (3d Cir. 2011); *Chavez-Alvarez v. Warden York County Prison*, 783 F.3d 469, 475–78 (3d Cir. 2015). Following the Supreme Court's decision in *Jennings v. Rodriguez*, 583 U.S. 281 (2018), which

declined to read 8 U.S.C. § 1226(c) as automatically requiring bond hearings for all noncitizens after six months of detention, the Third Circuit in *German Santos* reaffirmed the reasoning in *Diop* and *Chavez-Alvarez* and held that when detention becomes unreasonably prolonged, due process requires a bond hearing, at which the Government bears the burden of proving by clear and convincing evidence that continued detention is necessary to prevent flight or danger to the community. 965 F.3d at 210, 213–14.

28. In *German Santos*, which, as here, involved mandatory detention under 8 U.S.C. § 1226(c), the Third Circuit articulated a four-factor, non-exhaustive, case-by-case balancing test for determining whether a noncitizen’s mandatory detention has become unreasonably prolonged. The four factors, which borrow from *Diop*, 656 F.3d at 234, and *Chavez-Alvarez*, 783 F.3d at 474, are: (1) the “duration of detention”; (2) “whether the [noncitizen]’s detention is likely to continue”; (3) the reasons for any delay, particularly “whether either party made careless or bad-faith errors in the proceedings that cause[d] unnecessary delay”; and (4) “whether the [noncitizen]’s conditions of confinement are meaningfully different from criminal punishment.” *German Santos*, 965 F.3d at 211.

29. The first factor—the length of detention without a bond hearing—is the “most important.” *Id.* at 211. The Third Circuit has held that mandatory detention without bond “becom[es] unreasonable sometime between six months and one year.” *Id.* (citing *Chavez-Alvarez*, 783 F.3d at 478); *see also Diop*, 656 F.3d at 234 (holding that mandatory detention “becomes more and more suspect” after five months). Applying Third Circuit law, the Middle District of Pennsylvania has repeatedly found detention periods of 12 months or more be unreasonably prolonged. *See, e.g., Baptista v. Lowe*, No. 1:23-cv-1666, 2024 WL 3410600, at \*2 (M.D. Pa. Apr. 30, 2024) (19 months), *report and recommendation adopted*, 2024 WL 3410587

(M.D. Pa. May 7, 2024); *Maledo v. Lowe*, No. 1:22-cv-01031, 2022 WL 3084304, at \*5 (M.D. Pa. Aug. 3, 2022) (18 months); *Davydov*, 2020 WL 969618, at \*8 (14 months); *Kleinauskaite v. Doll*, No. 4:17-cv-02176, 2019 WL 3302236, at \*6 (M.D. Pa. July 23, 2019) (12 months); *Bah v. Doll*, No. 3:18-cv-1409, 2018 WL 6733959, at \*7 (M.D. Pa. Oct. 16, 2018) (14 months); *report and recommendation adopted*, 2018 WL 5829668 (M.D. Pa. Nov. 7, 2018); *Sassmannshausen v. Doll*, No. 3:17-cv-1244, 2017 WL 4324836, at \*1, \*3 (M.D. Pa. Aug. 10, 2017) (13 months), *report and recommendation adopted*, No. 3:17-cv-1244, 2017 WL 4310177 (M.D. Pa. Sept. 28, 2017).

30. The second factor focuses on the likelihood of continued detention. If a petitioner's detention is "unlikely to end soon," continued detention without a bond hearing grows more suspect. *German Santos*, 965 F.3d at 211. The Third Circuit has held that this factor favors the petitioner where the petitioner's immigration case remains pending after an extended period, particularly before any appeals finish. *Id.* at 212 (noting petitioner would "stay in prison as long as it takes the [appellate court] to issue its decision"); *Chavez-Alvarez*, 783 F.3d at 477–78 (concluding that the parties "could have reasonably predicted that [the petitioner's] appeal would take a substantial amount of time, making his already lengthy detention considerably longer").

31. The third factor considers whether either party caused unnecessary delay by "carelessness or bad faith" in petitioner's underlying immigration case. *German Santos*, 965 F.3d at 211. In considering this factor, courts do not "hold a[] [noncitizen]'s good-faith challenge to his removal against him, even if his appeals or applications for relief have drawn out the proceedings," *id.*, nor does seeking reasonable continuances amount to bad faith, *see Rad v. Lowe*, No. 1:21-cv-00171, 2021 WL 1392067, at \*4 (M.D. Pa. Apr. 13, 2021); *Davydov*, 2021 WL 1392067, at \*4. This factor often favors neither side. Yet detention "can still grow unreasonable even if the Government handles removal proceedings reasonably." *German Santos*, 965 F.3d at

211. The Middle District of Pennsylvania has repeatedly found detention unreasonable in the absence of governmental bad faith. *See, e.g., Clarke v. Doll*, 481 F. Supp. 3d 394, 397–98 (M.D. Pa. 2020); *Davydov*, 2020 WL 969618, at \*5.

32. The fourth and final *German Santos* factor compares the conditions of the petitioner’s ICE detention to conditions of criminal custody. This factor favors the petitioner where the conditions of confinement are not “meaningfully different” from criminal punishment. *German Santos*, 965 F.3d at 211 (citing *Chavez-Alvarez*, 783 F.3d at 478). Courts have almost invariably found that this factor favors the petitioner because civil immigration detention often closely resembles criminal custody. *Id.* at 213 (ICE detention at Pike resembles criminal custody); *White*, 2024 WL 4164269, at \*2 (same); *Rivas*, 2023 WL 4361140, at \*2 (same finding for Moshannon); *Buleishvili v. Hoover*, No. 1:20-cv-1694, 2021 WL 674226, at \*4 (M.D. Pa. Feb. 22, 2021) (same finding for Clinton).

33. If a petitioner’s mandatory detention is deemed unreasonable under *German Santos*, the petitioner is entitled to a bond hearing where the Government bears the burden of justifying continued detention by clear and convincing evidence. *German Santos*, 965 F.3d at 213–14. To do so, the Government must present sufficient evidence that the petitioner presently poses a danger to the community or a flight risk. *Id.* at 214; *see also German Santos v. Lowe*, No. 1:18-cv-1553, 2020 WL 4530728, at \*3 (M.D. Pa. Aug. 6, 2020) (noting that prior criminal history does not place petitioner “forever beyond redemption” and that due process does not permit the decision-maker to “presume dangerousness to the community ... based solely on [petitioner’s] past record”).

34. This court has authority to conduct the bond hearing itself in the first instance. *See Leslie v. Holder*, 865 F. Supp. 2d 627, 633 (M.D. Pa. 2012) (“[T]he authority to conduct [a bond]

hearing has long been recognized as an essential ancillary aspect of [the Court's] federal habeas corpus jurisdiction.”). Indeed, several courts in the Third Circuit have ordered the release of non-citizens after district court bond hearings. *Id.* at 633 (ordering release of § 1226(c) petitioner subject to “reasonable, and individually tailored, release conditions”); *Madrane v. Hogan*, 520 F. Supp. 2d 654, 670 (M.D. Pa. 2006) (ordering release of § 1226(c) petitioner subject to reporting conditions and restrictions on movement).

35. When courts in this circuit have ordered an immigration judge to conduct the bond hearing, they have often retained jurisdiction to review the immigration judge's custody determination for consistency with the court's order and, if necessary, to conduct their own bond hearing. *See, e.g., Clarke*, 481 F.3d at 399 (“If the immigration judge fails to convene an individualized bond hearing within 30 days of the date of this order, the court will reopen this case and conduct its own individualized bond hearing under the standards governing bail in habeas corpus proceedings.”).

### **ARGUMENT**

**I. MR. ADEDIJI'S PROLONGED DETENTION WITHOUT A BOND HEARING VIOLATES THE DUE PROCESS CLAUSE. HE IS ENTITLED TO A PROMPT BOND HEARING.**

**A. Mr. Adediji's Detention Is Unreasonably Prolonged Under *German Santos*.**

36. Mr. Adediji is currently detained under 8 U.S.C. § 1226(c). Throughout his removal proceeding, Mr. Adediji has argued that the CAT protects him from deportation to Nigeria. Mr. Adediji provided documentary and testimonial evidence that there is a likelihood he will experience harm, torture, or death if removed to Nigeria. The Immigration Judge previously granted Mr. Adediji's CAT application because he found that Mr. Adediji and the evidence in the record established that Mr. Adediji faces the prospect of torture if removed to Nigeria and that it was more likely than not that he would be tortured at the acquiescence of the Nigerian government.

The BIA's remand allowed Mr. Adediji to introduce additional evidence to support his claim under the CAT. If the new Immigration Judge assigned to Mr. Adediji's case denies his CAT application, as she has stated she plans to do, Mr. Adediji will appeal. The likelihood of one or more appeals means that there is no definite end in sight to Mr. Adediji's immigration proceedings. However, in the meantime, Mr. Adediji has not been afforded a bond hearing at any point during his almost 13-month-long detention. The *German Santos* factors squarely apply to his case and support his due process right to a bond hearing.

37. The first and "most important" factor—the length of detention—favors Mr. Adediji because he has been detained for nearly 13 months. *German Santos*, 965 F.3d at 211. Mr. Adediji's year-long detention without a bond hearing exceeds the six-month to one-year timeframe established in *Chavez-Alvarez* and reaffirmed in *German Santos*. *See id.* (citing *Chavez-Alvarez*, 783 F.3d at 478). Indeed, Mr. Adediji has been detained for nearly as long as or longer than numerous habeas petitioners granted relief by courts in this circuit. *See, e.g., Kleinauskaite*, 2019 WL 3302236, at \*6 (applying *German-Santos* factors and granting bond hearing after 12 months); *Sassmannshausen*, 2017 WL 4324836, at \*1, \*3 (finding detention unreasonable after 13 months).

38. The second factor focuses on the likelihood of continued detention. Mr. Adediji's CAT application remains pending before the immigration court after remand from the BIA. The newly assigned Immigration Judge scheduled a hearing for August 11, 2025, but before the hearing issued an order stating that she planned to deny his CAT application and encouraged him to waive a formal decision. Adediji Decl. ¶ 18. Were the new Immigration Judge to deny Mr. Adediji's CAT application and the BIA upheld that decision, Mr. Adediji would seek review and a stay of

removal from a federal circuit court of appeals. 8 U.S.C. § 1252. There is no clear end in sight to Mr. Adediji's immigration proceeding or his immigration detention.

39. The third factor—the reason for delays in the proceeding—favors Mr. Adediji. Mr. Adediji has diligently litigated his case and sought the remedies available to him. Mr. Adediji expeditiously pursued his CAT application before the Immigration Judge. On remand from the BIA, Mr. Adediji promptly submitted additional evidence in support of his CAT application.

40. The Government has caused significant delay. After the BIA remanded Mr. Adediji's case, the Immigration Judge left the bench. Adediji Decl. ¶ 18. Months passed until a new Immigration Judge was assigned to Mr. Adediji's case. *Id.* Mr. Adediji's CAT application and immigration proceeding sat in administrative stasis through no fault of his own. Even if this Court were to find that the Government's actions in the removal proceeding were reasonable, it should find Mr. Adediji's continued detention unreasonable. *German Santos*, 965 F.3d at 211 (finding detention unreasonable where third factor favored neither party); *Clarke*, 481 F. Supp. 3d at 397–98 (rejecting Government's contention that petitioner's pursuit of immigration relief and absence of governmental bad faith precluded relief).

41. The fourth factor favors Mr. Adediji because the conditions of his confinement—at Clinton and now at Pike—are not “meaningfully different from criminal punishment.” *German Santos*, 965 F.3d at 211. The Third Circuit and this Court have recognized that the conditions at Pike resemble criminal punishment, not only because individuals at Pike are confined to their cells for close to 24 hours a day, but also because noncitizens are detained at Pike alongside those serving criminal sentences. *Id.* at 212–13; *White*, 2024 WL 4164269, at \*2 (petitioner's confinement at Pike “alongside convicted criminals . . . strongly favor a finding of unreasonableness” (quoting *German Santos*, 965 F.3d at 213)); *Maledo*, 2022 WL 3084304, at \*7;

see also Adediji Decl. ¶¶ 23-34 (describing conditions at Pike as significantly worse than at Allenwood, where he served his criminal sentence). Pike County originally constructed the facility in 1995 to serve as a jail for individuals serving criminal sentences and only recently began housing individuals in immigration detention as part of a contract with ICE to generate additional revenue for the county. **Exhibit B**, *Tri-County Independent*, Pike County Gets Amended ICE Prison Contract for Detaining Illegal Immigrants (Jan. 12, 2022). Facility staff have charged Mr. Adediji high fees to contact loved ones, deprived him of recreation time, unreasonably burdened the exercise of his religion, and failed to provide him with adequate and appropriate nutrition. Adediji Decl., ¶¶ 25-40.

42. Mr. Adediji's detention at Clinton was also indistinguishable from criminal confinement. See *Buleishvili v. Hoover*, No. 1:20-cv-1694, 2021 WL 674226, at \*4 (M.D. Pa. Feb. 22, 2021) (finding petitioner's prolonged detention at Clinton warranted relief under *German Santos*). Indeed, while detained at Clinton, Mr. Adediji was confined to his cell for 24 hours per day on many occasions—something that did not happen at Allenwood. Adediji Decl. ¶ 36. The confinement conditions at Clinton have led this Court to find that a petitioner's detention there “can reasonably be found to be punitive and support a finding of unreasonableness with respect to this final [*German*] Santos factor.” *Buleishvili*, 2021 WL 674226, at \*4.

43. In sum, all four *German Santos* factors, including length of detention, the most important factor, weigh in Mr. Adediji's favor. Therefore, Mr. Adediji's nearly 13-month detention without a bond hearing has become unreasonably prolonged in violation of due process. *German Santos*, 965 F.3d at 213 (finding detention unreasonable where three of four factors favored petitioner); *Buleishvili*, 2021 WL 674226, at \*3–4 (finding detention unreasonable where two of four factors favored petitioner).

**B. This Court Should Conduct or Order a Bond Hearing With the Burden on the Government by Clear and Convincing Evidence and With Consideration of Ability to Pay and Alternatives to Detention.**

44. Due process requires that Mr. Adediji receive a bond hearing because his detention has become unreasonably prolonged. Mr. Adediji is entitled to a bond hearing where the Government bears the burden of proof to justify his continued detention by clear and convincing evidence. *German Santos*, 965 F.3d at 214. If the Government cannot provide “individualized” evidence “to support a finding that continued detention is needed to prevent [Mr. Adediji] from fleeing or harming the community,” then “it must release him.” *Id.*

45. This Court can and should conduct the bond hearing itself. *See Thaxter*, No. 1:14-cv-02413, 2016 WL 3077351, at \*3 (M.D. Pa. June 1, 2016) (ordering magistrate to conduct bond hearing in first instance). In *Leslie*, on remand from the Third Circuit, the Middle District of Pennsylvania ordered the release of a non-citizen petitioner who—like Mr. Adediji—was subject to mandatory immigration detention due to “extraordinary circumstances justifying bail consideration,” including the petitioner’s extensive family ties and support in the U.S., medical vulnerabilities, and the viability of his immigration case and habeas petition. 865 F. Supp. 2d at 638–40. In *Thaxter*, the district court ordered a federal magistrate judge to conduct the habeas petitioner’s bond hearing because “deference to administrative, or agency, decisionmakers is not presently mandated in this context, where the most basic threat of personal liberty is at issue.” 2016 WL 3077351, at \*3.

46. Pursuant to such bond hearing, this Court should release Mr. Adediji from custody because he will return to California to be with his four-year-old daughter and he intends to resume work at his production studio and with Universal Studios. Adediji Decl. ¶¶ 41-42.

47. Mr. Adediji's CAT application remains pending before the immigration court where . *Id.* ¶ 18. A further immigration court decision will result in one or more appeals with the possibility of a second remand.

48. If this Court instead orders an Immigration Judge to conduct the bond hearing in immigration court, it should retain jurisdiction to conduct its own bond hearing or order other appropriate remedies should the Government fail to comply with this Court's requirements. The retention of jurisdiction "reconcile[s] the deference which should be accorded in the first instance to agency decision-making processes ... with the District Court's concurrent jurisdiction stemming from the responsibility to address federal habeas corpus petitions filed by immigration detainees." *Vega*, 2018 WL 3765431, at \*13. Retaining jurisdiction will ensure that Mr. Adediji's due process rights are fully vindicated. *See Luciano-Jimenez v. Doll*, 547 F. Supp. 3d 462, 466 (M.D. Pa. 2021) (conducting bond hearing and ordering release after determining *German Santos* hearing conducted by Immigration Judge was inadequate); *Thaxter*, 2016 WL 3077351, at \*3 (explaining that "deference to administrative, or agency, decisionmakers" is not mandatory "where the most basic threat of personal liberty is at issue").

49. Due process also requires that the bond adjudicator consider Mr. Adediji's ability to pay bond and alternatives to detention in addition to or in lieu of monetary bond, such as release with conditions of supervision. *See Leslie*, 865 F. Supp. 2d at 641–42 (ordering non-citizen's release on conditions "that will reasonably ensure both the safety of the community" and "appearance at future immigration proceedings"); *Mansaray v. Perry*, No. 21-cv-1044, 2021 WL 2315415, at \*11 (D. Md. June 7, 2021) (ordering immigration judge to consider "ability to pay and alternatives to detention" in bond hearing). When the Government fails to consider a non-citizen's financial circumstances when setting bond or fails to take into account alternatives to detention

that would reasonably mitigate flight risk or danger, it runs the risk of impermissibly continuing detention without sufficient justification and based solely on an individual's inability to pay. *See Curry v. Yachera*, 835 F.3d 373, 376 (3d Cir. 2016); *see also Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (recognizing that failing to consider noncitizen's "financial circumstances and alternative conditions of release" creates "a system of immigration bond determinations that does not adequately provide a reasonable connection between detention and legitimate governmental interests"). A prohibitively high bond that Mr. Adediji cannot pay is the practical equivalent of no bond at all.

50. Alternatives to detention place less of a burden on noncitizens like Mr. Adediji and have proven to be highly effective. For example, the Intensive Supervision Appearance Program ("ISAP")—one of ICE's principal monitoring programs—has achieved extraordinary success in ensuring appearance at removal proceedings, reaching compliance rates close to 100 percent. *See Hernandez*, 872 F.3d at 991 (observing that ISAP "resulted in a 99% attendance rate at all [immigration court] hearings and a 95% attendance rate at final hearings.").

### **CLAIM FOR RELIEF**

#### **VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION**

51. Mr. Adediji incorporates herein by reference the Paragraphs 1 through 51.

52. The Due Process Clause of the Fifth Amendment forbids the government from depriving any person of liberty without due process of law. U.S. Const. Amend. V.

53. Mr. Adediji's detention without a bond hearing violates due process, which demands that Mr. Adediji receive a bond hearing before a neutral adjudicator at which the Government bears the burden of justifying continued detention by clear and convincing evidence

and at which the adjudicator considers appropriate alternatives to detention and Mr. Adediji's ability to pay.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

- a. Declare that Petitioner's prolonged detention without a bond hearing violates the Due Process Clause of the Fifth Amendment;
- b. Conduct, or order the Government to schedule before an Immigration Judge within 14 days, an individualized bond hearing with the burden of proof on the Government to establish by clear and convincing evidence that Mr. Adediji poses a flight risk or danger the community and at which the adjudicator considers alternatives to detention and ability to pay;
- c. Retain jurisdiction over this matter to conduct its own bond hearing or order other appropriate remedies should the Government fail to comply with this Court's order; and
- d. Grant any other further relief this Court deems just and proper

Respectfully submitted,

Dated: August 7, 2025

By: Peter M. Ryan  
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*Counsel for Petitioner Shola Adediji*

**EXHIBIT LIST**

|           |                                                                                                                               |
|-----------|-------------------------------------------------------------------------------------------------------------------------------|
| Exhibit A | Declaration of Mr. Adediji                                                                                                    |
| Exhibit B | <i>Tri-County Independent</i> , Pike County Gets Amended ICE Prison Contract for Detaining Illegal Immigrants (Jan. 12, 2022) |

**VERIFICATION UNDER 28 U.S.C. § 2242**

I submit this verification on behalf of Petitioner Shola Adediji because I am Petitioner's attorney. I and/or my co-counsel have discussed with Petitioner the events described in this Petition. Based on those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Respectfully submitted,

Dated: August 7, 2025

By: Peter M. Ryan  
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*Counsel for Petitioner Shola Adediji*

**CERTIFICATE OF SERVICE**

I, undersigned counsel, hereby certify that on this date, I filed this Petition for Writ of Habeas Corpus and all attachments using the CM/ECF system. I further certify that a courtesy copy of the Petition will be sent via email to the office of the United States Attorney for the Middle District of Pennsylvania and that copies of the Petition will be delivered by USPS Certified Priority Mail to the following individuals:

**Craig Lowe**  
Pike County Correctional Facility  
170 Pike County Correctional Facility  
Hawley, PA 18428

**John C. Gurganus, Acting U.S. Attorney**  
Middle District of Pennsylvania  
235 North Washington Ave, Suite 311  
Scranton, PA 18503

Dated: August 7, 2025

By: Peter M. Ryan  
Peter. M. Ryan

