

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

Mr. ALI LIEOGO,
Petitioner,
v.

JOSEPH FREDEN,
in his official capacity as Deputy
Field Office Director, Buffalo
Field Office, U.S. Immigration &
Customs Enforcement;

STEVEN KURZDORFER,
In his official capacity as Field
Office Director, Buffalo Field Office,
U.S. Immigration & Customs
Enforcement;

TODD LYONS,
In his official capacity as Acting
Director, U.S. Immigration and
Customs Enforcement,

KRISTI NOEM,
In her official capacity as Secretary
of Homeland Security,

Respondents.

Civil Action No. 25-cv-1102

Immigration No. 

**EMERGENCY MOTION FOR A
TEMPORARY RESTRAINING
ORDER**

Oral Argument Requested

EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER

1. Mr. Ali Lieogo ("Mr. Lieogo") is a 38 year old Burkina Faso Citizen who entered the United States without inspection on or about May 2, 2023 near San Ysidro, California. He was released from ICE custody on his own recognizance and was issued a Notice to Appear (NTA) in Immigration Court. On or about December 2023, he filed an I-589 Application for

Asylum, Withholding of Removal, and Protection Under the Convention Against Torture. On December 9, 2024, he was denied relief and ordered removed by the Immigration Judge in New York, NY, however, he filed an appeal with the Board of Immigration Appeals (BIA) on the same day. The appeal remains pending with the BIA, and no administratively final removal order exists at this time. However, he was detained by ICE on or about October 13, 2025. Immigration Judges at the Executive Office for Immigration Review (EOIR) are denying bond to all noncitizens who entered without inspection under the new bond denial policies put into place by the Trump administration, thus, exhaustion of administrative remedies is futile.

2. Mr. Lieogo is presently being held without bond at the Buffalo Federal Detention Facility (BFDF). DHS and EOIR are systemically misclassifying people arrested inside the United States as being subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025). This legal interpretation is plainly contrary to the statutory framework and contrary to decades of agency practice applying § 1226(a) to people like Petitioner. This misclassification is contrary to almost 30 years of settled law and practice, and it is unlawfully premised solely upon the manner in which the person initially entered the country—in some cases, decades ago.

3. Without relief from this Court, Mr. Lieogo faces the prospect of being detained for a lengthy period of time with no individualized bond determination. As Mr. Lieogo is neither a flight risk nor a danger to the community, the denial of a bond redetermination hearing violates his due process rights and flies in the face of decades of precedent.

Therefore, Mr. Lieogo asks this court to without delay issue a temporary restraining order to require his release or for a bond hearing on the merits be held by Respondents within 7 days,

as Mr. Lieogo will suffer irreparable harm due to his present detention, in violation of his statutory and due process rights.

Dated: October 27, 2025

/s/ Matthew K. Borowski

Matthew K. Borowski
Attorney for Petitioner
4343 Union Road,
Buffalo NY 14225
E-mail: matthew@borowskilaw.com
Tel: 716-330-1503