

**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;

TAMMY MARICH,
In her 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,

Respondent.

Civil Action No. 25-cv-06615-EAW

Immigration No. 

**PETITIONER'S NOTICE OF
EMERGENCY MOTION TO
ENFORCE COURT ORDER
AND INCORPORATED
MEMORANDUM OF LAW**

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AND INCORPORATED MEMORANDUM OF LAW**

PLEASE TAKE NOTICE that Petitioner, Ali Lieogo, through counsel, Matthew K. Borowski, Esq., hereby moves this Court for an order finding that the federal defendants are in contempt of court and an order for the immediate release of Petitioner. Plaintiffs also ask this Court to impose sanctions that are reasonably calculated to prevent future contemptuous conduct by Respondents.

Petitioner also asks for any and all further relief that the Court deems necessary to ensure compliance with its order.

INCORPORATED MEMORANDUM OF LAW

1. A party may be held in civil contempt for failure to comply with a court order if "(1) the order the contemnor failed to comply with is clear and unambiguous, (2) the proof of noncompliance is clear and convincing, and (3) the contemnor has not diligently attempted to comply in a reasonable manner." *King v. Allied Vision, Ltd.*, 65 F.3d 1051, 1058 (2d Cir.1995). It need not be established that the violation was willful. *Donovan v. Sovereign Sec. Ltd.*, 726 F.2d 55, 59 (2d Cir.1984).

2. This Court ordered on November 21, 2025, at Document 9, that Ali Lieogo be given a bond hearing on or before November 28, 2025. It appears that a bond hearing was scheduled for Petitioner at 8:30 A.M. on November 26, 2025, but the Immigration Court failed to inform counsel of it. *See Exhibit A*, Declaration of Fred Korkosz, Esq. When the hearing took place, the Immigration Court did not bother to attempt to reach counsel by phone. The Immigration Court then rescheduled the hearing to December 5, 2025.

3. It is now December 1, 2025, and to date no bond hearing has been held, and Petitioner remains in the custody of Respondents.

4. Petitioner continues to suffer irreparable harm to a substantial liberty interest as a result of his ongoing detention in violation of her statutory rights under the INA and his due process rights under the Fifth Amendment to the U.S. Constitution. The government may not deprive a person of life, liberty, or property without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical

restraint—lies at the heart of the liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

5. Therefore, Petitioner asks this court to without delay order his immediate release, and find Respondents in contempt for failing to hold a bond hearing as ordered by this Court. Plaintiffs also ask this Court to impose sanctions that are reasonably calculated to prevent future contemptuous conduct by Respondents. Petitioner also asks for any and all further relief that the Court deems necessary to ensure compliance with its order.

Dated: December 1, 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