

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ALI LIEOGO,

Petitioner,

v.

25-CV-06615-EAW

JOSEPH FREDEN, in his official capacity as Deputy Field
Office Director, Buffalo Field Office, U.S. Immigration and
Customs Enforcement, et al.

Respondents.

**RESPONDENTS' OPPOSITION TO THE MOTION TO ENFORCE THIS COURT'S
ORDER REQUIRING A BOND HEARING (ECF NO. 16)**

Petitioner Ali Lieogo has moved to enforce this Court's order holding Respondents' in contempt for failing to abide by this Court's Order. ECF No. 16. But, Respondents have complied with this Court's Order, and thus the Motion should be denied in its entirety.

FACTUAL AND PROCEDURAL BACKGROUND

Lieogo filed a Petition for Writ of Habeas Corpus on October 27, 2025, alleging that his detention was unlawful. ECF No. 1. That same day, this Court issued an order requiring Respondents to serve an answer or otherwise respond to the Petition within 14 days. ECF No. 3.

Respondents filed their response on November 10, 2025, and Lieogo filed a reply the same day. ECF No. 9 at pgs. 1-2.

Oral argument was held on November 21, 2025. *Id.*

By order dated Friday, November 21, 2025, this Court required that Lieogo be granted a bond hearing before an immigration judge at which the government must bear the

burden of proof to establish that Lieogo poses a danger to the community or risk of flight by clear and convincing evidence on or before November 28, 2025. ECF No. 9 at pg. 3. Importantly, this Court allowed that if a continuance was sought by Lieogo that resulted in the hearing falling outside the November 28, 2025 deadline, such a continuance would be considered in compliance with the order so long as it occurs within a reasonable period. *Id.*

On Monday, November 24, 2025, Lieogo was personally served with a notice of Custody Redetermination Hearing advising him that his bond hearing would be held on November 26, 2025, at 9:30 A.M. At that time, Lieogo's immigration counsel had not filed a Form EOIR-28, Notice of Entry of Appearance as Attorney or Representative Before the Immigration Court. ECF No. 16-1 at ¶ 3. Lieogo's immigration counsel assumed the bond hearing would be held on November 28, 2025, and only upon checking the electronic filing system did he learn that a new matter had been opened for the bond hearing ordered by this Court, and that he was not listed as an attorney of record. *Id.* at ¶ 6.

On November 26, 2025, Lieogo appeared without an attorney and requested an adjournment. ECF No. 12. The matter was adjourned nine days—to December 5, 2025 at 8:30 A.M.—to allow Lieogo to secure counsel and for his counsel to appear in the matter. *Id.*

Lieogo's immigration counsel has since entered an appearance and the bond hearing remains scheduled for December 5. ECF No. 16-1 at ¶¶ 8, 10.

ARGUMENT

THE MOTION FOR CONTEMPT AND SEEKING LIEOGO'S RELEASE SHOULD BE DENIED

The motion for contempt and to release Lieogo should be denied. As Lieogo points out, for a party to be held in civil contempt for violating a court order, the contemnor must have failed to comply with a clear and unambiguous portion of the order, proof of noncompliance must be clear and convincing, and the contemnor must not have diligently attempted to comply in a reasonable manner. ECF No. 16 at ¶ 1. Here, none of those requirements are met.

First, nothing in this Court's order clearly and unambiguously required the government to notify Lieogo's *immigration attorney* of the bond hearing that was scheduled for November 26, 2025. Thus, the government cannot be said to have violated language that was clear and unambiguous.

Second, there is no clear proof of noncompliance. Even if the logical and obvious requirement would be to notify an alien's attorney of an upcoming bond hearing, there is no clear and unequivocal proof that Lieogo's immigration attorney had entered an appearance and was representing Lieogo with respect to the bond hearing. Indeed, Lieogo's attorney admits that a new case was begun and that he was unaware of it, having not checked the system after assuming the bond hearing would be held on November 28, 2025, when in fact it was scheduled for November 26, 2025. ECF No. 16-1 at ¶ 6.

Lastly, there is clear evidence that the government diligently attempted to comply with this Court's order by serving notice on Lieogo himself on the immediate weekday following this Court's order to provide a bond hearing. Lieogo was given two days' notice of the bond hearing and apparently failed to contact his attorney. The government also acted

diligently and reasonably by allowing an adjournment of the bond hearing by 9 days to allow for Lieogo to retain counsel.

In sum, Lieogo has failed to show that the government violated the clear and unambiguous language of this Court's order by not notifying an attorney who had not appeared and by providing Lieogo himself with notice of the bond hearing, and then allowing him to adjourn it to give his attorney time to appear. Lieogo's motion should therefore be dismissed.

CONCLUSION

For the foregoing reasons, this Court should dismiss Lieogo's motion in its entirety.

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