UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ABDOU TALL,

Petitioner,

vs.

WILLIAM JOYCE, Acting Field Office Director of New York, U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary, U.S. Department of Homeland Security; TODD LYONS, Acting Director, U.S. Immigration and Customs Enforcement; PAMELA BONDI, U.S. Attorney General; U.S. DEPARTMENT OF HOMELAND SECURITY; U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondents.

Case No. 25-cv-09781 (AS)

AMENDED VERIFIED PETITION FOR WRIT OF HABEAS CORPUS

INTRODUCTION

1. Through this Amended Verified Petition, Petitioner Abdou Tall ("Tall" or "Petitioner") seeks to put an immediate end to his unlawful detention.

2. Based on Respondents' treatment of similarly situated noncitizens—and the lack of any indication otherwise—Respondents appear to be taking the position that Petitioner is being held pursuant to 8 U.S.C. § 1225(b) and is therefore ineligible to be released on bond. Petitioner's detention on this basis violates the Immigration and Nationality Act ("INA"), as § 1225(b) does not apply to individuals like Petitioner who previously entered and are now residing in the United States. Instead, such individuals are subject to a different statute, § 1226(a), which allows for release on conditional parole or bond.

3. Because 8 U.S.C. § 1226 governs Petitioner's detention, Respondents were required to conduct an individualized determination as to whether detention was necessary *before* detaining Petitioner. No such pre-detention assessment was performed. As a matter of law, no amount of post-deprivation process can rectify this pre-deprivation violation of Petitioner's rights. The only appropriate remedy for such a violation is immediate release.

4. Petitioner hereby amends his original petition seeking a writ of habeas corpus requiring that he is released immediately.

5. The following statements are made upon information and belief.

JURISDICTION

6. Petitioner is in the physical custody of Respondents. Petitioner was initially detained at 26 Federal Plaza in New York, New York prior to his transfer to Brooklyn MDC as authorized by the Court's November 26 order. Mem. Endorsement, Dkt. No. 8.

7. This action arises under the United States Constitution and the INA, 8 U.S.C. § 1101 *et seq*.

8. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (the Suspension Clause).

9. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq*., and the All Writs Act, 28 U.S.C. § 1651.

PARTIES

10. Petitioner Abdou Tall is an asylum seeker from Senegal. He has been living in New York since 2023. On November 22, 2025, U.S. Immigration and Customs Enforcement ("ICE") arrested him and initially held him at 26 Federal Plaza. Tall filed *pro se* an original petition for a writ of habeas corpus on November 24, 2025 (the "Original Petition"). Prior to his arrest, he was not provided with any notice or possibility to respond to his arrest. He is now detained at Brooklyn MDC, 80 29th St., Brooklyn, New York 11232.

11. Respondent William Joyce is named in his official capacity as Acting New York Field Office Director for ICE. As such, Respondent Joyce is responsible for the administration of immigration laws and the execution of detention and removal determinations and is a custodian of Petitioner. Respondent Joyce's address is New York ICE Field Office, 26 Federal Plaza, New York, New York 10278.

12. Respondent Kristi Noem is named in her official capacity as Secretary of the U.S. Department of Homeland Security ("DHS"). As such, she is responsible for the implementation and enforcement of the INA and oversees ICE, which is responsible for Petitioner's detention.

Respondent Noem has ultimate custodial authority over Petitioner. Respondent Noem's address is U.S. Department of Homeland Security, Washington, D.C. 20528.

13. Respondent Todd Lyons is named in his official capacity as the Acting Director of ICE. As such, he is responsible for the administration and enforcement of the immigration laws of the United States. He supervises Respondent Joyce. His address is ICE, Office of the Principal Legal Advisor, 500 12th St. SW, Mail Stop 5900, Washington, D.C. 20536.

14. Respondent Pamela Bondi is named in her official capacity as the Attorney General of the United States. As such, she is responsible for the Department of Justice, of which the Executive Office for Immigration Review ("EOIR") and the immigration court system it operates is a component agency. Respondent Bondi's address is U.S. Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

VENUE

15. Venue is proper in this Court. When Tall's Original Petition was filed on November 24, 2025, he was physically confined within the United States Southern District of New York.

FACTS

16. Tall is an asylum seeker from Senegal. Tall has resided in the United States since May 2023.

17. Tall speaks Wolof only.

18. Tall entered the United States in or around May 2023.

19. In or around May 2023, Tall was detained by immigration officials pursuant to an administrative arrest warrant issued by the DHS under Section 1226.[1]

20. On May 12, 2023, Tall was released on his own recognizance in accordance with the DHS's authority under Section 1226.

21. Tall has no criminal history, and has lived and worked in New York City since his 2023 release.

22. Petitioner timely filed an application for asylum, has retained immigration counsel, and has attended all immigration court hearings in connection with this application.

23. On October 22, 2025, DHS issued a press release publicizing an ICE operation on Canal Street in New York.[2] ICE published photos of nine men, including five men from Senegal, who had been arrested in the operation.[3]

24. A month later, on November 22, 2025, ICE agents arrested Petitioner on or near Broadway in New York.

25. Petitioner was initially detained at 26 Federal Plaza in New York, New York and, as authorized by the Court's order on November 26, 2025, Mem. Endorsement, Dkt. 8, has since been transferred to Brooklyn MDC, where he is currently detained.

26. Following Petitioner's arrest, ICE issued a custody determination to continue Petitioner's detention without an opportunity to post bond or be released on other conditions.

27. As a result, Petitioner remains in detention.

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[1] The May 12, 2023 Order of Release on Recognizance references Section 236 of the Immigration and Nationality Act ("INA"). The INA is incorporated into and cross-referenced in the U.S. Code. The parallel citation for Section 236 of the INA is 8 U.S.C. § 1226, and the parallel citation for Section 235(b) of the INA is 8 U.S.C. § 1225(b). This Amended Petition will utilize the U.S. Code citations.

[2] October 22, 2025, DHS, "MAKING NEW YORK'S CANAL STREET SAFE AGAIN: ICE Arrests 9 Illegal Aliens on Canal Street Operation with Rap Sheets Including Robbery, Domestic Violence, Assaulting Law Enforcement, Counterfeiting, Drug Trafficking, and Forgery." Available at: https://www.dhs.gov/news/2025/10/22/making-new-yorks-canal-street-safe-again-ice-arrests-9-illegal-aliens-canal-street.

[3] *Id.*

28. Petitioner's Next Friend, Madou Kone, filed an initial petition for a writ of habeas corpus *pro se* on behalf of Petitioner on November 24, 2025.

29. Despite repeated attempts via email, phone, and an in-person inquiry with Brooklyn MDC, undersigned counsel was denied the opportunity to visit or otherwise speak with Petitioner prior to filing this Amended Petition. Petitioner therefore reserves the right to file a further amended petition for a writ of habeas corpus.

30. Without relief from this court, Petitioner faces the prospect of months, or even years, in immigration custody, separated from his community.

LEGAL FRAMEWORK

Detention Authority

31. The INA prescribes three basic forms of detention for the vast majority of noncitizens in removal proceedings.

32. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal proceedings before an Immigration Judge ("IJ"). *See* 8 U.S.C. § 1229(a). Individuals in § 1226(a) detention are generally entitled to a bond hearing at the outset of their detention. *See* 8 C.F.R. §§ 1003.19(a), 1236.l(d). However, noncitizens who have been arrested, charged with, or convicted of certain crimes are subject to mandatory detention. *See* 8 U.S.C. § 1226(c).

33. Second, the INA provides for mandatory detention of noncitizens subject to expedited removal under 8 U.S.C. § 1225(b)(l) and for other recent arrivals seeking admission referred to under 8 U.S.C. § 1225(b)(2).

34. Last, the INA also provides for detention of noncitizens who have been ordered removed, including individuals in withholding-only proceedings. *See* 8 U.S.C. § 1231(a)–(b).

35. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

36. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the Illegal Immigration Reform and Immigrant Responsibility Act ("IIRIRA") of 1996, Pub. L. No. 104-208, Div. C, §§ 302-03, 110 Stat. 3009-546, 3009-582 to 3009-583, 3009-585. Section 1226 was recently amended by the Laken Riley Act, Pub. L. No.119-1, 139 Stat. 3 (2025).

37. Following the enactment of the IIRIRA, the EOIR drafted new regulations explaining that, in general, people who entered the country without inspection are not considered detained under § 1225 and are instead detained under § 1226(a) (the "Bond Regulations"). *See* Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings; Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

38. Thus, in the decades that followed, most people who entered without inspection and were placed in standard removal proceedings received bond hearings, unless their criminal history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). This was consistent with decades of prior practice, in which noncitizens who were not deemed arriving were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply "restates" the detention authority previously found at § 1252(a)).

39. On July 8, 2025, ICE, "in coordination with" DOJ, announced a new policy that rejected this well-established understanding of the statutory framework and reversed decades of practice.

40. The new policy, entitled "Interim Guidance Regarding Detention Authority for Applicants for Admission," claims that all persons who entered the United States without inspection shall now be subject to mandatory detention under § 1225(b)(2)(A). The policy

applies regardless of when a person is apprehended and affects those who have resided in the United States for months, years, and even decades.

41. On September 5, 2025, the Board of Immigration Appeals ("BIA") adopted this same position in a published decision, *Matter of Yajure Hurtado,* 29 I. & N. Dec. 216 (BIA 2025). There, the BIA held that all noncitizens who entered the United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are ineligible for IJ bond hearings.

42. This Court and dozens of other federal courts have since rejected this new interpretation of the INA's detention authorities espoused by Respondents' policy and *Matter of Yajure Hurtado*.

43. Before ICE and the BIA introduced these nationwide policies, the Tacoma, Washington Immigration Court stopped providing bond hearings for persons who entered the United States without inspection and have remained here. The U.S. District Court in the Western District of Washington found that this practice of failing to provide bond hearings was likely unlawful, and that, under the plain text of the statutory provision, § 1226(a), not § 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States. *Rodriguez v. Bostock,* 779 F. Supp. 3d 1239 (W.D. Wash. 2025).

44. Subsequently, this Court, along with other courts in this District, also rejected the new interpretation of the INA's detention authority put forth by ICE and the BIA. *See, e.g.*, *Diallo v. Noem,* 1:25-cv-09909-AS, (S.D.N.Y. Dec. 5, 2025), Order at 1, Dkt. No. 13 (Subramanian, J.); *J.G.O. v. Francis*, No. 25-CV-7233 (AS), 2025 WL 3040142 (S.D.N.Y. Oct. 28, 2025) (Subramanian, J.); *Rivera Esperanza v. Francis*, No. 25 Civ. 8727 (RA) (S.D.N.Y Nov. 12, 2025), Hearing Tr. at 19, Dkt. No. 8–1 (Abrams, J.); *Lopez Benitez v. Francis*, 795 F. Supp. 475, 497 (S.D.N.Y. 2025) (Ho, J.); *Tumba v. Francis*, No. 25-cv-8110 (LJL), 2025 WL 3079014

(S.D.N.Y. Nov. 4, 2025) (Liman, J.). District courts across the country have overwhelmingly agreed.[4]

45. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." 8 U.S.C. § 1226(a). The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(l)(E). Subparagraph (E)'s reference to such people makes clear that, by default, these individuals are afforded a bond hearing under subsection (a). As the *Rodriguez* court explained, "[w]hen Congress creates 'specific exceptions' to a statute's applicability, it 'proves' that absent those exceptions, the statute generally applies." *Rodriguez*, 779 F. Supp. 3d at 1256–57 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025 WL 1869299, at *6.

46. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

47. By contrast, § 1225(b) applies to people arriving at United States ports of entry or who recently entered the country. The statute's framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine whether a[]

[4] *See, e.g.*, *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7, 2025); *Ramirez Clavijo v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025).

[noncitizen] seeking to enter the country is admissible." *Jennings v. Rodriguez*, 583 U.S. 281, 287 (2018).

48. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not apply to people like Petitioner who have already entered and were residing in the United States for years at the time they were apprehended.

Civil Immigration Detention

49. To comport with due process, civil detention of noncitizens in removal proceedings must bear a reasonable relationship to the two non-punitive, regulatory purposes of such detention: (1) to ensure the appearance of noncitizens at future hearings and (2) to prevent danger to the community pending the completion of removal. *Zadvydas v. Davis*, 533 U.S. 678, 690–691 (2001); *Velasco Lopez v. Decker*, 978 F.3d 842,854 (2d Cir. 2020).

50. Due process also requires "adequate procedural protections" around civil detention. *Zadvydas*, 533 U.S. at 690. The Second Circuit has held that the *Mathews v. Eldridge* balancing test is applicable to determine the adequacy of process in the context of civil immigration confinement. *Velasco Lopez*, 978 F.3d at 851 (citing *Mathews v. Eldridge*, 424 U.S. 319 (1976)). This test requires process sufficient to mitigate the risk of erroneous deprivation of a liberty interest.

Appropriate Remedies

51. When a noncitizen does not receive individualized consideration pre-deprivation, their due process rights are irrevocably violated, and a bond hearing cannot remedy that violation. *See Rivera Esperanza v. Francis*, No. 25 Civ. 8727 (RA) (S.D.N.Y Nov. 12, 2025), Hearing Tr. at 19, Dkt. No. 8–1. Release is the only adequate remedy under these circumstances. *Lopez Benitez*, 795 F. Supp. at 497 ("[G]iven the nature of the constitutional violation…any

post-deprivation review by an immigration judge would be inadequate."); *Chipantiza-Sisalema v. Francis*, No. 25-CV-5528, 2025 WL 1927931, at *3 (S.D.N.Y. July 13, 2025) (Torres, J.) (finding that custody redetermination hearing could not cure lack of pre-deprivation process and that the government's suggestion otherwise "rings hollow," and ordering immediate release).

CLAIMS FOR RELIEF

COUNT I

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION (Failure to Conduct an Individualized Pre-Detention Assessment)

52. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

53. 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*, 533 U.S. at 690.

54. Petitioner has been deprived of his liberty after being released from DHS custody, and without any change in circumstances. Further, Respondents detained Petitioner without notice to him or his counsel, without an opportunity to respond, and without any meaningful evaluation as to his particular circumstances, including whether he poses flight risk or a danger to the community. Indeed, Petitioner seems to have been arrested in connection with a series of broad sweeps conducted by ICE in the areas of Broadway, Canal Street, and Chinatown in lower Manhattan.

55. Respondents' detention of Petitioner violates the rights guaranteed to him by the Due Process Clause of the Fifth Amendment to the United States Constitution. *Chipantiza-Sisalema*, 2025 WL 1927931, at *3 ("There is no doubt that 'Respondents' ongoing detention of

[Petitioner] with no process at all, much less prior notice, no showing of changed circumstances, or an opportunity to respond, violates [her] due process rights.'") (citation omitted).

COUNT II

VIOLATION OF THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION (Substantive Due Process)

56. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in the preceding paragraphs as if fully set forth herein.

57. The Due Process Clause prohibits the government from depriving any person of "life, liberty, or property, without due process of law." U.S. Const. amend. V. At its core, a person's protected liberty interest mandates freedom from arbitrary imprisonment and applies to individuals in immigration detention. *See Zadvydas*, 533 U.S. at 690. Because "liberty is the norm, and detention prior to trial or without trial is the carefully limited exception," the government may imprison people as a preventative measure only within strict limits. *Foucha v. Louisiana*, 504 U.S. 71, 83 (1992) (quoting *United States v. Salerno*, 481 U.S. 739, 755 (1987)).

58. In the immigration context, courts have recognized only two legitimate purposes for detention: mitigating flight risk and preventing danger to the community. *See Zadvydas*, 533 U.S. at 690–91; *Faure v. Decker*, No. 15 Civ. 5128 (JGK), 2015 WL 6143801, at *3 (S.D.N.Y. Oct. 19, 2015).

59. Petitioner's detention is not necessary to ensure his appearance at future immigration proceedings and he does not present a danger to the community. His prior appearances in Immigration Court demonstrate that he is willing and able to appear and participate in his immigration proceedings. He has no criminal history, nor is he a danger to his community. Because Respondents' detention of Petitioner bears no "reasonable relation" to the

government's interests in preventing flight and danger, *Jackson v. Indiana*, 406 U.S. 715, 738 (1972), Petitioner's detention is devoid of any reasoned justification.

60. For the foregoing reasons, Respondents' arbitrary and abrupt detention of Petitioner violates his substantive due process rights.

COUNT III

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT, 8 U.S.C. § 1226(a) and Implementing Regulations

61. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

62. Upon information and belief, Respondents are detaining Petitioner pursuant to 8 U.S.C. § 1225(b)(2), their mandatory detention authority. However, at the time of his re-detention by Respondents, Petitioner was not seeking admission to the United States. He had been residing in the United States since 2023. Moreover, DHS previously arrested, detained, and released Petitioner, pursuant to Section 1226, in 2023, when he first arrived in the United States.

63. Section 1226 governs the detention of individuals residing within the United States, like Petitioner, and implements a discretionary detention regime with the opportunity for release.

64. Because Petitioner's detention is governed by Section 1226, the application of the mandatory detention statute, 8 U.S.C. § 1225(b), to Petitioner is unlawful under the INA.

COUNT IV

VIOLATION OF THE ADMINISTRATIVE PROCEDURE ACT, 5 U.S.C. § 706(2)(A)

65. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

66. The Administrative Procedure Act prohibits agency action that is arbitrary and capricious or contrary to law. 5 U.S.C. § 706(2)(A).

67. An action is an abuse of discretion if the agency "entirely failed to consider an important aspect of the problem, offered an explanation for its decision that runs counter to the evidence before the agency, or is so implausible that it could not be ascribed to a difference in view or the product of agency expertise." *Nat'l Ass'n of Home Builders v. Defs. of Wildlife*, 551 U.S. 644, 658 (2007) (quoting *Motor Vehicle Mfrs. Ass'n of U.S., Inc. v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983)). An agency must articulate "a satisfactory explanation" for its action, "including a rational connection between the facts found and the choice made." *Dep't of Com. v. New York*, 588 U.S. 752, 773 (2019) (citation omitted).

68. Respondents' decision to detain Petitioner and suddenly subject him to mandatory detention under Section 1225(b)(2) seemingly in connection with their indiscriminate Canal Street operation, irrespective of Petitioner's prior release under Section 1226 or the individual circumstances of his case, is arbitrary and capricious and contrary to law.

COUNT V

VIOLATION OF THE FOURTH AMENDMENT TO THE UNITED STATES CONSTITUTION
(Freedom from Unlawful Stop and Seizure)

69. Petitioner repeats and re-alleges the allegations contained in all preceding paragraphs of this Petition as if fully set forth herein.

70. ICE's suspicionless stop and subsequent arrest of Petitioner violated the Fourth Amendment's safeguards against unconstitutional stops and seizures.

71. The Fourth Amendment protects "the right of the people to be secure in their persons . . . against unreasonable searches and seizures" and establishes that "no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing . . .

the persons or things to be seized." U.S. Const. amend. IV. These rights apply equally to noncitizens present in the United States.

72. The Government bears the burden of providing "specific and articulable facts" to support reasonable suspicion for a stop or seizure. *See Terry v. State of Ohio*, 392 U.S. 1, 21 (1968). Officers lacked reasonable suspicion to stop Petitioner, and certainly lacked probable cause to arrest him.

73. ICE officers also lacked a warrant authorizing Petitioner's detention. An administrative arrest provides a valid basis for initial detention of a noncitizen, *Abel v. United States*, 362 U.S. 217, 230, 233 (1960), but the BIA and DHS have long required a showing of changed circumstances to alter prior bond and release determinations. *See Saravia v. Sessions*, 280 F. Supp. 3d 1168, 1197 (N.D. Cal. Nov. 20, 2017) (discussing government counsel's representations regarding DHS's practice of re-arresting only after a material change in circumstances), *aff'd*, 905 F.3d 1137 (9th Cir. 2018). Numerous courts have also recognized that noncitizens, including asylum seekers like Petitioner, cannot be rearrested based on the same probable cause that prompted their initial detention. *Saravia*, 280 F. Supp. 3d at 1196 ("Absent some compelling justification, the repeated seizure of a person on the same probable cause cannot, by any standard, be regarded as reasonable under the Fourth Amendment.") (citation omitted).

74. In the absence of changed or exigent circumstances that would justify Petitioner's arrest after federal immigration authorities had already decided he could pursue his claims for immigration relief at liberty, his re-arrest solely because he was at the wrong place at the wrong time is unreasonable and violates the Fourth Amendment. *See, e.g.*, *Munoz Materano v. Arteta*, No. 25 Civ. 6137 (ER), 2025 WL 2630826, at *17, *20 (S.D.N.Y. Sept. 12, 2025); *Lopez v.*

Sessions III, No. 18 Civ. 4189 (RWS), 2018 WL 2932726, at *13–14 (S.D.N.Y. June 12, 2018) ("administrative warrants raise serious due process and Fourth Amendment questions" where they do not even "approach 'probable cause'") (citation omitted).

75. The appropriate remedy for this violation of Petitioner's Fourth Amendment rights is release from detention. *See, e.g.*, *Rosado*, 2025 WL 2337099, at *18.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

a. Declare that Petitioner's detention violates the Due Process Clause of the Fifth Amendment;

b. Declare that Respondents' actions violate the Fourth Amendment;

c. Declare that Respondents' actions violate the Administrative Procedure Act;

d. Issue a Writ of Habeas Corpus requiring that Respondents immediately release Petitioner;

e. Order a stay of removal enjoining Respondents from transferring Petitioner outside of New York or the country while these proceedings are pending;

f. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under law; and

g. Grant any other and further relief that this Court deems just and proper.

DATED this 5th day of December, 2025.

/s/ Abena Mainoo
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VERIFICATION PURSUANT TO 28 U.S.C. § 2242

I submit this verification on behalf of Petitioner because I am an attorney for Petitioner. I hereby verify that the statements made in the attached Amended Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

I verify under penalty of perjury that the foregoing is true and correct.

Dated: December 5, 2025

/s/ Ludivine M. Van der Heyden
Ludivine M. Van der Heyden