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UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEINA SOLIMAN

Petitioner,

vs.

JOHN DOE, in his official Capacity as Warden of the Moshannon Vallet ICE Processing Center;

BRIAN MCSHANE, Field Office Director of Enforcement and Removal Operations, PHILADEPHIA Field Office, Immigration and Customs Enforcement;

KRISTI NOEM, Secretary, U.S. Department of Homeland Security; U.S. DEPARTMENT OF HOMELAND SECURITY;

PAMELA BONDI, U.S. Attorney General; EXECUTIVE OFFICE FOR IMMIGRATION REVIEW;

Defendant(s).

Case No.: 3:26-cv-00090-CCW

MOTION TO ENFORCE

I. INTRODUCTION

Petitioner Meina Soliman moves this Court to enforce its Habeas Order of March 6, 2026. This motion is necessitated by a fundamental failure in the adjudicatory process provided by the Executive Office for Immigration Review (EOIR). While a proceeding was held on March 11, 2026, the objective record demonstrates that it was an illusory, "check-the-box" exercise rather than the "individualized bond hearing" mandated by this Court. As set forth in the following facts, Petitioner was subjected to a systemically biased framework where judicial independence has been structurally removed, rendering a fundamentally fair

hearing under the standards of the Third Circuit objectively impossible. More specifically, Petitioner was not afforded an individualized hearing, but was instead subjected to a hearing that deprived him of due process under the 5th Amendment, and which did not conform to this honorable Court's order.

II. STATEMENT OF FACTS AND THE JUDGE'S DECISION

On March 6, 2026, this Court entered an Order granting a conditional writ of habeas corpus. See Plaintiff's Exhibit 1 ("Ex. 1"), at 125.

This Court's Order mandated that Respondents provide Petitioner with an "individualized bond hearing" and required the Immigration Judge to provide a reasoned decision. Id. at 125, 127.

Pursuant to this Court's mandate, a custody redetermination hearing was held on March 11, 2026, before Immigration Judge Dennis Ryan. Id. at 1.

1. During the proceeding, Petitioner submitted a comprehensive administrative record (EROP) containing substantial evidence of his suitability for release, including a history of compliance documented in the government's own Form I-213. Id. at 4.

2. The Form I-213 notes that Petitioner arrived at the ERO York office "as scheduled" on November 26, 2025, and "as instructed" on August 29, 2023, and further confirms that Petitioner has "no ascertainable criminal history." Id.

3. Petitioner presented evidence of cooperation with law enforcement via a letter from Cpl. David Black of the Pennsylvania State Police, which states that Petitioner was "very cooperative" with investigating Troopers following a severe hit-and-run accident on January 18, 2024. Id. at 57.

4. The official police accident report confirms that Petitioner was the victim in the January 2024 crash and, despite sustaining life-threatening injuries including brain bleeding, sought out assistance to contact emergency services. Id. at 63.

5. Petitioner submitted documentation of significant community and economic ties, including a fixed residence in Dillsburg, PA, and a Certificate of Title for a [redacted] registered in his name. Id. at 108.

6. Petitioner's economic evidence included time sheets from "[redacted]" demonstrating consistent employment, a verified payment of $1,104.08 to the IRS for business tax obligations, and an "Exclusive Buyer Agency Contract" for the purchase of real property. Id. at 10, 14, 19.

7. Petitioner provided a "Declaration of Sponsorship and Support" from Martin Makram Ayad, who committed to ensuring Petitioner's attendance at all hearings and provided tax returns showing an income of $105,366. Id. at 70, 71.

8. Petitioner also submitted a declaration of support from his neighbor, William Bebawy, along with tax records showing an income of $55,631, and an affidavit from his nephew confirming Petitioner's 20% ownership interest in their family business. Id. at 79, 80, 92.

9. Petitioner submitted an affidavit from a business associate, Mr. Felix, who vouched for Petitioner's character and requested bond so Petitioner could continue supporting their shared business. Id. at 93.

10. At the conclusion of the March 11 hearing, the Immigration Judge issued a written order consisting of a pre-printed form with a single box checked stating: "The court finds the respondent is a flight risk." Id. at 1.

11. The written order contains no factual findings, no individualized analysis of Petitioner's equities, and no explanation as to why the evidence of compliance, law enforcement cooperation, and financial sponsorship was insufficient to mitigate flight risk. Id. The decision does note that a memorandum would issue should the Petitioner appeal. Id.

12. The Immigration Judge's order does not enumerate any specific facts supporting a fear of flight, nor does it discuss alternative conditions of release such as a monetary bond or electronic monitoring. Id.

13. The written record of the proceeding consists solely of the summary determination via a pre-printed checkbox. Id.

14. To fill vacancies, the Department of Justice (DOJ) launched a social media campaign recruiting "deportation judges," offering a 25% recruitment incentive for placements in New York, Boston, and other major cities. (Ex. 3 at 1; Ex. 13 at 1).

15. Recruitment materials state the role of these "deportation" judges is to "ensure that only aliens with legally meritorious claims are allowed to remain" and to "expedite deportations." (Ex. 13 at 2).

16. Additionally, the Secretary of Defense authorized up to 600 Judge Advocate General (JAG) Corps attorneys to serve as temporary immigration judges. (Ex. 6 at 1).

17. For these JAG appointments, the DOJ waived the long-standing requirement that temporary judges possess at least ten years of immigration law experience. (Ex. 6 at 1; Ex. 16 at 1).

18. Policy Memorandum 25-02 (Jan. 27, 2025) instructs all EOIR employees to "faithfully carry out the policies of DOJ and the Executive Branch" and states that EOIR should not "countenance any obtuse or tendentious arguments intended to undermine the application of its policies." (Ex. 22 at 5).

19. In PM 25-02, EOIR leadership asserts that "the past four years have severely undermined EOIR's core values" and calls for a "re-establish[ment]" of the agency, stating that "[i]f all employees are willing to join that effort, then there will be no limit to what EOIR can achieve." Id.

20. Policy Memorandum 25-33 (June 27, 2025) warns that judges who grant motions because they perceive it "would benefit the alien" may be subject to "corrective or disciplinary action." (Ex. 21 at 2 n.1).

21. Performance measures established in Policy Memorandum 25-47 (Sept. 12, 2025) prioritize the "efficient enforcement" of immigration laws, specifically targeting "detained cases" for completion. (Ex. 20 at 1).

22. Former judges describe the current administrative environment as a "directive to summarily dismiss" claims, prioritizing a "check-the-box exercise" over substantive due process. (Ex. 5 at 2; Ex. 9 at 1).

23. "In the early days of the second Trump administration, newly installed leaders at the Justice Department abruptly removed senior leadership at the agency overseeing the nation's immigration courts from service, known as the Executive Office for Immigration Review. The removals, which targeted career public servants who together had served in the agency for several years, illustrated the Trump administration's push to install officials who are aligned with his policy vision. In multiple cases of firings, the judges were not provided a reason for the termination. At least 30 of them had grant rates of 30% or higher — meaning they granted asylum claims — according to an analysis by CNN of available records." Exhibit 5 at 1.

24. "These unlawful and politicized firings are definitely just another reason why there's a strong need for an independent judiciary under Article I or Article III of the Constitution," said Anam Petit, a former Virginia immigration judge who said she was fired in September. "Judges should not be afraid for their jobs. They shouldn't be nervous that they need to rule a certain way." Ex. 3 at 1.

25. In March 2026, a U.S. District Judge in Missouri found that a bond hearing had "indications of predetermined outcome" and was "untethered by the facts." (Ex. 24 at 1).

26. On February 9, 2026, the U.S. District Court for the District of Rhode Island ordered the immediate release of a petitioner after finding an immigration judge's bond denial was deficient as a matter of law. See Picado v. Hyde, No. 26-cv-065-JJM-PAS, ECF No. 7 at 15 (D.R.I. Feb. 9, 2026) (Ex. 25).

27. The court in Picado noted that since the petitioner had already participated in two deficient hearings, "it makes little sense to provide him with a third." Id. at 16.

III. LEGAL AUTHORITY

A. The Court's Inherent Power and Continuing Jurisdiction to Enforce its Decrees

1. Federal courts possess the "inherent power to enforce [their] own orders." E.O.H.C. v. Sec'y U.S. Dep't of Homeland Sec., 950 F.3d 177, 194 (3d Cir. 2020). This power includes the exercise of ancillary jurisdiction "to manage its proceedings, vindicate its authority, and effectuate its decrees." Peacock v. Thomas, 516 U.S. 347, 354 (1996).

2. In the habeas context, district courts "retain jurisdiction to determine whether a respondent has complied with the terms of a conditional order granting habeas relief." Gibbs v. Frank, 500 F.3d 202, 205 (3d Cir. 2007). Jurisdiction exists for the specific purpose of determining whether the government acted in accordance with the court's mandate. See Phifer v. Warden, U.S. Penitentiary, 53 F.3d 859, 865 (7th Cir. 1995).

3. This authority specifically extends to immigration detention. A district court has the authority to review compliance with a prior order directing that a detainee receive a bond hearing. See Leonardo v. Crawford, 646 F.3d 1157, 1161 (9th Cir. 2011). As noted in A.D. v. Oddo, the court's role is to ensure that the government has "cured the constitutional error" that justified the conditional writ in the first instance. See Plaintiff's Exhibit 27 ("Ex. 27"), at 7.

B. **The Constitutional Standard for a "Fundamentally Fair" Bond Hearing**

1. A "fundamentally fair bond hearing" must comport with the essential requirements of the Due Process Clause. See Ghanem v. Warden Essex Cnty. Corr. Facility, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022).

2. The Third Circuit has identified three essential elements of due process in this context: (a) factfinding based on a record produced before the decisionmaker and disclosed to the alien; (b) the opportunity to make arguments; and (c) an individualized determination of the alien's interests. See Kamara v. Att'y Gen. of U.S., 420 F.3d 202, 211 (3d Cir. 2005).

3. A hearing that is "not individualized" or is otherwise "so arbitrary that it could be considered a sham" does not satisfy the requirements of a court-ordered bond hearing. See Coffie-Joseph v. Oddo, No. 3:24-CV-114-KAP, 2025 WL 2596940, at *1 (W.D. Pa. Sept. 8, 2025).

4. Due process further requires that the decision be tethered to the facts. An order that finds a petitioner is a flight risk "without factual explanation or support" is clearly deficient. See Plaintiff's Exhibit 26 ("Ex. 26"), at 1-2. When an IJ relies on "mechanistic factors" common to all detainees—such as the existence of a removal order—the determination is

not sufficiently individualized. See Santos v. Lowe, No. 1:18-CV-1553, 2020 WL 4530728, at *4 (M.D. Pa. Aug. 6, 2020).

5. In light of the ongoing systemic "purge" of EOIR personnel (Exs. 2-5), a "check-the-box" denial (Ex. 1, at 1) suggests the outcome was predetermined by administrative pressures rather than an individualized assessment of the record.

C. Distinguishing Procedural Enforcement from Discretionary Review

1. Although 8 U.S.C. § 1226(e) precludes district courts from reviewing the "discretionary judgment" of an immigration judge, it does not bar the court from evaluating whether the legal standards underlying those actions satisfy due process. See Borbot v. Warden Hudson Cnty. Corr. Facility, 906 F.3d 274, 279 (3d Cir. 2018).

2. A motion to enforce is not an attempt to relitigate the merits of a bond order. See Shonhai v. Lowe, No. 3:24-CV-229, 2026 WL 538865, at *8 (M.D. Pa. Feb. 26, 2026). Rather, it is an inquiry into whether the government "complied exactly with [the] Court's Order." Leonardo, 646 F.3d at 1161.

3. Where an Immigration Judge issues a "rubberstamp denial" based on past offenses while failing to evaluate the individual's "current threat to the community and his risk of flight," the hearing is fundamentally unfair. See Santos, 2020 WL 4530728, at *3.

4. Where a respondent fails to cure the constitutional infirmity within the time provided by a conditional writ, the district court retains the power to order the petitioner's unconditional release. See Hechavarria v. Whitaker, 358 F. Supp. 3d 227, 235 (W.D.N.Y. 2019); see also Ex. 27, at 7.

D. Enforcement under the Federal Rules of Civil Procedure

1. Federal Rule of Civil Procedure 70(a) provides that if a judgment requires a party to perform any specific act and the party fails to comply, the court may direct the act to be done or hold the disobedient party in contempt. Fed. R. Civ. P. 70(a), (e). In the context of a conditional habeas grant, the court's discretion includes the power to order immediate release upon a finding of non-compliance. See Gibbs, 500 F.3d at 207.

E. Petitioner's Continued Detention is Unconstitutionally Indefinite

1. The "Safe Third Country" Framework for Uganda is Factually and Legally Non-Existent. Independent of the deficient bond hearing, Petitioner's continued detention violates the Due Process Clause because there is no significant likelihood of his removal in the reasonably foreseeable future. See Zadvydas v. Davis, 533 U.S. 678, 701 (2001). In July 2025, the United States and Uganda entered into an agreement regarding the relocation of non-citizens. Article 4 of that agreement explicitly required "operating procedures" to facilitate removals. To date, no such procedures have been implemented, and there is no evidence that a single individual has been successfully deported to Uganda under this framework.

2. On October 31, 2025, the BIA issued Matter of C-I-G-M- & L-V-S-G-, which stripped Immigration Judges of the authority to determine if a "safe" third country would actually accept an individual. Respondents then utilized this precedent to pretermit applications for relief and issue removal orders to Uganda—a country with no viable deportation infrastructure. Following the injunction in Amica Center for Immigrant Rights v. EOIR, No. 26-cv-00452 (D.D.C. 2026), Respondents abruptly abandoned this policy, tacitly admitting that deportation to Uganda is not a viable avenue.

3. It is clear that Respondents have no non-illusory path to deport Petitioner. Detention of an alien for over two years where removal is not significantly likely is "unreasonable" and "indistinguishable from criminal punishment." See German Santos v. Warden Pike Cnty. Corr. Facility, 965 F.3d 203, 210-11 (3d Cir. 2020)(holding further that such punitive, rather than civil, conditions "strongly favor a finding of unreasonableness)(at 18). If Respondents maintain otherwise, this Court should order them to provide a post-hoc justification showing specific steps taken toward Petitioner's removal and proof that Uganda has any inclination to accept him. See Gibbs v. Frank, 500 F.3d 202, 208 (3d Cir. 2007).

4. On February 18, 2026, the sitting Minister of Foreign Affairs of the Republic of Uganda, the Honorable Henry Okello Oryem, explicitly informed counsel in Kampala that

"Uganda is not currently accepting asylum seekers transferred from the United States" (Ex. 28).

5. The Minister further confirmed that "no operational framework exists" in Uganda to receive, process, integrate, or provide durable protection to such individuals. He emphasized that it would be "inhumane" to accept transferees who lack familial or community ties, as they would face "immediate instability and severe hardship". *Id.*

6. Furthermore, transferees would be unable to obtain lawful employment due to administrative limitations and documentation barriers. The Minister noted that Uganda's refugee infrastructure is already strained and is not structured for third-country transferees from outside the region. *Id.*

7. Due to the total absence of a finalized agreement or operational capacity to absorb Petitioner, removal is not significantly likely in the reasonably foreseeable future. Consequently, Petitioner faces an unconstitutionally indefinite and indeterminate period of confinement.

8. As in Mendez Trigueros v. Guadian, the considerations upon which the IJ determined Petitioner constitutes a flight risk were "so lacking in probative value" that they failed to provide constitutionally sufficient due process. See No. 1:26-cv-00205 (E.D. Va. Feb. 2026). Because the IJ ignored the vast record of compliance and community ties in Exhibit 1, the resulting check-the-box denial was not a reasoned decision but a rubber stamp that failed the fundamental fairness requirement of the 5th Amendment's Due Process clause and this honorable Court's order. See Ghanem v. Warden Essex Cnty. Corr. Facility, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022).

F. Jurisdiction and the Court's Power to Enforce the Habeas Mandate

1. The consensus of circuit courts is that 8 U.S.C. § 1252(a)(2)(B)(ii) does not preclude judicial review of questions of law arising from an agency's use of discretionary power. See Pinho v. Gonzales, 432 F.3d 193, 204 (3d Cir. 2005). This Motion does not seek de novo review of a discretionary determination; it asks the Court to determine whether Respondents complied with governing law and this Court's order. This is a question of compliance with a

federal judgment squarely within this Court's habeas jurisdiction. See Leonardo v. Crawford, 646 F.3d 1157, 1161 (9th Cir. 2011).

2. When a district court grants habeas and orders remedial process, it retains the authority to ensure that the process provided is not "illusory." See Phifer v. Warden, 53 F.3d 859, 865 (7th Cir. 1995). The government must comply in substance, not merely check a procedural box. See A.D. v. Oddo, Plaintiff's Exhibit 27 ("Ex. 27"), at 7.

3. The IJ's conduct failed the three essential elements of due process: (1) factfinding based on a record produced and disclosed; (2) the allowance of meaningful arguments; and (3) a genuine individualized determination. See Ghanem, 2022 WL 574624, at *2. The summary order (Ex. 1, at 1) provided none of these protections.

4. Remedy for Non-Compliance. Where a respondent fails to cure the constitutional error within the window of a conditional writ, the Court's broad discretion justifies ordering the Petitioner's release. See Gibbs, 500 F.3d at 207; see also Tatiana Lozhkina v. Noem, Plaintiff's Exhibit 26 ("Ex. 26"), at 2 (ordering release unless a new, factually supported bond hearing is provided within 5 days).

IV. REQUEST FOR RELIEF

As set forth in the preceding sections, the March 11, 2026, proceeding did not constitute an "individualized bond hearing" and therefore failed to satisfy the Court's Habeas Order. (ECF No. 12). Under these circumstances, Petitioner respectfully requests that the Court grant the following relief:

a. Immediate and Unconditional Release. The primary and most appropriate remedy for a respondent's failure to comply with a conditional writ is the petitioner's unconditional release. See Hechavarria v. Whitaker, 358 F. Supp. 3d 227, 234-5 (W.D.N.Y. 2019) (quoting Phifer v. Warden, 53 F.3d 859, 864 (7th Cir. 1995)).. This Court's Order specifically mandated that if Petitioner did not receive a bona fide individualized hearing, "Respondents shall immediately release Petitioner from custody." (ECF No. 12 at 2, ¶ 2). Because the

hearing provided was a "sham" that ignored the "essential elements" of due process, the condition of the writ remains unpurged, and immediate release is necessary to effectuate this honorable Court's Order. See Kamara v. Att'y Gen. of U.S., 420 F.3d 202, 211 (3d Cir. 2005); Picado v. Hyde, No. 26-cv-065-JJM-PAS, ECF No. 7 at 16 (D.R.I. Feb. 9, 2026) (granting release where providing a third hearing "makes little sense" after repeated deficient proceedings).

Granting this relief is necessary to "vindicate [the Court's] authority" and ensure that the Constitutional mandate for due process is not subverted by a pro forma administrative exercise. Peacock v. Thomas, 516 U.S. 347, 354 (1996); Shonhai v. Lowe, 2026 WL 538865, at *4.

DATED: March 30, 2026

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March, 2026, a true and correct copy of the foregoing Motion to Enforce was filed electronically with the Clerk of the Court using the CM/ECF system for the United States District Court for the Western District of Pennsylvania.

I further certify that service was thereby effectuated upon all counsel of record, including the Office of the United States Attorney for the Western District of Pennsylvania, which represents Respondents in this action. In addition, a true and correct copy of the foregoing Petition will be served upon the Respondents and the Office of the United States Attorney in accordance with Rule 4(i) of the Federal Rules of Civil Procedure.

This 30th day of March, 2026

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