IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MEINA GABALLA SHAKER SOLIMAN, Petitioner, v. JOHN DOE, in his official capacity as Moshannon Valley ICE Processing Center; BRIAN McSHANE, ICE FOD ERO Philadelphia; PAM BONDI, in her official capacity as Attorney General of the United States; and KRISTI NOEM, in her official capacity as Secretary of the U.S. Department of Homeland Security, Respondents.	)	CIVIL ACTION NO. 3:26-cv-90 JUDGE CHRISTY CRISWELL WIEGAND *(Electronic Filing)*

RESPONSE TO PETITIONER'S MOTION TO ENFORCE

AND NOW COME Respondents, by their attorneys Troy Rivetti, United States Attorney for the Western District of Pennsylvania, and Heidi M. Grogan, Assistant United States Attorney for said District, and hereby submit this Response to Motion to Enforce (ECF No. 17). Respondents respectfully submit that this Court should dismiss Petitioner's Motion.

On January 23, 2026, Petitioner Meina Soliman filed a Petition for Writ of Habeas Corpus. ECF No. 1. On February 2, 2026, this Court entered a Case Management Order and, on February 10, 2026, ordered Respondents to file their Responsive Pleading by March 4, 2026. ECF Nos. 5 & 8. Respondents filed a Response on March 4, 2026. The Court ruled on March 6, 2026, granting in part and denying in part the Petition for Writ of Habeas Corpus. ECF No. 12. It its Order, the Court ordered *inter alia* that "Petitioner must receive an individualized bond hearing conducted

by an immigration judge pursuant to 8 U.S.C. § 1226." *Id.* On March 17, 2026, the parties, as Ordered, filed a Joint Status Report indicating that the Petitioner was granted a bond hearing on March 11, 2026 and bond was denied due to the Immigration Judge ("IJ") concluding that Petitioner is a flight risk. ECF No. 14. The parties noted that they disagreed as to whether Petitioner's bond hearing was "individualized." *Id.* at n.1. The IJ's Order was attached as an Exhibit to the Joint Status Report. ECF No. 14-1 (attached hereto as Exhibit 1).

On March 17, 2026, Petitioner filed a Motion for Leave to File a Separate Status report, which the Court denied without Prejudice on March 25, 2026. ECF No. 16. The Court advised that "if Petitioner seeks additional relief from the Court, such as enforcement of a prior court Order, he must file a Motion requesting such relief." *Id.* (Text Order). On March 30, 2026, Petitioner filed the pending Motion to Enforce. ECF No. 17. The Court ordered Respondents to file their Response to the Motion by April 6, 2026. ECF No. 18.

In his Motion, Petitioner claims that his bond hearing was "an illusory, 'check-the-box' exercise rather than an individualized bond hearing." *Id.* at 1. Petitioner argues this deprived him of his due process rights under the Fifth Amendment. *Id.* at 2.

This Court must dismiss Petitioner's Motion.

First, this Court lacks jurisdiction to review any discretionary determinations underlying the immigration judge's bond decision. "A motion to enforce a judgment is not the proper avenue to relitigate the merits of a bond order." *Ghanem v. Warden Essex Cnty. Corr. Facility*, No. 21-1908, 2022 WL 574624, at *2 (3d Cir. Feb. 25, 2022). As courts in the Western District of Pennsylvania have recognized, the Immigration and Nationality Act ("INA") divests the District Court of jurisdiction to review an IJ's discretionary decision-making with respect to bond. *See, e.g., Lopez Zhiminaicela v. Oddo et al.*, 3:26-cv-00130-WSS, ECF No. 16 (March 11, 2026)

(Stickman, J.) (Text Order) (denying motion for Miscellaneous Relief where Petitioner took issue with IJ's bond determination and citing 8 U.S.C. § 1226(e) to find that "no court may set aside any action or decision regarding detention or release of any alien. The Court does not have the authority to sit as an appellate court over the determination of the immigration judge and to question his substantive determination on bond. This Court does not have the jurisdiction to offer the relief requested by Petitioner."); *see also Niangane v. Noem, et al.*; 3:25-cv-00488-SLH-KT, ECF No. 24, at 2-3 (Feb. 11, 2026) (Haines, J.) (explaining 8 U.S.C. § 1226(e) divests district court of jurisdiction to review an IJ's discretionary decision-making with respect to bond).

Petitioner's arguments are actually an attempt to relitigate the merits of the IJ's bond order, which this Court cannot review. *See* ECF No. 17 at 3-4 (¶¶ 11-13) (complaining that the IJ provided "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."). "[E]videntiary quibbles fail to demonstrate the government deprived [Petitioner] of a fundamentally fair bond hearing . . .". *Id.* The Board of Immigration Appeals (BIA) —not this Court—is the proper tribunal to consider the substantive grounds of Petitioner's appeal.

Second, Petitioner has not exhausted administrative remedies. As the IJ's Bond Order shows, Petitioner has until April 10, 2026 to appeal the IJ's decision. ECF 14-1. Thus, if timely made, Petitioner's appeal of his bond hearing will be heard by the BIA in accord with the applicable regulatory framework and consistent with this Court's Order. *See, e.g.*, 8 CFR § 1003.3. Petitioner's arguments regarding the outcome of the bond hearing are properly brought to the BIA in the first instance. *See, e.g., Ghanem*, 2022 WL 574624, at *1 (considering petitioner's allegations that bond hearing failed to provide due process after petitioner exhausted his appeal to

the BIA); *cf. Niangane*, 3:25-cv-00488-SLH-KT, ECF No. 24, at 4 (District Court found there was no exhaustion issue present because that Petitioner sought enforcement of the Writ as already granted (whether detention determination under 8 U.S.C. § 1226(a), not § 122[5](b)(2)).

Here, it appears Petitioner has not yet appealed the March 11, 2026 bond determination. *See* https://acis.eoir.justice.gov/en/caseInformation & Ex. 2. Still, Petitioner reserved his right to appeal to the BIA, and this Court should allow that established process to be completed. Ex. 1.

Third, Petitioner has not shown that his bond hearing was fundamentally unfair, in violation of due process requirements. While this Court can review whether the bond hearing was fundamentally unfair, *Ghanem*, 2022 WL 574624, at *2, Petitioner has not provided this Court with the necessary information to do so. Petitioner outlined his version of his presentation of evidence at the bond hearing (with exhibits), ECF No. 17 at 2-3 (¶¶ 1-9) & ECF No. 17-1, but failed to provide the transcript or audio recordings of the hearing which would contain the IJ's factual findings and individualized analysis of Petitioner's case.[1]

In a fundamentally fair bond hearing, due process requires that the individual seeking release: "(1) is entitled to factfinding based on a record produced before the decisionmaker and disclosed to him or her; (2) must be allowed to make arguments on his or her own behalf; and (3) has the right to an individualized determination of his [or her] interests." *Ghanem*, 2022 WL 574624, at *2 (citation omitted). The information known to this Court establishes two of three necessary factors for a fundamentally fair bond hearing: (1) Petitioner's counsel submitted evidence supporting his argument that he should be eligible for bond relief. ECF No. 17 at 2-3 (¶¶

[1] Contrary to Petitioner's assertion that "[t]he written record of the proceeding consists solely of the summary determination via a pre-printed checkbox", as Petitioner has acknowledged at 3, ¶ 11, the IJ stated that he would issue a supplement to the bond memorandum should either side appeal. Moreover, undersigned counsel believes audio recordings of this hearing are available and is attempting to obtain them.

1-9) and ECF No. 17-1; and (2) Petitioner does not contest that his counsel had the opportunity to argue why Petitioner is not a flight risk nor a danger to the community. This Court cannot assess the third factor and Petitioner's primary allegation—that he did not receive an individualized determination—because the Court does not have enough information to make this determination where Petitioner has not provide any transcript or recording of the hearing.

Additionally, the IJ informed the parties that he would supplement his Bond Order finding that Petitioner is a flight risk with a bond memorandum *should either side appeal*. ECF 14-1 (emphasis added). No bond memorandum has issued as Petitioner has not yet filed a notice of appeal. *See* Ex. 1. Without the IJ's Bond Memorandum and the bond hearing transcript or audio recordings of the proceeding, this Court cannot review whether the IJ's determination rests on "plain legal error by misidentifying or misapplying the relevant legal precepts." *Romero v. Ogle*, No. 1:21-cv-01192, 2021 WL 8362027, at *2 (M.D. Pa. Nov. 12, 2021).

Fourth, an unsatisfactory bond hearing result does not mean that Petitioner's bond outcome "was predetermined by administrative pressures rather than an individualized bond record." *See* ECF No. 17. Articles criticizing the immigration court system or allegations that a different petitioner may not have had a fair bond hearing do not establish that *this* Petitioner's bond hearing was fundamentally unfair. *See* ECF No. 17-1. Without the benefit of a transcript or audio recording of the hearing, this Court cannot adequately assess Petitioner's allegations that his bond hearing was not individualized.

For these reasons, Respondents respectfully submit that no further action by the Court is required at this time, and Petitioner's Motion to Enforce should be dismissed.

Respectfully submitted,

TROY RIVETTI
United States Attorney

/s/ Heidi M. Grogan
HEIDI M. GROGAN
Assistant U.S. Attorney
Western District of Pennsylvania
Joseph F. Weis, Jr. U.S. Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
Tel.: (412) 894-7481
Fax: (412) 644-6995
heidi.grogan@usdoj.gov
PA ID No. 203184

Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of April, 2026, a true and correct copy of the foregoing *Motion for Extension of Time to File Response to Motion to Enforce* was served electronically, to and upon the following:

Sherif Bishara
Bishara Law
836 Broadway, Apt. A
Bayonne, NJ 07002
Sbishara@bisharafirm.com

/s/ Heidi M. Grogan
HEIDI M. GROGAN
Assistant U.S. Attorney