

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

ISLAM MAHMOUD ABDELRAHMAN
MAHMOUD ALY,

PETITIONER,

v.

MARKWAYNE MULLIN, ET AL.,
RESPONDENTS.

3:26-CV-831-AJS

(ELECTRONICALLY FILED)

RESPONSE TO HABEAS PETITION

The Petitioner filed Doc. 1 seeking habeas relief in the form of immediate release from immigration detention or a bond hearing. The Petitioner asserts that he is entitled to such relief because he is only subject to discretionary detention under 8 U.S.C. § 1226(a). The Respondents oppose the requested relief because the Petitioner is subject to mandatory detention under 8 U.S.C. § 1225(b)(2).

The Respondents' position is not contrary to this Court's opinion in *Rivera Juarez v. Oddo, et al.*, Civ. No. 3:26-718 (W.D. Pa) (Doc. 10), because of the significant factual distinction between this case and that case. The petitioner in *Rivera Juarez* was detained following his arrest in the interior of the United States, over two years after he crossed the border of the United States without contemporaneously applying for lawful entry. *Id.* at p. 4-5. As demonstrated by Exhibit 1 (pages 5-7), the Petitioner in this case was detained on December 23, 2025, as an arriving alien, at the Philadelphia International Airport port of entry, who was applying for admission into the United States. He has remained detained since that time.

An arriving alien at a port of entry, who is applying for admission into the United States, is subject to mandatory detention under 8 U.S.C. § 1225(b)(2). Even the many federal appellate

and district courts that disagree with the Respondents' mandatory-detention position as it relates to aliens like the petitioner in *Rivera Juarez* do not appear to disagree with the Respondents' mandatory-detention position as it relates to the Petitioner in this case. For example, the Eleventh Circuit recently held in *Hernandez Alvarez v. Warden, Fed. Det. Ctr. Miami*, --- F.4th ---, 2026 WL 1243395, at *1 (11th Cir. May 6, 2026), that "no-bond detention generally applies to arriving aliens seeking lawful entry to the country, and not to aliens who are simply present here."

The petition in this case does not address the fact that the Petitioner was detained as an arriving alien seeking admission at a port of entry. Instead, the petition is framed as if the Petitioner's detention started in the interior of the United States when he was not seeking lawful entry. That is not correct. The Petitioner was previously in the interior of the United States and thereafter left the United States. The detention he is challenging with his pending petition occurred after he left the United States and thereafter arrived at a port of entry seeking admission.

Under 8 U.S.C. § 1225(a)(1), "[a]n alien . . . who arrives in the United States (whether or not at a designated port of arrival . . .) shall be deemed for purposes of this chapter an applicant for admission." Under 8 U.S.C. § 1225(b)(2)(A), "[s]ubject to subparagraphs (B) and (C), in the case of an alien who is an applicant for admission, if the examining immigration officer determines that an alien seeking admission is not clearly and beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section 1229a of this title" (i.e., a removal proceeding). As demonstrated by Exhibit 1 (pages 5-7), the Petitioner is an "applicant for admission" who was "seeking admission" at a port of entry when he was detained. Also as demonstrated by Exhibit 1 (pages 5-7), in light of the highly suspicious bases relied upon by the Petitioner in seeking admission, he is not "clearly and beyond a doubt entitled to be admitted." The Petitioner, therefore, "shall be detained."

The petition does not establish eligibility for any exception to mandatory detention under Section 1225(b)(2)(A). The petition should be denied. The Petitioner should remain detained pending immigration litigation.

Respectfully submitted,

TROY RIVETTI
United States Attorney

/s/ Craig W. Haller
CRAIG W. HALLER
Assistant United States Attorney
PA ID No. 87714
US. Attorney's Office
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
412-644-3500
craig.haller@usdoj.gov
Counsel for Respondent

CERTIFICATE OF SERVICE

I certify that on this date I filed the foregoing Response to Habeas Petition via the Court's CM/ECF System, thereby making it available for viewing and downloading by all parties to the case.

Dated: May 14, 2026

/s/ Craig W. Haller
CRAIG W. HALLER
Assistant United States Attorney
PA ID No. 87714
US. Attorney's Office
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
412-644-3500
craig.haller@usdoj.gov
Counsel for Respondents