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

LAMINE BAH Petitioner, v. WARDEN OF MOSHANNON VALLEY PROCESSING CENTER, *et al.*, Respondents.	Civil Action No. 3:26-cv-1791 Judge David S. Cercone (Filed Electronically)

RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS

AND NOW come Respondents, by and through their attorneys, Troy Rivetti, United States Attorney for the Western District of Pennsylvania, and Caden Meier, Assistant United States Attorney, and hereby submit this Response in Opposition to Petitioner Lamine Bah's ("Petitioner") Petition for Writ of Habeas Corpus. ECF No. 1. In response to the Court's September 15, 2026 Case Management Order, ECF No. 2, Respondents submit that this case **does not** involve the threshold issue of whether Petitioner is entitled to a bond hearing under 8 U.S.C. § 1226(a) or is subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A). Rather, Respondents respectfully submit that Petitioner is subject to a Final Removal Order and properly detained under 8 U.S.C. § 1231, pending removal, which is distinct from the cases cited within the Court's Case Management Order. Accordingly, for the reasons below, Petitioner's Petition for Writ of Habeas Corpus should be denied.

I. Introduction

Petitioner is a noncitizen currently in detention at the Moshannon Valley Processing Center ("MVPC"). Petitioner was detained by Immigration and Customs Enforcement ("ICE") on August

19, 2026, pursuant to 8 U.S.C. § 1231 because he is subject to a Final Removal Order. Petitioner alleges that his detainment and removal violate his due process rights. ECF No. 1, at 7-8.

The Court should deny the present petition because Petitioner is properly detained pursuant to a Final Removal Order and is within the six-month presumptively reasonable period of detainment and removal contemplated in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. Factual Background

Petitioner is a citizen and native of Guinea. Ex. 1, at 1 (Petitioner's I-213 Record of Deportable/Inadmissible Alien). On July 8, 2004, Petitioner unlawfully entered the United States at an unknown time and place. *Id.* at 2. On October 27, 2004, Petitioner filed a I-589 Application for Asylum and Withholding of Removal with the United States Citizenship and Immigration Services ("USCIS"). *Id.* On December 2, 2004, USCIS referred Petitioner's I-589 application to an Immigraton Judge. *Id.* On December 13, 2004, Petitioner was issued a Notice to Appear, placing Petitioner in formal removal proceedings. *Id.* On June 23, 2005, an Immigration Judge denied Petitioner's applications for relief and ordered him removed to Guinea. Ex. 2 (Final Removal Order).[1] On July 11, 2005 Petitioner appealed the Removal Order to the Board of Immigration Appeals ("BIA"). Ex. 1, at 3. On September 12, 2006, the BIA dismissed Petitioner's appeal of the Removal Order. Ex. 3. (BIA Order). On October 3, 2006, Petitioner filed a Petition for Review ("PFR") with the United States Court of Appeals for the Second Circuit. Ex. 1, at 3. On December 5, 2007, the Second Circuit denied Petitioner's PFR. *See Bah v. Gonzales*, 249 F. App'x 917 (2d Cir. 2007). At that point, Petitioner's removal order became final.

[1] Respondents acknowledge that the attached Final Removal Order is difficult to read. Since the order was issued in 2005, only a paper copy exists. Respondents are making active efforts to obtain a clearer copy for the Court, if available.

On August 19, 2026, Petitioner was detained by ICE officers when he reported to the USCIS field office in New York City to attend an interview regarding an I-130 Petition for an Alien Relative. Ex. 1, at 2. Petitioner was detained pursuant to an I-205 Warrant for Removal. *Id.* He has been in immigration detention for just more than one month.

III. Argument

A. Petitioner's Less Than Six-Month Detention is Presumptively Reasonable Under *Zadvydas.*

Petitioner has not established that his detention violates his due process rights. 8 U.S.C. § 1231(a) governs the detention, release, and removal of aliens like Petitioner who have been ordered removed. *See Johnson v. Arteaga-Martinez,* 596 U.S. 573, 578 (2022). Under 8 U.S.C. § 1231, aliens are subject to a 90-day mandatory detention and removal period. The 90-day mandatory detention period begins on the latest of the following: (i) the date the order of removal becomes administratively final; (ii) if the removal order is judicially reviewed and if a court orders a stay of the removal of the alien, the date of the court's final order; or (iii) if the alien is detained or confined (except under an immigration process), the date the alien is released from detention or confinement. 8 U.S.C. § 1231(a)(1)(B).

In Petitioner's case, the latest of these three events was December 5, 2007, the date the Second Circuit dismissed Petitioner's PFR. Accordingly, Petitioner falls outside of the 90-day statutory window of mandatory detention pursuant to § 1231. However, Petitioner's detention is well within the 6-month period deemed presumptively reasonable to detain an alien to effectuate removal post-final order contemplated by the Supreme Court of the United States in *Zadvydas.*

In *Zadvydas*, the Supreme Court limited a Petitioner's post-final order detention to a "period reasonably necessary to bring about that alien's removal from the United States." 533 U.S. 678,

689 (2001). The Supreme Court found that a post-final order detention period of six months was "presumptively reasonable." *Id.* at 701. Here, Petitioner was detained on August 19, 2026, just over a month ago. As such, Petitioner squarely falls within the presumptively reasonable timeframe of detention under *Zadvydas* and is properly detained pending his removal. For this reason, Petitioner's habeas petition should be denied.

B. Petitioner Fails to Establish His Burden of Proof Under *Zadvydas*

Even if Petitioner did not fall within the six-month presumptively reasonable period of detention under *Zadvydas*, he has not shown that his detention violates his due process rights.

A petitioner bears the burden to show, after the presumptively constitutional six-month period elapses, that his detention has "become prolonged and potentially unlawful," and specifically, that there is "'good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future.'" *Grant v. Warden of Clinton Cnty. Corr. Facility*, No. 1:22-cv-0331, 2022 WL 3045842, at *3 (M.D. Pa. Aug. 2, 2022) (quoting *Guzman Chavez*, 594 U.S. at 529); *Francis S.M. v. Decker*, No. 19-8053(MCA), 2020 WL 1956053, at *4 (D.N.J. Apr. 23, 2020) (quoting *Alexander v. Att'y Gen.*, 495 F. App'x 274, 276 (3d Cir. 2012)).

When an alien cannot "produce evidence demonstrating good cause to believe that there is no significant likelihood of removal in the reasonably foreseeable future, courts have sustained continuing periods of detention pending removal well beyond" the presumptively reasonable six-month period. *Kamara v. Warden*, No. 1:21-CV-4, 2021 WL 1971502, at *9 (M.D. Pa. Apr. 12, 2021) (collecting cases); *Rene v. DHS*, No. 06-336 (JAG), 2007 WL 708905, at *4 (D.N.J. Mar. 5, 2007) ("To carry his burden, Petitioner must present evidence beyond his own speculation and conjecture.").

Here, Petitioner offers no facts to show that his detention has become unreasonably prolonged, nor has he shown that his removal is unlikely to occur in the reasonably foreseeable future. Indeed, the present record demonstrates that since Petitioner's August 19, 2026 detention, ICE has made diligent and ongoing efforts to effectuate his removal. On August 28, 2026, ICE sent a Travel Document Review Request to Headquarters-Return International Operation for review ("HQ-RIO"). Ex. 4 (Declaration of Deportation Officer Joshua Belcher). On September 10, 2026, HQ-RIO finalized the Travel Document Review Request, and on September 14, 2026, the document was sent to the Embassy of Guinea in Washington, DC. *Id.* On September 24, 2026, HQ-RIO received Petitioner's Travel Documents which are valid through March 18, 2027. *Id.* Given ICE's diligent and ongoing efforts to effectuate Petitioner's removal, Petitioner is unable to show that his removal is not likely in the foreseeable future. *Id.* As such, the habeas petition should be denied.

C. Petitioner's Claim for Illegal Arrest is Not Cognizable as Habeas Review

Petitioner contends that his arrest violated his Due Process rights. ECF No. 1, at 7. To the extent that Petitioner seeks to bring a Fourth Amendment claim against Respondents, such a claim is not cognizable in a habeas petition.

It is well-settled that review of actions taken to remove an alien from the United States are within the exclusive jurisdiction of the Court of Appeals. *See* 8 U.S.C. § 1252(g) (vesting with the Court of Appeals exclusive jurisdiction to hear challenges to the Attorney General's decision or action to "commence proceedings, adjudicate cases, or execute removal orders"); *Khalil v. President*, 164 F.4th 259, 276 (3d Cir. 2026) ("[T]o avoid getting channeled to a [petition for review], a claim must raise now-or-never *questions*, not just now-or-never harms." (emphasis in original)). For this reason, District Courts in the Third Circuit consistently decline to consider

Fourth Amendment claims in habeas petitions. *See, e.g.*, *Sissoko v. Oddo*, No. 3:26-cv-1081, 2026 WL 2349398, at *5 (W.D. Pa. Aug. 13, 2026) (Horan, J.) ("Petitioner asks the Court to review whether his stop and subsequent arrest by ICE officials were violations of his Fourth Amendment rights. Such review through a habeas petition is clearly prohibited by *Khalil* because both actions arise from or are actions taken to remove an alien from the United States."); *see also Kaba v. Craig Lowe, Warden, Pike Cty. Corr. Facility*, No. 3:26-cv-2148, 2026 WL 2547340, at *10–11 (M.D. Pa. Aug. 28, 2026) ("Petitioner alleges that his warrantless arrest in violation of the Fourth Amendment constitutes grounds for his immediate release. As a threshold matter, it is not clear that the Court has jurisdiction to entertain this claim.").

Moreover, as these courts recognize, even assuming such a claim was reviewable, habeas relief is not the appropriate remedy. *Kaba*, 2026 2026 WL 2547340, at *10–11 ("Even if the Court does have jurisdiction to address this claim, though, the remedy for a warrantless arrest is not release from detention—the remedy is "the suppression of evidence obtained therefrom."); *Sissoko*, 2026 WL 2349398, at *5 ("Here, Petitioner only seeks release and does not seek suppression of any evidence. Thus, even assuming jurisdiction, the Court could not provide the relief sought by Petitioner.").

Accordingly, Respondents respectfully submit that, to the extent that Petitioner seeks to bring a Fourth Amendment claim for illegal arrest, such a claim is not cognizable in habeas proceedings.

IV. Conclusion

For the reasons above, the Court should deny Petitioner's Writ of Habeas Corpus as well as all other related relief.

Respectfully submitted,

TROY RIVETTI
United States Attorney

/s/ Caden Meier
Assistant U.S. Attorney
Western District of PA
Joseph F. Weis, Jr., U.S. Courthouse
700 Grant Street, Suite 4000
Pittsburgh, PA 15219
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PA ID. 333932
Counsel for Respondents

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of September 2026, a true and correct copy of the within *Response to Petition for Writ of Habeas Corpus* was served by electronic filing and/or postage paid U.S. Mail, to and upon the following:

Lamine Bah
A[redacted]
Moshannon Valley Processing Center
555 Geo Drive
Philipsburg, PA 16866
Petitioner, Pro Se

/s/ Caden Meier
CADEN MEIER
Assistant U.S. Attorney

EXHIBIT 1

U.S. Department of Homeland Security Subject ID : [redacted]

Record of Deportable/Inadmissible Alien

Family Name (CAPS)	First	Middle
BAH, LAMINE		

Sex	Hair	Eyes	Cmplxn
M	BLK	BRO	

Country of Citizenship	Passport Number and Country of Issue	File Number
GUINEA	[redacted]	

Height	Weight	Occupation
68	270	See Narrative

U.S. Address: [redacted]

Scars and Marks:

Date, Place, Time, and Manner of Last Entry	Passenger Boarded at
07/08/2004 Unknown Time, UNK, UU-Unknown Or Not Reported	

F.B.I. Number: [redacted] ☐ Single ☐ Divorced ■ Married ☐ Widower ☐ Separated

Number, Street, City, Province (State) and Country of Permanent Residence:

Method of Location/Apprehension: NCA

Date of Birth	Age: 56	Date of Action	Location Code	At/Near	Date/Hour
[redacted]		08/19/2026	NYC/NYC	See I-831	08/19/2026 13:18

City, Province (State) and Country of Birth	AR ☒	Form : (Type and No.) Lifted ☐ Not Lifted ☐	By
Pita, GUINEA			M16380 DECARTURO G. 9861

NIV Issuing Post and NIV Number	Social Security Account Name	Status at Entry	Status When Found

Date Visa Issued	Social Security Number	Length of Time Illegally in U.S.
	[redacted]	

Immigration Record	Criminal Record
NEGATIVE	

Name , Address, and Nationality of Spouse (Maiden Name, if Appropriate)	Number and Nationality of Minor Children
	None

Father's Name, Nationality, and Address, if Known	Mother's Present and Maiden Names, Nationality, and Address, if Known
BAH, MAMADOU ALIOU NATIONALITY: GUINEA	DIALLO, MARIAM NATIONALITY: GUINEA

Monies Due/Property in U.S. Not in Immediate Possession	Fingerprinted? ☒ Yes ☐ No	Systems Checks	Charge Code Words(s)
None Claimed		See Narrative	See Narrative

Name and Address of (Last)(Current) U.S. Employer	Type of Employment	Salary	Employed from/to
See Narrative	Employee	Hr	12/01/2014

Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.)

FIN: [redacted] Left Index fingerprint Right Index fingerprint



FAMILY INFORMATION

Father:BAH, MAMADOU ALIOU is a citizen of GUINEA.
Mother:DIALLO, MARIAM is a citizen of GUINEA.
Child:Subject does not have children or dependents.

SUBJECT HEALTH STATUS

The subject claims good health.
...(CONTINUED ON I-831)

M16380 DEC
Deportation Officer
(Signature and Title of Immigration Officer)

Alien has been advised of communication privileges _____ (Date/Initials)

Distribution:

A-file

Received: (Subject and Documents) (Report of Interview)

Officer: M16380 DEC

on: August 19, 2026 (time)

Disposition: Bag and Baggage

Examining Officer: CHAE, KC9798

Alien's Name	File Number	Date
BAH, LAMINE	[redacted]	08/19/2026

CURRENT ADMINISTRATIVE CHARGES

12/13/2004 - 237a1A - INADMISSIBLE AT ENTRY OR ADJUSTMENT: IMMIGRANT ADMITTED WITHOUT VALID DOCUMENTS12/13/2004 - 212a7AiI - IMMIGRANT WITHOUT AN IMMIGRANT VISA

RECORDS CHECKED

CIS checked on 08/18/2026 with Positive result.CLAIM checked on 08/19/2026 with Positive result.EARM checked on 08/19/2026 with Positive result.IAFIS checked on 08/18/2026 with Positive result.NCIC checked on 08/18/2026 with Negative result.TECS checked on 08/18/2026 with Positive result.

OCCUPATION

Sales Associate

NAME AND ADDRESS OF US EMPLOYER

FULTON PERFUME AND CAP, 491 FULTON ST BROOKLYN, NEW YORK, 11201, UNITED STATES

ARRESTED AT/NEAR

26 FEDERAL PLAZA, NEW YORK, NEW YORK, UNITED STATES

RECORD OF DEPORTABLE/EXCLUDABLE ALIEN:

ENCOUNTER:
On August 19, 2026, BAH, Lamine (DOB: [redacted] COC: Guinea; [redacted], reported to the New York City Field Office of U.S. Citizenship and Immigration Services (USCIS) for an I-130 - Petition for Alien Relative interview. NYC ERO Officers approached the individual and identified themselves as officers with the Department of Homeland Security (DHS), Enforcement Removal Office (ERO) of Immigration Customs Enforcement (ICE) of the New York City (NYC) Field Office clearly displaying their badges and asked for his true name. The individual then freely stated his true name as Lamine BAH verified by his driver's license. At approximately 1315 hours, the officers took BAH into custody without any incident, pursuant to a Warrant for Removal/Deportation (I-205) and a Final Order of Removal and transported BAH to 26 Federal Plaza, 10th Floor, New York, NY 10278 for further processing.

ALIENAGE AND DEPORTABILITY:
BAH is a 56-year-old male citizen and national of Guinea. Database queries reveal that there are no known derivation of U.S. citizenship issues.

IMMIGRATION HISTORY:
On July 08, 2004, BAH unlawfully entered the United States at an unknown location at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.

On October 27, 2004, BAH filed an I-589 - Application for Asylum and for Withholding of Removal with the United States Citizenship and Immigration Services (USCIS).

On December 02, 2004, USCIS referred BAH's I-589 application to the Immigration Judge (IJ).

On December 13, 2004, USCIS served BAH an I-862 - Notice to Appear charged with violating sections 237(a)(1)(A) under section 212(a)(7)(A)(i)(I) under the Immigration and Nationality Act (INA) and placed BAH in removal proceedings.

Signature	Title
M16380 DEC	Deportation Officer

Alien's Name	File Number	Date
BAH, LAMINE	[redacted]	08/19/2026

On June 23, 2005, an Immigration Judge (IJ) ordered BAH removed to Guinea.

On July 11, 2005, BAH filed a case appeal with the Board of Immigration Appeals (BIA).

On September 12, 2006, the BIA dismissed the appeal and affirmed IJ's decision.

On October 03, 2006, BAH filed a Petition for Review (PFR) with the United States Court of Appeals, Second Circuit Court (2CC), case number 06-4579-AG.

On December 05, 2007, the 2CC denied BAH's PFR.

APPLICATIONS:
On October 30, 2015, DIALLO, Diamy filed an I-130 - Petition for Alien Relative on behalf of BAH.

On September 25, 2016, USCIS approved the I-130 application.

On November 22, 2019, USCIS revoked the approved I-130 application.

On June 12, 2017, BAH filed an I-212 - Application to Reapply for Admission After Deportation or Removal with USCIS.

On November 22, 2019, USCIS denied BAH's I-212 application.

Between 2015 and 2016 USCIS approved BAH's I-821 - Application for Temporary Protected Status (TPS) and I-765 - Application for Employment Authorization.

On May 21, 2017, TPS for Guinea was terminated.

On August 19, 2026, database queries revealed that BAH has a pending Form I-130 - Petition for Alien Relative (receipt number [redacted] with United States Citizenship and Immigration Services (USCIS).

BAH does not have any other pending or approved applications with the USCIS to include any U, T visa and VAWA applications.

CRIMINAL HISTORY:
No criminal history in the United States.

FBI#: [redacted]
FINS#:

TRAVEL DOCUMENT:
Copy of Republic of Guinea Passport # [redacted] expired August 02, 2014, placed in A-file.

DNA:
DNA Kit # [redacted] taken on August 19, 2026.

MEDICAL HISTORY:
BAH claims to have high blood pressure otherwise claims good health and is taking medication for high blood pressure.

CONSULAR NOTIFICATION:
ERO NYC advised BAH of his right to notify the consulate of Guinea of his arrest/detention.

BAH declined and ERO NYC did not notify Guinea's consular officials of his arrest/detention.

Signature	Title
M16380 DEC	Deportation Officer

Alien's Name	File Number	Date
BAH, LAMINE	[redacted]	08/19/2026

FAMILY:
BAH stated that he is married and has 4 minor USC children. ICE Forms 71-076 and 71-078 served, completed and placed in A-file.

PHONE CALL:
ERO NYC offered BAH a phone call. BAH elected to call Diamy, wife, at [redacted] at approximately 1408 hours. The call lasted approximately 5 minutes.

MEALS:
ERO NYC provided BAH with a meal and water.

GANG and TERRORISM AFFILIATIONS:
BAH stated he was not affiliated with any gangs or terrorist organizations.

MILITARY:
BAH stated that he has never served with any of the United States military branches.

FUNDS:
$45.25 (seen, counted and vouched); G-589 [redacted]
Property inventoried on G-589 # [redacted] and I-77 # [redacted]

DISPOSITION:
On August 19, 2026, ERO NYC executed Forms: I-200, I-205, I-294, I-229a, I-213, FD-249, FD-936, DHS 1815, ICE Forms 71-076 and 71-078 and provided BAH the Online Detainee Locator System (ODLS) Privacy Notice and a List of Pro Bono Legal Service Providers.

INCENTIVIZED VOLUNTARY DEPARTURE:
BAH is ineligible for voluntary departure due to having a final order of removal.

BEDSPACE:
Pending bedspace approval from ERO NYC TRO SDDO.

OTHER IDENTIFYING NUMBERS

ALIEN-[redacted]
Other Biometric-[redacted]
U.S. Social Security Number-[redacted]
Customs TECS-[redacted]
Driver's License (State and Country)-[redacted] (UNITED STATES)

DELGADO

Signature	Title
M16380 DEC	Deportation Officer

EXHIBIT 2

IMMIGRATION COURT
26 FEDERAL PLZ 12TH FLR,RM1237
NEW YORK, NY 10278

In the Matter of

Case No.: [redacted]

BAH, LAMINE
Respondent

IN REMOVAL PROCEEDINGS

ORDER OF THE IMMIGRATION JUDGE

This is a summary of the oral decision entered on Jun 23, 2005. This memorandum is solely for the convenience of the parties. If the proceedings should be appealed or reopened, the oral decision will become the official opinion in the case.

(X) The respondent was ordered removed from the United States to GUINEA or in the alternative to

( ) Respondent's application for voluntary departure was denied and respondent was ordered removed to or in the alternative to

( ) Respondent's application for voluntary departure was granted until upon posting a bond in the amount of $ _____ with an alternate order of removal to

Respondent's application for:

(X) Asylum was ( ) granted (X) denied ( ) withdrawn

(X) Withholding of removal was ( )granted (X) denied ( ) withdrawn

( ) A Waiver under Section _____ was ( ) granted ( ) denied ( ) withdrawn

( ) Cancellation under Section 240A(a) was ( )granted ( )denied ( )withdrawn

Respondent's application for:

( ) Cancellation under Section 240A(b)(1) was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

( ) Cancellation under Section 240A(b)(2) was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

( ) Adjustment of Status under Section _____ was ( ) granted ( ) denied ( ) withdrawn. If granted it is ordered that the respondent be issued all appropriated documents necessary to give effect to this order.

( ) Respondent's application of ( ) withholding of removal ( ) deferral of removal under Article III of the Convention Against Torture was ( ) granted ( ) denied ( ) withdrawn.

( ) Respondent's status was rescinded under section 245.

( ) Respondent is admitted to the United States as a _____ until _____

( ) As a condition of admission, respondent is to post a $ _____ bond.

( ) Respondent knowingly filed a frivolous asylum application after proper notice.

( ) Respondent was advised of the limitation or discretionary relief for failure to appear as ordered in the Immigration Judge's oral decision.

( ) Proceedings were terminated.

(X) Other: WITHHOLDING UNDER C.A.T. DENIED

Date: Jun 23, 2005

GABRIEL C. VIGELA
Immigration Judge

EXHIBIT 3

EXHIBIT 4

DECLARATION OF DEPORTATION OFFICER JOSHUA BELCHER

I hereby declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

I am a Deportation Officer for the U.S. Department of Homeland Security ("DHS"), Immigration and Customs Enforcement ("ICE"), Enforcement and Removal Operations ("ERO"), and make this declaration regarding Lamine Bah, Petitioner, DHS file [redacted], based upon information and belief derived from an inspection of DHS records and my own personal knowledge of the case.

1. I am currently assigned to the ERO detained docket at the Moshannon Valley Processing Center located in Phillipsburg, Pennsylvania, and am assisting with cases involving individuals who are nationals and citizens of the Republic of Guinea, which the Petitioner is.

2. On July 8, 2004, the petitioner unlawfully entered the United States at an unknown location at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.

3. On or about October 27, 2004, the petitioner filed an application for relief from removal with the United States Citizenship and Immigration Services (USCIS).

4. On December 2, 2004, USCIS referred the petitioner's application to an immigration judge.

5. On or about December 13, 2004, the petitioner was served with a Notice to Appear charging him with violating sections 237(a)(1)(A) as inadmissible at time of entry or adjustment of status under section 212(a)(7)(A)(i)(I) of the Immigration and Nationality

Act (INA) as an immigrant with no valid immigrant visa or entry document and placing him in removal proceedings.

6. On or about June 23, 2005, the immigration judge (IJ) ordered the petitioner removed to The Republic of Guinea.

7. On or about July 11, 2005, the petitioner filed a case appeal with the Board of Immigration Appeals (BIA).

8. On or about September 12, 2006, the BIA dismissed the petitioners' appeal and affirmed IJ's decision of removal.

9. On or about October 3, 2006, the petitioner filed a Petition for Review (PFR) with the United States Court of Appeals Second Circuit Court.

10. On or about December 05, 2007, the Second Circuit Court denied the petitioners PFR.

11. On or about August 19, 2026, the petitioner reported to the New York City Field Office of USCIS for an I-130 - Petition for Alien Relative interview. Petitioner was arrested pursuant to a Warrant for Removal/Deportation and a Final Order of Removal.

12. On or about August 28, 2026, a Travel Document Review (TDR) request was sent to Headquarters-Return International Operation (HQ-RIO) for review.

13. On or about September 10, 2026, HQ-RIO finalized the TDR and concurred it could be sent to the Embassy of Guinea in Washington DC.

14. On September 14, 2026, the TDR was forwarded to the Embassy of Guinea for review and approval.

15. 14.15. On or about September 24, 2026, HQ RIO received the petitioner's Travel Documents valid through March 18, 2027.

16. Therefore, there is a significant likelihood of removal in the reasonably foreseeable future.

Dated: 9-25-2026

11410

Joshua Belcher, Deportation Officer
U.S. Immigration and Customs Enforcement
Enforcement and Removal Operations