

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

**Mamadou Bocoum Ndoeye v. William P. Joyce, in His Official
Capacity as Deputy Field Office Director of New York, Immigration
and Customs Enforcement; Kristi Noem, in Her Official Capacity as
Secretary of Homeland Security; and Pamela Bondi, in Her Official
Capacity as Attorney General of the United States**

25-CV-8856 (VSB) (S.D.N.Y. Nov. 25, 2025) · No. 25-CV-8856 (VSB) · Decided November 25, 2025

SUMMARY

The United States District Court for the Southern District of New York grants the pro se petitioner leave to file an amended habeas petition under Federal Rule of Civil Procedure 15(a)(2). The court directs the petitioner to file the amended petition and requires the respondent to submit a supplemental response within two weeks.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Vernon S. Broderick
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	November 25, 2025
DOCKET	25-CV-8856 (VSB)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought leave to amend a federal habeas petition after the Government had filed its response. The court granted leave to amend under Federal Rule of Civil Procedure 15(a)(2) and directed petitioner to file the amended petition.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) is committed to the court's discretion and should be freely given when justice so requires; denial is proper upon a showing of undue delay, bad faith, dilatory motive, or futility.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Mamadou Bocoum Ndoeye v. William P. Joyce, in his official capacity as Deputy Field Office Director of New York, Immigration and Customs Enforcement, Kristi Noem, in her official capacity as Secretary of Homeland Security, Pamela Bondi, in her official capacity as Attorney General of the United States

TOPICS

immigration pleadings motion to amend civil procedure

PRACTICE AREAS

immigration habeas corpus civil procedure

QUESTIONS PRESENTED

1. Whether petitioner should be granted leave under Federal Rule of Civil Procedure 15(a)(2) to amend his habeas petition after the Government filed its response.
2. Whether the incomplete docket filing and timing of the amendment request warranted denial of leave to amend.

HOLDINGS

1. A habeas petitioner may amend the petition only with the court's permission when the amendment is sought after the Government's response, because Rule 15(a)(1)(B) does not apply where responsive pleadings are not required in habeas proceedings.
2. Leave to amend should be granted because the record did not show undue delay, bad faith, dilatory motive, or futility, and justice required allowing the pro se petitioner to amend.

KEY QUOTATIONS

"The court should freely give leave when justice so requires."

"The 'only grounds on which denial of leave to amend has long been held proper are upon a showing of undue delay, bad faith, dilatory motive, or futility.'"

FACTUAL BACKGROUND

Petitioner, proceeding pro se through a next friend who was his wife, sought to amend his habeas petition. The request was made after the Government had filed its response, and the docketed filing did not initially include the entire proposed amended petition, although the Court received a copy and the filed document contained petitioner's signature. The court found no undue delay, bad faith, dilatory motive, or futility, and noted petitioner's pro se status and his wife's limited access to the underlying facts and legal system.

PROCEDURAL HISTORY

The court held an order to show cause hearing on November 13, 2025. The Government agreed to submit a supplemental declaration, and petitioner docketed a request to file an amended petition. Because the amendment was sought after the Government's response and responsive pleadings are not required in habeas proceedings, the court applied Rule 15(a)(2), found no undue delay, bad faith, dilatory motive, or futility, and granted leave to amend.

DISPOSITION

other

CASES CITED

- Zarvela v. Artuz, 254 F.3d 374, 382 (2d Cir. 2001), as amended (June 26, 2001), as amended (Aug. 17, 2001)
- Argraves v. United States, No. 3:11-CV-1421, 2013 WL 1856527, at *2 (D. Conn. May 2, 2013)
- Abellard v. King, No. 24-CV-03719, 2025 WL 746022, at *2 (E.D.N.Y. Mar. 7, 2025)
- Sacerdote v. New York University, 9 F.4th 95, 115 (2d Cir. 2021)

OPINION

Ndoye
PER CURIAM.
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X MAMADOU BOCOUM NDOYE, : Petitioner,
:
: 25-CV-8856 (VSB)
-against- :
: ORDER

WILLIAM P. JOYCE, IN HIS OFFICAL : CAPACITY AS DEPUTY FIELD OFFICE :
DIRECTOR OF NEW YORK, : IMMIGRATION AND CUSTOMS : ENFORCEMENT; KRISTI
NOEM, IN HER : OFFICIAL CAPACITY AS SECRETARY OF : HOMELAND SECURITY;
AND PAMELA : BONDI, IN HER OFFICIAL CAPACITY AS : ATTORNEY GENERAL OF
THE UNITED : STATES : Respondents. : ----- X
VERNON S. BRODERICK, United States District Judge: On November 13, 2025 at 10:00 a.m., I
held an Order to Show Cause Hearing in the Thurgood Marshall United States Courthouse,
Courtroom 518, 40 Foley Square, New York, NY, 10007. At the hearing, the Government agreed
to file a supplemental declaration containing various items discussed during the hearing to
facilitate the Court’s ruling on this matter, (Tr. at 36:18-37:25), and on November 19, 2025, the
Government filed a letter explaining that it would prepare and file a supplemental declaration by
November 25, 2025. (Doc. 18.) On November 24, 2025, a request to file an amended petition was
docketed, which was filed by petitioner on November 19, 2025. (Doc. 19.) “[A] habeas petitioner,

like any civil litigant, is entitled to amend his petition.” *Zarvela v. Artuz*, 254 F.3d 374, 382 (2d Cir. 2001), as amended (June 26, 2001), as amended (Aug. 17, 2001); see also 28 U.S.C.A. § 2242 (“[Petition] may be amended or supplemented as provided in the rules of procedure applicable to civil actions.”) This request did not attach the entire proposed amended petition, which was transmitted to the Court via email on November 18, 2025 from the e-mail address associated with the filing of the initial petition. However, the filing that was entered on the docket did contain Petitioner’s signature on the final page of the proposed amended petition. (Doc. 19 at 3.) Because Petitioner “did not file his amended petition prior to the Government filing its response brief” and “Rule 15(a)(1)(B) is inapplicable to habeas petitions because responsive pleadings are not required,” Petitioner “may amend his petition only with the court's permission,” pursuant to Federal Rule of Procedure 15(a)(2). See *Argraves v. United States*, No. 3:11-CV-1421, 2013 WL 1856527, at *2 (D. Conn. May 2, 2013). “The court should freely give leave when justice so requires.” Fed. R. Civ. P. 15(a)(2). “The ‘only grounds on which denial of leave to amend has long been held proper are upon a showing of undue delay, bad faith, dilatory motive, or futility.’” *Abellard v. King*, No. 24-CV-03719, 2025 WL 746022, at *2 (E.D.N.Y. Mar. 7, 2025) (quoting *Sacerdote v. New York Univ.*, 9 F.4th 95, 115 (2d Cir. 2021) (granting motion for leave to amend to pro se habeas petitioner who requested leave to amend nearly seven months after initial petition). Here, the record does not evince any undue delay, bad faith, dilatory motive, or futility in permitting petitioner to amend his complaint. A copy of the amended petition was also provided to the Court and Respondent’s counsel during the hearing on November 10. Petitioner is proceeding pro se, and the Petition was filed by a next friend, his wife, who had limited access to both the underlying facts of the case and the legal system. (Doc. 2 1.) Therefore, I find that “justice so requires” and grant leave for Petitioner to file a amended petition. Fed. R. Civ. P. 15(a)(2). Petitioner is directed to file his amended petition on the docket. Respondent shall file a supplemental response within two weeks of Petitioner’s filing of the amended petition. Petitioner is not required to file a reply to the response, but may do so within one week of Respondent’s supplemental response. SO ORDERED. Dated: November 25, 2025 New York, New York Vernon S. Broderick United States District Judge