

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PRECEDENTIAL VALUE	unpublished district court order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)