

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
NEW YORK

Aissatou Diallo v. William Joyce, New York Field Office Director,
Immigration and Customs Enforcement, U.S. Department of
Homeland Security; Kristi Noem, Secretary of Homeland Security

No. 25-CV-9909 (AS) · No. 25-CV-9909 (AS) · Decided December 1, 2025

SUMMARY

The United States District Court for the Southern District of New York ordered the Government to respond to Aissatou Diallo’s habeas corpus petition under 28 U.S.C. § 2241 and scheduled a hearing. The Court also barred Petitioner’s removal and restricted her transfer to facilities within specified nearby federal districts pending further order.

CASE DETAILS

COURT	United States District Court for the Southern District of New York
WRITING FOR THE COURT	Arun Subramanian
JURISDICTION	United States District Court for the Southern District of New York
DECIDED	December 1, 2025
DOCKET	25-CV-9909 (AS)
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241 and an emergency motion for an order to show cause. The court issued an interim order directing the Government to respond, setting a hearing, and temporarily restricting Petitioner’s removal and transfer.
PRECEDENTIAL VALUE	unknown
PARTIES	Aissatou Diallo v. William Joyce, New York Field Office Director, Immigration and Customs Enforcement, U.S. Department of Homeland Security, Kristi Noem, Secretary of Homeland Security

TOPICS

- immigration detention
- removal proceedings
- injunctions
- civil procedure
- immigration

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether interim restrictions on Petitioner's removal were appropriate to preserve the district court's jurisdiction over the pending § 2241 petition.
2. Whether interim restrictions on Petitioner's transfer were appropriate to preserve counsel's access to Petitioner and facilitate resolution of the petition.
3. What response and hearing schedule should govern the Government's opposition to the habeas petition and emergency motion.

HOLDINGS

1. To preserve its jurisdiction pending a ruling on the § 2241 petition, the court ordered that Petitioner not be removed from the United States.
2. Respondents were ordered not to transfer Petitioner except to a facility within the Southern District of New York, Eastern District of New York, or District of New Jersey absent further court order.

KEY QUOTATIONS

“To preserve the Court’s jurisdiction pending a ruling on the petition, Petitioner shall not be removed from the United States.”

“Moreover, to preserve counsel’s access to Petitioner and facilitate resolution of the Petition, Respondents shall not transfer Petitioner except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court.”

FACTUAL BACKGROUND

Aissatou Diallo was in federal immigration custody and filed a habeas petition challenging matters relating to that custody. She sought emergency relief while the petition remained pending. The court addressed the risk of removal and transfer before adjudicating the petition on the merits.

PROCEDURAL HISTORY

On November 26, 2025, Diallo filed a § 2241 habeas petition and subsequently filed an emergency motion. The district court ordered the Government to respond, scheduled a hearing for December 5, 2025, and entered interim measures pending a ruling on the petition.

DISPOSITION

other

CASES CITED

- Khalil v. Joyce, No. 25-CV-1935 (JMF), 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025)

- Du v. United States Department of Homeland Security, No. 25-CV-0644 (OAW), 2025 WL 1317944, at *1 (D. Conn. Apr. 24, 2025)
- Perez y Perez v. Noem, No. 25-CV-4828 (DEH), 2025 WL 1908284, at *2–3 (S.D.N.Y. June 13, 2025)
- Arostegui-Maldonado v. Baltazar, No. 25-CV-2205-WJM-STV, 2025 WL 2280357, at *14–16 (D. Colo. Aug. 8, 2025)
- Oliveros v. Kaiser, No. 25-CV-7117-BLF, 2025 WL 2677125, at *8–9, *11 (N.D. Cal. Sept. 18, 2025)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK Aissatou Diallo, Petitioner, -against- William JOYCE, New York Field Office 25-CV-9909 (AS) Director, Immigration and Customs Enforcement, U.S. Department of Homeland ORDER Security; Kristi NOEM, Secretary, U.S. Department of Homeland Security, Respondents. ARUN SUBRAMANIAN, United States District Judge: On November 26, 2025, Petitioner Aissatou Diallo filed a petition for a writ of habeas corpus under 28 U.S.C. § 2241.

Dkt. 1. She then filed an emergency motion for an order to show cause. Dkt. 3. The Government is ordered to respond to the petition by Wednesday, December 3, 2025. Petitioner’s reply brief is due by Thursday, December 4, 2025.

The Court will hold a hearing on the petition on Friday, December 5, 2025 at 10:00 AM in Courtroom 15A, 500 Pearl Street, New York, NY 10007. The Government shall furnish Petitioner for the hearing. If this case has been settled or otherwise terminated, counsel are not required to appear, provided that a stipulation of discontinuance, voluntary dismissal, or other proof of termination is filed on the docket prior to the date of the conference, using the appropriate ECF Filing Event.

See SDNY ECF Rules & Instructions §§ 13.17-13.19 & App’x A, available at http://nysd.uscourts.gov/ecf_filing.php. To preserve the Court’s jurisdiction pending a ruling on the petition, Petitioner shall not be removed from the United States. See, e.g., Khalil v. Joyce, No. 25-CV-1935 (JMF), 2025 WL 750599, at *1 (S.D.N.Y. Mar. 10, 2025) (citing cases); see also, e.g., Du v. United States Dep’t of Homeland Sec., No. 25-CV-0644 (OAW), 2025 WL 1317944, at *1 (D.

Conn. Apr. 24, 2025) (“[A] a federal court may temporarily enjoin immigration authorities from deporting individuals if it preserves the court’s jurisdiction over a case or cases.”). Moreover, to preserve counsel’s access to Petitioner and facilitate resolution of the Petition, Respondents shall not transfer Petitioner except to a facility within this District, the Eastern District of New York, or the District of New Jersey absent further order of this Court.

See, e.g., Perez y Perez v. Noem, No. 25-CV- 4828 (DEH), 2025 WL 1908284, at *2—3 (S.D.N.Y. June 13, 2025) (enjoining a habeas petitioner’s transfer pending adjudication of his petition); see also, e.g., Arostegui-Maldonado v. Baltazar, No. 25-CV-2205-WJM-STV, 2025 WL

2280357, at *14—16 (D. Colo. Aug. 8, 2025) (same); Oliveros v. Kaiser, No. 25-CV-7117-BLF, 2025 WL 2677125, at *8—9, *11 (N.D.

Cal. Sept. 18, 2025) (same). SO ORDERED. Dated: December 1, 2025 New York, New York
ARUN SUBRAMANIAN United States District Judge

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