

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Saif Aldin Ahmed Ali Abdalgbar v. Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, et al.

No. 6:25-CV-6756-EAW · No. 6:25-CV-6756-EAW · Decided December 15, 2025

SUMMARY

The United States District Court for the Western District of New York granted an immigration detainee’s habeas petition to the extent it sought a bond hearing. The Court ordered an immigration judge to conduct a hearing with the government bearing the burden of proving dangerousness or flight risk by clear and convincing evidence, and directed consideration of alternatives to detention and the petitioner’s ability to pay.

CASE DETAILS

|                       |                                                                                                                                                   |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of New York                                                                                 |
| WRITING FOR THE COURT | Elizabeth A. Wolford                                                                                                                              |
| JURISDICTION          | United States District Court for the Western District of New York                                                                                 |
| DECIDED               | December 15, 2025                                                                                                                                 |
| DOCKET                | 6:25-CV-6756-EAW                                                                                                                                  |
| DISPOSITION           | other                                                                                                                                             |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus under 28 U.S.C. § 2241 challenging civil immigration detention and seeking a bond hearing.                   |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                  |
| PARTIES               | Saif Aldin Ahmed Ali Abdalgbar v. Kristi Noem, in her official capacity as Secretary of the United States Department of Homeland Security, et al. |

TOPICS

- immigration detention
- removal proceedings
- due process
- civil procedure
- immigration

PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether Petitioner was entitled to a bond hearing because his detention was governed by 8 U.S.C. § 1226 rather than mandatory detention under 8 U.S.C. § 1225(b)(2).
2. What procedural safeguards must govern the bond hearing, including the burden and standard of proof, consideration of alternatives to detention, and consideration of ability to pay.

## HOLDINGS

1. Because Petitioner was subject to detention under 8 U.S.C. § 1226 rather than mandatory detention under § 1225(b)(2), he was entitled to a bond hearing.
2. At the bond hearing, the government must prove by clear and convincing evidence that Petitioner presents a danger or flight risk; the immigration judge must consider less-restrictive alternatives to detention, and, if setting bond, must consider Petitioner's ability to pay and alternative conditions of release.

## KEY QUOTATIONS

*“At this bond hearing, the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.”* (at 3)

*“Thus, in order to continue Petitioner’s detention after any bond hearing, the IJ must find by clear and convincing evidence and make findings that no condition or combination of conditions of release can reasonably ensure Petitioner’s appearance and the safety of the community”* (at 3)

## FACTUAL BACKGROUND

Petitioner is a civil immigration detainee held in Immigration and Customs Enforcement custody at the Buffalo Federal Detention Facility in Batavia, New York. He is detained pending removal proceedings and challenged the legal basis for his detention under the Constitution and 28 U.S.C. § 2241. The Court treated his detention as governed by 8 U.S.C. § 1226 rather than the mandatory-detention provision in § 1225(b)(2), consistent with its prior decisions.

## PROCEDURAL HISTORY

Petitioner filed a § 2241 petition alleging that his detention in Immigration and Customs Enforcement custody pending removal proceedings violated the Constitution. After the Court directed Respondents to show cause why the petition should not be granted in light of two prior decisions addressing the same or similar detention policy, Respondents acknowledged that those decisions required the same result. The Court granted the petition to the extent it sought a bond hearing and imposed conditions governing that hearing.

## DISPOSITION

other

## REMAND INSTRUCTIONS

Respondents must provide Petitioner a bond hearing before an immigration judge on or before December 23, 2025, subject to a reasonable continuance requested by Petitioner. At the hearing, the government must prove dangerousness or flight risk by clear and convincing evidence; the immigration judge must consider less-restrictive alternatives, ability to pay, and alternative conditions of release. Respondents must file a status update with the Court by December 29, 2025.

## CASES CITED

- Quituizaca Quituisaca v. Bondi, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025)
- Lieogo v. Freden, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025)

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