

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Tahirou Samassa v. Craig Lowe, et al.

No. 1:25-CV-02197 · No. No. 1:25-CV-02197 · Decided December 17, 2025

SUMMARY

The United States District Court for the Middle District of Pennsylvania grants Tahirou Samassa’s emergency motion for a temporary restraining order concerning his immigration detention. The court holds that it has jurisdiction under 28 U.S.C. § 2241, rejects the respondents’ jurisdictional and exhaustion arguments, and finds a strong likelihood of success, irreparable harm, favorable equities, and a public interest supporting relief. The court notes that the habeas petition itself has not yet been granted.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Matthew W. Brann
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	December 17, 2025
DOCKET	No. 1:25-CV-02197
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner sought habeas relief under 28 U.S.C. § 2241 and moved for an emergency temporary restraining order requiring his release from immigration detention. The court granted the temporary restraining order but expressly did not grant the habeas petition.
STANDARD OF REVIEW	For the TRO, the court applied the four-factor equitable test requiring likelihood of success on the merits, irreparable harm, a balance of hardships favoring relief, and consistency with the public interest. The movant bears the burden of establishing all four elements.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Tahirou Samassa v. Craig Lowe, Kristi Noem, Department of Homeland Security, Pamela Bondi

TOPICS

immigration detention

injunctions

subject matter jurisdiction

removal proceedings

civil procedure

PRACTICE AREAS

immigration

habeas corpus

civil procedure

constitutional law

injunctive relief

QUESTIONS PRESENTED

1. Whether the Immigration and Nationality Act provisions in 8 U.S.C. § 1252(g), § 1252(b)(9), and § 1252(a)(2)(B)(ii) deprived the district court of jurisdiction over Samassa's habeas challenge to his immigration detention.
2. Whether Samassa was required to exhaust administrative remedies before seeking habeas relief and temporary injunctive relief.
3. Whether Samassa satisfied the requirements for a temporary restraining order challenging his detention and seeking release.

HOLDINGS

1. The district court had jurisdiction under 28 U.S.C. § 2241(c)(3) to consider Samassa's habeas challenge to his detention because the challenge concerned ongoing detention rather than the decision to commence proceedings, adjudicate the immigration case, or execute a removal order.
2. The court excused any judicially created exhaustion requirement because pursuing administrative remedies would have been futile and would not have provided Samassa an opportunity for adequate relief.
3. Samassa satisfied the four requirements for a temporary restraining order, and the court granted his emergency motion for a TRO requiring his release from detention during the pendency of his asylum application.

KEY QUOTATIONS

“Section 1252(g) “does not sweep broadly.”” (II.A)

“Petitioner only seeks review of her ongoing detention, a heartland habeas corpus claim.” (II.A)

“There is a strong public interest in preventing the unnecessary and unlawful detention of persons who otherwise should be set free,” (II.C)

FACTUAL BACKGROUND

Tahirou Samassa, a Senegalese citizen seeking asylum in the United States, was detained at the Pike County Correctional Facility in the Middle District of Pennsylvania. He challenged his detention under 8 U.S.C. § 1225(b)(2), asserting that it was unlawful, and sought immediate release. The court found that continued detention threatened an indefinite and prolonged deprivation of liberty while his asylum application and removal proceedings remained pending.

PROCEDURAL HISTORY

Samassa, a Senegalese citizen seeking asylum, filed a habeas petition challenging his detention at the Pike County Correctional Facility. He then filed an emergency motion for a temporary restraining order. The respondents opposed the petition and motion, arguing lack of subject-matter jurisdiction and failure to exhaust administrative remedies. The district court rejected those objections, found the TRO factors satisfied, and granted the emergency motion.

DISPOSITION

other

CASES CITED

- Santana-Rivas v. Warden of Clinton County Correctional Facility, No. 3:25-CV-01896, 2025 WL 3522932 (M.D. Pa. Nov. 13, 2025)
- Patel v. O'Neill, No. 3:25-cv-2185, 2025 WL 3516865 (M.D. Pa. Dec. 8, 2025)
- Quispe v. Rose, No. 3:25-cv-02276, 2025 WL 3537279 (M.D. Pa. Dec. 10, 2025)
- Cunin v. Brian, No. 3:25-cv-1887, 2025 WL 3542999 (M.D. Pa. Dec. 10, 2025)
- Tazu v. Attorney General of the United States, 975 F.3d 292, 296 (3d Cir. 2020)
- Reno v. American-Arab Anti-Discrimination Committee, 525 U.S. 471, 482 (1999)
- Jennings v. Rodriguez, 583 U.S. 281, 293 (2018)
- E.O.H.C. v. Secretary United States Department of Homeland Security, 950 F.3d 177, 186 (3d Cir. 2020)
- Demore v. Kim, 538 U.S. 510, 517 (2003)
- Rasul v. Bush, 542 U.S. 466, 483 (2004)
- Trump v. J.G.G., 604 U.S. 670, 672 (2025) (per curiam)
- Kashranov v. Jamison, No. 2:25-CV-05555-JDW, 2025 WL 3188399, at *5 (E.D. Pa. Nov. 14, 2025)
- McCarthy v. Madigan, 503 U.S. 140, 144 (1992)
- Ashley v. Ridge, 288 F. Supp. 2d 662, 666-67 (D.N.J. 2003)
- Bieros v. Nicola, 857 F. Supp. 445, 446 (E.D. Pa. 1994)
- Frank's GMC Truck Center, Inc. v. G.M.C., 847 F.2d 100, 102 (3d Cir. 1988)
- Oburn v. Shapp, 521 F.2d 142, 147 (3d Cir. 1975)
- Adams v. Freedom Forge Corp., 204 F.3d 475, 486 (3d Cir. 2000)
- Arias Gudino v. Lowe, 785 F. Supp. 3d 27, 46 (M.D. Pa. 2025)
- Hernandez v. Sessions, 872 F.3d 976, 994 (9th Cir. 2017)
- American Telephone & Telegraph Co. v. Winback & Conserve Program, Inc., 42 F.3d 1421, 1427 n.8 (3d Cir. 1994)
- Hope v. Warden York County Prison, 972 F.3d 310, 332 (3d Cir. 2020)
- Nken v. Holder, 556 U.S. 418, 435 (2009)
- Cunin v. McShane, No. 3:25-CV-1887, 2025 WL 3542999, at *3 (M.D. Pa. Dec. 10, 2025)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA TAHIROU SAMASSA, No. 1:25-CV-02197 Petitioner, (Chief Judge Brann) v. CRAIG LOWE, et al., Respondents. MEMORANDUM OPINION DECEMBER 17, 2025 I. BACKGROUND Petitioner, Tahirou Samassa (“Samassa”), a Senegalese citizen seeking asylum in the United States, brings this petition for writ of habeas corpus.¹ Samassa is currently detained at the Pike County Correctional Facility within the Middle District of Pennsylvania.² The petition names as Respondents: (1) Craig Lowe, Warden of the Pike County Correctional Facility, (2) Kristi Noem, Secretary of the Department of Homeland Security, (3) the Department of Homeland Security, and (4) Pamela Bondi, the Attorney General of the United States.³ On December 4, 2025, Samassa filed an emergency motion for a temporary restraining order (“TRO”) asking the Court to enjoin the Government from detaining 1 Doc.

1. 2 Id. ¶ 1. him under 8 U.S.C. § 1225(b)(2), to order his immediate release, and to grant the writ of habeas corpus.⁴ For the reasons that follow, the emergency motion for a TRO will be granted.⁵ II. DISCUSSION A. Jurisdiction Respondents’ chief objection to the writ of habeas corpus, and subsequently to the motion for a TRO, is that the Court lacks jurisdiction to hear this challenge to Samassa’s detention.⁶ They point to three sections of the Immigration and Nationality Act (“INA”) — Sections 1252(g), 1252(b)(9), and 1252(a)(2)(B)(ii) — that they say strip district court of jurisdiction to hear such cases.⁷ Numerous courts, including several courts in the Middle District of Pennsylvania, have had occasion to address the issue of whether these sections or other sections of the INA strip district courts of jurisdiction over challenges to administrative detention.⁸ Those courts have been nearly unanimous in their initial determination that the INA does not strip district courts of jurisdiction to hear and 4 Doc.

4. 5 While the motion for a TRO is granted, the Court notes that the Petition for Writ of Habeas Corpus has not been granted based upon the pending motion. 6 Doc. 8, at 18-26. 7 Id. 8 For a more extensive discussion on the jurisdiction of district courts over these matters see the Report and Recommendation authored by Magistrate Judge Camoni and adopted by Judge Wilson.

See *Santana-Rivas, v. Warden of Clinton Cnty. Corr. Facility*, No. 3:25-CV-01896, 2025 WL 3522932 (M.D. Pa. Nov. 13, 2025) (the jurisdictional section of this report was adopted in its entirety). decide these habeas claims.⁹ Further, the United States Court of Appeals for the Third Circuit has stated unambiguously that Section 1252(g) “does not sweep broadly.”¹⁰ Rather, Section 1252(g) “directs other courts not to hear challenges to three of the Attorney General’s ‘decision[s] or action[s]’: those that ‘commence proceedings, adjudicate cases, or execute removal orders.’”¹¹ As it said, Section 1252(g) “reaches only these three specific actions, not everything that arises out of them.”¹² As Magistrate Judge Camoni succinctly put it: “Petitioner does not ask this Court to review the decision or action to commence immigration proceedings against her, nor to adjudicate her case, nor to impose or eventually execute a removal order.

Petitioner only seeks review of her ongoing detention, a heartland 9 See *Patel v. O’Neill*, 3:25-cv-2185, 2025 WL 3516865 (M.D. Pa. Dec. 8, 2025) (“federal district courts to consider this issue have almost universally held that they have jurisdiction to consider habeas petitions like the one filed by Petitioner”); *Quispe v. Rose*, No. 3:25-cv-02276, 2025 WL 3537279 (M.D.

Pa. Dec. 10, 2025); *Cunin v. Brian*, No. 3:25-cv-1887, 2025 WL 3542999 (M.D. Pa. Dec. 10, 2025). 10 *Tazu v. Att’y Gen. United States*, 975 F.3d 292, 296 (3d Cir. 2020). 11 *Id.* (quoting 8 U.S.C. § 1252(g)). 12 *Id.* See also *Reno v. Am.-Arab Anti-Discrimination Comm.*, 525 U.S. 471, 482 (1999). Respondents’ arguments under Section 1252(b)(9) fare no better as their application of the section would lead to the “staggering results” discussed by the United States Supreme Court in *Jennings v. Rodriguez*, 583 U.S. 281, 293 (2018). “Under such a regime of unreviewable, indefinite executive detention, any person could be taken into custody and held for any amount of time, without recourse.” *Santana-Rivas*, 2025 WL 3522932, at *5.

Needless to say, such a regime should surely be avoided, and can easily be avoided with a finding that district courts have the jurisdiction to hear these cases. Further, “Section 1252(b)(9) also does not divest this Court of jurisdiction over the habeas petition, because it ‘does not reach claims that are independent of, or wholly collateral to, the removal process.’” *Patel*, 2025 WL 3516865, at *7 (quoting *E.O.H.C. v. Sec’y United States Dep’t of Homeland Sec.*, 950 F.3d 177, 186 (3d.

Cir. 2020)). habeas corpus claim.”¹³ Respondents ignore the fact that this Court has jurisdiction under 28 U.S.C. §2241(c)(3) to hear habeas corpus cases for persons alleging that they are in custody in violation of the Constitution, laws, or treaties of the United States.¹⁴ Given that Samassa was detained within this Court’s jurisdiction and by a custodian within this jurisdiction when he filed the Petition, this Court has jurisdiction to hear the claims within the petition.¹⁵ B. Exhaustion Respondents next argue that Samassa’s petition and TRO should be denied because he has not exhausted all administrative remedies in this case.

However, this ignores the fact that “exhaustion exists only as a judicially created doctrine applied at the Court’s discretion.”¹⁶ Further, “[c]ourts have found that the exhaustion of administrative remedies may not be required when available remedies provide no opportunity for adequate relief, an administrative appeal would be futile.”¹⁷ As Respondents have made clear in their briefing, the Board of Immigration Appeals decision of *In re Hurtado* makes it impossible for Samassa to obtain a bond hearing and be released from detention prior to a removal decision.¹⁸ ¹³ *Santana-Rivas*, 2025 WL 3522932, at *4.

¹⁴ *Denmore v. Kim*, 538 U.S. 510, 517 (2003); *Rasul v. Bush*, 542 U.S. 466, 483 (2004). ¹⁵ *Trump v. J.G.G.*, 604 U.S. 670, 672 (2025) (per curiam) (noting jurisdiction for “core habeas petitions” lies in the district of confinement). ¹⁶ *Kashranov v. Jamison*, No. 2:25-CV-05555-JDW, 2025 WL 3188399, at *5 (E.D. Pa. Nov. 14, 2025) (citing *McCarthy v. Madigan*, 503 U.S. 140, 144 (1992)).

17 *Ashley v. Ridge*, 288 F. Supp. 2d 662, 666-67 (D.N.J. 2003). 18 See *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (B.I.A. 2025). Therefore, it would be futile for him to pursue administrative remedies and this is a worthy case to excuse any judicially-created exhaustion requirement. C. Temporary Restraining Order A party seeking a temporary restraining order must establish four factors: “(1) a likelihood of success on the merits, (2) the probability of irreparable harm if the relief is not granted, (3) that granting injunctive relief will not result in even greater harm to the other party, and (4) that granting relief will be in the public interest.”¹⁹ Courts use a balancing test to determine whether injunctive relief is warranted.²⁰ The movant bears the burden of establishing all four elements.²¹ Taking each element in turn, the first is easily satisfied here.

Nearly every court who has had occasion to address it have rejected the Respondents contention that all aliens present without parole in the United States must be detained because they are “applicants for admission” who are actively “seeking admission” under Section 1225(b)(2).²² If more were needed, every court within the Third Circuit that has considered the issue has rejected this contention.²³ While the Court will not opine on the ultimate success of Samassa’s habeas petition, the overwhelming 19 *Bieros v. Nicola*, 857 F. Supp. 445, 446 (E.D.

Pa. 1994) (citing *Frank's GMC Truck Center, Inc. v. G.M.C.*, 847 F.2d 100, 102 (3rd Cir.1988)). 20 *Oburn v. Shapp*, 521 F.2d 142, 147 (3d Cir. 1975). 21 *Adams v. Freedom Forge Corp.*, 204 F.3d 475, 486 (3d Cir. 2000). 22 See *Santana-Rivas*, 2025 WL 3522932, at *8 (including a collection of many of those decisions). 23 See *Santana-Rivas*, 2025 WL 3522932, at *9. quantity of cases—and their quality—demonstrates an extreme likelihood for success on the merits.

The three remaining elements can be quickly disposed of in Samassa’s favor. Looking to the probability of irreparable harm, the harm threatened here is the deprivation of liberty due to an unlawful detention. That is a sufficient injury for the purposes of a motion for a TRO.²⁴ Given the current backlog of “mandatory detainees” that the Executive Office of Immigration Review has on its hands, if a TRO were denied, Samassa would face an indefinite, prolonged detention.²⁵ That is sufficient here to make out the element of probability irreparable harm.

Finally, a balance of the equities and the public interest both favor granting a TRO in this case. “[I]f a plaintiff demonstrates both a likelihood of success on the merits and irreparable injury, it almost always will be the case that the public interest will favor the plaintiff.”²⁶ Further, “public interest favors the protection of constitutional rights, and any comparison of harm to the Government turns mostly on matters of public interest, as those considerations merge when the Government 24 See *Arias Gudino v. Lowe*, 785 F. Supp. 3d 27, 46 (M.D.

Pa. 2025) (“In the immigration context, unlawful detention is a sufficient irreparable injury.”); *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017) (concluding “Plaintiffs have established a likelihood of irreparable harm by virtue of the fact that they are likely to be unconstitutionally detained for an indeterminate period of time.”). 25 See Doc. 4, Ex. 1, at 4.

26 Am. Tel. & Tel. Co. v. Winback & Conserve Program, Inc., 42 F.3d 1421, 1427 n.8 (3d Cir. 1994). is an opposing party.”²⁷ Here, the government would suffer no—or very limited—hardship(s) if a TRO was granted and Samassa was released from detention for the pendency of his asylum application.²⁸ There are assuredly present interests of national security and ensuring the administration of our nation’s immigration laws, but the government has not set forth any arguments that these goals would be frustrated by Samassa’s release pending his removal decision.

Given that “there is a strong public interest in preventing the unnecessary and unlawful detention of persons who otherwise should be set free,” both a balance of the equities and the public interest counsel toward granting a TRO here.²⁹ III. CONCLUSION For the foregoing reasons, Samassa’s emergency motion for a TRO will be granted. An appropriate Order follows.

BY THE COURT: s/ Matthew W. Brann Matthew W. Brann Chief United States District Judge 27 See *Hope v. Warden York Cnty. Prison*, 972 F.3d 310, 332 (3d Cir. 2020) (citing *Nken v. Holder*, 556 U.S. 418, 435 (2009)). 28 See *Cunin v. McShane*, No. 3:25-CV-1887, 2025 WL 3542999, at *3 (M.D. Pa. Dec. 10, 2025). 29 *Id.*