

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Mohamedou Hamoud v. Philip Rhoney, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

Hamoud · No. 6:25-CV-6774-EAW · Decided December 18, 2025

SUMMARY

The United States District Court for the Western District of New York granted Mohamedou Hamoud’s habeas petition under 28 U.S.C. § 2241 to the extent it sought a bond hearing. The court ordered an immigration bond hearing with the government bearing the burden to prove dangerousness or flight risk by clear and convincing evidence, and required consideration of less-restrictive alternatives, ability to pay, and alternative conditions of release. Respondents were also directed to file a status update.

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 18, 2025
DOCKET	6:25-CV-6774-EAW
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for a writ of habeas corpus under 28 U.S.C. § 2241 by a civil immigration detainee seeking release or a bond hearing.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Mohamedou Hamoud v. Philip Rhoney, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Hamoud, a noncitizen present in the United States without having been admitted or paroled, was subject to detention under 8 U.S.C. § 1226 rather than mandatory detention under 8 U.S.C. § 1225(b)(2).
2. Whether Hamoud was entitled to a bond hearing at which the government bears the burden of proving dangerousness or flight risk by clear and convincing evidence and the immigration judge considers alternatives to detention and Hamoud's ability to pay.

HOLDINGS

1. A noncitizen present in the United States without having been admitted or paroled is not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) but instead is subject to detention under 8 U.S.C. § 1226.
2. Hamoud was entitled to a bond hearing before an immigration judge, at which the government must prove dangerousness or flight risk by clear and convincing evidence; the judge must consider less-restrictive alternatives, 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.”

“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”

FACTUAL BACKGROUND

Mohamedou Hamoud was detained by U.S. Immigration and Customs Enforcement at the Buffalo Federal Detention Facility in Batavia, New York, pending removal proceedings. He alleged that his continued immigration detention violated the United States Constitution and sought relief under § 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 concerning noncitizens present without admission or parole.

PROCEDURAL HISTORY

Hamoud filed a § 2241 petition challenging his detention pending removal proceedings. After the Court directed Respondents to show cause why a bond hearing should not be ordered in light of the Court's prior decisions, Respondents acknowledged that those decisions controlled and that Hamoud was entitled to a bond hearing. The Court granted the petition to that extent and ordered a bond hearing subject to specified procedures.

DISPOSITION

writ_granted

REMAND INSTRUCTIONS

Respondents must provide Hamoud a bond hearing before an immigration judge on or before December 30, 2025, subject to a reasonable continuance requested by Hamoud. Respondents must file a status update with the Court by January 2, 2026.

CASES CITED

- Quituizaca Quituisaca v. Bondi, No. 6:25-CV-6527-EAW, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025)
- Lieogo v. Freden, No. 6:25-CV-06615 EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025)

OPINION

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NEW YORK MOHAMEDOU HAMOUD, Petitioner, v. ORDER 6:25-CV-6774-EAW PHILIP RHONEY, in his official capacity as Deputy Field Office Director, Buffalo Field Office, U.S. Immigration & Customs Enforcement, et al., Respondents. Petitioner Mohamedou Hamoud (“Petitioner”) is a civil immigration detainee alleging that that he is being detained in United States Immigration and Customs Enforcement custody pending removal proceedings in violation of the United States Constitution and seeks relief under 28 U.S.C. § 2241.

(Dkt. 1). Petitioner is being held at the Buffalo Federal Detention Facility in Batavia, New York. (Id. at ¶ 2). The Court has issued written decisions in *Quituisaca Quituisaca v. Bondi*, No. 6:25-CV-6527-EAW, 2025 WL 3264440 (W.D.N.Y. Nov. 24, 2025), and *Lieogo v. Freden*, No. 6:25-CV-06615 EAW, 2025 WL 3290694 (W.D.N.Y. Nov. 26, 2025), finding that noncitizens who are present in the United States without having been admitted or paroled are not subject to mandatory detention under 8 U.S.C. § 1225(b)(2) but instead are subject to detention under section 1226.

On December 16, 2025, the Court directed Respondents to show cause on or before December 23, 2025, why, in light of those decisions, the petition in this case should not be granted to the extent it seeks a bond hearing, and the Court should not order that Petitioner receive a bond hearing at which the government bears the burden to demonstrate, by clear and convincing evidence, that Petitioner is a danger to the community or a flight risk and at which the immigration judge must consider non-bond alternatives to detention or, if setting a bond, Petitioner’s ability to pay.

(Dkt. 2). In response to the order to show cause, Respondents acknowledge that this Court’s prior rulings in the identified cases concern the same or similar challenges to the government policy or practice at issue in the instant petition and would direct the same outcome in this matter entitling Petitioner to a bond hearing. (Dkt. 4).

The Court agrees. Accordingly, for the same reasons be set forth in *Quitizaca Quituisaca*, 2025 WL 3264440, and *Lieogo*, 2025 WL 3290694, the petition is granted to the extent that Petitioner seeks a bond hearing, and a bond hearing shall be conducted in accordance with the following terms: 1. Petitioner shall be granted a bond hearing before an immigration judge (“IJ”) on or before December 30, 2025.

If Petitioner requests a continuance that results in a bond hearing date outside this deadline, such a continuance will comply with this Order as long as the new date falls within a reasonable time period. 2. At this bond hearing, the government will have the burden to demonstrate dangerousness or flight risk by clear and convincing evidence.

In deciding whether the government has met its burden of proof, the IJ must consider whether less-restrictive alternatives to detention can reasonably address the government’s interest in Petitioner’s continued detention. 3. If the IJ finds that the government has not met its burden, then in setting any bond the IJ must consider Petitioner’s ability to pay and alternative conditions of release.

4. 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—that is, even with conditions, Petitioner presents an identified and articulable risk of flight or a threat to another person or the community.

5. Respondents are directed to file a status update with the Court on or before January 2, 2026. SO ORDERED. (1 [LISA tl LIZABETH A. WEEFORD Chief Judge United States District Court Dated: December 18, 2025 Rochester, New York _3-