

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
PENNSYLVANIA

Bangaly Toure v. Pamela Bondi, et al.

Toure · No. 3:26-CV-00323 · Decided February 27, 2026

SUMMARY

The court granted Bangaly Toure's petition for a writ of habeas corpus, holding that his detention under 8 U.S.C. § 1225(b) was improper because he should have been detained under § 1226(a). The court further held that mandatory detention without an individualized bond opportunity violated Toure's procedural due process rights. The court ordered his release and permanently enjoined his re-detention under § 1225(b), while permitting a motion to reopen if he is detained under § 1226(a) without a timely bond hearing.

CASE DETAILS

COURT	United States District Court for the Middle District of Pennsylvania
WRITING FOR THE COURT	Karoline Mehalchick
JURISDICTION	United States District Court for the Middle District of Pennsylvania
DECIDED	February 27, 2026
DOCKET	3:26-CV-00323
DISPOSITION	writ_granted
PROCEDURAL POSTURE	Petition for writ of habeas corpus under 28 U.S.C. § 2241 challenging immigration detention and seeking release, bond redetermination, and an injunction against removal.
STANDARD OF REVIEW	The court independently assessed subject-matter jurisdiction and applied the Mathews v. Eldridge procedural-due-process balancing test.
PRECEDENTIAL VALUE	unpublished and nonprecedential
PARTIES	Bangaly Toure v. Pamela Bondi, Kristi Noem, Todd M. Lyons, Craig A. Lowe

TOPICS

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

PRACTICE AREAS

immigration

habeas corpus

immigration detention

constitutional law

QUESTIONS PRESENTED

1. Whether the district court had jurisdiction under 28 U.S.C. § 2241 to review Toure's statutory detention classification and entitlement to a bond hearing despite the jurisdiction-stripping provisions governing removal proceedings.
2. Whether Toure was properly detained under 8 U.S.C. § 1225(b)(2)(A), or instead should have been detained under 8 U.S.C. § 1226(a).
3. Whether Toure's continued mandatory detention without an individualized bond hearing violated the procedural Due Process Clause of the Fifth Amendment.
4. Whether the court had jurisdiction in habeas to determine whether DHS's motion to pretermitt Toure's asylum application and proposed third-country removal complied with the INA or the Fifth Amendment.

HOLDINGS

1. The district court retained jurisdiction under § 2241 to decide whether § 1225(b) or § 1226(a) governed Toure's detention and whether he was entitled to a bond hearing because those questions were collateral to removal proceedings and could not be meaningfully reviewed through a petition for review.
2. Section 1225(b)(2)(A) did not govern Toure's detention because he was no longer actively seeking admission after residing in the United States for an extended period; he should instead have been detained under § 1226(a).
3. Toure's continued mandatory detention without the possibility of a bond hearing violated his procedural due process rights under the Fifth Amendment.
4. The district court lacked jurisdiction in the habeas action to decide whether DHS's motion to pretermitt Toure's asylum application or proposed third-country removal violated the INA or the Fifth Amendment because those claims arose directly from removal proceedings and could be raised through the administrative and petition-for-review process.

KEY QUOTATIONS

“Such claims do not arise from removal proceedings, they arise “now.”” (Section III)

“Section 1225(b)(2)(A) applies only to a noncitizen who is both an “applicant for admission” and “seeking admission.”” (Section IV.A)

“As each Mathews factor weighs in Toure’s favor, his mandatory detention under § 1225(b) violates his procedural due process rights.” (Section IV.B)

FACTUAL BACKGROUND

Bangaly Toure, a Guinean citizen and asylum seeker, entered the United States without inspection in November 2023 after allegedly being imprisoned and tortured in Guinea because of his political activities. ICE detained

him during a routine check-in appointment on September 5, 2025, while removal proceedings and an asylum application were pending. DHS later moved to pretermite his asylum application based on a United States-Uganda asylum cooperation agreement, and Toure faced possible third-country removal to Uganda. He was detained under 8 U.S.C. § 1225(b)(2)(A) without the possibility of a bond hearing.

PROCEDURAL HISTORY

Toure filed the habeas petition on February 10, 2026. The court issued an order to show cause; Craig Lowe filed a response on February 18, 2026, and Toure filed a reply on February 23, 2026. The court dismissed the respondents other than Lowe, granted the petition, ordered Toure released, permanently enjoined redetention under 8 U.S.C. § 1225(b), and directed that any attorney-fee request be made by separate motion.

DISPOSITION

writ_granted

CASES CITED

- *Rumsfeld v. Padilla*, 542 U.S. 426, 434 (2004)
- *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444 (3d Cir. 2021)
- *Trump v. J. G. G.*, 604 U.S. 670, 672 (2025)
- *Nance v. Ward*, 597 U.S. 159, 167 (2022)
- *Martinez v. McAleenan*, 385 F. Supp. 3d 349 (S.D.N.Y. 2019)
- *A.L. v. Oddo*, 761 F. Supp. 3d 822, 827 (W.D. Pa. 2025)
- *Cantu-Cortes v. O'Neill*, 2025 WL 3171639, at *2 (E.D. Pa. Nov. 13, 2025)
- *Alexey Kashranov v. J.L. Jamison, et al.*, 2025 WL 3188399, at *1, *5-*8 (E.D. Pa. Nov. 14, 2025)
- *Hartig Drug Co. Inc. v. Senju Pharm. Co.*, 836 F.3d 261, 267 (3d Cir. 2016)
- *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006)
- *Khalil v. President, United States*, 164 F.4th 259, 273-79 (3d Cir. 2026)
- *Jennings v. Rodriguez*, 583 U.S. 281, 285, 288-94 (2018)
- *Matter of Yajure Hurtado*, 29 I. & N. Dec. 126, 216, 222-23 (BIA 2025)
- *Martinez v. Hyde*, 792 F. Supp. 3d 211, 214 (D. Mass. July 24, 2025)
- *J.A.M. v. Streeval*, 2025 WL 3050094, at *3, *5 (M.D. Ga. Nov. 1, 2025)
- *Del Cid v. Bondi*, 2025 WL 2985150, at *14-*17 (2025)
- *Ochoa Ochoa v. Noem*, 2025 WL 2938779, at *6 (N.D. Ill. Oct. 16, 2025)
- *Vazquez v. Feeley*, 2025 WL 2676082, at *13 (D. Nev. Sept. 17, 2025)
- *Dep't of Homeland Sec. v. Thuraissigiam*, 591 U.S. 103, 107 (2020)
- *Y-Z-L-H v. Bostock*, 792 F. Supp. 3d 1123, 1146 (D. Or. 2025)
- *Nielsen v. Preap*, 586 U.S. 392, 397-98 (2019)
- *Buenrostro-Mendez v. Bondi*, 2026 WL 323330, at *5 (5th Cir. 2026)

- Hamdi v. Rumsfeld, 542 U.S. 507, 529 (2004)
- Zadvydas v. Davis, 533 U.S. 678, 690, 693 (2001)
- Soto v. Bondi, 2025 WL 2976572, at *5-*8 (2025)
- Barrios v. Shepley, 2025 WL 2772579, at *11 (D. Me. Sept. 29, 2025)
- Zumba v. Bondi, 2025 WL 2753496, at *10 (D.N.J. Sept. 26, 2025)
- Toshiba Am. Med. Sys., Inc. v. Valley Open MRI & Diagnostic Ctr. Inc., 674 F. App'x 130, 133 (3d Cir. 2016)
- Ohm Sys., Inc. v. Senergene Sols., LLC, 2025 WL 2772612, at *2 (D.N.J. Sept. 29, 2025)

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