

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Keita Boubacar v. Pamela Bondi, et al.

Boubacar · No. 8:26CV59 · Decided February 12, 2026

SUMMARY

The United States District Court for the District of Nebraska orders immigration officials to show cause why Keita Boubacar’s habeas petition challenging his detention should not be granted. The court establishes an expedited briefing schedule, requires service of the petition and order, and prohibits Boubacar’s removal from the United States or the District of Nebraska pending further order.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the District of Nebraska                                                                                                                                                                                                                                                                                                                                          |
| WRITING FOR THE COURT | Dusan Dages                                                                                                                                                                                                                                                                                                                                                                                        |
| JURISDICTION          | United States District Court for the District of Nebraska                                                                                                                                                                                                                                                                                                                                          |
| DECIDED               | February 12, 2026                                                                                                                                                                                                                                                                                                                                                                                  |
| DOCKET                | 8:26CV59                                                                                                                                                                                                                                                                                                                                                                                           |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE    | Petition for a writ of habeas corpus challenging immigration detention; the court issued an order to show cause and interim relief preserving the status quo.                                                                                                                                                                                                                                      |
| STANDARD OF REVIEW    | The court applied the threshold standard under 28 U.S.C. § 2243, determining whether it appeared from the petition that the petitioner was not entitled to relief.                                                                                                                                                                                                                                 |
| PRECEDENTIAL VALUE    | Likely nonprecedential interlocutory district-court order                                                                                                                                                                                                                                                                                                                                          |
| PARTIES               | Keita Boubacar v. Pamela Bondi, in her official capacity as Attorney General of the United States, Todd Lyons, in his official capacity as Acting Director, Immigration and Customs Enforcement, Allen Gill, in his official capacity as Field Office Director of Omaha, Rob Jeffreys, in his official capacity as Director of Nebraska Department of Corrections, Department of Homeland Security |

TOPICS

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

## PRACTICE AREAS

immigration

habeas corpus

civil procedure

remedies

## QUESTIONS PRESENTED

1. Whether the petition should proceed under 28 U.S.C. § 2243 when the court could not determine from the face of the petition that Boubacar was not entitled to habeas relief.
2. Whether good cause existed to allow respondents more than the ordinary three-day period to respond to the habeas petition.
3. Whether the court could temporarily prohibit Boubacar's removal to preserve the status quo and the court's jurisdiction while adjudicating the habeas petition.

## HOLDINGS

1. When the court cannot determine from the face of a habeas petition that the petitioner is not entitled to relief, it must order the respondent to show cause why the writ should not be granted.
2. The court may allow additional time for a response upon a showing of good cause and may temporarily prohibit removal to preserve the status quo and the court's jurisdiction while the habeas petition is adjudicated.

## KEY QUOTATIONS

*“The habeas statute provides that the Court must grant the petition for a writ or order Respondents to “show cause why the writ should not be granted unless it appears from the application that [Boubacar] is not entitled” to relief.”*

*“Further, the Court finds cause to preserve the status quo and the Court’s jurisdiction by ordering that Boubacar may not be removed from the United States or the District of Nebraska until further order of this Court.”*

## FACTUAL BACKGROUND

Keita Boubacar is a Guinean national and citizen who entered the United States in 2024 and was served with a Notice to Appear initiating removal proceedings. Respondents detained him in November 2025 after a scheduled check-in at an Enforcement and Removal Operations office. He was held at the McCook ICE Detention Center and alleged that he was mandatorily detained under 8 U.S.C. § 1225(b)(2) without a bond hearing.

## PROCEDURAL HISTORY

Boubacar filed a petition for a writ of habeas corpus alleging that he was unlawfully detained under 8 U.S.C. § 1225(b)(2) without a bond hearing. The court determined that the petition did not establish on its face that Boubacar was not entitled to relief, ordered service and a return by respondents, established a briefing schedule, and temporarily barred his removal from the United States or the District of Nebraska pending further order.

## DISPOSITION

other

#### CASES CITED

- A.A.R.P. v. Trump, 145 S. Ct. 1364, 1368 (2025)

#### OPINION

Boubacar

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEBRASKA

KEITA BOUBACAR,

Petitioner, 8:26CV59 vs.

ORDER TO SHOW CAUSE

PAMELA BONDI, in her official capacity as Attorney General of the United States; TODD LYONS, in his official capacity as Acting Director, Immigration and Customs Enforcement; ALLEN GILL, in his official capacity as Field Office Director of Omaha; ROB JEFFREYS, in his official capacity of Director of Nebraska Department of Corrections; and DEPARTMENT OF HOMELAND SECURITY,

Respondents. This matter is before the Court on Petitioner Keita Boubacar’s Petition for Writ of Habeas Corpus. (Filing No. 1). Boubacar is a Guinean national and citizen who entered the United States in 2024. (Filing No. 1 at 4). He was served with a Notice to Appear initiating removal proceedings against him shortly after his arrival. (Filing No. 1 at 12). Respondents detained him in November 2025 following a “scheduled check-in” at the Grand Forks Enforcement and Removal Operations Office. (Filing No. 1 at 4). Boubacar alleges he is being “mandatorily detained under [8 U.S.C.] 1225(b)(2) and has not been afforded a bond hearing.” (Filing No. 1 at 4). He is in custody at the McCook ICE Detention Center in McCook, Nebraska. (Filing No. 1 at 4). Boubacar alleges that his detention is unlawful. He seeks, among other relief, an order directing Respondents “to provide [him] with a bond hearing within one week.” (Filing No. 1 at 11). The habeas statute provides that the Court must grant the petition for a writ or order Respondents to “show cause why the writ should not be granted unless it appears from the application that [Boubacar] is not entitled” to relief. 28 U.S.C. § 2243. The order to show cause must be “directed to the person having custody of [Boubacar].” *Id.* The order must “be returned within three days” unless “good cause for additional time, not to exceed twenty days, is allowed.” *Id.* The person to whom the order is directed “shall make a return certifying the true cause of [Boubacar’s] detention.” *Id.* The Court cannot say from the face of the petition that Boubacar is not entitled to relief. Accordingly, the Court orders Boubacar to serve his petition and a copy of this Order on Respondents and file proof of service with the Court. Respondents shall then show cause why the writ should not be

granted. After Boubacar replies, the Court will set a hearing on the matter. The Court finds the need to serve Respondents and the complexity of the legal issues constitute good cause for the briefing schedule to the extent it allows a response beyond the three days ordinarily allowed under 28 U.S.C. § 2243. Further, the Court finds cause to preserve the status quo and the Court's jurisdiction by ordering that Boubacar may not be removed from the United States or the District of Nebraska until further order of this Court. See 28 U.S.C. § 1651; *A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1368

(2025) (“grant[ing] temporary injunctive relief” against removal “to preserve our jurisdiction” while adjudicating the merits). Accordingly, IT IS ORDERED:

1. Petitioner Keita Boubacar shall serve his Petition for Writ of Habeas Corpus (Filing No. 1) and a copy of this Order on Respondents as soon as is practicable, and file proof of such service with the Court.
2. Respondents shall, within three business days of being served, make a return certifying the true cause of the petitioner's detention and showing cause why the writ should not be granted.
3. Petitioner shall reply in support of his petition within three business days of the Respondents' return.
4. The Court will then set a prompt hearing on this matter.
5. Respondents shall not remove Petitioner from the United States or the District of Nebraska until further order of the Court. Dated this 12th day of February, 2026. BY THE COURT: Dusan Dages United States District Judge