

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JIBRIL KOITA, :
GLADWIN WILSON, :
MAHER OMARI, :
SALEH SHERIF, :
CELIO DE LA CRUZ, :
ANH LE, :
 Petitioners :

 vs. : CIVIL ACTION NO. 1:CV-00-0070

 : :
JANET RENO, :
 Respondent :

M E M O R A N D U M

I. Introduction.

This pro se petition for a writ of habeas corpus under 28 U.S.C. § 2241 was filed by Jibril Koita, Gladwin Wilson, Maher Omari, Saleh Sherif, Celio De La Cruz, and Anh Le. When the

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¹The detention issue in this case is thus different from the one we recently faced in *Cuesta Martinez v. INS*

II. Background.

A. Jibril Koita.

Part arrested in New York in 1994 or 1995

Petitioner, Jibril Koita, a citizen of Gambia, entered the United States in 1989 on a visitor's visa. In January 1995, he was convicted in New York of possession of stolen property in the fifth degree. In June 1995, he applied for and was granted status as a permanent resident alien. In February 1999, he was sentenced in the United States District Court for the District of Delaware to six months for conspiracy to commit bank fraud.

In June 1999, the INS sent Koita a notice to appear, informing him that under 8 U.S.C. § 1182(a)(6)(C)(i), INA §

²In doing so, the immigration judge relied on the same findings of fact he had made in connection with his earlier ruling. The immigration judge found that Omari and a cousin had fallen in love buma-ergs milyct herefuse fouem permisrelied on tr

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(2) the likelihood of INS error in ordering removal was zero, again because Parra had conceded removability; and (3) the government's interest in mandatory detention was high, given that 90% of aliens released on bond flee. 172 F.3d at 958.

Our case is materially different because, unlike in Parra

After review of the case law, we agree with the laale814ru31e

³Even an inadmissible alien, one apprehended before entry into the country, is protected by substantive due process. Chi Thon Ngo v. INS, 192 F.3d 390, 396 (3d Cir. 1999).

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