

BELDOCK LEVINE & HOFFMAN LLP  
99 PARK AVENUE, PH/26<sup>TH</sup> FLOOR  
NEW YORK, N.Y. 10016

JONATHAN C. MOORE  
DAVID B. RANKIN  
LUNA DROUBI  
MARC A. CANNAN  
JONATHAN K. POLLACK  
HENRY A. DLUGACZ  
STEPHEN J. BLUMERT  
MYRON BELDOCK (1929-2016)  
LAWRENCE S. LEVINE (1934-2004)  
ELLIOT L. HOFFMAN (1929-2016)

TEL: (212) 490-0400  
FAX: (212) 277-5880  
WEBSITE: blhny.com

COUNSEL  
PETER S. MATORIN  
CYNTHIA ROLLINGS  
KAREN L. DIPPOLD  
JODY YETZER  
MARJORY D. FIELDS  
EMILY JANE GOODMAN  
(JUSTICE, NYS SUPREME COURT, RET.)  
FRANK HANDELMAN  
SAM KOOLAQ  
ASHA SMITH  
MATTHEW MELEWSKI

March 16, 2026

**VIA ACMS**

Catherine O'Hagan Wolfe, Clerk of the Court  
U.S. Court of Appeals for the Second Circuit  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: **No. 25-1113, *Mahdawi v. Trump, et al.*, Fed. R. App. P. 28(j) Letter  
Regarding Petitioner's Removal Proceedings**

Dear Ms. Wolfe:

Petitioner-Appellee Mohsen Mahdawi submits this Rule 28(j) letter to advise the Court of further developments in his immigration proceedings. As Mr. Mahdawi previously informed the Court, last month the immigration court terminated removal proceedings against Mr. Mahdawi without prejudice. *See* Dkt. No. 226. On February 25, 2026, the Department of Homeland Security filed an appeal of this ruling to the Board of Immigration Appeals (BIA). Attached to this letter is a copy of the receipt showing filing of the government's appeal, with minimal redactions to protect Mr. Mahdawi's privacy.

On March 13, 2026, Mr. Mahdawi filed a cross-appeal to the BIA, on the basis that the immigration court should have terminated removal proceedings *with* prejudice. A filing receipt from the BIA is not yet available for the cross-appeal.

The filing of appeals to the BIA further illustrates that the termination of Mr. Mahdawi's removal proceeding does not moot his habeas case. Without habeas

jurisdiction and the bail order that is currently in place, the government's appeal to the BIA would again subject Mr. Mahdawi to redetention. *See* 8 C.F.R. § 1003.6(a). For that reason, he continues to suffer the threat of continuing "now-or-never" First and Fifth Amendment harms. Br. in Opp. 36-37.

Sincerely,

/s/Luna Droubi

Luna Droubi

**AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION**

Nathan Freed Wessler  
Brett Max Kaufman  
Brian Hauss  
Esha Bhandari  
Noor Zafar  
Sidra Mahfooz  
Michael Tan  
125 Broad Street, 18th Floor  
New York, NY 10004  
P: (212) 549-2500  
nwessler@aclu.org

**CLEAR Project  
Main Street Legal Services, Inc.**

Naz Ahmad  
Mudassar Hayat Toppa  
Shezza Abboushi Dallal  
CUNY School of Law  
2 Court Square, 5<sup>th</sup> Floor  
Long Island City, NY 11101  
Tel.: (718) 340-4630  
naz.ahmad@law.cuny.edu  
mudassar.toppa@law.cuny.edu  
shezza.dallal@law.cuny.edu

**ACLU FOUNDATION OF  
VERMONT**

Lia Ernst  
Monica H. Allard  
Hillary A. Rich  
P.O. Box 277  
Montpelier, VT 05601  
P: (802) 223-6304  
lernst@acluvt.org

**BELDOCK LEVINE &  
HOFFMAN LLP**

Luna Droubi  
Matthew Melewski  
Tala Alfoqaha  
Keegan Stephan  
99 Park Avenue, PH/26th Floor  
New York, New York 10016  
P: (212) 277-5875  
F: (212) 277-5880  
ldroubi@blhny.com

**MARTIN DELANEY & RICCI  
LAW GROUP**

Andrew Delaney  
100 North Main Street  
Barre, Vermont 05641  
andrew@mdrvt.com  
P: 802-479-0568

**CYRUS D. MEHTA & PARTNERS  
PLLC**

Cyrus D. Mehta  
David A. Isaacson  
One Battery Park Plaza, 9th Floor  
New York, New York 10004  
cm@cyrusmehta.com  
disaacson@cyrusmehta.com  
P: 212-425-0555  
F: 212-425-3282

*Counsel for Petitioner-Appellee*



**UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
BOARD OF IMMIGRATION APPEALS**

MAHDAWI, MOHSEN KHADER  
[REDACTED]

DHS/ICE OFFICE OF CHIEF  
COUNSEL - CHE  
P.O.BOX 8728  
BOSTON, MA 02114

Name:

MAHDAWI, MOHSEN KHADER [REDACTED]

Riders:

Date of Notice: 02/26/2026

**FILING RECEIPT FOR APPEAL OR MOTION**

The Board of Immigration Appeals (Board or BIA) acknowledges receipt of the appeal or motion and fee or fee waiver request (where applicable) on 02/25/2026, in the above-referenced case, filed by the Department

Additional Comments

N/A

**WARNING FOR APPEALS:**

**Departure.** If you leave the United States after filing this appeal but before the Board issues a decision, your appeal may be considered withdrawn and the Immigration Judge's decision will become final as if no appeal had been taken (unless you are an "arriving alien" as defined in the regulations under 8 C.F.R. § 1001.1(q)).

**Proof of posting voluntary departure bond.** If you have been granted voluntary departure by the Immigration Judge, you must submit proof of having posted the voluntary departure bond set by the Immigration Judge to the Board. Your submission of proof must be provided to the Board within 30 days of filing this appeal. If you do not timely submit proof to the Board that the voluntary departure bond has been posted, the Board cannot reinstate the period of voluntary departure. 8 C.F.R. § 1240.2(c)(3)(ii).

**Autostay Bond Appeals.** Please note that the automatic stay will expire 90 days from the date of receipt of the DHS' appeal. 8 C.F.R. § 1003.6(c)(3). If the Board grants the respondent's request for additional briefing time, then the 90-day automatic stay period will be tolled for the same number of days. 8 C.F.R. § 1003.6(c)(4).

**Form EOIR-27.** If the appeal was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**WARNING FOR MOTIONS:**

**Stay of removal.** Filing a motion with the Board does not automatically stop the DHS from executing an order of removal. If the respondent/applicant is in DHS detention and is about to be removed, you may request the Board to stay the removal on an emergency basis. For more information, call the Clerk's Office at (703) 605-1007.

**Form EOIR-27.** If the motion was filed by DHS and the respondent/applicant wishes to be represented by an attorney or accredited representative in these new proceedings, counsel must complete a new Form EOIR-27 (Notice of Entry of Appearance as Attorney or Representative before the Board of Immigration Appeals). Unless a Form EOIR-27 is received from counsel, the respondent/applicant will be considered pro se before the Board and all future notices, including the Board's decision, will be sent directly to the respondent/applicant and not to counsel.

**FILING INSTRUCTIONS:**

If you have any questions about how to file something at the Board, please review the Board's Practice Manual which is available on EOIR's website at [www.justice.gov/eoir](http://www.justice.gov/eoir).

Accepted by: TovarGuG

CC

MEHTA, CYRUS  
ONE BATTERY PARK PLAZA  
9th FLOOR  
NEW YORK, NEW YORK 10004