

25-1019; 25-1113

*Öztürk v. Hyde; Mahdawi v. Trump*

**UNITED STATES COURT OF APPEALS  
FOR THE SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 19<sup>th</sup> day of September, two thousand twenty-five.

Present:

DEBRA ANN LIVINGSTON,

*Chief Judge,*

RICHARD J. SULLIVAN,

MICHAEL H. PARK,

WILLIAM J. NARDINI,

STEVEN J. MENASHI,

EUNICE C. LEE,

BETH ROBINSON,

MYRNA PÉREZ,

ALISON J. NATHAN,

SARAH A. L. MERRIAM,

MARIA A. KAHN,

*Circuit Judges.*

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RUMESYA ÖZTÜRK,

*Petitioner-Appellee,*

v.

25-1019

PATRICIA HYDE, IN HER OFFICIAL  
CAPACITY AS THE NEW ENGLAND  
FIELD DIRECTOR FOR U.S.  
IMMIGRATION AND CUSTOMS

ENFORCEMENT, MICHAEL KROL, IN HIS OFFICIAL CAPACITY AS HSI NEW ENGLAND SPECIAL AGENT IN CHARGE, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, TODD LYONS, IN HIS OFFICIAL CAPACITY AS ACTING DIRECTOR, U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT, KRISTI NOEM, IN HER OFFICIAL CAPACITY AS SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, MARCO A. RUBIO, IN HIS OFFICIAL CAPACITY AS SECRETARY OF STATE, DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES,

*Respondents-Appellants.*

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MOHSEN MAHDAWI,

*Petitioner-Appellee,*

v.

25-1113

DONALD J. TRUMP, IN HIS OFFICIAL CAPACITY AS PRESIDENT OF THE UNITED STATES, PATRICIA HYDE, IN HER OFFICIAL CAPACITY AS ACTING BOSTON FIELD OFFICE DIRECTOR, IMMIGRATION AND CUSTOMS ENFORCEMENT, ENFORCEMENT AND REMOVAL OPERATIONS, J DOE, IN

OFFICIAL CAPACITY AS VERMONT  
SUB-OFFICE DIRECTOR OF  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT, ENFORCEMENT AND  
REMOVAL OPERATIONS, TODD LYONS,  
IN HIS OFFICIAL CAPACITY AS ACTING  
DIRECTOR, U.S. IMMIGRATION AND  
CUSTOMS ENFORCEMENT, KRISTI  
NOEM, IN HER OFFICIAL CAPACITY AS  
SECRETARY OF THE UNITED STATES  
DEPARTMENT OF HOMELAND  
SECURITY, MARCO A. RUBIO, IN HIS  
OFFICIAL CAPACITY AS SECRETARY OF  
STATE, PAMELA BONDI, IN HER  
OFFICIAL CAPACITY AS U.S.  
ATTORNEY GENERAL,

*Respondents-Appellants.*

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For Respondents-Appellants in  
*Öztürk and Mahdawi:*

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Department of Justice, Washington, D.C.

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Attorney for the District of Vermont,  
Burlington, VT.

For Respondents-Appellants in  
*Öztürk:*

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States Department of Justice, Washington,  
D.C.

For Respondents-Appellants in  
*Mahdawi:*

Dhruman Y. Sampat, Ernesto H. Molina,  
Civil Division, United States Department of  
Justice, Washington, D.C.

For Petitioners-Appellees Rumesya Öztürk and Mohsen Mahdawi: ESHA BHANDARI (arguing on behalf of Rumesya Öztürk), Brett Max Kaufman, Brian Hauss, Noor Zafar, Sidra Mahfooz, American Civil Liberties Union Foundation, New York, NY.

NAZ AHMAD (arguing on behalf of Mohsen Mahdawi), Ramzi Kassem, Mudassar Hayat Toppa, Shezza Abboushi Dallal, CLEAR Project, Main Street Legal Services, Inc., Long Island City, NY.

Lia Ernst, Monica H. Allard, ACLU Foundation of Vermont, Montpelier, VT.

For Petitioner-Appellee Rumesya Öztürk: Jessie J. Rossman, Adriana Lafaille, Rachel E. Davidson, Julian Bava, American Civil Liberties Union Foundation of Massachusetts, Inc., Boston, MA.

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Following the issuance of the motion panel's opinion in *Öztürk v. Hyde* on May 7, 2025, and its opinion in *Mahdawi v. Trump* on May 9, 2025, denying the government's motion to stay in both cases and denying the government's request for a writ of mandamus in both cases, a petition for panel rehearing and rehearing *en banc* was filed in each case. An active judge of the Court requested a poll on whether to rehear the motions *en banc*. A poll having been conducted and there being no majority favoring *en banc* review, the petition for rehearing *en banc* is hereby **DENIED**.

Steven J. Menashi, *Circuit Judge*, joined by Michael H. Park, *Circuit Judge*, concurs by opinion from the denial of rehearing *en banc*.

Alison J. Nathan, *Circuit Judge*, joined by Eunice C. Lee, Beth Robinson, Myrna Pérez, Sarah A. L. Merriam, and Maria A. Kahn, *Circuit Judges*, concurs separately by opinion in the denial of rehearing *en banc*.

Barrington D. Parker and Susan L. Carney, *Circuit Judges*, filed a statement with respect to the denial of rehearing *en banc*.

Raymond J. Lohier, Jr., and Joseph F. Bianco, *Circuit Judges*, took no part in the consideration or decision of the petition.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

  
