DETAINED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

YEUNG, Tai Wah Petitioner, v. PAM BONDI, ATTORNEY GENERAL; SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY; U.S IMMIGRATION AND CUSTOMS ENFORCEMENT; U.S. ICE FIELD OFFICE DIRECTOR FOR THE GEORGIA FIELD OFFICE and WARDEN OF STEWART DETENTION FACILITY, Respondents.	)	Case No. 4:25-cv-179 (CDL)

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C 2241

Petitioner, **Yeung, Tai Wah**, Appearing Pro Se, hereby petition this court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Stewart Detention Center Lumpkin, Georgia, pursuant to a contractual agreement with the Department of Homeland Security.

JURISDICTION

This action arises under the constitution of the United States, and the Immigration and Nationality Act ("INA"), 8 U.C.S. Section 1101 et seq., as amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("IIRIRA") Pub. L. No. 104 208, 110 Stat. 1570, and the Administrative Procedure Act ("APA"), 5 U.S.C. Section 701 et seq. Petitioner has exhausted any and all administrative remedies to the extent required by law.

VENUE

Pursuant to ***Braden v. 30th Judicial Circuit Court of Kentucky, 410 U.S. 484, 493 – 500 (1973),*** venue Lies in the United States District Court for the *Middle District of Georgia,* the judicial district in which Petitioner resides.

PARTIES

Petitioner is a native and citizen of China. Petitioner was first taken into ICE custody on November 21, 2024, and has remained in ICE custody continuously since that date. Petitioner was ordered removed on May 08, 1997.

Respondent Pam Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the Implementation and Enforcement of the Immigration and Naturalization Act (INA). As such Respondent Pam Bondi has ultimate custodial authority over Petitioner.

Respondent Kristi Noem is the Secretary of the Department of Homeland Security. He is responsible for the administration of ICE and the implementation and enforcement of the INA. As such Kristi Noem is the legal custodian of Petitioner.

Respondent Russell Washburn is the Field Officer Director of the Atlanta Field Office of ICE and is Petitioner's immediate custodian. *See* ***Vasquez v. Reno, 233 F.3d 688, 690 (1st Cir. 2000), cert. Denied, 122 S.Ct. 43 (2001).***

Respondent Warden Dickensen of Stewart Detention Center, where Petitioner is currently detained under the authority of ICE, alternatively may be considered to be Petitioner's immediate custodian.

FACTUAL ALLEGATIONS

Petitioner, **Yeung, Tai Wah** is a native and citizen of China. Petitioner has been in ICE custody since November 21, 2024. An Immigration Judge ordered the Petitioner removed on May 08, 1997 on the grounds that he is removable Pursuant to proceedings commenced on or After April,1997.

Petitioner was taken into custody by ICE since November 21,2024 and has been in the custody of ICE for more than six months since his removal/deportation exclusion order became final. Petitioner 180 days Custody Review by the Department of Homeland Security Headquarter Post-Order Detention Unit ("HQCDU") in Washington DC was conducted on ab March 14, 2024, Ice sustained denied petitioner release in a letter subject Decision to Continue Detention despite Petition critical condition of health and have meet all required guidelines for release . Till date, however, ICE has been unable to remove Petitioner to China, Hong Kong,Taiwan as stipulated by petitioner as country he wish and fulfilled /have legal requirement to be sent to. Petitioner has fully cooperated with all the efforts ICE regarding his removal from the United States. Petitioner had given all consented, presented passports and various form of I.D' s for

two (2) different countries that he has citizenship with including suggested consent to a third country namely Taiwan if need arise.

Since the petitioner's been detained in ICE custody on November 21, 2024. Petitioner continue to meet with ICE agents that comes to the facility petitioner was confined at, Petitioner continue to be met with just verbal promised that are seemingly vague and unsupported with any assurance that they are able to carry out the deportation, except for a generic letter to continued my detention dated march 14, 2024. Petitioner has sent various complaints and a written notice to several Government agency that either regulate, oversee or administer matters regarding Immigration affairs . Ranging from the HQPDU in Washington , ICE Field office director, Dept of justice (DOJ) , Secretary of states, The border czar including the white house deputy chief of staff on immigration to help facilitate either my immediate release or removal . Petitioner have a BOND deposit to the tune of $18,000 since petitioner last release under a condition of order of supervision in 9/30/09, Petitioner suggested in form of consent to the agency to use part of the funds to purchase petitioner ticket to any of the 3 aforementioned countries where petitioner has legal citizenship and authorization to return to yet this seems like a rocket science for the respondent and it agency other than verbal promise that they are working on it.

LEGAL FRAMEWORK FOR RELIEF SOUGHT

In ***Zadvydas v. Davis, 533 U.S. 678 (2001)***, the Supreme Court held that six months is the presumptively reasonable period during which ICE may detain aliens in order to effectuate their removal. *Id. at 702*. In ***Clark v. Martinez, 543 U.S. 371 (2005),*** the Supreme Court held that its ruling in ***Zadvydas*** applies equally to inadmissible aliens. Department of

Homeland Security Administrative regulations also recognize that the HQPDU has a six month period for determining whether there is a significant likelihood of an alien's removal in the reasonably foreseeable future. 8 U.F.R. Section 241.13(b)(ii).

Petitioner was ordered removed on May 08, 1997 and the removal order became final on May 08, 1997. Therefore, the six-month presumptive reasonable removal period for Petitioner ended on May 08, 1997.

CLAIMS FOR RELIEF

COUNT ONE

STATUTORY VIOLATION

Petitioner's re-alleges and incorporates by reference paragraphs 1 through 20 above. Petitioner's continued detention by Respondents is unlawful and contravenes 8 U.S.C. Section 1231(a)(6) as interpreted by the Supreme Court in *Zadvydas*. The six-month presumptively reasonable period for removal efforts has expired. Petitioner still has not been removed, and Petitioner continues to languish in detention. Petitioner's removal to Nigeria or any other country is not significant likely to occur in the reasonably foreseeable future. The Supreme Court held in *Zadvydas* and *Martinez* that ICE's continued detention of someone like Petitioner under such circumstances is unlawful.

COUNT TWO

SUBSTANTIVE DUE PROCESS VIOLATION

Petitioner re-alleges and incorporates by reference paragraphs 1 through 22 above.

Petitioner's continued detention violates Petitioner's right to substantive due process through a deprivation of the core liberty interest in freedom from bodily restraint.The Due Process Clause of the Fifth Amendment requires that the deprivation of Petitioner's liberty be narrowly tailored to serve a compelling government interest. While Respondents would have an interest in detaining Petitioner in order to effectuate removal, that interest does not justify the indefinite detention of Petitioner, who is not significantly likely to be removed in the reasonably foreseeable future. *Zadvydas* recognized that ICE may continue to detain aliens only for a period of reasonably necessary to secure the alien's removal. The presumptive reasonable period during which ICE may detain an alien is only six months. Petitioner has already been detained in excess of six months and Petitioner's removal is not significant likely to occur in the reasonably foreseeable future.

COUNT THREE

PROCEDURAL DUE PROCESS VIOLATION

Under the Due Process Clause of the Fifth Amendment, an alien is entitled to a` timely and meaningful opportunity to demonstrate that s/he should not be detained. Petitioner in this' case had been denied that opportunity. ICE does not make decisions concerning aliens' custody status in a neutral and impartial manner. The failure of Respondents to provide a neutral decision-maker to review the continued custody of Petitioner violates Petitioner's right to procedural due process. Ice has detained Petitioner for more than six months since the issuance of his final order of removal. There is no significant likelihood that Petitioner removal will occur in the reasonably foreseeable future. Petitioner does not pose a danger to the community

or a risk for flight, and no special circumstances exist to justify his continued detention. As petitioner is not dangerous, not a flight risk, and cannot be removed, his indefinite detention is not justified and violates substantive due process. See ***Zadvydas, 533 U.S. At 690-91***

COUNT FOUR

CONDITION OF CONFINEMENT

Petitioner is been housed in a jail-like condition, rather I would say the petitioner is been housed in a prison like condition in comparison to maximum security prison and been feed poor nutritional value diet in rudimentary portion . Complaint of this less than humane poor feeding condition to the ICE/ and it contractors that amounts to deficient health condition continue to go unremedy by either the ice or the warden of the facility who have two version of menu table, one he present to inspectors / press and the one that is actual been served and feed to the detainee which is the less than the federal standard required feeding menu to federal detainee and prisoners.

Petitioner also observed a pattern of consistent unethical and unprofessional trained officers at the Stewart detention facility who treat and handle detainees as prison inmates in punitive confinement . i.e, Constant locked down with restrictive movement and less than two hour recreational time a day or other days. Worse of all is the conditional one-hour no contact glass partition visit allowed once in a week regardless of the travel distance of the visiting party, and More so, the constitutional Attorney video visit that is streamlined to 60 minutes per detainee which often very cumbersome and nearly impossible to get a close schedule regardless

of your court calendar call and this goes without remedy or concerned despite constant complaint to retained a timely and long enough time window for legal matters.

Considering the aforementioned, it is clear that Stewart detention facility is punitive and not serving a just and fair purpose as civil detention as immigration proceedings is concerned rather it reeks every sight, feelings and condition of criminal punishment encampment as common in state correctional facilities.

Petitioner is challenging his condition of confinement. The third circuit recently recognized the viability of a condition of confinement claim through a section 2241 petition -Hope v. Warden York Cty prison, 972 F.3d 310, 324 (3d cir, 2020) in Hope, the third circuit held that a constitutional challenge by immigration detainees to their condition of confinement seeking release from custody, is a " matter properly challenged by petitioner for writ,"(emphasis added). The Hope petitioner varies in age 28 to 69, with only older than sixty-five(65), were detained for various reasons, 2nd had" divergent health condition". The third circuit explained that, under the "extraordinary circumstance" presented by the COVID-19 pandemic.

Petitioner's health condition and other individual circumstance in concluding that their claim was cognizable in Habeas. Accordingly. Petitioner may pursue his condition of confinement claim through a petition for writ of habeas corpus under section 2241

Here petitioner **Tai wan, Yeung,** is suffering and diagnosed with series of chronic health condition as [redacted]

[redacted]PS see Id Exhibit B- (Institutional medical chart reports).

Petitioner stayed on almost 15 different pharmaceutical prescription of dose per day to survive, petitioner is a month shy away to be seventieth (70). Petitioner argues that civil detention during time of health crisis amount[sic] to punishment" petitioner states

The U.S .Constitution prohibit pretrial and civil detainee from being detained in punitive conditions of confinement because the purpose of such detention is not punitive. Darnell v Peneiro, 849 F.3d 17,29 (2d cir.2017). As a result, detainees including immigrants detainees, " may not be punished in any manner- neither cruelly and unusually otherwise." id.(holding that protections for pretrial detainees, who may not be punished at all, are broader than those for convicted prisoners, for whom the Eighth Amendment provides protection against cruel and unusual punishment E.D.V. Sharkey, 928 F.3d 299, 306-07 (3d cir2019).

Detainees may not be punished before they are adjudicated guilty, Bell V. Wolfish, 441 U.S. 520, 535, 99s. Ct 1861, 60 L. Ed.2d 447(1979). Therefor in evaluating the constitutionality of the conditions of confinement of a detainee who is not adjudicated guilty, " the proper inquiry is whether those conditions amount to punishment of detainee

Here petitioner argues that the facility management/ ICE {Respondent} response to chronic disease and institutional health condition is alarmingly inadequate. The facilities are plainly not equipped to protect petitioner from a potential and fatal exposure to a looming diseased outbreak that seems imminent, as drove of UN-quarantined detainees from various walk of life with noticeable health condition and no form medical check up, combination of hordes recent border crossing captives with noticeable and exhibition of communicable health condition

detriments to vulnerable provocative health disorder as plumminery and respiratory infection and the deadly tuberculosis disease that abound in the facility.

Petitioner base on prior diagonized health condition, age and the deficient medical attention in the detention or better still the lackadaisical attitude towards petitioner by the facility/ respondent makes petitioner a high and prime target for facility's inadequacies to his confinement condition aforementioned.

Petitioner alleged another fatal inadequacies common in petitioners detention housing area, where detainees are confined in close quarter, forced to share the few bathroom, sleeping and eating space, thereby touching common surfaces without the facility implementing any form of environmental sanitary regulation in place to educate the seemingly new arrivals about common sanitary measures and rules.

Petitioner observed and maintained that the facility are limited in their access to basic cleaning supplies and protection gear. Though it is certain they would content that they follow and observed CDC guidelines in their purported aged hand-book which they do not. Most detainees especially new arrivals are asymptomatic of the new mutated COVID-19 virus and Flu this also include staffs with infection and would spread them easily among s detainee that has zero contacts with the free world and those with mutated virus from the street the monitoring and preventive measures are totally not in place to prevent transmission.

More sobering and the new normal to note, detainees are triple celled and parked into open space to sleep on floor on a make shift boat like plastic, laid on walk ways where detainees can literary touch each other at arm length , and all these closed quarter detainees shared a handful

of sink ,single kitchenette fosset and take shower in a communal bathroom that are clean without proper chemical as bleach.

Same detainees shared same meal dinning table prepared and served in the most unsanitary condition by same detainee with ill health condition short of CDC guidelines- at all times ice agent has a generic prepared answer to trade blame and flout it contractors as to be held accountable for lack of not meeting the required standard and serving poor nutritional and rudimentary meals. See (2009 Inspector general report).

The center for disease control and prevention (CDC) has provided guidance on the management of chronic and communicable disease in detention facility. It certain that Respondent would contend and claimed it has taken steps to reduce detainees risk of contracting communicable disease even claimed it has measures in place to prevent or control communicable disease and chronic infections at the detention center. The Stewart detention center is said to have the capacity to house about 2000 combined male and female detainees . The facility is not following that statistics and CDC guidelines. The frequency of sick call including the sight of detainees been housed on open floor alone speak volume of the hideous nature of the malpractice and inhumane and sadly, is for profiteering, time to time we caught wind of detainees death from over dose use of illicit drugs which the warden ties his reasons draconian lock down and penutive treatment of detainees to.

petitioner observed the facility measures are decernably punitive by untrained and unethically mannered staffs. Petitioner had previously tested positive for COVID-19 in the past,though currently negative for the disease, but acutely at high risk due to prevailing health condition.

COUNT FIVE

DELIBRATE INDIFFERENCE

Petitioner argues that Respondent (ICE) has subjected petitioner to deliberate indifferent to the risk posed to petitioners vulnerable health condition as high risk. Petitioner ascent that "ICE has routinely failed to remedy inhumane condition and has deliberately remained indifference to petitioners plight and their reasons for petitioners prolong detention .

The respondent has no reasonable cause to hold petitioner beyond the critical unconstitutional time frame beyond the hundred and eighty (180) days which serve no public service interest purpose. ICE has deliberately and routinely failed to overcome any burden of proof that petitioner deserved to be held beyond the warranted time for deportation.

Petitioner has met all required effort, provided ICE with travel documents for two (2) different countries CHINA, HONG KONG including a third 3rd country TAIWAN a Chinese territory. Petition is also willing to be removed to any of these options. But for over two (2) decades till present Respondent has not been able to carry out their acclaimed intention but would rather hold Petitioner in an inadequate squalor and a worse than maximum prison like ran facility indefinitely. Petitioner has also taken unusual but just step and proposed to fund his own departure. Petitioner has a deposit of about eighteen thousand U.$.Dollars $18,000. in care of the agency from his prior Bond payment, Petitioner is willing to part with some of the funds towards his ticket, yet , Respondent is choosing to hold petitioner indefinitely, by side-stepping all these judicial measures including that of the supreme court, Congress and public interest

clause and above all against the constitutional norm. It remained perplexing to what authoritys interest the Respondent is holding petitioner on. It troubling and unimaginable on what other grounds the respondent has chosen to treat petitioner with such deliberate indifference in a matter that has simple remedy as guaranteed by the constitution.

The Eight Amendment prohibit prison officials and jailors from acting with " delibrate indifference" to inmate's health or safety. " farmer V Brennan, 511u.s.825.834,114 S.ct.1970,128 L.Ed.2d 811 91994). This standard is more exacting" than the due-process claim based on condition of confinement Thakker 11,202 u.s.dist, 2020 WL 20205384, at* 6n.8. The supreme court has defined deliberate indifference as existing only if a (government)

official knows of and disregards an excessive risk to inmate health or safety; the official must be aware of facts from which the indifference could be drawn that substantive risk of serious harm exist, and he must also draw the inference (emphasis added) a detainee must show that a detaining official knew , or should have known of, the acclaimed risk and consciously disregarded it. See Woloszyn v county of Lawrence, 396 F. 314, 320 21 (3d cir.2005). A detainee can established deliberate indifference" even if detention official afford some care to detainee" more so" mere disregard/ disagreement' as to response to the risk to(a detainee) in light of their medical condition support constitutional infringement.

Before the month of March 2024, after petitioner has clocked over 90 days period of detention without any form of custody status review by the ICE, petitioner continue to reach out to the agency through the facility in-house electronic messaging tablet as well approach

officers of the agency on a face to face on site to inquire about the prolong detention despite petitioner not considered a high / flight risk or with any form of pending charges and neither considered a danger to the community with apparent and visible complaints of petitioners health condition and available medical (D R's) reports, yet Respondent consciously and deliberately disregards and over looked all these risk factors against petitioners plight and discomfort . Not until 14th of March, 2025 did Respondent through it agencies officer came up with a copy of purported statement claiming that based on some phony reviews and interview that never happened or conducted but was presented on the documents as reasons for still holding me see Id" exhibit B" which is contrary to petitioners condition and plight in custody. Respondent is aware and it concocted custody review letter signifies that there are no likelihood of success to deport or release petitioner from custody any time soon as they have not been able to prevailed in the past. The length and time window of petitioners deportation and prior supervisory release order interpreter these in clear term. Respondent action is a share disregard for legal precedent and nothing but deliberate inflicting of pain and irreparable damages to petitioners health due to prolong and indefinite detention and the threat it causes petitioner outweigh respondent adverse and miss application of the laws and authorities bestowed to respondent by the constitution and above all respondent action is unconstitutionally inadequate and adverse to public interest . Swain V Junior 961 F.3d 1276, 1284-85 (11th cir.2020).

COUNT SIX

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT

Petitioner continued detention is unlawful and violates 8 U.S.C 1231(a)(6) as interpreted by the supreme court in *Zadvydas*. The six-month presumptive reasonable period of detention has expired and petitioner has provided good reason to believe that his removal is not significantly likely to occure in the reasonably foreseeable future. Therefore, respondents lack authority to continue detaining petitioner.

Continue to detain petitioner under 8 U.S.C 1231 (a)(6) While there is no significant likelihood of removal in the reasonably foreseeable future deprives petitioner of his " strong interest in liberty," and therefore violates the Fifth Amendment of the United States Constitution. U.S. V Salerno, 481 U.S.739,750 (1987). It further poses actual and substantial hardships and irreparable injuries to petitioner.

PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

1) Assume jurisdiction over this matter;
2) Grant Petitioner a Writ of Habeas Corpus directing the Respondents to immediately release Petitioner from custody;
3) Enter preliminary in permanent injunctive relief enjoining Respondents from further unlawful detention of Petitioner; and
4) Grant any other and further relief that Court deems just and proper.

I affirm, under penalty of perjury, that the foregoing is true and correct

Respectfully submitted

June 5, 2025

Date

Yeung, Tai Wah

Petitioner's Signature

Pro SE

CERTIFICATE OF SERVICE

I certify that on *June 5, 2025*, a copy of this Writ of Habeas Corpus petition was Served to the Respondent by placing it in the outgoing mailbox and addressed as follows:

1. United States District Court
   Middle District Of Georgia
   Columbus Division
   P.o.box 124
   Columbus, GA 31902

2 Warden Core-Civic
   Stewart Detention Center
   P.O Box 248,
   Lumpkin, GA 31815

3 United States Attorney's Office
   Stewart Detention Center/ ICE Drop
   146 CCA Road
   P.O Box 248,
   Lumpkin, GA 31815

By placing a copy of the above in the mail box system at the facility where I am detained Therefore Under the "Mailbox Rule", The date a prisoner/detainee delivers a copy of a petition or other document filling documents to the detention authorities for mailing is considered to be the date filling with the court. See Washington v. United Sates, 243 f.3d 1299,1301 (11th cir.2011)

s/ Yeung, Tai Wah

Yeung, Tai Wah
Stewart Detention Center
146 CCA Road/Postbox 248
Lumpkin, GA 31815

TAB A

TABLE OF CONTENT