

ORIGINAL

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

SEP 22 2025

Yeung Yan Lo,)

Petitioner,)

v.)

Jonathan Crawford, Director of New Orleans Field)

Office; Todd Lyons, Acting Director of U.S.)

Immigration and Customs Enforcement; Kristi)

Noem, Secretary of the U.S. Department of)

Homeland Security; Pamela Bondi, Attorney)

General of the United States; S. Rite, Warden of)

Central Louisiana ICE Processing Center.)


Respondents.)

DANIEL J. MCCOY, CLERK *DM*
BY: _____

Case No. 1:25-cv-1407

PETITION FOR A WRIT OF HABEAS CORPUS

Petitioner /hereby respectfully submit a Petition For Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 and states as follows:

1. Petitioner currently being held on Federal Authorities by U.S. Immigration and Custom Enforcement (ICE) at Central Louisiana ICE Processing Center;
2. Petitioner's immigration identification number is 
3. ICE arrested Petitioner on March 18, 2025 when Petitioner came for the scheduled reporting;
4. Petitioner is being held on immigration Final Order of Deportation pending ICE obtain travel documents for Petitioner to deport to China;

5. Petitioner is challenging the decision to arrest and detain by ICE;
6. ICE violated 8 C.F.R. § 241.13 (i) (2) which denied Petitioner of informal hearing;
7. ICE violated INA 241 (a) which denied petitioner 90 days review;
8. ICE violated 8 U.S.C. § 1231(a)(6) which detaining Petitioner beyond removal period authorized by statute and not a likely to remove Petitioner in the near future;
9. ICE violated the due process clause of the Fifth Amendment to the U.S. Constitution by prolonged detain Petitioner in which deprives Petitioner's right to liberty.

WHEREFORE, Petitioner prays that this Court order Petitioner be immediately release from ICE custody.

Respectfully Submitted,

Yeung Yan Lo

Yeung Yan Lo

830 Pinehill Road

Jena, LA 71342

Pro se

CERTIFICATE OF SERVICE

I hereby certify that on September 17, 2025, I, Yeung Yan Lo, served a copy of this Petition For Habeas Corpus, Brief and Documents in support of this Petition to the following:

1. Jonathan Crawford, Director of New Orleans Field Office at 1250 Poydras, Suite 325, New Orleans, LA 70113;
2. Todd Lyons, Acting Director of U.S Immigration and Customs Enforcement at 500 12th Street SW, Washington D.C. 20536;

3. Kristi Noem, Secretary of the U.S. Department of Homeland Security at Washington D.C 20528;
4. Pamela Bondi, Attorney General of the United States at U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530;
5. S. Rite, Warden of Central Louisiana ICE Processing Center at 830 Pinehill Road, Jena, LA 71342.

by first class mail through United States Post Office Services.

Re: Filing Petition for Writ of Habeas Corpus

Dear Clerk of Court:

Enclosed is an Original and two (2) copies of the Petition for Writ of Habeas Corpus and Memorandum of Law in Support of Petition for Writ of Habeas Corpus. Yeung Yan Lo filing. Please stamp a copy and send it back to me at my address below. Once I receive the stamped copy with case number, I will then ask my family member to send a check in for filing fee of the amount of \$5. I have to send it in this way due to complexity of this facility to get approval to send money out of my account.


Thank you! I am fully appreciating your assistance in this matter.

Respectfully submitted,

Yeung Yan Lo
Yeung Yan Lo
6074 250015
Central Louisiana ICE Processing Center
830 Pinehill Road
Jena, LA 71342

RECEIVED
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

SEP 22 2025

BY: DANIEL J. MCCOY, CLERK 

September 17, 2025

Clerk of Court

Western District of Louisiana

300 Fannin St., Suite 1167

Shreveport, LA 71101-3083

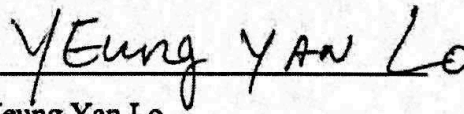
Re: Filing Petition for Writ of Habeas Corpus

Dear Clerk of Court:

Enclosed is an Original and two (2) copies of the Petition For a Writ of Habeas Corpus and Memorandum of Law In Support of Petition for Writ of Habeas Corpus for filing. Please stamp a copy and send it back to me at my address below. Once I receive the stamp copy with case number. I will then ask my family member to send a check in for filing fee of the amount of \$5. I have to send in filing fee in this way due to complexity of this facility to get approval to send money out of my account.

Thank you! I am fully appreciating your assistance in this matter.

Respectfully submitted,



~~Yeung Yan Lo~~

Central Louisiana ICE Processing Center

830 Pinehill Road

Jena, LA 71342

cc: File

ORIGINAL

RECEIVED
MEMORANDUM OF LAW IN SUPPORT OF PETITION OF WRIT HABEAS CORPUS
U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

SEP 22 2025

PURSUANT TO 28 U.S.C. SECTION 2241

DANIEL J. MCCOY, CLERK

BY: 


INTRODUCTION

1. Petitioner, Yeung Yan Lo, petition this Court for a writ of habeas corpus to remedy Petitioner's unlawful re-detainment and indefinite detention by Respondents. Petitioner submits this Memorandum of Law in support of the Petition for a Writ of Habeas Corpus.
2. Recently the United States Court of the Eastern District of California held both in *Quoc Chi Hoac v. Beccerra*, No. 2125-cv-001740-DC-JDP and *Phong Phan v. Beccerra*, No. 2:25-cv-01757-DC-JPD, because there is no indication that an informal interview was provided to Petitioner, the court find petitioner is likely succeed to on his claim that his re-detainment was unlawful.
3. As the Supreme Court held in *Zadvydas v. Davis*, 533 U.S. 678 (2001), noncitizens cannot be detained indefinitely if the government is unable to carry out their removal. Instead, detention after a final order of removal is authorized only when removal is reasonably foreseeable. As a guide to courts, the Court in *Zadvydas* established a presumption that detention after a final order of removal was permissible for six months. Detention after a final order may be unlawful even when six months have not passed, particularly if it is clear that the United States will not be able to effect a noncitizen's removal. But after that six-months period, once a noncitizen provides "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing." And the longer a noncitizen has been detained, the stronger the government's showing must be.
4. Petitioner is entitled to release under the framework of *Zadvydas* unless the government promptly demonstrates that there is a significant likelihood of removal in the reasonably foreseeable future.
5. Petitioner respectfully requests that the Court use its authority under 28 U.S.C. § 2243 to order the respondents to file a return within three days, unless they can show good cause for additional time. 28 U.S.C. § 2243 (Stating that an order to show cause why a petition

for a writ of habeas should be denied is returnable "within three days unless for good cause additional time, not exceeding twenty days, is allowed").

6. In order to permit full judicial review of the claims herein and requested relief, Petitioner respectfully requests that the Court order Respondents not to transfer Petitioner outside the jurisdiction of this Court pending consideration of this Petition.

STATEMENT OF FACTS

7. Petitioner was born in China.
8. Petitioner was lawfully entered the United States on or about July 19, 1988.
9. On or about the year of 1996 Immigration and Naturalization Services (INS) initiated a deportation proceeding against Petitioner.
10. An Immigration Judge ordered Petitioner removed from the United States on September 2004 and designate China as country of deportation.
11. On or about March 2005 the INS placed Petitioner on condition release.
12. Petitioner always abide by the conditions of the release.
13. Petitioner was working as manager at his family's Chinese restaurant.
14. On March 18, 2025, the ICE arrested and detaining Petitioner at his reporting scheduled date.
15. The Petitioner has cooperated fully with all ICE effort to remove Petitioner.
16. Petitioner has fully cooperated with ICE.
17. Petitioner has cooperated with ICE by fill out and signed a travel document application.
18. ICE never give Petitioner informal hearing pursuant to 8 C.F.R. §241.13 (i) (2)
19. ICE never give Petitioner the 90 days review pursuant to INA 241 (a).
20. Petitioner has been detaining more than six (6) months now.
21. ICE has been unable to remove Petitioner from United States and unlikely to remove Petitioner in the reasonably foreseeable future because China has not issued Petitioner travel documents.
22. If release, Petitioner will be stay with his family at his house at 

ARGUMENT

23. This action arises under the Constitution of the United States and the Immigration and Naturalization Act (“INA”) §§101-507, 8 U.S.C. § 1101-1537, amended by the Illegal Immigration Reform and Immigration Responsibility Act of 1996, Pub. L. No. 104-208, 110 Stat. 3009-1570.
24. This Court has jurisdiction under 28 U.S.C. § 2241, the Suspension Clause, U.S. Const. art.1 § 9, cl.2, and 28 U.S.C. § 1331, as Petitioner is presently in custody under color of the authority of the United States, and Petitioner’s custody is in violation of the Constitution, laws or treaties of the United States. See *Zadvydas*, 566 U.S. 678. This Court may grant relief under 28 U.S. C. § 2241 (habeas corpus), 5 U.S.C. § 702 (establishing the right of review for a person suffering a legal wrong due to agency action), and 28 U.S.C. § 1651 (All Writ Act).
25. The Due Process clause applies to all persons in the United States, “whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at 693. In *Zadvydas*, the Supreme Court emphasized. “[f]reedom from imprisonment—from government custody, detention, or other form of physical lies at the heart of liberty that [the Due Process] Clause protects.” 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992) The Court noted, “[a] statute permitting indefinite detention of an alien would raise a serious constitutional problem.” *Id*; see also *Plyer v. doe*, 457 U.S. 202, 210 (1982) (“Aliens, even aliens whose presence in this country is unlawful, have long been recognized as ‘persons’ guaranteed due process of law by the Fifth and Fourteenth Amendments.”).
26. Under 8 U.S.C. § 1231(a)(2), noncitizens subject to final orders of removal “shall” be detained during the first 90 days—the “removal period”—and they “shall” be removed during that period under § 1231(a)(1). Under 8 U.S.C. § 1231(a)(6), the government “may” continue detention beyond the 90-day removal period if a noncitizen falls within certain broad categories of removability or is determined “to be a risk to the community or unlikely to comply with the order of removal.” 8 U.S.C. §1231(a)(6).
27. In *Zadvydas*, the Supreme Court construed 8 U.S.C. §1231(a)(6) to authorize detention only where it is significantly likely that removal will occur in the reasonably foreseeable future, in order to avoid the serious due process concerns that would be presents by

permitting detention for an indefinite period of time. *Zadvydas*, 533 U.S. at CITE. After a noncitizen meets his or her initial burden to show that no such likelihood of removal exists, the burden shifts to the Government to “respond with evidence sufficient to rebut [the alien’s] showing.” *Id.* At 701.

28. Courts have rejected conclusory claims by ICE agents which claim, without submitting concrete factual information about scheduled flights or repatriation agreements, that removal is imminent. “[A] theoretical possibility of eventually being removed does not satisfy the government’s burden once the removal period has expired and the petitioner establishes good reason to believe his removal is not significantly likely in the reasonably foreseeable future.” *Balza v. Barr*, No.6:20-CV-00866, 2020 WL 6143643, at *5 (W.D. La. Sept. 17, 2020) (internal quotation marks and citation omitted). “[I]f [ICE] has no idea of when it might reasonably expect [Petitioner] to be repatriated, [a] Court certainly cannot conclude that [a] removal is likely to occur-or even that it might occur-in the reasonably foreseeable future.” *Id.* At *5 (internal quotation marks and citation omitted). *See also*, *Gomez Barco v. Witte*, No. 6:20-CV-00497, 2020 WL 7393786 (W.D. La. Dec.16, 2020) (ordering release of a petitioner who was detained longer than six months because ICE had not been able to secure necessary travel documents, noting that the ICE officer “clearly had no factual basis for his ‘belief’ that there was no foundation for that “expectation” that the COVID-19 related travel restrictions in place would soon be lifted); *Balza v. Barr*, No. 6:20-CV-00866, 2020 WL 6064881 (W.D. La. Oct. 14, 2020)(same).¹ In granting Ms. Balza’s release, the court considered and rejected a conclusory declaration by a local ICE Assistance Field Officer that removal was imminent. *Id.* At *5. In *Alexis v. Smith*, the petitioner, Mr. Alexis, had been in detention for almost a year and subject to a removal order for over a year. An ICE officer testified to an informal agreement that permitted removal but acknowledge that there were far fewer removals to Haiti in the aftermath of the 2010 hurricane. The Haiti government had a issue with identity documents and it was unknown when that would be resolved. The magistrate did not credit ICE’s vague statements that it was “endeavoring to rectify the issue” and concluded there was no end in sight for detention, and recommended release. The District Court Judge agreed and ordered release. ICE then released Mr. Alexis on an Order of Supervised release and moved to get the judgment vacated on mootness, which it was. However, this does not invalidate the

reasoning and conclusions of the Magistrate Judge and District Court Judge on this subject, and this case is still informative and persuasive to the body of law on this subject. *Alexis v. Smith*, No. CIV .A. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011), report and recommendation adopted, No. CIV.A. 11-0309, 2011 WL 3954945 (W.D. La. Sept. 6, 2011), vacated, Nop. CV 11-0309, 2011 WL 13386020 (W.D. La Sept 15, 2011).

29. Courts in this District have—pursuant to *Zadvydas*—released individuals who have been detained for over six months. *See, e.g., Gomez Barco*, 2020 WL 7393786 (ordering release of an immigrant detainee who was a native and citizen of Venezuela who was detained longer than six months because ICE had not been able to secure necessary travel documents); *Balza*, 2020 WL 6143643, at *5 (ordering release of petitioner and noting that “[a]fter more than a year of detention, Petitioner’s removal need not necessary be imminent, but it cannot be speculative”) (internal quotation marks omitted).

¹ Other district courts in the Fifth Circuit and elsewhere have similarly granted habeas relief when the noncitizen has shown that there is no significant likelihood of removal in the reasonably foreseeable future. *See, e.g., Carreno v. Gillis*, No. 5:20-cv-KS-MTP, 2020 WL 8366735 (S.D. Miss. Dec. 16, 2020) (granting habeas relief to petitioner detained for approximately sixteen months due to a lack of diplomatic relation with Venezuela); *Ali v. Dep’t of Homeland Sec.*, 451 F. Supp. 3d 703 (S.D. Tex. 2020)(granting habeas relief to Petitioner initially detained for three years, released and detained again for four months when Petitioner could not be removed due to travel restrictions to Pakistan); *Sharifi v. Gillis*, No. 5:20-cv-5-DCB-MTP, 2020 WL 7379211 (S.D. Miss. Oct 9, 2020)(granting habeas relief to Petitioner detained for seventeen months after Iranian officials failed to respond to a travel Document request for more than seven months).

30. Under *Zadvydus*, courts have found that there is no significant likelihood of removal and grant relief where:

- No country will accept the petitioner. *See, e.g., Jabir v. Ashcroft*, No. 03-2480, 204 WL 60318 (E.D. La. Jan 8, 2004) (granting habeas relief to petitioner detained for more than fourteen months after numerous countries refused to repatriate the petitioner).²
- The Petitioner 's country of origin refuses to issue a travel document. *See, e.g., Alexis v. Smith*, No. 11-0309, 2011 WL 3924247 (W.D. La. Aug. 3, 2011) (granting habeas relief to petitioner detained for approximately one year due to the Haitian government rejecting the quality of identity documents provided; *Fermine v. Dir. Of Immigr. & Customs Enf't*, No. 2:06-cv1578, 2007 WL 2284606 (W.D. La. May 23, 2007) (granting habeas relief to petitioner detained for fifteen months due to Trinidad's refusal to issue travel documents); *Lijadu v. Gonzales*, No. 06-1208, 2006 WL 3933850 (W.D. La. Dec. 18, 2006) (granting habeas relief to petitioner detained nineteen months because Nigeria refusal to issue travel documents due to petitioner's HIV status).³

² See also *Hassoun v. Sessions*, No. 18-CV-586-FPG, 2019 WL 78984, at *4 (W.D.N.Y. Jan 2, 2019) (ordering release of petitioner detained fourteen months after petitioner showed "that the countries which he has any affiliation will not accept him");

Yusupov v. Love, No. 4:CV-06-1804, 2007 WL 5063231 (M.D. Pa Jan. 12, 2007; *Abel-Multi v. Ashcroft*, 314 F. Supp. 2d 418 (M.D. Pa. 2004) (ordering release of petitioner detained approximately two years after refusal of several countries to accept petitioner).

³ See also *Ka v. Bureau of Immigr. & Customs Enf't*, No. B-07-197, 2008 WL 11462867, at *8(S.D. Tex. June 24, 2008) (ordering release of petitioner detained twelve months after Senegal "refused to issue Ka a travel document because he d[id] not have proper identity documentation"); *Moreira v. Gonzales*, No. CIVA CV05-588 A, 2006 WL 386172 (W.D. La. Nov. 2, 2006) (granting habeas relief to petitioner detained for three years because Cape Verde advised that it would not accept the petitioner for repatriation); *Khan v. Gonzales*, 481 F. Supp. 2d 638 (W.D. Tex. 2006).

- There is no removal agreement between the United States and the country. In these scenarios, courts have that the lack of a formal agreement regarding repatriation, lack of diplomatic relationship, and lack of the functioning government support a finding that there is no significant likelihood of removal, See, e.g., *Negusse v. Gonzales*, No. 06-1382, 2007 WL 70815 (W.D. La. Mar. 1, 2007) (granting habeas relief to petitioner detained for approximately one year because the United States did not have a repatriation agreement with Ethiopia and Ethiopia would not issue travel documents because one of petitioner's parents was not Ethiopia).⁴
- There is either no response from a country designated for removal or a significant delay in receiving a response. See, e.g., *Gonzales v. Gillis*, 5:19-cv-109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no 109-DCB-MTP, 2020 WL 3428983 (S.D. Miss. June 23, 2020) (granting habeas relief to petitioner detained thirteen months where there was no Response from Venezuelan officials).⁵

⁴ See also *Gomez Barco*, 2020 WL 7393786; *Islam v. Kane*, No. CV-11-515-PHX-PGR(LOA), 2011 WL 4374226+, at *3 (D. Ariz. Aug. 30, 2011) (ordering release of petitioner detained ten months where petitioner presented evidence that Bangladesh "is one of fifteen countries identified by ICE as least likely to issue travel documents"); *Carreno*, 2020 WL 8366735; *Simoza Rangel v. Gillis*, No. 5:19-cv-118-DCB-MTP, 2020 WL 7223258(S.D. Miss. Sept. 2, 2020) (granting habeas relief to petitioner detained sixteen months due to a lack of diplomatic relations with Venezuela); *Abduelle v. Gonzales*, 422 F. Supp. 2d 774 (W.D. Tex. 2006) (concluding that the petitioner met the burden to show removal was not reasonably foreseeable after being detained for more than one year when an injunction restricted the government's ability to remove the petitioner to Somalia).

⁵ See also *Shariff*, 2020 WL 7379211; *Aung v. Barr*, No. 20-CV-681-LJV, 2020 WL 4581465(W.D.N.Y. Aug. 10, 2020); *Edwards v. Barr*, No. 4:20cv350-WS-MAF, 2020 WL 6747737 (N.D. Fla. Oct. 14, 2020); *Rual v. Barr*, No. 6:20-CV-06215 EAW, 2020 WL 3972319 (W.D.N.Y. July 14, 2020); *Rodriguez Del Rio v. Price*, No. EP-20-CV-00217-FM, 2020 WL7680560 (W.D. Tex. Nov. 3, 2020); *Singh v. Whitaker*, 362 F. Supp. 3d 93 (W.D.N.Y. 2019)(holding that petitioner met his initial burden where he was held in ICE custody for more than ten months after the issuance of his removal order with no indication from the Pakistani Embassy that travel documents would be issued); *Lawrikow v. Kollus*, No. CV-08-1403-PHX-GMS(LOA), 2009 WL 2905549 (D. Ariz. Jan 27, 2009); *Reid v. Crawford*, No. 06-02436 PHX-JWS (MEA), 2007 WL 2905549 (D. Ariz Jan 31, 2007); *Gui v. Ridge*, No. 3CV031965, 2004 W.L. 1920719 (M.D. Pa. Aug. 13, 2004); *Shefqet v. Ashcroft*, No. 02 C 7737, 2003 WL 1964290 (N.D. Ill. Apr. 28, 2003)

ICE fails to take action to secure travel documents for a prolonged period. See, e.g. *Senor*, 401 F. Supp 3d at 430-31 (granting habeas relief after ICE initially

- ICE fails to take action to secure travel documents for a prolonged period. See, e.g. *Senor*, 401 F. Supp 3d at 430-31 (granting habeas relief after ICE initially requested travel documents but where “there [wa]s no indication from the record facilitate *Senor*’s receipt of the necessary travel documents”).⁶

31. As the length of detention grows, the period of time that would be considered the “reasonably foreseeable future” shrinks, see., *Zadvydas*, 533 U.S. at 701 (stating that as the length of time in detention grows “what counts as the ‘reasonably foreseeable future’ conversely would have to shrink”); *Senor*, 401 F. Supp 3d at 430 (“[T]he passage of time combined with ‘the ‘government [being] no closer to...repatriating [a detainee] than they were once they first took him into custody’ [is] sufficient to meet that ‘initial burden.’”); *Lawrikow*, 2009 WL 2905549, at *12.

32. Petitioner’s continued detention is unlawful, and Petitioner is unlikely to be removed in the reasonably foreseeable future. Therefore, Petitioner’s detention violates the statute and s/he is entitled to immediately release.

33. Petitioner’s detention also violated the due process Clause. The Due process Clause of the Fifth Amendment forbids the government from depriving any “person” of liberty “without due process of law.” U.S. Const. amend. V. “Freedom from imprisonment—from government custody, detention, or other form of physical restraint—lies at the heart of the liberty” that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690 (citing *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992)). Civil immigration detention violates due process if it is not reasonably related to its statutory purpose. See *id.* (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). In the immigration context, the Supreme Court has recognized only two valid purposes for civil detention: to mitigate the risk of flight and prevent danger to the community. *Id.* Petitioner’s prolong civil detention, which has lasted well beyond of

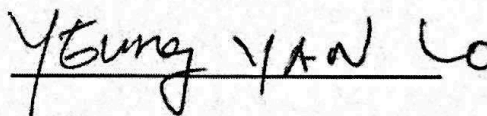
⁶ See also *Chun Yat Ma v. Asher*, No. C11-1797 MJP, 2012 WL 1432229, at *4 (W.D. Wash. Apr. 25 2012) (ordering petitioner’s release where the government failed “to provide any documentation of efforts...to effectuate removal...[for] nearly six months”).

the end of the removal period, and which is likely to continue indefinitely, is no longer reasonably related to the primary statutory purpose of ensuring imminent removal. Thus, Petitioner's detention violated Petitioner's right to due process.

CONCLUSION

34. In conclusion, Petitioner's unlawful re-detainment and indefinite detention violates the detention statute and is unconstitutional. Petitioner respectfully requests that this Court order Respondents to show cause why the writ should not be granted "within three days unless for good cause additional time, not exceeding twenty days, is allowed," and set a hearing on this Petition within five days of the return, pursuant to 28 U.S.C. § 2243 and grant the Writ of Habeas Corpus ordering Respondent to immediately release Petitioner from their Custody and refrain from re-detain until ICE obtained travel documents for Petitioner to China.

Respectfully Submitted,



Yeung Yan Lo

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