

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Jinlong Piao,

Petitioner,

v.

TODD M. LYONS, *et al.*

Respondents.

Case No. 1:25-cv-01725 (AJT/WEF)

**PETITIONER'S REPLY TO RESPONDENTS' OPPOSITION
TO PETITION FOR WRIT OF HABEAS CORPUS**

PETITIONER'S MOTION FOR DEFAULT JUDGMENT

Although this filing is optional, the Petitioner provides his reply to the government's opposition filing below. We remind the court that his habeas petition has been pending since October 9, 2025, and with each passing day, for a client who has been detained for 7 months and 3 days, it has brought upon much hardship on Petitioner and his family.

I. PROLONGED MANDATORY DETENTION WITHOUT RELEASE OR A BOND

HEARING VIOLATES DUE PROCESS

In the instant case, wherein Petitioner has been detained since March 26, 2025, which is an unduly excessive amount of time, i.e., 217 days (7 months and 3 days) as of today, due process demands his release or a bond hearing. Each passing day has brought upon more and more extreme hardship for the Petitioner and his family (U.S. citizen wife and two U.S. citizen daughters). The Fifth Amendment protects against indefinite civil confinement without individualized review. *Zadvydas v. Davis*, 533 U.S. 678 (2001), and *Demore v. Kim*, 538 U.S. 510 (2003), both recognized limits on immigration detention. EDVA courts have repeatedly

found that detentions exceeding several weeks without bond hearings raise serious constitutional concerns. Respondents' position—that Petitioner can be held indefinitely with no review—is inconsistent with both precedent and fundamental fairness.

Petitioner has uniquely presented a strong Zadvydas claim of unjustified and excessive prolonged detention. A Zadvydas claim must succeed when it is unlikely that the individual can be removed in the foreseeable future. Petitioner explains why the government has not met that burden below. The respondents had from March 26, 2025 to end prolonged detention and either effectuate the deportation or release him. When the government realized early on they could not easily obtain a travel document from China (the People's Republic of China), instead of excessive prolonged detention, they could have used a less restrictive measure by releasing him with conditions, such as supervised release, ankle bracelet, etc. But instead, they chose to prolong Respondent's detention without regard to how much he and his immediate family are suffering. By their own admission, Washington ERO completed the 180 day review in September 2025 but decided to continue his detention. Although the government claims that on October 1, 2025, China approved ICE's request for Petitioner (which the government has not attached any proof of in an exhibit- thus, the Court should not readily accept this claim as fact), the government also admits that ICE is currently waiting for the issuance of the travel document. The government does not give proof of an estimate date that Petitioner or this Court can rely upon. Just saying ICE is currently waiting for the issuance of the travel document is highly unspecific and speculative as to the date they would receive it and effectuate his departure from the United States. No date and documentary/evidentiary proof has been given to validate their claim. For these reasons, this Court should see this instant case as a strong Zadvydas claim in favor of the Petitioner. If the government expected to receive the travel document as far back as June 16, 2025 at the 90-day review mark (see **Exhibit A-** DHS's Decision to Continue Detention

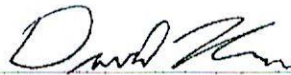
at the 90-day mark), we should see that their actions do not align with their assertions, and that we cannot accept that the government is making a good-faith reliable claim that Petitioner's removal will occur in the foreseeable future, especially this late in the process at the 217 day mark (past the 6 months, 180-day mark mentioned in the Zadvydas case).

RELIEF REQUESTED

For the foregoing reasons, this Court should grant the writ and effectuate his immediate release from detention. In the alternative, Petitioner requests a hearing in which the government must bear the burden to prove by clear and convincing evidence that continued detention is necessary. Based on our written arguments, we have shown why the government has not met this burden. Without such an order, Petitioner would have no remedy and the government will continue to violate Petitioner's due process rights, freely continuing the prolonged excessive detention. This Court must ensure that Petitioner's liberty is not denied without lawful authority or due process.

CONCLUSION

This Court should reject the respondents' arguments, grant the petition, and order Petitioner's immediate release or a hearing on the merits. Should a hearing be necessary, we ask for an early hearing date (except for November 4th, 5th, and 6th and 25th since undersigned counsel is not available then). We respectfully ask for a prompt decision on this time sensitive case.



David Sung Won Kim, Esq.
Attorney for Petitioner
Immigrants First, PLLC
9401 Centreville Rd, Ste 204
Manassas, VA 20110
(P) 703-355-2009
(E) david@immigrantsfirst.com