

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

Zhe Min Jin,

Case No.: 25-CV-01232-JD

Petitioner

**PETITIONER'S SURREPLY
TO ECF NO. 26**

v.

Pamela Bondi, Attorney General; et al.,

Respondents.

SURREPLY

Respondents have stated that Petitioner will be removed to China on December 15, 2025. ECF Nos. 25, 26-1. Respondents have filed, *ex parte* for *in camera* review, a redacted flight manifest. *See* ECF No. 26-1, ¶ 4. The undersigned has not seen the flight manifest but assumes it is legitimate in the absence of evidence to the contrary.

Nonetheless, to the undersigned's knowledge, Respondents have not ever claimed to have a travel document for Petitioner. On December 5, 2025, Respondents submitted a supplemental declaration from Deportation Officer George McGettrick. ECF No. 26-2. McGettrick makes a number of vague and amorphous claims about travel documents requirements varying country-by-country. *See id.* McGettrick states, “[a]t this time, certain countries, such as China, do not conduct interviews or issue **traditional** travel documents. Instead, they require only proof of citizenship....” *Id.*, ¶ 6 (emphasis added).

McGettrick's claim that China is not presently requiring travel documents, interviewing subjects, or issuing traditional travel documents lacks credibility. The

undersigned did a quick Westlaw Boolean search (“China” /p “travel document”) and received 235 responsive cases. Of those cases, every case the undersigned clicked on referred to presenting travel document packets to the Chinese embassy, with many of these cases being very recent.¹ While the undersigned is tempted to cite and quote every single one of those cases, the footnote citation would stretch across multiple pages and is likely unnecessary to make the point that Respondents have not satisfactorily supported their novel claims that China suddenly ceased requiring travel documents for deportations.

Respondents suggest that 8 U.S.C. § 1252(g) strips the Court of jurisdiction to prevent Respondents from attempting to deport Petitioner without a valid travel document

¹ *Chan v. Mayorkas*, No. 24-CV-1315-JLS-MSB, 2024 WL 5159900, at *1-2 (S.D. Cal. Dec. 18, 2024) (“San Diego field office submitted a travel document packet to the Consulate General of the People's Republic of China in Los Angeles. Return at 3. That same day, ERO's Removal and International Operations (“RIO”) division presented this **travel document packet to the ERO Assistant Attaché for Removals in Beijing, China for presentation of the travel document packet to the Hong Kong Immigration Department.**”) (emphasis added); *Yan-Ling X. v. Lyons*, No. 25-CV-01412-KES-CDB, 2025 WL 3123793, at *2 (E.D. Cal. Nov. 7, 2025) (“on October 14, 2025, ICE revoked her order of supervision and arrested her. ... ICE provided her with a notice of revocation of release, which states that her order of supervision was revoked because her **‘case is currently under review by the Government of China for the issuance of a travel document and [her] removal is now imminent.’** The notice was signed by Sergio Albarran, the Field Office Director of the San Francisco Field Office of ICE.”) (emphasis added; record citations omitted); *Qui v. Carter*, No. 25-CV-3131-JWL, 2025 WL 2770502, at *3-4 (D. Kan. Sept. 26, 2025) (*inter alia*, “that declaration, after stating that **China requires a travel document for removal without a valid passport...**”) (emphasis added); *Liu v. Carter*, No. 25-CV-3036-JWL, 2025 WL 1696526, at *2 (D. Kan. June 17, 2025) (“respondents have not yet provided evidence that officials had had more success recently obtaining travel documents. Petitioner notes also that although respondents state in their supplemental brief that on May 2 **a travel document packet was submitted to an ICE office in an effort to obtain the necessary travel document**, respondents' prior declaration (Doc. # 7-1) states that **a travel document request was sent to the Chinese Consulate** on January 28, 2025 – and petitioner argues that that earlier request must have already been rejected.”) (emphasis added).

because doing so would interfere with the execution of a removal order. This argument falls flat. Surely, if ICE intended to effect a deportation of a Mexican citizen to Mexico by shooting the Mexican citizen out of a cannon from Texas to Mexico, the Court could enjoin such action as a substantive due process violation without running afoul of § 1252(g). Or, if Respondents intended to deport Petitioner by taking him out to sea and abandoning him in a life raft in international waters, the Court could enjoin such action without running afoul of § 1252(g). If Respondents intended to deport Petitioner by shooting him into outer space, the Court could enjoin such action without running afoul of § 1252(g). While each of these examples is intended to be extreme, they demonstrate that § 1252(g) does not prevent the Court from enjoining plainly unconstitutional methods of deportations.

The question then, is whether it is unconstitutional or otherwise unlawful for the government to attempt a deportation in the absence of a travel document or some other probative and reliable proof that the receiving country will accept the proposed deportee in circumstances where there is no presently valid agreement between the United States and the receiving country that permits the United States to send deportees to that country without travel documents. The Court has jurisdiction to answer this question. *Cf. Singh v. Waters*, 87 F.3d 346,350 (9th Cir. 1996) (ordering government to permit return for immigration hearing following unlawful removal); *Grace v. Whitaker*, 344 F. Supp. 3d 96, 144-45 (D.D.C. 2018) (ordering government to return noncitizens wrongfully removed); *Ms. L v. ICE*, 403 F. Supp. 3d 853, 860 (S.D. Cal. 2019) (court has remedial authority to bring back parents who were wrongfully deported and therefore unlawfully

separated from their children); *Ying Fong v. Ashcroft*, 317 F. Supp. 2d 398, 408 (S.D.N.Y. 2004) (ordering noncitizen “be returned to the United States” after unlawful removal); *Dennis v. INS*, No. 01-cv-279, WL 295100, at *4 (D. Conn. Feb. 19, 2002) (same).

If the Court holds that such conduct is constitutional, ICE can dispense with the rigamarole of applying for travel documents in every case. If the Court holds that such conduct is unconstitutional, the status quo will remain the same and ICE will continue to need travel documents before effecting a deportation.

If the Court finds that Respondents must possess a travel document prior to attempting a deportation, the Court may and should issue a writ of *ne exeat* under the All Writs Act, 28 U.S.C. § 1651, ordering Respondents not to transport Petitioner from the jurisdiction of the United States *until* it obtains a travel document for Petitioner. *Arostegui-Maldonado v. Baltazar*, 794 F. Supp. 3d 926, 945-46 (D. Colo. Aug. 8, 2025) (“Ultimately, the Court finds that it has authority to enter an injunction preventing Maldonado's **unlawful removal** from the United States and transfer from the District of Colorado during the pendency of these habeas proceedings under at least the All Writs Act.”) (emphasis added); *United States v. Kolade*, No. 3:22-CV-00459-KAD, 2025 WL 521095, at *1 (D. Conn. Feb. 18, 2025) (“On April 10, 2024, the Court issued a writ of *ne exeat republica* to restrain the defendants from departing the jurisdiction of the Court, given their significant ties to Nigeria and their apparent intention to permanently live there.”).

Alternatively, the Court could issue an Order similar to the Order to Show Cause

(“OSC”) that was recently issued in the Western District of Texas in *Pablo Pablo v. Bondi*, No. 3:25-CV-00566-DCG (W.D. Tex. Nov. 20, 2025), which stated:

[T]he Court **ORDERS** that Respondents **MAY NOT REMOVE** Pablo Pablo from the United States or transfer him from this Division and District during the pendency of this case.

Exhibit 1 at 1 (emphasis added). The noncitizen in that case also had an order of removal. *Id.* at 2. The court held, “Many courts, including this one, have prevented immigration habeas petitioners’ removal from the country or transfer from the forum jurisdiction, until the petition can be fully considered.” *Id.* at 4 n.15 (citing *Santiago v. Noem*, 3:25-cv-361-KC, 2025 WL 2606118, at *2-3 (W.D. Tex. Sept. 9, 2025) (collecting cases)). The *Pablo Pablo* court noted that its “Order is not issued as a TRO but instead under the Court’s inherent power to preserve its ability to hear the case.” *Id.* at 4 n.16 and accompanying text.

Notably, if the Court issues an Order in the same style and spirit as that of *Pablo Pablo*, it need not address the question of whether it is constitutional for Respondents to attempt a deportation without a travel document. Instead, the Court could ignore that question and simply decide the petition on its merits, ordering Petitioner’s release if the Court agrees with the magistrate’s Report and Recommendation which found immediate release was warranted in light of pre-deprivation due process violations. *See* R&R at 11-18.

DATED: December 11, 2025

Respectfully submitted,

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