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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Wu, Jiandong,

Petitioner,

v.

Judith Almodovar, Field Office Director of  
Enforcement and Removal Operations, New  
York City Field Office, Immigration and  
Customs Enforcement; Kristi NOEM,  
Secretary, U.S. Department of Homeland  
Security; U.S. DEPARTMENT OF  
HOMELAND SECURITY; Pamela BONDI,  
U.S. Attorney General; EXECUTIVE OFFICE  
FOR IMMIGRATION REVIEW,

Respondents.

Case No. 1:25-cv-8968

**PETITION FOR WRIT OF  
HABEAS CORPUS**

## INTRODUCTION

1  
2 1. Petitioner Wu, Jiandong is in physical custody of Respondents at the 26 Federal  
3 Plaza, New York, NY, 10278. He now faces unlawful detention because the Department of  
4 Homeland Security (DHS) and the Executive Office of Immigration Review (EOIR) have  
5 concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without  
7 admission or inspection. *See* 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner's removal proceedings, DHS denied  
9 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,  
10 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone  
11 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without  
12 admission or inspection—to be subject to detention under 8 U.S.C. § 1225(b)(2)(A) and  
13 therefore ineligible to be released on bond, though they may be considered for parole under §  
14 1182(d)(5)(A) at DHS's discretion.

15 4. Similarly, on September 5, 2025, the Board of Immigration Appeals (BIA or  
16 Board) issued a precedent decision, binding on all immigration judges, holding that an  
17 immigration judge has no authority to consider bond requests for any person who entered the  
18 United States without admission. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).  
19 The Board determined that such individuals are subject to detention under 8 U.S.C. §  
20 1225(b)(2)(A) and therefore ineligible to be released on bond.

21 5. Petitioner's detention on this basis violates the plain language of the Immigration  
22 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who  
23 previously entered and are now residing in the United States. Instead, such individuals are  
24

1 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.  
2 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for  
3 having entered the United States without inspection.

4 6. Respondent's newly adopted interpretation conflicts with the plain language of  
5 the statute and departs from decades of consistent agency practice applying U.S.C. § 1226(a) to  
6 individuals similarly situated to Petitioner.

7 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that he be released  
8 unless Respondents provide a bond hearing under § 1226(a) within seven days, as required by  
9 longstanding agency practice and constitutional due-process principles.

#### 10 JURISDICTION

11 8. Petitioner is in physical custody of Respondents. Petitioner is detained at the 26  
12 Federal Plaza, New York, NY 10278.

13 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28  
14 U.S.C. § 1331 (federal question jurisdiction), and Article I, section 9, Clause 2 of the United  
15 States Constitution (the Suspension Clause).

16 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory  
17 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

#### 18 VENUE

19 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-  
20 500 (1973), venue lies in the United States District Court for the Southern District, the judicial  
21 district in which Petitioner currently is detained.

22 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because  
23 Respondents are employees, officers, and agencies of the United States, and because a  
24

1 substantial part of the events or omissions giving rise to the claims occurred in the Southern  
2 District of New York.

### 4 REQUIREMENTS OF 28 U.S.C. § 2243

5 13. The Court must grant the petition for writ of habeas corpus or order Respondents  
6 to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an  
7 order to show cause is issued, Respondents must file a return “within three days unless for good  
8 cause additional time, not exceeding twenty days, is allowed.” *Id.*

9 14. Habeas corpus is “perhaps the most important writ known to the constitutional  
10 law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or  
11 confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the  
12 writ usurps the attention and displaces the calendar of the judge or justice who entertains it and  
13 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208  
14 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

### 15 PARTIES

16 15. Petitioner Wu, Jiandong is a citizen of China who has been in immigration  
17 detention since October 29, 2025. After arresting Petitioner in 26 Federal Plaza, New York, NY  
18 10278, ICE did not set bond and Petitioner is unable to obtain review of his custody by an IJ,  
19 pursuant to the Board’s decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

20 16. Defendant Judith Almodovar is the Acting Field Office Director for the New  
21 York City area. In that capacity, Director Almodovar oversees all Enforcement and Removal  
22 Operations (ERO) activities within the New York City area, which includes the five boroughs of  
23  
24

1 New York City and the surrounding counties under the jurisdiction of the New York Field  
2 Office. Director Almodovar is sued in her official capacity.

3 17. Respondent Kristi Noem is the Secretary of the Department of Homeland  
4 Security. She is responsible for the implementation and enforcement of the Immigration and  
5 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.  
6 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

7 18. Respondent Department of Homeland Security (DHS) is the federal agency  
8 responsible for implementing and enforcing the INA, including the detention and removal of  
9 noncitizens.

10 19. Respondent Pamela Bondi is the Attorney General of the United States. She is  
11 responsible for the Department of Justice, of which the Executive Office for Immigration Review  
12 and the immigration court system it operates is a component agency. She is sued in her official  
13 capacity.

14 20. Respondent Executive Office for Immigration Review (EOIR) is the federal  
15 agency responsible for implementing and enforcing the INA in removal proceedings, including  
16 for custody redeterminations in bond hearings.

### 17 LEGAL FRAMEWORK

18 21. The Immigration and Nationality Act (INA) establishes three primary statutory  
19 schemes governing the detention of noncitizens in removal proceedings.

20 22. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal  
21 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals detained pursuant to § 1226(a) are  
22 generally entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§  
23  
24

1 1003.19(a), 1236.1(d). By contrast, certain noncitizens who have been arrested, charged with, or  
2 convicted of certain crimes are subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

3 23. Second, the INA provides for mandatory detention of noncitizens subject to  
4 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission  
5 referred to under § 1225(b)(2).

6 24. Last, the INA also provides for detention of noncitizens who have been ordered  
7 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)–(b).

8 25. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

9 26. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the  
10 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.  
11 104–208, Div. C, §§ 302–03, 110 Stat. 3009–546, 3009–582 to 3009–583, 3009–585. Section  
12 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119–1,  
13 139 Stat. 3 (2025).

14 27. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining  
15 that, in general, people who entered the country without inspection were not considered detained  
16 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited  
17 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;  
18 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

19 28. Thus, in the decades that followed, most people who entered without inspection  
20 and were placed in standard removal proceedings received bond hearings, unless their criminal  
21 history rendered them ineligible pursuant to 8 U.S.C. § 1226(c). That practice was consistent  
22 with many more decades of prior practice, in which noncitizens who were not deemed “arriving”  
23 were entitled to a custody hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a)  
24

1 (1994); *see also* H.R. Rep. No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply  
2 “restates” the detention authority previously found at § 1252(a)).

3 29. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that  
4 rejected well-established understanding of the statutory framework and reversed decades of  
5 practice.

6 30. The new policy, entitled “Interim Guidance Regarding Detention Authority for  
7 Applicants for Admission,”<sup>1</sup> claims that all persons who entered the United States without  
8 inspection shall now be subject to mandatory detention provision under § 1225(b)(2)(A). The  
9 policy applies regardless of when a person is apprehended and affects those who have resided in  
10 the United States for months, years, and even decades.

11 31. On September 5, 2025, the BIA adopted the same position in a published  
12 decision, *Matter of Yajure Hurtado*. There, the Board held that all noncitizens who entered the  
13 United States without admission or parole are subject to detention under § 1225(b)(2)(A) and are  
14 ineligible for IJ bond hearings.

15 32. Since Respondents adopted their new detention policies, numerous federal courts  
16 have rejected this new interpretation of the INA’s detention framework. Courts have likewise  
17 rejected *Matter of Yajure Hurtado*, which adopts the same reading of the statute as ICE.

18 33. Even before ICE or the BIA introduced these nationwide policies, IJs in the  
19 Tacoma, Washington, immigration court stopped providing bond hearings for persons who  
20 entered the United States without inspection and who have since resided here. There, the U.S.  
21 District Court in the Western District of Washington found that such a reading of the INA is  
22 likely unlawful and that § 1226(a), not § 1225(b), applies to noncitizens who are not

23 \_\_\_\_\_  
24 <sup>1</sup> Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

1 apprehended upon arrival to the United States. *Rodriguez Vazquez v. Bostock*, 779 F. Supp. 3d  
2 1239 (W.D. Wash. 2025).

3 34. Subsequently, numerous federal courts have embraced the same interpretation of  
4 the INA's detention provisions and have rejected the contrary construction advanced by ICE and  
5 EOIR. See, e.g., *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299 (D. Mass. July 7,  
6 2025); *Diaz Martinez v. Hyde*, No. CV 25-11613-BEM, --- F. Supp. 3d ----, 2025 WL 2084238  
7 (D. Mass. July 24, 2025); *Rosado v. Figueroa*, No. CV 25-02157 PHX DLR (CDB), 2025 WL  
8 2337099 (D. Ariz. Aug. 11, 2025), *report and recommendation adopted*, No. CV-25-02157-  
9 PHX-DLR (CDB), 2025 WL 2349133 (D. Ariz. Aug. 13, 2025); *Lopez Benitez v. Francis*, No.  
10 25 CIV. 5937 (DEH), 2025 WL 2371588 (S.D.N.Y. Aug. 13, 2025); *Maldonado v. Olson*, No.  
11 0:25-cv-03142-SRN-SGE, 2025 WL 2374411 (D. Minn. Aug. 15, 2025); *Arrazola-Gonzalez v.*  
12 *Noem*, No. 5:25-cv-01789-ODW (DFMx), 2025 WL 2379285 (C.D. Cal. Aug. 15, 2025);  
13 *Romero v. Hyde*, No. 25-11631-BEM, 2025 WL 2403827 (D. Mass. Aug. 19, 2025); *Samb v.*  
14 *Joyce*, No. 25 CIV. 6373 (DEH), 2025 WL 2398831 (S.D.N.Y. Aug. 19, 2025); *Ramirez Clavijo*  
15 *v. Kaiser*, No. 25-CV-06248-BLF, 2025 WL 2419263 (N.D. Cal. Aug. 21, 2025); *Leal-*  
16 *Hernandez v. Noem*, No. 1:25-cv-02428-JRR, 2025 WL 2430025 (D. Md. Aug. 24, 2025);  
17 *Kostak v. Trump*, No. 3:25-cv-01093-JE-KDM, 2025 WL 2472136 (W.D. La. Aug. 27, 2025);  
18 *Jose J.O.E. v. Bondi*, No. 25-CV-3051 (ECT/DJF), --- F. Supp. 3d ----, 2025 WL 2466670 (D.  
19 Minn. Aug. 27, 2025) *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486-BRM-EAS, 2025 WL  
20 2496379 (E.D. Mich. Aug. 29, 2025); *Vasquez Garcia v. Noem*, No. 25-cv-02180-DMS-MM,  
21 2025 WL 2549431 (S.D. Cal. Sept. 3, 2025); *Zaragoza Mosqueda v. Noem*, No. 5:25-CV-02304  
22 CAS (BFM), 2025 WL 2591530 (C.D. Cal. Sept. 8, 2025); *Pizarro Reyes v. Raycraft*, No. 25-  
23 CV-12546, 2025 WL 2609425 (E.D. Mich. Sept. 9, 2025); *Sampiao v. Hyde*, No. 1:25-CV-

1 11981-JEK, 2025 WL 2607924 (D. Mass. Sept. 9, 2025); *see also, e.g., Palma Perez v. Berg*,  
2 No. 8:25CV494, 2025 WL 2531566, at \*2 (D. Neb. Sept. 3, 2025) (noting that “[t]he Court tends  
3 to agree” that § 1226(a) and not § 1225(b)(2) authorizes detention); *Jacinto v. Trump*, No. 4:25-  
4 cv-03161-JFB-RCC, 2025 WL 2402271 at \*3 (D. Neb. Aug. 19, 2025) (same); *Anicasio v.*  
5 *Kramer*, No. 4:25-cv-03158-JFB-RCC, 2025 WL 2374224 at \*2 (D. Neb. Aug. 14, 2025)  
6 (same).

7 35. Courts have uniformly rejected DHS’s and EOIR’s new interpretation because it  
8 defies the INA. As the *Rodriguez Vazquez* court and others have explained, the plain text of the  
9 statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

10 36. Section 1226(a) applies by default to all persons “pending a decision on whether  
11 the [noncitizen] is to be removed from the United States.” These removal hearings are held under  
12 § 1229(a)(1), to “decid[e] the inadmissibility or deportability of [a] [noncitizen].”

13 37. The text of § 1226 also explicitly applies to people charged as being inadmissible,  
14 including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph  
15 (E)’s reference to such people makes clear that, by default, such people are afforded a bond  
16 hearing under subsection (a). As the *Rodriguez Vazquez* court explained, “[w]hen Congress  
17 creates ‘specific exceptions’ to a statute’s applicability, it ‘proves’ that absent those exceptions,  
18 the statute generally applies.” *Rodriguez Vazquez*, 779 F. Supp. 3d at 1257 (citing *Shady Grove*  
19 *Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)); *see also Gomes*, 2025  
20 WL 1869299, at \*7.

21 38. § 1226 thus unambiguously applies to noncitizens charged as inadmissible to the  
22 United States, including those present without being admitted or paroled.

1 39. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who  
2 recently entered the United States. The statute’s entire framework is premised on inspections at  
3 the border of people who are “seeking admission” to the United States. 8 U.S.C.  
4 § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme  
5 applies “at the Nation’s borders and ports of entry, where the Government must determine  
6 whether [a] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583  
7 U.S. 281, 287 (2018).

8 40. Accordingly, the mandatory detention provision of § 1225(b)(2)(A) does not  
9 apply to people like Petitioner, who have already entered and were residing in the United States  
10 at the time they were apprehended.

11 **FACTS**

12 41. Petitioner has resided in the United States since September 21, 2023, and lives in  
13 

14 42. On October 29, 2025, Petitioner was arrested by U.S. Immigration and Customs  
15 Enforcement while while appearing for a regularly scheduled check-in at 26 Federal Plaza, New  
16 York, NY 10278.

17 43. DHS placed Petitioner in removal proceedings before the New York Immigration  
18 Court pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being  
19 inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States  
20 without inspection.

21 44. Petitioner is employed in the delivery industry in New York and maintains a  
22 stable source of income and a fixed residence. He regularly attends services at the Fujianese  
23 Linking Church and is a baptized Christian. Petitioner’s wife, Qin Lingqing, also resides in New  
24

1 York. He is a person of good moral character and has never had any criminal record. Petitioner is  
2 neither a flight risk nor a danger to the community.

3 45. According to official ICE Detainee Locator System, Petitioner is presently  
4 detained at 26 Federal Plaza, New York, NY 10278, within the jurisdiction of this Court. A true  
5 and correct copy of this record is attached hereto as Exhibit A.

6 46. On information and belief, ICE served Petitioner with a Notice to Appear (NTA)  
7 initiating removal proceedings under 8 U.S.C. §1229(a). The NTA charges Petitioner as  
8 removable under the Immigration and Nationality Act and was filed with the Executive Office  
9 for Immigration Review (EOIR) in New York. A true and correct copy of the NTA is attached  
10 hereto as Exhibit B.

11 47. Petitioner has a pending Form I-589, Application for Asylum and for Withholding  
12 of Removal, filed prior to his detention and currently awaiting adjudication. This pending  
13 application establishes that Petitioner is pursuing lawful relief from removal. A true and correct  
14 copy of the pending I-589 and scheduled individual hearing date is attached hereto as Exhibit C.

15 48. Petitioner's continued detention despite his pending asylum application and the  
16 absence of any flight-risk finding or individualized custody review violates federal statutory  
17 limits on immigration detention and the Due Process Clause of the Fifth Amendment.

18 49. Pursuant to *Matter of Yajure Hurtado*, the immigration judge is unable to consider  
19 Petitioner's bond request.

20 50. As a result, Petitioner remains in detention. Without relief from this court, he  
21 faces the prospect of months, or even years, in immigration custody, separated from their family  
22 and community.

23 **CLAIMS FOR RELIEF**  
24



1 inspection were eligible for consideration for bond and bond hearings before IJs under 8 U.S.C. §  
2 1226 and its implementing regulations.

3 56. Nonetheless, pursuant to *Matter of Yajure Hurtado*, EOIR has a policy and  
4 practice of applying § 1225(b)(2) to individual like Petitioner.

5 57. The application of § 1225(b)(2) to Petitioner unlawfully mandates his continued  
6 detention and violates 8 C.F.R. §§ 236.1, 1236.1, and 1003.19.

7 **COUNT III**  
8 **Violation of Due Process**

9 58. Petitioner repeats, re-alleges, and incorporates by reference each and every allegation in  
10 the preceding paragraphs as if fully set forth herein.

11 59. The government may not deprive a person of life, liberty, or property without due process  
12 of law. U.S. Const. amend. V. “Freedom from imprisonment—from government custody,  
13 detention, or other forms of physical restraint—lies at the heart of the liberty that the  
14 Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

15 60. Petitioner has a fundamental interest in liberty and being free from official restraint.

16 61. The government’s detention of Petitioner without a bond redetermination hearing to  
17 determine whether he is a flight risk or danger to others violates his right to due process.

18 **PRAYER FOR RELIEF**

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

- 20 a. Assume jurisdiction over this matter;
- 21 b. Order that Petitioner shall not be transferred outside the New York while this  
22 habeas petition is pending;
- 23 c. Issue an Order to Show Cause ordering Respondents to show cause why this  
24 Petition should not be granted within three days;

- 1 d. Issue a Writ of Habeas Corpus requiring that Respondents release Petitioner or, in  
2 the alternative, provide Petitioner with a bond hearing pursuant to 8 U.S.C. §  
3 1226(a) within seven days;
- 4 e. Declare that Petitioner’s detention is unlawful;
- 5 f. Award Petitioner attorney’s fees and costs under the Equal Access to Justice Act  
6 (“EAJA”), as amended, 28 U.S.C. § 2412, and on any other basis justified under  
7 law; and
- 8 g. Grant any other and further relief that this Court deems just and proper.

9 Dated: October 29, 2025,

LAW OFFICE OF NG & WASSERMAN PLLC

10 /s/ Jed S. Wasserman

11 By: Jed Wasserman  
12 LAW OFFICE OF NG&WASSERMAN PLLC  
13 27 East Broadway, 2<sup>nd</sup> Floor  
14 New York, NY 10002  
15 Telephone: (212) 925-5616  
16 [jedswasserman@gmail.com](mailto:jedswasserman@gmail.com)

# EXHIBIT A



Main Menu

# Search Results: 1

**JIANDONG WU**

**Country of Birth :** China, Peoples Republic of

**A-Number:** [REDACTED]

**Status :** In ICE Custody

**State:** NY

**Current Detention Facility:** NYC HOLD ROOM

*\* Click on the Detention Facility name to obtain facility contact information*

[BACK TO SEARCH >](#)

## Related Information

- Helpful Info**
- Status of a Case
  - About the Detainee Locator
  - Brochure
  - ICE ERO Field Offices
  - ICE Detention Facilities
  - Privacy Notice

## External Links

[Privacy - Terms](#)

## EXHIBIT B

DEPARTMENT OF HOMELAND SECURITY  
**NOTICE TO APPEAR**

**In removal proceedings under section 240 of the Immigration and Nationality Act:**

Subject ID: [REDACTED] FINS [REDACTED] File No: [REDACTED]  
DOB: [REDACTED]

In the Matter of: JIANDONG WU currently residing at:

Respondent: [REDACTED]  
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF ;
3. You arrived in the United States at or near TECATE, CA , on or about September 21, 2023 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a) (6) (A) (i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

26 FEDERAL PLZ, 12TH FL RM1237 NEW YORK NY 10278

(Complete Address of Immigration Court, including Room Number, if any)

on May 01, 2024 at 08:30 AM to show why you should not be removed from the United States based on the

(Date)

(Time)

charge(s) set forth above.

ACTING WATCH COMMANDER

(Signature and Title of Issuing Officer) (Sign in ink)

CRISTOBAL MENDOZA

Date: 2023.09.22 09:49:01 -07:00

0847302302.CBF

Date: September 22, 2023

SAN DIEGO, CALIFORNIA

(City and State)

EOIR - 1 of 3

Notice to Respondent

**Warning:** Any statement you make may be used against you in removal proceedings.

**Alien Registration:** This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

**Representation:** If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

**Conduct of the hearing:** At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

**One-Year Asylum Application Deadline:** If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at [www.uscis.gov/i-589](http://www.uscis.gov/i-589). Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

**Failure to appear:** You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

**Mandatory Duty to Surrender for Removal:** If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

**U.S. Citizenship Claims:** If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

**Sensitive locations:** To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

**Request for Prompt Hearing**

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

\_\_\_\_\_  
(Signature of Respondent) (Sign in ink)

BORDER PATROL AGENT

Date: 09/22/2023

\_\_\_\_\_  
(Signature and Title of Immigration Officer) (Sign in ink)

**Certificate of Service**

This Notice To Appear was served on the respondent by me on September 22, 2023, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person  by certified mail, returned receipt # \_\_\_\_\_ requested  by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the MANDARIN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

吴建东

\_\_\_\_\_  
(Signature of Respondent if Personally Served) (Sign in ink)

WILLIAM E WILLETT  
Date: 2023.09.22 11:49:00 -07:00  
WILLIAM WILLETT, BORDER PATROL AGENT  
0125749407 CBP  
\_\_\_\_\_  
(Signature and Title of officer) (Sign in ink)

EOIR - 2 of 3

**Authority:**

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.


**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

EOIR - 3 of 3

## EXHIBIT C

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
NEW YORK IMMIGRATION COURT

LEAD FILE:   
IN REMOVAL PROCEEDINGS  
DATE: Apr 25, 2024

TO: LAW OFFICE OF NG & WASSERMAN, PLLC  
Wasserman, Jed S.  
27 E. BROADWAY 2ND FLOOR  
NEW YORK, NY 10002

RE:  WU, JIANDONG

**Notice of Internet-Based Hearing**

Your case has been scheduled for a INDIVIDUAL hearing before the immigration court on:

Your hearing is not in person. You will access your hearing by using the web page below.  
URL: <https://eoir.webex.com/meet/IJ.Leads>

Date: **Feb 9, 2026**  
Time: 09:00 A.M. ET  
Court Address: 26 FEDERAL PLZ, 12TH FL RM1237  
14th FL. COURTROOM #10, NEW YORK, NY 10278

**Representation:** You may be represented in these proceedings, at no expense to the Government, by an attorney or other representative of your choice who is authorized and qualified to represent persons before an immigration court. If you are represented, your attorney or representative must also appear at your hearing and be ready to proceed with your case. Enclosed and online at <https://www.justice.gov/eoir/list-pro-bono-legal-service-providers> is a list of free legal service providers who may be able to assist you.

**Failure to Appear:** If you fail to appear at your hearing and the Department of Homeland Security establishes by clear, unequivocal, and convincing evidence that written notice of your hearing was provided and that you are removable, you will be ordered removed from the United States. Exceptions to these rules are only for exceptional circumstances.

**Change of Address:** The court will send all correspondence, including hearing notices, to you based on the most recent contact information you have provided, and your immigration proceedings can go forward in your absence if you do not appear before the court. If your contact information is missing or is incorrect on the Notice to Appear, you must provide the immigration court with your updated contact information within five days of receipt of that notice so you do not miss important information. Each time your address, telephone number, or email address changes, you must inform the immigration court within five days. To update your contact information with the immigration court, you must complete a Form EOIR-33 either online at <https://respondentaccess.eoir.justice.gov/en/> or by completing the enclosed paper form and mailing it to the immigration court listed above.

Jed S. Wasserman  
Law Office of Ng & Wasserman, PLLC  
27 E. Broadway, 2<sup>nd</sup> Floor  
New York, NY 10002

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
NEW YORK, NEW YORK

\_\_\_\_\_  
)  
In the Matter of: )  
)  
Wu, Jiandong )  
)  
In Removal Proceedings )  
\_\_\_\_\_ )

File No.: A 

Immigration Judge: Leeds, Frederic G. Next Hearing Date: February 9, 2026 at 9:00 AM

RESPONDENT'S FORM I-589 WITH ATTACHED STATEMENT