



U.S. Department of Justice

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Via Electronic Filing

Honorable Karen Williams, U.S.D.J
Mitchell H. Cohen Building & U.S. Courthouse
4th & Cooper Streets
Camden, N.J. 08101

**Re: *Li v. Bondi, et al.*, No. 25-17139
Answer to § 2241 Petition**

Dear Judge Williams:

This Office represents Respondents in this petition for a writ of habeas corpus filed by a noncitizen detained by U.S. Immigration and Customs Enforcement (“ICE”). On November 3, 2025, Petitioner, a noncitizen in the custody of U.S. Customs and Immigration Enforcement (“ICE”), filed this habeas action challenging his detention under a final order of removal. ECF 1 (“Pet.”) On November 7, 2025, the Court issued an Order to Answer. ECF 2. The Court’s November 7 Order directed the Respondents to not move Petitioner outside of New York or New Jersey during the pendency of the matter. On November 26, 2025, Respondents submitted an update on efforts to remove Petitioner to his native country, the People’s Republic of China (“PRC”), and to seek vacatur of the November 7 Order prohibiting transfer. ECF 7. Petitioner has not opposed this request. For the reasons set forth below, the Court should dismiss or deny the Petition.

A. Background

Petitioner is a native and citizen of the PRC. *See* Pet. ¶ 12. Petitioner entered the United States without inspection in July 2017. *Id.* ¶ 13. On September 3, 2017, an immigration judge issued a removal order after Petitioner did not establish his credible fear of persecution. *Id.* ¶ 14. Petitioner did not appeal, which made the removal order administratively final as of September 3, 2017. *Id.* ¶¶ 2, 14. On August 20, 2018, ICE released Petitioner under an order of supervision. *Id.* ¶ 15. While under the order of supervision, Petitioner was arrested twice, once in September 2019 and again in September 2014. *Id.* ¶ 18.

On April 21, 2025, ICE arrested Petitioner. *See id.* ¶ 3. Petitioner received a Notice of Revocation of Release stating that his removal was imminent. *Id.* ¶ 20. Petitioner he has been detained just under eight months, and he contends that his detention is unlawful because removal is not reasonably foreseeable § 1231(a)(6) and the Supreme Court’s decision *Zadvydas v. Davis*, 533 U.S. 678 (2001). *Id.* ¶¶ 25-26, 39, 50-52.

Petitioner filed this habeas action on November 3, 2025, after being detained for just under six months. ECF No. 1. On November 5, 2025, the Embassy of the PRC issued a permit to Petitioner for reentry to the country, which expires three months from the date of issuance. *See* Ans. Ex. 1, Permit of Entry dated Nov. 5, 2025 (filed under seal). On November 7, 2025, the Court issued an Order to Answer, ECF No. 2, that enjoined Respondents from “mov[ing] Petitioner outside of New York or New Jersey during the pendency of this matter[.]” On November 25, 2025, ICE informed this Office that the embassy issued the travel document, and, on November 26, 2025, Respondents provided a status update as to the existence of the travel document and ICE’s removal efforts and requested the Court vacate the order prohibiting transfer out of state. ECF No. 7. Petitioner has not opposed the request.

B. Removal and Detention under 8 U.S.C. § 1231(a)(6)

Where, as here, an alien is subject to a final order of removal, there is a 90-day “removal period,” during which the government “shall” remove the alien. 8 U.S.C. § 1231(a)(1). Detention during this period is mandatory. *See* 8 U.S.C. § 1231(a)(2). There are at least three potential outcomes if the government does not remove an alien during the 90-day mandatory removal period. First, the government may release the alien subject to conditions of supervised release. *See* 8 U.S.C. § 1231(a)(3). Second, the government may extend the removal period if the alien “fails or refuses to make timely application in good faith for travel or other documents necessary to the alien’s departure or conspires or acts to prevent the alien’s removal subject to an order of removal.” 8 U.S.C. § 1231(a)(1)(C). And third, the government may further detain certain categories of aliens, including those “inadmissible” under 8 U.S.C. § 1182, as Petitioner is here. *See* 8 U.S.C. § 1231(a)(6). Continued detention under this third category is often referred to as the “post-removal-period.” *Johnson v. Guzman Chavez*, 594 U.S. 523, 529 (2021).

The Immigration and Nationality Act (“INA”) does not set a limit on how long detention in the “post-removal-period” can last. *See Johnson v. Arteaga-Martinez*, 596 U.S. 573, 579 (2022). But the Supreme Court in *Zadvydas* held that the government may only detain aliens in the post-removal-period for the time “reasonably necessary to bring about that alien’s removal from the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001). And, the Supreme Court clarified, a six-month period of detention is “presumptively reasonable.” *Id.* at 701. “After this 6-month period, once

the alien 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.” *Id.*

C. Argument

The Petition should be dismissed because Petitioner cannot show that his detention under § 1231(a)(6) is unlawful. Although Petitioner has been detained for more than the six-month period declared presumptively reasonable in *Zadvydas*, Respondents have “respond[ed] with evidence sufficient to rebut” any showing that there is no significant likelihood of removal in the reasonably foreseeable future. *Id.*

Here, ICE coordinated with the Embassy for the PRC to obtain the November 5, 2025, travel document to remove Petitioner to the PRC. ICE is prepared to remove Petitioner from the United States imminently. Accordingly, Respondents respectfully request the Court dismiss or deny the petition and vacate its November 7 Order as it relates to moving Petitioner outside of New York or New Jersey and allow ICE to remove Petitioner to PRC. Respondents also respectfully request permission to notify the Court within seven-days after removal is effectuated, or, within thirty days from today, if ICE has not removed Petitioner by that date.

Thank you for your consideration of this matter.

Respectfully submitted,

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cc: Counsel of record (by ECF)