

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Xiaolong Pan	)
Petitioner	) PETITION FOR WRIT OF
vs.	) HABEAS CORPUS
	) PURSUANT TO 28 U.S.C. 2241
The Honorable Kristi Noem	)
The Secretary (In Her Official Capacity)	)
U.S. Department of Homeland Security	)
2801 Nebraska Avenue NW	)
Washington, D.C. 20528	)
	)
Martin L. Frink	)
The Director (In His Official Capacity))	)
ADAMS COUNTY DETENTION CENTER	)
20 HOBO FORK RD.	)
NATCHEZ, MS 39120	)

**PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. §
2241 AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE
RELIEF**

Article I, Section 9, Clause 2 of our Nation's Constitution provides:

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

COMES NOW Petitioner Xiaolong Pan, currently in custody at the Adams County Detention Center in Natchez, Mississippi, by and through his undersigned counsel, respectfully petitions this Honorable Court for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. In support thereof, Petitioner states as follows:

Introduction:

1. Petitioner Xiaolong Pan is a political dissident and citizen of the People's Republic of China fleeing persecution, respectfully petitions this Honorable Court for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. Petitioner has been unlawfully detained by U.S. Immigration and Customs Enforcement ("ICE") since December 2024 at the Adams County Correctional Center ("ACCC") in Natchez, Mississippi, without a meaningful bond hearing or individualized determination of his flight risk or danger to the community.

2. Petitioner's detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution, as it is unreasonably prolonged, indefinite, and punitive in light of his serious medical condition, which has been exacerbated by inadequate medical care at ACCC. As of the filing of this Petition on September 23, 2025, Petitioner has been detained for approximately nine months without bond, despite posing no flight risk or danger, and despite credible claims for asylum based on political persecution in China.

3. An Immigration Judge ("IJ") denied Petitioner's bond request in June 2025, erroneously claiming lack of jurisdiction. This denial was improper, as IJs retain authority under 8 C.F.R. § 1003.19 to adjudicate bond for non-mandatory detainees like Petitioner, who is detained under 8 U.S.C. § 1226(a). The denial has left Petitioner without administrative recourse, rendering further exhaustion futile and causing irreparable harm.

4. Petitioner seeks: (a) immediate release from custody; (b) in the alternative, an order directing Respondents to provide an individualized bond hearing within 10 days; and (c) declaratory and injunctive relief prohibiting his continued detention without due process.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241(a), as Petitioner is in custody within this district at the Adams County Detention Center, a facility under the control of the United States Department of Homeland Security ("USDHS" or "DHS").
6. Venue is proper in this U.S. District Court for District of Columbia, under 28 U.S.C. § 2241(d), as the primary Defendant is located within this district. *Rumsfeld v. Padilla*, 542 U.S. 426, 434-35 (2004).
7. This Petition challenges the fact and conditions of Petitioner's detention, not the merits of any final removal order, and thus falls outside the exclusive jurisdiction-stripping provisions of 8 U.S.C. § 1252. See *INS v. St. Cyr*, 533 U.S. 289, 298 (2001) (habeas remains available for challenges to executive detention); *Demore v. Kim*, 538 U.S. 510, 516 (2003) (distinguishing detention challenges from removal

order review)

8. Respondent USDHS is responsible for the immigration enforcement actions leading to Petitioner's detention, including issuance of the Notice to Appear (Form I-862) and the subsequent denial of bond. See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001) (recognizing DHS's role in immigration detention under habeas review). Petitioner has been under the total control of the Primary Defendant DHS and its functional subsidiary Federal Agency, Immigration and Customs Enforcement, and often times such an immigration detainees in Plaintiff's Pan's status and custody condition have been transferred from one State detention center to another under the Primary Defendant discretionary control.

PARTIES

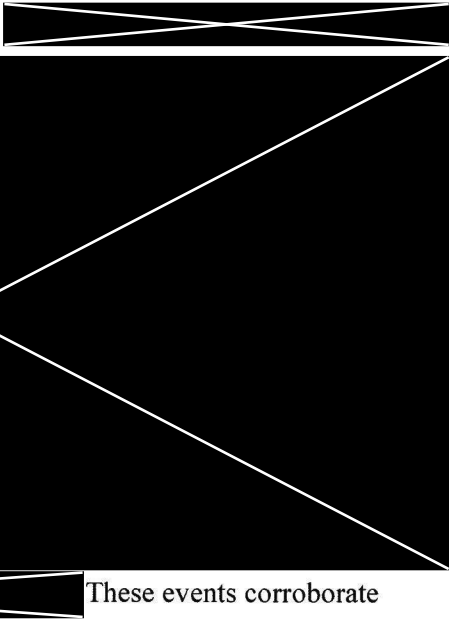
9. Petitioner Xiaolong Pan is a native and citizen of the People's Republic of China. (Exhibit 1: Proof of Chinese citizenship.) He is currently detained without bond at the Adams County Detention Center, 20 Hobo Fork Road, Natchez, MS 39120.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"), sued in her official capacity. As head of DHS, she exercises ultimate authority over ICE and the conditions of Petitioner's detention. See 6 U.S.C. § 112; *Jennings v. Rodriguez*, 583 U.S. 281, 290 (2018).
11. Respondent Martin L. Frink is the Warden of the Adams County Detention Center, with authority over Petitioner's day-to-day custody.

STATEMENT OF FACTS

12. In 2011, Petitioner entered the United States lawfully on a visitor's visa and timely applied for asylum based on a well-founded fear of persecution on account of his political opinion. 

13. Petitioner's asylum application was initially interviewed by the New York Asylum Office. His case was subsequently referred to the Executive Office for Immigration Review (EOIR) for merits hearing before an Immigration Judge (IJ)

14. In June 2017, Petitioner learned that his mother in China had been diagnosed with stage IV liver cancer, a terminal condition. Compelled by this family emergency, Petitioner traveled to China without first seeking advance parole from DHS or notifying the Immigration Court, in violation of his attendance obligations. Petitioner attended his mother's funeral and burial.

15. While in China during this bereavement trip, 

These events corroborate

Petitioner's credible fear of political persecution in China.

16. After completing his bereavement obligations, Petitioner fled China and re-entered the United States without inspection (EWI) via the U.S.-Mexico border on December 24, 2024.

17. Upon apprehension, Petitioner was issued a Notice to Appear (Form I-862, not I-860 as initially stated; Exhibit 2: Copy of NTA) and detained at an ICE facility. Petitioner underwent a credible fear interview, which he passed, establishing a credible fear of persecution based on his political opinion and prior torture. (Exhibit 3: Record of credible fear determination.)

18. In January 2025, ICE granted Petitioner parole, authorizing his release from custody pending further proceedings. (Exhibit 4: Parole grant notice.) However, amid evolving legal ambiguities and conflicts between pre-existing regulations and new enforcement policies implemented in February 2025, ICE did not effectuate the release for individuals in EWI status, including Petitioner.

19. Petitioner was ordered to appear before the Immigration Court for bond redetermination. In June 2025, the IJ denied Petitioner's bond motion, citing lack of jurisdiction over bond for EWI aliens pursuant to the Board of Immigration Appeals (BIA) decision in *Matter of Q. Li* (BIA May 2025), which held that IJs lack authority to grant bond to arriving aliens subject to expedited removal processes. (Exhibit 5: IJ bond denial order; Exhibit 6: *Matter of Q. Li* decision.)
20. Petitioner suffers from multiple severe, life-threatening medical conditions stemming directly from the torture he endured in Chinese custody, including chronic kidney failure requiring ongoing dialysis and monitoring for recurrent internal bleeding. Prolonged detention exacerbates these conditions, as the Adams County Detention Center lacks adequate specialized medical care. (Exhibit 7: Medical records from U.S. and Chinese hospitals.)
21. Petitioner has strong community ties and a suitable custodian. Ms. MICHELLE Xuejia Si, a naturalized U.S. citizen and a sympathizer of China's noble pro-democracy cause and Petitioner's maternal cousin, has known him since childhood and maintains close family communication with him. Ms. Si is a law-abiding registered nurse with spotless moral character. Her household gross income for 2024 was \$359,622 for a family of three. (Exhibit 8: Affidavit of Ms. Si; Exhibit 9: Financial documentation.) Ms. Si is willing to serve as custodian, providing a sufficient surety to ensure Petitioner's compliance with all court orders and appearance at proceedings.
22. Petitioner was previously ordered removed in absentia by the Immigration Court due to his 2017 departure without notice.
23. This order was entered without consideration of the humanitarian circumstances of his mother's terminal illness or the subsequent torture validating his asylum claim.
24. As of September 23, 2025, Petitioner has been detained for over nine months without a merits bond hearing. His detention is indefinite, as his asylum claim remains pending, and removal to China is unlikely in the foreseeable future due to

his credible fear of persecution.

25. Petitioner, 47 years of age only, has been suffering from a serious, highly likely life threatening illness diagnosed as follows, or combination thereof with medical complications:

Nephrotic syndrome (high possibility of membranous nephropathy, blood

PLA2R 325.28,407.33(positive)RU/mL);

Inferior vena cava thrombosis;

Hyperuricemia;

Autoimmune thyroid disease;

Impaired glucose tolerance;

Gallbladder stones;

Pulmonary infection, among others. (See **Exhibit 7, *supra***) highly likely as the subsequences of being contributed or wholly triggered by ruthless tortures he credibly asserted to have been sustained in the PRC's jail cell for his political opinion and [REDACTED]

26. The Petitioner is now requiring daily medication and monitoring.
27. Since his detention, his condition has deteriorated due to inadequate medical care at ACCC, including delayed treatments, unsanitary conditions, and lack of specialized care. This constitutes deliberate indifference to his serious medical needs, violating the Eighth Amendment as incorporated via the Due Process Clause. *Estelle v. Gamble*, 429 U.S. 97, 104 (1976); see also *Fraihat v. U.S. ICE*, 16 F.4th 314, 333 (9th Cir. 2021) (habeas appropriate for medical neglect in immigration detention). 17. ACCC, operated by CoreCivic under ICE contract, has a history of substandard conditions, including medical understaffing and overcrowding, exacerbating Petitioner's health risks

LEGAL ANALYSIS AND CLAIMS

28. Petitioner's continued detention without bond is unlawful under 28 U.S.C. § 2241, as it constitutes an unconstitutional restraint on his liberty. The writ of habeas corpus shall not be suspended "unless when in Cases of Rebellion or Invasion the public Safety may require it," U.S. Const. art. I, § 9, cl. 2. Petitioner's detention violates this Suspension Clause, as there is no exigency justifying indefinite or prolonged custody for a torture survivor with a granted parole who poses no flight risk or danger. See *INS v. St. Cyr*, 533 U.S. 289, 300-01 (2001) (affirming availability of habeas to challenge immigration detention under the Suspension Clause); see also *Boumediene v. Bush*, 553 U.S. 723, 797 (2008) (extending suspension Clause protections to non-citizens challenging executive detention).
29. The denial of bond based on Matter of Q. Li exceeds the IJ's authority and conflicts with ICE's discretionary parole grant. Parole under 8 U.S.C. § 1182(d)(5)(A) is a form of release that should supersede bond redetermination for EWI aliens. The IJ's jurisdictional bar is an improper delegation of executive authority, rendering the detention arbitrary. See *Guerrero-Lasprilla v. Barr*, 589 U.S. ___, 140 S. Ct. 1062, 1067 (2020) (habeas available to review legal and constitutional questions in immigration custody); *Matter of De La Cruz*, 28 I. & N. Dec. 87 (BIA 2020) (discussing limits on IJ bond authority for certain arriving aliens, but subject to habeas review for due process violations).
30. Petitioner's detention violates the Due Process Clause of the Fifth Amendment, as incorporated against the federal government. As a person within U.S. jurisdiction, Petitioner is entitled to fundamental fairness in custody determinations. The IJ's denial ignored Petitioner's low flight risk (evidenced by his return from China post-torture and the parole grant), lack of criminal history, and severe medical needs. See *Demore v. Kim*, 538 U.S. 510, 523 (2003) (mandatory detention must be reasonably related to flight risk or danger; habeas available for individualized review); *Zadvydas*, 533 U.S. at 690-91 (prolonged detention without process violates due process, especially where release alternatives exist).
31. Although the Sixth Amendment right to speedy trial applies in criminal proceedings, Petitioner's civil immigration detention implicates analogous due

process protections against undue delay and prejudicial custody. See, e.g., *Doherty v. Thacker*, 9 F.3d 61, 64 (9th Cir. 1993) (habeas relief for immigration detainees where prolonged custody prejudices merits hearing). Here, continued detention prevents Petitioner from accessing medical care and preparing his reopened asylum proceedings, violating these protections.

32. The Eighth Amendment's prohibition on cruel and unusual punishment extends to civil immigration detainees through the Fifth Amendment's Due Process Clause, barring deliberate indifference to serious medical needs. Petitioner's life-threatening conditions—chronic kidney failure and risk of recurrent bleeding—require specialized care unavailable in detention. Detention constitutes punishment for his political opinion, exacerbated by his status as a torture survivor under the Convention Against Torture (CAT). See *Jennings v. Rodriguez*, 583 U.S. 281, 294 (2018) (immigration detention not inherently punitive but subject to constitutional limits); *Weldon v. United States*, 2005 WL 679059, at *6 (E.D. Pa. Mar. 24, 2005) (granting habeas for detainee with serious medical conditions where detention posed substantial risk of harm); see also 8 C.F.R. § 241.4 (mandatory parole consideration for medical necessity in prolonged detention).
33. Petitioner's torture in China validates his credible fear and asylum claim, rendering removal to China a risk of further persecution. Continued detention pending merits resolution is punitive and unnecessary, especially with a willing custodian providing surety. See *Matter of M-S-*, 27 I. & N. Dec. 509, 515 (A.G. 2019) (affirming bond hearings must consider flight risk and danger holistically); see also *Orantes-Hernandez v. Thornburgh*, 919 F.2d 549, 554 (9th Cir. 1990) (habeas to enforce release where detention chills asylum claims).
34. Petitioner satisfies INA bond regulations under 8 U.S.C. § 1226(a), as he is not subject to mandatory detention. With a parole grant, strong family ties, financial surety from Ms. Roe, and no criminal history, release on bond is warranted. See *Carlson v. Landon*, 342 U.S. 524, 538 (1952) (bond decisions must balance government interests with individual liberty).

Possible Relief under Habeas Corpus Writ

35. Release on Personal Recognizance/Unsecured Appearance Bond:

Title 18, United States Code, Section 3142(b) requires a judicial officer to order the pretrial release of a defendant on "personal recognizance" or upon the defendant's execution of an "unsecured appearance bond" in an amount specified by the court. A Section 3142(b) release order must be conditioned on a defendant's agreement to "not commit a Federal, State, or local crime during the period of release." If, however, the judicial officer determines that the release of a defendant on "personal recognizance" or "unsecured appearance bond" would not "reasonably assure" the defendant's appearance at court proceedings, or will "endanger the safety of any other person or the community", then there is no obligation to order release. 18 U.S.C. §§ 3142(b) and 3142(c). In this event, the judicial officer must follow the provisions of Title 18, United States Code, Section 3142(c).

Release On Conditions:

36. Once a judicial officer has made the determination that a defendant does not qualify for release under Section 3142(b), then the judicial officer must follow Section 3142(c). When structuring the release of a defendant under Section 3142(c), the judicial officer must order that the defendant "not commit a Federal, State, or Local crime during the period of release. 18 U.S.C. § 3142(c)(1)(A). In addition, the judicial officer must impose the least restrictive condition or combination of conditions necessary to "reasonably assure" the defendant's appearance as required and to "reasonably assure" the safety of any person and the community". 18 U.S.C. § 3142(c)(1)(B). An illustrative list of conditions is set forth in § 3142(c)(1)(B)(i through xiv) which gives the judicial officer authority to impose conditions not specifically enumerated so long as the same serve the purposes set out in § 3142(c)(1)(B). It is important to note that "Section 3142 speaks only of conditions that will "reasonably" assure appearance, not guarantee it". *United States v. Xulum*, 84 F.3d 441, 443 (D.C. Cir. 1996)(per curiam).
37. A judicial officer is not permitted to impose any financial conditions of release which result in the pretrial detention of a defendant. 18 U.S.C. § 3142(c)(2). (Emphasis added) The conditions of release imposed on a defendant under a Section 3142(c) order may be amended at any time to impose additional or different conditions of release. 18 U.S.C. § 3142(c)(3).

Factors Judicial Officer Must Take Into Consideration

38. Regarding A Defendant's Eligibility For Release: When making a determination regarding the eligibility of a defendant for pretrial release (whether personal recognizance , unsecured appearance bond, or release on conditions), the judicial officer must consider the factors listed in Section 3142(g), including:

the weight of the evidence against the person;

the history and characteristics of the person;

character -- including physical and mental condition);

family ties, employment, financial resources;

length of time in the community;

community ties;

past conduct history relating to drug or alcohol abuse, criminal history, record of court appearances; and

the nature and seriousness of the danger to any person or to the community that would be posed by the person's release.

39. All the above-referenced conditions and combinations thereof, absolutely favors immediate release on Defendant's recognizance, in the light of Habeas corpus, in connection to 8th, 5th and 6th Amendment.

40. 18 U.S.C. § 3142(g). In addition to considering evidence of the factors set forth above, the court may upon its own motion, or upon the motion of the government attorney, conduct an inquiry into the source of any property to be designated as collateral to secure any bond. 18 U.S.C. § 3142(g)(4).

41. If the court determines that any such collateral or property, because of its source, will not reasonably assure the appearance of the defendant as required, the designation or use of the collateral or property as security for a bond shall be refused. 18 U.S.C. § 3142(g)(4).

42. Considerations Regarding Temporary Detention Orders:

43. Title 18, United States Code, Section 3142(d) requires a judicial officer to enter an order of temporary detention in cases where a factual determination is made that: the defendant: is, and was at the time the offense was committed, on release pending trial for a felony under Federal, State, or local law; release pending imposition or execution of sentence, appeal of sentence or conviction, or completion of sentence, for any offense under Federal, State, or local law; or probation or parole for any offense under Federal, State, or local law; OR is/is not a citizen of the United States or lawfully admitted for permanent residence, as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2); AND

44. Whether the defendant may flee or pose a danger to any other person or the community.

45. 18 U.S.C. § 3142(d). The formula for calculating the 10 day temporary detention period is set forth in Section 3142(d). At the time the 10 day order is entered, the judicial officer must direct the attorney for the government to notify the appropriate "authorities" of the defendant's status. In the event that the "notified authority" declines to take the defendant into custody, then the judicial officer must make an independent determination regarding bail under the provisions of Sections 3142(b), 3142(c), and 3142(e)(if the government moves for detention).
46. 18 U.S.C. § 3142(f). Section 3142(f) "does not authorize a detention hearing in the absence of one of the six situations set forth above." *United States v. Butler*, 165 F.R.D. 68, 71 (N.D.Ohio 1996). Thus, the government may not request a detention hearing only on the allegations of danger to the community or another person. The "government is required to demonstrate that there are grounds for a hearing under the specific provisions of either 3142(f)(1) or (f)(2)." *Butler*, 165 F.R.D. at 71. "When there exists one or more grounds for holding a hearing under those provisions, the government may proceed on the theory of risk of flight and/or danger to the community or any other person." *Id.* Section 3142(f) may fairly be interpreted as authorizing pretrial detention "only upon proof of a likelihood of flight, a threatened obstruction of justice or a danger of recidivism in one or more of the crimes actually specified by the bail statute." *Butler*, 165 F.R.D. at 71 (quoting *United States v. Himler*, 797 F.2d 156, 160 (3d Cir. 1986) and citing *United States v. Byrd*, 969 F.2d 106 (5th Cir. 1992); *United States v. Ploof*, 851 F.2d 7 (1st Cir. 1988)).
47. When the court has determined that a detention hearing is warranted, it may consider evidence relating to a defendant's danger to the community. Detention considerations are then guided by the factors set forth in 18 U.S.C. § 3142(g), and the specific consideration of "the nature and seriousness of the danger to any person or the community that would be posed by the person's release." *Butler*, 165 F.R.D. at 71; 18 U.S.C. § 3142(g)(4). Accordingly, the government must first prove one or more of the grounds listed in 3142(f)(1) or (2) as a prerequisite to the court considering the factor of danger to the community whether there exist appropriate conditions of release in the case. In the *Butler* decision, the court evaluated the government's motion to detain a defendant charged with firearms offenses. In reaching a decision in favor of pretrial detention, the *Butler* court stated:
48. There is danger inherent to the community in the unlawful possession of firearms, both a rifle and a pipe bomb. This is particularly true where the possessor has a lengthy criminal history, has not been deterred from the commission of crime by prior convictions and appears to be involved in ongoing drug offenses.
165 F.R.D. at 72.

49. Timing Of Detention Hearing:

50. Title 18, United States Code, Section 3142(f)(2) contains specific guidelines regarding the timing of detention hearings. Ideally, the hearing is supposed to take place immediately upon the defendant's first appearance before the judicial officer. However, given the fact that a defendant may lack representation at this initial appearance, the detention hearing is not likely to go forward unless the court has made other arrangements for the defendant to be represented by counsel. Section 3142(f)(2) also permits a 3 day delay of the detention hearing upon the motion of the government attorney. A defendant may request a continuance of up to 5 days under this section, for good cause shown. Between the time the detention motion is filed and the actual detention hearing (up through the court's ruling on the motion for detention), the defendant will remain in the custody of the United States Marshal's Office. 18 U.S.C. § 3142(f)(2). A hearing may be reopened before or after the court's ruling on a detention motion, at any time before trial if the judicial officer makes a factual finding that information exists that was not previously known at the time of the hearing and that the information is material on the issue of whether there are conditions of release that will reasonably assure the appearance of the defendant and the safety of any other person and the community.

51. Detention Hearings May Proceed By Way of Proffer; Rules of Evidence Do Not Apply: "Detention hearings are an informal proceeding, and the evidence presented is not governed by the Federal Rules of Evidence." *United States v. Duncan*, 897 F. Supp. 688, 690 (N.D.N.Y. 1988); 18 U.S.C. § 3142(f)(2). The government may proceed in a detention hearing by way of proffer. *Smith*, 79 F.3d at 1209-10 (citing *United States v. Gaviria*, 828 F.2d 667, 669 (11th Cir. 1987); *United States v. Martir*, 782 F.2d 1141, 1145 (2d Cir. 1986); *United States v. Winsor*, 785 F.2d 755, 756 (9th Cir. 1986); *United States v. Acevedo-Ramos*, 755 F.2d 203, 206-07 (1st Cir. 1985)). The rationale for permitting detention hearings to proceed by way of proffer is that such hearings are "neither a discovery device for the defense nor a trial on the merits." *Smith*, 79 F.3d at 1210. "The process that is due is only that which is required by and proportionate to the purpose of the proceeding." *Id.* "That purpose includes neither a reprise of all the evidence presented before the grand jury, *United States v. Suppa*, 799 F.2d 115, 119 (3d Cir. 1986), nor the right to confront non-testifying government witnesses, *United States v. Accetturo*, 783 F.2d 382, 388-89 (3d Cir. 1986). *Smith*, 79 F.3d at 1210 (also citing *United States v. Hurtado*, 779 F.2d 1467, 1479 (11th Cir. 1985))(purpose of pretrial detention hearing is not to "rehash . . . probable cause" but to provide opportunity for detainee to show no risk of flight or danger to community); *United States v. Williams*, 798 F. Supp. 34, 36 (D.D.C. 1992)). "A right to require the government to produce its witnesses against [a defendant] would complicate the hearing to a degree out of proportion to the liberty interest at stake - viz. the interest in remaining free until trial, for what is by statute a period of limited duration." *Smith*, 79 F.3d at 1210; see also Speedy Trial Act, 18 U.S.C.

§ 3161, et seq.

52. Therefore, it is high time for this Hon. Court to consider to grant this Petition for the Writ of Habeas Corpus pursuant to 28 U.S.C. 2241, in Connection to 18 USC 3188.

RELIEF REQUESTED

WHEREFORE, Petitioner respectfully prays that this Hon. Court grant the following relief:

- a. Issue a writ of habeas corpus directing Respondents to show cause why Petitioner should not be released from custody;
 - b. Pursuant to 28 U.S.C. § 2243 issue an order directing Respondents to show cause why the writ of habeas corpus should not be granted;
 - c. After hearing, grant the writ and order Petitioner's immediate release on parole or recognizance, or set reasonable bond conditions with Ms. Michelle Si as of her willing and able custodian family, as surety;
 - d. Declare Petitioner's continued detention unconstitutional under the Suspension Clause, Fifth Amendment, and incorporated Eighth Amendment protections;
 - e. Vacate the IJ's bond denial to the extent it conflicts with the January 2025 parole grant;
 - e. Assume jurisdiction over this matter;
 - f. Expedite consideration of this action pursuant to 18 U.S.C. § 3188 because it is an action brought under chapter 153 (habeas corpus) of Title 28, given to humanitarian concern that the Petitioner may suffering fatal or crippling health crises at any moment behind bars when Defendants breaches their own parole offer.
 - g. Grant Petitioner a writ of habeas corpus directing the Respondents to immediately release Petitioner from custody, or in the alternative, or alternatively order that Petitioner be provided a bail hearing before a Magistrate Judge of this Court;
 - h. Permanently enjoin Respondents from refouling the Petitioner, a CDP member and torture survivor be removed into the PRC in violation of the "non-refoulement" in Geneva Protocol, to which the United States is a signatory.
- any other and further relief as the Court deems just and proper.

Dated: September 16th 2025

Respectfully submitted by,

Ning Ye

/s/Ning Ye, Esq.

Attorney for the Petitioner

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Flushing, NY 11354

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Verification by someone acting on Petitioner's behalf pursuant to 28 U.S.C. § 2242

I am submitting this verification on behalf of the Petitioner, upon the latter's repeated requests and urges, because I am the Petitioner's attorney. I have discussed with the Petitioner the events described in this Petition. On the basis of those discussions, I hereby verify that the statements made in the attached Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated: September 23, 2025

Certificate of Service

This undersigned, hereby certifies that a copy of this Habeas Corpus Petition is served upon the District Counsel on behalf of the DHS via this Court's ECF Broadcasting systems on this 24th day of September, 2025.

/s/Ning Ye