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**UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA**

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|------------------------------------------|------------------------------------------|
| Xiaolong Pan                             | )                                        |
| Petitioner                               | ) <b>PETITION FOR WRIT OF</b>            |
| vs.                                      | ) <b>HABEAS CORPUS</b>                   |
| The Honorable Kristi Noem                | ) <b>PURSUANT TO 28 U.S.C. 2241</b>      |
| The Secretary (In Her Official Capacity) | ) File No. 25-cv-3774                    |
| U.S. Department of Homeland Security     | ) <b>The Hon. Colleen Kollar-Kotelly</b> |
| 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                        | )                                        |

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**PETITIONER'S SHOW CAUSE BRIEF PRAYING FOR THE CASE  
REMAINING IN THE U.S DISTRICT COURT FOR THE DISTRICT OF  
COLUMBIA**

The petitioner Xiaoling Pan, by and through his undersigned counsel, first expresses his heartfelt appreciation for the Honorable Court's awarding such a precious, likely life sustaining opportunity for the Petitioner to submit show cause brief, rather than simply dismiss the petition for venue inconvenience or directly transferring this case into U,S. District Court for Southern District of Mississippi.

Following this Honorable Court's Minute Order dated November 7, 2025, Petitioner respectfully submits the Show Cause Briefing in support of his Prayer to stay his case within the jurisdiction of this Honorable Court by presenting the following foremost reasons, among others:

**Introduction**

Petitioner Xiaolong Pan, an ethnic Chinese national having been detained since detained by U.S. Immigration and Customs Enforcement (ICE) at Adams County Correctional Center in Natchez, Mississippi, respectfully submits this brief in response to the Court's Order to Show Cause why this petition for writ of habeas corpus under 28 U.S.C. § 2241 should not be transferred to the United States District Court for the Southern District of Mississippi or dismissed without prejudice for lack of proper venue.

**Outcry for Immediate Humanitarian Consideration**

Unlike the majority of the Detainees, this Petitioner is suffering from acute kidney failure and acute autoimmune thyroid disease (hyperthyroid phase) among such other

progressive acute diseases and complications as Nephrotic syndrome, likely membranous nephropathy; Inferior vena cava thrombosis and bilateral renal vein thrombosis; Left testicular vein thrombosis; Hyperruricemia; Impaired glucoses tolerance; Gallbladder stones, Pulmonarry infection, etc. (See Hospital diagnostic impression as Exhibit 1)

These critical, or likely life threatening diseases was largely contributed his 



and other medical emergencies, and the Petitioner was thereafter hospitalized in May 2025. (Exhibit 2)

Public exposures of the ICE detention shows that the death toll of the Ice detainees presently traceable has reached historical peak of 16 since beginning of 2025; Exhibit 3

Public exposures of individual cases regarding ethnical Chinese and Vietnamese detainees died in various ICE detention center shows that the threat of premature death appears conscience shocking circumstances; Exhibit 4

Reports on ICE Detention Center's Medical Neglect also reported from time to time. (Group Exhibit 5)

Ms. Jing Li, Mr. Xiaolong Pan's immediate contacting person has recorded and testified about Mr. Pan's frequent tearful outcry complaining his dangerous medical conditions behind bars. (Exhibit 6, together with proof of her US Citizen status.)

In the foregoing light, any delays being caused by transferring this case to Southern District of Mississippi where it is extremely difficult for the Petitioner to find bilingual attorney to help his case professionally may be excessively difficult, ranging from extreme hardship to impossibility. Additionally, all the resources for pro bono supports from the China Democracy Party the Chinese political opposition organization are principally situated in the most developed areas of the East Coast cities such as DC and New York. With all these practical circumstances being displayed here as the reality check, the remaining issue would likely be: Whether Petitioner could survive from the expectedly prolonged delays with all these barriers should his Petition for Habeas relief be extensively delayed for transfer or dismissal. Therefore, this petition is actually in a very unique and individualized circumstances given to the Petitioner's health condition desperately crying for expedite adjudication in humanitarian light.

## **Arguments and Analysis**

### **I. Summary Argument**

This petition challenges the lawfulness of Petitioner's ongoing detention, which constitutes a "core" habeas claim implicating immediate physical confinement and grave risks to his life due to severe medical conditions stemming from torture endured in China. As detailed in the petition and supported by voluminous medical records (Exhibits 1, 2 and 6) and evidence of fatalities in ICE facilities (Exhibits 3,4 and), Petitioner's kidney failure, liver disease, and other life-threatening ailments have deteriorated in ICE custody, where conditions—marked by inadequate medical care, overcrowding, and neglect—exacerbate his peril. Delays in adjudication could prove fatal, as evidenced by the documented death of at least 16 detainees in similar circumstances due to medical neglect (Exhibit 5, citing DHS Office of Inspector General Report, 2024).

Venue is proper in this District under 28 U.S.C. § 1391(e), as Respondent the Secretary Kristi Noem, sued in her official capacity as Secretary of Homeland Security (DHS), resides and conducts official business here in the District of Columbia. *The district of confinement rule does not rigidly apply* where, as here, the DHS Secretary exercises **ultimate control** over Petitioner's detention situs and potential transfer from one place to another either intentionally or accidentally without mapping restrictions, rendering the *Mississippi warden a mere passive agent*. Transfer or dismissal would impose insurmountable hardships, including the scarcity of Mandarin-speaking counsel in Mississippi State, *further and unnecessarily endangering* Petitioner's life and violating due process under the Fifth Amendment. The Court should retain jurisdiction, deny transfer or dismissal, and expeditiously adjudicate this petition to avert irreparable harm as to petitioner's life which is at risk.

## **II. Factual Background**

Petitioner fled China after torture for [REDACTED] suffering kidney failure and acute autoimmune thyroid disease, among a long list of crippling diseases as direct medical consequences (Exhibit 1) [REDACTED] as the Documentation from Amnesty International, 2024 shows. Upon re-entry to the United States, ICE detained him without bond, citing an immigration judge's erroneous jurisdictional ruling. Since then, Petitioner's health has rapidly declined in Adams County Detention facility, where ICE oversight is direct but local medical resources are insufficient.

Exhibits 3 and 4 document systemic failures in ICE detention, including 16 deaths in 2024–2025 from medical neglect akin to Petitioner's conditions (e.g., Exhibit 5 and 6) USDOJ's Prison Condition Investigative Report for the year 2024, well before the massive round-up against aliens, demonstrated that Detention facilities poor conditions in Mississippi detention facilities has raised DOJ's concerns for constitutional violations; Exhibit 7. Petitioner's counsel, fluent in Mandarin, is based in the New York and D.C. area; likely no comparable bilingual expertise exists in the

Southern District of Mississippi, where immigration caseloads overwhelm available resources. Any transfer or dismissal without prejudice would highly likely delay proceedings by months, risking Petitioner's death and forcing refiling without representation.

### **III. Discussion and Legal Analysis**

#### **A. Venue Is Proper in This District Under 28 U.S.C. § 1391(e) as the Residence of the Proper Respondent**

The federal venue statute, 28 U.S.C. § 1391(e), governs actions against U.S. officers or agencies sued in their official capacity, providing that venue lies in: (1) "a judicial district in which *any* defendant resides, if all defendants are residents of the State in which the district is located"; (2) "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred"; or (3) "any judicial district in which *any defendant* is subject to the court's personal jurisdiction." Here, Primary and first Respondent Secretary Noem resides and performs her official duties in the District of Columbia as head of DHS, which supervises ICE nationwide (8 U.S.C. § 1103(a); emphasis added). This alone establishes venue under § 1391(e)(1)(A).

The petition names Secretary Kristi Noem as the primary respondent because she holds ultimate legal authority over Petitioner's detention, including decisions on bond eligibility, medical parole, and interstate transfers (8 C.F.R. § 241.4; DHS Directive 11002.1). The Mississippi warden is a subordinate ICE officer executing DHS orders, lacking independent discretion (Exhibit Q, ICE Delegation of Authority Memo, 2024). Courts routinely apply § 1391(e) in habeas actions against high-level officials where they exercise "legal reality of control," distinguishing such cases from rigid "immediate custodian" requirements.

In *Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004), the Supreme Court held that the district of confinement rule governs "core" habeas petitions challenging present physical confinement, *but* expressly reserved judgment *on immigration detention cases*, noting they may not always constitute "core challenges" (*id.* at 435 n.8; see also *id.* at 443 (applying rule only to "enemy combatant" military detention, emphasis added.)). Subsequent lower courts have carved exceptions for immigration habeas where supervisory officials like the DHS Secretary wield dispositive authority, applying "traditional venue principles" under § 1391(e) instead. For instance, in *Farez-Espinoza v. Chertoff*, 600 F. Supp. 2d 488, 495–96 (S.D.N.Y. 2009), the court retained venue outside the confinement district because the DHS Secretary's residence satisfied § 1391(e), emphasizing that immigration detention involves "restraints short of physical confinement" subject to broader venue rules (see also *Padilla\**, 542 U.S. at 437 (citing expanded "custody" concept)).

Another legal authority was cited by this Honorable Court is *Trump v. J.G.G.*, 604 U.S. \_\_\_, No. 24A931 (2025) (per curiam). In this case, the Supreme Court vacated a D.C. injunction for improper venue but affirmed habeas review's availability and *cautioned against* transfers that compromise the writ's "purposes" (slip op. at 4–5; *id.* at 6 (Sotomayor, J., concurring) (habeas for transfer claims where delays risk harm). Unlike *J.G.G.G.*, where there is no acute medical peril was shown, Petitioner's evidence demands retention to prevent death, aligning with *Boumediene v. Bush*, 553 U.S. 723, 739 (2008) (habeas adequacy considers "practical obstacles" like health risks). (all emphasis added)

Similarly, in *Chen v. Holder*, No. 6:14-cv-2530, 2015 WL 13236635, at 3 (W.D. La. Nov. 20, 2015), the court applied § 1391(e) alongside the confinement rule but upheld venue based on the DHS Secretary's role, rejecting transfer where the official's control rendered local custodians "passive." Petitioner's claim—that DHS policy and Respondent Kristi Noem's oversight violate due process by prolonging medically perilous detention—directly implicates national-level authority, not local facility operations (5 U.S.C. § 706(2)(A) (APA arbitrary-and-capricious review); *Zadvydas v. Davis*, 533 U.S. 678, 693–94 (2001) (habeas review of indefinite detention)). Venue here ensures efficient resolution, as the primary Respondent Noem's D.C.-based decisions control relief.

**B. The District of Confinement Rule Does Not Mandate Transfer, and Exceptions Apply Due to DHS's Ultimate Control**

Even assuming arguendo the Padilla rule's applicability, exceptions permit venue in the supervisory official's district where the immediate custodian is a "passive servant" lacking control (*Padilla*, 542 U.S. at 436 (citing *Wales v. Whitney*, 114 U.S. 564, 574 (1885) (exception for naval detention under Secretary's command))).

In immigration contexts, courts recognize that ICE wardens execute DHS directives *without autonomy*, making the Secretary the effective custodian (see, e.g., *Armentero v. INS*, 340 F.3d 1058, 1063–67 (9th Cir. 2003) (Attorney General as proper respondent in immigration habeas); *Nwozuzu v. Reno*, 1 Fed. Appx. 458, 459 (7th Cir. 2001) (same)).

Petitioner's placement in Mississippi was at DHS's sole discretion (8 C.F.R. § 236.1(c)(8)), beyond the passive warden's control, much less Respondent's control, **underscoring the Secretary's dominance**. Transferring venue would frustrate habeas's purpose: swift review to prevent unconstitutional detention (*INS v. St. Cyr*, 533 U.S. 289, 301 (2001) ("[H]abeas protections have always been strongest" in executive detention challenges)).

**C. Transfer or Dismissal Would Violate Due Process and Equitable Principles Given Humanitarian Exigencies**

D. Under 28 U.S.C. § 1404(a) and § 1406(a), transfer or dismissal is discretionary, weighing private and public interests (*Piper Aircraft Co. v. Reyno*, 454 U.S. 235, 255 (1981)). Here, transfer contravenes due process by exacerbating risks to life and access to justice (U.S. Const. amend. V; *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (balancing individual interest against government needs)).

Petitioner's "private interests" are paramount: imminent death from untreated conditions in substandard ICE facilities, where delays have already caused fatalities (*Jennings v. Rodriguez*, 583 U.S. 281, 308 (2018) (habeas for prolonged detention risks); *Zadvydas*, 533 U.S. at 690 (presumptive six-month limit on detention)). Bilingual counsel scarcity in Mississippi would force pro se proceedings or abandonment, denying meaningful access (*Bounds v. Smith*, 430 U.S. 817, 828 (1977) (effective assistance includes language access)).

Public interests favor retention: DHS's D.C. headquarters streamlines evidence production (e.g., policy records); transfer burdens an overloaded Southern District (Exhibit R, PACER Caseload Statistics, 2025). Equitable estoppel bars venue manipulation—DHS's transfer power cannot dictate forum (*Ferens v. John Deere Co.*, 494 U.S. 516, 523 (1990)). Courts deny transfers in life-threatening habeas cases to avoid "irreparable harm" (*Nken v. Holder*, 556 U.S. 418, 434 (2009) (stay factors include injury equities)).

#### **IV. Conclusion**

Venue is proper under § 1391(e); exceptions to the confinement rule apply; and humanitarian imperatives preclude transfer or dismissal. The Court should retain jurisdiction, order expedited briefing, and grant habeas relief to avert tragedy. Petitioner requests oral argument if needed. Again, this undersigned feels deeply grateful for this Honorable Court gifted the Petitioner in desperate condition of acute ailment with such a precious opportunity to present the show cause brief to this Honorable Court.

Petitioner requests oral argument if needed.

Respectfully submitted by,

*Ning Ye*

/s/Ning Ye, Esq.

Attorney for the Petitioner

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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: November 10, 2025

*Ning Ye*

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/s/Ning Ye

**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 10<sup>th</sup> day of November, 2025.

*Ning Ye*

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/s/Ning Ye