UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

Meng Dong HUANG,

Petitioner

v.

Jason STREEVAL, Warden, Stewart Detention Center
Respondent

Civil Action No. _____

HEARING REQUESTED

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS
PURSUANT TO 28 U.S.C. § 2241

1. Petitioner Meng Dong Huang ("Petitioner" or "Mr. Huang") is a citizen of the People's Republic of China ("China") who is currently detained at Stewart Detention Center ("Stewart").[1] He has been in the custody of U.S. Immigration & Customs Enforcement ("ICE") for more than six (6) months, since on or about May 10, 2025.

2. Mr. Huang was ordered removed by the Memphis Immigration Court in Memphis, TN, on May 25, 2011. He appealed the decision, and the Board of Immigration Appeals ("BIA") dismissed his appeal on December 4, 2012. He then filed a Motion to Reopen, which the BIA denied on February 5, 2015. ICE did not take Mr. Huang into custody at that time. ICE then failed to remove Mr. Huang for over three years, eventually taking him into custody on or around May 10, 2025. Since then, ICE has continued to prove unable to effectuate Mr. Huang's removal, despite presumably requesting travel documents from China several months ago.

[1] Mr. Huang's Chinese passport (expired) spells his first name as "Mengdong" without a space. Undersigned counsel uses the Petitioner's name as listed in the ICE Online Detainee Locator.

3. Mr. Huang has now been detained for more than six months post-order, awaiting deportation to China, and there is no significant likelihood that he will be removed in the reasonably foreseeable future. Mr. Huang's detention, post-removal-order, has become unconstitutionally prolonged under the framework set out in *Zadvydas v. Davis*, 533 U.S. 678 (2001). He therefore challenges his prolonged and indefinite detention as a violation of the Immigration and Nationality Act ("INA") and the Due Process Clause.

4. Mr. Huang respectfully requests that this Court grant him a Writ of Habeas Corpus, ordering Respondent to release him from custody.

JURISDICTION AND VENUE

5. This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), 28 U.S.C. § 1651 (All Writs Act), 28 U.S.C. §§ 2201-02 (declaratory relief), and art. I. sec. 9, cl. 2 of the U.S. Constitution (Suspension Clause), as Mr. Huang is presently in custody under or by color of the authority of the United States, and he challenges his custody as in violation of the Constitution, laws, or treaties of the United States.

6. The federal district courts have jurisdiction under 28 U.S.C. § 2241 to hear habeas claims by individuals challenging the lawfulness of their detention by ICE. *See, e.g.*, *Zadvydas*, 533 U.S. 678; *Demore v. Kim*, 538 U.S. 510 (2003). In *Jennings v. Rodriguez*, 138 S. Ct. 830, 839-41 (2018), the United States Supreme Court reiterated the federal courts' jurisdiction to review such claims.

7. Venue is proper in the Middle District of Georgia, Columbus Division, pursuant to 28 U.S.C. §§ 1391 and 2241(d) because Mr. Huang is detained at the Stewart Detention Center in Lumpkin, Georgia.

PARTIES

8. Petitioner Mr. Huang is a Chinese citizen currently detained by Respondent Jason Streeval at the Stewart Detention Center. An immigration judge ("IJ") at the Memphis Immigration Court ordered him removed to China on or about May 25, 2011. The BIA dismissed his appeal on or about December 4, 2012. The BIA then denied a motion tc reopen on February 5, 2015. Mr. Huang has now been continuously detained by Respondent since approximately May 10, 2025, and has been detained at Stewart since on or about May 13, 2025.

9. Respondent is sued in his official capacity as the Warden of Stewart Detention Center. Pursuant to a contract with ICE, Warden Streeval is responsible for the operation of the Stewart Detention Center, where Mr. Huang is detained. Thus, Warden Streeval has control over Mr. Huang as his immediate custodian.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

10. "[W]here Congress does not say there is a jurisdictional bar, there is none." *Santiago-Lugo v. Warden*, 785 F.3d 467, 473 (11th Cir. 2015). "Congress knows how to limit courts' subject matter jurisdiction to decide § 2241 petitions when it wishes to do so. The fact that it did not limit courts' subject matter jurisdiction to decide unexhausted § 2241 claims compels the conclusion that any failure of [the respondent] to exhaust administrative remedies is not a jurisdictional defect." *Id.* at 474.

11. In the absence of a statutorily mandated exhaustion requirement, whether to apply a common law exhaustion requirement is a decision subject to sound judicial discretion, considering congressional intent and any applicable statutory scheme. *See McCarthy v. Madigan*, 503 U.S. 140, 144 (1992); *see also Richardson v. Reno*, 162 F.3d 1338, 1374 (11th Cir. 1998); *Yahweh v. U.S. Parole Comm'n*, 158 F. Supp. 2d 1332, 1341 (S.D. Fla. 2001).

12. Here, there is no reason to require exhaustion as Mr. Huang has no meaningful administrative remedy to request. Mr. Huang's prolonged detention raises constitutional issues. "[A] petitioner need not exhaust [their] administrative remedies 'where the administrative remedy will not provide relief commensurate with the claim.'" *Boz v. United States*, 248 F.3d 1299, 1300 (11th Cir. 2001) (quoting *Haitian Refugee Ctr., Inc. v. Nelson*, 872 F.2d 1555, 1561 (11th Cir. 1989)). Thus, "[b]ecause the BIA does not have the power to decide constitutional claims—like the validity of a federal statute— . . . certain due process claims need not be administratively exhausted." *Warsame v. U.S. Att'y Gen.*, 796 F. App'x. 993, 1006 (11th Cir. 2020). *See also Haitian Refugee Ctr., Inc*, 872 F.2d at 1561, *aff'd sub nom. McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479 (1991) (exhaustion had "no bearing" where petitioner made a constitutional challenge to procedures adopted by the INS); *Matter of G-K-*, 26 I&N Dec. 88, 96-97 (BIA 2013) ("Neither the [BIA] nor the Immigration Judges have the authority to rule on the constitutionality of the statutes we administer, so we lack jurisdiction to address [challenges to their constitutionality].").

13. Thus, this Court has jurisdiction over Mr. Huang's § 2241 action because exhaustion of administrative remedies is not required, and his petition raises constitutional issues that cannot be addressed administratively.

STATEMENT OF FACTS

14. Mr. Huang has been detained continuously since about May 10, 2025, for more than six months. He has had a final removal order for over twelve years—since the BIA dismissed the appeal on December 4, 2012—yet ICE has been unable to remove him and likely will remain unable to do so.

15. Mr. Huang is a citizen of China and is forty-two (42) years old. He entered the U.S.

without inspection around 2004 and has not left since his sole entrance into the U.S.

16. Since moving to the U.S. around twenty-one (21) years ago, Mr. Huang has developed substantial ties to the country. He has three children, all of whom were born in the U.S.: (1) Jonathan Nuohan Huang, who is nineteen (19) years old, and two minor children.[2] Jonathan has since enlisted in the U.S. Army, joining in September 2025, while his father remained in ICE custody. Additionally, Reverend Mary L. Chang, coverage pastor at the Saint Jacobi Evangelical Lutheran Church of America in Brooklyn, New York, wrote a support letter regarding Mr. Huang.

17. Mr. Huang was transferred to ICE custody after his family paid a bond in the amount of $35,000 in his criminal case. Mr. Huang was arrested in Carroll County, GA, on or about April 7, 2025, and charged with two crimes: (1) Trafficking in Cocaine, Illegal Drugs, Marijuana, or Methamphetamine, and (2) Vehicle with False or Secret Compartment. Mr. Huang paid a bond, and as of October 30, 2025, both charges are pending without a new court date. Mr. Huang was transferred to ICE custody on or about May 10, 2025, and arrived at Stewart on or about May 13, 2025.

18. Mr. Huang has a passport, which expired on or about November 23, 2020. He also has a copy of his birth certificate, along with a certified English translation.

19. Since his arrival at Stewart, Mr. Huang has been treated for several medical ailments, including lumbar pain, tooth pain, and upper respiratory symptoms.

20. On information and belief, an ICE officer met with Mr. Huang once, and it was on or about July 3, 2025. To Mr. Huang's knowledge, ICE never attempted to use a Mandarin interpreter to speak with him. Mr. Huang filled out a form, presumably a travel document. To Mr.

[2] Pursuant to the Federal Rules of Civil Procedure, Petitioner does not list the names of minor children or their dates of birth.

Huang's recollection, ICE has not met with him since.

21. Mr. Huang lacks documentation of the results of any subsequent administrative custody reviews and does not know if any such reviews were ever carried out. Mr. Huang, through counsel, will be submitting a Stay of Removal (I-246) application with ICE at its Atlanta Field Office.

22. If released from detention, Mr. Huang will return to New York to reside with his family. If released, Mr. Huang plans to comply with all conditions of release.

LEGAL FRAMEWORK

23. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas*, 533 U.S. at 690.

24. The Due Process Clause requires that the deprivation of Mr. Huang's liberty be narrowly tailored to serve a compelling government interest. *See Reno v. Flores*, 507 U.S. 292, 301-02 (1993) (holding that due process "forbids the government to infringe certain 'fundamental' liberty interests . . . unless the infringement is narrowly tailored to serve a compelling state interest"). As the Supreme Court held in *Zadvydas*, indefinite detention raises a "serious constitutional problem" and runs afoul of the Due Process Clause. 533 U.S. at 690.

25. 8 U.S.C. § 1231 governs the detention and removal of noncitizens, like Mr. Huang, who have been ordered removed. Section 1231(a)(2) authorizes a 90-day period of mandatory post-final-removal-order detention, during which ICE is supposed to effectuate removal. This 90-day period is known as the "removal period" and generally starts once a final order of removal has been entered or, as here, on the date of release from criminal custody. *See* § 1231(a)(1)(B).

26. Those who are not removed within the 90-day removal period should be released

under conditions of supervision, such as periodic reporting and other reasonable restrictions. *See* § 1231(a)(3). The Government may continue to detain certain noncitizens beyond the 90-day removal period if they have been ordered removed on inadmissibility grounds after violating nonimmigrant status or conditions of entry, or on grounds stemming from criminal convictions, or security concerns, or if they have been determined to be a danger or flight risk. *See* § 1231(a)(6). If these groups of noncitizens are released, they are also subject to the supervision terms set forth in § 1231(a)(3). *Id.*

27. In *Zadvydas*, the Supreme Court held that § 1231(a)(6), when "read in light of the Constitution's demands, limits [a noncitizen]'s post-removal-period detention to a period reasonably necessary to bring about that alien's removal from the United States." 533 U.S. at 689. A "habeas court must [first] ask whether the detention in question exceeds a period reasonably necessary to secure removal." *Id.* at 699. "[O]nce removal is no longer reasonably foreseeable, continued detention is no longer authorized." *Id.* At that point, the individual must be released because his continued detention would violate both the statute and the Due Process Clause of the Constitution. *Id.*

28. In determining a period reasonably necessary to effectuate removal, the *Zadvydas* Court adopted a "presumptively reasonable period of detention" of six months, inclusive of the 90-day removal period. *Id.* at 701. "After this six-month period, once the [noncitizen] 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.* Thus, after six months, the Government bears the burden of disproving a detained person's "good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future." *Clark v. Martinez*, 543 U.S. 371, 386 (2005) (granting habeas relief to Cuban

petitioners whose detention lasted beyond six months post-removal-order and whose removal to Cuba was not reasonably foreseeable); *see also Adu v. Bickham*, No. 7:18-cv-103-WLS-MSH, 2018 WL 6495068 (M.D. Ga. Dec. 10, 2018) (R&R recommending release under *Zadvydas*).

29. A noncitizen who has been detained beyond the presumptive six-month period should be released if the Government is unable to present documented confirmation that removal is likely to occur in the reasonably foreseeable future. *Clark*, 543 U.S. at 386; *see also McKenzie v. Gillis*, No. 5:19-cv-139, 2020 WL 5536510, at *3 (S.D. Miss. July 30, 2020) ("Six months have passed since [the ICE Deportation Officer] stated that Petitioner's removal was imminent. Yet, Petitioner remains in ICE custody, and nothing in [the Supervisory Detention and Deportation Officer's] declaration demonstrates that Petitioner will be removed anytime soon. Neither ICE's belief that Petitioner will be removed, nor the information provided by Respondent satisfy the Government's burden to rebut Petitioner's showing that he will not be removed in the foreseeable future."), *report and recommendation adopted*, 2020 WL 5535367 (S.D. Miss. Sept. 15, 2020).

30. Release is the proper remedy for unconstitutionally prolonged post-removal-order detention. *See Zadvydas*, 533 U.S. at 699–700 (explaining that supervised release is the appropriate relief when "the detention in question exceeds a period reasonably necessary to secure removal" because at that point, detention is "no longer authorized by statute").

31. Mr. Huang's detention fits squarely within the *Zadvydas* framework. His removal order became final in December 2012. To Petitioner's knowledge, nothing suspended or tolled the removal period. Nothing has suspended or tolled the removal period since he has been detained.

32. Therefore, Mr. Huang is subject to permissive post-removal-order detention under 8 U.S.C. § 1231(a)(6) and his claim is ripe for court review.

33. "[F]or detention to remain reasonable, as the period of post-removal confinement

grows, what counts as the 'reasonably foreseeable future' conversely would have to shrink." *Zadvydas*, 533 U.S. at 701. ICE has had over twelve (12) years to try to remove Mr. Huang since his removal order became final, and it has failed to do so.

34. Removal "seems a remote possibility at best." *Zadvydas*, 533 U.S. at 690. Thus, Mr. Huang's continued detention violates the implicit requirement in 8 U.S.C. § 1231(a)(6) that detention may not become unreasonably prolonged. In addition, his continued detention does not serve a legitimate government purpose and lacks sufficient procedural protections in violation of the Due Process Clause.

CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF

VIOLATION OF THE IMMIGRATION AND NATIONALITY ACT,

8 U.S.C. § 1231(a)(6)

35. Mr. Huang realleges and incorporates by reference each and every allegation contained above.

36. Mr. Huang is detained pursuant to the discretionary, post-removal-order detention provision, § 1231(a)(6), because more than 90-days have elapsed since his removal order became administratively final and he has not done anything to impede his removal or toll the removal period. See 8 U.S.C. § 1231(a); 8 C.F.R. § 1241.1.

37. Section 1231(a)(6) contains an implicit temporal limitation of six months, after which detention is no longer presumptively reasonable. *Zadvydas*, 533 U.S. at 701. After that point, if the habeas petitioner "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," and due process "requires ordering [the p]etitioner

released." *Adu*, 2018 WL 6495068, at *2-3 (quoting *Zadvydas*, 533 U.S. at 701).

38. Mr. Huang's detention under §1231 is no longer presumptively reasonable because he has been continuously detained pursuant to a final removal order for over six months.

39. Mr. Huang's cooperation with ICE's removal efforts and ICE's inability to obtain travel documents one year or more after requesting them are evidence that there is no significant likelihood of removal in the reasonably foreseeable future.

40. ICE has made no indication that it is making or will make progress in securing Mr. Huang's removal. Mr. Huang could remain detained for several months or even years beyond the six months recognized as reasonably necessary to effectuate removal in *Zadvydas*.

41. Nor is there any "sufficiently strong special justification" for Mr. Huang's prolonged detention beyond the six-month limit. *See Zadvydas*, 533 U.S. at 690-91 (requiring a showing of dangerousness accompanied by some other "special circumstance" to justify continued detention when removal is not significantly likely in the reasonably foreseeable future).

42. Thus, Mr. Huang's detention violates § 1231, and he is entitled to immediate release from custody.

SECOND CLAIM FOR RELIEF

VIOLATION OF THE DUE PROCESS CLAUSE

OF THE FIFTH AMENDMENT TO THE U.S. CONSTITUTION

43. Mr. Huang realleges and incorporates by reference each and every allegation contained above.

44. The Due Process Clause of the Fifth Amendment forbids the Government from depriving any person of liberty without due process of law. U.S. Const. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at

the heart of the liberty" that the Due Process Clause protects. *Zadvydas*, 533 U.S. at 690.

45. Civil immigration detention following issuance of a final removal order violates due process if it is not reasonably related to its statutory purpose of effectuating removal. *See id.* at 690 (citing *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)); *id.* at 697. When removal is not reasonably foreseeable, detention is no longer reasonably related to that purpose. *Id.* at 699.

46. Prolonged civil detention also violates procedural due process unless it is accompanied by strong procedural protections to guard against the erroneous deprivation of liberty. *Id.* at 690-91; *Foucha v. Louisiana*, 504 U.S. 71, 81-83 (1992); *Kansas v. Hendricks*, 521 U.S. 346, 364-69 (1997); *United States v. Salerno*, 481 U.S. 739, 750-752 (1987).

47. Mr. Huang has been detained continuously for more than six months since he has been transferred to ICE custody in May 2025. He is likely to be detained indefinitely absent intervention from this Court. His detention is no longer reasonably related to the primary statutory purpose of ensuring his imminent removal.

48. Moreover, any pro forma internal post-order custody reviews ICE conducted in Mr. Huang's case do not meet the minimum procedural safeguards required by due process. *See Diouf v. Napolitano*, 634 F.3d 1081, 1092 (9th Cir. 2011).

49. Thus, Mr. Huang's detention violates both substantive and procedural due process.

50. As a result, Mr. Huang is entitled to immediate release from custody.

PRAYER FOR RELIEF

WHEREFORE Petitioner requests that the Court grant the following relief:

a. Assume jurisdiction over this matter;

b. Order Respondent to show cause why a writ of habeas corpus should not be granted "within three (3) days unless for good cause additional time, not exceeding twenty (20) days, is allowed," that Petitioner be afforded one (1) week

to file a response to Respondents' return, and set a hearing on this Petition within one (1) week after Petitioner's response is due, pursuant to 28 U.S.C. § 2243;

c. Order that as part of their filing showing cause why the Petition should not be granted, Respondents provide all documents relevant to efforts made to obtain travel documents for Mr. Huang, which Mr. Huang does not have access to;

d. Expedite consideration of this action pursuant to 28 U.S.C. § 1657 because it is an action brought under Chapter 153 (habeas corpus) of Title 28;

e. In the event that this Court determines that a genuine dispute of material fact exists regarding the likelihood of removal to China in the reasonably foreseeable future, schedule an evidentiary hearing pursuant to 28 U.S.C. § 2243. *Singh v. U.S. Attorney Gen.*, 945 F.3d 1310, 1315-16 (11th Cir. 2019);

f. Grant a writ of habeas corpus ordering Respondent to immediately release Mr. Huang from their custody;

g. Enter preliminary and permanent injunctive relief enjoining Respondent from further unlawful detention of Mr. Huang;

h. Declare that Mr. Huang's detention without a bond hearing violates the Immigration and Nationality Act;

i. Declare that Mr. Huang's detention violates the Due Process Clause of the Fifth Amendment;

j. Enjoin Respondent from transferring Mr. Huang outside of this judicial district pending litigation of this matter;

k. Award reasonable attorney's fees and costs pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412; and

l. Grant such further relief as this Court deems just and proper.

Dated: November 14, 2025

Respectfully submitted,

/s/ Matthew O. Boles
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Counsel for Petitioner

Verification

I declare under penalty of perjury that the facts set forth in the foregoing Verified Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge, information, and belief.

/s/ Matthew O. Boles Date: November 14, 2025