

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA**

Xianglan Dong A [REDACTED]

a.k.a

Jing Li A [REDACTED]

*Petitioner,*

v.

Pamela BONDI, in her official capacity as  
U.S. Attorney General;

Marcos CHARLES, in his official capacity as  
Acting Executive Associate Director,  
Enforcement and Removal Operations;

Todd M. LYONS, in his official capacity as  
Acting Director, Immigration and Customs  
Enforcement;

Kristi NOEM, in her official capacity as  
Secretary of the U.S. Department of  
Homeland Security

Ray HANSON, in his official capacity as  
Richwood Cor Center Detention Facility;

*Respondents.*

**Docket No:**

**VERIFIED  
PETITION FOR  
WRIT OF HABEAS  
CORPUS AND  
COMPLAINT FOR  
DECLARATORY  
AND INJUNCTIVE  
RELIEF**

1. Petitioner Xianglan Dong (A [REDACTED]) a.k.a Jing Li (A [REDACTED]) (“Ms. Dong” or “Petitioner”), hereby petitions this Court under 28 U.S.C. § 2241, et seq., to issue a Writ of Habeas Corpus ordering Ms. Dong’s immediate release from the unlawful custody of the Department of Homeland Security, United States Immigration and Customs Enforcement (“ICE”).

2. This case presents an egregious violation of statutory and constitutional limits on immigration detention that threatens the liberty of all individuals subject to immigration enforcement. Ms. Dong’s removal order became administratively final on November 18, 1998—over twenty-seven years ago. The 90-day “removal period” mandated by 8 U.S.C. § 1231(a)(1) expired on February 16, 1999. The six-month presumptively reasonable detention period under *Zadvydas v. Davis*, 533 U.S. 678 (2001), expired on May 18, 1999— also over twenty-six years ago.

3. Despite these clear temporal limitations, ICE arrested and detained Ms. Dong on April 1, 2025, claiming authority that expired two decades ago. The government’s position—that it can warehouse detention authority indefinitely and deploy it at will decades later—would eviscerate the statutory scheme Congress created and render meaningless the Supreme Court’s constitutional safeguards against indefinite detention.

Respondent, Todd M. LYONS is the Acting Director, Immigration and Customs Enforcement (“ICE”). He is responsible for the administration of ICE

functions relating to detention and removal of aliens including maintain and enforcing petitioner's condition

**JURISDICTION**

4. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), the Administrative Procedure Act, 5 U.S.C. § 701 et seq., and Article I, Section 9, Clause 2 of the U.S. Constitution. See *Zadvydas v. Davis*, 533 U.S. 678, 687-88 (2001).

control, direct and supervise all employees establish such regulations, issue

**VENUE**

5. Venue is proper in that Ms. Dong is currently being detained at Richwood Correctional Center, located at 180 Pine Bayou Cir, Richwood, LA 71202.

Justice to perform or exercise any of **PARTIES** powers, privileges, or duties conferred

6. Petitioner, Xianglan Dong a.k.a Jing Li is a native and citizen of the People's Republic of China ("China"). She is currently under the ICE custody.

7. Respondent Pamela Bondi is the duly appointed, qualified, and confirmed Attorney General of the United States, and as such is the official charged with the enforcement of the laws of the United States.

8. Respondent, Marcos CHARLES, in his official capacity as Acting Executive Associate Director, Enforcement and Removal Operations, is responsible for the enforcement and removal of aliens including petitioner.

9. Respondent, Todd M. LYONS is the Acting Director, Immigration and Customs Enforcement ("ICE"). He is responsible for the administration of ICE

functions relating to detention and removal of aliens including maintain and enforcing petitioner's condition of supervision.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security ("DHS"). Secretary Noem's responsibilities are set forth in 8 U.S.C. §§1103(a)(1)-(3), among which are: to administer and enforce the Immigration Act and all other laws relating to the immigration and naturalization of aliens; to control, direct and supervise all employees; to establish such regulations, issue such instructions, and perform such other acts deemed necessary for carrying out her authority; and to require any employee of the Service of the Department of Justice to perform or exercise any other the powers, privileges, or duties conferred or imposed by this Act or regulations issued there under upon any other employee of the Service.

11. Respondent, Ray HANSON, is the Warden of Richwood Cor Center Detention Facility. He is responsible for the maintaining and enforcement of the detention of aliens including Petitioner.

BACKGROUND

12. Ms. Dong is a 55-year-old native and citizen of the People's Republic of China currently in ICE custody at Richwood Cor Center Detention Facility.

13. Ms. Dong entered the United States in or about May 1993.

14. Ms. Dong was then placed in removal proceedings. On November 18, 1998, an immigration judge issued a removal order against her. She did not appeal this decision, and the removal order became administratively final on that date.

15. In or around May 2001, Ms. Dong was arrested while working at a massage establishment. At the time, she provided the name “Jing Li.” She was detained for several hours, transferred briefly to ICE custody, and then released. Under the name Jing Li, she was again placed in removal proceedings, and on February 28, 2002, a second removal order was issued against her.

16. In or around September 2007, Ms. Dong was present at a dance hall when she was harassed by a man. In response, she threw an empty soda can at him. The man subsequently contacted the police, who later went to her residence to locate her. Out of fear, Ms. Dong voluntarily presented herself to law enforcement. She was detained for approximately two months, after which the criminal case was dismissed. She was then transferred to ICE for questioning, detained for several hours, and subsequently released.

17. After being released by ICE, Ms. Dong was required to wear an ankle monitor and report regularly—initially once a month, then once every three months, later once every six months, and eventually once a year. She fully complied with all ICE monitoring and reporting requirements.

18. On April 1, 2025, when she appeared for her routine order of supervision check-in, she was detained by ICE.

19. During her detention, Ms. Dong stated that while she was waiting in line to boil water, she was pushed by another detainee and was subjected to discrimination, which caused her psychological distress. She also received medical attention at the detention center, including visits with a mental health professional about three times. In addition, she suffered from constipation during her detention and was continuously seen by medical staff for this condition. Ms. Dong also reported that she fell twice at night during her detention. (*See Exhibits A*).

20. Today, November 10, 2025, Mr. Dong is still detained by ICE detention facility at 180 Pine Bayou Cir, Richwood, LA 71202.

21. Ms. Dong now files a petition for a writ of habeas corpus, requesting release on the grounds that she has been detained for more than six months, and her removal is not reasonably foreseeable.

### **LEGAL ARGUMENT**

#### **COUNT I: VIOLATION OF 8 U.S.C. § 1231 - DETENTION BEYOND STATUTORY AUTHORITY**

22. Petitioner realleges and incorporates paragraphs 1-27 as if fully set forth herein.

23. The Immigration and Nationality Act creates a carefully structured detention scheme with mandatory temporal boundaries that ICE has flagrantly violated in detaining Ms. Dong.

**A. The Plain Language of Section 1231 Prohibits Ms. Dong's Current Detention**

24. Under 8 U.S.C. § 1231(a)(1)(B)(i), when a removal order becomes administratively final, a 90-day "removal period" begins. The statute's command during this period is unequivocal: "During the removal period, the Attorney General shall detain the alien." 8 U.S.C. § 1231(a)(2) (emphasis added). The word "during" temporally limits mandatory detention to this specific 90-day window.

25. When the removal period expires without successful removal, the statute dictates a mandatory result: "[I]f the alien does not leave or is not removed within the removal period, the alien, pending removal, shall be subject to supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (emphasis added). Congress chose the mandatory "shall" rather than the permissive "may," leaving no discretion for continued detention absent specific statutory authorization.

26. The Supreme Court has consistently recognized that "shall" creates mandatory obligations. In *Jennings v. Rodriguez*, 583 U.S. 281, 301 (2018), the Court emphasized that "the word 'shall' usually connotes a requirement" as

opposed to discretion. This mandatory language forecloses any attempt by ICE to create detention authority where none exists.

27. Ms. Dong's 90-day removal period expired on May 18, 1999. For the past twenty-six years, she has been entitled to supervision, not detention, as a matter of statutory law.

#### **B. ICE Cannot Manipulate Statutory Time Limits Through Strategic Delay**

28. The government cannot circumvent these temporal limitations by waiting decades to arrest someone whose removal period has long expired. Federal courts have rejected such manipulation. As the Southern District of New York held in *Farez-Espinoza v. Chertoff*, 600 F. Supp. 2d 488, 500 (S.D.N.Y. 2009), when addressing ICE's attempt to "arbitrarily trigger the removal period" by delaying arrest: ICE cannot manipulate statutory timelines to manufacture detention authority that has expired.

29. Similarly, in *Ulysse v. Department of Homeland Security*, 291 F. Supp. 2d 1318, 1325 (M.D. Fla. 2003), the court rejected ICE's argument that the removal period begins upon arrest rather than when the order becomes final, finding "no indication in the statute or regulations" supporting this position and recognizing that accepting it would grant the agency unlimited discretion to extend detention indefinitely through strategic delays.

30. Accepting the government's implied position—that it can detain Ms. Dong twenty-six years after her final removal order—would create a regime of shadow detention authority. ICE could maintain lists of individuals with decades-old removal orders and strategically detain them whenever politically expedient regardless of whether removal is actually possible.

**COUNT II: VIOLATION OF DUE PROCESS UNDER THE FIFTH AMENDMENT AND *ZADVYDAS v. DAVIS***

31. Petitioner realleges and incorporates paragraphs 1-36 as if fully set forth herein.

32. Even if this Court were to find some residual detention authority under Section 1231(a)(6)—which Petitioner disputes—Ms. Dong's detention violates the constitutional limits established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

33. In *Zadvydas*, the Court interpreted § 1231(a)(6) to authorize detention only for a period reasonably necessary to secure removal, and no longer. The Court held that detention beyond six months after the removal period expires is presumptively unreasonable unless the government can establish that removal is significantly likely to occur in the reasonably foreseeable future. This rule was adopted to avoid the grave constitutional concerns raised by indefinite civil detention, which offends both substantive due process and the longstanding principle that immigration detention must bear a reasonable relation to its purpose of effectuating removal.

34. Here, Ms. Dong has already been detained for more than six months since April 1, 2025. The government has not shown—and cannot show—that her removal is reasonably foreseeable. Absent such a showing, continued detention violates both the statutory framework as construed in *Zadvydas* and the constitutional protections against indefinite civil confinement.

35. After the six-month period expires, the government bears the burden of demonstrating by clear and convincing evidence that removal is reasonably foreseeable. *Zadvydas*, 533 U.S. at 701. The government cannot possibly meet this burden when:

- a) Twenty-six years have passed without removal. The sheer passage of time creates an overwhelming presumption that removal is not reasonably foreseeable. If removal were possible, it would have occurred within the Twenty-six years since the order became final.
- b) China has consistently refused to accept its nationals subject to removal from the United States, particularly those who sought political asylum. There is no evidence this policy has changed regarding Ms. Dong.
- c) Upon information and belief, ICE has not obtained and cannot obtain travel documents from China for Ms. Dong's removal.

36. The government cannot rely on speculation or hope that someday, somehow, China might change its position. *Zadvydas* requires concrete evidence that removal is reasonably foreseeable in the immediate future, not theoretical possibility at some indefinite point.

37. Accordingly, Ms. Dong's continued detention is unlawful, and this Court should grant habeas relief under 28 U.S.C. § 2241.

**C. The Government's Position Would Eviscerate Constitutional Protections**

38. If the government can restart the six-month clock whenever it chooses to detain someone, then *Zadvydas*'s protections become meaningless. Under this theory, ICE could release someone for decades, then re-detain them and claim a fresh six-month period of presumptively reasonable detention. This would mean someone whose removal order became final in 1970 could be detained today with the same constitutional justification as someone whose order became final yesterday.

39. Such an interpretation defies both logic and law. The Supreme Court's concern in *Zadvydas* was preventing indefinite civil detention, which it characterized as raising serious constitutional problems. The Court emphasized that detention becomes increasingly difficult to justify as time passes without removal. If ICE could reset the constitutional clock at will by strategically delaying

detention, it would create precisely the indefinite detention problem *Zadvydas* sought to prevent.

**COUNT III: ABSENCE OF ANY LEGITIMATE GOVERNMENT INTEREST IN DETENTION**

40. Petitioner realleges and incorporates paragraphs 1-45 as if fully set forth herein.

41. The Fifth Amendment prohibits deprivation of liberty without due process of law. This protection extends to all persons within United States territory, including aliens subject to removal orders. *Zadvydas*, 533 U.S. at 693. In the civil detention context, the government must demonstrate a special justification that outweighs the individual's fundamental liberty interest.

**D. Ms. Dong's Poses No Flight Risk**

42. The government cannot credibly claim Ms. Dong poses a flight risk when she has:

- Resided continuously in the United States for over 32 years;
- She is a single mother and has been raising her daughter, Tracy Dong, on her own;
- Never attempted to evade immigration authorities;

43. A person with such deep roots in the community, facing no reasonable prospect of removal, has every incentive to remain and pursue available legal remedies rather than flee.

**E. Ms. Dong Poses No Danger to the Community**

44. The government cannot manufacture a public safety justification - *ex post facto* -- where none exists. Ms. Dong has been a productive, member of society for over three decades.

**F. Removal Is Not Reasonably Foreseeable**

45. As detailed above, removal to China is not reasonably foreseeable after twenty-six years of demonstrated impossibility. Detention cannot be justified to facilitate a removal that will never occur.

46. The claim in the Notice of Revocation of Supervision that ICE had already obtained a travel document is demonstrably false.

47. The government's detention of Ms. Dong serves no legitimate purpose and violates both procedural and substantive due process. As the Supreme Court recognized in *Zadvydas*, detention's justification is "weak or nonexistent where removal seems a remote possibility at best." 533 U.S. at 690. After twenty-one years, removal is not merely remote—it is impossible.

**COUNT IV:  
ARBITRARY AND CAPRICIOUS ACTION UNDER  
THE APA**

48. Petitioner realleges and incorporates paragraphs 1-53 as if fully set forth herein.

49. ICE's detention of Ms. Dong constitutes arbitrary and capricious agency action in violation of the Administrative Procedure Act, 5 U.S.C. § 706(2)(A). The decision to detain someone after 15 years, without evidence of changed circumstances, without following required procedures, and without any legitimate purpose, represents the paradigm of arbitrary government action.

**IRREPARABLE HARM AND NEED FOR EMERGENCY RELIEF**

50. Every day of unlawful detention constitutes irreparable injury to Ms. Dong fundamental liberty interests that cannot be adequately compensated through monetary damages. *Zadvydas*, 533 U.S. at 690 ("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").

51. Considering Ms. Dong's age (55 years old), her role as the mother of a U.S. citizen child, her status as a single parent, the fact that her boyfriend abandoned her when she was three months pregnant, her position as the sole financial provider for the family, and the psychological trauma resulting from being detained indefinitely after living in the United States for decades, the hardship she has endured is particularly severe (*See Exhibits B*).

52. Ms. Dong also faces other irreparable harm, including separation from her only daughter, a U.S. citizen, with whom she has no family; inability to share

household expenses; deterioration of her physical and mental health during her detention; and the loss of the home and stable life she has built up over decades.

53. The balance of hardships overwhelmingly favors Ms. Dong, as Respondents suffer no cognizable harm from complying with federal law and releasing someone who poses no flight risk or danger and cannot be removed.

54. The public interest strongly favors enforcing statutory limits and constitutional protections. Permitting ICE to circumvent temporal limitations and detain people decades after removal periods expire undermines the rule of law and threatens the liberty of countless individuals with old removal orders.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

A. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Ms. Dong from custody;

B. Declare that Ms. Dong's detention violates:

- 8 U.S.C. § 1231's temporal limitations;
- The Due Process Clause of the Fifth Amendment;
- The Supreme Court's holding in *Zadvydas v. Davis*;
- The Administrative Procedure Act;

C. Enter a permanent injunction prohibiting Respondents from re-detaining Ms. Dong absent clear and convincing evidence that removal to China has become imminently feasible;

D. In the alternative, order an immediate bond hearing at which the government bears the burden of proving by clear and convincing evidence that Ms. Dong poses a flight risk or danger that cannot be mitigated by conditions of release;

E. Award Petitioner his costs and reasonable attorneys' fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412;

F. Retain jurisdiction to ensure compliance with this Court's orders;

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

Dated: November 25, 2025

Respectfully submitted,

/s/ Carley A. Tatman

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VERIFICATION

I, Theodore N. Cox, counsel for Petitioner Xianglan Dong, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: November 25, 2025

Respectfully submitted,

s/ Theodore N. Cox  
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