

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

FILED

DEC 01 2025

Zhi Feng He

Petitioner,

JOAN KANE, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA
BY JKK DEPUTY

V.

Pamela Bondi, Attorney General; Kristi Noem,
Secretary of Homeland Security; Todd M.
Lyons, Acting Director of U.S. Immigration
& Customs Enforcement; Marcos Charles,
Acting Executive Associate Director for
Enforcement and Removal Operations;
Mark Siegel, Field Office Director for
Enforcement & Removal Operations; U.S.
Immigration & Customs Enforcement;
U.S. Department of Homeland Security;
Scarlet Grant, Warden of Cimarron
Correctional Facility.

Civil Action No. CIV-25-1435-G

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

Petitioner Zhi Feng He, hereby petition this court for a writ of habeas corpus to remedy Petitioner's unlawful detention by Respondents. In support of this petition and complaint for injunctive relief, Petitioner alleges as follows:

CUSTODY

1. Petitioner is in the physical custody of Respondents and U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is detained at the Cimarron Correctional Facility located at 3200 S. Kings HWY, Cushing Oklahoma, 74023.

GROUND FOR MY CHALLENGE IN THIS PETITION

GROUND ONE: Mandatory detention without a bond hearing violates INA and continued detention without a hearing violates Fifth Amendment Rights to Due Process and / or deny notice and meaningful opportunity to be heard before a neutral decision maker in violation of due process. I have been arrested and detained since September 1st of 2025 without a hearing and notice of revocation of my release.

GROUND TWO: 1225 (b) (2) (A) does not govern my detention. 1225 and its subsection (b) (2) (A) are applying to recently arrived non citizens or those apprehended at a border or port of entry. Because I have arrived here since December of 2022 and has since then lived and worked in the U.S. Without seeking lawful admission, I am instead fall within 1226 (a)'s catch provision for the removal of non-citizens.

REQUEST FOR RELIEF

I pray this Honorable Court order my immediate release from ICE custody or at minimum conduct a custody determination hearing under 8 U.S.C. Section 1226 (a).

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/21/2025

Signature zhi Feng He
zhi Feng He

INTRODUCTION

I would like to petition this Court for a writ of habeas corpus to remedy my on-going mandatory detention without an individualize hearing and or bond hearing by ICE. I submit this Memorandum of Law in support of the petition for a Writ of Habeas Corpus.

The July 8, 2025 Policy Changes. Under DHS new interpretation and policy, individuals “present in the US without admission or parole “are now treated as “applicant for admission” subject to mandatory detention under 1225 (b) (2) rather than discretionary detention under 1226 (a). Therefore, nearly all noncitizens who have never been admitted, regardless of whether they were stopped at the border or arrested years later inside the country, are now classified as an “ applicant for admission” that is “seeking admission” into the country under 1225 (b). This interpretation potentially subjects millions of noncitizens to mandatory prolonged detention without the opportunity for release on bond, no matter how long they have resided within the country.

I am respectfully request that the Court used its authority under 28 U.S.C 2243 to order ICE to file a return within three days, unless they can show good cause for additional time. See 28 U.S.C 2243(stating that an order to show cause why a petition for a writ of habeas corpus should be denied is returnable “within three days unless for good cause additional time, not exceeding twenty days, is allowed”).

In order to permit full judicial review of the claims herein and requested relief, I respectfully request that the Court order ICE not to transfer me outside the jurisdiction of this Court pending consideration of this petition.

Statement of Facts

My name is He, Zhi Feng (A# [REDACTED]) I was born on [REDACTED] I am native and citizen of China. In search of a better and safer live, I crossed the United States-Mexico border on or about December 22, 2022 and was subsequently arrested by border patrol agents. Approximately after one week of detention and a claimed of asylum, I was released and given work authorization. Through out my release, I worked at various jobs, including door dash and most recently, I self-employed as a truck driver under a company name StarWay.

On or about September 1, 2025, as I was delivering a load and stopped over at weigh-station, I was inspected and detained by the highway patrol and subsequently handed over to ICE officers. Prior to being arrested by ICE, I live in Los Angeles, California. I do not have a criminal offense. If granted release, I will reside with my friend, Kwan, Rui, who will sponsor me and allow me to live at his house, which is located at [REDACTED] Los Angeles California 90065. Mr. Kwan can be reached at

[REDACTED]

I am currently being housed at Cimarron Facility, a private prison, operated by CoreCivic. As of today, after several delays and reschedules, my asylum case is pending before an immigration judge, which is now scheduled for a December 1 hearing. My immigration case has been rescheduled several times. I have not had a chance to have a hearing concerning my custody status. And I have not had any notice regarding my release's revocation.

**MEMORANDUM OF LAWS IN SUPPORT OF PETITION OF WRIT OF HABEAS CORPUS
PURSUSANT TO 28.U.S.C.2241**

From the date of the ICE's arrest until now, I have not has a bond hearing or sought a bond hearing because of a recent Board of Immigration Appeals (BIA) opinion divested immigration judges of jurisdiction to hear bond requests of noncitizens detained pursuant to 1225 (b). (ECF No.1 at 8,13) (citing Matter of Yajure Hurtado, 29 I.&N Dec. 216, 216 (BIA 2025.)). Sec Lopez v. Sec 'Y Kristy Noem, 2025 U.S. Dist. LEXIS 218088, 2025 (D.NJ Nov 05, 2025). See also Gutierrez v. Baltasar 2025 U.S. Dist. Lexis 208448, 2025 (D. Col Oct 17, 2025).

In Loa Caballero v. Baltazar, 2025 U.S. Dist. LEXIS 208290 (D. Col Oct 22, 2025), the Court interpreted 1225 (b) (2) (A) to apply only to noncitizen actively 'seeking admission' at the borders or ports of entry, not those already present in the US for years. This interpretation was supported by the statute's plain language, implementing regulations, the Supreme Court's description in Jennings v. Rodriguez, and decades of agency practice. The court also noted that treating 'applicant for admission' and 'seeking admission' as synonymous would render statutory language superfluous. This Court has jurisdiction to determine what legal authority governed my detention and whether, as a result, I am entitled to a bond hearing. Romero v. Hyde, F. Supp. 3d. 2025 U.S. Dist. LEXIS 160622, 2025 WL 2403827, at *5 (“[c]hallenging denial of a bond hearing is not the same thing as challenging the initial detention decision”). See Cortes v. Noem, 2025 U.S. Dist. LEXIS 181582 (D. Col Sept 16, 2025) (Order granting bond hearing) “The Immigration court and ICE exceeded their statutory by detaining me without the opportunity to seek release on bond. DHS abruptly departed from an interpretation and understanding of the I.N.A. and adopted an unlawful and incorrect reading of the expedited removal statute...”). See, eg. Lopez Benitez v. Franscis, No. 25 Civ 5937 (DEH). F. Supp. 3D, 2025 U.S. Dist. LEXIS 157214, 2025 WL 2371588, at *4 (D. S.D.NY. August 13, 2025)

My detention is not governed by Section 1225 (b)(2) because I am not an alien “seeking admission into the country.” Even if I am an “applicant for admission” currently because I am “already in the country pending the outcome of my removal proceedings.” Jennings v. Rodriguez, 583 U.S. 281, 297 (2018). Section 1226 “generally governs the process of arresting and detaining [non-citizens who have already entered the United States] pending their removal.” Id. At 288. Under Section 1226,” an alien may be arrested and detained pending a decision on whether the alien is to be removed from the United States.” 8 U.S.C 1226 (a) (emphasis added). Detention is therefore discretionary and the noncitizen may be released upon application on either bond or “conditional parole.” Id. 1226 (a) (2) (B); Johnson v. Guzman Chavez, 594 U.S. 523, 527 (2021). In puga v. Assistant field Off Dir., 2025 U.S. Dist. (D. South Florida Oct 15, 2025) the Court held, petitioner was not required to exhaust administrative remedies before seeking relief. Because the BIA's published decision in Matter of Yajure Hurtado made the outcome of administrative proceedings of foregone conclusion, rendering exhaustion futile. See also (Chavez v. Noem, 2025, U.S. Dist. LEXIS 192940 (The Court held that appealing to BIA would be futile given its binding preential decision.

I acknowdeged that ICE enhcrited supreme and immensc power and authority when dealing with immigration. But as previously mentioned, the issues presented in this case have been recently litigated in many other cases arising from similar circumstances. These cases concern noncitizens, like myself, who has been present in the US for years and who are being held in immigration-releated detention and denied bond hearings following the government's recent interpretation of 8 U.S.C. 1225, 1226 of the Immigration and Nationality Act. In Arauz v. Baltazar, 2025, U.S. Dist. LEXIS 215430 (D. Colorado Oct 31, 2025, the court of Colorado stated Ice's arguments regarding this matter, similarly echo nearly identical arguments rejected by courts across the country and in this judicial district. (See collecting cases).

In Antonio Aguirre Villa v. Normand, 2025 U.S. Dist. LEXIS 217348 (S.D GA. Nov 04, 2025)

See collecting cases cited by the Courts around the country of rejecting ICE arguments in favor of mandatory detention.

CONCLUSION

In conclusion, I humbly ask this Court and Your HONOR to declare that my detention under 8 U.S.C. 1225 (b) (2) (A) is unlawful and that my custody is properly governed by 8 U.S.C. 1226 (a); to order my immediate release from custody or in the alternative, to order that I will be provided a prompt and individualized bond hearing before a neutral IJ applying the proper standards under 1226 (a) with the Government bearing the burden of proving by clear and convincing evidence that I am a danger to community or a flight risk I pray.

Respectfully submitted,

Signature: Zhi Feng He

Name: Zhi Feng He

A-Number



Detention Center: Cimarron Correctional Facility

3200 S. Kings HWY

Cushing, Oklahoma, 74023