

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ZHI FENG HE,
Petitioner,

v.

PAMELA BONDI,
ATTORNEY GENERAL, ET AL.,
Respondents.

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Case No. CIV-25-1435-G

FEDERAL RESPONDENTS' SUPPLEMENTAL BRIEF

NOW COME Respondents Pamela Bondi, Kristi Noem, Todd M. Lyons, Marcos Charles, Mark Siegel, U.S. Immigration and Customs Enforcement (ICE), and U.S. Department of Homeland Security (DHS) (collectively, the "Federal Respondents") who provide the following supplemental information as directed by the Court's Order [Doc. 11] of January 7, 2026. The Court ordered the parties to submit supplemental briefing on the following topics: (1) "the status of Petitioner's order of removal to China," (2) "whether he did, in fact, appeal his order of removal," and (3) "the status of Petitioner's appeal (or the lack thereof) in his immigration proceedings." Order [Doc. 11] at 1-2.

1. Status of Petitioner's order of removal to China:

DHS/ICE reports that an order of removal to China has been issued by an immigration judge, but the order is not final. Petitioner's pending appeal (discussed in part 2, below) keeps the order from being categorized as "final." It will be administratively final upon the conclusion of the appeal.

2. Whether Petitioner appealed his order of removal:

On or about December 21, 2025, Petitioner filed an appeal of the removal order. On or about January 9, 2026, the Executive Office of Immigration Review (EOIR), Board of Immigration Appeals (BIA), issued a Filing Receipt for Appeal or Motion acknowledging receipt of Petitioner's appeal.

3. Status of Petitioner's appeal in his immigration proceedings:

Petitioner's appeal of the removal order is pending. DHS/ICE does not intend to remove Petitioner while his appeal is pending but may remove him upon the order of removal becoming final. (This development supersedes Federal Respondents' Notice [Doc. 12], wherein they disclosed their intent to remove Petitioner from the United States to the People's Republic of China on or about January 21, 2026.)

Respectfully submitted this 16th day of January, 2026.

ROBERT J. TROESTER
United States Attorney


/s/ R. D. Evans, Jr.
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IMMIGRATION & CUSTOMS
ENFORCEMENT, AND U.S.
DEPARTMENT OF HOMELAND
SECURITY

Certificate of Service

I hereby certify that on the 16th day of January, 2026, I electronically transmitted the foregoing document to the Clerk of Court using the Electronic Case Filing (ECF) System for filing, and I further certify that on the 16th day of January, 2026, I served the foregoing document via U.S. Mail on the following, who is not a registered participant of the Court's ECF System:

Zhi Feng He
A-Number 
Cimarron Correctional Facility
3200 S Kings Hwy
Cushing, OK 74023

/s/ R. D. Evans, Jr.
R. D. EVANS, JR.
Assistant United States Attorney