

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

\_\_\_\_\_)  
 Teang Liu, )  
 )  
 ) *Petitioner,* )  
 )  
 v. )  
 )  
 Luis Rosa Jr., *Warden, Florence Correctional* )  
*Center* )  
 )  
 Kristi Noem, *Secretary of Homeland Security,* )  
 )  
 Todd Lyons, *Acting Director, U.S. Immigration* )  
*and Customs Enforcement,* )  
 )  
 Pamela Bondi, *Attorney General,* )  
 )  
 Christopher McGregor, *Acting Field Office Director* )  
*Phoenix Field Office, Immigration* )  
*and Customs Enforcement,* )  
 )  
 ) *Respondents.* )  
 \_\_\_\_\_)

Civil Action No. \_\_\_\_\_

PETITION FOR WRIT OF  
HABEAS CORPUS



**PETITION FOR WRIT OF HABEAS CORPUS**

1. On October 11, 2023, Petitioner Teang Liu won an order from an immigration judge preventing him from being removed to his native China pursuant the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), codified under 8 C.F.R. § 1208.17(a), to which the United States is a signatory<sup>1</sup>. Should Respondents wish to remove Petitioner to China, the law sets forth specific procedures by which they can reopen the case and seek to set aside the grant of deferral of removal. *See* 8 C.F.R. § 1208.17(d). Should Respondents wish to remove Petitioner to any other country, they would first need to provide him with notice

<sup>1</sup> <https://www.congress.gov/treaty-document/100th-congress/20/resolution-text>

and the opportunity to apply for protection as to *that* third country as well. Until they do either of these things, they cannot remove Petitioner from the United States. But Respondents have arrested Petitioner without warning and without observance of procedures required by regulation and are detaining him for no reason. Respondents now appear to be seeking to deport Petitioner without observing required legal procedures whatsoever and ripping him away from his family. Such conduct warrants immediate judicial relief.

### **JURISDICTION AND VENUE**

2. This Court has jurisdiction to hear this case under 28 U.S.C. § 2241; 28 U.S.C. § 2201, the Declaratory Judgment Act; and 28 U.S.C. § 1331, Federal Question Jurisdiction. In addition, the individual Respondents are United States officials. 28 U.S.C. § 1346(a)(2).

3. The Court has authority to enter a declaratory judgment and to provide temporary, preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure, 28 U.S.C. §§ 2201-2202, 28 U.S.C. § 1651, the All Writs Act, and the Court's inherent equitable powers, as well as issue a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241.

4. Venue lies in this District because Petitioner is currently detained in immigration custody at the Florence Correctional Center in Florence, Arizona; and each Respondent is an agency or officer of the United States sued in his or her official capacity. 28 U.S.C. § 2241; 28 U.S.C. § 1391(e)(1). In addition, Christopher McGregor, the current Acting Field Office Director for the Immigration and Customs Enforcement (ICE) Phoenix Field Office, maintains his principal place of business in Phoenix, Arizona.

### THE PARTIES

5. Petitioner Teang Liu is a native and a citizen of China. He is currently detained by Respondents in Florence, Arizona.

6. Respondent Luis Rosa Jr. is the Warden at the Florence Correctional Center where the Petitioner is currently being held. His regular place of business is in Florence, Arizona, in Pinal County. He is the immediate physical custodian of Petitioner for purposes of a federal habeas petition.

7. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (“DHS”). She is the cabinet-level secretary responsible for all immigration enforcement in the United States.

8. Respondent Todd Lyons is the Acting Director of U.S. Immigration and Customs Enforcement (“ICE”). He is the head of the federal agency responsible for all immigration enforcement in the United States.

9. Respondent Pamela Bondi is the Attorney General of the United States. The Immigration Judges who decide removal cases and application for relief from removal do so as her designees.

10. Respondent Christopher McGregor, is the current Acting Field Office Director of the U.S. Immigration and Customs Enforcement (“ICE”) Phoenix Field Office, and he is responsible for overseeing ICE operations pertaining to noncitizens within its territorial jurisdiction, such as Petitioner, including detentions, enforcement, and removal operations. His regular place of business is in Florence, Arizona, in Pinal County. He is the immediate legal custodian of Petitioner for purposes of a federal habeas petition.

11. All government Respondents are sued in their official capacities.

### LEGAL BACKGROUND

12. Deferral of removal under 8 C.F.R. § 1208.17(a) prohibits the government from removing a noncitizen to a country where he or she is more likely than not to be tortured. This form of relief is mandatory if the applicant meets the standard and is distinct from asylum in that it does not lead to permanent residency.

13. To qualify for deferral of removal, the noncitizen bears the burden of proving that it is more likely than not that they would face torture if returned to the designated country. The government may not remove an individual with a valid order granting deferral of removal to the specified country unless the order is formally terminated following the procedures set forth in the regulations. *See* 8 C.F.R. § 1208.17(d).

14. If a noncitizen is granted deferral of removal, DHS may not remove the noncitizen to the country designated in the removal order unless the grant is terminated. *See* Article 3, Convention Against Torture (“No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”); *see also Nasrallah v. Barr*, 590 U.S. 573 (2020). No exceptions lie.

15. Federal regulations provide a procedure by which a grant of deferral of removal issued by an immigration judge may be terminated: DHS must move to reopen the removal proceedings before the immigration judge and provide evidence that is relevant to the possibility that the noncitizen would be tortured in the country to which removal has been deferred that was not presented at the previous hearing. 8 C.F.R. § 1208.17(d)(1). The Immigration Court must then notify the noncitizen of the time, place and date of the termination hearing. 8 C.F.R. § 1208.17(d)(2) and further inform the noncitizen of their right to supplement the information their initial application for withholding of removal under CAT within 10 days (or 13 calendar days if

notice is by mail). *Id.*

16. The Immigration Judge then conducts a hearing to make a *de novo* determination, based on the record of proceeding and initial application in addition to any new evidence submitted by DHS or the noncitizen, as to whether the noncitizen is more likely than not to be tortured in the country to which removal has been deferred. The noncitizen bears the burden to again establish that it is more likely than not that he or she would be tortured in the country to which removal has been deferred. 8 C.F.R. § 1208.17(d)(3).

17. If the immigration judge determines that the noncitizen is more likely than not to be tortured in the country to which removal has been deferred, the order of deferral shall remain in place. If the immigration judge determines that the noncitizen has not established that he or she is more likely than not to be tortured in the country to which removal has been deferred, the deferral of removal shall be terminated, and the noncitizen may be removed to that country. Appeal of the immigration judge's decision shall lie to the Board of Immigration Appeals (BIA). 8 C.F.R. § 1208.17(d)(4).

18. The regulations also provide a procedure for termination at the request of the noncitizen. 8 C.F.R. § 1208.17(e). This requires a written request by the noncitizen to the Immigration Court having administrative control. *Id.* To date, Petitioner has not made such request.

19. Deferral of removal is a country-specific form of relief. Should the government wish to remove an individual with a grant of deferral of removal to some *other* country, it must first provide that individual with notice and an opportunity to apply for withholding of removal as to *that* country, if appropriate. 8 U.S.C. § 1231(b)(3)(A). *See also Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir. 1999); *Kossov v. INS*, 132 F.3d 405, 408-09 (7th Cir. 1998); *El Himri v. Ashcroft*, 378 F.3d 932, 938 (9th Cir. 2004); *cf. Protsenko v. U.S. Att'y Gen.*, 149 F. App'x 947,

953 (11th Cir. 2005) (per curiam) (permitting removal to third country only where individuals received “ample notice and an opportunity to be heard”).

20. The Attorney General must remove individuals that have been ordered removed within a period of 90 days, which is referred to as “the removal period”. *See* 8 U.S.C. § 1231(a)(1)(A). The removal period begins upon the latest of the following three possible dates: (1) the date the order of removal becomes administratively final; (2) if the removal order is judicially reviewed and if a court orders a stay of the removal of the noncitizen, the date of the court’s final order; or (3) if the noncitizen is detained or confined (except under an immigration process), the date the noncitizen is released from detention or confinement. *See* 8 U.S.C. § 1231(a)(1)(B). The noncitizen shall be detained during the removal period. 8 U.S.C. §1231(a)(2)(B).

21. After the expiration of the removal period, 8 U.S.C. § 1231(a)(3) provides that the government shall release unremovable noncitizens on an order of supervision (the immigration equivalent of supervised release, with strict reporting and other requirements). Pursuant to 8 U.S.C. § 1231(a)(6), even noncitizens with aggravated felony convictions may be “released” if “subject to the terms of supervision” set forth in 8 U.S.C. § 1231(a)(3).

22. Constitutional limits on detention beyond the removal period are well established. Government detention violates due process unless it is reasonably related to a legitimate government purpose. *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). “[W]here detention’s goal is no longer practically attainable, detention no longer ‘bear[s][a] reasonable relation to the purpose for which the individual [was] committed.’” *Id.* at 690 (quoting *Jackson v. Indiana*, 406 U.S. 715, 738 (1972)). Additionally, cursory or *pro forma* findings of dangerousness do not suffice to justify prolonged or indefinite detention. *Zadvydas*, 533 U.S. at 691 (“But we have upheld preventative detention based on dangerousness only when limited to especially dangerous individuals [like

suspected terrorists] and subject to strong procedural protections.”)

23. The purpose of detention during and beyond the removal period is to secure removal. *See Zadvydas*, 533 U.S. at 682. In *Zadvydas*, the Supreme Court “read § 1231 to authorize continued detention of an alien following the 90-day removal period for only such time as is reasonably necessary to secure the alien’s removal.” *Demore v. Kim*, 538 U.S. 510, 527 (2003) (citing *Zadvydas*, 533 U.S. at 699).

24. As the Supreme Court explained, where there is no possibility of removal, immigration detention presents substantive due process concerns because the need to detain the noncitizen to ensure the noncitizen’s availability for future removal proceedings is “weak or nonexistent.” *Zadvydas*, 533 U.S. at 690-92. Detention is lawful only when “necessary to bring about that alien’s removal.” *See id.* at 689.

25. To balance these competing interests, the *Zadvydas* Court established a rebuttable presumption regarding what constitutes a “reasonable period of detention” for noncitizens after a removal order. *Id.* at 700-01. The Court determined that six months’ detention could be deemed a “presumptively reasonable period of detention,” after which the burden shifts to the government to justify continued detention if the noncitizen provides a “good reason to believe that there is not significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.

26. Where a petitioner has provided “good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future,” the burden shifts to the government to rebut that showing. *Zadvydas*, 533 U.S. at 701.

27. The order of supervision regulation 8 C.F.R. § 241.4 addresses continued detention beyond the period of removal. Subsection 241.4(l)(1) provides that “[u]pon revocation, the alien will be notified of the reasons for revocation of his or her release or parole.”

28. The regulation allows for revocation of the order of supervision and a return to DHS custody, *inter alia*, when “[i]t is appropriate to enforce a removal order.” 8 C.F.R. § 241.4(l)(2)(iii).

29. Finally, the regulation promises: “The alien will be afforded an initial informal interview promptly after his or her return to Service custody to afford the alien an opportunity to respond to the reasons for revocation stated in the notification.” 8 C.F.R. § 241.4(l)(1).

30. Specific officials are authorized to revoke an order of supervision, namely the Executive Associate Commissioner. *See* 8 C.F.R. § 241.4(l)(2). However, that authority can be delegated to the district director when “revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate Commissioner.” *Id.*

31. An individual subject to a final order of removal, who is released on an order of supervision, is eligible for work authorization “only if the alien cannot be removed due to the refusal of all countries designated by the alien or under section 241 of the Act to receive the alien, or because the removal of the alien is otherwise impracticable or contrary to the public interest...” *See* 8 C.F.R. § 274a.12(c)(18); *see also* 8 U.S.C. § 1231(a)(7)(A).

### FACTS

32. Petitioner Teang Liu was born in 1984 in China and is a citizen of that country.

33. Petitioner first entered the United States on or about August 12, 2012, on an F-1 student visa to pursue a master’s program at George Washington University. He failed to maintain his student visa status in approximately 2014 and that same year he filed an application for asylum with the U.S. Citizenship and Immigration Services. The application was referred to the Immigration Court by the U.S. Citizenship and Immigration Services (USCIS), and removal proceedings were initiated against Petitioner.

34. On October 6, 2023, an immigration judge ordered that Petitioner be removed from the United States. The immigration judge also granted Petitioner deferral of removal pursuant to 8 C.F.R. § 1208.17(a), after finding that he had established it was more likely than not that he would be tortured in China.<sup>2</sup> No appeal was taken, and the order of removal became administratively final on November 6, 2023. *Id.* To date, Respondents have not taken any steps to reopen or rescind the grant of relief.<sup>3</sup> As there was no judicial review of the order or stay of removal of the Petitioner and Petitioner's non-immigration detention with the Federal Bureau of Prisons, ended on May 19, 2023, the removal period for the Petitioner began November 6, 2023.

35. On January 2, 2024, Petitioner was placed on an Order of Supervision pursuant to 8 U.S.C. § 1231(a)(3).<sup>4</sup>

36. Since then, Petitioner has maintained stable housing and employment for himself and his U.S. citizen wife and son, supported by valid employment authorization. Petitioner was last issued a "category C18" Employment Authorization Document (EAD) on July 3, 2024.<sup>5</sup> In issuing Petitioner an EAD, DHS necessarily first determined that he "cannot be removed due to the refusal of all countries designated by the alien or under section 241 of the Act to receive the alien[.]" 8 C.F.R. § 274a.12(c)(18).

37. On August 26, 2025, Petitioner appeared for a scheduled check-in with ICE, and was detained.<sup>6</sup>

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<sup>2</sup> Ex. 1, Immigration Judge order (October 11, 2023).

<sup>3</sup> Ex. 2, EOIR Automated Case Information screenshot.

<sup>4</sup> Ex. 3, Order of Supervision.

<sup>5</sup> Ex. 4, Employment Authorization Document.

<sup>6</sup> Ex. 5, ICE Detainee Locator Information.

38. Prior to his unlawful detention, Petitioner was dutifully attending scheduled check-ins with ICE pursuant to his release on supervision. He now remains in detention in the Florence Correctional Center as of the time of filing this *habeas corpus* petition.

39. Respondents currently lack any factual or legal basis to detain Petitioner, since Respondents cannot establish that that Petitioner will likely be removed from the United States in the reasonably foreseeable future.

40. Petitioner has exhausted all administrative remedies. No further administrative remedies are available to Petitioner.

**FIRST CLAIM FOR RELIEF:  
Violation of 8 U.S.C. § 1231(a)(6)**

41. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-39.

42. Petitioner's continued detention by the Respondents violates 8 U.S.C. § 1231(a)(6), as interpreted by *Zadvydas*. Petitioner's 90-day statutory removal period expired on February 4, 2024. The *Zadvydas* six-month presumptively reasonable period for continued removal efforts expired on May 6, 2024. *See also Alimam v. Kline*, CV-25-02437-PHX-KML (DMF) (D.Ariz. Aug. 29, 2025) (rejecting the Government's argument that a subsequent detention, which occurred after the removal period, restarts a six-month period where detention is presumably reasonable).

43. Under *Zadvydas*, the continued detention of someone like Petitioner is unreasonable and not authorized by 8 U.S.C. § 1231.

**SECOND CLAIM FOR RELIEF:  
Due Process/Detention**

44. Petitioner re-alleges and incorporates by reference the preceding paragraphs 1-39.

45. Petitioner's detention during the removal period is only constitutionally permissible under the Due Process Clause when there is a significant likelihood of removal in the reasonably

foreseeable future. Respondents have rearrested and re-detained Petitioner on the assumption that Petitioner will be removable to a third country but have no factual basis to believe that such third-country removal will ever become practicable and legally permissible.

46. Respondent continues to detain Petitioner without evidence that they will be able to remove him imminently, to China or to any other country.

47. Respondents' detention of Petitioner no longer bears any reasonable relation to a legitimate government purpose, and thus violates the Due Process Clause.

**THIRD CLAIM FOR RELIEF:  
Violation of due process/third country removal**

48. Petitioner incorporates the foregoing paragraphs 1-39 by reference.

49. Petitioner has a procedural due process right not to be removed to any country to which he has expressed a fear of removal, without an immigration judge first reviewing his fear claim. Respondents' procedures for third-country removal do not allow him the right to go before an immigration judge.

**FOURTH CLAIM FOR RELIEF:  
Violation of 8 C.F.R. § 241.4(l)**

50. Petitioner incorporates the foregoing paragraphs 1-39 by reference.

51. As set forth above, Respondents' actions in cancelling Petitioner's release on supervision and re-arresting Petitioner without any explanation of the legal or factual basis for re-detention and without an opportunity to respond to that reasoning violated 8 C.F.R. § 241.4(l), a regulation designed to protect the due process rights of noncitizens like Petitioner.

52. In addition, Petitioner's Order of Supervision was revoked by an individual who lacked authority to do so, without observance of proper and required formalities and without the requisite findings being made, in violation of 8 C.F.R. § 241.4(l)(2).

53. This violation of required procedures also violated Petitioner's due process rights under the Fifth Amendment to the U.S. Constitution.

54. In arresting and re-detaining Petitioner, Respondents violated important substantive and procedural rules designed to protect his due process rights, and the writ of *habeas corpus* should issue.

### REQUEST FOR RELIEF

Petitioner prays for judgment against Respondents and respectfully requests that the Court enters an order:

- a) Issuing an Order to Show Cause, ordering Respondents to justify the basis of Petitioner's detention in fact and in law, forthwith;
- b) Preliminarily and permanently enjoining Respondents from removing Petitioner to China, unless and until his order of Deferral of Removal is terminated, including all appeals;
- c) Preliminarily and permanently enjoining Respondents from removing Petitioner to any other country without first providing him notice and offering him adequate opportunity to apply for protection under the Convention Against Torture as to that country, including immigration judge review;
- d) Setting aside the revocation of Petitioner's Order of Supervision, and restoring him to his Order of Supervision;
- e) Issuing a writ of *habeas corpus*, and ordering that Petitioner be released from physical custody;
- f) Granting Petitioner his costs of suit; and
- g) Granting such other relief at law and in equity as justice may require.

Respectfully submitted,

/s/ Elizabeth A. Kohler Maya  
Elizabeth A. Kohler Maya, Esq.  
Virginia State Bar no. 48467  
Counsel for Petitioner  
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Date: December 5, 2025

List of exhibits

- Ex. 1) Immigration Judge order (October 11, 2023).
- Ex. 2) EOIR Automated Case Information.
- Ex. 3) Order of Supervision.
- Ex. 4) Employment Authorization Document.
- Ex. 5) ICE Detainee Locator Information.

**Certificate of Service**

I, Elizabeth A. Kohler Maya, hereby certify that on this 5<sup>th</sup> day of December, 2025, I uploaded the foregoing, with all attachments thereto, to this court's CM/ECF system, which will send a Notice of Electronic Filing (NEF) to all case participants. I furthermore will send a copy by certified U.S. mail, return receipt requested, to:

Civil Process Clerk  
U.S. Attorney's Office for the District of Arizona  
2 Renaissance Square  
40 Central Avenue, Suite 1800  
Phoenix, AZ 85004

Office of the General Counsel  
U.S. Department of Homeland Security  
245 Murray Lane, SW, Mail Stop 0485  
Washington, DC 20528-0485


Pamela Bondi, Attorney General of the United States  
950 Pennsylvania Avenue, NW  
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Office of the Principal Legal Advisor  
U.S. Immigration and Customs Enforcement  
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Washington, DC 20536-5902

/s/ Elizabeth A. Kohler Maya  
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**VERIFICATION**

I, Teang Liu, hereby state under penalty of perjury that the following facts are true:

1. I am Teang Liu, the Petitioner in this action. I was born on  in Jiaohe City, China.
2. I have reviewed the foregoing Petition for Writ of Habeas Corpus. All of the facts stated therein are true and correct, to the best of my knowledge, based on facts told by me and documents that I have reviewed.

/s/ Elizabeth A. Kohler Maya

\_\_\_\_\_  
obo Teang Liu

Date: 12/5/2025