

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA

Liang Li

(A# )

*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

Douglas M. Goodwater, in his official  
capacity as Director of ICE Oklahoma City  
Field Office

Scarlet GRANT, in her official capacity as  
Warden of Cimarron Correctional Facility;

*Respondents.*

**Docket No:**

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

1. Petitioner Liang Li (“Mr. Li”) hereby petitions this Court under 28 U.S.C. § 2241, et seq., to issue a Writ of Habeas Corpus ordering Mr. Li’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. Mr. Li’s removal order became administratively final on May 29, 1996—over twenty-nine years ago. The 90-day “removal period” mandated by 8 U.S.C. § 1231(a)(1) expired on August 27, 1996. The six-month presumptively reasonable detention period under *Zadvydas v. Davis*, 533 U.S. 678 (2001), expired on November 29, 1996— also over twenty-nine years ago.

3. Despite these clear temporal limitations, ICE arrested and detained Mr. Li on September 1, 2025, claiming authority that expired almost three 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.

### **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).

### **VENUE**

5. Venue is proper in this Court as Mr. Li is currently detained at Cimarron Correctional Facility, 3700 S. Kings Highway, Cushing, OK 74023, which is within this judicial district.

### **PARTIES**

6. Petitioner Liang Li (“Mr. Li”), is a 51-year-old native and citizen of the People's Republic of China currently in ICE custody at Cimarron Correctional Facility.

7. Respondent Pamela Bondi is the Attorney General of the United States, charged with enforcement of the laws of the United States. She is sued in her official capacity only.

8. Respondent Marcos Charles is the Acting Executive Associate Director of Enforcement and Removal Operations, responsible for overseeing

ICE's detention and removal operations nationwide. He is sued in his official capacity only.

9. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, charged with the overall administration and operation of ICE, including oversight of enforcement and removal operations, detention policies, and implementation of immigration enforcement priorities nationwide. He is sued in his official capacity only.

10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security, whose responsibilities include administering and enforcing immigration laws pursuant to 8 U.S.C. §§ 1103(a)(1)-(3). She is sued in her official capacity only.

11. Respondent Douglas M. Goodwater is the Director of the ICE Oklahoma City Field Office, responsible for the administration and enforcement of ICE functions relating to detention and removal of aliens in Oklahoma, including determinations on whether and where Petitioner is to be detained. He is sued in his official capacity only.

12. Respondent Scarlet Grant is the Warden of Cimarron Correctional Facility and has immediate custody of Petitioner. She is sued in her official capacity only.

## **FACTUAL AND PROCEDURAL BACKGROUND**

### **Mr. Li's Immigration History**

13. Mr. Li entered the United States on October 4, 1994 and filed an application for asylum, seeking protection under United States law.

14. On August 3, 1995, an Immigration Judge in New Jersey denied his applications and granted his voluntary departure.

15. On May 29, 1996, the Board of Immigration Appeals ("BIA") dismissed his appeal, rendering his removal order administratively final on that date. This date—May 29, 1996—triggers all statutory time limits governing Mr. Li's detention authority.

### **The Statutory Removal Period Expired Over Twenty Years Ago**

17. Under 8 U.S.C. § 1231(a)(1)(B)(i), the government's 90-day removal period began on May 29, 1996, when Mr. Li's order became administratively final. This period expired on August 27, 1996—twenty-nine years ago.

18. During this 90-day period, the statute mandates that "the Attorney General shall detain the alien." 8 U.S.C. § 1231(a)(2). However, once this period expires without successful removal, the statute's command is equally clear: "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).

19. The word "shall" creates a mandatory obligation, not a discretionary choice. Once the removal period expired without Mr. Li's removal to China, ICE

lost its general detention authority, and Mr. Li was entitled to supervised release as a matter of law.

### **China's Historical Refusal to Accept Deportees**

20. China has maintained a documented policy of refusing to issue travel documents for its nationals subject to removal from the United States, particularly those who sought asylum. This refusal has persisted for decades and shows no signs of change.

21. Upon information and belief, there are upwards of 40,000 Chinese nationals in the United States with removal orders, with some estimates reaching 100,000. Despite these numbers, successful removals to China remain extremely rare, particularly for those who arrived before certain cutoff dates or sought political asylum.

22. Recent reports from February 2025 indicate that some Chinese nationals have been sent to third countries rather than China, demonstrating the continued impossibility of direct removal. One Chinese national, Zheng Lijuan, was among 299 migrants flown to Panama rather than their countries of origin, highlighting the extreme measures taken when countries refuse repatriation.

**Mr. Li Deep Ties to the United States**

**ICE's Arbitrary Detention Twenty-One Years After the Removal Period**

28. The On September 1, 2025—twenty-nine years after his removal order became final and the statutory removal period expired—ICE arrested Mr. Li without warning at ICE facility when he went to report in.

29. Upon information and belief, ICE has provided no evidence that:

- China has agreed to accept Mr. Li's return;
- Travel documents have been obtained or are forthcoming;
- Any circumstances have changed making removal reasonably foreseeable;
- Mr. Li poses any flight risk or danger to the community.

30. Instead, ICE appears to be engaging in arbitrary enforcement, detaining individuals with decades-old removal orders without any reasonable expectation of effectuating removal, likely for statistical or political purposes rather than any legitimate government interest.

**LEGAL ARGUMENT**

**COUNT I: VIOLATION OF PROCEDURAL  
DUE PROCESS AND REGULATORY  
REQUIREMENTS (*ACCARDI* DOCTRINE)**

31. The *Accardi* doctrine requires administrative agencies to follow their own regulations and rules; if they don't, their decisions may be set aside as unlawful. *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 (1954).

32. Even if detention authority existed—which it does not—ICE failed to follow required procedures under its own regulations, violating Mr. Li's procedural due process rights.

33. ICE promulgates rules or regulations that govern how decisions are to be made, it is bound to follow them, even if not constitutionally required. Failure to follow its own rules can violate due process and invalidate agency action.

34. The regulations at 8 C.F.R. § 241.4 establish specific procedures for post-order custody reviews and detention decisions. Upon information and belief, ICE failed to Conduct proper custody reviews considering Mr. Li's lack of criminal history; Assess whether changes in circumstances over twenty-nine years affected detention authority; Consider mandatory factors including family ties, employment history, and community connections; or evaluate less restrictive alternatives to detention.

35. Further, 8 C.F.R. § 241.13(i)(3) provides the following revocation procedures:

Upon revocation, the alien will be notified of the reasons for revocation of his or her release. The Service will conduct 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. The alien may submit any evidence or information that he or she believes shows there is no significant likelihood he or she be removed in the reasonably foreseeable future, or that he or she has not violated the order of supervision. The revocation custody review will include an evaluation of any contested facts relevant to the revocation and a determination whether the facts as determined warrant revocation and further denial of release.

37. Respondents failed to appropriately “determine[] that there is a significant likelihood that [Petitioners] may be removed in the reasonably foreseeable future.”

38. Also, Petitioners were not “notified of the reasons for revocation of [their]... release” “[u]pon revocation.”

39. Further, Respondents did not “conduct an initial informal interview promptly after his ... return to ... afford [him] an opportunity to respond to the reasons for revocation in the notification.”

40. No record constitutes a determination even after Petitioners’ arrests that there is a significant likelihood that they can be removed in the reasonably foreseeable future.

41. The wholesale abandonment of regulatory procedures, combined with the arbitrary nature of detention two decades after the removal period, shocks the conscience and violates fundamental fairness.

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

42. The Immigration and Nationality Act creates a carefully structured detention scheme with mandatory temporal boundaries that ICE has flagrantly violated in detaining Mr. Li.

**A. The Plain Language of Section 1231 Prohibits Mr. Li's Current Detention**

44. 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.

45. 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.

46. 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.

47. Mr. Li 90-day removal period expired on August 27, 1996. For the past twenty-nine years, he has been entitled to supervision, not detention, as a matter of statutory law.

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

48. 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.

49. 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.

50. Accepting the government's implied position—that it can detain Mr. Li twenty-nine years after the removal period expired—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 or when seeking to bolster removal statistics, regardless of whether removal is actually possible.

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

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

**C. The Six-Month Presumptively Reasonable Period Expired Twenty Years Ago**

53. In *Zadvydas*, the Supreme Court held that detention beyond six months after the removal period expires is presumptively unreasonable unless the government demonstrates removal is reasonably foreseeable. The Court established this bright-line rule to avoid the serious constitutional problems raised by indefinite civil detention.

54. Critically, this six-month period begins when the 90-day removal period expires, not when ICE chooses to effectuate physical detention. The

statutory framework and constitutional analysis are tied to fixed temporal markers, not the government's discretionary enforcement decisions.

55. As the *Farez-Espinoza* court explicitly held: "the six-month period of detention authorized by statute and reviewed by *Zadvydas* commences on the date the order of removal becomes final, not the date of detention." 600 F. Supp. 2d at 500. This interpretation prevents ICE from circumventing constitutional protections through strategic delays.

56. Mr. Li's six-month presumptively reasonable period began on March 26, 2002 (when the 90-day removal period expired) and ended on September 26, 2002—over twenty-three years ago. Every day of Mr. Li's current detention violates the constitutional framework established by *Zadvydas*.

**D. The Government Cannot Meet Its Burden of Demonstrating Reasonable Foreseeability**

57. 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-nine 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 during the two decades 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 Mr. Li.
- c. Upon information and belief, ICE has not obtained and cannot obtain travel documents from China for Mr. Li's removal.

58. 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.

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

59. 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.

60. 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 IV: ABSENCE OF ANY LEGITIMATE  
GOVERNMENT INTEREST IN DETENTION**

61. 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.

**F. Mr. Li Poses No Flight Risk**

63. The government cannot credibly claim Mr. Li poses a flight risk when they have:

- Resided continuously in the United States for over 31 years;
- Raised three U.S. citizen children who depend on him;
- Maintained continuous employment and paid taxes;
- Never attempted to evade immigration authorities;

64. Persons 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.

**G. Mr. Li Poses No Danger to the Community**

65. Mr. Li's pristine record over 31 years demonstrates he poses no danger whatsoever. He maintained continuous lawful employment; has stable family relationships; tax compliance for over a decade; and no history of violence, substance abuse, or any antisocial behavior.

66. The government cannot manufacture a public safety justification where none exists. Mr. Li has been a productive, law-abiding member of society for over three decades.

**H. Removal Is Not Reasonably Foreseeable**

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

68. The government's detention of Mr. Li 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-nine years, removal is not merely remote—it is impossible.

**PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

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

B. Declare that Mr. Li's detention violates:

- 8 C.F.R §241.13's revocation procedures;
- *Accardi* Doctrine;
- 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*;
- ICE's own regulations at 8 C.F.R. § 241.4;
- The Administrative Procedure Act;

C. Enter a permanent injunction prohibiting Respondents from re-detaining Mr. Li 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 Mr. Li 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: December 10, 2025

Respectfully submitted,

/s/Brian Scott Green

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**VERIFICATION**

I, Theodore N. Cox, counsel for Petitioner Liang Li, 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 Petitioners. Dated: December 10, 2025

Respectfully submitted,

s/ Theodore N. Cox

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