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11
 12 UNITED STATES DISTRICT COURT
 13 DISTRICT OF NEVADA

14 Yiming Luo,
 15 Petitioner,
 16 v.
 17 John Mattos, NSDC Warden; Michael
 18 Bernacke, Field Director, West Valley City
 Office of ICE ERO; Todd Lyons, ICE
 19 Acting Director; Kristi Noem DHS
 Secretary; Pam Bondi, U.S. Attorney
 20 General
 21 Respondents.

Case No. 2:25-cv-02460-CDS-EJY
First Amended § 2241 Petition

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1 INTRODUCTION

2 Yiming Luo, a citizen of China, was detained on June 12, 2025, and ordered
3 removed to China. In the 200 days—and counting—since his detention, the United
4 States has been unable to remove him. The statutory 90-day window to remove Luo
5 has long ended. Respondents’ detention of Luo is an egregious violation of the
6 Constitution, the Immigration and Nationality Act, and their own policies and
7 regulations. He must be released immediately.

8 JURISDICTION AND VENUE

9 This Court has jurisdiction pursuant to 28 U.S.C. §2241 (granting general
10 habeas authority to district courts); Art. 1 § 9, cl. 2 of the U.S. Constitution (the
11 “Suspension Clause”); 28 U.S.C. §1331 (federal question jurisdiction); and 28 U.S.C.
12 § 2201, 2202 (Declaratory Judgment Act).

13 Federal district courts have jurisdiction to hear habeas claims by non-citizens
14 challenging the lawfulness of their detention. *See e.g. Zadvydas v. Davis*, 533 U.S.
15 678 (2001). Federal courts also have federal question jurisdiction, through the
16 Administrative Procedure Act (“APA”) to “hold unlawful and set aside agency
17 action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in
18 accordance with law.” 5 U.S.C. § 706(2)(A). APA claims are cognizable in habeas. 5
19 U.S.C. § 703. The APA affords a right of review to a person who is “adversely
20 affected or aggrieved by agency action.” 5 U.S.C. § 702. Petitioner’s continued
21 detention violates his constitutional due process rights, constitutes arbitrary and
22 capricious agency action, and is an abuse of discretion.

23 Venue is proper in this district pursuant to 28 U.S.C. § 2241(c)(3) and 28
24 U.S.C. § 1391(b)(2) and (e)(1) because Petitioner is detained within this district at
25 Nevada Southern Detention Center.

26 Accordingly, Petitioner’s habeas petition is properly before this court.
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PARTIES

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2 Yiming Luo is a native and citizen of China who was ordered removed on
3 July 2, 2025. He is currently detained at the Nevada Southern Detention Center in
4 Pahrump, Nevada.

5 John Mattos is the warden of Nevada Southern Detention Center. Mattos, in
6 his official capacity, is the immediate custodian of Petitioner.

7 Michael Bernacke is the Field Director of the West Valley City Office of
8 Immigration and Customs Enforcement (ICE) Enforcement and Removal
9 Operations, which has jurisdiction of enforcement and removal operations over
10 detention facilities in Nevada, including Nevada Southern Detention Center where
11 Petitioner is detained. Bernacke, in his official capacity, is a legal custodian of
12 Petitioner.

13 Todd Lyons is the Acting Director of Immigration and Customs Enforcement,
14 which is responsible for administering and enforcing immigration laws, including
15 the detention and removal of immigrants. Lyons, in his official capacity, is a legal
16 custodian of Petitioner.

17 Kristi Noem is the Secretary of the Department of Homeland Security (DHS),
18 which oversees ICE. Noem, in her official capacity, is the ultimate legal custodian of
19 Petitioner.

20 Pam Bondi is the Attorney General of the United States. She oversees the
21 immigration court system, which is housed within the Executive Office for
22 Immigration Review (EOIR) and includes all immigration courts and the Board of
23 Immigration Appeals (BIA). She is named in her official capacity.

STATEMENT OF FACTS

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25 Petitioner Yiming Luo was born in China. On information and belief, Luo
26 entered this country in 2019 and has lived in Los Angeles since. On October 21,
27 2024, Luo was arrested in Henderson, Nevada, for theft. He made bail and

1 continued to return to Henderson Justice Court for hearings on January 15, May
2 14, and June 12, 2025.¹ At the June 12, 2025, court hearing, Luo was detained by
3 ICE officers.² He had been fully compliant with his pre-trial conditions.

4 Luo has never lived in or held a lawful status in any country other than
5 China. Respondents have held Luo in custody in overcrowded conditions in the
6 Nevada Southern Detention Center³ for over 200 days, or six months. Between now
7 and the time Luo was ordered removed, circumstances have not materially changed
8 concerning the possibility of his removal. ICE still cannot remove him to China, and
9 Luo has not received any documents identifying another country of removal, or any
10 plan for removal.

11 LEGAL FRAMEWORK

12 I. Constitutional protection against indefinite civil detention.

13 Section 1231 of the INA governs the detention of noncitizens during and
14 beyond the “removal period.” The removal period begins once a noncitizen’s removal
15 order becomes administratively final and lasts for 90 days, during which ICE “shall
16 remove the [noncitizen] from the United States” and “shall detain the [noncitizen]”
17 as it carries out the removal. 8 U.S.C. § 1231(a)(1)-(2). If ICE does not remove the
18 noncitizen within the 90-day removal period, the noncitizen “*may* be detained
19 beyond the removal period.” 8 U.S.C. § 1231(a)(6) (emphasis added).

20 The Supreme Court considered the issue of indefinite detention under 8
21 U.S.C. §1231(a)(6) in the case *Zadvydas v. Davis*, 533 U.S. 678 (2001). In that case,
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23 ¹ *State v. Yiming*, No. 25CRH000033-0002, Henderson Justice Court, Clark
24 County, Nevada.

25 ² ECF No. 1-1 at 1.

26 ³ Isabella Aldrete, *Nevada is home to one of the most over-capacity ICE*
27 *detention centers in the country*, Nevada Independent (Aug. 27, 2025), available at
<https://thenevadaindependent.com/article/nevada-is-home-to-one-of-the-most-over-capacity-ice-detention-centers-in-the-country>.

1 the Court acknowledged that allowing a noncitizen to be detained indefinitely after
2 the statutory removal period would raise “serious constitutional concerns” and, as a
3 result, held that 8 U.S.C. §1231(a)(6) contains an implicit time limit. *Id.* at 682. The
4 Court further held that 8 U.S.C. §1231(a)(6) authorizes detention only for “a period
5 reasonably necessary to bring about the [noncitizen]’s removal from the United
6 States” and that six months of detention after the removal order is final is
7 “presumptively reasonable.” *Id.* at 689, 701.

8 Importantly, the *Zadvydas* court did not say the presumption is irrebuttable,
9 and a variety of courts across the country that have considered the issue have found
10 the presumption of reasonableness during the first six months of post-removal order
11 detention can be rebutted. *See Munoz-Saucedo v. Pittman*, No. CV 25-2258 (CPO),
12 2025 WL 1750346, at *5 (D.N.J. June 24, 2025) (analyzing the issue and collecting
13 cases). “Within the six-month window,” the noncitizen bears the burden of
14 “prov[ing] the unreasonableness of detention.” *Cesar v. Achim*, 542 F. Supp. 2d 897,
15 903 (E.D. Wis. 2008). After six months, there is “good reason to believe that there is
16 no significant likelihood of removal in the reasonably foreseeable future,” and the
17 burden shifts to the government to justify continued detention. *Zadvydas*, 533 U.S.
18 at 701. “Whether detention is ‘reasonably necessary to secure removal is
19 determinative of whether the detention is, or is not, pursuant to statutory
20 authority...The basic federal habeas corpus statute grants the federal courts
21 authority to answer that question.’” *Medina v. Noem, et al., Respondents*, No. 25-
22 CV-1768-ABA, 2025 WL 2306274, at *6 (D. Md. Aug. 11, 2025) (citing *Zadvydas*,
23 533 U.S. at 699).

24 **II. Relevant DHS Regulations.**

25 DHS regulations provide that, before the end of the 90-day removal period,
26 the local ICE field office with jurisdiction over the noncitizen’s detention must
27 conduct a custody review to determine whether the noncitizen should remain

1 detained. *See* 8 C.F.R. § 241.4(c)(1), (h)(1), (k)(1)(i). If the noncitizen is not released
2 at the end of the removal period or in the three months that follow, jurisdiction
3 transfers to ICE headquarters (ICE HQ), which must conduct a custody review
4 before or at 180 days. 8 C.F.R. §241.4(c)(2), (k)(2)(ii).

5 To comply with *Zadvyas*, DHS issued additional regulations in 2001 that
6 established “special review procedures” to determine whether detained noncitizens
7 with final removal orders are likely to be removed in the reasonably foreseeable
8 future. *See* Continued Detention of Aliens Subject to Final Orders of Removal, 66
9 Fed. Reg. 56, 967 (Nov. 14, 2001). Subsection (i)(7) was added to 8 C.F.R. §241.4,
10 which added a supplemental review procedure that ICE HQ must initiate when “the
11 [noncitizen] submits, or the record contains, information providing a substantial
12 reason to believe that removal of a detained [noncitizen] is not significantly likely in
13 the reasonably foreseeable future.” 8 C.F.R. §241.4(i)(7). Under this procedure, ICE
14 HQ evaluates the foreseeability of removal by analyzing factors such as the history
15 of ICE’s removal efforts to third countries. *See* 8 C.F.R. §241.13(f). If ICE HQ
16 determines that removal is not reasonably foreseeable but nonetheless seeks to
17 continue detention based on “special circumstances,” it must justify the detention
18 based on narrow grounds such as national security or public health concerns or by
19 demonstrating by clear and convincing evidence before an immigration judge (IJ)
20 that the noncitizen is “specially dangerous.” 8 C.F.R. §241.14(b)-(d), (f).

21 **III. Third-country removals.**

22 **A. Statutory guidance on third country removals**

23 A noncitizen who cannot be removed to their country of origin can be removed
24 to another country by ICE. This is known as a “third country” because it is a
25 country other than the one designated on the noncitizen’s removal order. 8 C.F.R. §
26 1208.16(f). Specific criteria for identifying a third country for removal are prescribed
27 by statute. For example, the law provides that a noncitizen with a removal order

1 may be removed to a non-designated country of which the noncitizen is a “subject,
2 national or citizen.” 8 U.S.C. §1231(b)(2)(D). ICE may also remove a noncitizen
3 with a removal order to the country from which they were admitted to the U.S.; the
4 country from which the noncitizen departed for the U.S. or a foreign territory
5 contiguous to the U.S.; a country in which the noncitizen resided before entering the
6 country from which they entered the U.S.; the noncitizen’s country of birth; the
7 country that had sovereignty over the place of birth at the time of birth; the country
8 in which the birthplace is located at the time of the removal order; and, “if
9 impracticable, inadvisable, or impossible to remove the [noncitizen] to each country
10 described [above],” ICE may remove a noncitizen to “another country whose
11 government will accept the [noncitizen] into that country.” 8 U.S.C. §1231(b)(2)(E).

12 Notwithstanding the criteria for removal to a third country, ICE may not
13 remove a noncitizen to a country where the noncitizen’s life or freedom would be
14 threatened on the basis of the five protected grounds. 8 U.S.C. §1231(b)(3)(A). The
15 Supreme Court has emphasized the importance of existing avenues of relief from
16 removal (such as applications for asylum, withholding of removal, and protection
17 under the convention against torture) for providing protection against removal to a
18 third country where a noncitizen would be in danger. *See Jama v. Immigr. &*
19 *Customs Enf’t*, 543 U.S. 335, 348 (2005) (“If aliens would face persecution or other
20 mistreatment in the country designated under § 1231(b)(2), they have a number of
21 available remedies: asylum, § 1158(b)(1); withholding of removal, § 1231(b)(3)(A);
22 relief under an international agreement prohibiting torture, see 8 CFR §§
23 208.16(c)(4), 208.17(a) (2004); and temporary protected status, 8 U.S.C. §
24 1254a(a)(1)”; *see also A.A.R.P. v. Trump*, 145 S. Ct. 1364, 1368 (2025) (recently
25 holding that non-citizens “must receive notice” that “they are subject to removal” to
26 a third country and that such notice must be provided “within a reasonable time
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1 and in such a manner as will allow the[] [non-citizen] to actually seek . . . relief.”)
2 (quoting *Trump v. J.G.G.*, 145 S. Ct. 1003, 1006 (2025)).

3 The government itself has previously acknowledged this limitation on
4 removal to a third country. In oral argument before the Supreme Court in the case
5 *Johnson v. Guzman Chavez*, 594 U.S. 523 (2021) the following exchange took place
6 between the then-Assistant to the Solicitor General, Vivek Suri, and Justice Kagan:

7 JUSTICE KAGAN: ...suppose you had a third
8 country that, for whatever reason, was willing to accept [a
9 noncitizen]. If...that [noncitizen] was currently in
10 withholding proceed--proceedings, you couldn't put him on
11 a plane to that third country, could you?

12 MR. SURI: We could after we provide the
13 [noncitizen] notice that we were going to do that.

14 JUSTICE KAGAN: Right.

15 MR. SURI: But, without notice –

16 JUSTICE KAGAN: So that's what it would depend
17 on, right? That – that you would have to provide him
18 notice, and if he had a fear of persecution or torture in
19 that country, he would be given an opportunity to contest
20 his removal to that country. Isn't that right?

21 MR. SURI: Yes, that's right.

22 JUSTICE KAGAN: So, in this situation, as to these
23 [noncitizens] who are currently in withholding
24 proceedings, you can't put them on a plane to anywhere
25 right now, isn't that right?

26 MR. SURI: Certainly, I agree with that, yes.

27 JUSTICE KAGAN: Okay. And that's not as a
practical matter. That really is, as -- as you put it, in the
eyes of the law. In the eyes of the law, you cannot put one
of these [noncitizens] on a plane to any place, either the --
either the country that's referenced in the removal order
or any other country, isn't that right?

1 MR. SURI: Yes, that's right.

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3 See Transcript of Oral Argument at 20–21, *Johnson v. Guzman Chavez*, 594
4 U.S. 523 (2021).

5 **B. Trump Administration policies on third-country removal**

6 On March 30, 2025, Respondent Kristi Noem, the Secretary of the
7 Department of Homeland Security, issued guidance to ICE and other DHS agencies
8 regarding third country removals. This memo states that, prior to a noncitizen's
9 removal to a third country, "DHS must determine whether that country has
10 provided diplomatic assurances that aliens removed from the United States will not
11 be persecuted or tortured."⁴ The memo continues that, where a country has
12 provided such assurances and the U.S. government believes them to be credible, a
13 noncitizen may be removed to that country "without the need for further
14 procedures." In other words, an individual may be removed without providing notice
15 or an opportunity to contest removal to that third country.

16 The March 30 memo also states that DHS will remove noncitizens even to
17 third countries that have not provided diplomatic assurances that noncitizens
18 deported from the U.S. will not be persecuted or tortured.⁵ In such cases, DHS will
19 inform the noncitizen of removal to the intended country but will not affirmatively
20 ask the noncitizen if they fear being removed to that country.⁶ DHS will refer any
21 noncitizen that affirmatively states a fear of removal to a third country to USCIS
22 for a screening for eligibility for withholding of removal and/or CAT protection as to
23 the intended third country.⁷ USCIS will then make a determination about whether

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25 ⁴ P.Ex. 3 at 3.

26 ⁵ P.Ex. 3 at 4

27 ⁶ P.Ex. 3 at 4.

⁷ P.Ex. 3 at 4.

1 the noncitizen has established that they will “more likely than not be persecuted on
2 a statutorily protected ground or tortured in the country of removal.”⁸

3 If USCIS determines that the noncitizen did not meet that burden, they will
4 be removed.⁹ If the noncitizen does make a showing to the satisfaction of USCIS,
5 USCIS will notify ICE and the ICE Office of the Principal Legal Advisor (OPLA)
6 may reopen immigration court proceedings for the noncitizen to seek withholding or
7 CAT protection from removal to the third country.¹⁰ “Alternatively, ICE may choose
8 to designate another country for removal.”¹¹ The memo provides no limitation on
9 how many times ICE could designate a new third country for removal upon a
10 noncitizen’s showing of a well-founded fear of removal to a particular country.

11 On July 9, 2025, Respondent Todd Lyons sent additional guidance to ICE
12 employees regarding third country removals (“July 9 Directive”).¹² The directive
13 was issued in light of the Supreme Court’s decision to stay the injunction in the case
14 *D.V.D. v. Department of Homeland Security*, No. 25-10676 (D. Mass.). It reiterated
15 the procedures from the March 30 memo and provided additional details regarding
16 how to deal with third country removals to countries that have not provided credible
17 assurances that U.S. deportees will not be persecuted or tortured. It added that, in
18 such cases, an ICE officer will serve the noncitizen with a Notice of Removal
19 including the intended country and that the notice must be read in a language the
20 noncitizen understands.¹³ ICE “will generally wait at least 24 hours following
21 service of the Notice of Removal before effectuating removal” but that in “exigent
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23 ⁸ P.Ex. 3 at 4.

24 ⁹ P.Ex. 3 at 4.

25 ¹⁰ P.Ex. 3 at 4.

26 ¹¹ P.Ex. 3 at 4.

27 ¹² P.Ex. 4.

¹³ P.Ex. 4 at 2.

1 circumstances” ICE may remove a noncitizen to a possible-torture third country in
2 as little as six hours after service of the Notice of Removal “as long as the
3 [noncitizen] is provided reasonable means and opportunity to speak with an
4 attorney prior to removal.”¹⁴ Generally, if a noncitizen does not affirmatively state a
5 fear of persecution or torture within 24 hours of service of the Notice of Removal,
6 ICE may proceed with removal to the identified third country.¹⁵

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¹⁴ P.Ex. 4 at 2.

¹⁵ P.Ex. 4 at 3.

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GROUNDS FOR RELIEF

I. **The continued indefinite detention of Petitioner violates his Fifth Amendment right to due process because his removal is not reasonably foreseeable.**

Petitioner incorporates the above paragraphs by reference as if fully set forth herein.

The INA requires mandatory detention of individuals with final removal orders only during the 90-day removal period. 8 U.S.C. § 1231(a)(2). A noncitizen who is not removed within that period “shall be subject to supervision under regulations prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3). If ICE does not remove the noncitizen within the 90-day removal period, the noncitizen “*may* be detained beyond the removal period.” 8 U.S.C. § 1231(a)(6) (emphasis added).

However, in *Zadvydas*, the Supreme Court concluded that due process imposes an “implicit limitation” upon 8 U.S.C. § 1231(a)(6). *Zadvydas*, 533 U.S. at 689.

Specifically, the Court held that 8 U.S.C. § 1231(a)(6) authorizes detention only for “a period reasonably necessary to bring about the [noncitizen]’s removal from the United States” and that six months of detention after the removal order is final is “presumptively reasonable.” *Id.* at 701. The Court further determined that “once the alien provides good reason to believe that there is no significant likelihood of removal in the reasonably foreseeable future, the Government must respond with evidence sufficient to rebut that showing.” *Id.*

Luo’s detention is governed by 8 U.S.C. § 1231(a)(6) because he has been detained for more than 90 days since he was ordered removed. Here, the 90-day removal period began on July 12, 2025, when the IJ ordered removal because both

1 parties waived appeal.¹⁶ *See* 8 U.S.C. § 1231(a)(1)(B)(i); 8 C.F.R. § 1241.1(b).

2 Therefore, the *Zadvydas* framework applies.

3 Luo's continued detention is unreasonable because his removal is not
4 reasonably foreseeable. As of the filing date of this Amended Petition, 170 days
5 have passed since the IJ issued an order of removal in immigration proceedings.
6 Upon information and belief, throughout his prolonged detention, no specific plans
7 have been made to deport Luo, and no third country designation has been made.

8 The Due Process Clause of the Fifth Amendment forbids the government
9 from depriving any "person" of liberty "without due process of law." U.S. Const.
10 Amend. V. Petitioner has a liberty interest in remaining free from physical
11 confinement where removal is not reasonably foreseeable. Respondents have
12 violated the Due Process Clause of the Fifth Amendment because Petitioner's
13 removal is not reasonably foreseeable. As provided above, *Zadvydas* requires that
14 Petitioner be immediately released. *See* 533 U.S. at 700-01 (describing release as an
15 appropriate remedy); 8 U.S.C. § 1231(a)(6) (authorizing release "subject to . . . terms
16 of supervision").

17 **II. Petitioner's continued detention violates the Immigration and**
18 **Nationality Act, 8 U.S.C. § 1231(a)(6).**

19 Petitioner incorporates the above paragraphs by reference as if fully set forth
20 herein.

21 As provided in Ground One, above, Petitioner's detention is governed by 8
22 U.S.C. § 1231(a)(6), as interpreted by the Supreme Court in *Zadvydas, supra*.
23 Petitioner's continued detention violates 8 U.S.C. § 1231(a)(6) because it is both
24 unreasonable and because removal is not reasonably foreseeable. Rather, his
25 continued detention under 8 U.S.C. § 1231(a)(6) is driven by sweeping and arbitrary

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27 ¹⁶ P.Ex. 2.

1 DHS policies. Moreover, and as discussed in Ground One, Petitioner's removal is
2 not reasonably foreseeable. This Court should order that Petitioner be released.

3 **III. ICE's policy to remove noncitizens to a third country with no notice**
4 **or opportunity to seek fear-based protection violates his Fifth**
5 **Amendment right to due process and constitutes arbitrary and**
6 **capricious agency action in violation of the Administrative**
7 **Procedure Act, 5 U.S.C. § 706.**

8 Petitioner incorporates the above paragraphs by reference as if fully set forth
9 herein.

10 The APA entitles "a person suffering legal wrong because of agency action, or
11 adversely affected or aggrieved by agency action . . . to judicial review." 5 U.S.C. §
12 702. Further, the APA compels a reviewing court to "hold unlawful and set aside
13 agency action, findings, and conclusions found to be . . . arbitrary [or] capricious, . . .
14 otherwise not in accordance with law," *id.* § 706(2)(A), or "short of statutory right,"
15 *id.* § 706(2)(C). The APA also compels a reviewing court to "hold unlawful and set
16 aside agency action, findings, and conclusions found to be . . . without observance of
17 procedure required by law." 5 U.S.C. § 706(2)(D).

18 As explained above, Petitioner has a due process right to meaningful notice
19 and opportunity to present a fear-based claim to an immigration judge before DHS
20 deports him to a third country. *See Andriasian v. INS*, 180 F.3d 1033, 1041 (9th Cir.
21 1999); *Aden v. Nielsen*, 409 F. Supp. 3d 998, 1004 (W.D. Wash. 2019). Petitioner
22 also has a due process right to implementation of a process or procedure to afford
23 these protections. *See, e.g., McNary v. Haitian Refugee Ctr., Inc.*, 498 U.S. 479, 491
24 (1991). Respondents, however, have adopted a policy—set forth in the March 30
25 memo and July 9 directive—that is arbitrary and capricious and deprives Petitioner
26 of meaningful notice and an opportunity to present a fear-based claim to an
27 immigration judge prior to his deportation to a third country. Moreover,
Respondents' policy also violates the INA and implementing regulations which

1 mandate that Respondents refrain from removing Petitioner, and similarly situated
2 individuals, to a third country where they will likely be persecuted or tortured, thus
3 requiring Respondents to provide meaningful notice of deportation to a third
4 country and the opportunity to present a fear-based claim to an immigration judge
5 before deporting an individual to a third country. In this case, the March 30 memo
6 and July 9 directive demonstrate Respondents do not intend to observe those
7 protections.¹⁷

8 The APA empowers federal courts to “compel agency action unlawfully
9 withheld or unreasonably delayed.” 5 U.S.C. § 706(1). The Court should hold that
10 Respondents’ actions and policy are unlawful and compel that—before any attempt
11 is made to deport him to a third country—Petitioner be provided with meaningful
12 notice and opportunity to present a fear-based claim to an immigration judge.

13 **IV. Petitioner’s detention in immigration custody pursuant to recent**
14 **ICE policy regarding third-country removal violates the Due Process**
15 **Clause of the Fifth Amendment.**

16 To the extent that Petitioner’s continued detention is meant to facilitate his
17 removal to a third country, his detention is unlawful because, as argued in Ground
18 Three (incorporated here by reference), ICE’s procedure for third country removal is
19 arbitrary and capricious and does not comply with due process. Any such future
20 removal would be accomplished in violation of his due process rights, rendering his
21 detention on that basis unlawful. Accordingly, this Court should order Petitioner’s
22 immediate release.

23 **PRAYER FOR RELIEF**

24 Accordingly, Petitioner Yiming Luo respectfully requests that this Court:

25 ¹⁷ See also Gerald Imray, 3 deported by U.S. held in African prison despite
26 completing sentences, lawyers say, PBS NEWS (Sept. 2, 2025),
27 <https://www.pbs.org/newshour/amp/nation/3-deported-by-u-s-held-in-african-prison-despite-completing-sentences-lawyers-say>.

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury under the laws of the United States of America and the State of Nevada that the facts alleged in this petition are true and correct to the best of counsel's knowledge, information, and belief.

Dated December 30, 2025.

Respectfully submitted,

Rene L. Valladares
Federal Public Defender

/s/ Ron Y. Sung


Ron Y. Sung
Assistant Federal Public Defender

/s/ Ebise Bayisa

Ebise Bayisa
Assistant Federal Public Defender

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed on December 30, 2025. I certify that some of the participants in the case are not registered electronic filing system users. I have mailed the foregoing document by First-Class Mail, postage pre-paid, or have dispatched it to a third-party commercial carrier for delivery within three calendar days, to the following person:

Yiming Luo  Nevada Southern Detention Center 2190 E. Mesquite Avenue Pahrump, NV 89060	Virginia Tomova DOJ-USAO 501 Las Vegas Blvd., S. Suite 1100 Las Vegas, NV 89101 Email: virginia.tomova@usdoj.gov
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/s/ Victoria Lenzi
 An Employee of the
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