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8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
9

10 MA JINGYL,
Immigration File No. 

Case No.

11
12 Petitioner.

PETITION FOR WRIT OF
HABEAS CORPUS

13 v.

14 Todd M. Lyons, Acting Director, Field Office
Director of Enforcement and Removal
15 Operations, Adelanto Field Office, Immigration
and Customs Enforcement; Kristi NOEM,
16 Secretary, U.S. Department of Homeland
Security; U.S. DEPARTMENT OF
17 HOMELAND SECURITY; Pamela BONDI,
U.S. Attorney General; EXECUTIVE OFFICE
18 FOR IMMIGRATION REVIEW,

19 Respondents.
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1 INTRODUCTION

2 1. Petitioner MA JINGYI is in the physical custody of Respondents at the Adelanto
3 Detention Facility in San Bernadino County, California. She now faces unlawful detention
4 because the Department of Homeland Security (DHS) and the Executive Office of Immigration
5 Review (EOIR) have concluded Petitioner is subject to mandatory detention based on a flawed
6 and unreasonable bond hearing. Petitioner contends that the immigration judge's ("IJ") bond
7 denial was arbitrary, legally erroneous, unsupported by the evidence, and violated the Fifth
8 Amendment's Due Process Clause.

9 2. Petitioner MA JINGYI, by counsel, respectfully petitions this Court for a writ of
10 habeas corpus pursuant to 28 U.S.C. § 2241, challenging her continued civil immigration
11 detention on the grounds that the immigration judge's ("IJ") bond denial was arbitrary, legally
12 erroneous, unsupported by the evidence, and violated the Fifth Amendment's Due Process
13 Clause. Petitioner is charged with, inter alia, posing risk to community if released pursuant to her
14 arrest record without a single conviction.

15 3. Accordingly, Petitioner seeks a writ of habeas corpus requiring that she be
16 released unless Respondents provide a bond hearing under § 1226(a) within fourteen days since
17 Government representative and attorney present at the bond hearing conceded that Petitioner
18 JINGYI did not pose any danger or risk of harm to the community since she does not have any
19 criminal conviction, failure to appear from the date of her entry with a valid I94 and travel
20 documents.

21 JURISDICTION AND VENUE

22 4. This Court has jurisdiction under 28 U.S.C. § 2241, as Petitioner challenges the
23 legality of his custody, not the order of removal.

1 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
2 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

3 PARTIES

4 12. Petitioner MA JINGYI is a citizen of China who has been in immigration
5 detention after her illegal arrest. The Petitioner is in detention by CALIFORNIA, ICE whom did
6 not set bond and Petitioner requested review of her custody by an IJ filing her Petition on
7 December 10, 2025 heard by Immigration Judge Carlos Maury. Petitioner was denied bond by
8 the IJ at the Immigration Court. Petitioner has resided in the United States continuously since
9 2014.

10 13. Respondent Todd M. Lyons is the Acting Director of the Adelanto Field Office
11 of ICE’s Enforcement and Removal Operations division. As such, Todd M. Lyons is Petitioner’s
12 immediate custodian and is responsible for Petitioner’s detention and removal. He is named in
13 his official capacity.

14 14. Respondent Kristi Noem is the Secretary of the Department of Homeland
15 Security. She is responsible for the implementation and enforcement of the Immigration and
16 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner’s detention. Ms.
17 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

18 15. Respondent Department of Homeland Security (DHS) is the federal agency
19 responsible for implementing and enforcing the INA, including the detention and removal of
20 noncitizens.

21 16. Respondent Pamela Bondi is the Attorney General of the United States. She is
22 responsible for the Department of Justice, of which the Executive Office for Immigration Review
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1 and the immigration court system it operates is a component agency. She is sued in her official
2 capacity.

3 17. Respondent Executive Office for Immigration Review (EOIR) is the federal
4 agency responsible for implementing and enforcing the INA in removal proceedings, including
5 for custody redeterminations in bond hearings.

6 18. Respondent Todd M. Lyons is employed by the Adelanto Field Office as Acting
7 Director of the facility where Petitioner is detained. The Warden has immediate physical custody
8 of Petitioner. The Acting Director is sued in his official capacity.

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10 LEGAL FRAMEWORK

11 19. The INA prescribes three basic forms of detention for the vast majority of
12 noncitizens in removal proceedings.

13 20. First, 8 U.S.C. § 1226 authorizes the detention of noncitizens in standard removal
14 proceedings before an IJ. *See* 8 U.S.C. § 1229a. Individuals in § 1226(a) detention are generally
15 entitled to a bond hearing at the outset of their detention, *see* 8 C.F.R. §§ 1003.19(a), 1236.1(d),
16 while noncitizens who have been arrested, charged with, or convicted of certain crimes are
17 subject to mandatory detention, *see* 8 U.S.C. § 1226(c).

18 21. Second, the INA provides for mandatory detention of noncitizens subject to
19 expedited removal under 8 U.S.C. § 1225(b)(1) and for other recent arrivals seeking admission
20 referred to under § 1225(b)(2).

21 22. Last, the INA also provides for detention of noncitizens who have been ordered
22 removed, including individuals in withholding-only proceedings, *see* 8 U.S.C. § 1231(a)-(b).

1 30. She was arrested on the suspicion of domestic violence and detained by ICE
2 agents without any criminal basis for detention.

3 31. Petitioner was detained by ICE/ERO Los Angeles Field Office despite having no
4 criminal conviction. Under INA § 236(a) and relevant BIA precedent (*Matter of D-J*, *Matter of*
5 *Adeniji*, *Matter of Patel*), DHS may detain a noncitizen only where there is evidence of danger,
6 flight risk, or national security concerns—none of which applied.

7 32. Petitioner has no affiliation with any group or activity posing national security
8 risks, and DHS's detention of Petitioner without proper probable cause, warrant paperwork, or
9 articulable justification violates her Constitutional Habeas Corpus rights.

10 33. Petitioner lawfully entered the United States in 2017, on a visitor visa at LAX
11 Port of Entry and overstayed during which she filed her asylum application I589.

12 34. Because Petitioner was lawfully admitted, she is not subject to INA §
13 235(b)(2)(A), and the Immigration Court retains full jurisdiction to adjudicate a bond request.

14 35. Petitioner submitted proof of lawful admission, including passport biographic
15 page, visa, entry stamp, and CBP I-94 record.

16 36. Petitioner married her U.S. citizen husband and has filed family based petition on
17 or about October 2025 and they have maintained a strong, bona fide marital relationship for more
18 than 7 years,

19 37. Petitioner has lived in the United States for more than 8 years with no criminal
20 convictions of any kind.

21 38. Although Petitioner has one prior arrests, and it has not resulted in conviction,
22 Under immigration bond law, arrests alone, without convictions or sustained allegations, do not
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1 establish dangerousness. See *Matter of Guerra*, 24 I&N Dec. 37 (BIA 2006) (dangerousness
2 must be supported by reliable evidence, not unproven allegations).

3 39. The underlying police reports associated with the arrests contain no credible
4 evidence of violence, risk to public safety, or harm to persons or property. Several of the arrests
5 were based on allegations later withdrawn, dismissed, or determined to be unfounded.

6 40. The totality of the circumstances—including Petitioner's long-term residence,
7 stable marriage, approved I-130, pending adjustment of status, strong community ties, and
8 absence of any conviction—demonstrate that she poses no danger to the community.

9 41. Petitioner has never been accused of using weapons, causing injury, committing
10 violent acts, or engaging in conduct that would place the public at risk. She has demonstrated
11 consistent compliance with all legal requirements.

12 42. Petitioner is married to a U.S. citizen husband who has provided a sworn affidavit
13 detailing his own medical condition, his mother's serious medical condition, and the family's
14 reliance on Petitioner for care and daily support.

15 43. Petitioner's husband guarantees her appearance at all future hearings and ICE
16 appointments and provides extensive supporting documents such as joint property records, joint
17 financial evidence, and medical documentation. Multiple family members—including Petitioner's
18 father-in-law, brother-in-law, and sister-in-law—submitted affidavits confirming Petitioner's
19 good moral character and her essential role in supporting the family.

20 44. The ongoing detention creates extreme humanitarian hardship for the entire
21 family.

22 45. Petitioner will reside at the city of Arcadia, California with her husband upon
23 release.

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1 46. Petitioner consents to ISAP supervision, GPS ankle monitoring, mandatory ICE
2 check-ins, and any additional supervision the Court deems appropriate.

3 47. Petitioner has filed a valid asylum petition upon her entry in addition to a family
4 petition based on her valid marriage to her US citizen husband.

5 48. Petitioner has demonstrated strong family ties, community support, and a
6 consistent record of compliance with immigration requirements, showing no flight risk.

7 49. On the other hand, China is governed by a one-party authoritarian system led by
8 the Chinese Communist Party (CCP). Although the country has state institutions such as the
9 presidency, the State Council, and the National People's Congress (NPC), the CCP holds
10 ultimate authority over political decision-making.

11 50. Single-party rule: The CCP is the only party with real political power. Other
12 minor parties exist but operate under the CCP's leadership.

13 51. Centralized authority: Major policies and decisions come from the top leadership,
14 particularly the Politburo and the Politburo Standing Committee, which are small groups of
15 senior CCP officials.

16 52. General Secretary / President: The top leader of China is the General Secretary of
17 the CCP (currently Xi Jinping). This leader also serves as President of China and Chairman of
18 the Central Military Commission, consolidating political, state, and military power.

19 53. Limited political freedoms: The government restricts opposition parties,
20 independent media, and large-scale public dissent. Civil Liberties such as freedom of speech,
21 press, and assembly are tightly controlled.

22 54. Economic model: While politically authoritarian, China operates a state-directed
23 market economy—mixing government planning with private enterprise.
24

1 55. Legislative bodies: The National People's Congress is the formal legislature but
2 generally approves policies already decided by CCP leadership.

3 56. Overall China's government is often described as a modern authoritarian or one-
4 party dictatorship, with strong centralized control by the CCP over political and, public
5 institutions, the military, the media, and many aspects of society.

6 The Bond Hearing and the IJ's Sole Reason for Denial

8 57. During the November 2025 bond hearing, the Government conceded:

- 9
- 10 • Petitioner has no conviction
 - 11 • Petitioner has a single arrest that has not resulted in a conviction.
 - 12 • The only issue was arrests which was unreasonably linked to community risk despite
13 their remoteness in time.

14 58. All testimony was uncontradicted, consistent, and credible.

15 59. The IJ nevertheless denied bond solely on grounds of community risk.

16 LEGAL CLAIMS

17 A. The Bond Denial Violated Due Process

18 60. Due process requires that civil immigration detention be reasonably related to its purpose
19 and not excessive,

20 61. The Immigration Judge failed to properly consider the factors set forth in *Matter of*
21 *Guerra*, including Petitioner's lack of danger, strong community ties, and eligibility for
22 relief.

23 62. The denial of bond was not supported by clear and convincing evidence, as required for
24 prolonged detention.

B. Petitioner's Continued Detention Is Unlawful

63. Petitioner's detention is unreasonably prolonged in violation of the Fifth Amendment.

1 64. Petitioner's detention is not meaningfully reviewed and has become punitive rather than
2 regulatory.

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4 CLAIMS FOR RELIEF

5 CLAIM ONE: LEGAL ERROR — THE IJ APPLIED AN INCORRECT STANDARD FOR
6 BOND

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8 65. Under *Matter of Guerra*, bond determinations require evaluating danger and flight risk,
9 not arbitrary number of arrest or a conviction that has been sealed and vacated per State
10 legal diversion.

11 66. The IJ did not link any actual fact showing Petitioner is a community risk.

12 67. An IJ commits a legal error reviewable by Habeas Corpus Petition when the decision
13 rests on irrelevant factors, personal beliefs, or standards not grounded in regulation or
14 logic.

15 68. Federal courts have repeatedly held that an IJ cannot deny bond based on personal
16 intuition or cultural assumptions.

17 CLAIM TWO: THE IJ VIOLATED DUE PROCESS (FIFTH AMENDMENT) THROUGH
18 BIAS AND IMPROPER COMPARATORS

19 69. The IJ improperly compared Petitioner — a asylum seeker with US citizen husband and a
20 family petition— to “standard community individuals” without long-term relationships.

21 70. This comparison is structurally biased, impossible for immigrants to satisfy, and contrary
22 to constitutional standards requiring individualized determinations.

23 71. This constitutes a violation of Petitioner's Fifth Amendment Due Process rights.

24 72. No evidence supports the conclusion that Petitioner poses a community risk.

73. The immigration judge completely ignored Petitioner valid marriage to her U.S. citizen
husband with continuous and strong, bona fide marital relationship for more than 7 years.

1 Additionally, Petitioner has a pending I-485 Adjustment of Status application, as well as
2 a pending I-601 waiver application. Petitioner has lived in the United States for more
3 than 7 years with no criminal convictions of any kind. Therefore, current detention is
4 unlawful under constitutional standards.

5
6 PRAYER FOR RELIEF

7 WHEREFORE, Petitioner prays that this Court grant the following relief:

- 8 a. Assume jurisdiction over this matter;
- 9 b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or
10 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) and
11 pursuant to 28 U.S.C. § 2241, as Petitioner challenges the legality of his custody
12 within 14 days;
- 13 c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
14 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
15 law; and
- 16 d. Grant any other and further relief that this Court deems just and proper.

17 DATED this ____11____ of December, 2025,

18 Law Offices of Andy Miri

19 *andy miri*

20 _____
21 Attorneys for Petitioner

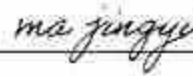
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VERIFICATION

I, MA JINGYI in my individual capacity, declare under penalty of perjury that I have read the foregoing Petition, that it is true and correct to the best of my own knowledge and belief, except as to those matters stated to be on information and belief, and as to those things, I believe them to be true.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

Dated: December 11, 2025



MA JINGYI