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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 MA JINGYI,  
11 Immigration File No. 

12 Petitioner,

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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Case No. 5:25-cv-03345-RGK-SSC

REPLY IN SUPPORT OF PETITION  
FOR WRIT OF HABEAS CORPUS  
AND OPPOSITION TO ESPONDENTS'  
MOTION TO DISMISS

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## I. INTRODUCTION

Respondents' Motion to Dismiss should be denied because it is factually unreliable, legally overreaching, and fundamentally misleading. The Motion is premised on numerous demonstrable errors, including:


1. Incorrect filing dates for the habeas petition and bond proceedings;
2. Fictitious and inapplicable factual assertions concerning Petitioner's alleged criminal history; and
3. Submission of exhibits belonging to an entirely different individual, identified as "Jiang" with an A-Number ending in "084," which Respondents improperly attribute to Petitioner Jingyi Ma (A 

These errors are not harmless. Respondents rely on the wrong person's criminal record—including allegations of "significant criminal history"—to justify continued detention and to argue that Petitioner already received constitutionally adequate process. This alone defeats the Motion and independently warrants habeas relief or, at minimum, an evidentiary hearing.

## II. RESPONDENTS' MOTION IS FATALY FLAWED BY RELIANCE ON THE WRONG INDIVIDUAL AND INCORRECT EXHIBITS

At the outset, the Court should reject Respondents' Motion because it relies on exhibits and factual assertions pertaining to a different detainee, not Petitioner Jingyi Ma.

Respondents attach and cite exhibits referencing an individual named Jiang, with an A-Number ending in "084," and then attribute that individual's alleged criminal history to

1 Petitioner. Petitioner Jingyi Ma's A-Number is  and she has no relationship  
2 whatsoever to the individual described in Respondents' exhibits.

3 A habeas petition cannot be dismissed based on:

- 4
- 5 • another person's arrest record,
  - 6 • another person's conviction history, or
  - 7 • another person's bond proceedings.

8 Courts have repeatedly held that immigration detention violates due process where custody  
9 determinations are based on materially false information. See *Sanchez v. Sessions*, 870 F.3d 901,  
10 914 (9th Cir. 2017) (due process violated where agency relies on inaccurate facts); *Ching v.*  
11 *Mayorkas*, 725 F.3d 1149, 1157 (9th Cir. 2013). Because Respondents' Motion is anchored to  
12 misidentified evidence, it fails as a matter of law and cannot support dismissal under Habeas  
13 Rule 4.

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### 16 III. RESPONDENTS MISCHARACTERIZE THE BASIS OF THE HABEAS PETITION

17 Respondents repeatedly assert that the Petition merely seeks "another" § 1226(a) bond  
18 hearing. That is incorrect.

19 The Petition challenges:

- 20
- 21 1. Detention based on materially false factual premises;
  - 22 2. A bond determination infected by reliance on inaccurate or unrelated criminal
  - 23 allegations; and

1 3. Ongoing detention that violates due process where the Government itself cannot correctly  
2 identify the detainee or her record.

3 Habeas corpus under 28 U.S.C. § 2241 squarely authorizes review where detention “violates  
4 the Constitution, laws, or treaties of the United States.” The Petition does not ask this Court to  
5 reweigh discretionary factors; it asks the Court to remedy detention resting on objective factual  
6 error and procedural unfairness, which § 1226(e) does not insulate from review. See *Jennings v.*  
7 *Rodriguez*, 583 U.S. 281, 294 (2018); *Singh v. Holder*, 638 F.3d 1196, 1202 (9th Cir. 2011).

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10 IV. § 1226(e) DOES NOT BAR REVIEW OF CONSTITUTIONAL AND FACTUAL ERRORS

11 Respondents’ reliance on 8 U.S.C. § 1226(e) is misplaced. While § 1226(e) limits review of  
12 discretionary judgments, it does not preclude judicial review of:

- 13
- 14 • constitutional violations,
  - 15 • due process failures, or
  - 16 • custody decisions based on false or unreliable evidence.

17 See *Zadvydas v. Davis*, 533 U.S. 678, 688 (2001); *Singh*, 638 F.3d at 1202–03.

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19 Here, Petitioner alleges—and Respondents’ own Motion confirms—that the Government  
20 relied on erroneous information, including exhibits tied to the wrong individual. That is precisely  
21 the type of claim federal courts may and must review.

1 V. EXHAUSTION DOES NOT BAR HABEAS WHERE DETENTION IS BASED ON  
2 FUNDAMENTAL ERROR

3 Respondents argue that the pending BIA bond appeal requires dismissal for lack of  
4 exhaustion. That argument fails for multiple reasons.

5 First, exhaustion under § 2241 is prudential, not jurisdictional. *Leonardo v. Crawford*,  
6 646 F.3d 1157, 1160 (9th Cir, 2011).

7 Second, exhaustion is excused where:

- 8
- 9 • the agency lacks authority to correct the constitutional violation,
  - 10 • the detention rests on demonstrably false information, or
  - 11 • requiring exhaustion would result in continued unlawful detention.
- 12

13 See *Laing v. Ashcroft*, 370 F.3d 994, 1000–01 (9th Cir, 2004).

14 The BIA cannot cure the fact that DHS submitted the wrong person's record to justify  
15 detention. Nor can it retroactively legitimize a bond determination tainted by inaccurate  
16 evidence. Habeas review is therefore proper and necessary now.

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19 VI. RESPONDENTS' ACCUSATION THAT THE PETITION IS "MISLEADING" IS  
20 UNSUPPORTED AND IRONIC

21 Respondents accuse Petitioner of being "materially misleading" regarding her criminal  
22 history. That accusation collapses once the Court recognizes that Respondents themselves have  
23

1 conflated Petitioner with another detainee. Any purported inconsistencies cited by Respondents  
2 stem directly from their own failure to:

- 3 • verify the correct A-Number,
- 4 • submit Petitioner-specific records, and
- 5 • ensure factual accuracy before alleging “dangerousness.”

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7 Due process requires more than cut-and-paste advocacy.

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10 **VII. AT MINIMUM, AN INJUNCTIVE RELIEF IS REQUIRED**

11 If the Court does not grant immediate relief, it should deny dismissal and order an Injunctive  
12 Relief by Petitioner. Dismissal without resolving these errors would improperly ratify detention  
13 based on misinformation.

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16 **VIII. CONCLUSION**

17 Because Respondents’ Motion to Dismiss is predicated on incorrect facts, wrong exhibits, and a  
18 misidentified individual, it must be denied. Petitioner respectfully requests that the Court:

- 19 1. Deny Respondents’ Motion to Dismiss;
- 20 2. Grant the habeas petition or order appropriate relief; or
- 21 3. Alternatively, order an evidentiary hearing or stay proceedings pending correction of the  
22 record.

1 DATED this \_\_\_\_ 26 \_\_\_\_ of January, 2026.

2 Law Offices of Andy Miri

3 *andy miri*

4 *Attorneys for Petitioner*

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