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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 YU WANJING,
11 Immigration File No. 

12 Petitioner,

13 v.

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

23 Respondents.
24

Case No. 5:25-CV-03383

**RESPONSE TO
GOVERNMENT
OPPOSITION**

I. INTRODUCTION

Petitioner entered United States legally on October 5, 2019. She graduated Alhambra High School in 2023 and she was a tutor at Super Scholar Academy helping her peers graduate and enter college before she was unlawfully arrested. She was falsely arrested because she was defending herself when law enforcement found out she is an immigrant out-of-status and has a pending I589. She was transferred to ICE Adelanto facility when she was released by Immigration Judge Paul Medved on 12/5/2025 and EOIR placed a bond decision as ordered displaying on EOIR portal explaining the bond decision as “release under Flores Agreement”. (See Exhibit “A”)

She has been illegally detained since August 23, 2025 and an emergency order has been filed which should address her illegal detention in violation of Due Process of United States Constitution and under 28 U.S.C. § 2241.

Government opposition is woefully inadequate since it is lacking any criminal case number or exhibits supporting the Declaration filed by Noah Kichak; thus, an unsupported allegation should not be considered. Moreover, the government has had their bite at the apple in immigration court and Petitioner has been ordered released by Immigration Judge Paul Medved on 12/5/2025. Government should not be allowed a second bite.

Finally, it is immaterial where she was housed before, or where she is housed currently because she is detained in violation of Due Process of United States Constitution and under 28 U.S.C. § 2241 and against the order of Immigration Judge Paul Medved entered on 12/5/2025.

Petitioner does not challenge the merits of removal proceedings. She challenges the lawfulness and constitutionality of her continued civil detention. Because Respondents have failed to justify continued custody with constitutionally adequate process, Respondents’ Opposition motion must be denied and immediate release is warranted.

II. HABEAS CORPUS IS THE PROPER AND EXCLUSIVE VEHICLE TO CHALLENGE CIVIL IMMIGRATION DETENTION

Habeas corpus exists to test the lawfulness and constitutionality of custody. *Fay v. Noia*, 372 U.S. 391, 401–02 (1963). It is particularly appropriate where, as here, a petitioner challenges civil detention imposed without adequate justification. *Zadvydas v. Davis*, 533 U.S. 678, 687 (2001). Petitioner does not seek review of a removal order or discretionary immigration relief. She seeks release from unlawful custody. This Court therefore has jurisdiction under 28 U.S.C. § 2241.

1 **III. EXHAUSTION IS NOT REQUIRED WHERE PETITIONER CHALLENGES**
2 **UNLAWFUL CIVIL DETENTION**

3 Exhaustion in § 2241 cases is prudential, not jurisdictional, and may be excused where
4 administrative remedies are inadequate or futile. *McCarthy v. Madigan*, 503 U.S. 140, 146–49
(1992). Immigration courts lack authority to adjudicate constitutional claims challenging
5 unlawful detention. Because Petitioner challenges custody itself, exhaustion is excused.
6 *Zadvydas*, 533 U.S. at 688.

7 **IV. PETITIONER'S DETENTION IS CIVIL, NON-PUNITIVE, AND SUBJECT TO**
8 **HEIGHTENED DUE PROCESS PROTECTIONS**

9 Petitioner has been detained since August 23, 2025, for several months, solely due to a non-
10 criminal visa overstay. There is no pending criminal case.

11 Civil immigration detention is not punishment; requires individualized justification; and
12 Must be supported by meaningful procedural safeguards. *Zadvydas*, 533 U.S. at 690. Absent a
13 showing that Petitioner poses a danger or an actual flight risk supported by evidence, continued
14 civil detention violates the Fifth Amendment.

15 **V. THE EXISTENCE OF A PRIOR BOND HEARING FORCLOSES GOVERNMENT**
16 **TO CONDUCT ANOTHER BOND HEARING DISGUISED AS “OPPOSITION TO**
17 **EMERGENCY PETITION FOR WRIT OF HABEAS CORPUS” AS FILED IN THIS**
18 **ACTION**

19 Government argues that habeas relief should turn into a second immigration bond hearing
20 because they are now armed with a law enforcement Noah Kichak declaration. This argument
21 fails. They present no supporting document or criminal case number supporting their assertion.
22 Government mere allegations are insufficient. Now government refused to release Petitioner
23 against an order by Immigration Judge Paul Medved entered on 12/5/2025.

24 Federal habeas courts retain authority to intervene where the process itself is defective. *INS v. St.*
Cyr, 533 U.S. 289, 300–01 (2001).

25 **VI. IMMEDIATE RELEASE IS THE APPROPRIATE REMEDY**

26 Civil detention must be justified at every stage. If the detention rests on constitutionally defective
27 reasoning and unsupported assumptions, courts may order immediate release. *Zadvydas*, 533
28 U.S. at 699.

29 Given Petitioner has several months of civil detention supported by Immigration Judge Paul
30 Medved order on 12/5/2025, her continued detention violates the Fifth Amendment.

IX. CONCLUSION

For the foregoing reasons, Respondents' Motion to Dismiss should be DENIED, and this Court should:

Retain habeas jurisdiction under 28 U.S.C. § 2241;

Find that Petitioner's detention since August 23, 2025, violates due process; and

ORDER PETITIONER'S IMMEDIATE RELEASE FROM ICE CUSTODY.

DATED December, 19 2025.

andy miri

Law Offices of Andy Miri
Attorneys for Petitioner

EXHIBIT "A"



**UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
ADELANTO IMMIGRATION COURT**

Respondent Name:

YU, WANJING

To:

Miri, Andy
2973 Harbor Blvd
#162
Costa Mesa, CA 92626

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

12/05/2025

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

☐ Denied, because

☐ Granted. It is ordered that Respondent be:

☐ released from custody on his own recognizance.

☐ released from custody under bond of \$

☐ other:

☒ Other:

RELEASED



Immigration Judge: MEDVED, PAUL 12/05/2025

Appeal: Department of Homeland Security: ☐ waived ☐ reserved
Respondent: ☐ waived ☐ reserved
Appeal Due:

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : YU, WANJING | A-Number : 

Riders:

Date: 12/05/2025 By: Kaisaki, Kent, Court Staff

EOIR Case Portal
Executive Office for Immigration Review

A Number:  YU, WANJING

Select a case to view details and file documents

Removal	Charging Doc. Date: 11/21/2025	Case Pending
Bond	Charging Doc. Date: 11/21/2025 Bond Request Date: 11/21/2025	Case Pending
Bond	Charging Doc. Date: 11/21/2025 Bond Request Date: 11/21/2025	Case Completed

End of the Please Read Form IOLR 21 or EOIR Sharing "your case" link in the header in your subsequent filings.

Court Information

Case Type:	Bond
Bond Request Date:	11/27/2025
Alien Name:	YU, WANJING
Hearing Location:	- NA -
Next Bond Hearing:	- NA -
Hearing Medium:	- NA -
Immigration Court:	10250 RANCHO RD, SUITE 201A ADELANTO, CA 92301
Decision Date:	12/05/2025
Bond Decision:	The Immigration Judge ordered release under the Flores Agreement.

Court Actions

				
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