

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

XIANJIANG LI,

Petitioner,

v.

MARTIN FRINK, Warden, Houston Contract Detention Facility; MATTHEW BAKER, Acting Director of the Houston Field Office of U.S. Immigration and Customs Enforcement; KRISTI NOEM, Secretary of the U.S. Department of Homeland Security; and PAMELA BONDI, Attorney General of the United States, in their official capacities,

Respondents.

Case No. 4:25-cv-6081

**PETITION FOR WRIT OF HABEAS  
CORPUS**

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**I. INTRODUCTION**

1. Petitioner XIANJIANG LI (“Petitioner”) is a native and citizen of China who is currently detained by U.S. Immigration and Customs Enforcement (“ICE”) in immigration custody at Houston Contract Detention Facility in Houston, Texas, under color of federal immigration authority.
2. Petitioner entered the United States without admission or parole on or about May 15, 2024, at or near Tecate, California, and was placed in removal proceedings under 8 U.S.C. 1229a, on or about May 16, 2024 charged only with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) [INA 212(a)(6)(A)(i)] as a noncitizen present in the United States without admission or parole.<sup>1</sup>

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<sup>1</sup> See Exhibit 1, Dept. of Homeland Security Form I-862 Notice to Appear in removal proceedings under INA § 240 [8 U.S.C. § 1229a]

3. Petitioner has no criminal history, is not subject to mandatory detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231, and is eligible for release on bond under 8 U.S.C. § 1226(a).
4. Despite this, Respondents are detaining Petitioner without affording her any individualized bond hearing before an immigration judge, based solely on the government's assertion that noncitizens who entered without admission or parole are subject to mandatory, no-bond detention under 8 U.S.C. § 1225(b)(2)(A) and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025).
5. On November 20, 2025, the United States District Court for the Central District of California granted partial summary judgment on behalf of individual plaintiffs and on November 25, 2025, certified a nationwide "Bond Eligible Class" and extended declaratory judgment to the certified class in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at \*11 (C.D. Cal. Nov. 20, 2025). The district court held that noncitizens like Petitioner who entered without admission or parole, were not apprehended upon arrival, and are not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 are detained under 8 U.S.C. § 1226(a) and are therefore eligible for bond hearings.
6. Petitioner is a member of the *Maldonado Bautista* Bond Eligible Class and thus is entitled, as a matter of federal statutory law, to be treated as detained pursuant to 8 U.S.C. § 1226(a) and to receive an individualized bond hearing before an immigration judge.
7. Respondents' continued refusal to provide Petitioner with a bond hearing violates 8 U.S.C. § 1226(a), the federal Declaratory Judgment Act, 28 U.S.C. § 2201, the Fifth Amendment Due Process Clause, and the final declaratory judgment in *Maldonado Bautista*.

8. To vindicate Petitioner’s statutory and constitutional rights, this Court should grant this Petition, declare her detention without access to a bond hearing unlawful, and order Respondents to provide Petitioner with an individualized bond hearing under 8 U.S.C. § 1226(a) within seven (7) days, or in the alternative to release her “forthwith” under appropriate conditions of supervision. *See* 28 U.S.C. § 2243.

## **II. JURISDICTION**

9. This action arises under the Constitution and laws of the United States, including the Immigration and Nationality Act (INA), 8 U.S.C. § 1101 et seq., and the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq.
10. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 2241(c)(5) (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States Constitution (Suspension Clause).
11. This Court may grant relief pursuant to 28 U.S.C. § 2241 et seq., the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651.
12. Petitioner remains in the physical custody of Respondents. Petitioner is detained at the Houston Contact Detention Facility in Houston, Teas.

## **III. VENUE**

12. Venue is proper in this District because Petitioner is detained at Houston Contract Detention Facility in Houston, Texas, which lies within this District, and Respondent Martin Frink has immediate physical custody of Petitioner here.

13. Venue is also proper because Respondents are officers or employees of the United States acting in their official capacities and a substantial part of the events or omissions giving rise to this action occurred in this District. 28 U.S.C. § 1391(e).

#### **IV. REQUIREMENTS OF 28 U.S.C. § 2243**

14. Under 28 U.S.C. § 2243, the Court must grant the writ or issue an order to show cause “forthwith” unless it appears from the application that Petitioner is not entitled to relief, and, if an order to show cause issues, the Court must require Respondents to make a return within three days unless, for good cause, additional time not exceeding twenty days is allowed. Moreover, the legal issues have already been resolved for class members in *Maldonado Bautista*.
15. The writ of habeas corpus has long been recognized as a “swift and imperative remedy in all cases of illegal restraint or confinement,” underscoring the urgency of judicial review of unlawful immigration detention. *Fay v. Noia*, 372 U.S. 391, 400 (1963).

#### **V. PARTIES**

16. Petitioner XIANJIANG LI is a 44-year-old woman, native and citizen of China who entered the United States without admission or parole on or about May 15, 2024, at or near Tecate, California, and is currently detained at Houston Contract Detention Facility in Houston, Texas.
17. Respondent MARTIN FRINK is the Warden of Houston Contract Detention Facility in Houston, Texas, has immediate physical custody of Petitioner, and is a legal custodian responsible for Petitioner’s continued detention.

18. Respondent MATTHEW BAKER is sued in his official capacity as the Acting Director of the Houston Field Office of ICE and is a legal custodian with authority to release Petitioner from immigration detention.
19. Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS), the agency responsible for implementing and enforcing the Immigration and Nationality Act (INA), and overseeing ICE, including the authority to detain and release noncitizens.
20. Respondent PAMELA BONDI is sued in her official capacity as the Attorney General of the United States, who oversees the Executive Office for Immigration Review (EOIR), including the immigration courts and the Board of Immigration Appeals, and is a legal custodian of Petitioner.

## **VI. STATEMENT OF FACTS**

22. Petitioner is a native and citizen of China who fled her country and entered the United States without admission or parole on or about May 15, 2024, at or near Tecate, California.
23. Petitioner was not admitted or paroled at a port of entry placed in removal proceedings under 8 U.S.C. § 1229a, on or about May 16, 2024 charged only with inadmissibility under 8 U.S.C. § 1182(a)(6)(A)(i) [INA § 212(a)(6)(A)(i)] as a noncitizen present in the United States without admission or parole.
21. Petitioner duly submitted a Form I-589, Application for Asylum and Withholding of Removal with the immigration court on or about June 4, 2024, and was awaiting her final hearing. She applied for and received a valid employment authorization document on November 29, 2024.

22. On or about November 11, 2025, Petitioner was detained by ICE officials at her place of employment in Houston, Texas, under the pretense that her immigration paperwork was deficient and that she needed to accompany them to “an immigration office” to “fix” it. However, she was brought to the Montgomery Processing Center in Conroe, Texas, and held in detention.
23. On or about December 4, 2025, Petitioner was transferred to the Houston Contract Detention Facility in Houston, Texas.
24. Petitioner has no criminal history and has significant positive equities, including a viable claim for asylum which further underscore that she does not pose a danger or flight risk warranting prolonged detention without a bond hearing.
24. Petitioner was not apprehended “upon arrival” in the sense of being stopped and processed at a port of entry or immediately upon crossing but rather was arrested in the interior and placed into custody after entry without admission or parole.
25. Petitioner has never been charged with, nor convicted of, any criminal offense and is not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231.
26. DHS has taken the position that individuals like the Petitioner are subject to mandatory detention without bond under 8 U.S.C. § 1225(b)(2)(A) and *Matter of Yajure-Hurtado*, 29 I&N Dec. 216 (BIA 2025), and immigration judges have declined to provide such individuals a bond hearing based on that purported lack of jurisdiction.
27. As a result, Petitioner has been detained for over a month without any individualized determination by an immigration judge as to whether she presents a danger to the community or a risk of flight that would justify continued detention.

28. On November 20, 2025, the district court in *Maldonado Bautista v. Santacruz* granted partial summary judgment, holding that the government’s policy of treating noncitizens who entered without admission or parole as subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A) is inconsistent with the INA and that such individuals are instead detained under 8 U.S.C. § 1226(a).
29. On November 25, 2025, that court certified a nationwide “Bond Eligible Class” of “all noncitizens in the United States without lawful status who (1) have entered or will enter the United States without admission or parole; (2) were not or will not be apprehended upon arrival; and (3) are not or will not be subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 at the time DHS makes an initial custody determination,” and expressly extended the declaratory relief granted to the named petitioners to this class as a whole.
30. Petitioner meets each element of this Bond Eligible Class definition: she entered the United States without admission or parole, she was not apprehended upon arrival, and she is not subject to detention under 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231.
31. Notwithstanding the *Maldonado Bautista* declaratory judgment, EOIR and DHS officials have refused to provide class members like Petitioner with bond hearings, and in some cases immigration judges have stated they are following EOIR or Department of Justice instructions not to treat *Maldonado Bautista* as binding.
32. Declaratory judgments, however, are binding on the parties and have the same practical effect as injunctive relief in fixing the parties’ legal rights, and federal officials are presumed to comply with such judgments unless and until they are modified, stayed, or reversed on appeal. *See* 28 U.S.C. § 2201(a); *Maness v. Meyers*, 419 U.S. 449, 458 (1975); *United Aeronautical Corp. v. United States Air Force*, 80 F.4th 1017, 1031 (9th Cir. 2023).

33. The EOIR is a defendant in *Maldonado Bautista* and is thus bound by that court’s final declaratory judgment, which extends to Petitioner as a class member, yet Respondents have continued to detain Petitioner without providing a bond hearing in disregard of that judgment.

## VII. LEGAL FRAMEWORK

34. Under 8 U.S.C. § 1226(a), the Attorney General has discretionary authority to arrest and detain a noncitizen “pending a decision on whether the alien is to be removed” and may continue detention or release the noncitizen on bond or conditional parole, subject to individualized determinations of flight risk and danger.

35. For decades, noncitizens who entered without admission or parole and were arrested in the United States and placed in removal proceedings were treated as detained under 8 U.S.C. § 1226(a), with access to bond hearings before immigration judges who could order release upon a finding that detention was not justified by flight risk or danger.

36. In 2025, ICE issued an interim guidance<sup>2</sup> stating that individuals who entered without admission or parole were categorically ineligible for release on bond and could not seek bond hearings in immigration court, and the BIA followed with *Matter of Yajure-Hurtado*, holding that such individuals are subject to mandatory detention under 8 U.S.C. § 1225(b)(2)(A), thereby eliminating access to bond hearings nationwide.

37. The *Maldonado Bautista* court rejected this interpretation, holding that individuals who entered without admission or parole, were not apprehended upon arrival, and are not

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<sup>2</sup> See Exhibit 2, ICE Memo: Interim Guidance Regarding Detention Authority for Applications for Admission, AILA Doc. No. 25071607.

otherwise subject to 8 U.S.C. §§ 1226(c), 1225(b)(1), or 1231 are properly detained under 8 U.S.C. § 1226(a) and thus statutorily entitled to consideration for bond.

38. Even before the decision in *Maldonado Bautista*, numerous other courts considering the same statutory question have likewise concluded that 8 U.S.C. § 1226, not 8 U.S.C. § 1225, governs the detention of noncitizens like Petitioner who entered without admission or parole, were later arrested in the interior, and are in full removal proceedings. As one court recently explained, “the statutory text, the statute’s history, Congressional intent, and § 1226(a)’s application for the past three decades” all confirm that § 1226 applies in these circumstances. *See Reyes v. Raycraft*, No. 25-cv-12546, 2025 LX 332553, at \*11 (E.D. Mich. Sep. 9, 2025) (internal quotation marks omitted). Other courts have joined what one decision called a “chorus” of opinions rejecting the government’s “new, expansive interpretation of mandatory detention under the INA” and holding that the government’s attempt to detain such individuals under § 1225(b) “belies the statutory text of the INA, canons of statutory interpretation, legislative history, and longstanding agency practice.” *See Lopez-Arevelo v. Ripa*, No. EP-25-CV-337-KC, 2025 LX 467042 (W.D. Tex. Sep. 21, 2025); *Vazquez v. Bostock*, No. 3:25-cv-05240-TMC, 2025 LX 456399 (W.D. Wash. Sep. 30, 2025); *Belsai D.S. v. Bondi*, No. 25-cv-3682 (KMM/EMB), 2025 LX 498468 (D. Minn. Oct. 1, 2025); *Chogllo Chafla v. Scott*, No. 2:25-cv-00437-SDN, 2025 LX 422663 (D. Me. Sep. 21, 2025).
39. The *Maldonado Bautista* court’s certified Bond Eligible Class and its extension of the same declaratory relief granted to the named petitioners to this class establish that all class members, including Petitioner, must be treated as detained under 8 U.S.C. § 1226(a) and afforded access to individualized bond hearings.

**VIII. CLAIMS FOR RELIEF -  
COUNT ONE**

**Violation of Fifth Amendment Due Process**

39. Petitioner realleges and incorporates by reference the foregoing paragraphs.
40. The Fifth Amendment's Due Process Clause prohibits arbitrary and prolonged civil detention absent an adequate individualized determination that such detention is necessary to serve a legitimate governmental purpose, such as preventing flight or protecting the community.
41. By detaining Petitioner for more than a month without any individualized bond hearing and based solely on an unlawful no-bond policy applicable to those who entered without admission or parole, Respondents are subjecting Petitioner to indefinite civil detention without the minimum procedural safeguards required by due process.
42. Respondents' practice of refusing to comply with a binding, final declaratory judgment recognizing Petitioner's statutory entitlement to treatment under 8 U.S.C. § 1226(a) and access to a bond hearing further compounds the arbitrary and unlawful nature of Petitioner's detention and violates due process.
43. For these reasons, Petitioner's continued detention without a bond hearing violates the Due Process Clause of the Fifth Amendment to the United States Constitution.

**COUNT TWO**

**Violation of 8 U.S.C. § 1226(a) and Implementing Law**

44. Petitioner realleges and incorporates by reference the foregoing paragraphs.
45. Under 8 U.S.C. § 1226(a), Petitioner is entitled to be treated as a noncitizen detained "pending a decision on whether the alien is to be removed," with access to discretionary release on bond or conditional parole after an individualized assessment by an immigration judge.

46. As a member of the *Maldonado Bautista* Bond Eligible Class, Petitioner is entitled to the declaratory judgment holding that individuals like her are detained under 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A) and are eligible for consideration for bond.
47. Respondents' continued reliance on *Matter of Yajure-Hurtado* and the government's no-bond policy for noncitizens who entered without admission or parole to deny Petitioner any bond hearing conflicts with 8 U.S.C. 1226(a) as interpreted in *Maldonado Bautista* and violates Petitioner's statutory rights.
48. For these reasons, Petitioner's detention without access to a bond hearing violates 8 U.S.C. 1226(a) and the binding declaratory judgment entered in *Maldonado Bautista v. Santacruz*.

#### **IX. PRAYER FOR RELIEF**

WHEREFORE, Petitioner respectfully requests that this Court:

1. Assume jurisdiction over this matter;
2. Issue an Order to Show Cause directing Respondents to show cause within three (3) days, or such other time as the Court deems appropriate under 28 U.S.C. § 2243, why the writ should not be granted;
3. Declare that Petitioner's continued detention without access to an individualized bond hearing violates the Due Process Clause of the Fifth Amendment and 8 U.S.C. § 1226(a);
4. Issue a writ of habeas corpus ordering Respondents to:
  - a. Provide Petitioner with an individualized bond hearing before an immigration judge within seven (7) days of the Court's order, at which DHS bears the burden to justify continued detention by clear and convincing evidence of danger or flight

risk, and the immigration judge must consider all relevant factors and set bond or alternative conditions of release if that burden is not met; or, in the alternative,

- b. Immediately release Petitioner from custody on appropriate conditions of supervision;
5. Enjoin Respondents from continuing to detain Petitioner under an unlawful no-bond policy that is inconsistent with 8 U.S.C. § 1226(a) and the *Maldonado Bautista* declaratory judgment;
6. Award Petitioner reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act and any other applicable authority; and
7. Grant such other and further relief as the Court deems just and proper.

DATED: December 16, 2025

Respectfully submitted,

*/s/ Merina Shakya*

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**INDEX OF EXHIBITS**

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**VERIFICATION PURSUANT TO 28 U.S.C. 2242**

I represent Petitioner, XIANJIANG LI, and submit this verification on her behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus are true and correct to the best of my knowledge.

Dated this 16TH day of December, 2025.

*/s/ Merina Shakya*

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Merina Shakya  
Attorney for Petitioner