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8 UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
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10 BING LIU,
Immigration File No. 

Petitioner,

12 v.

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

18 Respondents.
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Case No.

**PETITION FOR WRIT OF
HABEAS CORPUS**

INTRODUCTION

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2 1. Petitioner BING LIU is in the physical custody of Respondents at the Bakersfield
3 Detention Facility in Bakersfield, California. He now faces unlawful detention because the
4 Department of Homeland Security (DHS) and the Executive Office of Immigration Review
5 (EOIR) have concluded Petitioner is subject to mandatory detention.

6 2. Petitioner is charged with, inter alia, having entered the United States without
7 inspection. 8 U.S.C. § 1182(a)(6)(A)(i).

8 3. Based on this allegation in Petitioner's removal proceeding, DHS denied
9 Petitioner release from immigration custody, consistent with a new DHS policy issued on July 8,
10 2025, instructing all Immigration and Customs Enforcement (ICE) employees to consider anyone
11 inadmissible under § 1182(a)(6)(A)(i)—i.e., those who entered the United States without
12 inspection—to be an “applicant for admission” under 8 U.S.C. § 1225(b)(2)(A) and therefore
13 subject to mandatory detention.

14 4. Petitioner sought a bond redetermination hearing before an immigration judge
15 filing his said petition but the IJ denied bond on December 14, 2025. The IJ based this decision
16 on the same legal analysis. Indeed, the DHS policy states it was issued “in coordination with the
17 Department of Justice (DOJ).” The IJ concluded that it had no jurisdiction to allow the Petitioner
18 on bond pursuant to Section 235(b) of the INA.

19 5. Petitioner's detention on this basis violates the plain language of the Immigration
20 and Nationality Act. Section 1225(b)(2)(A) does not apply to individuals like Petitioner who
21 previously entered and are now residing in the United States. Instead, such individuals are
22 subject to a different statute, § 1226(a), that allows for release on conditional parole or bond.
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1 That statute expressly applies to people who, like Petitioner, are charged as inadmissible for
2 having entered the United States without inspection.

3 6. Respondents' new legal interpretation is plainly contrary to the statutory
4 framework and contrary to decades of agency practice applying § 1226(a) to people like
5 Petitioner.

6 7. Accordingly, Petitioner seeks a writ of habeas corpus requiring that He be
7 released unless Respondents provide a bond hearing under § 1226(a) within fourteen days.

8 JURISDICTION

9 8. Petitioner is in the physical custody of Respondents. Petitioner is detained at the
10 Bakersfield Detention Facility in Bakersfield, California.

11 9. This Court has jurisdiction under 28 U.S.C. § 2241(c)(5) (habeas corpus), 28
12 U.S.C. § 1331 (federal question), and Article I, section 9, clause 2 of the United States
13 Constitution (the Suspension Clause).

14 10. This Court may grant relief pursuant to 28 U.S.C. § 2241, the Declaratory
15 Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

16 VENUE

17 11. Pursuant to *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 493-
18 500 (1973), venue lies in the United States District Court for the Central District of California,
19 the judicial district in which the Petitioner is currently detained.

20 12. Venue is also properly in this Court pursuant to 28 U.S.C. § 1391(e) because
21 Respondents are employees, officers, and agencies of the United States, and because a
22 substantial part of the events or omissions giving rise to the claims occurred in the Central
23 District of California.

REQUIREMENTS OF 28 U.S.C. § 2243

13. The Court must grant the petition for writ of habeas corpus or order Respondents to show cause “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Respondents must file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.*

14. Habeas corpus is “perhaps the most important writ known to the constitutional law . . . affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). “The application for the writ usurps the attention and displaces the calendar of the judge or justice who entertains it and receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

PARTIES

15. Petitioner BING LIU is a citizen of China who has been in immigration detention since October 6 of 2025. After arresting Petitioner in Los Angeles, ICE did not set bond and Petitioner requested review of his custody by an IJ filing his Petition on November 14, 2025. Petitioner was denied bond by an IJ at the Immigration Court. Petitioner has resided in the United States since March of 2023.

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

17. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. He is responsible for the implementation and enforcement of the Immigration and

1 Nationality Act (INA), and oversees ICE, which is responsible for Petitioner's detention. Ms.
2 Noem has ultimate custodial authority over Petitioner and is sued in her official capacity.

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

6 19. Respondent Pamela Bondi is the Attorney General of the United States. He is
7 responsible for the Department of Justice, of which the Executive Office for Immigration Review
8 and the immigration court system it operates is a component agency. He is sued in her official
9 capacity.

10 20. Respondent Executive Office for Immigration Review (EOIR) is the federal
11 agency responsible for implementing and enforcing the INA in removal proceedings, including
12 for custody redeterminations in bond hearings.

13 21. Respondent Todd M. Lyons is employed by the Bakersfield Field Office as
14 Acting Director of the facility where Petitioner is detained. The Warden has immediate physical
15 custody of Petitioner. The Acting Director is sued in his official capacity.

16 LEGAL FRAMEWORK

17 22. The INA prescribes three basic forms of detention for the vast majority of
18 noncitizens in removal proceedings.

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

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

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

6 26. This case concerns the detention provisions at §§ 1226(a) and 1225(b)(2).

7 27. The detention provisions at § 1226(a) and § 1225(b)(2) were enacted as part of the
8 Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996, Pub. L. No.
9 104–208, Div. C, §§ 302–03, 110 Stat. 3009-546, 3009–582 to 3009–583, 3009–585. Section
10 1226(a) was most recently amended earlier this year by the Laken Riley Act, Pub. L. No. 119-1,
11 139 Stat. 3 (2025).

12 28. Following the enactment of the IIRIRA, EOIR drafted new regulations explaining
13 that, in general, people who entered the country without inspection were not considered detained
14 under § 1225 and that they were instead detained under § 1226(a). *See* Inspection and Expedited
15 Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings;
16 Asylum Procedures, 62 Fed. Reg. 10312, 10323 (Mar. 6, 1997).

17 29. Thus, in the decades that followed, most people who entered without inspection
18 and were placed in standard removal proceedings received bond hearings, unless their criminal
19 history rendered them ineligible. That practice was consistent with many more decades of prior
20 practice, in which noncitizens who were not deemed “arriving” were entitled to a custody
21 hearing before an IJ or other hearing officer. *See* 8 U.S.C. § 1252(a) (1994); *see also* H.R. Rep.
22 No. 104-469, pt. 1, at 229 (1996) (noting that § 1226(a) simply “restates” the detention authority
23 previously found at § 1252(a)).
24

1 30. On July 8, 2025, ICE, “in coordination with” DOJ, announced a new policy that
2 rejected well-established understanding of the statutory framework and reversed decades of
3 practice.

4 31. The new policy, entitled “Interim Guidance Regarding Detention Authority for
5 Applicants for Admission,”¹ claims that all persons who entered the United States without
6 inspection shall now be deemed “applicants for admission” under 8 U.S.C. § 1225, and therefore
7 are subject to mandatory detention provision under § 1225(b)(2)(A). The policy applies
8 regardless of when a person is apprehended and affects those who have resided in the United
9 States for months, years, and even decades.

10 32. On a May 22, 2025, an unpublished decision from the Board of Immigration
11 Appeals (BIA), EOIR adopted this same position.² That decision holds that all noncitizens who
12 entered the United States without admission or parole are considered applicants for admission
13 and are ineligible for immigration judge bond hearings.

14 33. ICE and EOIR have adopted this position even though federal courts have
15 rejected this exact conclusion. For example, after IJs in the Tacoma, Washington, immigration
16 court stopped providing bond hearings for persons who entered the United States without
17 inspection and who have since resided here, the U.S. District Court in the Western District of
18 Washington found that such a reading of the INA is likely unlawful and that § 1226(a), not §
19 1225(b), applies to noncitizens who are not apprehended upon arrival to the United States.

20 *Rodriguez Vazquez v. Bostock*, --- F. Supp. 3d --- 2025 WL 1193850 (W.D. Wash. Apr. 24,

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23 ¹ Available at <https://www.aila.org/library/ice-memo-interim-guidance-regarding-detention-authority-for-applications-for-admission>.

24 ² Available at <https://nwirp.org/our-work/impact-litigation/assets/vazquez/59-1%20ex%20A%20decision.pdf>.

2025); *see also* *Gomes v. Hyde*, No. 1:25-CV-11571-JEK, 2025 WL 1869299, at *8 (D. Mass. July 7, 2025) (granting habeas petition based on same conclusion).

34. DHS's and DOJ's interpretation is in conflict to the INA. As the *Rodriguez Vazquez* court explained, the plain text of the statutory provisions demonstrates that § 1226(a), not § 1225(b), applies to people like Petitioner.

35. Section 1226(a) applies by default to all persons "pending a decision on whether the [noncitizen] is to be removed from the United States." These removal hearings are held under § 1229a, to "decid[e] the inadmissibility or deportability of a[] [noncitizen]."

36. The text of § 1226 also explicitly applies to people charged as being inadmissible, including those who entered without inspection. *See* 8 U.S.C. § 1226(c)(1)(E). Subparagraph (E)'s reference to such people makes clear that, by default, such people are afforded a bond hearing under subsection (a). As the *Rodriguez Vazquez* court explained, "[w]hen Congress creates "specific exceptions" to a statute's applicability, it "proves" that absent those exceptions, the statute generally applies. *Rodriguez Vazquez*, 2025 WL 1193850, at *12 (citing *Shady Grove Orthopedic Assocs., P.A. v. Allstate Ins. Co.*, 559 U.S. 393, 400 (2010)).

37. Section 1226 therefore leaves no doubt that it applies to people who face charges of being inadmissible to the United States, including those who are present without admission or parole.

38. By contrast, § 1225(b) applies to people arriving at U.S. ports of entry or who recently entered the United States. The statute's entire framework is premised on inspections at the border of people who are "seeking admission" to the United States. 8 U.S.C. § 1225(b)(2)(A). Indeed, the Supreme Court has explained that this mandatory detention scheme applies "at the Nation's borders and ports of entry, where the Government must determine

1 whether a[] [noncitizen] seeking to enter the country is admissible.” *Jennings v. Rodriguez*, 583
2 U.S. 281, 287 (2018).

3 39. Accordingly, the mandatory detention provision of § 1225(b)(2) does not apply to
4 people like Petitioner, who have already entered and were residing in the United States at the
5 time they were apprehended.

6 FACTS

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

11 41. **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 42. **Centralized authority:** Major policies and decisions come from the top
14 leadership, particularly the **Politburo** and the **Politburo Standing Committee**, which are small
15 groups of senior CCP officials.

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

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

1 45. **Economic model:** While politically authoritarian, China operates a **state-**
2 **directed market economy**—mixing government planning with private enterprise.

3 46. **Legislative bodies:** The **National People’s Congress** is the formal legislature but
4 generally approves policies already decided by CCP leadership.

5 47. **Overall** China’s government is often described as a **modern authoritarian or**
6 **one-party dictatorship**, with strong centralized control by the CCP over political life, public
7 institutions, the military, the media, and many aspects of society.

8 48. Since August, 2024, Petitioner worked at Fashion Nova Logistics in Santa Fe
9 Springs, California where He scanned and picked clothing items for order fulfillment.

10 49. In September, 2025, Petitioner was arrested when he was entering his apartment
11 and ICE was conducting a raid in another apartment unit. When questioned he cooperated
12 truthfully. Petitioner is now detained at the Bakersfield Detention Facility.

13 50. DHS placed Petitioner in removal proceedings before the immigration court
14 pursuant to 8 U.S.C. § 1229a. ICE has charged Petitioner with, *inter alia*, being inadmissible
15 under 8 U.S.C. § 1182(a)(6)(A)(i) as someone who entered the United States without inspection.

16 51. Petitioner has resided with his family in Los Angeles since arriving in the United
17 States and has no record of any involvement with law enforcement or arrest. Petitioner is neither
18 a flight risk nor a danger to the community.

19 52. Following Petitioner’s arrest and transfer to Bakersfield Detention Facility, ICE
20 issued a custody determination to continue Petitioner’s detention without an opportunity to post
21 bond or be released on other conditions.

22 53. Petitioner subsequently requested a bond redetermination hearing before an IJ.
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1 Respondents. Such noncitizens are detained under § 1226(a), unless they are subject to
2 § 1225(b)(1), § 1226(c), or § 1231.

3 59. The application of § 1225(b)(2) to Petitioner unlawfully mandates her continued
4 detention and violates the INA.

5
6 **COUNT II**

7 **Violation of Due Process**

8 60. Petitioner repeats, re-alleges, and incorporates by reference each and every
9 allegation in the preceding paragraphs as if fully set forth herein.

10 61. The government may not deprive a person of life, liberty, or property without due
11 process of law, U.S. Constitution Amendment V. “Freedom from imprisonment—from
12 government custody, detention, or other forms of physical restraint—lies at the heart of the
13 liberty that the Clause protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690, 121 S.Ct. 2491, 150
L.Ed.2d 653 (2001).

14 62. Petitioner has a fundamental interest in liberty and being free from official
15 restraint.

16 63. The government’s detention of Petitioner without a bond redetermination hearing
17 to determine whether he is a flight risk or danger to others violates he right to due process.

18 **PRAYER FOR RELIEF**

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

- 20 a. Assume jurisdiction over this matter;
- 21 b. Issue a writ of habeas corpus requiring that Respondents release Petitioner or
- 22 provide Petitioner with a bond hearing pursuant to 8 U.S.C. § 1226(a) within 14
- 23 days;
- 24

1 c. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act
2 ("EAJA"), as amended, 28 U.S.C. § 2412, and on any other basis justified under
3 law; and

4 d. Grant any other and further relief that this Court deems just and proper.

5 DATED this 15 of December, 2025.

6 Law Offices of Andy Miri

7 *andy miri*

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9 Attorneys for Petitioner
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1 VERIFICATION

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

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

9 Dated: December 15 __, 2025

10 BING LIU

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