

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the Central District of California (California)

FILED
CLERK, U.S. DISTRICT COURT
DEC 3 - 2025
CENTRAL DISTRICT OF CALIFORNIA
BY

Feng Chen - A# [Redacted]
Petitioner

v.

Case No. EDCV25-3306-Doc(SK)
(Supplied by Clerk of Court)

David Marin, Warden, Adelanto ICE Processing Center
Respondent
(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

- (a) Your full name: Feng Chen
(b) Other names you have used: JASON CHAN
- Place of confinement:
(a) Name of institution: Adelanto ICE Processing Center
(b) Address: 10250 Rancho Road, Adelanto, CA 92301
(c) Your identification number: A [Redacted]
- Are you currently being held on orders by:
 Federal authorities State authorities Other - explain:
- Are you currently:
 A pretrial detainee (waiting for trial on criminal charges)
 Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you:
(b) Docket number of criminal case:
(c) Date of sentencing:
 Being held on an immigration charge
 Other (explain):

Decision or Action You Are Challenging

- What are you challenging in this petition:
 How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- Pretrial detention
- Immigration detention
- Detainer
- The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- Disciplinary proceedings
- Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: Adelanto Immigration Court, Adelanto, California / Los Angeles ICE Field Office / ICE Headquarters
- (b) Docket number, case number, or opinion number: A# [REDACTED]
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): Indefinite detention. Court's order became final March 13, 2025. At the date this petition is signed petitioner has been detained for 257 days. That is 77 days longer than the 180 days
- (d) Date of the decision or action: March 13, 2025 /detention period.

Your Earlier Challenges of the Decision or Action

7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- Yes
- No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Los Angeles ICE Field office
- (2) Date of filing: 05/27/2025
- (3) Docket number, case number, or opinion number: A# [REDACTED]
- (4) Result: Decision to continue detention
- (5) Date of result: 06/11/2025
- (6) Issues raised:

See additional information attached

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- Yes
- No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: ICE Headquarters

(2) Date of filing: 07/22/2025

(3) Docket number, case number, or opinion number: A# [REDACTED]

(4) Result: Decision to Continue Detention

(5) Date of result: 11/25/2025

(6) Issues raised: see additional information attached.

(b) If you answered "No," explain why you did not file a second appeal:

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

Yes No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

NO other remedies available

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

Yes No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Case number: _____
- (3) Date of filing: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

(c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

Yes No

If "Yes," provide:

- (a) Date you were taken into immigration custody: February 24, 2025
- (b) Date of the removal or reinstatement order: March 13, 2025
- (c) Did you file an appeal with the Board of Immigration Appeals?

Yes No

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

Yes No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____
- (4) Result: _____
- (5) Date of result: _____
- (6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

Yes No

If "Yes," provide:

- (a) Kind of petition, motion, or application: _____
- (b) Name of the authority, agency, or court: _____
- (c) Date of filing: _____
- (d) Docket number, case number, or opinion number: _____
- (e) Result: _____
- (f) Date of result: _____
- (g) Issues raised: _____

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Grounds for Your Challenge in This Petition

- 13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: Petitioner's detention is much longer than the post-removal-order detention period

(a) Supporting facts (Be brief. Do not cite cases or law.):

The Supreme Court held that post-removal-order detention is limited to a preemptively reasonable period of 180 days. Petitioner's removal order became final March 13, 2025.

(b) Did you present Ground One in all appeals that were available to you?

Yes No There is no statutory exhaustion requirement

GROUND TWO: The government cannot show a significant likelihood of removal in the reasonably foreseeable future. See Exhibit 2.

(a) Supporting facts (Be brief. Do not cite cases or law.):

Continued detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution. If the government cannot show a realistic possibility China will issue travel documents in reasonably foreseeable future, petitioner's detention becomes a violation to substantive and to procedural due process

(b) Did you present Ground Two in all appeals that were available to you?

Yes No There is no statutory exhaustion requirement

GROUND THREE: For over 8 months China has not issued petitioner the necessary travel documents

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner cannot be deported to China because China has not issued him the necessary travel documents and has not done so since his final order of removal more than 8 months ago.

(b) Did you present Ground Three in all appeals that were available to you?

Yes No There is no statutory exhaustion requirement

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Statutory violation

(a) Supporting facts (Be brief. Do not cite cases or law.):

Petitioner's indefinite detention violates the statute and the Supreme Court case law regarding the post-removal-order detention period. The six month preemptively reasonable period for continued removal efforts has expired. Petitioner still has not been removed and for the reasons outlined in the accompanying briefing petitioner's removal to china is not reasonably foreseeable.

(b) Did you present Ground Four in all appeals that were available to you?

Yes

No there is no statutory exhaustion requirement.

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

N/A

Request for Relief

15. State exactly what you want the court to do: Acquire jurisdiction over this petition; grant the writ of habeas corpus; Order petitioner's immediate release under appropriate supervision condition; Enjoin ICE from continuing to detain petitioner absent a significant likelihood of removal; and grant any other relief the court deems just and proper.

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

NOVEMBER 26, 2025

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 11/26/2025



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Additional Information to “First Appeal” and to “Second Appeal”

Petitioner does not have any copies but he submitted documents, such as letters of support from numerous friends, organizations, his parole hearing decision granting his release, that required the Governor of California’s office to take no action allowing the decision to stand, which they did, his psychologist interview that found him to be a low risk for any future crime, the lowest rating he could possible receive, an abundant amount of laudatory chronos while he was incarcerated from Correctional Officers, Sergeants, Lieutenants, Captain, and Wardens themselves. These were all submitted in hopes of convincing ICE that he would not pose a risk to society if released on an order of supervision.

Petitioner did not submit any additional presentation document raising any specific issues regarding why he is not a flight risk or a danger to the community. At that time he did not have the information he has now.

On 11/24/2025 Petitioner sent a message on the computer asking the Deportation Officers if they have obtained his travel documents yet, if China has issued it. The response from a deportation officer was that Headquarters was reaching out. (Petitioner does not know how to print messages from the tablet to show this evidence to the Court.) On 11/25/2025, Petitioner received a notice informing him of the Headquarters decision which was to continue detention.

Nevertheless, the fact that not even ICE Headquarters is able to obtain a travel document for Petitioner is strong evidence Petitioner’s deportation will not occur in the reasonably foreseeable future. Therefore, this Court should grant Petitioner this writ of habeas corpus.

Exhibit 2



U.S. Immigration
and Customs
Enforcement

CHEN, Feng
c/o Adelanto ICE Processing Center
10400 Rancho Road
Adelanto, CA 92301



Notice to Alien of File Custody Review

You are detained in the custody of U.S. Immigration and Customs Enforcement (ICE) and you are required to cooperate with ICE in effecting your removal from the United States. If ICE has not removed you from the United States within the removal period as set forth in INA 241(a) (normally 90-days of either: 1) your entering ICE custody with a final order of removal, deportation or exclusion, or 2) the date of any final order you receive while you are in ICE custody), the ICE Deciding Official will review your case for consideration of release on an Order of Supervision. Release, however, is dependent on your demonstrating to the satisfaction of the Attorney General that you **will not** pose a danger to the community and **will not** present a flight risk.

Your custody status will be reviewed on or about: 05/27/2025. The Deciding Official may consider, but is not limited to considering the following:

1. Criminal convictions and criminal conduct;
2. Other criminal and immigration history;
3. Sentence(s) imposed and time actually served;
4. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
5. Probation history;
6. Disciplinary problems while incarcerated;
7. Evidence of rehabilitative effort or recidivism;
8. Equities in the United States;
9. Cooperation in obtaining your travel document.
10. Any available mental health reports.

You may submit any documentation you wish to be reviewed in support of your release, prior to the date listed above, to the attention of the Officer and address below. English translations must be provided pursuant to 8 CFR 103.2(b)(3). An attorney or other person may submit materials on your behalf. The deciding official will notify you of the decision in your case. Attached to this notice is a list of free or low cost legal representatives who may be able to provide assistance to you in preparing your case.

Decision to Continue Detention

CHEN, Feng - 

Page 2

To assist in the ERO Removal Division custody review, you will be afforded a personal interview. You and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any, will be notified of the date and time of the interview approximately 30 days prior to the scheduled interview date. This interview may be in person or through a video teleconference. If ERO needs to change the date of the interview, ERO will provide notice to you and your representative who has filed a Form G-28, Notice of Entry of Appearance, if any.

You may be accompanied during the interview by a person of your choice, subject to security requirements at the detention facility, as long as this person is able to attend the interview at the scheduled time.

You may submit any additional documentation in English you wish to be considered in support of your release at the time of the interview or via mail service up to five business days prior to the scheduled time of your interview to the following address:

10400 Rancho Road, Adelanto, CA 92301
Attention: Deportation Officer C. Jenson

Such documentation should contain a cover letter indicating that the material is submitted in support of your Post Order Custody Review personal interview. An attorney or other person may submit materials on your behalf.

You are required to complete the below information.

I do do not want a personal interview.

If you do want an interview, please check the appropriate box(es) below:

Check this box if you need an interpreter for your interview.
Language/Dialect: NO

I will be assisted at this interview by a representative of my own choosing.

Name: PAUL SONG

If your representative has not filed a G-28, Notice of Entry of Appearance, on your behalf, you are responsible for notifying any other person you have selected to assist you of the date, time, and location of the interview. The representative must be at least 18 years of age.

You will be sent a separate Notice to Alien of Interview for Review of Custody Status approximately 30 days before the interview is scheduled. If you wish to request additional time to prepare for the interview, you must notify your deportation officer within five business days of receipt of the Notice of Interview. If ERO agrees to postpone the interview at your request, you will be deemed to have waived its completion prior to jurisdiction over your case transferring to the ERO Removal Division.

Decision to Continue Detention

CHEN, Feng - 

You will be notified of the decision in your case when the custody review has been concluded by the ERO Removal Division.

ART CORTEZ Digitally signed by ART CORTEZ
Date: 2025.06.07 09:14:35 -07'00'

Art Cortez
Deputy Field Office Director

6/7/2025
Date

PROOF OF SERVICE

(Officer to complete both (a) and (b) below.)

(a) I D. Riley, Deportation Officer,
Name of ICE Officer Title

certify that I served CHEN, Feng with a copy of
Name of detainee

this document at Adelanto Ice Processing Center on 6/11/25, at 0920
Institution Date Time

(b) I certify that I served the custodian F. Semaja,
Name of Official

GEO Facility Administrator, at Adelanto Ice Processing Center, on
Title Institution

6/11/25 with a copy of this document.
Date

Detainee Signature:  Date: 6/11/25

- () cc: Attorney of Record or Designated Representative
- (x) cc: A-File

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
300 N. Los Angeles Street, Room 2300
Los Angeles, California 90012



**U.S. Immigration
and Customs
Enforcement**



CHEN, Feng
c/o Adelanto Ice Processing Center
10250 Rancho Road
Adelanto, CA 92301

Decision to Continue Detention

This letter is to inform you that your custody status has been reviewed, and it has been determined that you will not be released from the custody of U.S. Immigration and Customs Enforcement (ICE) at this time. This decision has been made based on a review of your file, consideration of any information you submitted and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

As explained below, after such review, ICE has determined to maintain your custody because you have not demonstrated that, if released, you will not pose a danger to the community, to the safety of other persons, or to property. In addition, ICE has also determined to maintain you in custody because your immigration history suggest you would be a flight risk.

ICE has made such a determination based upon your immigration and criminal history, to include first degree murder, along with an active final order of removal.

Based on the above, you are to remain in ICE custody pending your removal from the United States as ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied. You are advised that you must demonstrate that you are making reasonable efforts to comply with the order of removal and that you are cooperating with ICE's efforts to remove you by taking whatever actions ICE requests to affect your removal. You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 U.S.C. § 1253(a).

If you have not been released or removed from the United States at the expiration of the three-month period after this 90-day review, jurisdiction of the custody decision in your case will be transferred to the ICE Headquarters (ERO Removal Division), Potomac Center North, 500 12th Street SW, Washington, DC 20536. The ERO Removal Division will thereafter conduct a custody review and will make a determination regarding whether you will continue to be detained pending removal or may be released.

Office of Enforcement and Removal Operations
Los Angeles Field Office
U.S. Department of Homeland Security
300 North Los Angeles, Room 2003
Los Angeles, CA 90012



U.S. Immigration
and Customs
Enforcement

Chen, Feng
Adelanto ICE Processing Center



Notice to Alien of Interview for Review of Custody Status

U.S. Immigration and Customs Enforcement (ICE) periodically reviews the custody status of detained aliens who have final orders of removal, deportation, or exclusion. You are required to cooperate with ICE in effecting your removal from the United States.

In determining whether you may be recommended for release, ICE will consider whether there is a significant likelihood of your removal in the reasonably foreseeable future, and whether you pose a danger to the community or pose a risk of flight.

You will be interviewed for this purpose and you are scheduled to appear for this interview on: 08/27/2025 at 09:00 AM , at Adelanto ICE Processing Center to discuss whether or not you will be recommended for release. If you wish for additional time to prepare for the interview, you may request that the interview date be postponed. If the hearing is rescheduled at your request, you waive the right to have the interview prior to the date that jurisdiction over your custody status shifts to the Enforcement and Removal Operations Removal Division under 8 C.F.R. § 241.4(c)(2).

In determining whether you may be released, ICE may consider, but is not limited to considering the following:

1. Whether your removal is significantly likely in the reasonably foreseeable future;
2. Criminal convictions and criminal conduct;
3. Other criminal history and immigration history;
4. Sentence(s) imposed and time actually served;
5. History of escapes, failures to appear for judicial or other proceedings, and other defaults;
6. Probation history;
7. Disciplinary problems while incarcerated;
8. Evidence of rehabilitative effort or recidivism;
9. Equities in the United States;
10. Cooperation in obtaining your travel document; and
11. Any available mental health reports.

You are required to complete the information on the following page. You will be notified of the decision in your case when the custody review has been concluded.

Chen, Feng



I do do not want a personal interview.

If you want an interview, please check the appropriate box(es) below:

Check this box if you need an interpreter for your interview.
Language/Dialect: _____

I will be assisted at this interview by a representative of my own choosing.
Name: _____

I understand I must notify this person of the time and place of my interview. The representative must be at least 18 years of age.

You may submit any additional documentation you wish to be considered in support of your release at the time of your interview. English translations must be provided pursuant to 8 C.F.R. § 103.2(b)(3).

Signature of Respondent: _____

PROOF OF SERVICE

(Officer to complete both (a) and (b) below.)

(a) I L. Palacios, Deportation Officer,
Name of ICE Officer Title
certify that I served Chen, Feng with a copy of
Name of detainee
this document at Adelanto ICE Processing Center on 07/22/2025, at 1624
Institution Date Time

(b) I certify that I served the custodian F. Semaia,
Name of Official
Facility Administrator, at Adelanto ICE Processing Center, on
Title Institution
07/22/2025 with a copy of this document.
Date

- cc: Attorney of Record or Designated Representative
- cc: A-File

Office of Enforcement and Removal Operations

U.S. Department of Homeland Security
500 12th Street, SW
Washington, D.C. 20536



U.S. Immigration
and Customs
Enforcement



Chen, Feng
C/O Immigration and Customs Enforcement
Los Angeles Field Office

Decision to Continue Detention

This letter is to inform you that the U.S. Immigration and Customs Enforcement (ICE) has reviewed your custody status and determined that you will not be released from custody at this time. This decision was based on a review of your file record, personal interview and consideration of any information you submitted to ICE reviewing officials and upon review of the factors for consideration set forth at 8 C.F.R. § 241.4(e), (f), and (g).

You are a native and citizen of China who entered the United States at San Francisco, CA on or about September 18, 1982, as a lawful permanent resident. On April 20, 1998, you were convicted of the offenses of murder and armed with a firearm. On February 24, 2025, you were issued a Notice to Appear before an immigration judge (IJ). On March 13, 2025, an IJ ordered your removal.

ICE continues to seek your removal to China or a third country on your behalf. ICE is confident that your removal from the United States will occur in the foreseeable future. Therefore, you are to remain in ICE custody. In addition, ICE is unable to conclude that the factors set forth at 8 C.F.R. § 241.4(e) have been satisfied.

This decision, however, does not preclude you from bringing forth evidence in the future to demonstrate a good reason why your removal is unlikely. You are advised that pursuant to Section 241(a)(1)(C) of the Immigration and Nationality Act (INA) you must demonstrate that you are making reasonable efforts to comply with the order of removal, and that you are cooperating with ICE efforts to remove you by taking whatever actions ICE requests to affect your removal.

You are also advised that any willful failure or refusal on your part to make timely application in good faith for travel or other documents necessary for your departure, or any conspiracy or actions to prevent your removal or obstruct the issuance of a travel document, may subject you to criminal prosecution under 8 USC § 1253(a).

THURMAN W KARAN Digitally signed by THURMAN W KARAN
Date: 2025.11.25 11:12:28 -05'00'

Unit Chief - HQ RIO

11/25/2025

Date

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Feng Chen
A# [REDACTED]
Adelanto ICE Processing Center
10250 Rancho Road
Adelanto, CA 92301
[REDACTED]
Appearing Pro se

**UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA**

Feng Chen
A# [REDACTED]

Petitioner,

v.

David Marin, Warden, Adelanto
ICE Processing Center; Thomas Giles,
Director of the Los Angeles ICE Field
Office; Todd Lyons, Acting Director
of ICE; Kristie Noem, Secretary of the
Department of Homeland Security;
Pamela Bondi, Attorney General of
the United States,

Respondents.

**PETITION FOR A WRIT OF
HABEAS CORPUS PURSUANT
TO 28 U.S.C. § 2241, BY A
PERSON SUBJECT TO
INDEFINITE IMMIGRATION
DETENTION**

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus under 28 U.S.C. § 2241
challenging the indefinite and unlawful detention of Petitioner by the Respondents

in violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution, as recognized by the U.S. Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001).

II. PARTIES

2. Petitioner is a native of the People's Republic of China, he is currently detained at the Adelanto ICE Processing Center in Adelanto, California.

3. Respondent David Marin, Warden of Adelanto ICE Processing Center, where Petitioner is currently detained under the authority of ICE, is Petitioner's immediate custodian.

4. Respondents Todd Lyons, Acting Director of ICE and Thomas Giles, Director of the Los Angeles ICE Field Office are Petitioner's immediate custodians. See *Vasquez v. Reno*, 233 F.3d 688, 690 (1st Cir. 2000), cert. denied, 122 S. Ct. 43 (2001).

5. Respondent Kristie Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the implementation and enforcement of the INA. As such, Mrs. Noem is the legal custodian of Petitioner.

6. Respondent Pamela Bondi is the Attorney General of the United States and is responsible for the administration of ICE and the implementation and enforcement of the Immigration and Nationality Act ("INA"). As such, Mrs. Bondi has ultimate custodial authority over Petitioner.

III. JURISDICTION

7. This Court has jurisdiction under 28 U.S.C. § 2241 because Petitioner is in custody under the authority of the United States and challenges the legality of that custody.

IV. VENUE

8. Venue is proper in the Central District of California because Petitioner is detained within this district.

V. STATEMENT OF FACTS

9. Petitioner is a native and citizen of the People's Republic of China who entered the United States on September 18, 1982 when he was 5 (five) years old.

10. Petitioner acquired Legal Permanent Resident status on September 18, 1982.

11. Petitioner was convicted of Murder and Robbery and served 29 years in prison, from February 26, 1996 to January 27, 2025.

12. After Petitioner finished his sentence on January 27, 2025 he was released back into society.

13. On February 24, 2025, ICE arrested Petitioner when he was instructed to check-in for a routine address change, upon doing so he was detained and placed in removal proceedings.

14. Petitioner was ordered removed by an Immigration Judge on March 13, 2025.

15. Petitioner's order of removal became final on March 13, 2025 because Petitioner did not exercise his rights to an appeal.

16. Petitioner has been detained for over 8 months now (which is over 180 days) since his order of removal became final.

17. Petitioner cannot be deported to China because China has not issued Petitioner the necessary travel document to return back to China and it has not done so since his final order of removal over 8 months ago. Petitioner's family has contacted the China's consulates in Los Angeles, San Francisco, New York, and the Embassy in Washington, D.C. His cousin who lives in China has contacted the government of China in Beijing, the capital city. Nevertheless, China has not issued any documents to Petitioner in all this time.

18. There is no significant likelihood of removal in the reasonably foreseeable future because Deportation Officers have claimed that Petitioner's travel documents are forthcoming and Petitioner removal is imminent. The same answer that has been provided to Petitioner since the date of removal. Deportation officers have also declared that all necessary documents have been submitted and that they are just waiting for

China to issue Petitioner a travel document. Yet, they have also stated that they themselves cannot predict the processing time necessary for a foreign country such as China to issue Petitioner his travel documents. See Exhibit 1. Petitioner has cooperated with all requests and instructions given to him by his and any deportation officer to assist in any way to help facilitate his removal back to China as soon as possible. Petitioner has surrendered all documents that pertain to help China verify his identity, including copies of his expired passport, birth certificate (both in Chinese and English), and all known relatives residing in China with contact numbers and addresses included. Thus, Petitioner has not been the reason for the delay in his removal or continued unlawful detention. Even with all required documents to verify petitioner identity and citizenship in hand, China has yet to provide the necessary travel documents needed for ICE to carry out Petitioner's removal order. Thus, Petitioner's removal is not possible in the reasonably foreseeable future because the Immigration authorities cannot know or predict when or even if the necessary travel documents will be issued by China. After more than 8 months of waiting for the necessary travel documents, one has to come to the conclusion that perhaps the travel documents will never be issued, or at the least not in the reasonably foreseeable future. See *Zadvydas*, 533 U.S. at 702 ("Petitioner need not show 'the absence of *any* prospect of removal' only that 'there is no significant likelihood of removal in the reasonably foreseeable future.'") *Chun Yat Ma v. Asher*, No. 11-cv-01797-MJP, 2012 WL 1432229, at *5 (W.D. Wash. Apr. 25, 2012) ("An undue

delay in removal for an individual alien beyond the typical removal period would naturally suggest that removal is unlikely.”).

VI. LEGAL CLAIMS

19. Under *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that post-removal-order detention is limited to a preemptively reasonable period of 180 days.

20. After that time, if the government cannot show a significant likelihood of removal in the reasonably foreseeable future, continued detention violates the Due Process Clause of the Fifth Amendment to the U.S. Constitution.

21. Petitioner cannot be deported to China due to the fact that China has not issued Petitioner the necessary travel document to return back to China and has not done so since his final order of removal more than 8 months ago. Based on these claims Petitioner’s detention is well beyond the 180 days and has become unlawful and unconstitutional.

VII. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

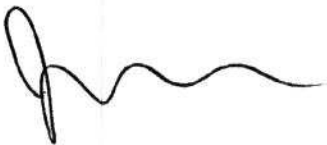
(1) Grant the writ of habeas corpus;

- (2) Order Petitioner's immediate release under appropriate supervision pursuant to 8 C.F.R. § 241.5;
- (3) Enjoin ICE from continuing to detain Petitioner absent a significant likelihood of removal; and
- (4) Grant any other relief the Court deems just and proper.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court issue a writ of habeas corpus directing Respondents to release him from custody immediately under reasonable supervision.

Respectfully Submitted and Signed this 25th day of November, 2025.



Feng Chen

A# 

Adelanto ICE Processing Center

10250 Rancho Road

Adelanto, CA 92301



Appearing Pro se

Exhibit 1

ICE DETAINEE REQUEST FORM

III 01 2025

DEPORTATION OFFICER C. Jensen / I. PALACIOS

DETAINEE NAME CHEN, FENG

A-NUMBER ~~XXXXXXXXXX~~ NATIONALITY CHINESE (CHINA)

BOOKING NUMBER ~~XXXXXXXXXX~~ BARRACKS/ BED ~~XXXXXXXXXX~~

When is my next court date? WED

Do I qualify for a bond?

I would like to request to have my bond reduced to _____.

When will I be deported? I was ordered deported on MARCH 13, 2025.

How soon can I be deported? I want to be deported as soon as possible.

Am I eligible for Voluntary Departure?

Do I qualify for Parole? What is the Status of my Parole request?

I have documents for my Parole request. (explain below)

I already have a Deportation Order, when is my custody review? What is the Status of the review?

When will I see the consulate?

I need a copy of my: Notice to Appear _____.

I have some paperwork to add to my file (explain below)

Property issues (explain below) I'm missing _____ from _____

Other (explain below)

Please Specify In Detail: I HAVE BEEN ASKING IF MY TRAVEL DOCUMENTS ARE AVAILABLE FOR THE PAST 2 MONTHS. THE ANSWER HAS ALWAYS BEEN "THE GOVERNMENT OF CHINA HAS NOT SENT TRAVEL DOCUMENT". BUT THE LAST RESPONSE WAS "YOUR CASE IS NOW IN THE TRAVEL DEPARTMENT PENDING TD" WHAT CHANGED TO PUT MY CASE IN THE TRAVEL DEPARTMENT? HAS CHINA APPROVED MY TD? WILL I BE LEAVING SOON?

Officer Response: _____

On behalf of DO Jensen the government of CHINA is still reviewing you application

OFFICER SIGNATURE S. TORRES DATE _____

Interview Interpreter Interviewed: 07-01-2025

Written Response Only Received: _____



10

OCT 20 2025

ICE DETAINEE REQUEST FORM

DEPORTATION OFFICER FORRES L. Palacios

DETAINEE NAME FENG CHEN

A-NUMBER [REDACTED] NATIONALITY CHINESE

BOOKING NUMBER [REDACTED] BARRACKS/ BED [REDACTED]

- When is my next court date?
- Do I qualify for a bond?
- I would like to request to have my bond reduced to _____.
- When will I be deported? I was ordered deported on 3/13/2025.
- How soon can I be deported? I want to be deported as soon as possible.
- Am I eligible for Voluntary Departure?
- Do I qualify for Parole? What is the Status of my Parole request?
- I have documents for my Parole request. (explain below)
- I already have a Deportation Order, when is my custody review? What is the Status of the review?
- When will I see the consulate? WILL I SEE THE CONSULATE OF CHINA?
- I need a copy of my: Notice to Appear _____.
- I have some paperwork to add to my file (explain below)
- Property issues (explain below) I'm missing _____ from _____

Other (explain below):

Please Specify In Detail: I WAS ORDERED DEPORTED ON 3/13/25. I HAVE BEEN WAITING TO BE RETURNED BACK TO CHINA FOR OVER 7 MONTHS NOW. DO YOU HAVE MY TRAVEL DOCUMENTS? HAVE YOU RECEIVED MY TRAVEL DOCUMENTS? HAS CHINA ISSUED ME MY TRAVEL DOCUMENTS? WILL I BE LEAVING SOON? CAN I EXPECT TO LEAVE SOON? THANK YOU

Officer Response: I HAVE BEEN REACHING OUT FOR UPDATES.

OFFICER SIGNATURE [Signature] DATE 10/22/25

Interview Interpreter Interviewed: _____

Written Response Only Received: _____

ICE DETAINEE REQUEST FORM

10/29/25

DEPORTATION OFFICER ~~FERRER~~ L. Palacios

DETAINEE NAME FENG CHEN
A-NUMBER [REDACTED] NATIONALITY CHINESE
BOOKING NUMBER [REDACTED] BARRACKS/ BED [REDACTED]

- When is my next court date?
- Do I qualify for a bond?
- I would like to request to have my bond reduced to _____.
- When will I be deported? I was ordered deported on 3/13/2025.
- How soon can I be deported? I want to be deported as soon as possible.
- Am I eligible for Voluntary Departure?
- Do I qualify for Parole? What is the Status of my Parole request?
- I have documents for my Parole request. (explain below)
- I already have a Deportation Order, when is my custody review? What is the Status of the review?
- When will I see the consulate?
- I need a copy of my: Notice to Appear _____.
- I have some paperwork to add to my file (explain below)
- Property issues (explain below) I'm missing _____ from _____.

Other (explain below)
 Please Specify In Detail: I WAS ORDERED DEPORTED ON 3/13/25 I HAVE BEEN WAITING TO RETURN TO CHINA FOR CLOSE TO 8 MONTHS NOW. I GET THE SAME ANSWER EVERYTIME I ASK "WE ARE JUST WAITING FOR CHINA TO ISSUE TRAVEL DOCUMENTS" HOW LONG ARE WE GONNA WAIT WHILE I REMAIN DETAINED? ARE THERE OTHER OPTIONS? HELP ME PLEASE!!!

Officer Response: _____
We are still waiting on the government of China to issue you a travel document.

OFFICER SIGNATURE J. Suarez DATE 10/29/2025

- Interview Interpreter Interviewed: _____
- Written Response Only Received: _____