

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS

Shi Ying HUANG)	
)	Case No. 3:25-cv-730
Petitioner,)	
)	PETITION FOR WRIT OF
v.)	HABEAS CORPUS
)	
Unknown Name, Superintendent, ERO El Paso)	ORAL ARGUMENT
Camp East Montana;)	REQUESTED
Mary De Anda-Ybarra, Field Office Director,)	
ICE El Paso Field Office;)	
Todd Lyons, Acting Director, U.S.)	
Immigration and Customs Enforcement;)	
Kristi Noem, Secretary of the)	
U.S. Department of Homeland Security;)	
Pamela Bondi, Attorney General of the U.S.;)	
)	
Respondents.)	
)	

INTRODUCTION

1. Petitioner, Shi Ying Huang, a native and citizen of China, is hereby challenging the unlawful revocation of her release on an order of supervision (“OSUP”) and her continued detention without belief that her removal from the United States is reasonably foreseeable.
2. Her continued detention has torn her from her terminally ill husband, Min Jun Huang, who has mere months to live after battling metastatic recurrent colon adenocarcinoma. As her husband’s only caregiver, Petitioner had been responsible for managing all of his treatment protocols, medication regiment, and nutrition. Now, her two U.S. Citizen children, both of whom are full-time students, are solely responsible for their father’s needs.
3. Petitioner first arrived in the United States in August 1999 and was paroled into the U.S. for the purposes of removal proceedings. She attended several hearings and applied for asylum before she was ordered removed in absentia on October 9, 2001.

4. Ms. Huang was placed on an Order of Supervision with Immigration and Customs Enforcement (“ICE”) on October 2, 2011 and has been in compliance with its conditions for over 14 years.
5. On December 9, 2025, Petitioner was re-arrested at an ICE Check-in at the Field Office in Burlington, Massachusetts. She was detained during the check-in and subsequently transferred to the El Paso Camp East Montana, in El Paso, Texas, where she remains detained.
6. Petitioner was given no notice of ICE’s intention to re-detain her, and she was not provided with any information about why her OSUP was revoked. Since her detention, she has been provided with a Notice of Revocation, signed by David Wesling, Acting Field Office Director of the Boston, MA Field Office.
7. Since being detained, Petitioner has not been provided with an informal interview regarding any reasons for the revocation of her OSUP.
8. On information and belief, ICE has no particularized evidence that Petitioner could be deported to any country at the time they detained her and continue to have no particularized evidence that Petitioner can be removed at this time.
9. Petitioner has not received an individualized hearing before a neutral decisionmaker to assess whether her recent re-detention is warranted due to danger or flight risk.
10. Accordingly, to vindicate Petitioner’s statutory, constitutional and regulatory rights, this Court should grant the instant petition for a writ of habeas corpus to ensure her continued freedom.

JURISDICTION

11. This action arises under the Constitution of the United States and the Immigration and

Nationality Act (INA), 8 U.S.C. § 1101 *et seq.*

12. This Court has subject matter jurisdiction over the present action under 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). This action arises under the Due Process Clause of the Fifth Amendment of the U.S. Constitution and the INA.
13. This Court may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et. seq.*, the Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.
14. Federal district courts have jurisdiction to hear habeas claims by noncitizens challenging the lawfulness or constitutionality of DHS conduct. Federal courts are not stripped of jurisdiction under 8 U.S.C. §1252. *See e.g., Zadvydas v. Davis*, 533 U.S. 678, 687 (2001).
15. This Court must have jurisdiction under the Suspension Clause, notwithstanding statutory provisions that otherwise deprive the Courts of jurisdiction over executions of removal orders, to review the actions of the executive branch's enforcement of the immigration laws if those actions violate the Constitution by depriving Petitioner of due process or other constitutional rights. *Compare* Suspension Clause with 8 U.S.C. § 1252(g); *see also Reno v. Am.-Arab Anti Discrimination Comm.*, 525 U.S. 471, 482 (1999). The Suspension Clause protects the right to the writ of habeas corpus where, as here, no adequate or effective alternative remedy exists. *See Boumediene v. Bush*, 553 U.S. 723 (2008).

VENUE

16. Venue is proper because Petitioner is in the custody of the El Paso Camp East Montana in El Paso, TX, which is in the jurisdiction of this District.
17. Venue is also proper in this District because Respondents are agencies of the United States

or officers or employees thereof acting in their official capacity or under color of legal authority; Petitioner is detained in the custody of the El Paso Field Office of Immigration and Customs Enforcement at ERO El Paso Camp East Montana, which is in the jurisdiction of this District; no real property is involved in this action. 28 U.S.C. § 1391(e).

REQUIREMENTS OF 28 U.S.C. § 2243

18. The Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to the respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. § 2243. If an order to show cause is issued, the Court must require respondents to file a return “within *three days* unless for good cause additional time, not exceeding twenty days, is allowed.” *Id.* (emphasis added).
19. Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, 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).

PARTIES

20. Petitioner is a native and citizen of China. She is under the direct control of Respondents and their agents.
21. Respondent Warden of the ERO El Paso Camp East Montana in Texas is sued in his or her official capacity. In his or her official capacity, he or she is the physical custodian of the Petitioner. His or her name is not publicly available.
22. Respondent Mary De Anda-Ybarra is the Field Office Director of the El Paso ICE Field Office. She is sued in his official capacity. In this capacity, Respondent De Anda-Ybarra

makes custody determinations regarding noncitizens held at Camp East Montana. Respondent De Anda-Ybarra is the legal custodian of the Petitioner.

23. Respondent Todd M. Lyons is sued in his official capacity as the Acting Director of U.S. Immigration and Customs Enforcement. In this capacity, Respondent Lyons is the head of the federal agency responsible for all immigration enforcement in the United States. Respondent Lyons is the legal custodian of the Petitioner.

24. Respondent Kristi Noem is sued in her official capacity as the Secretary of the U.S. Department of Homeland Security (DHS). In this capacity, Respondent Noem is responsible for the implementation and enforcement of the Immigration and Nationality Act, and oversees U.S. Immigration and Customs Enforcement, the component agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of the Petitioner.

25. Respondent Pamela Bondi is sued in her official capacity as the Attorney General of the United States. In this capacity, she has responsibility for the administration and enforcement of the immigration laws pursuant to 8 U.S.C. § 1103.

LEGAL FRAMEWORK

26. 8 U.S.C. § 1231(a) governs the detention of individuals who have been ordered removed. The statute directs ICE to detain such individuals for 90 days while carrying out a removal order. *See* 8 U.S.C. § 1231(a)(2). This 90-day removal period begins when the removal order becomes final. Absent an applicable exception, if ICE cannot remove a person within the 90-day removal period, he or she is released from custody subject to supervision. 8 U.S.C. § 1231(a)(3).

27. The removal period commences on the latest of three dates, two of which are limited to specific circumstances. *See* 8 U.S.C. § 1231(a)(1)(B); 8 C.F.R. § 241.4(g)(1)(i). For example, the date of a reviewing court's final order may provide the latest date when “the removal order is judicially reviewed and if a court orders a stay of the removal.” *See* 8 U.S.C. § 1231(a)(1)(B)(ii). Or the date the noncitizen “is released from detention or confinement” may provide the latest date when the noncitizen “is detained or confined (except under an immigration process).” *Id.* § 1231(a)(1)(B)(iii). If neither of those circumstances provide the latest date, then the period commences on the “date the order of removal becomes administratively final.” *Id.* § 1231(a)(1)(B)(i).
28. 8 U.S.C. § 1231(a)(6) permits detention beyond the normal 90-day removal period, but even these exceptions do not authorize indefinite detention. *See Zadvydas v. Davis*, 533 U.S. 678, 689 (2001) (limiting ICE’s detention authority to a period “reasonably necessary” to carry out removal and deeming detention impermissible when removal is not “reasonably foreseeable”). Furthermore, the Supreme Court recognized that six months is a “presumptively reasonable period of detention.” *Id.* at 701. This six-month period includes the 90-day removal period. *See id.*; *Zavvar v. Scott*, No. CV 25-2104-TDC, 2025 WL 2592543, at *5–6 (D. Md. Sept. 8, 2025) (“Where the *Zadvydas* Court referenced the 90-day statutory removal period in its discussion of the six-month period, it is clear that the six months includes the original 90-day period of detention, plus an additional 90 days.”). “But the Supreme Court has held that a noncitizen may not, consistent with the Due Process Clause, be detained indefinitely.” *Villanueva v. Tate*, ___ F. Supp. 3d ___, ___, No. CV H-25-3364, 2025 WL 2774610, at *2 (S.D. Tex. Sept. 26, 2025) (citing *Zadvydas*, 533 U.S. at 697). And *Zadvydas* does not “permit the Government

to indefinitely detain a noncitizen by the simple expedient of releasing and then re-detaining him in a series of ‘presumptively constitutional’ six-month increments.” *Id.* at *9.

29. The regulations permit release of a noncitizen subject to a removal order after the 90-day removal period has elapsed if ICE determines that the noncitizen “would not pose a danger to the public or a risk of flight, without regard to the likelihood of the [noncitizen’s] removal in the reasonably foreseeable future.” 8 C.F.R. § 241.13(b)(1). These released individuals are typically subject to an OSUP, as Petitioner has been for the last 14 years. *See* 8 C.F.R. § 241.4(j); 8 C.F.R. § 241.13(h).
30. ICE may withdraw its approval for the release of a noncitizen if it can effectuate the individual’s removal from the United States “in the reasonably foreseeable future” or if the individual fails to comply with the conditions of release. 8 C.F.R. § 241.13(h)(4). ICE may only revoke a noncitizen’s release if “there is a significant likelihood that the [noncitizen] may be removed in the reasonably foreseeable future.” *Id.* at § 241.13(i)(2). “Upon revocation, the [noncitizen] will be notified of the reasons for revocation of [] her release.” *Id.* at § 241.13(i)(3).
31. Only certain officials have the authority to revoke an OSUP - namely, the Executive Associate Commission of the former Immigration and Naturalization Service, or, possibly, the current Executive Associate Director of ICE. *See e.g., Rombot v. Souza*, 296 F.Supp.3d 383, 385 (D. Mass. Nov. 8, 2017) (noting that the regulation, on its face, refers to titles in force under the former INS, and thus, it is not clear an ICE Field Office Director can revoke an order of supervision to enforce a removal order); *see also Ceesay v. Kurzdorfer*, 781 F.Supp.3d 137, 162 (W.D.N.Y. May 2, 2025) (noting that the authority of the Executive

Associate Commissioner of INS was transferred to the Executive Associate Director of ICE and finding that an Assistant Field Office Director is not the equivalent of the Executive Associate Director); *Santamaria Orellana v. Baker*, 2025 WL 244087, *6 (D. Md. Aug. 25, 2025) (only the Executive Associate Commissioner or a district director can revoke release); *Zhu v. Genalo*, --- F.Supp.3d ----, 2025 WL 242352, * 8 (S.D.N.Y. Aug. 26, 2025) (same); *Santamaria Orellana v. Baker*, 2025 WL 2841886, *5-6 (D. Md. Oct. 7, 2025) (reiterating that the requirement that a specific senior official sign a notice of revocation is not merely a housekeeping matter and again ordering Santamaria Orellana's release after his re-detention by immigration officials).

32. Pursuant to 8 C.F.R. § 241.13(h)(4)(i)(2), (3), Respondents must provide a noncitizen with notice of the reasons for the revocation, must provide the noncitizen with an informal interview, and must provide the noncitizen with the opportunity to submit any evidence or information that he or she believes shows there is no significant likelihood he or she will be removed in the reasonably foreseeable future. *See also Gomez-Simeon v. Bondi et al*, Case No. SA-25-CV-01460-JKP, 2025 WL 3470872 (W.D. TX, Nov. 24, 2025). Failure to provide the notice of the reasons for the revocation or failure to provide an informal interview violates the noncitizen's due process rights and requires immediate release on OSUP. *See Ceesay*, 781 F.Supp.3d at 163-165, 166 (collecting cases, concluding that the failure to provide the informal interview violated the detainee's due process rights, and concluding that the detainee was entitled to immediate release); *see also K.E.O. v. Woosley*, 2025 WL 2553394, *5-7 (W.D. Ky. Sept. 4, 2025) (ordering release for failure to provide informal interview); *Santamaria Orellana*, 2025 WL 244087 at *7 (failure to provide interview violates due process); *Delkash v. Noem*, 2025 WL 2683988, *5-7 (C.D. Cal. Aug.

28, 2025) (noting requirement for notice and informal interview and granting immediate release).

33. Moreover, notice of the reasons for the revocation of release must be provided before re-detaining an individual on an OSUP, to provide timely notice of the reasons for the re-detention. *See Zhu*, 2025 WL 2452352 at *9 (noting that the regulations and Due Process Clause require that the process required for revoking a release must happen before a noncitizen is re-detained and ordering immediate release). Failure to provide a detainee with meaningful notice of the reasons for the revocation deprives her of the opportunity to be heard on why she should remain at liberty. *See e.g., Gomez-Simeon v. Bondi et al*, Case No. SA-25-CV-01460-JKP, 2025 WL 3470872 (W.D. TX, Nov. 24, 2025) (finding the long period of time between Gomez-Simeon's Order of Supervision under CAT, the time of his detention with no removal plan, the lack of any explanation for Gomez-Simeon's detention in 2025, the failure to provide any removal plan, and the cursory explanation demonstrate no substantial likelihood that Gomez-Simeon's removal is reasonably foreseeable); *Perez-Escobar v. Mariz*, --- F. Supp.3d ----, 2025 WL 2084102, * 2 (D. Mass. July 24, 2025) (finding that a Notice of Revocation that stated that there is a significant likelihood of removal in the reasonably foreseeable future, that the purpose of release had been served, and that it was appropriate to enforce the removal order “does not identify any specific changed circumstances” and fails to give the petitioner “meaningful notice of the basis for its revocation” and ordering the petitioner’s immediate release).

CLAIMS FOR RELIEF

COUNT ONE UNLAWFUL REVOCATION OF RELEASE

34. The allegations in the above paragraphs are realleged and incorporated herein.

35. Petitioner was detained more than fourteen years after any of the three periods of the commencement of the removal period pursuant to 8 U.S.C. § 1231(a)(1)(B) and 8 C.F.R. § 241.4(g)(1)(i).
36. Petitioner was previously detained by ICE and released. Respondents have the authority to revoke her release if there are changed circumstances, such that there is now a significant likelihood that they can remove her in the reasonably foreseeable future. *See* 8 C.F.R. § 241.13(i)(2).
37. Respondents revoked Petitioner's release without evidence that she could be deported to any country.
38. Respondents' actions are arbitrary, capricious, an abuse of discretion, and contrary to law. 5 U.S.C. § 702(a)(2)(A). Petitioner is entitled to immediate release on an OSUP.

**COUNT TWO
VIOLATION OF PROCEDURES FOR REVOCATION OF RELEASE**

39. The allegations in the above paragraphs are realleged and incorporated herein.
40. The governing regulations require Respondents to notify Petitioner of the reason for her re-detention. 8 C.F.R. § 241.13(i)(3). Respondents have not complied with this obligation because the Notice of Revocation is vague and fails to provide adequate notice of what changed circumstances allegedly justify re-detention. The Notice was also served after Petitioner had already been re-detained, which does not comply with the obligation to provide notice prior to re-detaining a non-citizen. In addition, the Notice is signed by the Acting Field Office Director for the Boston Field Office, an official who lacks authority to revoke a noncitizen's release. Respondents have not yet provided Petitioner with an initial interview at which she can respond to the purported reasons from revocation. *Cf. id.* As

such, Petitioner is entitled to immediate release on OSUP until ICE can provide the minimal process required by the regulation.

COUNT THREE
UNLAWFUL DETENTION WITHOUT INDIVIDUALIZED DETERMINATIONS OF
DANGER OR FLIGHT RISK

41. The allegations in the above paragraphs are realleged and incorporated herein.
42. Detention violates Section 1231 and the Due Process Clause of the U.S. Constitution unless it is reasonably related to the government's purpose of preventing flight and protecting the community. *Zadvydas*, 533 U.S. at 690-91.
43. Before being re-detained, Petitioner lived in the community for the last 26 years, 14 of which she was compliant with an Order of Supervision. She has a terminally ill husband and two United States Citizen children, all of whom depend on her. She was gainfully employed as the family's sole breadwinner, given her husband's terminal illness. Petitioner has received no process to determine if her re-detention is warranted.
44. Petitioner is entitled to an individualized determination by an impartial adjudicator as to whether her detention is justified based on danger or flight risk.

PRAYER FOR RELIEF

Wherefore, Petitioner respectfully requests this Court to grant the following:

- (1) Assume jurisdiction over this matter;
- (2) Issue an Order to Show Cause ordering Respondents to show cause why this Petition should not be granted within three days.
- (3) Order Respondents to immediately release Petitioner on an OSUP.

- (4) Order that Respondents release Petitioner from detention because they lack any individualized evidence that removal of Petitioner will occur in the reasonably foreseeable future.
- (5) Order Respondents to release Petitioner from detention absent an individualized determination by an impartial adjudicator that his detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision.
- (6) Enjoin Respondents from revoking Petitioner's release unless they have individualized evidence that her removal is reasonably foreseeable.
- (7) Enjoin Respondents from revoking Petitioner's release without providing her with a determination by an impartial adjudicator that her detention is justified based on danger or flight risk, which cannot be sufficiently addressed by alternative conditions of release and/or supervision, at which hearing Respondents will bear the burden of proof of demonstrating that Petitioner is a flight risk or a danger to the community.
- (8) Enjoin Respondents from re-detaining Petitioner without first notifying her of the reasons for the revocation of her release, providing her with an opportunity to rebut those reasons, and providing her with a prompt interview as required by regulation.
- (9) Enjoin Respondents from re-detaining Petitioner without an authorized official making the determination that her release should be revoked.
- (10) Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, 28 U.S.C. § 2412, and on any other basis justified under law; and
- (11) Grant any further relief this Court deems just and proper.

Respectfully Submitted
Shi Ying Huang, Petitioners
By and through:

s/ Annelise M. Jatoba de Araujo

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Dated: December 23, 2025

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

I represent Petitioner, Shi Ying Huang, 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 23rd day of December, 2025.

s/Annelise M. Jatoba de Araujo
Annelise M. Jatoba de Araujo