

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA


HAIRUI ZHENG,)
Petitioner,)
)
v.)
)
WARDEN,)
Pike County Correctional Facility;)
BRIAN MCSHANE,)
Acting Field Office Director of)
Enforcement and Removal Operations,)
Philadelphia Field Office, Immigration)
and Customs Enforcement;)
PAMELA BONDI, U.S. Attorney General,)
Executive Office for Immigration)
Review;)
KRISTI NOEM, Secretary)
U.S. Department of Homeland Security)
)
Respondents,)

Case No:

Agency Case No.:



PETITION FOR WRIT OF HABEAS CORPUS AND FOR DECLARATORY AND
INJUNCTIVE RELIEF

The Petitioner herein, Hairui Zheng () respectfully requests that this Court issue a writ of habeas corpus and/or any other relief it deems appropriate. A writ of habeas corpus is appropriate because Petitioner's detention by Respondents is unlawful. Petitioner's detention since February 20, 2025, is unreasonable.

In support of his Petition, Petitioner states the following:

I. CUSTODY:

1. Petitioner is in the physical custody of Immigration and Customs Enforcement (“ICE”). He is being detained at the Pike County Correctional Facility, 175 Pike County Boulevard, Lords Valley, Pennsylvania 18428. ICE has contracted with this facility to house immigration detainees such as Petitioner. Petitioner is under the direct control of Respondents and their agents.

2. Petitioner’s custody determination by ICE has never been reviewed by the court.

II. JURISDICTION

3. This action arises under the Constitution of the United States, and the Immigration and Nationality Act (“INA”), 8 U.S.C. § 1101 et seq., and the Administrative Procedure Act, 5 U.S.C. § 701 et seq. This Court has habeas corpus jurisdiction pursuant to 28 U.S.C. § 2241. The Court may also exercise jurisdiction under 28 U.S.C. § 1331 and may grant relief pursuant to the Declaratory Judgment Act, 28 U.S.C. § 2201 et seq., and the All Writs Act, 28 U.S.C. § 1651.

4. Petitioner has exhausted all administrative remedies to the extent required by law¹.

III. VENUE

5. Venue lies in the United States District Court for the Middle District of Pennsylvania as this is where Petitioner is being detained by Respondents (and no real property is involved in this matter). *See* 28 U.S.C. § 1391(e).

¹ Petitioner has requested that ICE release him, submitting requests for a 90-day review and 180-day review.

IV. PARTIES

6. Petitioner is a citizen of the Peoples Republic of China.

7. Petitioner is detained by ICE at the Pike County Correctional Facility.

8. Respondent Warden is warden of the Pike County Correctional Facility which has a contractual arrangement to house immigration detainees for ICE.

9. Respondent Brian McShane is the Philadelphia ICE Acting Field Office Director and is Petitioner's immediate custodian.

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

11. Respondent Kristi Noem is the Secretary of the Department of Homeland Security. She is responsible for the administration of ICE and the enforcement of the INA. As such, Ms. Noem is the legal custodian over Petitioner.

V. FACTUAL AND BACKGROUND INFORMATION

12. Petitioner is a citizen of the People's Republic of China.

13. Petitioner arrived in the United States in or about March 28, 1995, without inspection and was not admitted or paroled. He has not left the U.S. since then.

14. On October 25, 1995, the Department of Homeland Security issued an Order to Show Cause and Notice of Hearing placing Petitioner in removal proceedings.

15. On August 7, 1995, Petitioner filed an asylum application which was denied by the Immigration Judge (IJ). On March 5, 1996, the IJ ordered Petitioner's removal. He appealed the decision of the IJ to the Board of Immigration Appeals (BIA) and the BIA dismissed his appeal on November 25, 1996.

16. Petitioner's son, a United States citizen, filed an I-130 petition for Petitioner as beneficiary, and that Form I-130 has since been approved.

17. Petitioner has filed a Motion to Reopen with the Immigration Court, which is currently pending.

18. Petitioner intends to pursue an I-601A waiver to shorten the separation from his family based on hardship to his elderly mother, a U.S. permanent resident, once his proceedings are reopened and administratively closed. Upon approval of the waiver, he plans to pursue termination of his removal proceedings and then pursue his immigrant visa application and immigrant visa interview.

19. Petitioner simply needs time in the U.S to process these motions and applications. Petitioner's detention has caused extreme and unusual hardships on his three US-citizen children—two of whom are minors—and permanent resident mother—who suffers from dementia, depression, and anxiety—who all rely on Petitioner for familial, emotional, and financial support.

VI. STATEMENT OF THE LAW AND LEGAL BASIS FOR RELIEF SOUGHT

20. Petitioner incorporates by reference paragraphs 1–19 of the Complaint.

21. Petitioner's continued detention is unreasonable.

22. In *Demore v. Kim*, 538 U.S. 510, 513 (2003), the United States Supreme Court stated “Congress . . . may require that persons . . . be detained for the brief period necessary for their removal proceedings.” This period was thought to last about one and a half months in most cases and about five months in the minority of cases in which the alien files an appeal. *Id.* at 526, 530-31.

23. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the U.S. Supreme Court held that although ICE may detain certain noncitizens beyond the standard 90-day removal period under 8 U.S.C. § 1231(a)(6), **detention beyond six months is presumptively unreasonable**, and a detainee may challenge it by filing a habeas petition under 28 U.S.C. § 2241.

24. The removal process is taking an unreasonably long period of time. Petitioner has complied with ICE requirements. Although Petitioner has a final order of removal, he is pursuing his legal remedies as he is entitled to do so to complete his immigrant visa process. His motion to reopen is pending. Petitioner will also file an I-601A waiver which he cannot do while he is detained due to the requirement to appear for biometrics.

25. Petitioner is not a flight risk or danger to the community. Petitioner has U.S. citizen children and a U.S. permanent resident mother. His continued detention is an extreme hardship for his family as he has been unable to support them the past 10 months.

26. Petitioner has no criminal records and poses no danger to the community. He is not a flight risk as he is pursuing legal remedies to obtain legal status.

27. Unless this Court issues a writ of habeas corpus, Petitioner has no means for release while he continues to pursue legal avenues to obtain his immigrant visa.

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- (1) Assume jurisdiction over this matter;
- (2) Grant him a writ of habeas corpus;
- (3) Issue an Order stating that his continued detention is unreasonable, contrary to law and unconstitutional;
- (4) Issue an order requiring his immediate release from ICE custody.
- (5) Grant him any other and further relief that this Court deems just and proper.
- (6) Award him his attorney's fees.

Date: December 23, 2025

Respectfully Submitted,

/s/Brian Scott Green
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Attorneys for the Petitioner

² Motion for admission pro hac vice forthcoming.

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

I represent the Petitioner, Hairui Zheng, and submit this verification on his behalf. I hereby verify that the factual statements made in the foregoing Petition for Writ of Habeas Corpus and Complaint for Declaratory and Injunctive Relief under 28 U.S.C. § 2242 or under the U.S. Constitution are true and correct to the best of my knowledge.

Dated this 23rd day of December, 2025.

/s/Brian Scott Green
Brian Scott Green

CERTIFICATE OF SERVICE

I, Susan Blumenthal, hereby certify that I have served a copy of the foregoing this 23rd day of December 2025 to:

- Pamela Bondi, Attorney General of the United States
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
- Brian McShane, Acting Field Office Director
Immigration and Custom Enforcement
333 Mount Elliot
Detroit, MI 48207
- Kristi Noem, Secretary
Department of Homeland Security
Washington, DC 20528
- Warden
Pike County Correctional Facility
175 Pike County Blvd.
Lords Valley, PA 18428
- Brian D. Miller,
United States Attorney, Middle District of Pennsylvania
William J. Nealon Federal Building and Courthouse
235 N. Washington Avenue, Suite 311
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