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DETAINED

Attorney for Plaintiff

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
SEATTLE, WASHINGTON**

YUSHOU CHENG

Petitioner,

v.

KRISTI NOEM, et. al,

Respondents.

Case No.: 26-cv-00094-SKV

PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO
28 U.S.C. § 2241

Agency File Number:



PETITIONER'S SUPPLEMENTAL FILING

1. Petitioner writes to the court to provide an update on the status of his detention and immigration Court proceedings as it is relevant to this Court's disposition of the pending petition for a writ of habeas corpus.

2. On February 6, 2026 Mr. Cheng appeared at his fourth Master Calendar hearing. At that hearing the Immigration Judge terminated proceedings confirming that he is not properly charged as an arriving alien. *See* IJ Order, Ex. A, Supplemental Filing.

3. DHS reserved appeal of the Immigration Judges decision and has maintained Mr. Cheng in custody. Given that the Immigration Court has adopted the reasoning presented in the original habeas petition, the Respondents' claims that a ruling of this court would have preclusive effects in Immigration Court are immaterial. What is clear now, is that the only reason Petitioner remains in custody is because of the unlawful action of DHS and CBP.

4. While DHS has a right to file an appeal of the Immigration Judge's decision, the fact that the Immigration Court has agreed Mr. Cheng should not be treated as an arriving alien provides further confirmation that he is being unlawfully detained as an arriving alien and should not be charged under 8 U.S.C. § 1225(b). However, he lacks any administrative remedies to cure his unlawful detention as DHS has elected to appeal preventing the Immigration Judge's order from becoming final. Mr. Cheng has now spent sixty-nine days in unlawful detention.

5. Based on the procedural history of the case, this Court should order his immediate release from custody.

Dated: February 6, 2026.

/s/ Adam Boyd

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