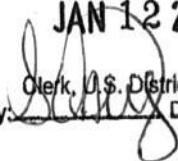


IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WAN XIN JIANG
Petitioner, Pro Se

FILED
JAN 12 2026
Clerk, U.S. District Court
By:  Deputy Clerk

V. 26-3006-JWL

CRYSTAL CARTER, DO OFFICER,
TODD LYONS, PAM BONDI,
AND ALEJANDRO MAYORKAS,
Respondents.

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

I. INTRODUCTION

Petitioner, WAN XIN JIANG, a legally admitted noncitizen and long-time resident of the United States (since 1990), is currently detained by Immigration and Customs Enforcement (ICE) pursuant to 8 U.S.C § 1231(a)(6). Petitioner has been continuously detained since June 5th, 2025, for a period exceeding hundred and eighty (180) days. Because there is no significant likelihood of removal in foreseeable future, his continued mandatory detention violates his Fifth Amendment right to Due Process under the principles established by the Supreme Court in *Zadvydas v. Davis*, 533 U.S. 678 (2001). Petitioner respectfully requests that this Court issue a Writ of Habeas Corpus ordering his immediate release from physical custody under an appropriate Order of Supervision.

II. JURSDICTION AND VENUE

1. This Court has jurisdiction under 28 U.S.C. § 2241(c)(3) because Petitioner is held in custody in violation of the constitution and laws of the United States.
2. Federal district courts have jurisdiction to review habeas challenges by noncitizens to the lawfulness of their detention, including post-removal-order detention under 8 U.S.C § 1231(a).
3. This Court also has jurisdiction under 28 U.S.C § 1331 and declaratory Judgment Act, 28 U.S.C §§ 2201 02, because this petition raises questions arising under the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the Fifth Amendment.
4. Venue is proper in the District of Kansas under 28 U.S.C. § 1391(e) and § 2241 because Petitioner is detained in the District of Kansas and his immediate custodian, Crystal Carter is located here.

III. PARTIES

5. Petitioner, WAN XIN JIANG (A# 042 716 736), is a native and citizen of China, who is

- currently detained in ICE custody at FCI Leavenworth, Kansas
6. CRYSTAL CARTER, Warden, FCI Leavenworth
 7. (NAME NOT KNOWN TO PETITIONER), Deportation Officer ("DO")
 8. TODD LYONS, Acting Director, ICE
 9. Alejandro Mayorkas, Secretary, Department of Homeland Security
 10. PAM BONDI, Attorney General of the United States
 11. All Government Respondents are sued in their official capacity

IV. FACTUAL BACKGROUND

12. An Immigration Judge ordered the Petitioner's Order of Removal in 2004.
13. The Order of Removal became administratively final in the year 2004.
14. Petitioner entered ICE custody on or about May 23rd, 2024.
15. Petitioner has been detained by ICE for more than six months (180 days) of post-order detention.
16. During this time, DHS/ICE has been unable to remove the Petitioner to his home country, China.
17. Even though Petitioner has cooperated fully with ICE's efforts with removal, including: completing necessary forms, providing information, and attending requested interviews (on or about November 16, 2025), they have failed to effectuate his removal.
18. Petitioner does not pose danger to the community, and does not present a flight risk that cannot be addressed by conditions of supervised release, such as reporting requirements, or other standard conditions.
19. ICE has provided little to no information about any timeframe toward Petitioner's removal in foreseeable future.
20. Petitioner has close ties in the United States, including his family: Spouse, Children (Sons and Daughter), Father, Brother, Sister, Uncles, Aunts, Nieces and nephews. They are all citizens of the United States.
21. Continued detention is causing Petitioner significant physical, emotional, and psychological harm, particularly given the indefinite and uncertain nature of the confinement.

V. LEGAL FRAMEWORK

22. Under 8 U.S.C. § 1231(a), DHS is generally required to remove an individual within 90 days of a final Order of Removal with limited authority to continue detention beyond that period.
23. In *Zadvydas v. Davis*, the Supreme Court construed § 1231(a)(6) to avoid serious constitutional concerns by reading into the statute an implicit "reasonable time" limitation on post-order detention and establishing a six month presumptively reasonable time period.
24. After six months (180 days), once the noncitizen provides "good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future," the burden shifts to the government to provide evidence to rebut that showing; if it cannot, continued detention is unlawful.

25. The Fifth amendment Due Process Clause limits civil immigration detention to purpose of ensuring appearances at proceedings and protecting the community, and detention must bear a reasonable relation to those purposes and not by arbitrary or indefinite.

VI. CLAIMS FOR RELIEF

First Claim For Relief: Statutory Claim Under 8 U.S.C. § 1231(a) as interpreted by *Zadvydas v. Davis*

26. Petitioner re-alleges and incorporates by reference paragraphs 1-25.
27. Petitioner has been detained beyond 6 months (180 days) post-removal-order.
28. Petitioner has presented good reason to believe that there is no significant likelihood of removal in reasonably foreseeable future.
29. Respondents have not provided evidence sufficient to rebut Petitioner's showing that removal is no significantly likely in the reasonably foreseeable future.
30. Under *Zadvydas*, continued detention under these circumstances exceeds the authority granted by § 1231(a)(6) and is unlawful.
31. Accordingly, Petitioner's continued detention violates the INA and must cease.

Second Claim For Relief: The Fifth Amendment Violation

32. Petitioner re-alleges and incorporates by reference paragraphs 1-31.
33. The Fifth Amendment prohibits arbitrary and indefinite civil detention that is not reasonably related to a legitimate governmental purpose.
34. Any legitimate purpose that might initially justify Petitioner's detention such as facilitating removal has dissipated because removal is no significantly likely in the reasonably foreseeable future.
35. Continued detention is excessive and disproportionate in relation to any legitimate governmental interest and therefore violates substantive due process.

Third Claim For Relief: The Purpose of Detention Effecting Removal No Longer Exists

36. Petitioner re-alleges and incorporates by reference paragraphs 1-35.
37. The stator scheme contemplates detention only as long as necessary to effect removal. 8 U.S. § 1231(a)(i)(A) gives 90-day removal period; then § 1231(a)(6) gives discretionary further detention only if removal is reasonably foreseeable.
38. Once it becomes apparent that removal is no longer "reasonably foreseeable," continued detention becomes punitive in nature, which raises due-process concerns.

Fourth Claim For Relief: Constitutional and Human Rights Concerns

39. Petitioner re-alleges and incorporates by reference paragraphs 1-39.
40. Indefinite detention without release or bond hearing raises serious due-process and liberty interest issues. See e.g., Congress Research Services note: "Indefinite detention raises 'serious constitutional-concerns'."
41. The burden on the government must increase when liberty is at stake.

Fifth Claim For Relief: No Meaningful Prospect of Removal

- 42. Petitioner re-alleges and incorporates by reference paragraphs 1-41.
- 43. The detention period (more than 6 months) exceeds the presumptive "reasonably necessary" period identified in Zadvydas (six months).
- 44. Government must show removal in foreseeable future; here no evidence of country acceptance, consulate cooperation, travel documents etc.
- 45. Under regulatory guidance, if removal is not reasonably foreseeable, detainee must be released after 180 days.
- 46. These conditions of this case detention well past six month, no indication of removal trigger the logic of Zadvydas/Clark v. Martinez: Continued detention becomes unjustified.
- 47. "The Government must provide concrete evidence, no speculation." Ncube v. INS 2000 WL 1466117, at *4 (S.D.N.Y. 2000).

VII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- A. Assume jurisdiction over this matter;
- B. Issue a Writ of Habeas Corpus, ordering Respondents show cause;
- C. Immediately release Petitioner from ICE custody under such reasonable conditions of supervision as the Court deems appropriate;
- D. Grant such other and further relief as the Court deems just and proper.

VIII. VERIFICATION

I WAN XIN JIANG, declare under penalty of perjury, under the laws of the United States that I am the Petitioner in above-entitled action; that I have read the foregoing Petitioner for Write of Habeas Corpus and know the contends, therefore; and the same is true and correct to the best of my knowledge, information, and belief.

wan xin Jiang 12-29-2025

FCI Leavenworth



WAN XIN JIANG

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