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PRO HAC VICE APPLICATION FORTHCOMING
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**UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII**

WANG, Jianqiang,
A [REDACTED] (Principle),
ZHENG, Meikun,
A [REDACTED] (Derivative-spouse),
WANG, [REDACTED]
A [REDACTED] (Derivative-son)
WANG, [REDACTED]
A [REDACTED] (Derivative-son),
WANG, [REDACTED]
A [REDACTED] (Derivative-son),

**Civil Case No.
Consolidated Case**

**PETITION FOR WRIT OF
HABEAS CORPUS**

Plaintiffs/Petitioners.

v.

United States Department of Homeland
Security; U.S. Immigration and Customs
Enforcement; Field Office Director,
ICE Enforcement and Removal
Operations, Honolulu, HI in
official capacity

Defendants/Respondents.

INTRODUCTION

1. This is a Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 to prevent the unlawful and imminent arrest and detention of Petitioners, all lawful permanent residents, while their removal proceedings and applications for cancellation of removal under INA § 240A(a) remain pending before the Immigration Court in Honolulu, Hawaii.
2. Petitioners do not challenge the merits of their removal proceedings or seek review of any final order of removal. No final order exists. Instead, this Petition seeks narrowly tailored habeas relief to prevent executive detention that would violate due process and unlawfully interfere with ongoing judicial proceedings before the Immigration Court.

JURISDICTION AND VENUE

3. This Court has jurisdiction pursuant to 28 U.S.C. sections 1331 and 2241, and authority under the All Writs Act, 28 U.S.C. section 1651(a).

4. Jurisdiction is not barred by section 242 of the Immigration and Nationality Act because Petitioner does not challenge the merits of removal or any final order, but instead challenges imminent pre-adjudicatory detention that interferes with pending proceedings.
5. The venue lies in the District of Hawaii because Petitioners reside in Hawai'i and Respondents' enforcement actions occurred within this District.
6. This motion does not seek review of removal proceedings or any removal order. It seeks narrowly tailored injunctive relief to preserve the status quo and to prevent executive interference with an ongoing adjudication.

PARTIES

7. Petitioners are a family of lawful permanent residents who obtained conditional permanent residence through the EB-5 immigrant investor program and later became subject to removal proceedings following the failure of a regional center project.
8. Petitioners are not subject to any final order of removal. Their removal proceedings remain ongoing before the Immigration Court in Honolulu.
9. Respondents are officers and agencies of the United States charged with immigration enforcement and custody authority, sued only in their official capacities.

STATEMENT OF FACTS

10. Petitioners are lawful permanent residents of the United States who obtained such status through the EB-5 immigrant investor program.
11. Following the filing of the Form I-829 lifting the Petitioners conditional permanent resident status and subsequent failure of the Regional Center project, the Department of Homeland Security initiated removal proceedings against them, asserting they have failed to meet the requirements for approval of the Form I-829, *to wit*:
 - (1) Establishing that the \$500,000 US was invested and at risk;
 - (2) That the proposed project failed to create 10 jobs for US citizens or lawful permanent residents per investor.
12. Petitioners have contested the Agency's allegations of removal and have appeared before the Immigration Court in Honolulu in response to a Notice to Appear denying those allegations.
13. Additionally, the Petitioners are also seeking the relief of Cancellation of Removal for Permanent Residents pursuant to Immigration and Nationality Act, Section 240A(a).
14. The Petitioners were accorded time to file the applications and supporting evidence, as well as pay the filing fees.
15. The Immigration Judge has scheduled a full merits hearing for May 22, 2026.

16. The Petitioners have complied with all court appearances and procedural requirements. And they are not subject to a final order of removal. They have retained the services of an immigration attorney and are fully invested in contesting the Agency's actions.
17. The Petitioners have not absconded, and neither do they present a flight risk or danger to the community.
18. On or about December 20, 2025, officers of Immigration and Customs Enforcement came to Petitioner's residence seeking to take him into custody. The officers did not present a judicial warrant and did not assert that removal was imminent. Their actions threaten to deprive the Petitioners of their liberty and to substantially interfere with their ability to consult with counsel, gather evidence, and present witnesses in support of their pending cancellation applications.

LEGAL STANDARD

19. A petition for writ of habeas corpus under 28 U.S.C. § 2241 is the proper vehicle for challenging unlawful custody, imminent detention, or other severe restraints on liberty imposed by the Executive Branch. The writ serves as a fundamental safeguard against detention that violates the Constitution, federal statutes, or governing regulations.

20. To invoke habeas jurisdiction, a petitioner must demonstrate that he or she is “in custody” within the meaning of § 2241. Custody is not limited to physical confinement, but includes imminent detention or other restraints on liberty that are not shared by the public at large. A credible threat of arrest or detention by immigration authorities satisfies the custody requirement.
21. The core inquiry in a habeas proceeding is whether the government has lawful authority to detain the petitioner at the time the restraint is imposed or threatened. The Court does not review the merits of removal proceedings or adjudicate immigration relief. Rather, the Court’s role is limited to determining whether the challenged detention is authorized by law and consistent with the Fifth Amendment’s guarantee of due process.
22. Federal district courts retain habeas jurisdiction over immigration detention claims where the petitioner does not seek review of a final order of removal, but instead challenges pre-adjudicatory or non-final restraints on liberty.
23. Due process requires that noncitizens in removal proceedings be afforded a full and fair opportunity to be heard, including meaningful access to counsel and the ability to prepare and present evidence in support of pending applications for relief. Detention that substantially interferes with a petitioner’s ability to pursue statutory relief renders that relief meaningless and violates due process.

24. Loss of physical liberty constitutes irreparable harm. The Ninth Circuit has recognized that detention pending immigration proceedings inflicts immediate and non-compensable injury. *Rodriguez v. Robbins*, 15 F.3d 1127, 1144 (9th Cir. 2013), *rev'd on other grounds sub nom. Jennings v. Rodriguez*, 583 U.S. 131 (2018). Because loss of physical liberty constitutes irreparable harm, habeas relief is appropriate where detention is imminent and unlawful, even before custody is formally imposed. Where the government cannot establish clear statutory authority and constitutional justification for detention, the writ must issue.

ARGUMENT

25. Petitioners are likely to succeed on the merits because federal courts retain habeas jurisdiction to prevent executive action that interferes with ongoing adjudications and renders statutory relief meaningless. The Supreme Court has confirmed that courts may act under the All Writs Act to preserve the integrity of adjudicative proceedings. *Clinton v. Goldsmith*, 526 U.S. 529, 536 (1999).
26. Petitioners face immediate and irreparable harm should they or the primary Petitioner be taken into custody. Detention would substantially impair their ability to prepare for their merits hearing, access documents and witnesses,

and consult meaningfully with counsel. Such harm cannot be remedied after the fact.

27. The balance of equities favors Petitioner. He seeks only to preserve the status quo while the Immigration Court adjudicates their applications for relief from removal. Respondents suffer no prejudice by delaying custody actions until that adjudication is complete and final.
28. The public interest favors adherence to due process, respect for judicial proceedings, and orderly adjudication of statutory immigration relief within the forum designed to adjudicate such applications.
29. The Fifth Amendment applies to all persons within the United States, including lawful permanent residents in removal proceedings. Fundamental fairness requires that noncitizens in removal proceedings receive a full and fair hearing, including a meaningful opportunity to present evidence and consult with counsel.
30. Pre-adjudicatory detention that substantially interferes with a noncitizen's ability to pursue statutory relief violates due process.
31. Loss of physical liberty constitutes irreparable harm. Once detained, Petitioners would suffer immediate and non-compensable injury.
32. This Court has authority under § 2241 and the All Writs Act to enjoin such detention to preserve the status quo and the integrity of pending proceedings.

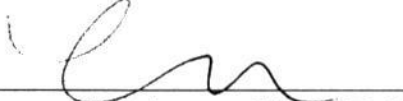
33. Petitioners seek only to remain at liberty while their applications for cancellation of removal are adjudicated. Respondents suffer no prejudice by refraining from detention until those proceedings conclude.
34. No Petition for Writ of Habeas Corpus or any other form of judicial review has previously been filed in any court to review the decisions and actions described in this petition.

REQUEST FOR RELIEF

35. Petitioner respectfully requests that the Court issue A Writ of Habeas Corpus prohibiting Respondents from arresting or detaining Petitioners while their removal proceedings and applications for cancellation of removal remain pending, set an expedited hearing on a Preliminary Injunction, waive any bond requirement pursuant to 5 Federal Rule of Civil Procedure 65(c), and grant such further relief as the Court deems just and proper.

Dated: January 14, 2026
Honolulu, HI

Respectfully submitted,


Carmen Di Amore-Siah, HI 5035
Law Office of Carmen Di Amore-Siah
Local Counsel for Plaintiffs/Petitioners


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Pro Hac Vice Application Forthcoming