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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF COLORADO

7 Le, Yao  
8 Petitioner,  
9 V.  
10 KRISTI NOEM, Secretary of  
the United States Department of Homeland  
11 Security; PAM BONDI,  
United States Attorney General;  
12 TODD LYONS, Director of  
United States Immigration and Customs  
13 Enforcement; Kelei Walker,  
Field Office Director for Detention and  
14 Removal, U.S. Immigration and Customs  
Enforcement, Department of Homeland  
15 Security;  
16 UNITED STATES DEPARTMENT OF  
HOMELAND SECURITY; UNITED  
17 STATES IMMIGRATION AND  
CUSTOMS ENFORCEMENT;  
18 Respondents  
19

A  Detained

Case File No.:

Immigration file No.:



**PETITIONER'S  
WRIT OF HABEAS  
CORPUS**

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

22 This is a petition for a writ of habeas corpus filed on behalf of Yao Le  
23 (“Petitioner”) seeking relief to remedy his unlawful detention. Respondents are  
24 detaining Petitioner pending his removal from the U.S. Petitioner has fully  
25 cooperated with Respondents for said removal. To date, Petitioner has been  
26 detained for more than two-hundred and ten (210) days since he was ordered  
27 removed but granted Withholding of Removal on July 1, 2025. *See*, Exhibit A.  
28

1 Petitioner is not a flight risk or a danger to the community. His prolonged  
2 detention is no longer justified under the Constitution or the Immigration and  
3 Nationality Act (INA).  
4

5 Nevertheless, Respondents continue to detain Petitioner and keep him in their  
6 custody.  
7

8 Respondents' actions defy the U.S. Constitution and the Immigration and  
9 Nationality Act (INA). Petitioner seeks an order from this Court declaring his  
10 continued and prolonged detention unlawful and ordering Respondents to release  
11 Petitioner.  
12

### 13 CUSTODY

14 1. Petitioner is in the physical custody of Respondents. Petitioner is under the  
15 direct control of Respondents and their agents.  
16

### 17 JURISDICTION

18 2. This action arises under the Constitution of the United States, the Immigration  
19 and Nationality Act ("INA"), 8 U.S.C. § 1101 et. seq., as amended by the Illegal  
20 Immigration Reform and Immigrant Responsibility Act of 1996 ("IIRIRA"), Pub.  
21 L. No. 104-208, 110 Stat. 1570. This Court has jurisdiction under 28 U.S.C. 2241,  
22 art. I, § 9, cl. 2 of the United States Constitution ("Suspension Clause") and 28  
23 U.S.C. § 1331, as Petitioner is presently in custody under color of authority of the  
24 United States and such custody is in violation of the U.S. Constitution, laws, or  
25 treaties of the United States. This Court may grant relief pursuant to 28 U.S.C. §  
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1 2241, and the All Writs Act, 28 U.S.C. § 1651.

2 VENUE

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4 3. Venue lies in the United States District Court for the District of Colorado, the  
5 judicial district where Petitioner was ordered removed but granted Withholding of  
6 Removal. *See, Ahrens v. Clark*, 335 U. S. 188 (1948); *Armentero v. INS*, 340 F.3d  
7 1058 (9<sup>th</sup> Cir., 2003).  
8

9 PARTIES

10 4. Petitioner is a national and citizen of China.

11  
12 5. Respondent KRISTI NOEM is the Secretary of the U.S. Department of  
13 Homeland Security (“DHS”), an agency of the United States. She is responsible for  
14 the administration of immigration laws pursuant to 8 U.S.C. § 1103(a). Secretary  
15 Noem is a legal custodian of Mr. Le. She is named in her official capacity.  
16 Respondent’s address is Department of Homeland Security, Washington, D.C.  
17 20528.  
18

19  
20 6. Respondent Pam Bondi is the Attorney General of the United States and the  
21 most senior official in the U.S. Department of Justice (“DOJ”). She has the  
22 authority to interpret immigration laws and adjudicate removal cases. 8 U.S.C. §  
23 1103(g). The Attorney General delegates this responsibility to the Executive Office  
24 for Immigration Review (“EOIR”), which administrates the immigration courts  
25 and the BIA. She is named in her official capacity. Respondent’s address is 950  
26 Pennsylvania Avenue, NW, Washington, D.C. 20520-0001.  
27  
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1 7. Respondent TODD LYONS is the Director of the United States Immigration and  
2 Customs Enforcement within the Department of Homeland Security, an agency of  
3 the United States. He is responsible for the administration and enforcement of  
4 immigration laws. He is named in his official capacity. Respondent's address is  
5 500 12th St. SW, Washington, D.C. 20536.  
6

7  
8 8. Respondent Kelei Walker is the Field Office Director for Detention and  
9 Removal, U.S. Immigration Customs and Enforcement, Department of Homeland  
10 Security. Pursuant to Respondent Walker's orders, Mr. Le remains detained.  
11 Respondent Walker is named in her official capacity. Respondent's address is  
12 Denver Field Office, 12484 E Weaver Pl, Centennial, CO 80111.  
13

14 9. The Department of Homeland Security (DHS) is a federal agency charged with  
15 administering statutes and regulations governing immigration pursuant to 6 U.S.C.  
16 §§ 111-115. Respondent's address is Department of Homeland Security,  
17 Washington, D.C. 20528.  
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19  
20 10. The United States Immigration and Customs Enforcement is a federal sub-  
21 agency under DHS responsible for the administration and enforcement of the  
22 United States' immigration laws pursuant to 22 C.F.R. 127.4. Respondent's field  
23 office address is Denver Field Office, 12484 E Weaver Pl, Centennial, CO 80111.  
24

#### 25 EXHAUSTION OF ADMINISTRATIVE REMEDIES

26 11. Petitioner has exhausted his administrative remedies to the extent required by  
27 law. Petitioner's only remedy is by way of this judicial action.  
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STATEMENT OF FACTS

1  
2 12. Petitioner is a national and citizen of China who entered the U.S. on or about  
3  
4 February 2, 2025.

5 13. Petitioner was ordered removed but granted Withholding of Removal on July  
6  
7 1, 2025 in the Aurora, Colorado Immigration Court. *See*, Exhibit A.

8 14. Petitioner has now been in detention for more than two-hundred and ten (210)  
9  
10 days pending his removal from the U.S. after being ordered removed.

11 15. Petitioner is not a danger to the community.

12 16. Petitioner is not a flight risk.

13 17. Petitioner was complying with all ICE requirements and pursuing asylum relief  
14  
15 in his removal proceedings.

16 18. Respondents' continued detention of Petitioner is contrary to the law.

CLAIMS FOR RELIEF

COUNT ONE CONSTITUTIONAL CLAIM

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20 19. Petitioner alleges and incorporates by reference paragraphs 1 through 18 above.

21 20. Petitioner's detention violates his right to substantive and procedural due  
22  
23 process guaranteed by the Fifth Amendment to the U.S. Constitution. *Hope v.*  
24 *Warden York City Prison*, 972 F.3d 310, 323-25 (3d Cir. 2020) (seeking release  
25 due to unconstitutional conditions of confinement); *Yanes v. Martin*, 464 F. Supp.  
26 3d 467, 468 n.1 (D.R.I. 2020); *Zepeda Rivas v. Jennings*, 465 F. Supp. 3d 1028,  
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28 1035-36 (N.D. Cal. 2020).

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COUNT TWO STATUTORY CLAIM

21. Petitioner alleges and incorporates by reference paragraphs 1 through 20 above.  
22. Petitioner’s continued detention violates the Immigration and Nationality Act,  
8 USC §1226, and the U.S. Constitution.

COUNT THREE

23. If he prevails, Petitioner requests attorney’s fees and costs under the Equal  
Access to Justice Act (“EAJA”), as amended, 28 U.S.C. § 2412.

PRAAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief: 1.  
Assume jurisdiction over this matter; 2. Issue an order directing Respondents to  
show cause why the writ should not be granted; 3. Declare that Petitioner’s  
detention violates the Due Process Clause of the Fifth Amendment, 8 U.S.C. §  
1226, and the Immigration and Nationality Act; 4. Issue a writ of habeas corpus  
ordering Respondents to release Mr. Le; 4. Award Petitioner reasonable costs and  
attorney’s fees; and, 5. Grant any other relief which this Court deems just and  
proper.

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Respectfully submitted,

/s/ Stacey King

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Attorney for Petitioner

VERIFICATION OF COUNSEL

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I, Stacey King, hereby certify that I am familiar with the case of the named petitioner and that the facts as stated above are true and correct to the best of my knowledge and belief.

/s/ Stacey King

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