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9
10 **UNITED STATES DISTRICT COURT FOR THE**
11 **SOUTHERN DISTRICT OF CALIFORNIA**

12 XIAOWEI QIN, an individual;

13 Petitioner,

14 v.

15 SIXTO MARRERO, Facility Administrator of
16 Imperial Regional Detention Facility; PATRICK
17 DIVVER, Director of SAN DIEGO ICE Field
18 Office, U.S. Immigration and Customs
19 Enforcement, Enforcement and Removal
20 Operations; TODD LYONS, Acting Director,
21 U.S. Immigration and Customs Enforcement;
22 Pamela BONDI, Attorney General of the United
23 States; KRISTI NOEM, Secretary of Homeland
24 Security, in their official capacities,

25 Respondents.

Case No. '26CV0564 AGS VET

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

26 **INTRODUCTION**

27 1. Petitioner Xiaowei Qin ("Ms. Qin" or "Petitioner") (Alien registration number:



28 brings this petition for a writ of habeas corpus to seek enforcement of her right as

1 a member of the Bond Denial Class certified in *Maldonado Bautista v. Santacruz*, No. 5:25-CV-
2 01873-SSS-BFM (C.D. Cal.) Petitioner is in the physical custody of Respondents at the Imperial
3 Regional Detention Facility. She now faces unlawful detention because the Department of
4 Homeland Security (“DHS”) and the Executive Office for Immigration Review (“EOIR”) have
5 refused to abide by the declaratory judgment issued on behalf of the certified class in *Maldonado*
6 *Bautista v. Santacruz*.

7
8 2. On November 20, 2025, the district court granted partial summary judgment on
9 behalf of individual plaintiffs and on November 25, 2025, certified a nationwide class and
10 extended declaratory judgment to the certified class. *Maldonado Bautista v. Santacruz*, No. 5:25-
11 CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3289861, at *11 (C.D. Cal. Nov. 20, 2025)
12 (order granting partial summary judgment to named Plaintiffs-Petitioners); *Maldonado Bautista v.*
13 *Santacruz*, No. 5:25-CV-01873-SSS-BFM, --- F. Supp. 3d ----, 2025 WL 3288403, at *9 (C.D.
14 Cal. Nov. 25, 2025) (order certifying Plaintiffs-Petitioners’ proposed nationwide Bond Eligible
15 Class, incorporating and extending declaratory judgment from Order Granting Petitioners’
16 Motion for Partial Summary Judgment).

17
18 3. The declaratory judgment held that the Bond Denial Class members are detained
19 under 8 U.S.C. § 1226(a), and thus may not be denied consideration for release on bond under §
20 1225(b)(2)(A). *Maldonado Bautista*, 2025 WL 3289861, at *11.

21
22 4. Nonetheless, the EOIR and its subagency, the Immigration Court, and the DHS
23 have blatantly refused to abide by the declaratory relief and have unlawfully ordered that
24 Petitioner be denied the opportunity to be released on bond.

25 5. Ms. Qin is a member of the Bond Eligible Class, as she:

26
27 a. does not have lawful status in the United States and is currently detained at the
28 Imperial Regional Detention Facility. She was apprehended by immigration
authorities in December 2025,

- 1 b. entered the United States on or about January 14, 2024 without inspection over
2 two years ago and was not apprehended upon arrival, and
3 c. is not detained under 8 U.S.C. § 1226(c), § 1225(b)(1), or §1231.

4 6. After apprehending Petitioner on January 14, 2024, the DHS placed her in removal
5 proceedings under 8 U.S.C. § 1229a. *See* Exhibit “A,” *Respondent’s Form I-213, Record of*
6 *Deportable / Inadmissible Alien*; Exhibit “B,” *Respondent’s Notice to Appear (“NTA”)*. DHS has
7 charged Petitioner as being inadmissible under 8 U.S.C. § 1182(a)(6)(A)(i), as someone who
8 entered the United States without inspection. *See* Exhibit “B.”

9 7. The Court should expeditiously grant this petition.

10 8. Respondents are bound by the judgment in *Maldonado Bautista*, as it has the full
11 “force and effect of a final judgment.” 28 U.S.C. § 2201(a). Nevertheless, Respondents continue
12 to flagrantly defy the judgment in that case and continue to subject Petitioner to unlawful
13 detention despite her clear entitlement to consideration for release on bond as a Bond Eligible
14 Class member.

15 9. Immigration judges have informed class members in bond hearings that they have
16 been instructed by “leadership” that the declaratory judgment in *Maldonado Bautista* is not
17 controlling, even with respect to class members, and that instead IJs remain bound to follow the
18 agency’s prior decision in *Matter of Yajure Hurtado*, 29 I. & N. Dec. 216 (BIA 2025).

19 10. Because Respondents are detaining Petitioner in violation of the declaratory
20 judgment issued in *Maldonado Bautista*, the Court should accordingly order that within one day,
21 Respondent DHS must release Petitioner.

22 11. Alternatively, the Court should order Petitioner’s release unless Respondents
23 provide a bond hearing under 8 U.S.C. § 1226(a) within seven days.

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1 **JURISDICTION AND VENUE**

2 12. Ms. Qin is in the physical custody of Respondents. She is detained at the Imperial
3 Regional Detention Facility in Calexico, California, and she is under the direct control of
4 Respondents and their agents. *See* Exhibit “C,” ICE’s Inmate Locator System.

5 13. This action arises under the Constitution of the United States, 28 U.S.C.
6 §2241(c)(1), and the Immigration and Nationality Act (“INA”), 8 U.S.C. §1101 et seq. This Court
7 has subject matter jurisdiction under 28 U.S.C. §2241, Article I, Section 9, Clause 2 of the United
8 States Constitution (the “Suspension Clause”); and 28 U.S.C. §1331, as Petitioner is presently in
9 custody under color of the authority of the United States, and such custody violates the
10 Constitution, laws, or treaties of the United States. *See Zadvydas v. Davis*, 533 U.S. 678, 688
11 (2001) (“We conclude that §2241 habeas corpus proceedings remain available as a forum for
12 statutory and constitutional challenges to post-removal-period detention.”).

13 14. Venue lies in the Southern District of California, because this is an action in which
14 Respondents are employees, officers, and agencies of the United States. Additionally, Petitioner
15 is currently detained in the territorial jurisdiction of this Court, at the Imperial Regional Detention
16 Center, and a substantial part of the events or omissions giving rise to this action occurred in this
17 District.

18 **THE PARTIES**

19 21. Petitioner is a native and citizen of the People’s Republic of China. Petitioner was
20 first taken into ICE custody in or around December 2025, and has remained in ICE custody
21 continuously since then.

22 22. Respondent SIXTO MARRERO is sued in his official capacity as the Facility
23 Administrator of Imperial Regional Detention Facility. He has immediate physical custody of
24 Petitioner under the facility’s contract with ICE to detain noncitizens. Respondent MARRERO is
25

1 a legal custodian of Petitioner.

2 17. Respondent PATRICK DIVVER is sued in his official capacity as Director of
3 Enforcement and Removal Operations of ICE's SAN DIEGO Field Office. Respondent DIVVER
4 is a legal custodian of Petitioner and has the authority to release her.

5 18. Respondent TODD LYONS is sued in his official capacity as Acting Director of
6 ICE. In this capacity, Respondent Lyons directs and oversees ICE's Enforcement and Removal
7 Operations, the component agency responsible for Petitioner's detention. Respondent LYONS is
8 a legal custodian of Petitioner and has the authority to release her.

9 19. Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the
10 U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent NOEM is
11 responsible for the implementation and enforcement of the INA and oversees ICE, the component
12 agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.
13

14 20. Respondent Pamela Bondi is sued in her official capacity as the Attorney General
15 of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that
16 capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office
17 for Immigration Review ("EOIR"), which administers the immigration courts and the Board of
18 Immigration Appeals. Respondent BONDI is a legal custodian of Petitioner.
19

20 **LEGAL FRAMEWORK**

21 **REQUIREMENTS OF 28 U.S.C. § 2243**

22 21. The Court should grant the petition for writ of habeas corpus "forthwith," as the
23 legal issues have already been resolved for class members in *Maldonado Bautista*.
24

25 22. Habeas corpus is "perhaps the most important writ known to constitutional law . . .
26 affording as it does a *swift* and imperative remedy in all cases of illegal restraint or confinement."
27 *Fay v. Noia*, 372 U.S. 391, 400 (1963) (emphasis added). "The application for the writ
28

1 usurps the attention and displaces the calendar of the judge or justice who entertains it and
2 receives prompt action from him within the four corners of the application.” *Yong v. I.N.S.*, 208
3 F.3d 1116, 1120 (9th Cir. 2000) (citation omitted).

4
5 **STATEMENT OF FACTS**

6 23. On or about January 14, 2024, Ms. Qin entered the United States with her husband
7 and through the U.S. – Mexico border to seek asylum. After crossing the port of entry near Tecate,
8 California, they proceeded on foot. Approximately six and a half hours later, they were
9 apprehended by Border Patrol and taken into ICE custody. At the time of entry, she entered
10 without inspection.

11 24. She was released from ICE custody one day later. Prior to her release, ICE
12 informed her that she was required to appear for annual check-ins at an ICE Field Office on
13 February 20.

14 25. Following her release, her husband applied for asylum and included her as the
15 derivative applicant. Ms. Qin had consistently and dutifully complied with the terms of her
16 release. She appeared and reported to ICE timely manner as instructed, and complied with all
17 other terms on the OSUP. She has never violated the condition of release. She continued to build
18 a life here, working to support herself, and living openly in the community. She has not
19 committed any crime in the United States.

20 26. In December 2025, while traveling from Arizona to California, she and several
21 other travelers were apprehended by ICE agents. The agents informed them that being asylum
22 applicants no longer granted them the right to be lawfully present in the United States. Shortly
23 thereafter, she and the other individuals were taken into ICE custody.

24 27. On or about December 19, 2025, through her counsel’s assistance, Ms. Qin filed a
25 bond request with the Imperial Immigration Court.

1 WL 3562651, at *3–6 (W.D.Mich. Dec. 12, 2025).

2 34. Section 1226(a) clearly sets forth a discretionary framework for detention or
3 release of an alien subject to that provision. The statute allows the Attorney General to continue
4 to detain the arrested alien, or release the alien on “bond of at least \$1,500 with security approved
5 by, and containing conditions prescribed by, the Attorney General,” or “conditional parole.” See 8
6 U.S.C. § 1226(a)(1)–(2). This discretionary framework “requires a bond hearing to make an
7 individualized custody determination.” See *Lopez-Campos v. Raycraft*, 797 F.Supp.3d 771, 785
8 (E.D.Mich. 2025).

9
10 35. This statutory framework applies to Ms. Qin. She has resided in the United States
11 since January 2024 and was already within the United States when she was detained by ICE in
12 December 2025. She is therefore detained under 8 U.S.C. § 1226(a) and is entitled to a bond
13 hearing.

14
15 36. By detaining Ms. Qin and subsequently denying her bond request, Respondents
16 have acted in excess of their statutory authority under 8 U.S.C. § 1226(a). As a result, Ms. Qin’s
17 continued detention violates the INA and is unlawful.

18 **SECOND CAUSE OF ACTION**

19 **(Violation of Due Process)**

20
21 1. Petitioner repeats and incorporates by reference into this cause of action the
22 allegations set forth above.

23 2. The Due Process Clause squarely protects Ms. Qin’s liberty from arbitrary
24 immigration detention. “Freedom from imprisonment—from government custody, detention, or
25 other forms of physical restraint—lies at the heart of the very liberty that [the Due Process Clause]
26 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (citation omitted).

27 3. The Supreme Court “has held that the Constitution requires some kind of a
28

1 hearing before the State deprives a person of liberty or property.” *Zinerman v. Burch*, 494 U.S.
2 113, 127 (1990). Only in a “special case” where post-deprivation remedies are “the only remedies
3 the State could be expected to provide” can the post-deprivation process suffice. *Zinerman*, 494
4 U.S. at 128.

5
6 4. The Fifth Amendment’s Due Process Clause extends to all persons, regardless of
7 status. *See A. A. R. P. v. Trump*, 145 S. Ct. 1364, 1367 (2025). Thus, noncitizens, such as
8 Petitioner, are entitled to its protections. Thus, noncitizens, including Petitioner, are entitled to its
9 protections.

10 5. Ms. Qin’s detention violates the Fifth Amendment’s Due Process Clause because
11 ICE revoked her prior release and re-detained her without notice, without a hearing, and without
12 any meaningful opportunity to contest the alleged basis for the detention.

13
14 6. Ms. Qin had previously been released from custody. Since that time, she complied
15 with all known conditions of that release and was never informed that her release had been
16 revoked or that she had allegedly violated any condition.

17 7. In addition, because Ms. Qin’s detention is governed by 8 U.S.C. § 1226(a), she is
18 also entitled to a bond hearing. Section 1226(a) clearly sets forth a discretionary framework for
19 detention or release of an alien subject to that provision, and this discretionary framework
20 “requires a bond hearing to make an individualized custody determination.” *See Lopez-Campos*,
21 2025 WL 2496379, at *9.

22
23 8. By continuing to detain Ms. Qin without affording her a meaningful bond hearing,
24 Respondents have deprived her of liberty in violation of the Fifth Amendment’s Due Process
25 Clause.

26 **THIRD CAUSE OF ACTION**

27 **(Violation of the INA: Request for Relief Under *Maldonado* *Bautista*)**

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the Due Process Clause of the Fifth Amendment.

4. Issue a Writ of Habeas Corpus ordering Respondents to release Ms. Qin immediately.
5. Alternatively, issue a writ of habeas corpus requiring Respondents to release Ms. Qin unless they provide a bond hearing under 8 U.S.C. § 1226(a) within seven days;
6. Enjoin Ms. Qin’s removal from the United States pending a final decision on this habeas action.
7. Enjoin Ms. Qin’s removal from the United States without meaningful notice and opportunity to fully present a fear-based claim.
8. Award Ms. Qin attorney’s fees and costs under the Equal Access to Justice Act, and on any other allowed by law.
9. Grant further relief as the Court finds just and proper.

Dated: January 28, 2026

Juris Path Law Firm, PC



By: 
Yunchao Song
Attorneys for Petitioner Xiaowei Qin

Exhibit A

DETAINED

JASON B. AGUILAR
Chief Counsel
DAVID M. ORLAND
Deputy Chief Counsel
MARK D. ANDERSON
Assistant Chief Counsel
OFFICE OF THE PRINCIPAL LEGAL ADVISOR
U.S. Department of Homeland Security
U.S. Immigration and Customs Enforcement
880 Front Street, Suite 2246
San Diego, California 92101
(619) 436-0328

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION
REVIEW IMMIGRATION COURT
IMPERIAL, CALIFORNIA

In the Matter of:) File No[s]:
Xiaowei Qin)
Respondent(s)) 
In Bond Proceedings)
_____)

Immigration Judge
Halliday-Roberts

Next Hearing:
Bond January 8,
2026 at 10:00 AM

U.S. DEPARTMENT OF HOMELAND SECURITY'S
BOND EVIDENCE

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CALIFORNIA

In the Matter of:) File No[s]:
Xiaowei Qin)
Respondent(s)) 
In Bond Proceedings)

U.S. DEPARTMENT OF HOMELAND SECURITY'S
BOND EVIDENCE

The United States Department of Homeland Security, Immigration and Customs Enforcement ("Department"), is hereby filing the following document(s) into evidence:

TAB DOCUMENT[S]

- A. Form I-213, Record of Deportable/Inadmissible Alien (dated January 14, 2024)

The test for admissibility of evidence in immigration proceedings looks to both fundamental fairness and the probative value of the proffered evidence. *Trias-Hernandez v. INS*, 528 F.2d 366, 369 (9th Cir. 1975); *Matter of Barcenas*, 19 I&N Dec. 609, 611 (BIA 1988) ("[d]eportation proceedings are civil in nature and are not bound by the strict rules of evidence ... the tests for the admissibility of documentary evidence ... are that evidence must be probative and that its use must be fundamentally fair" (internal citations omitted)). Here, the Department offers these document(s) as probative on the issue of respondent's eligibility for bond.

///
///
///

Based on the foregoing, the Department respectfully moves this court to admit the offered document(s) into evidence in this matter for all purposes.

Respectfully submitted,

Date: January 8, 2026

Mark Anderson
Assistant Chief Counsel

Tab A

U.S. Department of Homeland Security

Subject ID:

Record of Deportable/Inadmissible Alien

Family Name (CAPS) QIN, XIAOWEI		First	Middle	Sex F	Hair 	Eyes 	Complexion
Country of Citizenship CHINA, PEOPLES REPUBLIC OF	Passport Number and Country of Issue See Narrative	File Number 		Height 	Weight 	Occupation LABORER	
U.S. Address CALIFORNIA, 91754-1129				Scars and Marks None Indicated			
Date, Place, Time, and Manner of Last Entry 01/14/2024, 0800, 25.93 mile(s) E of TEC, PWA(AFOOT)			Passenger Boarded at	FBI Number 	<input checked="" type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Married <input type="checkbox"/> Widower <input type="checkbox"/> Separated		
Number, Street, City, Province (State) and Country of Permanent Residence CHINA, PEOPLES REPUBLIC OF				Method of Location/Apprehension PB			
Date of Birth 	Age: 39	Date of Action 01/14/2024	Location Code SDC/BLV	At/Near JACUMBA, CA	Date/Hour 01/14/2024 1443		
City, Province (State) and Country of Birth CHINA, CHINA, PEOPLES REPUBLIC OF		AR <input checked="" type="checkbox"/>	Form: (Type and No.) Lifted <input type="checkbox"/> Not Lifted <input type="checkbox"/>	By ALEX A. VELASQUEZ			
NIV Issuing Post and NIV Number		Social Security Account Name		Status at Entry PWA Mexico		Status When Found TRAVEL/SEEKING	
Date Visa Issued		Social Security Number		Length of Time Illegally in U.S. AT ENTRY			
Immigration Record NEGATIVE			Criminal Record				
Name, Address, and Nationality of Spouse (Maiden Name, if Appropriate)				Number and Nationality of Minor Children			
Father's Name, Nationality, and Address, if Known See Narrative			Mother's Present and Maiden Names, Nationality, and Address, if Known See Narrative				
Monies Due/Property in U.S. Not in Immediate Possession None Claimed		Fingerprinted? <input type="checkbox"/> Yes <input type="checkbox"/> No	Systems Checks See Narrative	Charge Code Word(s) I6A			
Name and Address of (Law) Current U.S. Employer		Type of Employment	Salary	Employed from/to Hr			
Narrative (Outline particulars under which alien was located/apprehended. Include details not shown above regarding time, place and manner of last entry, attempted entry, or any other entry, and elements which establish administrative and/or criminal violation. Indicate means and route of travel to interior.) FINS #: I77 #: DNA Envelope #:							
Left Index Print		Right Index Print					
ARREST COORDINATES: ----- Latitude: 32.613761 Longitude: -116.209264							
CONSEQUENCE DELIVERY SYSTEM: ----- Classification: FIRA							
Alien has been advised of communication privileges		01/14/2024		ALFREDO A JIMENEZ Date: 2024.01.15 03:01:58-08:00 0581148119.CBP ALFREDO JIMENEZ Border Patrol Agent (Signature and Title of Immigration Officer)			
Distribution: TO a FILE SDC CHU		Received: (Subject and Documents) (Report of Interview) Officer: ALFREDO JIMENEZ on: January 14, 2024 at 2301 (time) Disposition: Notice to Appear Released (I-862) Examining Officer: _____					

EOIR - 5 of 8

U.S. Department of Homeland Security

Continuation Page for Form

I213

Alien's Name QIN, XIAOWEI	File Number [REDACTED]	Date 01/14/2024
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PASSPORT NUMBER AND COUNTRY OF ISSUE:

PASSPORT #: [REDACTED] CHINA, PEOPLES REPUBLIC OF

ADDRESS USED ON I-862:

Address Type: VALID - RESIDENTIAL

Address: [REDACTED] CALIFORNIA, 91754-1129

FATHER NAME AND ADDRESS:

Nationality: CHINA, PEOPLES REPUBLIC OF LIANG, QIN

MOTHER NAME AND ADDRESS:

Nationality: CHINA, PEOPLES REPUBLIC OF FENG, TAO

CUSTODY REDETERMINATION:

OREC

RECORDS CHECKED:

- CIS Negative
- ABIS Negative
- EARM Negative
- NCIC Negative
- NGI Negative
- TECS Negative

Other Family/Associates Not in Event:

Father, LIANG, QIN, CHINA
Mother, FENG, TAO, CHINA

NARRATIVE:

IMMIGRATION HISTORY: No Prior immigration history.

CRIMINAL HISTORY: No prior criminal history.

ENCOUNTER:


A Border Patrol agent encountered this subject in the San Diego, California, Border Patrol

Signature ALFREDO JIMENEZ	ALFREDO A JIMENEZ Date: 2024.01.15 03:05 -08:00 0581148119.CBP	Title Border Patrol Agent
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U.S. Department of Homeland Security

Continuation Page for Form

I213

Alien's Name QIN, XIAOWEI	File Number 	Date 01/14/2024
<p>Sector's area of responsibility. It was determined that this subject had unlawfully entered the United States from Mexico, at a time and place other than as designated by the Secretary of the Department of Homeland Security of the United States.</p>		
<p>After determining that this subject illegally entered the United States, the subject was arrested and transported to a nearby Border Patrol facility for further processing using the E3/IDENT and IAFIS Systems.</p>		
<p>IMMIGRATION/CRIMINAL VIOLATION: The subject claims to be a citizen and national of China without the necessary legal documents to enter, pass through, or to remain in the United States. The subject also admitted to illegally crossing the international boundary without being inspected by an immigration officer at a designated Port of Entry.</p>		
<p>The subject stated that both parents are citizens of China and no other country.</p>		
<p>CONSULAR NOTIFICATION: The subject was notified of their right to communicate with a Consular Officer from their country as per Article 36(1) (b) of the Vienna convention on Consular Relations. The subject indicated they understood this right but declined to speak with anyone at this time.</p>		
<p>DISPOSITION: The subject provided a valid / verified U.S. address and phone number. The subject is being processed as NTA/OR due to lack of bed space.</p>		
<p>The subject was served with DHS forms I-220A, I-862, I-286, and given a copy of agency form G-56, a list of free legal services, and the "Notice to Appear Tear Sheet."</p>		
<p>The subject was informed, per agency for I-220A, that they must report for any hearing or interview as directed by the Department of Homeland Security or the Executive Office for Immigration Review and / or surrender for removal from the United States if so ordered.</p>		
<p>The subject was given a copy of form EOIR-33 and instructed that if their address and/or telephone number changes while awaiting or going through immigration proceedings, they are to file this form with the Department of Homeland Security within five (5) working days of that change.</p>		
<p>The subject does not appear to be a threat to national security, border security, or public safety. The subject was released from the custody of the Department of Homeland Security (DHS) by "Order of Recognizance" (O.R.) pending their immigration hearing. This release was authorized through proper channels in accordance with San Diego Sector protocols.</p>		
Signature ALFREDO JIMENEZ Date: 2024.01.15 03:03:14 -08:00 0581148119.CBP	Title Border Patrol Agent	

EOIR - 7 of 8

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
IMPERIAL, CALIFORNIA
PROOF OF SERVICE

I, Assistant Chief Counsel Mark Anderson, served a copy of U.S. DEPARTMENT OF HOMELAND SECURITY'S BOND EVIDENCE, along with all attachments thereto, on respondent's counsel through the EOIR Courts & Appeals System (ECAS).

Date: January 8, 2026

Assistant Chief Counsel
Mark Anderson

Exhibit B

Allegations: Admits All; wp | Charges: Concedes All; wp 30
Designated Country: CHINA |

DEPARTMENT OF HOMELAND SECURITY
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

Subject ID: [REDACTED] FINS [REDACTED] File No: [REDACTED]
DOB: [REDACTED] Event No: [REDACTED]
In the Matter of: XIAOWEI QIN
Respondent: [REDACTED] currently residing at:

[REDACTED] (Number, street, city, state and ZIP code) [REDACTED] (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of CHINA, PEOPLES REPUBLIC OF and a citizen of CHINA, PEOPLES REPUBLIC OF ;
3. You arrived in the United States at or near TECATE, CA , on or about January 14, 2024 ;
4. You were not then admitted or paroled after inspection by an Immigration Officer.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

212(a)(6)(A)(i) of the Immigration and Nationality Act, as amended, in that you are an alien present in the United States without being admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to: 8CFR 208.30 8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

300 N. LOS ANGELES ST. RM 4330 LOS ANGELES CA 90012

(Complete Address of Immigration Court, including Room Number, if any)

on February 18, 2025 at 01:00 PM to show why you should not be removed from the United States based on the charge(s) set forth above.

(Date)

(Time)

(A) WATCH COMMANDER

DANIEL A PEREZ
Date: 2024.01.14 12:41 -08:00
0350292388.CBP

(Signature and Title of Issuing Officer)

Date: January 14, 2024

SAN DIEGO, CALIFORNIA

(City and State)

EOIR - 1 of 3

Notice to Respondent

Allegations: Admits All: Charges: Concedes All: Designated Country: CHINA | Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, Instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at <http://www.ice.gov/contact/ero>, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date: _____

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on January 14, 2024, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # _____ requested by regular mail
- Attached is a credible fear worksheet.
- Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the MANDARIN language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

ALFREDO A JIMENEZ
ALFREDO JIMENEZ, Border Patrol Agent Date: 2024.01.15 08:08 -08:00
0581148119.CRP
(Signature and Title of officer)

EOIR - 2 of 3

Allegations: Admits All; wp | Charges: Concedes All; wp

Des Authority: Country: CHINA |

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

Purpose:

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

Routine Uses:

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opacl/doi-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

Disclosure:

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.

Exhibit C



Report Cri

Main Menu

< BACK TO RESULTS

Facility Page

Detention Information For:

XIAOWEI QIN
Country of Birth: China, Peoples Republic of
A-Number: [REDACTED]

Current Detention Facility:

IMPERIAL REGIONAL ADULT DET FAC
Imperial Retional Detention Facility
1572 Gateway Road
Calexico, CA 92231
Visitor Information: (760) 618-7200

MORE INFORMATION >

ERO Office Information

Family members and legal representatives may be able to obtain additional information about this individual's case by contacting this ERO office:

EL CENTRO, CA, DOCKET CONTROL OFFICE
Phone Number: (760) 768-6300

Privacy - Terms

Exhibit D



UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMPERIAL IMMIGRATION COURT

Respondent Name:

QIN, XIAOWEI

To:

Jiawei Peng, Esq.
3451 Spurling Ct
San Jose, CA 95127

A-Number:



Riders:

In Custody Redetermination Proceedings

Date:

01/08/2026

ORDER OF THE IMMIGRATION JUDGE

The respondent requested a custody redetermination pursuant to 8 C.F.R. § 1236. After full consideration of the evidence presented, the respondent's request for a change in custody status is hereby ordered:

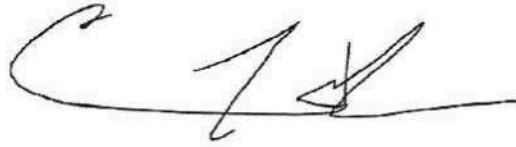
Denied, because

The Court found that the Respondent is not a member of the Bond Eligible Class under *Maldonado Bautista v. Santacruz et al.*, No. 5:25-CV-01873-SSS-BFM, ECF No. 82 at *2, 14-15 (C.D. Cal. Nov. 25, 2025). The Respondent's own evidence demonstrates she was apprehended upon arrival and thus does not meet the second element of class membership. See Exhibit B8 at EOIR 3 (Notice to Appear). The Respondent is not entitled to a custody redetermination hearing before an immigration judge because she is not a Bond Eligible Class member. *Maldonado Bautista v. Santacruz et al.*, No. 5:25-CV-01873-SSS-BFM, ECF No. 94 (C.D. Cal. Dec. 18, 2025). *Matter of Yajure Hurtado* remains binding precedent as it was not enjoined or declared unlawful. The DHS is requesting the Court deny bond due to lack of jurisdiction based on *Matter of Yajure Hurtado*--not on any policy. The Court lacks jurisdiction for this bond due to the continued applicability of *Matter of Yajure Hurtado* in this matter.

Granted. It is ordered that Respondent be:

- released from custody on his own recognizance.
- released from custody under bond of \$
- other:

Other:



Immigration Judge: Halliday-Roberts, Catherine 01/08/2026

Appeal: Department of Homeland Security: waived reserved
Respondent: waived reserved

Appeal Due: 02/09/2026

Certificate of Service

This document was served:

Via: [M] Mail | [P] Personal Service | [E] Electronic Service | [U] Address Unavailable

To: [] Alien | [] Alien c/o custodial officer | [E] Alien atty/rep. | [E] DHS

Respondent Name : QIN, XIAOWEI | A-Number : 

Riders:

Date: 01/08/2026 By: Halliday-Roberts, Catherine, Immigration Judge