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

11 XIAOWEI QIN, an individual;

12 Petitioner,

13 v.

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

24 Respondents.

Case No. 3:26-cv-00564-AGS-VET

APPLICATION FOR TEMPORARY
RESTRAINING ORDER AND
MEMORANDUM OF POINTS AND
AUTHORITIES; DECLARATION OF
YUNCHAO SONG; DECLARATION OF
XIAOWEI QIN; EXHIBITS IN SUPPORT

25 Petitioner XIAOWEI QIN, by and through her counsel, respectfully moves this Honorable
26 Court for a temporary restraining order that: (1) orders Petitioner XIAOWEI QIN's immediate
27 release from Respondents' custody or, in the alternative, (2) orders Respondents to provide
28 Petitioner with a bond hearing before an Immigration Judge within five (5) days, (3) enjoins
Respondents from transferring, re-arresting, or re-detaining Petitioner absent lawful process,
including a pre-deprivation hearing before a neutral decisionmaker at which the government
establishes by clear and convincing evidence that detention is appropriate to prevent her flight or

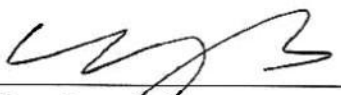
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to protect the public, and (4) requires, Respondents, should they choose to conduct such a hearing, to provide Petitioner with reasonable advance notice of time and place of the hearing.

This application is based upon Fed. R. Civ. P. 65, Local Rule 65-1, the accompanying Memorandum of Points and Authorities, the Declaration of Counsel, the Declaration of Xiaowei Qin, and any further information presented to the Court in connection with this application.

Dated: February 3, 2026

Juris Path Law Firm, PC

By: 
Yunchao Song, Esq.
Attorneys for Petitioner Xiaowei Qin

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I. INTRODUCTION

Petitioner Xiaowei Qin (“Ms. Qin” or “Petitioner”) is currently in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”) and seeks the urgent exercise of this Court’s equitable power to order her immediate release from the unlawful immigration detention or, in the alternative, to require Respondents to provide her with a bond hearing before an Immigration Judge within five (5) days.

In December 2025, ICE officers arrested Petitioner while she was traveling from Arizona to California, nearly two years after she entered the United States without inspection and after she had been previously released from immigration custody. Because Petitioner was arrested within the United States after residing here for an extended period of time, her detention is governed by 8 U.S.C. § 1226(a), which authorizes only discretionary detention and requires an individualized custody determination, including consideration of release on bond. However, Respondents have failed to provide Petitioner with any bond hearing or meaningful opportunity to contest her continued detention.

Under these circumstances, Petitioner is likely to prevail on her claims that her detention violates the Due Process Clause. The balance of equities overwhelmingly favors release, and the public interest is served, not harmed, by enforcing constitutional limits on civil detention. Accordingly, Petitioner respectfully but urgently requests that this Court issue a temporary restraining order ordering her immediate release or, in the alternative, requiring Respondents to provide the process that the law mandates.

II. FACTUAL BACKGROUND ¹

Ms. Qin, a native and citizen of China, arrived in the United States with her husband on or about January 14, 2024 without inspection. Declaration of Xiaowei Qin, ¶ 2.

After crossing the port of entry near Tecate, California, she and her proceeded on foot. Declaration of Xiaowei Qin, ¶ 3. Approximately six and a half hours later, she was apprehended by Border Patrol and taken into ICE custody. *Id.* Based on information and belief, she

¹ Petitioner includes this factual background in this application as a summary for the Court. The complete factual background is set forth in his Declaration in Support of the Application for Temporary Restraining Order.

1 approximately 25.93 miles east of the Tecate port of entry when ICE apprehended her. *Id.* At that
2 time, ICE quickly released her from custody one day later. Prior to my release, ICE informed me
3 that I was required to appear for check-ins at an ICE Field Office on February 20 every year. *Id.* ¶
4 4.

5 Following her release, the Department of Homeland Security placed Ms. Qin and her
6 husband in removal proceedings. *Id.* ¶ 5. Her husband applied for asylum as the form of relief and
7 included her as the derivative applicant. *Id.* While waiting for the hearing to adjudicate the
8 asylum application, Ms. Qin appeared and reported to ICE timely manner as instructed, and
9 consistently and dutifully complied with the terms of her release. *Id.* ¶ 6. She has never violated
10 the condition of release. *Id.* ¶ 7. She continued to build a life here, working to support herself and
11 living openly in the community. *Id.* She never committed any crime in the United States. *Id.*

12 In December 2025, while traveling from Arizona to California, Ms. Qin, along with
13 several other travelers, was apprehended by ICE agents. *Id.* ¶ 8. The agents informed her that
14 being an asylum applicant no longer granted her the right to be lawfully present in the United
15 States. *Id.* Shortly thereafter, ICE took her and other individuals into ICE custody. *Id.* She is
16 currently detained at the Imperial Regional Detention Facility. *Id.*

17 On or about December 19, 2025, through her counsel's assistance, she filed a bond request
18 with the Imperial Immigration Court. *Id.* ¶ 9. On January 8, 2026, an immigration judge denied
19 the bond request based on lack of jurisdiction. *Id.* ¶ 10.

20 To date, Ms. Qin has not been provided a meaningful bond hearing or any other
21 opportunity to contest her detention. *Id.* ¶ 11.

22 Ms. Qin has remained in ICE custody since December 2025. She has been unable to work
23 or manage her personal affairs. *Id.* ¶ 12. She has lost income and has been separated from her
24 husband, her community, and daily life. Each additional day of detention causes her ongoing
25 hardship that cannot be remedied later.

26 III. NOTICE TO OPPOSING PARTY

27 Petitioner respectfully requests that the Court issue a temporary restraining order without
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1 advance notice to the Respondents' counsel because providing such notice would risk immediate
2 and irreparable harm to Petitioner. *See* Declaration of Yunchao Song.

3 Specifically, advance notice could prolong or extend Petitioner's detention. In addition,
4 such notice could create a substantial risk that Respondents could transfer Petitioner to a
5 detention facility outside the jurisdiction of this Court prior to a ruling on this Application.
6 Declaration of Yunchao Song, ¶¶ 2-4.

7 IV. LEGAL ARGUMENT

8 In order to obtain a preliminary injunction, a plaintiff must establish (1) "that he is likely
9 to succeed on the merits," (2) "that he is likely to suffer irreparable harm in the absence of
10 preliminary relief," (3) "that the balance of equities tips in his favor," and (4) "that an injunction
11 is in the public interest." *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008);
12 *Stuhlbard Int'l Sales Co v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting
13 that preliminary injunction and temporary restraining orders are "substantially identical").

14 "[I]f a plaintiff can only show that there are 'serious questions going to the merits'—a
15 lesser showing than likelihood of success on the merits—then a preliminary injunction may still
16 issue if the 'balance of hardships tips sharply in the plaintiff's favor and the other two *Winter*
17 factors are satisfied.'" *All. for the Wild Rockies v. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017)
18 (quoting *Shell Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)). "Where,
19 as here, the party opposing injunctive relief is a government entity, the third and fourth factors—
20 the balance of equities and the public interest—merge." *Hubbard v. City of San Diego*, 139 F.4th
21 843, 854 (9th Cir. 2025).

22 Although the substantive standards for both motions are similar, the timeframe for a
23 temporary restraining order is different. While a preliminary injunction remains in effect pending
24 final resolution of the litigation, "a TRO 'should be restricted to ... preserving the status quo and
25 preventing irreparable harm just so long as is necessary to hold a [preliminary injunction] hearing
26 and no longer.'" *E. Bay Sanctuary Covenant v. Trump*, 932 F.3d 742, 779 (9th Cir. 2018)
27 (quoting *Granny Goose Foods, Inc. v. Brotherhood of Teamsters & Auto Truck Drivers Local No.*
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1 70, 415 U.S. 423, 439 (1974)).

2 Federal Rule of Civil Procedure 65(b)(1) allows a temporary restraining order to be issued
3 without notice to the opposing party—i.e., ex parte—only if “specific facts in an affidavit or a
4 verified complaint clearly show that immediate and irreparable injury, loss, or damage will result
5 to the movant before the adverse party can be heard in opposition” and “the movant’s attorney
6 certifies in writing any efforts made to give notice and the reasons why it should not be required.”

7 Ms. Qin satisfied all of these requirements. Accordingly, this Court should use its
8 equitable power to order her immediate release.

9 **A. Ms. Qin is likely to succeed on the merits.**

10 Petitioner is likely to succeed on the merits of her claim that her ongoing detention
11 violates the Fifth Amendment’s Due Process Clause.

12 “It is well established that the Fifth Amendment entitles [noncitizens] to due process of
13 law in deportation proceedings.” *Demore v. Kim*, 538 U.S. 510, 523 (2003). “Freedom from
14 imprisonment—from government custody, detention, or other forms of physical restraint—lies at
15 the heart of the liberty” that the Due Process Clause affords. *Zadvydas v. Davis*, 533 U.S. 678,
16 690 (2001). Upon identifying a protected liberty interest, the district court must determine the
17 procedural due process afforded to the plaintiff under *Mathews v. Eldridge*, 424 U.S. 319, 335
18 (1976).

19 Under the *Mathews* test, courts balance three factors: “first, the private interest that will be
20 affected by the official action; second, the risk of an erroneous deprivation of such interest
21 through the procedures used, and the probative value, if any, of additional or substitute procedural
22 safeguards; and finally the government’s interest, including the function involved and the fiscal
23 and administrative burdens that the additional or substitute procedural requirements would entail.”
24 *Haygood v. Younger*, 769 F.2d 1350, 1357 (9th Cir. 1985).

25 First, Ms. Qin has a substantial private interest in remaining free from immigration
26 detention, because she was previously released from custody and lived in the community for
27 nearly two years. Courts consistently recognize that noncitizens, like Ms. Qin, who are
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1 conditionally released into the United States, have a significant liberty interest in remaining out of
2 immigration custody. *Pablo Sequen v. Albarran*, No. 25-CV-06487-PCP, F. Supp. 3d, 2025 WL
3 2935630, at *5 (N.D. Cal. Oct. 15, 2025); *Hurd v. District of Columbia*, 864 F.3d 671, 683 (D.C.
4 Cir. 2017) (“[A] person who is in fact free of physical confinement—even if that freedom is
5 lawfully revocable—has a liberty interest that entitles him to constitutional due process before he
6 is re-incarcerated”).

7 When the government elects to release an individual from custody, it creates “an implicit
8 promise,” upon which the individual may rely, that their liberty “will be revoked only if [they]
9 fail[] to live up to the ... conditions [of release].” *Morrissey v. Brewer*, 408 U.S. at 482 (1972).
10 “[T]he liberty [of a person released from government custody] is valuable and must be seen as
11 within the protection of the [Due Process Clause].” *Id.*

12 Thus, even when ICE has the initial discretion to detain or release a noncitizen pending
13 removal proceedings, after that individual is released from custody, she has a protected liberty
14 interest in remaining out of custody. *See Romero v. Kaiser*, No. 22-cv-02508, 2022 WL 1443250,
15 at *2 (N.D. Cal. May 6, 2022)

16 Applying these principles, it is clear that Ms. Qin has a protected liberty interest in
17 remaining out of custody. During the nearly two years since she entered the United States and
18 was initially detained and released by ICE, Ms. Qin lived and worked in the community,
19 supporting herself and establishing stable ties to her family and community. These circumstances
20 underscore the significant private interest at stake in her continued liberty, including her ability to
21 remain in her home, maintain employment, and sustain relationships formed during her time in
22 the United States. *See Qimmchi v. Noem*, 792 F. Supp. 3d 1025, 1033 (N.D. Cal. 2025) (Qintts, J.);
23 *See Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) (holding
24 that petitioner had a substantial private interest in remaining out of custody where it would enable
25 to him to “work[], liv[e] at home, and be[] with family and friends to form the enduring
26 attachments of normal life”).

27 Therefore, Ms. Qin possesses a substantial private interest in remaining free from
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1 immigration detention.

2 Second, there is a significant risk that the government will erroneously deprive Ms. Qin of
3 her liberty interest if it does not provide her with a pre-detention hearing.

4 The text of 8 U.S.C. § 1226(a) and § 1225(b)(2) demonstrates that Ms. Qin is not subject
5 to mandatory detention and is afforded certain procedural due process protections.

6 § 1225(b)(2)(A) provides that “in the case of an alien who is *an applicant for admission*, if
7 the examining immigration officer determines that an alien *seeking admission* is not clear and
8 beyond a doubt entitled to be admitted, the alien shall be detained for a proceeding under section
9 1229a of this title.” 8 U.S.C. § 1225(b)(2)(A) (emphasis added). By its plain terms, § 1225(b)
10 does not apply to Ms. Qin, as it applies only to those noncitizens who are actively “seeking
11 admission” to the United States, it cannot, according to its ordinary meaning, apply to Ms. Qin,
12 because she has already been residing in the United States for nearly three years and is not
13 actively seeking to lawfully cross into the territorial limits of the United States. *See Lopez Benitez*
14 *v. Francis*, No. 25 Civ. 5937 (DEH), 2025 WL 2371588, at *7 (S.D.N.Y. Aug. 13, 2025); *see*
15 *Lopez-Campos v. Raycraft*, No. 2:25-cv-12486, 2025 WL 2496379, at *6 (E.D. Mich. Aug. 29,
16 2025) (“[S]eeking admission’ . . . implies action – something that is currently occurring, and in
17 this instance, would most logically occur at the border upon inspection.”).

18 Instead, Ms. Qin’s detention is governed by 8 U.S.C. § 1226(a), which allows individuals
19 to be released if they do not present a danger to persons or property and are not a flight risk.
20 Courts have repeatedly recognized that § 1226(a), instead of § 1225, governs detention authority
21 for noncitizens, such as Ms. Qin, who have resided in the United States and were already within
22 the United States when apprehended and arrested. *See Antele Cobix v. Raycraft*, No. 1:25-cv-1669,
23 2025 WL 3562651, at *3–6 (W.D.Mich. Dec. 12, 2025).

24 Because detention under § 1226(a) requires an individualized custody determination, the
25 absence of any bond hearing or opportunity to be heard creates a high risk of erroneous
26 deprivation. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001); *Matter of Guerra*, 24 I. & N. Dec.
27 37 (BIA 2006). Here, Respondents provided no evidence that Ms. Qin is either a flight risk or a
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1 danger to the community, and Ms. Qin was entitled to a bond hearing or release. *See Zadvydas*,
2 533 U.S. at 690; *Matter of Patel*, 17 I&N Dec. 597, 666 (BIA 1976) (“[A noncitizen] generally is
3 not and should not be detained or required to post bond except on a finding that he is a threat to
4 the national security, or that he is a poor bail risk.”). Because the immigration court erroneously
5 refused to assume jurisdiction over her bond request, and Ms. Qin has not received a completed
6 Notice and Order of Expedited Removal or any other procedural protections, there is a significant
7 likelihood that her continued detention violates the Fifth Amendment’s Due Process Clause.

8 Further, additional procedural safeguards, including a hearing before a neutral decision-
9 maker, is “one of the most basic due process protections” and would place a “de minimis . . .
10 burden on the government,” especially in light of the potential costs to the public by keeping Ms. Qin
11 detained. *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated on other grounds by*
12 *Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006).

13 Taken together, the strength of Ms. Qin’s liberty interest, the high likelihood of erroneous
14 deprivation, and the government’s minimal countervailing interest demonstrate that Ms. Qin is likely
15 to succeed on the merits of her procedural due process claim

16 **B. The risk of irreparable harm is undeniable.**

17 The Ninth Circuit recognizes “irreparable harms imposed on anyone subject to
18 immigration detention,” including “the economic burdens imposed on detainees and their families
19 as a result of detention[.]” *Hernandez v. Sessions*, 872 F.3d at 995(9th Cir. 2017). Such harm is
20 present here. As a result of Ms. Qin’s detention, she was not able to earn income or manage her
21 personal and financial affairs, causing ongoing economic and familial harm that cannot be
22 remedied after the fact.

23 Even if this was not sufficient to establish irreparable harm, “[t]he loss or threatened
24 infringement upon [constitutional] rights for even minimal periods of time unquestionably constitutes
25 irreparable injury.” *Cuviello v. City of Vallejo*, 944 F.3d 816, 832 (9th Cir. 2019). “When an alleged
26 deprivation of a constitutional right is involved, most courts hold that no further showing of
27 irreparable injury is necessary.” *Baird v. Bonta*, 81 F.4th 1036, 1042 (9th Cir. 2023).

1 Here, Ms. Qin has been deprived of her fundamental liberty interest in remaining free
2 from physical restraint without due process. Thus, each additional day of unlawful detention
3 compounds that constitutional injury.

4 **C. The balance of equities and the public interest favors Ms. Qin’s release.**

5 The final two *Winter* factors, the balance of the equities and the public interest, are merged
6 because the government is the opposing party. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Because Ms.
7 Qin’s ongoing detention without a bond hearing “is inconsistent with federal law . . . the balance of
8 hardships and public interest factors weigh in favor” of granting the temporary restraining order.
9 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019). “Because public
10 interest concerns are implicated when a constitutional right has been violated, all citizens have a stake
11 in upholding the Constitution, meaning it is always in the public interest to prevent the violation of a
12 party’s constitutional rights.” *Baird*, 81 F.4th at 1042.

13 Where Ms. Qin is suffering irreparable harm in detention, the potential harm to the
14 government—at worst, a short delay in detaining Ms. Qin until it makes the requisite showing of
15 necessity before a neutral decisionmaker—is minimal. *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL
16 1676854, at *3 (N.D. Cal. June 14, 2025).

17 **D. Ms. Qin’s immediate release is required to return her to the status quo.**

18 The “status quo” refers to the state of the parties’ relationship “before the action challenged in
19 the complaint occurred.” *Youth 71Five Ministries v. Williams*, No. 24-101, F.4th, 2025 WL 2385151,
20 at *5 (Aug. 18, 2025). Here, that is the moment prior to ICE’s likely illegal detention. *See Pablo*
21 *Sequen*, F. Supp. 3d, 2025 WL 2650637, at *4 n.2; *Kuzmenko v. Phillips*, No. 25-CV-00663, 2025
22 WL 779743, at *2 (E.D. Cal. Mar. 10, 2025) (granting a temporary restraining order requiring
23 immediate release of the petitioner back to home confinement from custody, as a restoration of the
24 status quo.)

25 **E. The Court should waive the required security.**

26 Although Federal Rule of Civil Procedure 65(c) can require a security for a temporary
27 restraining order, a district court “has discretion as to the amount of security required, if any.”
28

1 *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). No security is appropriate where, as
2 here, there is no quantifiable harm to the restrained party and where the order is in the public
3 interest. *Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126 (9th Cir. 2005); *Johnson v.*
4 *Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009).

5 Courts regularly waive security in cases like this one. *See Diaz v. Brewer*, 656 F.3d 1008,
6 1015 (9th Cir. 2011). As discussed above, Respondents face no cognizable or quantifiable harm
7 from complying with a court order requiring Ms. Qin's release or prohibiting further detention
8 absent due process. By contrast, the requested relief is squarely in the public interest, as it
9 prevents the ongoing violation of Ms. Qin's constitutional rights.

10 Accordingly, the Court should waive the security requirement.

11 **V. CONCLUSION**

12 For the foregoing reasons, Ms. Qin has satisfied all requirements for temporary injunctive
13 relief, and such relief is necessary to preserve the status quo and prevent irreparable harm.
14 Petitioner respectfully and urgently requests that this Court grant her application for a Temporary
15 Restraining Order, order her immediate release from custody, or, in the alternative, order
16 Respondents to provide her with a bond hearing before an Immigration Judge within five (5) days,
17 enjoin Respondents from continuing to detain her absent compliance with applicable statutory
18 and constitutional requirements, waive the security requirement, and grant such other and further
19 relief as the Court deems just and proper.

20
21 Dated: February 3, 2026

Juris Path Law Firm, PC

22
23 By: 

24 Yunchao Song, Esq.

25 Attorneys for Petitioner Xiaowei Qin

DECLARATION OF YUNCHAO SONG

I, Yunchao Song, declare:

1. I am an attorney with Juris Path Law Firm, PC. I am licensed to practice law in the State of California, and I am admitted to practice in this Court. I represent Petitioner Xiaowei Qin in this matter.

2. This Application is submitted on an *ex parte* basis because providing advance notice to Respondents would create a substantial risk of immediate and irreparable harm to Petitioner.


3. First, advance notice to Respondents could prolong or extend Petitioner's detention before the Court has an opportunity to review the legality of that detention. Petitioner is currently in immigration custody, and each additional day of detention causes ongoing and irreparable harm.

4. Second, and critically, providing advance notice creates a risk that Respondents could transfer Petitioner to another detention facility outside the jurisdiction of this Court before the Court rules on this Application. Such a transfer would impair Petitioner's access to counsel, disrupt these proceedings, and potentially deprive this Court of effective jurisdiction to adjudicate Petitioner's claims.

5. For these reasons, immediate relief without prior notice is necessary to prevent irreparable harm, and ensure that this Court's review is not rendered ineffective by unilateral executive action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 3, 2026, at City of Industry, California.



Yunchao Song, Esq.

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8 Attorneys for Petitioner Xiaowei Qin

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11 **UNITED STATES DISTRICT COURT FOR THE**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 XIAOWEI QIN, an individual;

14 Petitioner,

15 v.

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

26 Respondents.

Case No. 3:26-cv-00564-AGS-VET

DECLARATION OF XIAOWEI QIN IN
SUPPORT OF PETITIONER'S
APPLICATION FOR TEMPORARY
RESTRAINING ORDER

27 I, Xiaowen Pi, declare as follows:

28 1. I am the Petitioner in this action. I am over 18 years old. I have personal knowledge of the facts stated herein, except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called as a witness, I could and would testify competently thereto.

2. I am a native and citizen of the People's Republic of China. On or about January 14, 2024, I entered the United States with my husband through the U.S. – Mexico border. We came

1 here to seek asylum. At the time of entry, I entered without inspection.

2 3. After crossing the port of entry near Tecate, California, we proceeded on foot.
3 Approximately six and a half hours later, we were apprehended by Border Patrol and taken into
4 ICE custody. *See Exhibit "A," Form I-213, Record of Deportable / Inadmissible Alien.* Based on
5 my information and belief, I was approximately 25.93 miles east of the Tecate port of entry when
6 ICE apprehended me. *Id.*

7 4. At that time, ICE quickly released me from custody one day later. Prior to my
8 release, ICE informed me that I was required to appear for check-ins at an ICE Field Office on
9 February 20 every year.

10 5. Following my release, the Department of Homeland Security placed my husband
11 and me in removal proceedings. *See Exhibit "B," Notice to Appear ("NTA").* My husband applied
12 for asylum as the form of relief and included me as the derivative applicant.

13 6. While waiting for the hearing to adjudicate our asylum application, I appeared and
14 reported to ICE timely manner as instructed, and consistently and dutifully complied with the terms
15 of my release.

16 7. I have never violated the condition of release. I continued to build a life here,
17 working to support myself and living openly in the community. I never committed any crime in the
18 United States.

19 8. In December 2025, while traveling from Arizona to California, I, along with several
20 other travelers, was apprehended by ICE agents. The agents informed me that being an asylum
21 applicant no longer granted me the right to be lawfully present in the United States. Shortly
22 thereafter, ICE took me and other individuals and me into ICE custody. I'm currently detained at
23 the Imperial Regional Detention Facility. *See Exhibit "C," ICE's Inmate Locator System.*

24 9. On or about December 19, 2025, through my current counsel's assistance, I filed a
25 bond request with the Imperial Immigration Court. *See Exhibit "D," Order Denying Bond Request.*

26 10. On January 8, 2026, an immigration judge denied my bond request based on lack of
27 jurisdiction.

28 11. To date, I have not been provided a meaningful bond hearing or any other

DECLARATION IN SUPPORT OF APPLICATION FOR TEMPORARY RESTRAINING ORDER

1 opportunity to contest my detention.

2 12. Since my detention, I have been unable to work or manage my personal affairs. I
3 have lost income and have been separated from my community and daily life. Each additional day
4 of detention causes me ongoing hardship that cannot be remedied later.

5
6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct.

8
9 Dated: February 3, 2026

10 By: 
11 _____
12 Petitioner Xiaowei Qin

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EXHIBITS

Item:

- A. Form I-213, Record of Deportable / Inadmissible Alien.
- B. Notice to Appear.
- C. ICE's Inmate Locator System.
- D. Order Denying Bond Request.