

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No.

Baizhuang Pan,

Petitioner,

v.

PAMELA BONDI, U.S. Attorney General, in her official capacity,
ROBERT GUADIAN, U.S. Immigration & Customs Enforcement Field Office Director for
the Colorado Field Office, in his official capacity,
KRISTI NOEM, Secretary, U.S. Department of Homeland Security, in her official
capacity, and
JUAN BALTASAR, Warden of GEO Group Aurora Inc, in his official capacity,

Respondents.

**PETITIONER'S PETITION FOR WRIT OF HABEAS
CORPUS**

INTRODUCTION

Petitioner, Baizhuang Pan (A# [REDACTED]), is currently detained by Immigration and Customs Enforcement (“ICE”) following his re-detention on September 18, 2025. Mr. Pan is a native and citizen of China and has been in full compliance with all terms and conditions imposed by ICE prior to his detention. He has consistently appeared for required appointments and has never missed a check-in. Despite the absence of any new criminal charges, violations, or change in circumstances, Mr. Pan was detained after presenting himself voluntarily at a routine ICE check-in. This detention is unlawful because it has become prolonged and untethered to any realistic likelihood of removal, in violation of the Due Process Clause and governing Supreme Court precedent.

Jurisdiction and Venue

This Court has jurisdiction over this petition pursuant to 28 U.S.C. § 2241, as Petitioner is in custody under the authority of the United States, and the detention is in violation of the Constitution, laws, or treaties of the United States. Venue is proper in the District of Colorado as Petitioner is detained within this district.

Factual Background

Mr. Pan was born in China and is a citizen of the People’s Republic of China. He entered the United States lawfully in 2000 and later obtained lawful permanent resident status through marriage. In approximately 2008, he was involved in a criminal matter related to a business owned by his former girlfriend. Following those proceedings, immigration consequences resulted in the entry of a final order of removal.

On May 4, 2010, an Immigration Judge ordered Mr. Pan removed from the United

States to China. The order reflects that he was "ordered removed from the United States to China." No appeal was taken, and the removal order became final.

Mr. Pan was previously detained in 2010 for approximately seven months. After that period of detention, he was released and placed under supervision. For many years thereafter, he complied with ICE reporting requirements, including appearing for check-ins every three months as instructed.

Mr. Pan is the father of two United States citizen children, including a six-year-old daughter and a four-year-old child. Both children have documented medical issues. He has longstanding ties to the United States, including family and community connections. Prior to his detention in September 2025, he was living in the community and complying fully with immigration supervision requirements.

On or about September 18, 2025, Mr. Pan appeared for a routine check-in with ICE in compliance with his reporting obligations. Despite his compliance and the absence of any *new* violations or criminal conduct, ICE detained him. He remains detained at the Denver Contract Detention Facility.

Public reporting confirms that removals to China are relatively infrequent and require significant diplomatic coordination. In calendar year 2025, ICE conducted only three removal flights to China, representing a decrease from prior years. These removals are carried out via large charter operations requiring coordination with Chinese authorities. There is no evidence that travel documents have been secured for Mr. Pan or that China has affirmatively agreed to accept him in the reasonably foreseeable future.

LEGAL ARGUMENT

I. Mr. Pan's Continued Detention Is Unlawful Under Zadvydas v. Davis

Mr. Pan is detained pursuant to a final order of removal under 8 U.S.C. § 1231(a)(6). While the statute permits detention following a final order, the Supreme Court has made clear that such detention is constitutionally limited. In *Zadvydas v. Davis*, the Supreme Court held that post-final-order detention is presumptively reasonable for six months. After that period, once a noncitizen provides good reason to believe there is no significant likelihood of removal in the reasonably foreseeable future, the Government must rebut that showing with evidence demonstrating that removal is likely.

Detention under § 1231(a)(6) is regulatory, not punitive. It is lawful only so long as it serves its intended purpose: effectuating removal. When removal is not reasonably foreseeable, continued detention violates the Fifth Amendment's Due Process Clause.

Mr. Pan has now been detained since September 18, 2025. More importantly, his removal order has been final since 2010. He was previously detained for seven months following that order and then released under supervision for many years. ICE cannot constitutionally restart or reset the *Zadvydas* clock simply by re-detaining him after years of compliance. Courts have rejected attempts by the Government to avoid constitutional limits by releasing and later re-detaining a noncitizen under the same final order. The constitutional analysis focuses on whether removal is reasonably foreseeable, not on administrative maneuvering.

II. Removal to China Is Not Reasonably Foreseeable

Removal to China is not routine and depends upon high-level diplomatic coordination. Publicly available data reflects that ICE conducted only three removal flights to China in 2025. Those flights are large, infrequent charter operations requiring direct coordination with Chinese authorities. The limited number of removals underscores that deportations to China are rare and complex. See: Exhibit B, ICE Flight Monitor.

There is no indication that China has issued travel documents for Mr. Pan. There is no evidence that ICE has secured acceptance from Chinese authorities. There is no scheduled removal date. The Government cannot rely on generalized assertions that removals to China sometimes occur; it must show that this particular petitioner's removal is significantly likely in the reasonably foreseeable future.

Absent evidence that travel documents have been issued or that China has agreed to accept Mr. Pan, removal remains speculative rather than imminent. Under *Zadvydas*, speculation is insufficient to justify prolonged detention.

III. Mr. Pan Poses No Flight Risk or Danger

Mr. Pan has not engaged in new criminal conduct. He has not violated supervision. He has never failed to appear for a check-in. In fact, he was detained only because he appeared voluntarily at his required appointment. For years, ICE permitted him to remain in the community under supervision without incident.

His long-term compliance demonstrates that detention is not necessary to ensure appearance. The Government cannot justify prolonged confinement based on abstract

enforcement interests when Mr. Pan's own history shows reliability and compliance.

IV. Continued Detention Has Become Arbitrary and Punitive

Immigration detention is permissible only insofar as it is reasonably related to removal. Once removal ceases to be reasonably foreseeable, detention becomes arbitrary. Mr. Pan's detention no longer serves a regulatory purpose. It instead operates as punitive confinement under a years-old removal order for which no imminent removal plan exists.

The Due Process Clause protects against indefinite executive detention. Mr. Pan's prolonged confinement under these circumstances violates fundamental constitutional principles.

CONCLUSION

Because the Government cannot demonstrate a significant likelihood that Mr. Pan will be removed to China in the reasonably foreseeable future, and because his detention has extended beyond constitutional limits without individualized justification, his continued confinement violates the Fifth Amendment.

Mr. Pan respectfully requests that this Court grant the writ of habeas corpus and order his immediate release under appropriate conditions of supervision.

Dated: February 12, 2026

Respectfully submitted,
/s/ Lisa Guerra
LISA GUERRA, ESQ.
Attorney for the Petitioner The
Guerra Law Firm LLC
3600 S Yosemite St. Ste 520

Denver CO 80237
Lisaguerra@theguerrallawoffice.com
(303)347-0900

CERTIFICATE OF SERVICE

I certify that on February 12, 2026, I filed the foregoing with the Clerk of the Court for the District of Colorado using the CM/ECF system. All Participants in the case are registered with the CM/ECF and will be served by the CM/ECF system.

Respectfully submitted,

/s/ Lisa Guerra

LISA GUERRA, ESQ.
Attorney for the Petitioner The
Guerra Law Firm LLC
3600 S Yosemite St. Ste 520
Denver CO 80237
Lisaguerra@theguerrallawoffice.com
(303)347-0900