UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA

ZU PING CHEN A# [redacted] Petitioner, vs. CHRISTOPHER BULLOCK, Field Office Director *New Orleans Field Office*, and TODD LYONS, *in his official capacity as Acting Director of Immigration and Customs Enforcement*, and KRISTI NOEM, *Secretary of Homeland Security,* and PAMELA BONDI, *U.S. Attorney General* Respondents.	CASE NO.: 2:26-cv-125

VERIFIED PETITION FOR WRIT OF HABEAS CORPUS AND COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

I. INTRODUCTION

1. This is a petition for a writ of habeas corpus and a complaint for declaratory and injunctive relief challenging the unlawful re-detention of Petitioner, Zu Ping CHEN, whose long-standing Order of Supervision ("OSUP") was summarily and unlawfully revoked by Immigration and Customs Enforcement ("ICE") on February 24, 2026. After more than two decades of perfect compliance with his supervision, during which ICE consistently determined he was neither a flight risk nor a danger to the community, Respondents detained Petitioner without lawful notice, a pre-deprivation hearing, or any valid findings of changed circumstances that would justify this action. *See* Exhibit 1 OSUP revocation notice.
2. This Court previously denied Petitioner's request for a preliminary injunction on

January 21, 2026 in case number 3:25-cv-00970-BL-JTA, finding that his OSUP had been merely "amended," not revoked. That finding is now moot. On February 24, 2026, Respondents explicitly revoked the OSUP and took Petitioner into custody, confirming that the very harm previously deemed speculative has now occurred. Respondents' actions violate the Due Process Clause of the Fifth Amendment, the Immigration and Nationality Act ("INA"), the Administrative Procedure Act ("APA"), and the *Accardi* doctrine. Petitioner seeks an immediate writ of habeas corpus ordering his release, reinstatement of his OSUP, and declaratory and injunctive relief to prevent further unlawful action.

II. JURISDICTION

3. This Court has jurisdiction under 28 U.S.C. § 2241, 28 U.S.C. § 1331, and Article I, § 9, cl. 2 of the Constitution (Suspension Clause). This Court's subject matter jurisdiction further arises under Article III, Section 2 of the Constitution because Petitioner is raising the constitutional issues. Petitioner is seeking immediate judicial intervention to remedy imminent violations of his constitutional rights by Respondents. In addition to the United States Constitution, this action arises under the Immigration & Nationality Act of 1952, as amended (INA), 8 USC § 1101 *et seq.*, and the Administrative Procedure Act (APA), 5 U.S.C. § 551, *et seq*. This Court may also exercise jurisdiction pursuant to 28 USC § 1331 because this action arises under federal law and may grant relief pursuant to the Declaratory Judgement Act, 28 USC § 2201 e*t seq.*, and the All Writs Act, 28 USC § 1651.
4. The Eleventh Circuit has recognized district courts' jurisdiction to entertain habeas petitions raising colorable constitutional claims—including those alleging deprivation

of liberty without due process, arbitrary or indefinite detention, and agency action contrary to law, based on Supreme Court precedent. Even though the government may detain individuals during removal proceedings, *Demore v. Kim*, 538 U.S. 510, 523 (2003), there are limitations to this power of the executive branch. Limitations like the Due Process Clause restrict the Government's power to detain noncitizens. *Id.*; *Frech v. U.S. Att'y Gen.*, 491 F.3d 1277, 1281 (11th Cir. 2007) ("It is well settled that individuals in deportation proceedings are entitled to due process of law under the Fifth Amendment.") (citing *Reno v. Flores*, 507 U.S. 292, 306 (1993)). Courts must review immigration procedures and ensure that they comport with the Constitution. *See* also *J.G. v. Warden, Irwin Cnty. Detention Ctr.*, 501 F.Supp.3d 1331 (M.D. Ga. 2020).

5. In this case, Petitioner asserts substantial constitutional violations—including deprivation of liberty without due process, arbitrary and capricious agency action, and the unlawful revocation of his long-standing Order of Supervision. These claims fall squarely within the scope of habeas review preserved by statute and recognized by controlling precedent. Accordingly, this Court has both the authority and the obligation to adjudicate the constitutional and statutory claims presented in this Petition and to grant appropriate relief to remedy ongoing violations of Petitioner's rights.
6. In *I.N.S. v. St. Cyr*, the Supreme Court held that federal courts retain *habeas corpus* jurisdiction under 28 USC § 2241, despite restrictions on judicial review enacted under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRAIRA) and the Anti-Terrorism and Effective Death Penalty Act of 1996 (AEDPA). 533 U.S. 289 (2001). Consequently, section 2241 habeas review remains available to Petitioner.

7. Federal district courts have long been vested with jurisdiction to review the legality of immigration detention under 28 U.S.C. § 2241. The Supreme Court has repeatedly affirmed that habeas corpus is available to challenge not only the fact of detention, but also **the manner in which detention is imposed**, including whether the government has complied with statutory and regulatory requirements and afforded due process. *See Demore v. Kim*, 538 U.S. 510, 516–17 (2003); *Zadvydas*, 533 U.S. at 687. This jurisdiction is not displaced by the existence of a final order of removal or by the government's assertion of discretionary authority; rather, it is preserved for claims that allege unlawful detention, deprivation of liberty without due process, or agency action contrary to law. The Suspension Clause further guarantees the availability of habeas review to test the legality of executive detention, particularly where, as here, the petitioner alleges ongoing deprivation of liberty in violation of constitutional and statutory safeguards. *See* U.S. Const. art. I, § 9, cl. 2; *Boumediene v. Bush*, 553 U.S. 723, 739 (2008).

8. Respondents may argue that 8 U.S.C. § 1252(a)(5), (b)(9), and (g) strip this Court of jurisdiction over Petitioner's claims. Those provisions must be read narrowly and do not bar collateral habeas challenges to the legality of detention or to the process by which ICE revokes an Order of Supervision and re-detains a noncitizen. In *Ahmad v. Whitaker*, the court rejected the government's contention that § 1252(g) foreclosed review of a challenge to OSUP revocation, holding that § 1252(g) "applies only to the three discrete actions listed"—commencing proceedings, adjudicating cases, and executing removal orders—and does not reach collateral challenges to

detention. *Ahmad v. Whitaker*, CASE NO. C18-287-JLR-BAT (W.D. Wash. Dec. 4, 2018).

9. The First Circuit has similarly emphasized that § 1252(g)'s "arising from" language is not "infinitely elastic" and does not reach "claims that are independent of, or wholly collateral to, the removal process." *Kong v. United States*, 62 F.4th 608, 613–14 (1st Cir. 2023). Reading § 1252(g) to bar all detention-related claims would raise serious Suspension Clause concerns by precluding habeas review of executive detention, and *Kong* therefore construed the statute to preserve habeas jurisdiction over "challenges to the legality of a petitioner's detention."

10. Section 1252(b)(9) likewise functions as a channeling provision for challenges that must be raised in a petition for review of a final removal order; it does not bar claims that cannot "meaningfully [be] provide[d] alongside review of a final order of removal," such as conditions-of-confinement or detention-legality challenges. *Southern Poverty Law Center v. U.S. Dep't of Homeland Sec.*, No. 18-760 (CKK), 2020 WL 3265533, at *16–19 (D.D.C. June 17, 2020). Courts have repeatedly held that § 1252(b)(9) does not extend to collateral challenges to detention or to the procedures ICE employs in revoking supervised release, because those claims do not "arise from" the order of removal itself.

11. District courts across circuits have thus distinguished between barred efforts to relitigate or stay a final removal order and permissible collateral challenges to the legality of detention in the immigration context. Petitioner's claims fit squarely in the latter category: he does not seek review or stay of his 2000 removal order, but instead

challenges (i) ICE's February 24, 2026 revocation of his OSUP and (ii) the legality of his current civil detention and the procedures (or lack thereof) used to impose it.

12. Reading § 1252 to preclude any forum for Petitioner's claims would raise serious Suspension Clause problems, because it would eliminate an adequate and effective alternative to habeas review for executive detention. Under the canon of constitutional avoidance, § 1252(a)(5), (b)(9), and (g) must therefore be construed, consistent with existing precedent, to permit habeas review of Petitioner's collateral challenges to OSUP revocation and detention.

III. VENUE

13. Venue is proper in the United States District Court for the Middle District of Alabama because the Petitioner resides in Auburn, Alabama, and has just been detained today in Montgomery, Alabama. Moreover, Respondents-Defendants are officers of United States agencies, Petitioner currently resides within this District, and there is no real property involved in this action. The following screenshot from Petitioner's location in the ICE detainee locator is unknown, however earlier today his attorney Brian Boghani accompanied him to the field office in Montgomery, Alabama, which was Petitioner's last known location. This screen shot was taken minutes prior to filing this action. Exhibit 2.

14. Because Petitioner was detained within this District at the time of filing, this Court's habeas jurisdiction attached and is not defeated by Respondents' subsequent transfer of Petitioner to a facility outside this jurisdiction. In *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004), the Supreme Court affirmed that when the government moves a petitioner after a habeas petition is properly filed, the district court retains jurisdiction. Habeas

petitions generally are filed in the district court with jurisdiction over the filer's place of custody, also known as the district of confinement, pursuant to 28 U.S.C. § 2241. This principle, established in *Ex parte Endo*, 323 U.S. 283, 307 (1944), prevents Respondents from frustrating judicial review through unilateral transfers

IV. EXHAUSTION OF REMEDIES

15. Petitioner is not required to exhaust administrative remedies. The habeas statute, 28 U.S.C. § 2241, contains no exhaustion requirement. Furthermore, any attempt at administrative exhaustion would be futile. Respondents have already revoked Petitioner's OSUP and taken him into custody, demonstrating that the agency has predetermined the issue. The agency cannot adjudicate Petitioner's constitutional claims, and the promised "review opportunity" in another state is inadequate to remedy the immediate deprivation of liberty. An administrative remedy may be inadequate where the administrative body is shown to be biased or has otherwise predetermined the issue before it. *Gibson v. Berryhill*, 411 U. S., at 575, n. 14; *Houghton v. Shafer*, 392 U. S. 639, 640 (1968). *See* also *Santiago-Lugo v. Warden*, 785 F.3d 467 (11th Cir. 2015). However, even if there were any available remedies, the habeas statute does not require the Petitioner to exhaust them.

16. Furthermore, even if applied, the doctrine of exhaustion of administrative remedies would have been futile on claim attacking constitutionality of ICE's actions. It would be futile to await further administrative remedies when proceedings before ICE cannot in any way address the constitutional claims at issue in this case, and where ICE seeks to quickly remove noncitizens like Petitioners without due process even to third countries under this administration. 7. Where an agency's actions are challenged as unconstitutional or in violation of its own regulations, and where irreparable harm is

imminent, exhaustion is not required. The Suspension Clause of the U.S. Constitution, Art. I, § 9, cl. 2, further protects the availability of the writ as a swift and effective remedy for unlawful executive detention.

17. Petitioner has exhausted all administrative remedies to the extent required by law, and Petitioner's only remedy is by way of this judicial action.

V. PARTIES

18. Petitioner, Zu Ping CHEN, is a 42-year-old Chinese national who has resided in the United States for more twenty-five years. He entered the United States approximately in August, 1999, and currently resides in Auburn, Alabama with his family. He is married and has two U.S. citizen children. He has been reporting to ICE for more than twenty-two (22) years under an OSUP. *See* Exhibit 2.

19. Respondent Christopher Bullock is the Field Office Director for Immigration and Customs Enforcement (hereinafter "FOD"). As such, Respondent Bullock is responsible for the supervision, detention, and enforcement actions concerning noncitizens under ICE Alabama jurisdiction, including Petitioner. Respondent Bullock is being sued in his official capacity.

20. Respondent Todd Lyons is the Acting Director of Immigration and Customs Enforcement (hereinafter "ICE"). As such, Respondent Lyons is responsible for the oversight of ICE operations. Respondent Lyons is being sued in his official capacity.

21. Respondent Kristi Noem is the Secretary of the Department of Homeland Security (hereinafter "DHS"). As Secretary of DHS, Secretary Noem is responsible for the

general administration and enforcement of the immigration laws of the United States. Respondent Secretary Noem is being sued in her official capacity.

22. Respondent Pamela Bondi is the Attorney General of the United States and is sued in her official capacity as U.S. government agencies are Respondents in this Petition.

23. Petitioner names certain federal officials in their official capacities solely to preserve alternative, non-habeas avenues for prospective relief—such as as-applied declaratory and injunctive orders under 28 U.S.C. § 1331, the APA's waiver of sovereign immunity, 5 U.S.C. § 702, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–2202, and the All Writs Act, 28 U.S.C. § 1651—necessary to enjoin enforcement of DHS regulations and their interpretation as applied to Petitioner, ensure compliance with DHS/EOIR custody regulations, prevent transfer or removal of Petitioner, and effectuate any release the Court orders at the agency level where policy and implementation authority reside. See, e.g., *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682 (1949); *Dugan v. Rank*, 372 U.S. 609 (1963).

24. Petitioner acknowledges that under *Rumsfeld v. Padilla*, 542 U.S. 426 (2004), the proper respondent to the habeas claim is the immediate custodian, and Petitioner does not rely on these officials as "habeas respondents." Petitioner names federal officials in their official capacities solely to ensure the Court can issue effective relief on non-habeas claims, consistent with *Rumsfeld v. Padilla*. Respondents are named so the non-core claims, such as declaratory judgement and injunctive relief, can be granted effective, agency-directed relief to the officials with authority to implement it.

25. While the immediate custodian is necessary for habeas relief, Petitioner's non-habeas and declaratory claims require the inclusion of additional federal officials to ensure that

the Court can grant complete and effective relief and to prevent evasion of its orders. The failures in this case implicate high-level officials within DHS and ICE, including the ICE New Orleans Field Office Director, whose actions regarding detention and the unlawful revocation of the OSUP were independent of the immediate custodian. Naming all relevant federal officials is not a mere formality; it is a deliberate safeguard against jurisdictional gamesmanship, such as transferring Petitioner outside this Court's jurisdiction to frustrate judicial review, or releasing him now and then redetaining him in the future without due process or against OSUP regulations. Including these officials is essential for both habeas and non-habeas claims seeking prospective declaratory and injunctive relief, given Petitioner's ongoing unlawful detention and the risk of re-detention by the same authorities. In the immigration detention context, only DHS/ICE officials—not local jailers—possess the legal authority to revoke an OSUP or release a detainee, which is why they must remain as parties. Maintaining these federal officials as Respondents ensures that any order of this Court can be implemented promptly and without dispute, as the relief sought necessarily runs to DHS/ICE at the federal agency level, where policy and implementation authority reside. These officials are, at a minimum, the proper parties under principles analogous to FRCP 19, as complete relief cannot be afforded in their absence when it is the officials' actions that that are challenged. *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 690-91 (1949); *Dugan v. Rank*, 372 U.S. 609, 611, 621-22 (1963). Only these federal Respondents can effectuate the Court's orders and ensure that Petitioner's rights are protected. As federal officials, they are squarely within the Court's power to enjoin and direct, both for habeas and non-habeas relief.

Their continued presence as Respondents is indispensable to prevent the government from evading judicial oversight and to guarantee that the Court's authority is not rendered hollow by unilateral and unlawful agency action.

VI. STATEMENT OF FACTS AND PROCEDURAL HISTORY

26. Petitioner, Zu Ping Chen, is a 42-year-old national of China who departed the country by vessel in June 1999 and entered the United States through the Port of Savannah, Georgia, in or around August 1999. He has resided in the United States (most recently in Auburn, Alabama) for over two decades with his family, which includes his wife, and two U.S. citizen children. He has established deep and longstanding ties to the United States, including owning and operating a buffet restaurant that employs at least nine workers. Petitioner is also an active member of his local church community. All his family members depend on him for financial, emotional and familial support. He has lived in the country for more than twenty-five years.

27. Moreover, a Notice to Appear ("NTA") was issued on August 14, 1999, placing him in exclusion proceedings as he was apprehended upon entering the country without a passport. Petitioner applied for relief from removal, including asylum, withholding of removal, and protection under the Convention Against Torture ("CAT"). More than two decades ago, on April 25, 2000, the Immigration Judge denied all applications for relief and ordered him removed to China. However, for over two decades, ICE was unable to remove Petitioner as it was unable to obtain travel documents from China for him. China has historically refused to issue a travel document for Petitioner because they cannot verify his identity.

28. Consequently, in or around 2003, ICE released Petitioner on an Order of Supervision (OSUP). For the next two decades, Petitioner fully and consistently complied with all conditions of his supervision, including all reporting requirements. Throughout this extended period, ICE's decision to maintain him on supervised release constituted a long-standing agency determination that he was neither a flight risk nor a danger to the community.

29. In October 2024, despite his perfect record of compliance, Petitioner was detained without notice during a routine check-in. While being transported by ICE to a detention facility in Louisiana, the vehicle was involved in an accident, and Petitioner sustained a broken collarbone. He continues to suffer from this injury and requires ongoing medical care, including chiropractic sessions and pain medication.

30. Following the accident, ICE released Petitioner from custody on October 30, 2024, under a renewed OSUP which remained in effect through December 16, 2025. On that date, Petitioner went to report in Montgomery, Alabama and was detained, but filed a writ of habeas petition with this Court. 3:25-cv-00970-BL-JTA. Since then, he has complied with all supervision requirements. When Petitioner sought to enjoin his re-detention at a subsequent check-in, this Court denied preliminary injunctive relief on January 21, 2026, finding that new conditions imposed—an ankle monitor and ISAP participation—constituted a mere "amendment" to his OSUP, not a revocation. Petitioner continued to comply with all modified conditions of his release. This was the status quo until the events of February 24, 2026.

31. Petitioner has been continuously reporting to ICE in full compliance under an Order of Supervision that was issued to him since 2003. Notwithstanding the removal order

against him, Petitioner was placed under an OSUP by ICE in 2003 because they could not remove him to China even though he was subject to a final removal order. Petitioner has complied with the OSUP continuously for approximately twenty-two years. During this time, he has reported to ICE as instructed, maintained a stable residence, and cooperated fully with all supervision requirements.

32. Throughout this period, ICE has kept Petitioner under continuous supervision, indicating that the agency has not found him to be a flight risk or a danger to the community. The Order of Supervision on file explicitly references the maintenance of an Employment Authorization Document (EAD). Accordingly, Petitioner has filed Forms I-765 to maintain his work authorization, consistent with his long record of compliance.

33. On February 24, 2026, Petitioner, in full compliance with his conditions of release, appeared for his scheduled check-in at the ICE office in Montgomery, Alabama, accompanied by his attorney, Brian J. Bogdany. See Exhibit 3 (Declaration of Counsel). During the appointment, an ICE officer, acting at the direction of Assistant Field Office Director ("AFOD") Francisco Ayala, informed Petitioner and his counsel that Petitioner's OSUP was being revoked and he was being taken into immediate custody. AFOD Ayala, the deputy to Respondent Bullock, expressly confirmed to counsel that ICE had revoked Petitioner's OSUP during a prior check-in and was formally revoking it again on this date.

34. Petitioner was provided with a pre-printed "Notice of Revocation of Release" (ICE Form 71-091), dated February 24, 2026. The notice, signed by Field Office Director Christopher Bullock, asserts that revocation is proper pursuant to 8 C.F.R. § 241.4(l)

because "[t]he purposes of release have been served" and "[i]t is appropriate to enforce the removal order entered against you as ICE has the ability and means to effectuate your removal."

35. The form notice also contains a checked box with the boilerplate assertion: "This is a determination that revocation is in the public interest and circumstances do not reasonably permit referral to the Executive Associate Director of ERO." This assertion was made despite the fact that Petitioner's case has been under Respondents' continuous supervision for years, and his next reporting date had been scheduled since December 2025, providing ample time for any such referral.

36. At no point prior to being taken into custody was Petitioner provided with advance written notice of the reasons for the revocation or a meaningful opportunity to be heard by a neutral decision-maker. Instead, ICE officials informed Petitioner's counsel that he would be transferred to a separate detention facility in Montgomery, and that any "review opportunity" would be provided only after his transfer and would take place at an undetermined future date in Louisiana. This delayed and distant review denies the "prompt" informal interview required by regulation.

37. Petitioner's re-detention and planned transfer to Louisiana will immediately and severely disrupt the continuous medical and chiropractic care he requires for the chronic pain resulting from the broken collarbone he sustained during his unlawful detention and transport by ICE in 2024.

38. Petitioner's removal to China is not reasonably foreseeable because China has refused to issue a travel document for him for the past 25 years. That has not changed now and ICE does not currently have a travel document for him. Therefore, ICE does not have

a "Significant Likelihood of Removal in the Reasonably Foreseeable Future" (SLRRFF).

39. ICE found that Petitioner was neither a flight risk nor danger to the community, as evidenced by his continuous release under an Order of Supervision since 2003. Over the course of more than twenty-two years, Petitioner has fully complied with every reporting requirement, remained at the same verified residence in Auburn, Alabama and consistently cooperated with ICE officers. He has maintained steady family and community ties. Petitioner is married and has U.S. citizen children who depend on him for emotional and financial support.

40. As of the filing of this Petition, Petitioner remains under ICE custody in Montgomery, Alabama due to the unlawful revocation of his OSUP, despite his continued compliance and long history of lawful compliance with the supervision.

VII. LEGAL FRAMEWORK FOR RELIEF SOUGHT

41. Habeas corpus relief extends to a person "in custody under or by color of the authority of the United States" if the person can show she is "in custody in violation of the Constitution or laws or treaties of the United States." 28 U.S.C. § 2241 (c)(1), (c)(3); see also *Antonelli v. Warden, U.S.P. Atlanta*, 542 F.3d 1348, 1352 (11th Cir. 2008) (holding a petitioner's claims are proper under 28 U.S.C. section 2241 if they concern the continuation or execution of confinement). The U.S. Constitution guarantees that the writ of habeas corpus is "available to every individual detained within the United States." *Hamdi v. Rumsfeld*, 542 U.S. 507, 525 (2004), (citing U.S. Const., Art. I, § 9, cl. 2). This includes immigration-related detention. *Zadvydas v. Davis*, 533 U.S. 678,

687 (2001).

42. "[H]abeas corpus is, at its core, an equitable remedy," *Schlup v. Delo*, 513 U.S. 298, 319 (1995), that "[t]he court shall … dispose of [] as law and justice require," 28 U.S.C. § 2243. "[T]he court's role was most extensive in cases of pretrial and noncriminal detention." *Boumediene v. Bush*, 553 U.S. 723, 779– 80 (2008) (citations omitted). "[W]hen the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority to make a determination in light of the relevant law and facts and to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." Id. at 787. The Petitioner seeking habeas relief must demonstrate he is in custody in violation of the Constitution or federal law. 28 U.S.C. § 2241(c)(3); *Walker v. Johnston*, 312 U.S. 275, 286 (1941).

43. Once habeas jurisdiction is properly invoked, the habeas court must have authority to "dispose of the matter as law and justice require." 28 U.S.C. § 2243. Congress deliberately expanded the writ's remedial scope beyond simple release, and federal courts have long recognized that § 2243 authorizes a wide range of equitable relief tailored to cure unlawful custody, including conditional release orders and other affirmative directives. *Hilton v. Braunskill*, 481 U.S. 770, 775 (1987).

44. In the immigration context, the Supreme Court has likewise held that when "the judicial power to issue habeas corpus properly is invoked the judicial officer must have adequate authority … to formulate and issue appropriate orders for relief, including, if necessary, an order directing the prisoner's release." *Boumediene v. Bush*, 553 U.S. 723, 787 (2008). This includes authority to order release from unlawful civil immigration detention and to restore a prior lawful custodial status when revocation or

re-detention was unlawful.

45. Section 1252(f)(1) limits courts' authority to "enjoin or restrain the operation" of certain INA provisions on a class-wide or programmatic basis, but it expressly preserves as-applied injunctive and declaratory relief in "an individual case." 8 U.S.C. § 1252(f)(1). Courts addressing the interaction of § 1252 and the Suspension Clause have held that individual habeas petitioners remain entitled to meaningful, case-specific relief—including affirmative orders—where detention is unlawful.

46. Petitioner therefore seeks classic, individualized habeas relief: (i) immediate release from unlawful post-order detention; and (ii) reinstatement of the long-standing OSUP and conditions under which he lawfully lived for more than two decades. Granting such relief would not "enjoin or restrain the operation" of Part IV of the INA on a systemic basis, but would simply ensure that Respondents apply §§ 1231 and 241.4–241.13 lawfully to this individual case, as habeas and § 1252(f)(1) permit.

Due Process Governs Decisions to Revoke an Order of Supervision

47. "The Due Process Clause applies to all persons within the United States, including. aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (citation modified). "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Id.* at 690 (2001).

48. Under substantive due process doctrine, a restraint on liberty like revocation of a non-citizen's order of supervision is only permissible if it serves a "legitimate nonpunitive objective." *Kansas v. Hendricks*, 521 U.S. 346, 363 (1997). The Supreme Court has

only recognized two legitimate objectives of immigration detention: preventing danger to the community or preventing flight prior to removal. *See Zadvydas v. Davis*, 533 U.S. 678, 690-92 (discussing constitutional limitations on civil detention).

49. "Procedural due process imposes constraints on governmental decisions which deprive individuals of liberty," like the decision to revoke a non-citizen's order of supervision. *Mathews v. Eldridge*, 424 U.S. 319, 332 (1976) (citation modified). "The fundamental requirement of [procedural] due process is the opportunity to be heard at a meaningful time and in a meaningful manner." *Id.* at 333 (citation modified).

Statute and Regulation Govern Procedures for Revoking an Order of Supervision

50. A non-citizen with a final order of removal "who is not removed within the [90-day] removal period . . . shall be subject to [an order of] supervision under regulations prescribed by the Attorney General." 8 U.S.C. § 1231(a)(3) (titled "Supervision after 90-day period").

51. A non-citizen may only be detained past the 90-day removal period following a removal order if found to be "a risk to the community or unlikely to comply with the order of removal" or if the order of removal was on specified grounds. *Id.* § 1231(a)(6).

52. But even where initial detention past the 90-day removal period is authorized, if "removal is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6)]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

53. Regulations purport to give additional reasons, beyond those listed at § 1231(a)(6), that an order of supervision may be revoked and a non-citizen may be re-detained past the removal period: "(1) the purposes of release have been served; (2) the alien violates any condition of release; (3) it is appropriate to enforce a removal order . . . ; or (4) the conduct of the alien, or any other circumstance, indicates that release would no longer be appropriate." 8 C.F.R. § 241.4(l)(2); see also id. § 241.13(i) (permitting revocation of an order of supervision only if a non-citizen "violates any of the conditions of release"). Because "[r]egulations cannot circumvent the plain text of the statute[,]" courts question whether these regulations are ultra vires of statutory authority. See, e.g., *You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018) (comparing regulations to 8 U.S.C. § 1231(a)(6), which authorizes detention past the removal period only if person is a risk to the community, unlikely to comply with the order of removal, or was ordered removed on specified grounds).

54. It is clear, however, that regulations permit only certain officials to revoke an order of supervision: the ICE Executive Associate Director, a field office director, or an official "delegated the function or authority . . . for a particular geographic district, region, or area." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." 8 C.F.R. § 241.4(l)(2). And for a delegated official to have authority to revoke an order of supervision, the delegation

order must explicitly say so. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (finding a delegation order that "refers only to a limited set of powers under part 241 that do not include the power to revoke release" insufficient to grant authority to revoke an order of supervision).

55. **Upon revocation of an order of supervision, ICE must give a non-citizen notice of the reasons for revocation and a prompt interview to respond.** 8 C.F.R. § 241.4(l)(1).

Due Process and the Regulatory Process for OSUP Revocation

56. OSUP regulations and the processes and procedures to revoke them can be found under 8 C.F.R. § 241.4. Once the government has exercised its discretion to release an individual from immigration detention, revocation of that liberty interest is a significant act that can only be carried out by high-level officials specifically designated in the regulations. Revocation of release under an OSUP implicates a protected liberty interest and must be accompanied by robust procedural and substantive safeguards. The agency must strictly follow its own regulations, as required by the *Accardi* doctrine, and must also provide constitutionally adequate notice and an opportunity to be heard before a neutral decisionmaker prior to revocation. The fact that only high-level officials may revoke these forms of release underscores the gravity of the liberty interest at stake and the need for accountability and individualized assessment.

57. A recent order by Judge Rochon in the Southern District of New York illustrated what procedural due process ICE must follow in order to revoke an OSUP and re-detain an

individual like Petitioner. *See Zhu v. Genalo*, No. 1:25-cv-06523 (JLR), 2025 WL 2452352, at *5–9 (S.D.N.Y. Aug. 26, 2025).

58. The immigration habeas petitioner in *Zhu* was in a substantially similar posture to Petitioner here: he had applied for asylum after entering the United States; had received a notice to appear that charged him with being removable; was not removed but instead was released on an Order of Supervision; and was periodically reporting to a Deportation Officer. *Id.* at *1. In August 2025, he encountered ICE agents, seemingly somewhat by chance, outside his home during a field operation, and he was taken into custody and detained without notice. *Id.*

59. In his habeas petition, he argued, among other things, that "his redetention was unlawful because ICE did not provide him with notice or an explanation, as required by its regulations"—the same argument that Petitioner is making in this Court in connection with his request for a temporary restraining order requiring his release. In a comprehensive analysis, Judge Rochon carefully explained in detail the regulatory and case law background and then observed:

60. Notification of the reasons for Petitioner's redetention is . . . required under 8 C.F.R. § 241.4(d), which provides that "[a] copy of any decision . . . to detain an alien shall be provided to the detained alien" and a decision to retain custody must "set forth the reasons" for that detention. 8 C.F.R. § 241.4(d). ***The failure to provide Petitioner with such notice thwarts his ability to contest the revocation***. *See Santamaria Orellana v. Baker*, No. 25-cv-01788, 2025 WL 2444087, at *6–8 (D. Md. Aug. 25, 2025) (holding that ICE violated 8 C.F.R. § 241.4(d) by failing to provide noncitizen whose order of

supervision was revoked with a notice or any written record as to the basis for the revocation of his release, which in turn violated his due process rights).

61. *Id.* at *8 (emphasis added); *see generally id.* at *5–8 (centering on 8 C.F.R. § 241.4, its various subsections, and the case law interpreting them). The Court went on to comment that "[h]ere, Petitioner received *no* process before being redetained, in violation of ICE's own regulations and the Due Process Clause." *Id.* at *9 (emphasis original). In consequence, the Court ordered his immediate release from custody. *Id.* Here, the Court should grant the same relief to Petitioner on a temporary basis while it adjudicates the merits of his habeas petition.

62. Other recent cases in accord with *Zhu* are: *Cifuentes Rivera v. Arnott*, No. 4:25-cv-00570-RK, Dkt. No. 19 (W.D. Mo. Oct. 7, 2025) (holding that under an Order of Supervision pursuant to immigration regulations, 8 C.F.R. §§ 241.4 and 241.13, the petitioner was entitled to an informal interview upon detention based on a revocation of her supervised release order, which she can "contest and challenge, the reasons for her detention"); *Diaz v. Wofford*, No. 1:25-CV-01079 JLT EPG, 2025 WL 2581575, at *3-5 (D. Ariz. Sept. 5, 2025) (granting preliminary injunction requiring petitioner's immediate release and permanently enjoining the government from re-detaining petitioner without due process compliance based on application of section 1226 where the DHS's failure to follow the regulation procedures in 8 C.F.R. 241.8 and failing to provide notice as required under 8 C.F.R. 241.4 where petitioner was released on own recognizance due to lack of space, was a derivative applicant on his wife's asylum application, and there was no evidence petitioner failed to comply with his terms of supervision); *M.S.L. v. Bostock*, No. 25-cv-01204, 2025 WL 2430267 (D. Or. Aug 21,

2025) (granting temporary restraining order requiring petitioner's immediate release where the DHS's failure to provide notice as required under 8 C.F.R. § 241.4 and there was no evidence petitioner failed to comply with her terms of supervision); see also *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass 2017) (holding ICE violated the Due Process Clause of the Fifth Amendment by detaining petitioner without advance notice, a hearing, or an interview, despite his full compliance with the conditions of his release. *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (W.D.N.Y. 2023) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so). These cases confirm that revocation of liberty interests must comply with agency regulations, including notice and an opportunity to be heard, and that actions taken without proper authority are void. In the past several months in 2025, there have been many reported cases (including those in federal courts) where an OSUP was unlawfully revoked by ICE, yet there are none known to undersigned counsel where ICE lawfully revoked an OSUP in 2025.

Changed Circumstances Required for Re-arrest Petitioner

63. Even if the government were permitted to revoke an OSUP and re-detain a noncitizen after a prolonged period of supervised release, it may do so only upon a showing of "changed circumstances" that make removal significantly likely in the reasonably foreseeable future (SLRRFF). *See* 8 C.F.R. § 241.13(i). This is not a mere formality: Courts have repeatedly held that **ICE must identify specific, individualized changes**—such as new evidence of flight risk, danger to the community, or a concrete development making removal newly feasible. *Roble v. Bondi*, 2025 WL 2443453 at *4 (D. Minn. Aug. 25, 2025) (the regulations place the burden on ICE to first establish

changed circumstances that make removal significantly likely in the reasonably foreseeable future); *Hernandez Escalante v. Noem*, No. 9:25-cv-00182-MJT, 2025 WL 2206113, at *3 (E.D. Tex. Aug. 2, 2025) ("The[ ] regulations clearly indicate, upon revocation of supervised release, it is [ICE's] burden to show a significant likelihood that the [noncitizen] may be removed."). Vague or generic assertions, or the mere passage of time, are insufficient. *See Phongsavanh v. Williams,* No. 4:25-CV-00426-SMR-SBJ, 2025 WL 3124032, at *4 (S.D. Iowa Nov. 7, 2025); *Liu v. Carter*, 2025 WL 1696526 (D. Kan. Jun. 17, 2025); *Sun v. Noem*, 2025 WL 2800037 (S.D. Cal. Sep. 30, 2025); *Sarail A. v. Bondi*, 2025 WL 2533673 (D. Minn. Sep. 3, 2025) (notification of "changed circumstances" without explanation is insufficient).

64. The revocation was executed by an official who may lack the requisite delegated authority, was based on boilerplate justifications that are unsupported by the factual record, and was effected without the mandatory procedural safeguards of advance notice and a prompt, meaningful opportunity to be heard. District courts retain habeas jurisdiction to review such collateral legal and constitutional challenges to the process by which the government revokes supervised release and imposes detention. See Ahmad v. Whitaker, No. C18-287-JLR-BAT, 2018 WL 6928540, at 4 (W.D. Wash. Dec. 4, 2018); Rivera v. Wilcox, No. C19-385-RSM-BAT, 2019 WL 13209736, at 8 (W.D. Wash. Sept. 24, 2019).

65. Even assuming the Field Office Director is among the officials who may revoke supervised release under 8 C.F.R. § 241.4(l)(2), that authority exists only where, "in the [FOD]'s opinion, revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]." The only

"finding" on this point is a single preprinted line on ICE Form 71-091 stating that "revocation is in the public interest and circumstances do not reasonably permit referral to the Executive Associate Director of ERO," with no factual explanation whatsoever why it was not possible or feasible. ICE had at least three months between the December 2025 OSUP appointments and the February 24, 2026 check-in, and more than twenty years of supervision of Mr. Chen's case, to obtain guidance or referral from headquarters if it believed revocation might be warranted. Nothing in the record suggests any emergency or new development in February 2026 that would have made such a referral "not reasonably permit[ted]" within the meaning of § 241.4(l)(2). The bare, check-the-box recitation of that regulatory phrase on a standardized form is not a reasoned determination and does not satisfy the regulation's threshold requirement.

66. Here, ICE has not identified any changed circumstances in Mr. Chen's case; there is no evidence of new travel documents for him, nor any other concrete development that would make his removal significantly likely.

67. 24. Because Petitioner's detention is not authorized by law and violates his constitutional rights, he is entitled to immediate and unconditional release from custody through a writ of habeas corpus. Law and justice require that the Court grant the writ, order Petitioner's immediate release, and restore him to the status quo ante under the terms of his prior OSUP.

The APA Sets Minimum Standards for Final Agency Action

68. The Administrative Procedure Act authorizes judicial review of final agency action. 5 U.S.C. § 704.

69. Final agency actions are those (1) that "mark the consummation of the agency's decisionmaking process" and (2) "by which rights or obligations have been determined, or from which legal consequences will flow." *Bennett v. Spear*, 520 U.S. 154, 178 (1997) (citation modified).

70. ICE's revocation of an order of supervision —or the imminent threat thereof— is a final agency action subject to this Court's review.

71. Any revocation or re-detention decision would mark the consummation of ICE's decision-making process regarding Petitioner's custody and supervision.

72. Such an action would also be one by which rights or obligations have been determined, or from which legal consequences would flow, because it would lead to Petitioner's detention in violation of his rights under the Constitution, statute, and regulation.

The *Accardi* Doctrine Requires Agencies to Follow Internal Rules

73. Under the Accardi doctrine, a foundational principle of administrative law, agencies must follow their own procedures, rules, and instructions. *See United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260, 268 (1954) (setting aside an order of deportation where the Board of Immigration Appeals failed to follow procedures governing deportation proceedings); see also *Morton v. Ruiz*, 415 U.S. 199, 235 (1974) ("Where the rights of individuals are affected, it is incumbent upon agencies to follow their own procedures . . . even where the internal procedures are possibly more rigorous than otherwise would be required.").

74. *Accardi* is not "limited to rules attaining the status of formal regulations." *Montilla v. INS*, 926 F.2d 162, 167 (2d Cir. 1991). Courts must also reverse agency action for

violation of unpublished rules and instructions to agency officials. See *Morton v. Ruiz*, 415 U.S. 235 (affirming reversal of agency denial of public assistance made in violation of internal agency manual); *U.S. v. Heffner*, 420 F.2d 809, 812 (4th Cir. 1969) (under Accardi, reversing decision to admit evidence obtained by IRS agents for violating instructions on investigating tax fraud)

75. Where a release notification issued alongside an order of supervision instructs that a non-citizen with a final order of removal will be given an opportunity to prepare for an "orderly departure," ICE's failure to follow that instruction is an *Accardi* violation. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 169; *Ragbir v. Sessions*, 2018 WL 623557 (S.D.N.Y. Jan. 29, 2018), vacated and remanded on other grounds sub nom. *Ragbir v. Barr*, 2019 WL 6826008 (2d Cir. July 30, 2019); *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass. 2017) (ordering release of petitioners to give an opportunity to prepare for orderly departure).

VIII. CAUSES OF ACTION AND CLAIMS FOR RELIEF

COUNT ONE
Violation of the Fifth Amendment of the U.S. Constitution
Substantive Due Process

76. Petitioner realleges and incorporates all paragraphs above as if fully set forth here.

77. All persons residing in the United States are protected by the Due Process Clause of the Fifth Amendment.

78. The Due Process Clause of the Fifth Amendment provides that "[n]o person shall be … deprived of life, liberty, or property, without due process of law." U.S. CONT. amend. V. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects."

Zadvydas v. Davis, 533 U.S. 678, 690 (2001). This vital liberty interest is at stake when an individual is subject to detention by the federal government.

79. The substantive component of the Fifth Amendment's Due Process Clause forbids the government from infringing upon fundamental liberty interests, regardless of the process provided, unless the infringement is narrowly tailored to serve a compelling state interest. *Reno v. Flores*, 507 U.S. 292, 301-02 (1993). "[F]reedom from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that Clause protects." *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). Under the civil-detention framework set out in *Zadvydas* and its progeny, the Government may deprive a non-citizen of physical liberty only when the confinement serves a legitimate purpose—such as ensuring appearance or protecting the community—and is reasonably related to, and not excessive in relation to, that purpose.

80. In the context of civil immigration detention, the Supreme Court has recognized only two legitimate, non-punitive government objectives: "preventing danger to the community and preventing flight." *Zadvydas*, 533 U.S. at 690-91. Detention is constitutionally permissible only so long as it "bears a reasonable relation" to those purposes. *Id.* at 690. Petitioner's re-detention serves neither purpose.

81. For over 22 years, Respondents consistently determined through their own actions—by maintaining him on an Order of Supervision—that Petitioner was not a flight risk or a danger to the community. Nothing in his conduct has changed. The revocation notice served on February 24, 2026, contains no individualized finding that he has suddenly become a flight risk or a danger.

82. Furthermore, post-removal-period detention under 8 U.S.C. § 1231(a)(6) is implicitly limited to a period reasonably necessary to bring about removal and "does not permit 'indefinite' detention." *Zadvydas*, 533 U.S. at 701. Detention becomes unreasonable and unauthorized by statute "once removal is no longer reasonably foreseeable." *Id.* at 699. Given that Respondents have been unable to secure a travel document from China for Petitioner for over two decades, his removal is not significantly likely in the reasonably foreseeable future.

83. When ICE issued Petitioner an order of supervision, it found that Petitioner is neither a danger to the community nor a flight risk.

84. Now, despite Petitioner's full compliance with every condition of his Order of Supervision for approximately twenty-two years, ICE has given no notice of any change in circumstances that would warrant revocation. There are no criminal issues, Petitioner has complied with the OSUP, and there are no new adverse factors to justify detention.

85. Moreover, ICE cannot remove Petitioner to China because Petitioner does not have a passport. China has historically refused, for the past 23 years, to issue him a passport and there is no indication anything has changed now.

86. Because Petitioner's removal is not reasonably foreseeable, any re-detention would not bear a reasonable relationship to the two regulatory purposes of immigration detention: preventing danger to the community or flight prior to removal.

87. Petitioner's detention is therefore untethered from any legitimate regulatory purpose. It is punitive in effect and amounts to indefinite detention in violation of the substantive guarantees of the Fifth Amendment.

COUNT TWO
Violation of the Fifth Amendment of the U.S. Constitution
Procedural Due Process

88. Petitioner realleges and incorporates all paragraphs above as if fully set forth here.

89. To determine whether a civil detention violates a detainee's due process rights, courts apply the three-part test set forth in *Mathews v. Eldridge*, 424 U.S. 319, (1976). Pursuant to Mathews, courts weigh the following three factors: (1) "the private interest that will be affected by the official action"; (2) "the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards"; and (3) "the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail." *Mathews*, 424 U.S. at 335.

90. The first factor, the private interest at issue, favors Petitioner as Petitioner's liberty interest is paramount. "Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause [of the Fifth Amendment] protects." *Zadvydas v. Davis*, 533 U.S. 678, 690. ICE had already decided 21 years ago in 2004 that Petitioner is not a flight risk, and does not pose a danger to the community. Petitioner has complied with all reporting requirements over the past 21 years and does not have any adverse factors or new criminal behavior that would have led to the recent arrest. Being free from physical detention by one's own government "is the most elemental of liberty interests." *Hamdi v. Rumsfeld*, 542 U.S. 507, 529 (2004). The right to be free of detention of indefinite duration pending a bail determination, is "without question, a weighty one." L*andon v. Plasencia*, 459 U.S. at 34, 103 S.Ct. 321.

91. The second factor, the risk of erroneous deprivation of liberty and the probable value of procedural safeguards, also favors Petitioner. To safeguard against erroneous deprivations of liberty, statute specifies the limited number of reasons that an order of supervision can be revoked. Regulations specify who may lawfully revoke the order and the procedures that must be followed when doing so, including giving notice and an opportunity to be heard. Respondents violated those laws here, leaving the risk of erroneous deprivation of liberty high (as they failed to provide notice and an opportunity to be heard). Requiring Respondents to give notice and an opportunity to respond prior to revoking an order of supervision is of great value because it reduces the probability of needless detention of a person, like Petitioner, who is neither dangerous nor a flight risk. Likewise, the risk of erroneous deprivation of liberty is great due to the lack of a non-independent adjudicator as ICE officers under the current Trump administration are subject to daily arrest quotas of noncitizens. *Marcello v. Bonds*, 39 U.S. 302, 305-306 (1955).

92. The third factor, the government's interest, also favors Petitioner. When the government ignores law (and agency breaks its own regulations, policies and procedures) that ensures notice and an opportunity to respond to a person at risk of revocation of an order of supervision, it is more likely to waste limited financial and administrative resources on unnecessary detention of people who are neither flight risks nor dangerous. This waste drags down the efficiency of the entire immigration system. And because the government must also spend resources defending against a habeas corpus petition in federal court to compel Respondents to comply with law, requiring Respondents to instead provide notice and a meaningful opportunity to respond prior

to revoking an order of supervision reduces fiscal and administrative burdens on the government.

93. Because Petitioner does not have a passport or any travel document, ICE cannot remove him in the reasonably foreseeable future.

94. For these reasons, revoking Petitioner's order of supervision—without prior notice, findings, or an opportunity to be heard, without any meaningful process before or promptly after his re-detention constitutes a clear violation of his rights under the Fifth Amendment to the U.S. Constitution.

COUNT THREE

Violation of Administrative Procedure Act, 5 U.S.C. § 706(2)(A), (B)
Arbitrary and Capricious, Not in Accordance with Law

95. Petitioner realleges and incorporates all paragraphs above as if fully set forth here.

96. Under the APA, a court shall "hold unlawful and set aside agency action . . . found to be . . . not in accordance with law" or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. § 706(2)(A), (B).

97. The APA's reference to "law" in the phrase "not in accordance with law," "means, of course, any law, and not merely those laws that the agency itself is charged with administering." *FCC v. NextWave Pers. Commc'ns Inc.*, 537 U.S. 293, 300 (2003) (emphasis in original).

98. The action is arbitrary and capricious because it "runs counter to the evidence before the agency" and fails to articulate a rational connection between the facts found and the choice made. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The decision to revoke release completely ignores over two decades of

evidence showing Petitioner's perfect compliance, stable family and community ties, and consistent cooperation, all of which confirm he is not a flight risk or danger. The boilerplate justifications on the revocation form are not a reasoned explanation. Under the APA, an agency must provide a reasoned explanation that reflects a rational connection between the facts found and the decision made; conclusory statements are insufficient. Here, ICE Form 71-091 consists almost entirely of standardized, pre-printed language, including the bare assertion that "revocation is in the public interest and circumstances do not reasonably permit referral to the Executive Associate Director of ERO," without any individualized factual explanation of why referral was supposedly infeasible in Petitioner's case after months of notice of his scheduled check-ins and more than two decades of supervision. [An unexplained, pre-printed assertion that referral is "not reasonably permitted," made on a standardized form in these circumstances, is exactly the kind of conclusory determination courts have found arbitrary and inconsistent with the APA's requirement that agencies heed their own detailed regulations governing post-order custody and revocation.

99. The decision is also arbitrary and capricious because Respondents failed to consider "important aspects of the problem," including Petitioner's substantial reliance interests developed over 22 years of supervised release. See *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1 (2020). Petitioner built a life, family, and business based on the stability of his supervised status, and the agency cannot disregard these interests without a reasoned explanation.

100. There is no statute, constitutional provision, or other source of law that authorizes Respondents to revoke Petitioner's order of supervision or place him in detention absent the findings required by 8 U.S.C. § 1231(a)(6) and its implementing regulations.

101. An agency . . . literally has no power to act—including under its regulations—unless and until Congress authorizes it to do so by statute." *FEC v. Cruz*, 596 U.S. 289, 301 (2022) (internal quotation marks and citation omitted).

102. 8 U.S.C. § 1231(a)(6) only authorizes detention past the 90-day removal period for a person who is found to be a danger to the community, unlikely to comply with a removal order, or whose removal order is on certain grounds specified in the statute. Even then, if removal "is not reasonably foreseeable, the court should hold continued detention unreasonable and no longer authorized by [§ 1231(a)(6]. In that case, of course, the alien's release may and should be conditioned on any of the various forms of supervised release that are appropriate in the circumstances . . . ." *Zadvydas v. Davis*, 533 U.S. 678, 699-700.

103. Regulations that purport to give Respondents authority to revoke an order of supervision on grounds other than those listed § 1231(a)(6) are ultra vires and in excess of statutory authority because "[r]egulations cannot circumvent the plain text of the statute." *You v. Nielsen*, 321 F. Supp. 3d. 451, 463 (S.D.N.Y. 2018).

104. Any attempt by Respondents to revoke Petitioner's order of supervision or detain him under such regulations would therefore be in excess of statutory authority and must be held unlawful and set aside, particularly where removal is not reasonably foreseeable given Petitioner does not have a passport or travel document. By purporting to revoke supervised release based solely on generalized assertions that "the purposes of release

have been served" and that it is "appropriate to enforce the removal order" and that referral is "not reasonably permitted," without any individualized finding that Petitioner is a danger, a flight risk, or that "changed circumstances" make his removal significantly likely in the reasonably foreseeable future, Respondents have ignored the narrow detention grounds in 8 U.S.C. § 1231(a)(6) and the specific predicates and procedural safeguards in 8 C.F.R. §§ 241.4(l)(2) and 241.13(i)(2).

105. Even assuming that regulations purporting to offer additional justifications for revocation of an order of supervision are not ultra vires, Respondents did not comply with them. Respondents could not make findings that Petitioner's conduct indicated release would no longer be appropriate or that Petitioner violated any condition of release, because Petitioner had not. Nor could Respondents make findings that the purposes of release had been served or that it was appropriate to enforce a removal order, because it had yet to make final arrangements for Petitioner's removal. Moreover, as previously mentioned, Petitioner does not have a passport or travel document therefore his removal cannot be effectuated anytime soon.

106. Nor have Respondents provided Petitioner with notice of any intent to revoke supervision or an opportunity to respond as required by 8 C.F.R. § 241.4(l)(1).

107. First, Respondents would fail to consider the serious constitutional concerns raised by revoking Petitioner's order of supervision without notice and opportunity to respond.

108. Second, Respondents would fail to consider the increased administrative burden to the agency caused by revoking the order of supervision of Petitioner, who is neither a flight risk nor a danger to the community and for whom the agency does not have travel documents needed to effectuate removal, including financial and administrative costs

incurred by the agency due to unnecessary detention. Moreover, Petitioner does not have a passport or travel document to be removed.

109. Third, Respondents would fail to consider reasonable alternatives to revoking Petitioner's order of supervision that were before the agency, like simply continuing release under the order of supervision and scheduling a future time and date to appear for removal. This alternative would vindicate the government's interests in effectuating a removal order and save it the expense of detention not needed to guarantee Petitioner's appearance.

110. Fourth, Respondents would fail to consider Petitioner's substantial reliance interest, created by the agency's consistent practice over two decades of allowing him to remain under supervision and instructing that individuals under such orders will be given an opportunity to arrange for an orderly departure once travel documents are obtained.

111. A noncitizen released from immigration custody acquires a protected liberty interest in remaining at liberty, grounded in the government's own determination that the individual is neither a flight risk nor a danger to the community. This interest is heightened by the individual's reliance on that status to build family, community, and employment ties. Before this liberty can be withdrawn, both the regulatory and constitutional framework require meaningful process—including advance notice and an opportunity to be heard before a neutral decisionmaker. As the Supreme Court has emphasized, "The essence of due process is the requirement that a person in jeopardy of serious loss be given notice of the case against him and opportunity to meet it." *Mathews v. Eldridge*, 424 U.S. 319, 348 (1976) (cleaned up). This principle is reinforced by Supreme Court precedent, that reliance interests created by government

action cannot be disregarded arbitrarily or capriciously, and that any change in policy must be accompanied by a reasoned explanation and consideration of those interests. *See Department of Homeland Security v. Regents of the University of California*, 591 U.S. 1 (2020), which addressed the issue of reliance interests in the context of the rescission of the Deferred Action for Childhood Arrivals (DACA) program. The Court found that DHS failed to adequately consider the reliance interests of DACA recipients when deciding to rescind the program, rendering the decision arbitrary and capricious under the Administrative Procedure Act (APA). The Court emphasized that when an agency changes its policy, it must consider the reliance interests that have developed under the previous policy. In the case of DACA, recipients had made significant life decisions based on the program, such as enrolling in educational programs, starting careers, and purchasing homes. The Court held that DHS's failure to consider these reliance interests was arbitrary and capricious, violating the APA. The agency was required to provide a reasoned explanation for its decision, which included assessing the impact on those who had relied on the program. **The decision underscored that the rescission of DACA was not merely a matter of agency discretion but was subject to judicial review**. The Court rejected the argument that DACA was an unreviewable non-enforcement policy, affirming that a rescission of even a discretionary decision by an executive branch agency is subject to judicial review under these circumstances. The rescission of Petitioner's liberty, even if discretionary, is subject to judicial review and must comply with the APA and constitutional due process.

112. Numerous recent cases from district courts across the country have reached the same conclusion: noncitizens released on recognizance cannot be arbitrarily re-detained without individualized findings, notice, and a meaningful opportunity to be heard. These courts have granted habeas relief and injunctive orders where the government failed to honor the reliance interests and procedural safeguards inherent in its own release decisions. Arbitrary re-detention, absent evidence of noncompliance, flight risk, or danger, is unlawful and subject to judicial remedy. Note, this may not be an all-encompassing list; it is just what attorneys for Petitioner were able to find in the short timeframe required to prepare this brief:

Zhu v. Genalo, No. 1:25-cv-06523 (JLR), 2025 WL 2452352, at *5–9 (S.D.N.Y. Aug. 26, 2025); *Cifuentes Rivera v. Arnott*, No. 4:25-cv-00570-RK, Dkt. No. 19 (W.D. Mo. Oct. 7, 2025) (holding that under an Order of Supervision pursuant to immigration regulations, 8 C.F.R. §§ 241.4 and 241.13, the petitioner was entitled to an informal interview upon detention based on a revocation of her supervised release order, which she can "contest and challenge, the reasons for her detention"); *Diaz v. Wofford*, No. 1:25-CV-01079 JLT EPG, 2025 WL 2581575, at *3-5 (D. Ariz. Sept. 5, 2025) (granting preliminary injunction requiring petitioner's immediate release and permanently enjoining the government from re-detaining petitioner without due process compliance based on application of section 1226 where the DHS's failure to follow the regulation procedures in 8 C.F.R. 241.8 and failing to provide notice as required under 8 C.F.R. 241.4 where petitioner was released on own recognizance due to lack of space, was a derivative applicant on his wife's asylum application, and there was no evidence petitioner failed to comply with his terms of supervision); *M.S.L. v. Bostock*, No. 25-

cv-01204, 2025 WL 2430267 (D. Or. Aug 21, 2025) (granting temporary restraining order requiring petitioner's immediate release where the DHS's failure to provide notice as required under 8 C.F.R. § 241.4 and there was no evidence petitioner failed to comply with her terms of supervision); see also *Rombot v. Souza*, 296 F. Supp. 3d 383 (D. Mass 2017) (holding ICE violated the Due Process Clause of the Fifth Amendment by detaining petitioner without advance notice, a hearing, or an interview, despite his full compliance with the conditions of his release. *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (W.D.N.Y. 2023) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).*Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025) (citing 8 C.F.R. §§ 1.2, 241.4(l)(2) and explaining that the Homeland Security Act of 2002 renamed the position titles listed in § 241.4). If the field office director or a delegated official intend to revoke an order of supervision, they must first make findings that "revocation is in the public interest and circumstances do not reasonably permit referral of the case to the Executive Associate [Director]."

113. For these and other reasons, any attempt by Respondents to revoke Petitioner's order of supervision or detain him during his next check-in would be arbitrary and capricious and should be declared unlawful and enjoined.

114. Finally, the action is "not in accordance with law" and "in excess of statutory authority" because it violates the INA, its implementing regulations, and the Due Process Clause, and was undertaken by an official without proper delegated authority, as set forth in the preceding counts. Because the revocation was arbitrary, capricious, and contrary to law, it must be set aside.

COUNT FOUR
Administrative Procedure Act
(Arbitrary, Capricious, Not in Accordance with Law)

115. Petitioner realleges and incorporates by reference all preceding paragraphs.

116. The Administrative Procedure Act ("APA") requires a reviewing court to "hold unlawful and set aside agency action, findings, and conclusions found to be… arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law" or "in excess of statutory jurisdiction, authority, or limitations." 5 U.S.C. § 706(2)(A), (C). Respondents' revocation of Petitioner's OSUP and his subsequent re-detention violate the APA on multiple grounds.

117. The action is arbitrary and capricious because it "runs counter to the evidence before the agency" and fails to articulate a rational connection between the facts found and the choice made. *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983). The decision to revoke release completely ignores over two decades of evidence showing Petitioner's perfect compliance, stable family and community ties, and consistent cooperation, all of which confirm he is not a flight risk or danger. The boilerplate justifications on the revocation form are not a reasoned explanation. Under the APA, an agency must provide a reasoned explanation that reflects a rational connection between the facts found and the decision made; conclusory, pre-printed assertions are not sufficient. ICE Form 71-091 contains only standardized language, including the bare statement that "revocation is in the public interest and circumstances do not reasonably permit referral to the Executive Associate Director of ERO," without any individualized factual basis explaining why such a referral was supposedly

infeasible in Petitioner's case after months of notice of his check-ins and more than twenty years of supervision. An unexplained, pre-printed assertion that referral is "not reasonably permitted," made under these circumstances, is the very sort of conclusory determination courts have held arbitrary and inconsistent with the APA's requirement of reasoned decision-making and adherence to the agency's own post-order custody regulations.

118. The decision is also arbitrary and capricious because Respondents failed to consider "important aspects of the problem," including Petitioner's substantial reliance interests developed over 22 years of supervised release. *Dep't of Homeland Sec. v. Regents of the Univ. of California*, 591 U.S. 1 (2020). Petitioner built a life, family, and business based on the stability of his supervised status, and the agency cannot disregard these interests without a reasoned explanation.

119. Finally, the action is "not in accordance with law" and "in excess of statutory authority" because it violates the INA, its implementing regulations, and the Due Process Clause, and was undertaken by an official without proper delegated authority, as set forth in the preceding counts. Because the revocation was arbitrary, capricious, and contrary to law, it must be set aside. By revoking Petitioner's supervised release based solely on generic assertions that "the purposes of release have been served," that it is "appropriate to enforce the removal order," and that referral to the Executive Associate Director is "not reasonably permitted," without any individualized danger, flight-risk, or "changed circumstances" finding showing a significant likelihood of removal in the reasonably foreseeable future, Respondents ignored the narrow detention authority Congress

conferred in 8 U.S.C. § 1231(a)(6) and failed to comply with the mandatory predicates and procedures in 8 C.F.R. §§ 241.4 and 241.13.

COUNT FIVE
Statutory and Regulatory Violations
(8 U.S.C. § 1231; 8 C.F.R. §§ 241.4, 241.13)

120. Petitioner realleges and incorporates all paragraphs above as if fully set forth here.

121. Respondents' revocation of Petitioner's OSUP and his subsequent detention violate the plain text and structure of the INA and its implementing regulations. Congress established a clear framework in which supervision is the default status for a noncitizen not removed within the 90-day removal period. 8 U.S.C. § 1231(a)(3). Detention beyond that period is an exception authorized under 8 U.S.C. § 1231(a)(6) only for specific classes of noncitizens or upon a finding of danger or flight risk—none of which apply to Petitioner.

122. The revocation notice cites 8 C.F.R. § 241.4(l) as authority. However, Respondents failed to comply with that regulation's own requirements.

(a) The regulation permits a Field Office Director to revoke release without referral to the Executive Associate Director only when "circumstances do not reasonably permit" such a referral. 8 C.F.R. § 241.4(l)(2). Here, Respondents' boilerplate assertion that circumstances did not permit referral is pretextual. Petitioner's check-in was scheduled months in advance, affording Respondents ample time to follow their own command structure.

(b) The stated grounds for revocation-that the "purposes of release have been served" and it is "appropriate to enforce the removal order"-are arbitrary and

meaningless without a factual basis showing that removal is now actually possible. After 25 years of failure to secure a travel document, these justifications are conclusory and insufficient as a matter of law.

123. Moreover, for a noncitizen like Petitioner whose removal has long been deemed not reasonably foreseeable, the controlling regulation is 8 C.F.R. § 241.13. That regulation permits revocation only if the noncitizen violates a condition of release or if, "on account of changed circumstances, the Service determines that there is a significant likelihood that the alien may be removed in the reasonably foreseeable future." 8 C.F.R. § 241.13(i)(2).

(a) Petitioner has not violated any condition of his release.

(b) Respondents have identified no "changed circumstances." A policy shift is not a changed circumstance under the regulation. See *Liu v. Carter*, No. 25-3036, 2025 WL 1696526 (D. Kan. Jun. 17, 2025). The government must show a concrete, individualized development, such as securing a travel document or a new diplomatic agreement, that makes removal newly feasible. Respondents have made no such showing.

124. Finally, Respondents violated the procedural mandates of both regulations by failing to provide a "prompt" informal interview. 8 C.F.R. §§ 241.4(l)(1), 241.13(i)(3). Promising a vague "review opportunity" at an unspecified future date in a different state, after transferring Petitioner hundreds of miles from his home and counsel, does not satisfy the requirement for a prompt interview designed to allow a meaningful response to the reasons for revocation.

COUNT SIX
Violation of the *Accardi* Doctrine

125. Petitioner realleges all paragraphs above as if fully set forth here.

126. Under the Accardi doctrine, Petitioner has a right to set aside agency action that violated agency procedures, rules, or instructions. See *United States ex rel. Accardi v. Shaughnessy*, 347 U.S. 260 ("If petitioner can prove the allegation [that agency failed to follow its rules in a hearing] he should receive a new hearing").

127. Respondents' revocation of Petitioner's OSUP demonstrates a wholesale failure to adhere to their own binding regulations. As established in the preceding claims, Respondents violated mandatory procedures set forth in 8 C.F.R. §§ 241.4 and 241.13 regarding the grounds for revocation, the authority of the revoking official, the requirement for specific findings, and the provision of a prompt, meaningful interview. Courts have consistently granted habeas relief where ICE ignores these procedural mandates. See *Rombot v. Souza*, 296 F. Supp. 3d 383, 388-89 (D. Mass. 2017) (ordering release for "utter disregard for the agency's own procedures," including failure to provide a prompt interview). "As a result, this Court cannot conclude that [the revoking officer] had the authority to revoke release" and Petitioner "is entitled to release on that basis alone." *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 162 (citing *Rombot v. Moniz*, 296 F. Supp. 3d 386, 386-89); see also, e.g., *Zhu v. Genalo*, 2025 WL 2452352 (S.D.N.Y. Aug. 26, 2025); M.*S.L. v. Bostock*, 2025 WL 2430267 (D. Or. Aug. 21, 2025) (releasing habeas petitioner where revocation of an ICE order of supervision was ordered by someone without regulatory authority to do so).

128. Moreover, Respondents have also violated the terms of Petitioner's own release notifications, which for years have implicitly promised an opportunity for an "orderly

departure" once removal becomes possible. Abruptly detaining Petitioner without notice, despite his perfect compliance, is a breach of this long-standing instruction. See *Ceesay*, 781 F. Supp. 3d at 169.

129. Because Respondents' actions to revoke Petitioner's OSUP and re-detain him were taken in clear violation of binding agency regulations and internal procedures, the revocation is invalid under the Accardi doctrine and must be set aside.

COUNT SEVEN
Ultra Vires Action / Lack of Delegated Authority

130. Petitioner realleges all paragraphs above as if fully set forth here.

131. An agency action is ultra vires and void if undertaken by an official who lacks the statutory or regulatory authority to perform it. Respondents' revocation of Petitioner's OSUP is void because it was executed by an official without the requisite, narrowly delegated authority. See *Ceesay v. Kurzdorfer*, 781 F. Supp. 3d 137, 161 (W.D.N.Y. 2025).

132. Agency regulations strictly limit who may revoke an order of supervision. 8 C.F.R. § 241.4(l)(2) empowers only the Executive Associate Commissioner (a high-level headquarters position) or, in limited circumstances, a Field Office Director to do so. As confirmed by Petitioner's counsel, the decision to revoke Petitioner's OSUP was made and communicated by Assistant Field Office Director Francisco Ayala. AFOD Ayala does not hold one of the positions enumerated in the regulation.

133. While the form revoking the OSUP was signed by a Field Office Director, this does not cure the defect. First, the FOD may only act without referral to the Executive Associate Commissioner where "circumstances do not reasonably permit" such a

referral. 8 C.F.R. § 241.4(l)(2). The boilerplate, check-the-box justification on the revocation notice is a pretext. Respondents had months of notice of Petitioner's scheduled check-in and years of supervision over his case, providing ample opportunity for any required headquarters consultation. Second, the action appears to be a rubber stamp of an unauthorized decision by a subordinate.

134. For AFOD Ayala's action to be valid, Respondents must produce a written order explicitly delegating the power to revoke an OSUP to him. A general delegation of duties is insufficient. See *Ceesay*, 781 F. Supp. 3d at 161 (finding a delegation order that did not explicitly include the power to revoke release insufficient). Because the revocation was ordered by an official without the authority to do so, the action is ultra vires, void ab initio, and his resulting detention is unlawful.

COUNT EIGHT
Due Process Constraints on Third-Country Removal

135. Petitioner realleges and incorporates all paragraphs above as if fully set forth here.

136. Under 8 U.S.C. § 1231(b)(2), DHS may, in certain circumstances, seek to remove a noncitizen to a third country rather than the country of nationality. That authority is constrained, however, by the statutory bar on removal to a country where "the alien's life or freedom would be threatened" on a protected ground, 8 U.S.C. § 1231(b)(3), and by the United States' obligations under the Convention Against Torture (CAT), as implemented at 8 C.F.R. §§ 208.16 and 1208.16.

137. The CAT regulations require that, before removing an individual to any country where it is "more likely than not" that he will be tortured (directly or via chain-refoulement), the government must provide a meaningful opportunity to seek protection, including

consideration of all relevant evidence and, if warranted, a grant of withholding or deferral of removal. 8 C.F.R. §§ 208.16(c), 1208.16(c). Courts have held that CAT-based protections and related implementing procedures are subject to judicial review and must be applied in a manner consistent with due process and the Suspension Clause. *Khouzam v. Att'y Gen. of the U.S.*, 549 F.3d 235, 244–49 (3d Cir. 2008).

138. If Respondents seek to remove Petitioner to a third country—whether to circumvent China's refusal to issue travel documents or otherwise—they must, at a minimum: (i) provide advance written notice identifying the proposed country of removal and the factual and legal bases for designating that country; (ii) afford Petitioner a meaningful opportunity to present evidence of persecution, torture, or risk of chain-refoulement in that country (including the risk of ultimate refoulement to China); and (iii) provide Immigration Judge review of any adverse fear or protection determination before removal proceeds.

139. Depriving Petitioner of those protections—by effectuating a third-country removal without notice, an opportunity to be heard, and meaningful review—would violate the Fifth Amendment's Due Process Clause and the statutory and regulatory framework governing post-order removal. *Boumediene*, 553 U.S. at 779–87.

140. Petitioner therefore seeks a declaration that any attempt to remove him to a third country must comply with 8 U.S.C. § 1231(b)(3) and the CAT regulations, and an order enjoining Respondents from executing any third-country removal absent full compliance with those statutory, regulatory, and constitutional requirements.

IX. RELIEF AGAINST TRANSFER AND PRESERVATION OF HABEAS JURISDICTION

141. Petitioner realleges and incorporates by reference all preceding paragraphs.

142. This Court's habeas jurisdiction attached at the time this action was filed, when Petitioner was detained within this judicial district. Under the long-standing rule of *Ex parte Endo*, 323 U.S. 283 (1944), and its affirmation in *Rumsfeld v. Padilla*, 542 U.S. 426, 441 (2004), the government cannot defeat a district court's jurisdiction by subsequently transferring a habeas petitioner to a different district. To permit otherwise would allow Respondents to engage in "jurisdictional gamesmanship" by moving Petitioner to frustrate judicial review.

143. This Court has the authority to enjoin Petitioner's transfer. While this Court previously stated it lacked jurisdiction to enjoin transfers, citing 8 U.S.C. §§ 1231(g)(1) and 1252(a)(2)(B), a substantial body of superseding authority from multiple Courts of Appeals holds otherwise. The Second, Third, and Fourth Circuits have all held that the jurisdiction-stripping provision of § 1252(a)(2)(B)(ii) does not apply to transfer decisions because § 1231(g), which governs the "places of detention," does not explicitly specify that transfer decisions are committed to the Attorney General's unreviewable discretion. See *Ozturk v. Hyde,* 136 F.4th 382, 395-96 (2d Cir. 2025); *Anariba v. Dir. Hudson Cnty. Corr. Ctr.*, 17 F.4th 434, 444-45 (3d Cir. 2021). The decision to transfer Petitioner to Louisiana for a delayed and inadequate "review" is thus subject to this Court's review.

144. Respondents' plan to transfer Petitioner to Louisiana is a direct threat to this Court's ability to provide a meaningful remedy. It will impair Petitioner's access to his chosen counsel, separate him from his family and community support, and obstruct the presentation of evidence. The Court should exercise its inherent power, as well as its

authority under the All Writs Act, 28 U.S.C. § 1651, to issue orders necessary to preserve its jurisdiction and prevent its proceedings from being rendered moot.

145. At a minimum, the Court should order Respondents to provide Petitioner's counsel with no less than 72 hours' advance written notice before any transfer out of this district or removal from the United States, thereby allowing an opportunity to seek emergency relief.

X. CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, Petitioner prays that this Court grant the following relief:

(1) Assume jurisdiction over this matter;

(2) Grant Petitioner a writ of habeas corpus pursuant to 28 U.S.C. § 2241 and order his immediate and unconditional release from custody;

(3) Issue an immediate Temporary Restraining Order and a Preliminary Injunction that: 1. Orders Respondents to immediately release Petitioner from custody and reinstate his Order of Supervision under the terms and conditions that existed prior to his unlawful detention on February 24, 2026; 2. Enjoins Respondents, their officers, agents, and employees from revoking or altering the conditions of Petitioner's OSUP in the future absent strict compliance with all governing statutes and regulations, including a showing of specific, individualized changed circumstances making his removal significantly likely in the reasonably foreseeable future, supported by a written decision from a duly authorized official and preceded by advance, individualized written notice and a pre-deprivation hearing before a neutral decision-maker; 3. Enjoins Respondents from transferring Petitioner

outside of this judicial district during the pendency of this action or, in the alternative, requires Respondents to provide counsel with no less than 72 hours' advance written notice prior to any out-of-district transfer or removal from the United States;

(4) Issue an Order to Show Cause, returnable within three (3) days, requiring Respondents to demonstrate the legality of Petitioner's detention;

(5) . Authorize expedited discovery limited to: 1. The written decision and any underlying memoranda or communications related to the revocation of Petitioner's OSUP on February 24, 2026; 2. Any delegation orders or memoranda conferring authority upon AFOD Francisco Ayala or FOD Christopher Bullock to revoke an OSUP under 8 C.F.R. § 241.4(l)(2); and 3. All communications with the government of China or any third country regarding travel documents for Petitioner since January 1, 2025.

(6) Order Respondents to file a response (Order to Show Cause) within 3 days of the filing of this petition;

(7) Award Petitioner his reasonable attorneys' fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412, and other applicable law; and

(8) Grant such other and further relief as this Court deems proper or equitable under the circumstances.

Respectfully Submitted,

This 24th day of February, 2026.

Karen Weinstock

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28 U.S.C. § 2242 VERIFICATION STATEMENT

I am submitting this verification on behalf of the Petitioner because I am the Petitioner's attorney. I have discussed with Petitioner and have reviewed various immigration documents for Petitioner. On the basis of those discussions, I hereby verify that I have reviewed the foregoing Petition and that the facts and statements made in this Petition and Complaint are true and correct to the best of my knowledge or belief pursuant to 28 USC § 2242.

This 24th day of February, 2026.

Karen Weinstock

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