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

Yutong Li

Petitioner,

v.

KRISTI NOEM, *Secretary of the U.S.
Department of Homeland Security, in her official
capacity;*

PAMELA BONDI, *Attorney General of the
United States, in her official capacity;*

TODD M. LYONS, *Acting Director of U.S.
Immigration and Customs Enforcement, in his
official capacity;*

PATRICK DIVVER, *San Diego ICE Field Office
Director, in his official capacity;*

**WARDEN OF IMPERIAL REGIONAL ADULT
DETENTION FACILITY**, *in his official capacity*

Respondents

Case No. TBD **'26CV1318 LL DEB**

**PETITION FOR WRIT OF
HABEAS CORPUS**

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PETITION FOR WRIT OF HABEAS CORPUS

I. PRELIMINARY STATEMENT

1. This petition challenges the government's continued detention of a noncitizen whose immigration protection claims remain pending and unresolved.
2. Petitioner Yutong Li is a native and citizen of the People's Republic of China and is identified by A-Number ~~XXXXXXXXXX~~ Petitioner is currently in removal proceedings before the Immigration Court and is awaiting a merits hearing on his protection-based claims.
3. On February 10, 2026, while Petitioner's immigration proceedings remained pending, Petitioner was apprehended and taken into custody by U.S. Immigration and Customs Enforcement ("ICE"). Petitioner is currently detained at the Imperial Regional Adult Detention Facility, located at 1572 Gateway Road, Calexico, California 92231.
4. Petitioner has not received a final adjudication resolving all protection-based claims. Continued detention without an individualized determination of necessity violates the Due Process Clause of the Fifth Amendment.
5. Petitioner's detention is untethered from any immediate removal objective and therefore requires an individualized determination of necessity.
6. Petitioner respectfully requests immediate release, or in the alternative, a constitutionally adequate individualized bond hearing.

II. PARTIES

7. Petitioner is detained at the Imperial Regional Adult Detention Facility, 1572 Gateway Road, Calexico, California 92231.
8. Respondent KRISTI NOEM is named in her official capacity as the Secretary of DHS. She is responsible for the administration of the immigration laws. 8 U.S.C. § 1103(a). She routinely transacts business in the SOUTHERN DISTRICT OF CALIFORNIA and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent KRISTI's address is United States Department of Homeland Security, Secretary of Homeland Security, Washington, DC 20528.
9. Respondent PAMELA BONDI is named in her official capacity as the Attorney General of the United States. She is responsible for the administration of the immigration laws as exercised by the Executive Office for Immigration Review. 8 U.S.C. § 1103(g). She routinely transacts business in the SOUTHERN DISTRICT OF

CALIFORNIA and is legally responsible for Petitioner's detention. As such, she is a legal custodian of Petitioner. Respondent PAMELA's address is United States Department of Justice, 950 Pennsylvania Avenue, N.W., Washington, D.C. 20530.

10. Respondent TODD M. LYONS, Acting Director of U.S. Immigration and Customs Enforcement ("ICE"), is named in his official capacity. In this capacity, he is responsible for the administration and enforcement of the immigration laws as exercised by ICE, including the detention and custody of noncitizens. He routinely transacts business in the SOUTHERN DISTRICT OF CALIFORNIA and is legally responsible for Petitioner's detention. As such, he is a legal custodian of Petitioner. Respondent TODD M. LYONS's address is U.S. Immigration and Customs Enforcement, 500 12th Street, S.W., Washington, D.C. 20536.

11. Respondent PATRICK DIVVER is named in his official capacity as the ICE District Director of San Diego. In this capacity, he is a legal custodian of Petitioner. Respondent's address is San Diego Field Office, 7488 CALZADA DE LA FUENTE, SAN DIEGO, CA 92154.

12. Respondent Warden of the Imperial Regional Adult Detention Facility is named in his official capacity as Petitioner's immediate custodian.

III. JURISDICTION

13. This Court has jurisdiction under 28 U.S.C. § 2241 and 28 U.S.C. § 1331 because Petitioner challenges the lawfulness and constitutionality of his immigration detention.

14. Federal district courts have jurisdiction to hear habeas petitions challenging immigration detention. See *Demore v. Kim*, 538 U.S. 510 (2003).

IV. VENUE

15. Venue is proper in the Southern District of California because Petitioner is detained within this district.

V. EXHAUSTION OF ADMINISTRATIVE REMEDIES

16. Petitioner has exhausted all available administrative remedies with respect to detention and bond determinations.

17. Further administrative review would be futile because Petitioner raises constitutional claims that cannot be adequately addressed through administrative proceedings.

VI. STATEMENT OF FACTS

18. Petitioner is a native and citizen of China who entered the United States on April 27, 2023.

19. While Petitioner's immigration proceedings remain pending before the Immigration Court and Petitioner awaits a merits hearing on his protection-based claims, Petitioner was apprehended by U.S. Immigration and Customs Enforcement ("ICE") on February 10, 2026.

20. Following the arrest, Petitioner was placed in immigration detention and is currently detained at the Imperial Regional Adult Detention Facility, located at 1572 Gateway Road, Calexico, California 92231. Petitioner has not received a final adjudication of his protection-based claims and remains in ICE custody during the pendency of these proceedings.

21. Petitioner has no criminal record and does not present a danger to the community.

VII. CLAIMS FOR RELIEF

A. First Claim for Relief: Violation of the Due Process Clause of the Fifth Amendment – Prolonged Immigration Detention

22. The Due Process Clause protects all persons from arbitrary detention. See *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001).

23. Where continued detention is not reasonably related to effectuating removal, prolonged detention becomes constitutionally problematic under the Due Process Clause.

24. Because removal is not reasonably foreseeable while Petitioner's protection-based claims remain unresolved, continued detention no longer bears a reasonable relation to any legitimate immigration purpose and therefore violates due process. Regardless of the statutory framework ultimately found to govern detention, the Constitution requires that civil immigration detention bear a reasonable relation to its purpose.

B. Third Claim for Relief (Pled in the Alternative): Detention Governed by INA § 236(a) (Bond Eligibility)

28. In *Maldonado Bautista v. Garland*, the district court held that certain noncitizens who entered without inspection are detained under INA § 236 rather than § 1225(b)(2)(A).

29. Petitioner is detained under a statutory framework that requires an individualized custody determination and therefore is entitled to a bond hearing before an Immigration Judge.

VIII. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

- 1) Assume jurisdiction over this matter;
- 2) Issue a writ of habeas corpus ordering Respondents to release Petitioner immediately, with reasonable conditions of supervision if necessary;
- 3) In the alternative, order an individualized bond hearing at which the government bears the burden of proving danger or flight risk;
- 4) Hold that Petitioner's detention is governed by INA § 236(a), entitling him to a bond hearing; and
- 5) Grant such other relief as the Court deems just and proper.

Respectfully submitted,



JJ ZHANG
Attorney for Petitioner