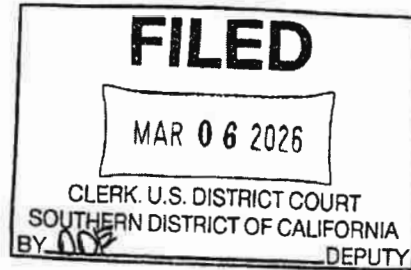


1 HAO LIU
2 A-Number: [REDACTED]
3 Imperial Regional Detention Facility
4 1572 Gateway Road
5 Calexico, CA 92231
6



7 **UNITED STATES DISTRICT COURT**
8 **SOUTHERN DISTRICT OF CALIFORNIA**

9 HAO LIU,

11 Petitioner,

12 vs.

13 SIXTO MARRERO, Warden,
14 Imperial Regional Detention Facility;
15 TODD LYONS, Acting Director,
16 U.S. Immigration and Customs
17 Enforcement;
18 PATRICK DIVVER, Field Office
19 Director,
20 San Diego Field Office, ICE;
21 KRISTI NOEM, Secretary,
22 U.S. Department of Homeland Security,

24 Repondents.
25
26
27
28

Case No.: 3:26-cv-01406-BJC-JLB

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

Petitioner respectfully submits this First Amended Petition to clarify and supplement the previously filed petition.

I. INTRODUCTION

1 Petitioner, a law-abiding asylum seeker with no criminal record, was previously granted humanitarian parole in January 2021 following severe medical complications during detention at Adelanto Detention Facility. Since release, Petitioner has fully complied with all ICE supervision requirements, including timely check-ins, address updates, lawful employment with a valid Employment Authorization Document (EAD), and tax filings. Petitioner is the sole or primary caregiver for a three-year-old U.S. citizen daughter, whose well-being is severely harmed by Petitioner's continued detention.

2 On January 28, 2026, at approximately 3:00 a.m., Petitioner was arrested at work by CBP/ICE officers without an arrest warrant, search warrant, or any legal documentation. No prior notice was provided, nor was there a hearing before deprivation of liberty. Petitioner's detention is governed by 8 U.S.C. § 1226(a), which permits only discretionary detention and requires an individualized custody determination, including consideration of release on bond. However, Respondents have failed to provide:

- Prior notice of detention;
- A pre-deprivation hearing;
- A bond hearing;
- Or any meaningful opportunity to challenge the basis for detention.

This constitutes a clear violation of the Fifth Amendment's Due Process Clause, as it deprives Petitioner of liberty without procedural safeguards. See *Mathews v. Eldridge*, 424 U.S. 319 (1976); *Zadvydas v. Davis*, 533 U.S. 678 (2001).

1 3 Petitioner's prior humanitarian parole was not terminated with the required written
2 notice under 8 C.F.R. § 212.5(e)(2), which mandates written notification for parole revocation.
3 ICE never provided written notice terminating parole before re-detention. The absence of such
4 notice renders the re-arrest and detention arbitrary and unlawful, further violating due process.
5 There have been no material changes in circumstances since Petitioner's 2021 release—no new
6 violations, criminal charges, or risk factors—to justify re-detention.
7

8 4 Petitioner acknowledges that an INTERPOL Red Notice issued by the Chinese
9 government exists. However, a Red Notice is not an arrest warrant and does not independently
10 authorize detention. ICE policy expressly prohibits reliance on a Red Notice alone to justify
11 detention without additional authorization. See ICE Directive 15006.1.
12

13 Federal courts have likewise recognized that immigration detention decisions must rely
14 on individualized assessments rather than unverified foreign law enforcement notices. See *Kharis*
15 *v. Sessions*, No. 18-cv-01970 (N.D. Cal. 2018); *Torres Murillo v. Barr*, No. 19-cv-01902 (N.D.
16 Cal. 2019).

17 Importantly, the Red Notice already existed when ICE granted Petitioner humanitarian
18 parole in January 2021. Despite the existence of that notice, ICE determined that release under
19 supervision was appropriate.
20

21 During the five years following his release, Petitioner has fully complied with all ICE
22 supervision requirements, has incurred no criminal charges, and has faithfully appeared at all
23 required check-ins.

24 Under these circumstances, the Red Notice does not constitute a new or changed
25 circumstance that would justify renewed detention. The government bears the burden of
26 justifying continued detention, yet it has identified no material change in circumstances since
27
28

1 Petitioner's prior release that would support continued custody.

2 The government cannot rely on the same information it previously considered insufficient
3 to justify detention.

4 5 During immigration proceedings, the Immigration Judge ordered ICE to provide a pro
5 bono attorney list, but ICE failed to comply, violating 8 C.F.R. § 1003.61, ICE Performance-
6 Based National Detention Standards (PBNDS), and due process. Petitioner has received no pro
7 bono list, no detention notice, no rights advisals, and no intake handbook, denying meaningful
8 access to counsel.

9
10 6 Petitioner suffers from underlying medical conditions, including a history of kidney
11 failure, cardiac complications, asthma, and gastrointestinal disorders requiring prescribed
12 medications. These conditions were severely exacerbated during prior detention at Adelanto,
13 where Petitioner contracted COVID-19, leading to ICU hospitalization for 10 days with heart,
14 kidney, and pulmonary complications. The current detention at Imperial Regional Detention
15 Facility has repeated this pattern of medical neglect: abrupt discontinuation of critical psychiatric
16 and gastrointestinal medications, resulting in a 45-pound weight loss, recurrent gastrointestinal
17 flare-ups, clinically significant hypotension (blood pressure below 90/60), and imminent risk of
18 multi-organ failure. Requests for medications, warmth (e.g., additional blankets amid excessively
19 cold conditions), and medical records have been denied or delayed, constituting deliberate
20 indifference under the Fifth Amendment. See *Estelle v. Gamble*, 429 U.S. 97 (1976); *Castro v.*
21 *County of Los Angeles*, 833 F.3d 1060 (9th Cir. 2016). These medical violations, combined with
22 punitive isolation conditions (dark, damp cell without sunlight or recreation, constant cold
23 airflow, lights on 20 hours/day), underscore the arbitrary and harmful nature of the detention,
24 warranting immediate release to prevent irreparable harm.

1 7 Petitioner's asylum application, filed timely in May 2020, remains pending. Continued
2 detention serves no legitimate purpose and inflicts irreparable harm on Petitioner and the U.S.
3 citizen child. Petitioner respectfully requests immediate release on recognizance, or alternatively,
4 humanitarian parole or bond, to remedy these blatant due process violations and avert life-
5 threatening medical risks.
6

7 **II. JURISDICTION AND VENUE**

8 This Court has jurisdiction under 28 U.S.C. § 2241 (habeas corpus) and 28 U.S.C. § 1331
9 (federal question). Petitioner is detained at Imperial Regional Detention Facility in the Southern
10 District of California, making venue proper. See *Rumsfeld v. Padilla*, 542 U.S. 426 (2004).
11

12 **III. FACTUAL BACKGROUND**

13 Petitioner entered the United States lawfully in 2019 on a B1/B2 visa, received an
14 extension, and filed for asylum in May 2020 within the required timeframe. Detained at Adelanto
15 in September 2020 for alleged visa overstay. Petitioner did not overstay his visa. Rather, he
16 timely applied for an extension of stay within the period permitted by law, and the extension was
17 subsequently approved. Petitioner—already vulnerable due to underlying conditions including
18 asthma, gastrointestinal issues, and a predisposition to cardiac and renal problems—contracted
19 COVID-19. This led to severe complications: ICU hospitalization for 10 days with heart failure,
20 kidney failure, and pulmonary distress, culminating in humanitarian parole in January 2021.
21

22 Post-release, Petitioner adhered strictly to ICE supervision: no missed appointments,
23 timely reporting, lawful work, tax compliance, and support for a three-year-old U.S. citizen
24 daughter as the primary caregiver. This child relies on Petitioner for emotional, financial, and
25 daily care needs; detention causes profound separation trauma.
26

27 On January 28, 2026, Petitioner was re-arrested without warrant or notice. No written
28

1 termination of prior parole was provided, violating 8 C.F.R. § 212.5(e)(2). Detention conditions
2 at Imperial have exacerbated prior health issues: denial of prescribed medications for psychiatric
3 and gastrointestinal conditions, leading to abrupt withdrawal symptoms; 45-pound weight loss
4 risking cachexia; recurrent gastrointestinal flare-ups treated only with pain medication;
5 hypotension (blood pressure <90/60) risking renal hypoperfusion and acute kidney injury;
6 Petitioner engaged in fasting and prayer as a form of religious expression protected by the First
7 Amendment. On February 16, 2026, after ICE discovered this conduct, officers forcibly
8 transferred Petitioner to the current isolation unit. These punitive detention conditions
9 violate: *Bell v. Wolfish*, 441 U.S. 520 (1979), which prohibits the imposition of punitive
10 conditions on civil detainees, and isolation in a punitive cell (car-sized, no sunlight/recreation,
11 cold/damp with direct airflow, prolonged lighting). Imperial possesses Petitioner's full medical
12 records from Adelanto yet has delayed production and ignored risks, mirroring a pattern of
13 neglect linked to recent detainee deaths (e.g., Huabing Xie, September 2025; Luis Beltrán
14 Yáñez-Cruz, January 2026). No bond hearing or opportunity to contest detention has been
15 afforded, despite 8 U.S.C. § 1226(a)'s requirements.

16
17
18 Respondents have identified no new facts justifying re-detention. Petitioner's compliance
19 history demonstrates no flight risk or danger.

20 IV. LEGAL STANDARD

21
22 Immigration detention under 8 U.S.C. § 1226(a) is discretionary and must include an
23 individualized assessment, with opportunities for bond. Due process requires notice, a hearing,
24 and a chance to be heard before or promptly after deprivation of liberty. *Mathews v. Eldridge*,
25 424 U.S. 319 (1976). Parole revocation demands written notice. 8 C.F.R. § 212.5(e)(2).
26 Detention must be reasonably related to a legitimate purpose and not arbitrary or excessive.
27
28

1 Zadvydas v. Davis, 533 U.S. 678 (2001). Deliberate indifference to serious medical needs in
2 civil detention violates the Fifth Amendment. Estelle v. Gamble, 429 U.S. 97 (1976). Failure to
3 provide access to counsel, including pro bono lists, violates due process and regulatory
4 standards. 8 C.F.R. § 1003.61.

5 For habeas relief, Petitioner must show unlawful custody. 28 U.S.C. § 2241. Preliminary
6 injunctive relief under Fed. R. Civ. P. 65 requires likelihood of success, irreparable harm,
7 balance of equities, and public interest. Winter v. Natural Res. Def. Council, Inc., 555 U.S. 7
8 (2008).

10 V. ARGUMENT

11 A. Unlawful Re-Detention Without Termination of Humanitarian Parole

12 1 Violation of Due Process in Initial Arrest and Detention: Petitioner's detention under 8
13 U.S.C. § 1226(a) requires discretionary, individualized review, including bond consideration.
14 Respondents' failure to provide prior notice, a pre-deprivation hearing, a bond hearing, or any
15 challenge opportunity blatantly violates the Fifth Amendment. See Jennings v. Rodriguez, 138 S.
16 Ct. 830 (2018) (noting due process concerns in prolonged detention); Demore v. Kim, 538 U.S.
17 510 (2003) (requiring procedural safeguards). The arrest at 3:00 a.m. without documentation or
18 explanation compounds this violation.
19

20 2 Unlawful Re-Detention Without Parole Termination Notice: Having been released on
21 humanitarian parole, re-arrest without written notice under 8 C.F.R. § 212.5(e)(2) renders
22 detention invalid. No material changes justify revocation; Petitioner's perfect compliance post-
23 2021 negates any risk. This arbitrary action offends due process. See Zadvydas (detention must
24 serve a legitimate purpose).
25

26 3 Improper Reliance on Red Notice and Lack of Detention Basis: Sole reliance on a Red
27

1 Notice lacks legal authority, per ICE directives and case law. Absent evidence of danger or
2 flight, detention is unconstitutional.

3 4 Deliberate Indifference to Medical Needs: Respondents' awareness of Petitioner's
4 underlying conditions (kidney failure history, cardiac issues, asthma, gastrointestinal disorders)
5 and Adelanto medical records, yet failure to provide medications, warmth, or timely records,
6 constitutes deliberate indifference. This exacerbates risks of multi-organ failure, supporting
7 claims of punitive and excessive detention. See *Estelle; Castro; Bell v. Wolfish*, 441 U.S. 520
8 (1979) (prohibiting punitive conditions in civil detention).
9

10 5. Denial of Access to Counsel: Failure to provide the court-ordered pro bono list
11 violates due process and regulations, preventing Petitioner from mounting an effective challenge.
12

13 These violations establish a strong likelihood of success, focusing on release from
14 unlawful custody.

15 **B. Irreparable Harm**

16 Continued detention without due process inflicts irreparable harm: loss of liberty,
17 separation from the three-year-old U.S. citizen daughter (causing emotional and developmental
18 injury), and life-threatening medical deterioration (e.g., weight loss, hypotension, organ failure
19 risks amplified by prior Adelanto history). Irreparable injury is presumed in due process
20 violations involving liberty. See *Hernandez v. Sessions*, 872 F.3d 976 (9th Cir. 2017).
21

22 **C. Balance of Equities**

23 Release poses no burden to Respondents; Petitioner has proven compliance under
24 supervision. Harm to Petitioner, family, and health far outweighs any minimal government
25 interest.

26 Immigration detention must bear a reasonable relation to a legitimate governmental
27
28

purpose and may not be arbitrary or excessive. See *Zadvydas v. Davis*, 533 U.S. 678 (2001).

D. Public Interest

Upholding due process, family unity, and preventing medical crises in detention serves the public interest, avoiding arbitrary detentions and potential fatalities.

VI. EXHAUSTION

Administrative remedies are futile given the procedural violations, medical emergency, and imminent risks; exhaustion is excused. See *McCarthy v. Madigan*, 503 U.S. 140 (1992).

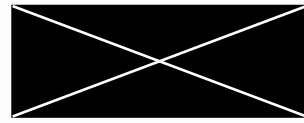
VII. REQUEST FOR RELIEF

Petitioner requests:

1. A Writ of Habeas Corpus ordering immediate release on recognizance or reasonable conditions;
2. Alternatively, humanitarian parole or bond;
3. An order for Respondents to produce complete medical records immediately;
4. Such other relief as the Court deems just and proper.

Dated: March 5, 2026

Respectfully submitted,

Signature: 
HAO LIU
Petitioner, Pro Se