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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Chi, Rongxi
Petitioner-Plaintiff,

vs.

MARKWAYNE MULLIN, *Secretary of the
U.S. Department of Homeland Security, in his
official capacity;*

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

ERNESTO SANTACRUZ, *Los Angeles ICE
Field Office Director, in his official capacity;*

WARDEN *of the Otay Mesa Detention Center,
in his official capacity*

Respondents-Defendants

Case No. '26 CV1588 RBM DEB

**PETITION FOR WRIT OF HABEAS
CORPUS PURSUANT TO 28 U.S.C. §2241; 8
U.S.C. §§ 1225, 1226; APA 5 U.S.C. §
706; COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF;**

INTRODUCTION

1 Petitioner Chi Rongxi ("Petitioner") brings this petition for a writ of habeas corpus to challenge his unlawful civil detention by the United States Department of Homeland Security ("DHS") and U.S. Immigration and Customs Enforcement ("ICE") Petitioner is a native and citizen of China who fled persecution in his home country and sought protection in the United States. He applied for asylum and related relief under the Immigration and Nationality Act ("INA"), and his protection claims remain pending before the immigration courts. Despite his pursuit of lawful protection and his compliance with immigration proceedings, ICE continues to

detain Petitioner at the Adelanto ICE Processing Center in Adelanto, California.

2 Petitioner has now been held in immigration detention for a prolonged period without a meaningful opportunity for release. The Immigration Judge has denied bond and determined that the immigration court lacks jurisdiction to reconsider custody, leaving Petitioner confined indefinitely without access to a constitutionally adequate custody determination. As a result, Petitioner remains incarcerated solely for civil immigration purposes while he exercises his statutory right to seek protection from removal.

3. Petitioner's continued detention violates federal law and the Due Process Clause of the Fifth Amendment. Immigration detention is civil in nature and may not become punitive or indefinite. The Supreme Court has repeatedly emphasized that freedom from physical restraint lies at the core of the liberty protected by the Constitution, and noncitizens within the United States are entitled to due process protections when their liberty is restricted. Civil detention without adequate procedural safeguards or meaningful review raises serious constitutional concerns and cannot continue indefinitely.

4 Here, Petitioner's detention has become unreasonable and unlawful. He has demonstrated a credible fear of persecution, has pursued asylum through the lawful immigration process, and has complied with all court proceedings. Nevertheless, Respondents continue to detain him without providing an adequate custody determination that satisfies constitutional requirements. Absent intervention by this Court, Petitioner faces the prospect of continued and potentially indefinite detention while his immigration case proceeds.

5 Accordingly, to vindicate Mr. Chi's statutory and constitutional rights, Petitioner respectfully requests that this Court issue a writ of habeas corpus. She asks this Court to order her immediate release from ICE custody under reasonable conditions of supervision. In the alternative, Petitioner requests that the Court at least require Respondents to provide a prompt individualized hearing before a neutral adjudicator where the government must justify any further detention. Petitioner also seeks declaratory and injunctive relief as appropriate, including a declaration that her continued detention violates federal law and an injunction prohibiting Respondents from further unlawful detention. She further asks the Court to award any other relief it deems just and proper.

JURISDICTION

6 This action arises under the Constitution of the United States and the Immigration and

Nationality Act (INA), 8 U.S.C. § 1101 et seq

7 This Court has habeas jurisdiction under 8 U.S.C. § 1252(e)(2) (habeas corpus proceedings), 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension Clause). Under 8 U.S.C. § 1252(e)(2)(B), this Court has jurisdiction to determine whether, in fact, the removal order against Mr. Chi was lawful, such that she was “ordered removed under [8 U.S.C. § 1225(b)(1)] ”

VENUE

8 Venue is proper in the Southern District of California because Petitioner is detained at the OTAY MESA DETENTION CENTER in this District. In habeas cases, the district of confinement is the typical venue for challenging present physical custody. Additionally, pursuant to 28 U.S.C. § 1391(e), this is an action against officers of the United States in their official capacities, and a substantial part of the events giving rise to the claim, namely Petitioner’s re-detention and ongoing custody is occurring in this District. Venue is therefore proper in this Court

REQUIREMENTS OF 28 U.S.C. §§ 2241, 2243

9. With respect to Mr. Chi’s habeas claim, the Court must grant the petition for writ of habeas corpus or issue an order to show cause (OSC) to Respondents “forthwith,” unless Mr. Chi is not entitled to relief. 28 U.S.C. § 2243. If an OSC is issued, the Court must require Respondents to file a return “within three days unless for good cause additional time, not exceeding twenty days, is allowed ” *Id.* (emphasis added)

10 Courts have long recognized the significance of the habeas statute in protecting individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most important writ known to the constitutional law of England, affording as it does a swift and imperative remedy in all cases of illegal restraint or confinement ” *Fay v Noia*, 372 U.S. 391, 400 (1963) (emphasis added). The urgency of these proceedings reflects the central role of habeas corpus as a safeguard against unlawful detention and the historic importance of a swift remedy

11 Mr. Chi is “in custody” for the purpose of 28 U.S.C. § 2241 because he is arrested and detained by Respondents

PARTIES

12. Petitioner Rongxi Chi is a native and citizen of the People’s Republic of China. Petitioner

fled China and sought protection in the United States based on a well-founded fear of persecution in his home country. Petitioner has applied for asylum, withholding of removal, and protection under the Convention Against Torture pursuant to the Immigration and Nationality Act.

13. Petitioner is currently detained by the DHS and ICE at the Otay Mesa Detention Center in San Diego, California. Petitioner is therefore “in custody” within the meaning of 28 U.S.C. § 2241, because he is being detained by Respondents under color of federal authority. Petitioner remains confined at the Otay Mesa Detention Center pending the outcome of his immigration proceedings.

14. Respondent MARKWAYNE MULLIN is sued in her official capacity as the DHS. In this capacity, he is responsible for the implementation and enforcement of the Immigration and Nationality Act. Mr. MULLIN is responsible for oversight of ICE, and ICE is a legal custodian of Mr. Chi.

15. Respondent Todd M. Lyons, Acting Director of ICE, is sued in his official capacity as the head of U.S. Immigration and Customs Enforcement. He oversees ICE’s policies and operations nationwide and is a legal custodian of Petitioner.

16. Respondent Ernesto Santacruz, sued in his official capacity, is the Field Office Director for ICE’s Los Angeles Field Office, which includes responsibility for the Adelanto facility. He has direct authority over Petitioner’s detention and potential release in Central California and is thus an immediate custodian of Mr. Chi.

17. Respondent Warden of the Otay Mesa Detention Center is the official responsible for the operation and administration of the Otay Mesa Detention Center located in San Diego, California, where Petitioner is currently detained. The Warden exercises day-to-day control over the facility and maintains immediate physical custody of Petitioner.

18. As the official who has direct control over Petitioner’s confinement and the authority to implement a court order releasing Petitioner from custody, the Warden of the Otay Mesa Detention Center is a proper respondent in this habeas corpus action. Petitioner is therefore detained by Respondent under color of federal authority. Respondent is sued in his or her official capacity only.

LEGAL FRAMEWORK

Expedited Removal

19. The expedited removal statute provides that the process begins—and often effectively concludes—with an inspection by an immigration officer. The officer must, first, determine if the individual is a noncitizen who is inadmissible because they have engaged in certain kinds of fraud or misrepresentation to procure admission or other immigration benefits, 8 U.S.C. § 1182(a)(6)(C), or lacks valid entry documents, 8 U.S.C. § 1182(a)(7). See 8 U.S.C. §§ 1225(b)(1)(A)(i), (iii) (citing 8 U.S.C. § 1182(a)(6)(C), (a)(7)). No other person may be subjected to expedited removal. 8 C.F.R. § 235.3(b)(1), (b)(3). Among that set, only two categories of noncitizens are eligible for expedited removal: (1) noncitizens “arriving in the United States,” and (2) noncitizens who “ha[ve] not been admitted or paroled into the United States” and cannot affirmatively show that they have been “physically present in the United States continuously for the 2-year period immediately prior to the date of the determination of inadmissibility.” 8 U.S.C. § 1225(b)(1)(A)(i)–(iii).

20. In the case of noncitizens who have not been admitted or paroled into the United States, if the officer concludes that the individual is inadmissible under an applicable ground and has been continuously present in the United States for less than two years, the officer “shall,” with the concurrence of a supervisor, 8 C.F.R. § 1235.3(b)(7), order the individual removed “without further hearing or review unless the [noncitizen] indicates either an intention to apply for asylum . . . or a fear of persecution.” 8 U.S.C. § 1225(b)(1)(A)(i).

21. At any time during the expedited removal process, the officer may permit the individual to withdraw her application for admission and allow the person to depart the country without issuing an expedited removal order. 8 U.S.C. § 1225(a)(4). For those who express a fear of return to their countries of origin, the expedited removal statute provides a limited additional screening. But the additional screening does not remotely approach the type of process that asylum seekers receive in regular immigration proceedings before an immigration judge under 8 U.S.C. § 1229a.

22. During the inspection process, if an individual indicates an intention to apply for asylum or expresses fear of return to his or her country of origin, the immigration officer must refer the individual for a rudimentary screening interview with an asylum officer, referred to as a “credible fear” interview, to determine whether the individual should be able to apply for asylum and related humanitarian relief. 8 U.S.C. § 1225(b)(1)(A)(ii), (B); 8 C.F.R. §§ 235.3(b)(4), 208.30(d)–(e).

23. To prevail at the credible fear interview, the applicant must show “a significant

possibility, taking into account the credibility of the statements made by the [noncitizen] in support of the [noncitizen's] claim and such other facts as are known to the officer, that the [noncitizen] could establish eligibility for asylum ” 8 U.S.C. § 1225(b)(1)(B)(v).

24 Applicants who satisfy the credible fear standard have their expedited removal orders cancelled by operation of law and are placed into regular removal proceedings under 8 U.S.C. § 1229a, where they have the opportunity to apply for asylum and other relief from removal, present and cross-examine evidence before an immigration judge (IJ), preserve objections, and appeal any adverse decision to the Board of Immigration Appeals and court of appeals 8 C.F.R. § 208.30(f); see also 8 U.S.C. § 1225(b)(1)(B)(ii) Noncitizens seeking asylum are guaranteed Due Process under the Fifth Amendment to the U.S. Constitution *Reno v. Flores*, 507 U.S. 292, 306 (1993)

25. Applicants who do not pass the credible fear interview may request review of the decision by an IJ, but do not receive a full hearing or any subsequent administrative appellate review 8 U.S.C. § 1225(b)(1)(B)(iii)(II)-(III); see also 8 C.F.R. § 208.30(g)(1)

26. During the inspection and credible fear stages of expedited removal, DHS detains the noncitizen. See 8 U.S.C. §§ 1225(b)(1)(B)(ii), (iii)(IV); 8 C.F.R. § 235.3(b)(2)(iii). In *Jennings v. Rodriguez*, the Supreme Court held that individuals in expedited removal who demonstrate a credible fear are not statutorily eligible for bond hearings. 583 U.S. 281, 297-303 (2018)

27. An expedited removal order comes with significant consequences beyond removal itself Noncitizens with expedited removal orders are subject to a five-year bar on admission to the United States unless they qualify for a discretionary waiver 8 U.S.C. § 1182(a)(9)(A)(i); 8 C.F.R. § 212.2.

28 Congress provided limited habeas review in individual cases. Relevant here, a federal district court may review whether the individual “was ordered removed under 8 U.S.C. § 1225(b)(1) See 8 U.S.C. § 1252(e)(2)(B). Although the statute provides that such review must be limited to “whether such an order in fact was issued and whether it relates to the petitioner” and may not include review of whether a noncitizen “is actually inadmissible or entitled to any relief from removal,” see 8 U.S.C. § 1252(e)(5), if the Court finds in the petitioner’s favor, the court can order placement in removal proceedings under 8 U.S.C. § 1229a, see U.S.C. § 1252(e)(4)(B).

29 In *DHS v. Thuraissigiam*, 591 U.S. 103 (2020), the Supreme Court upheld a lack of

habeas jurisdiction where the noncitizen petitioner entered the United States without inspection and then challenged flaws in the credible fear proceeding and sought a “new opportunity to apply for asylum” and “the opportunity to remain lawfully in the United States ” 591 U S at 115, 119 Concurring in the judgement, Justice Breyer expressed concern about future readings of the decision to foreclose all habeas claims, including a claim of “natural-born U.S. citizen[ship],” “a claim that rogue immigration officials forged the record of a credible-fear interview that . . . never happened,” or a claim that an asylum officer made a “dead-wrong legal interpretation ” *Id.* at 151 (Breyer, J , concurring in the judgment)

30. On information and belief, on or about May 20, 2025, DHS issued guidance regarding, among other things, the dismissal of full removal proceedings under 8 U S C. § 1229a. On information and belief, the DHS Dismissal Guidance “instruct[ed]” DHS attorneys to move to dismiss full removal proceedings in order to “help deportation officers . . . arrest people who” DHS believes are “‘amenable’ to . . . expedited removal.” *Hamed Aleaziz, et al , How ICE Is Seeking to Ramp Up Deportations Through Courthouse Arrests, N Y Times (May 30, 2025)* 1 Under the DHS Dismissal Guidance, agency attorneys are “encourage[ed] . . . to look for cases that could be dismissed, which could accelerate deportations of more people.” *Id.* The DHS policy of dismissing removal proceedings under 8 U S C § 1229a is being challenged as unlawful in *Immigrant Advocates Response Collaborative v. United States Department of Justice*, No. 25-cv-02279 (D D C filed July 16, 2025)

31 The Supreme Court in *Johnson v. Guzman Chavez*, 141 S. Ct 2271 (2021) held that individuals in withholding-only proceedings following reinstated removal orders (a category that includes Ms. Chen) are detained under § 1231, not under the pre-removal detention statute § 1226, and therefore have no statutory right to a bond hearing during their pursuit of withholding However, the absence of a statutory bond hearing mechanism does not mean ICE can detain such individuals indefinitely Section 1231 must still be administered in compliance with the Constitution and the limitations recognized by *Zadvydas* and its progeny As detailed below, Respondents’ continued detention of Ms. Chen well past the six-month presumptive limit, and with no prospect of removal, exceeds their lawful authority under the INA and violates Ms Chen’s constitutional rights.

EXHAUSTION OF ADMINISTRATIVE REMEDIES

32. Petitioner has exhausted all available administrative remedies, or in the alternative, exhaustion should be excused because no adequate administrative remedies exist to challenge the legality of Petitioner's detention

33 Petitioner is currently detained by ICE at the Otay Mesa Detention Center in San Diego, California Immigration Judges have limited jurisdiction over custody determinations in immigration proceedings, and once bond has been denied or jurisdiction over custody has otherwise been foreclosed, there are no further meaningful administrative avenues available to challenge the legality of prolonged detention. The Board of Immigration Appeals likewise lacks authority to provide the relief sought here which is release from unlawful civil detention or a constitutionally adequate custody hearing Because immigration courts cannot adjudicate constitutional challenges to immigration detention, Petitioner's claims fall outside the scope of the administrative process.

34 Moreover, even where administrative review might theoretically exist, exhaustion is not required where pursuing such remedies would be futile or inadequate Courts routinely excuse exhaustion in immigration habeas cases when a petitioner challenges the legality or constitutionality of detention itself rather than a discretionary custody determination Petitioner's claims arise under the Fifth Amendment's Due Process Clause and federal habeas statutes, which are matters committed to the jurisdiction of federal courts

35 Requiring Petitioner to pursue additional administrative remedies would therefore be futile and would serve only to prolong an already unlawful deprivation of liberty Petitioner remains in civil immigration detention each day while awaiting resolution of this matter, and the harm resulting from continued detention cannot be adequately remedied through the administrative immigration process

36. Accordingly, because Petitioner has either exhausted available administrative remedies or such remedies are unavailable, inadequate, or futile, this Court may properly exercise jurisdiction over this habeas petition

STATEMENT OF FACTS

37 Petitioner Chi Rongxi is a native and citizen of the People's Republic of China who fled his home country and sought protection in the United States due to a well-founded fear of

persecution Upon arriving in the United States, Petitioner expressed his fear of returning to China and subsequently applied for asylum, withholding of removal, and protection under the Convention Against Torture pursuant to the INA.

38. Following his arrival, the DHS initiated removal proceedings against Petitioner by issuing a Notice to Appear (“NTA”) in immigration court. The NTA charged Petitioner with removability under the INA and placed him in removal proceedings before the Executive Office for Immigration Review. Petitioner has contested removal and has pursued relief through the immigration court process

39. Petitioner timely filed an application for asylum and related relief on Form I-589 In that application, Petitioner set forth the basis for his fear of persecution and the harm he faces if returned to China. Petitioner’s asylum case has proceeded through the immigration court system and remains pending on appeal before the BIA following an adverse decision by the Immigration Judge

40 Throughout the course of his immigration proceedings, Petitioner has complied with all procedural requirements imposed by the immigration authorities. He has appeared for scheduled hearings and has actively pursued his claims for protection under United States immigration law

41. Despite Petitioner’s ongoing pursuit of lawful protection and his compliance with immigration proceedings, DHS has maintained him in immigration detention Petitioner is currently detained at the Otay Mesa Detention Center in San Diego, California, a facility operated under contract with ICE.

42. Petitioner has sought release from detention through the procedures available within the immigration court system. However, the Immigration Judge denied Petitioner’s request for bond and further determined that the immigration court lacked jurisdiction to reconsider Petitioner’s custody status As a result, Petitioner remains detained without a meaningful opportunity to obtain release through the administrative immigration process.

43. Petitioner has now been held in civil immigration detention for a prolonged period while his immigration case remains pending before the Board of Immigration Appeals His detention has continued despite the fact that he is pursuing lawful protection from removal and has complied with all requirements of the immigration system

44. Petitioner’s detention is civil in nature and is not based on any criminal conviction or sentence Nonetheless, Petitioner remains confined in a secure detention facility where his liberty

is significantly restricted. The ongoing detention has imposed substantial hardship on Petitioner and continues to deprive him of his fundamental liberty interest while he exercises his statutory right to seek protection from persecution.

45. Because the immigration court system cannot provide an adequate remedy for the unlawful deprivation of liberty resulting from Petitioner's prolonged detention, Petitioner now seeks relief from this Court through the present petition for a writ of habeas corpus.

CLAIMS FOR RELIEF

COUNT I

Unlawful Detention in Violation of the Immigration and Nationality Act

(28 U.S.C. § 2241; 8 U.S.C. §§ 1225, 1226)

46. Petitioner realleges and incorporates by reference the preceding paragraphs as if fully set forth herein.

47. Respondents currently detain Petitioner at the Otay Mesa Detention Center while his removal proceedings remain pending before the Immigration Court. Petitioner is actively pursuing asylum, withholding of removal, and protection under the Convention Against Torture and is awaiting an individual merits hearing on those applications.

48. Petitioner sought a custody redetermination hearing before the Immigration Court pursuant to 8 C.F.R. § 1236.1(d) and INA § 236(a), 8 U.S.C. § 1226(a). However, the Immigration Judge denied Petitioner's request for a bond hearing solely on jurisdictional grounds, concluding that the Immigration Court lacked authority to review Petitioner's custody status.

49. The Immigration Judge relied on *Matter of Yajure Hurtado*, 29 I&N Dec. 216 (BIA 2025), which held that immigration judges lack jurisdiction to grant bond to noncitizens present in the United States without admission because such individuals are deemed applicants for admission subject to mandatory detention under INA § 235(b), 8 U.S.C. § 1225(b)(2)(A).

50. As a result of this ruling, Petitioner remains detained without any opportunity to seek release before a neutral adjudicator. Respondents contend that Petitioner is subject to mandatory detention under § 1225(b)(2)(A) and therefore ineligible for bond.

51. This interpretation is inconsistent with the statutory structure of the Immigration and Nationality Act. Section 1226(a) governs detention of individuals arrested and detained pending a decision on removal and explicitly provides discretionary authority for release on bond or conditional parole. Longstanding statutory interpretation and agency practice have recognized

that individuals apprehended within the United States and placed into removal proceedings are detained pursuant to § 1226(a) unless subject to specific mandatory detention provisions not applicable here

52. By denying Petitioner access to a bond hearing and categorically classifying him under § 1225(b), Respondents are detaining Petitioner under an incorrect statutory framework.

53. Because the Immigration Judge concluded that he lacked jurisdiction to consider Petitioner's bond request, Petitioner has been deprived of the statutory custody review authorized under the Immigration and Nationality Act.

54 Accordingly, Respondents' continued detention of Petitioner without providing a custody hearing exceeds the limits of the Immigration and Nationality Act and is unlawful

COUNT II

Unlawful Prolonged Civil Immigration Detention Without an Individualized Bond Hearing Violates the Fifth Amendment (U.S. Const. amend. V)

55. Petitioner realleges and incorporates by reference all preceding paragraphs

56 The Fifth Amendment to the United States Constitution guarantees that no person shall be deprived of liberty without due process of law. This protection applies to all persons within the United States, including noncitizens in immigration detention

57 Freedom from physical restraint lies at the core of the liberty protected by the Due Process Clause Civil immigration detention must therefore remain reasonably related to its regulatory purposes and must include adequate procedural safeguards.

58. The Supreme Court has repeatedly recognized that civil immigration detention is constitutionally permissible only when it is reasonably related to the government's legitimate purposes of ensuring appearance at removal proceedings and protecting the community See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001), *Demore v. Kim*, 538 U.S. 510, 523 (2003).

59. Petitioner has now been detained for a prolonged period while his removal proceedings remain pending and while he pursues protection from persecution in his country of origin Despite the ongoing nature of his case, Petitioner has not been provided with any meaningful opportunity to seek release from detention

60 When Petitioner requested a custody redetermination hearing, the Immigration Judge denied the request on jurisdictional grounds, leaving Petitioner without access to any neutral decisionmaker capable of evaluating whether his continued detention is justified

61. Without an individualized custody determination assessing factors such as flight risk, danger to the community, or conditions of supervision, Petitioner's continued detention becomes arbitrary and excessive in relation to the government's regulatory interests.

62 The Due Process Clause requires that prolonged civil detention be accompanied by meaningful procedural safeguards, including an individualized hearing before a neutral decisionmaker Respondents' refusal to provide such a hearing violates Petitioner's constitutional right to due process.

COUNT III

Habeas Corpus Relief is Necessary Because Petitioner Has No Adequate Alternative Remedy

(28 U.S.C. § 2241)

63 Petitioner realleges and incorporates by reference all preceding paragraphs.

64 The federal habeas corpus statute provides that a person in custody in violation of the Constitution or laws of the United States may seek relief in federal court 28 U.S.C. § 2241(c)(3)

65 Petitioner is currently detained by Respondents and therefore satisfies the custody requirement for habeas jurisdiction

66. Petitioner has exhausted all available administrative remedies. He sought a custody redetermination hearing before the Immigration Court, but the Immigration Judge denied that request based on lack of jurisdiction. Because the Immigration Court concluded that it lacked authority to review Petitioner's detention, no further administrative remedy exists through which Petitioner may challenge his confinement.

67. Accordingly, habeas corpus review is Petitioner's only available mechanism for challenging the legality of his detention

68. Absent relief from this Court, Petitioner will remain detained for an indeterminate period while awaiting resolution of his removal proceedings, without any opportunity for individualized review of his custody status

69 The continued detention of Petitioner without a bond hearing violates both the Immigration and Nationality Act and the Fifth Amendment to the United States Constitution

70. Therefore, this Court should grant the writ of habeas corpus and order Respondents to either release Petitioner from custody or provide him with a prompt individualized bond hearing before an immigration judge

COUNT IV

Detention Based on an Invalid Agency Interpretation and Reliance on Vacated Precedent Is Contrary to Law

(Administrative Procedure Act, 5 U.S.C. § 706; Fifth Amendment Due Process Clause)

71. Petitioner realleges and incorporates by reference all preceding paragraphs as though fully set forth herein

72 Respondents continue to detain Petitioner based on the assertion that he is subject to mandatory detention under INA § 235(b), 8 U.S.C § 1225(b), and therefore ineligible for a custody redetermination hearing before an Immigration Judge.

73 When Petitioner requested a bond hearing, the Immigration Judge denied the request for lack of jurisdiction based on *Matter of Yajure Hurtado*, 29 I&N Dec 216 (BIA 2025) Under that decision, the Board of Immigration Appeals concluded that noncitizens present in the United States without admission are considered “applicants for admission” and therefore subject to mandatory detention under § 1225(b), which purportedly eliminates Immigration Judge jurisdiction over bond determinations.

74. However, that agency interpretation has since been rejected by federal courts. On February 18, 2026, the United States District Court for the Central District of California vacated *Matter of Yajure Hurtado* in its entirety, concluding that the decision was contrary to law and could not be relied upon to deny bond hearings.

75 Because the decision has been vacated under the Administrative Procedure Act, it no longer constitutes valid agency precedent and cannot lawfully serve as the basis for denying bond hearings or continued detention

76. Despite this development, Respondents continue to detain Petitioner without providing an individualized custody determination By continuing to rely on a vacated agency precedent to justify detention, Respondents are acting in a manner that is arbitrary, capricious, and contrary to law within the meaning of 5 U S C § 706(2)

77 The government's reliance on an invalid legal framework has deprived Petitioner of the statutory custody review available under INA § 236(a), 8 U.S.C. § 1226(a), which permits release on bond or conditional supervision pending completion of removal proceedings.

78. Furthermore, continued detention without a bond hearing based on a vacated agency precedent violates the Due Process Clause of the Fifth Amendment, which protects individuals from arbitrary civil detention without meaningful procedural safeguards.

79 Accordingly, Respondents' continued detention of Petitioner based on the now-vacated decision in *Matter of Yajure Hurtado* is unlawful.

80 Petitioner therefore requests that this Court grant the writ of habeas corpus and order Respondents to provide Petitioner with a prompt individualized bond hearing before an Immigration Judge or release Petitioner from custody.

PRAYER FOR RELIEF

Wherefore, Mr. Chi respectfully requests this Court to grant the following.

1. Assume jurisdiction over this matter.
2. Issue an Order to Show Cause directing Respondents to file a return and to show cause, within a short period.
3. Declare that Petitioner's continued detention is unlawful because it exceeds the authority granted by 8 U.S.C. § 1231 and violates Petitioner's rights under the Fifth Amendment to the U.S. Constitution,
4. Issue a Writ of Habeas Corpus ordering Respondents to immediately release Mr. Chi from immigration custody.
5. In the alternative, order Respondents to provide Petitioner with a prompt individualized bond hearing before an Immigration Judge within seven (7) days, at which the Government bears the burden of demonstrating by clear and convincing evidence that Petitioner's continued detention is justified based on flight risk or danger to the community.
6. Issue an Order to Show Cause directing Respondents to respond to this Petition forthwith pursuant to 28 U.S.C. § 2243.
7. Enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court while this habeas petition is pending.

- 8 Award Petitioner attorney's fees and costs under the Equal Access to Justice Act or any other applicable authority, if she prevails in this action.
- 9 Grant any further relief that this Court deems just and proper, including such orders as may be necessary to effectuate the Court's judgments.

Respectfully submitted on this 5th day of March, 2026,

JJ Zhang

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