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Chi, Rongxi 

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.

MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR EX PARTE APPLICATION FOR TEMPORARY RESTRAINING ORDER

I. INTRODUCTION

1. Petitioner Chi Rongxi is a noncitizen currently detained by U.S. Immigration and Customs Enforcement (“ICE”) at the Otay Mesa Detention Center in San Diego, California. He remains in ICE custody while removal proceedings are pending and while he awaits an individual merits hearing before the Immigration Court on his applications for asylum, withholding of removal, and protection under the Convention Against Torture.

2. Petitioner sought a custody redetermination hearing before the Immigration Court so that an Immigration Judge could determine whether continued detention was necessary. However, the Immigration Judge denied Petitioner’s request for a bond hearing based solely on an asserted lack of jurisdiction, leaving Petitioner detained indefinitely without any opportunity for individualized review of his custody.

3. As a result, Petitioner remains confined without access to a neutral adjudicator capable of evaluating whether his continued detention is justified. His detention is therefore arbitrary and contrary to the Immigration and Nationality Act (“INA”) and the Due Process Clause of the Fifth Amendment.

4. Immediate injunctive relief is warranted. Petitioner faces ongoing and irreparable harm through continued deprivation of his liberty while Respondents lack any lawful basis to deny him access to a bond hearing. Federal courts have long recognized that civil immigration detention must remain reasonably related to the government’s regulatory purposes and must include adequate procedural safeguards.

5. Petitioner therefore seeks a Temporary Restraining Order (“TRO”) ordering his immediate release or, in the alternative, requiring Respondents to provide him with a prompt individualized bond hearing before an Immigration Judge.

6. Petitioner easily satisfies the requirements for such relief. He is likely to succeed on the merits because the Immigration Judge’s refusal to conduct a bond hearing deprives Petitioner of the statutory and constitutional protections governing civil immigration detention. He suffers irreparable harm every day he remains detained without meaningful review of his custody. The balance of equities tips sharply in his favor, as the government suffers no harm from providing constitutionally required process. Finally, the public interest is served by ensuring that immigration detention complies with federal law and constitutional guarantees.

7. For these reasons, Petitioner respectfully asks this Court to grant the requested relief.

II. STATEMENT OF FACTS

8 Chi Rongxi is a native and citizen of China who sought protection in the United States after fleeing persecution in his home country.

9 Upon arrival in the United States, Petitioner expressed a fear of return and was placed into removal proceedings before the Immigration Court. He subsequently filed an application for asylum, withholding of removal, and protection under the Convention Against Torture.

10. Petitioner remains detained at the Otay Mesa Detention Center, where he has been held continuously since being taken into ICE custody.

11 During the course of his immigration proceedings, Petitioner requested a custody redetermination hearing so that an Immigration Judge could evaluate whether his continued detention was necessary. Such hearings allow immigration judges to consider factors including flight risk, danger to the community, and whether release under conditions of supervision is appropriate.

12. However, the Immigration Judge denied Petitioner's request for a bond hearing, concluding that the court lacked jurisdiction to review his custody status. As a result of that ruling, Petitioner remains detained without any meaningful opportunity to seek release from custody.

13. Petitioner is currently awaiting an individual merits hearing on his asylum and related protection claims. That hearing will determine whether he qualifies for relief from removal based on the persecution he fears if returned to China.

14 Despite the ongoing nature of his immigration case, Petitioner continues to be detained without individualized review of whether his detention is justified.

15 Petitioner has no criminal history that would make him a danger to the community, and he has strong incentives to comply with immigration proceedings given that he is actively seeking lawful protection in the United States.

16. Nevertheless, he remains confined in immigration detention with no meaningful opportunity to challenge the necessity of his continued incarceration.

17. Every additional day that Petitioner remains detained constitutes a continuing deprivation of liberty.

III. LEGAL STANDARD

18 A Temporary Restraining Order (TRO) is an extraordinary remedy intended to prevent immediate and irreparable harm before a full hearing can be held. The standard for issuing a TRO is substantially identical to that for a preliminary injunction. The moving party must demonstrate (a) a likelihood of success on the merits of her claims (or, at minimum, serious questions going to the merits);

(b) a likelihood of irreparable harm in the absence of preliminary relief, (c) that the balance of equities tips in her favor; and (d) that an injunction is in the public interest *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008), *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011). In cases against the government, the last two factors merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009). Ultimately, a TRO will issue where, as here, the balance of hardships and the law strongly favor the petitioner.

19 We address each factor in turn.

IV. ARGUMENT

A. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS (UNLAWFUL INDEFINITE DETENTION UNDER ZADVYDAS/CLARK AND DUE PROCESS).

20 Ms. [redacted] is likely to succeed on the merits of his claim that his continued detention without access to a bond hearing violates federal law and the Constitution.

21. Civil immigration detention must remain reasonably related to its regulatory purpose of ensuring appearance at immigration proceedings and protecting the community.

22. The Supreme Court has repeatedly emphasized that immigration detention cannot become indefinite or arbitrary. In *Zadvydas v. Davis*, the Court held that immigration statutes cannot be interpreted to authorize indefinite detention and recognized a presumptive six-month limit on detention where removal is not reasonably foreseeable.

23. Although Petitioner's case arises during ongoing removal proceedings rather than after a final order, the fundamental constitutional principle remains the same: civil detention must include procedural safeguards ensuring that continued confinement is justified.

24. Here, Petitioner requested a bond hearing so that an Immigration Judge could determine whether his continued detention was necessary.

25. Instead of conducting that hearing, the Immigration Judge denied the request for lack of jurisdiction. As a result, Petitioner remains detained without access to any neutral decisionmaker capable of evaluating whether his continued detention is justified.

26. This denial of a bond hearing deprives Petitioner of the procedural protections required under the Immigration and Nationality Act and violates the Due Process Clause.

27. Accordingly, Petitioner is likely to succeed on the merits of his habeas petition.

B. IRREPARABLE HARM TO PETITIONER ABSENT IMMEDIATE RELIEF

28. Petitioner suffers irreparable harm every day he remains detained without meaningful review of

his custody.

29 Loss of physical liberty is among the most serious injuries recognized under American law. Courts consistently hold that unlawful detention constitutes irreparable harm because the injury cannot be undone after the fact

30. Petitioner remains confined in an immigration detention facility despite having committed no crime and despite actively pursuing lawful protection in immigration court

31. Each additional day of detention inflicts emotional, psychological, and personal harm that cannot be remedied through monetary damages.

32 Without immediate judicial intervention, Petitioner will continue to suffer these harms

C. BALANCE OF EQUITIES

33 The balance of equities strongly favors Petitioner

34 Petitioner seeks only a bond hearing or release from detention pending resolution of his immigration case.

35 Granting this relief will not prevent the government from enforcing immigration laws or conducting removal proceedings. Instead, it will simply ensure that detention complies with statutory and constitutional requirements

36. By contrast, denying relief would permit the government to continue detaining Petitioner indefinitely without any meaningful review of his custody.

37 The government cannot claim harm from being required to comply with constitutional and statutory limits on detention

D. PUBLIC INTEREST

38 The final factor, the public interest, also supports granting relief. “When the government is a party, the balance of equities and public interest factors merge” *Padilla v. ICE*, 953 F.3d 1134, 1147 (9th Cir. 2020). As discussed, the balance of equities favors Petitioner, so the public interest does as well. But even viewed independently, the public interest is served by releasing Mr. Chi from unlawful detention.

39 There is a robust public interest in upholding the Constitution and the rule of law. *Zadvydas* and *Clark* are the law of the land, reflecting fundamental due process principles that protect everyone’s liberty. The public has no interest in Executive officials flouting those mandates. To the contrary, “It is always in the public interest to prevent the violation of a party’s constitutional rights” (*Padilla*, 953 F.3d at 1147). Here, failing to release Mr. Chi. would perpetuate a constitutional violation, stopping that

violation via injunction affirms foundational values of limited government power and respect for individual liberty. The community benefits when government agencies adhere to legal constraints rather than engage in indefinite detention, which historically is anathema to American due process.

40. Additionally, the public interest favors humane and just treatment of individuals. Detaining someone like Mr. Chi – who has been found to face persecution, and who poses no threat – offends basic notions of fairness and human rights. Conversely, releasing him would signal that the system can correct itself and treat protected individuals with dignity. This enhances the legitimacy of the law in the public's eyes.

41. Public health and safety considerations also tilt toward release. As noted, detention facilities can be vectors for disease and can strain local healthcare (e.g., COVID-19 outbreaks at Adelanto have impacted hospitals in the past). Reducing the detained population by releasing someone who does not need to be there serves public health. And since Mr. Chi is not dangerous, his release poses no public safety risk. He can reside with family and friends who will support his reintegration. The community will not be harmed by her presence; indeed, she likely will be a positive contributor, as many released immigrants are (working, caring for family, etc.).

42. Taxpayers should not have to bankroll needless detention. It costs tens of thousands of dollars to detain one person for a year. Those resources are better directed elsewhere when detention serves no purpose. The public strongly benefits when government funds are used efficiently and lawfully, rather than to indefinitely jail a person out of inertia.

43. Finally, considering the broader implications, granting relief here may encourage ICE to adhere to *Zadvydas* timelines more generally, which is a positive public outcome. It reminds the agency of its duties to conduct custody reviews and release people when appropriate, thereby potentially preventing future violations for others in similar limbo. The public interest is served by systemic compliance with court decisions and by avoiding litigation that results from non-compliance.

44. In summary, the public interest factor aligns with Petitioner's request. Freeing a person from unlawful, unnecessary detention furthers the interests of justice, the public's faith in the legal system, and the wise use of public resources, all without jeopardizing any countervailing interest. This final factor, therefore, weighs in favor of immediate injunctive relief.

V. CONCLUSION

45. All four TRO factors are satisfied here. Petitioner has shown a clear likelihood of success on the merits of her challenge to indefinite detention under *Zadvydas*, as well as serious constitutional claims.

He is suffering irreparable harm every day that she remains confined in violation of law. The balance of hardships tips sharply in her favor, as her continued detention serves no valid purpose and causes severe injury, whereas Respondents lose nothing by releasing her under supervision. And the public interest is unequivocally furthered by enforcing the legal limits on civil detention and protecting individuals' liberty and constitutional rights

Accordingly, Petitioner respectfully requests that this Court **GRANT** the Ex Parte Application and enter a Temporary Restraining Order with the following terms:

- 1 **Immediate Release:** Respondents shall release Petitioner Chi Rongxi from custody within 24 hours of the Court's Order. Respondents may impose reasonable conditions of supervision on Petitioner's release as authorized by law (such as an order of supervision under 8 C.F.R. § 241.5), but Petitioner's physical detention at the Adelanto ICE Processing Center or any other immigration detention facility must cease.
- 2 **No Transfer:** Respondents (and their officers, agents, employees, and anyone acting in concert with them) are restrained from transferring Petitioner out of the Central District of California or otherwise relocating her beyond this Court's jurisdiction pending further order of the Court. Petitioner shall remain available within this District for any proceedings and supervision.
- 3 **Order to Show Cause.** Respondents shall appear before this Court on a date to be set (at the Court's earliest convenience) to show cause why a preliminary injunction should not be issued continuing the above relief for the duration of this action. A briefing schedule for Respondents' return and Petitioner's reply will be set by the Court.

Finally, Petitioner requests that the Court waive any security bond under Federal Rule of Civil Procedure 65(c), as this is a non-commercial public-interest case involving an indigent detainee seeking to vindicate fundamental rights. Requiring Petitioner to post a bond would be inequitable given her detention and lack of financial resources, and the injunction poses no monetary damage to Respondents.

For the foregoing reasons, Petitioner asks that the Court issue the TRO and OSC without delay, and thereafter, upon due proceedings, grant a preliminary injunction and ultimately a writ of habeas corpus or permanent injunction ensuring that Petitioner remains free from unlawful detention.

Date: March 5th, 2026

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