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

11 **XIAOYONG ZHANG, a.k.a :**
12 **RENZENGDUOJIE, an individual;**

13 **Petitioner,**

14 **v.**

15 **SIXTO MARRERO, Warden of Imperial**
16 **Regional Detention Facility; MARCOS**
17 **CHARLES, Field Office Director of Imperial**
18 **ICE Field Office, U.S. Immigration and Customs**
19 **Enforcement, Enforcement and Removal**
20 **Operations; TODD LYONS, Acting Director,**
21 **U.S. Immigration and Customs Enforcement;**
22 **Pamela BONDI, Attorney General of the United**
23 **States; KRISTI NOEM, Secretary of Homeland**
24 **Security, in their official capacities,**

25 **Respondents.**

26 **Case No. '26CV1646 CAB SBC**

27 **PETITION FOR WRIT OF HABEAS**
28 **CORPUS PURSUANT TO 28 U.S.C. § 2241**

29 **Petitioner Xiaoyong Zhang, also known as Renzengduojie (“Mr. Zhang” or “Petitioner”)**
30 **(Alien registration number: ~~XXXXXXXXXX~~), petitions this Court for a writ of habeas corpus under 28**
31 **U.S.C. § 2241 to remedy Respondents detaining him unlawfully, and states as follows:**

32 **INTRODUCTION**

33 **1. Petitioner is a citizen of the People’s Republic of China detained at the Imperial**
34 **Regional Adult Detention Facility, Calexico, California. Petitioner, by and through his undersigned**

1 because Respondents are employees, officers, and agencies of the United States, and because a
2 substantial part of the events or omissions giving rise to the claims occurred in this District.

3 **REQUIREMENTS OF 28 U.S.C. § 2243**

4 7. The Court must grant the petition for writ of habeas corpus or issue an order to show
5 cause (OSC) to Respondents “forthwith,” unless the petitioner is not entitled to relief. 28 U.S.C. §
6 2243. If an OSC is issued, the Court must require Respondents to file a return “within *three days*
7 unless for good cause additional time, *not exceeding twenty days*, is allowed.” *Id.* (emphasis added.)

8 8. Courts have long recognized the significance of the habeas statute in protecting
9 individuals from unlawful detention. The Great Writ has been referred to as “perhaps the most
10 important writ known to the constitutional law of England, affording as it does a *swift* and
11 imperative remedy in all cases of illegal restraint or confinement.” *Fay v. Noia*, 372 U.S. 391,
12 400(1963) (emphasis added).

13 9. Habeas corpus must remain a swift remedy. Importantly, “the statute itself directs
14 courts to give petitions for habeas corpus ‘special, preferential consideration to ensure expeditious
15 hearing and determination.’” *Yong v. INS*, 208 F.3d 1116, 1120 (9th Cir. 2000) (internal citations
16 omitted). The Ninth Circuit warned against any action creating the perception “that courts are more
17 concerned with efficient trial management than with the vindication of constitutional rights.” *Id.*

18 **THE PARTIES**

19 10. Petitioner is a Chinese citizen who has lived in the United States since May 2023
20 when he entered the U.S. without inspection and was issued a Notice to Appear in immigration
21 court and released on his own recognizance. Despite satisfying the required conditions, Petitioner
22 was re-detained on November 4, 2025, when he was traveling home from Arizona with a friend,
23 and has remained detained since that time.

24 11. Respondent SIXTO MARRERO is sued in his official capacity as the Warden of the
25 Imperial Regional Detention Facility. He has immediate physical custody of Petitioner under the
26 facility’s contract with ICE to detain noncitizens. Respondent MARRERO is a legal custodian of
27 Petitioner.

28 12. Respondent MARCOS CHARLES is sued in his official capacity as Field Office

1 Director of Imperial ICE Field Office. Respondent CHARLES is a legal custodian of Petitioner and
2 has the authority to release him

3 13. Respondent TODD LYONS is sued in his official capacity as Acting Director of
4 ICE. In this capacity, Respondent Lyons directs and oversees ICE's Enforcement and Removal
5 Operations, the component agency responsible for Petitioner's detention. Respondent LYONS is a
6 legal custodian of Petitioner and has the authority to release him.

7 14. Respondent KRISTI NOEM is sued in her official capacity as the Secretary of the
8 U.S. Department of Homeland Security ("DHS"). In this capacity, Respondent NOEM is
9 responsible for the implementation and enforcement of the INA and oversees ICE, the component
10 agency responsible for Petitioner's detention. Respondent Noem is a legal custodian of Petitioner.

11 15. Respondent Pamela Bondi is sued in her official capacity as the Attorney General
12 of the United States and the senior official of the U.S. Department of Justice ("DOJ"). In that
13 capacity, she has the authority to adjudicate removal cases and to oversee the Executive Office for
14 Immigration Review ("EOIR"), which administers the immigration courts and the Board of
15 Immigration Appeals. Respondent BONDI is a legal custodian of Petitioner.

16 **STATEMENT OF FACTS**

17 16. Mr. Zhang entered the United States on or about April 22, 2023, without inspection
18 and was apprehended by Immigration and Customs Enforcement ("ICE").

19 17. On or around April 29, 2023, Mr. Zhang was released from ICE custody pursuant
20 to an Order of Release on Recognizance under 8 U.S.C. § 1226. On the same day, the Department
21 of Homeland Security (DHS) issued Mr. Zhang a Notice to Appear (NTA), designating him as "an
22 alien present in the United States who has not been admitted or paroled" and charging that he was
23 subject to removal from the United States pursuant to § 212(a)(6)(A)(i) of the Immigration and
24 Nationality Act.

25 18. The Order of Release on Recognizance states in pertinent part as follows: "in
26 accordance with Section 236 of the Immigration and Nationality Act... you are being release on
27 your own recognizance provided you comply with the following conditions...." (conditional parole
28 pursuant to INA section 236(8 U.S.C. § 1226)).

1 judge, no change should be made by [the DHS] absent a change of circumstance,” a position
2 adopted by the Ninth Circuit. *Matter of Sugay*, 171. & N. Dec. 637, 640 (BIA 1981); *see also*
3 *Panosyan v. Mayorkas*, 854 F. App’x 787, 788 (9th Cir. 2021) (“Thus, absent changed
4 circumstances ... ICE cannot re-detain Panosyan.”).

5 27. The government has further clarified in litigation that the showing of changed
6 circumstances applies “both where the prior bond determination was made by an immigration judge
7 and where the previous release decision was made by a *DHS officer*.” *Saravia v. Sessions*, 280 F.
8 Supp. 3d at 1197.

9 28. Further, DHS has in practice limited its authority and “generally *only* re-arrests
10 [noncitizens] pursuant to § 1226(b) after a *material* change in circumstances,” not just any changed
11 circumstances. *Id.* (quoting Defs.’ Second Supp. Br. at 1, Dkt. No. 90) (emphasis added).

12 29. Guidance from *Matter of Sugay* and DHS practice alone—that ICE should not
13 rearrest a noncitizen absent changed circumstances—are insufficient to protect Petitioner’s
14 weighty interest in his freedom from detention. Federal district courts in California, including this
15 Court, have repeatedly recognized that the demands of due process and the limitations on DHS’s
16 authority to revoke a noncitizen’s bond or parole require a pre-deprivation hearing for a noncitizen
17 on bond, like Petitioner, before ICE re-detains him, to comport with the Due Process clause of the
18 Constitution. *See, e.g., Faizyan v. Casey* No. 3:25-cv-02884-RBM-JLB, 2025 WL 3208844, at *7
19 (S.D. Cal. Nov. 17, 2025); *Perez v. LaRose*, No. 3:25-cv-02620-RBM-JLB, 2025 WL 3171742, at
20 *2 (S.D. Cal. Nov. 13, 2025); *Meza v. Bonnar*, 2018 WL 2554572 (N. D. Cal. June 4, 2018); *Ortega*
21 *v. Bonnar*, 415 F. Supp. 3d 963 (N.D. Cal. 2019), *Vargas v. Jennings*, No. 20-CV-5785-PJH, 2020
22 WL 5074312, at *3 (N.D. Cal. Aug. 23, 2020).

23 30. Recently, several federal courts in California, including this Court, have agreed that
24 immigration re-detention after being released in the community warrants a hearing. *See Diaz v*
25 *Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025); *Singh v Andrews*, No.
26 1:25-CV-00801, 2025 WL 1918679 (E.D. Cal. July 11, 2025); *Pincht v Noem*, No. 25-cv-05632,
27 2025 WL 1853763 (N.D. Cal. July 4, 2025); *Faizyan v. Casey* No. 3:25-cv-02884-RBM-JLB, 2025
28 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025); *Perez v. LaRose*, No. 3 25-cv-02620-RBM-JLB,

1 2025 WL 3171742, at *2 (S.D. Cal. Nov. 13, 2025).

2 31. Accordingly, prior to re-detaining Petitioner, who had previously been released
3 pursuant to 8 U.S.C. § 1226, DHS should have provided him with a pre-detention hearing and
4 notice of such hearing at which DHS had the burden of proving that Petitioner’s prior conditional
5 parole should be revoked.

6 32. However, Respondents unlawfully re-detained Petitioner without having an
7 immigration judge or a neutral adjudicator assess whether circumstances have materially changed
8 since his prior lease in 2023 by DHS.

9 **Procedural Due Process**

10 33. “Freedom from imprisonment—from government custody, detention, or other forms
11 of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”
12 *Zadvydas v Davis*, 533 U.S. 678, 690 (2001).

13 34. The government cannot deprive any person of “life, liberty, or property, without due
14 process of law[.]” U.S. Const. Amend. V. Due process extends to “all ‘persons’ within the United
15 States, including [non-citizens], whether their presence here is lawful, unlawful, temporary, or
16 permanent.” *Zadvydas*, 533 U.S. at 693.

17 **A. Petitioner possesses a protected liberty interest.**

18 35. A protected liberty interest may arise from a conditional release from physical
19 restraint. *Young v. Harper*, 520 U.S. 143, 147–49 (1997). Even when a statute allows the
20 government to arrest and detain an individual, a protected liberty interest under the Due Process
21 Clause may entitle the individual to procedural protections not found in the statute. *See id.* (Due
22 Process requires hearing before revocation of preparole); *Gagnon v. Scarpelli*, 411 U.S. 778, 782
23 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in
24 parole context).

25 36. To determine whether a specific conditional release rises to the level of a protected
26 liberty interest, “[c]ourts have resolved the issue by comparing the specific conditional release in
27 the case before them with the liberty interest in parole as characterized by *Morrissey*.” *Gonzalez-*
28 *Fuentes v. Molina*, 607 F.3d 864, 887 (1st Cir. 2010) (internal quotation marks and citation omitted);

1 *see also Clene C.D. v Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2026 WL 84302 (E.D. Cal.
2 Jan. 12, 2026).

3 37. In *Morrissey*, the Supreme Court explained that parole “enables [the parolee] to do
4 a wide range of things open to persons” who have never been in custody or convicted of any crime,
5 including to live at home, work, and “be with family and friends and to form the other enduring
6 attachments of normal life.” *Morrissey*, 408 U.S. at 482. “Though the [government] properly
7 subjects [the parolee] to many restrictions not applicable to other citizens, his condition is very
8 different from that of confinement in a prison.” *Id.* “The parolee has relied on at least an implicit
9 promise that parole will be revoked only if he fails to live up to the parole conditions.” *Id.* The
10 revocation of parole undoubtedly “inflicts a grievous loss on the parolee.” *Id.* (quotations omitted).
11 Therefore, a parolee possesses a protected interest in his “continued liberty.” *Id.* at 481–84.

12 38. Immigration officials’ release of Petitioner pursuant to 8 U.S.C. § 1226(a) was
13 similar. Among other things, it allowed him to live in the United States and seek relief in his
14 removal proceedings. *See Clene C.D. v Robbins*, No. 1:25-CV-01463-KES-SKO (HC), 2026 WL
15 84302 (E.D. Cal. Jan. 12, 2026); *see also Puchi v Noem*, No. 25-cv-05632, 2025 WL 1853763
16 (N.D. Cal. July 4, 2025).

17 39. A noncitizen released from custody pending removal proceedings therefore has a
18 protected liberty interest in remaining out of custody. *See Farzayan v. Casey* No. 3:25-cv-02884-
19 RBM-JLB, 2025 WL 3208844, at *7 (S.D. Cal. Nov. 17, 2025); *Perez v LaRose*, No. 3:25-cv-
20 02620-RBM-JLB, 2025 WL 3171742, at *2 (S.D. Cal. Nov. 13, 2025); *Meza v. Bonnar*, 2018 WL
21 2554572 (N. D. Cal. June 4, 2018).

22 40. Accordingly, Petitioner has a substantial liberty interest in not being detained. He
23 has been living in the United States for more than two years, has been working and supporting
24 himself, and has developed extensive community ties.

25 **B. Petitioner’s Liberty Interest Mandated a Hearing Before any Re-detention**

26 41. “Adequate, or due, process depends upon the nature of the interest affected. The
27 more important the interest and the greater the effect of its impairment, the greater the procedural
28 safeguards the state must provide to satisfy due process.” *Haygood v. Younger*, 769 F.2d 1350,

1 1352 (9th Cir. 1985). The court must “balances [Petitioner’s] liberty interest against the
2 [government’s] interest in the efficient administration of” its immigrations laws in order to
3 determine what process he is owed to ensure that ICE does not unconstitutionally deprive him of
4 liberty. *Id.* at 1357.

5 42. The three-factor *Mathews* test (adopted by the Court of Appeals for the Ninth Circuit,
6 *see Rodriguez Diaz v Garland*, 53 F.4th 1189, 1206-07 (9th Cir. 2022)), helps the Court assess
7 adequate safeguards: “[F]irst, the private interest that will be affected by the official action; second,
8 the risk of an erroneous deprivation of such interest through the procedures used, and the probative
9 value, if any, of additional or substitute procedural safeguards; and finally the government’s interest,
10 including the function involved and the fiscal and administrative burdens that the additional or
11 substitute procedural requirements would entail.” *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976).

12 43. The Due Process Clause typically requires a hearing of some sort before the
13 government may deprive a person of liberty. *Zinnermon v. Burch*, 494 U.S. 113, 127 (1990) (*see*
14 *also United States v. Raya-Vaca*, 771 F.3d 1195, 1204 (9th Cir. 2014) (“Due process always
15 requires, at a minimum, notice and an opportunity to respond.”). Courts typically require evidence
16 of urgent concerns or an especially strong government interest to justify a post-deprivation hearing.
17 *See Guillermo M. R. v Kaiser*, 791 F. Supp. 3d 1021, 1036 (N.D. Cal. 2025); *United States v. James*
18 *Daniel Good Real Prop.*, 510 U.S. 43, 53, 59–61 (1993) (“We tolerate some exceptions to the
19 general rule requiring pre-deprivation notice and hearing, but only in extraordinary situations where
20 some valid governmental interest is at stake that justifies postponing the hearing until after the
21 event[.]” such as “executive urgency.” (internal quotations omitted)).

22 **1. Petitioner has a substantial liberty interest in remaining out of detention**

23 44. The first *Mathews* factor, Petitioner has a significant private interest in remaining
24 free from detention. “Freedom from imprisonment—from government custody, detention, or other
25 forms of physical restraint—lies at the heart of the liberty that [the Due Process] Clause protects.”
26 *Zadvydas v Davis*, 533 U.S. 678, 690 (2001). Federal district courts in California, including this
27 Court, have repeatedly found that noncitizens, like Petitioner, who were previously detained, placed
28 in removal proceedings, found to be neither a flight risk nor a danger to the community, and released

1 on their own recognizance, “therefore maintain a ‘protected liberty interest in remaining out of
2 custody.’” *Zhibin Xie v. Larose*, No. 3:25-cv-03649-RBM-MSB, 2026 WL 92066, at *5 (S.D. Cal.
3 Jan. 13, 2026) (citing *Pinchi v Noem*, 792 F. Supp. 3d 1025, 1032-33 (N.D. Cal. 2025)). The longer
4 the individual has been released, the more important his liberty interest grows. *Morrissey v. Brewer*,
5 408 U.S. 471, 482 (1972).

6 **2. There is a risk of erroneous deprivation that the additional procedural safeguard of**
7 **a pre-detention hearing would help protect against.**

8 45. There is a “significant risk that the government will erroneously deprive [Petitioner]
9 of [his] liberty interest if it does not provide [him] with a pre-detention hearing, where, as here, ‘the
10 [Petitioner] has not received any bond or custody...hearing.’” *Pinchi v. Noem*, 792 F. Supp. 3d
11 1025, 1032-33 (N.D. Cal. 2025) (citing *Singh v. Andrews*, No. 1:25-CV-00801, 2025 U.S. Dist.
12 LEXIS 132500, 2025 WL 1918679 (E.D. Cal. July 11, 2025)).

13 46. Civil immigration detention must be “nonpunitive in purpose” and bear a
14 “reasonable relation” to the authorized statutory purposes of preventing flight and danger to the
15 community. *Zadvydas*, 533 U.S. at 690 (citation omitted). However, the government has offered
16 no evidence that Petitioner’s detention would serve either purpose.

17 47. Petitioner was released on his own recognizance after his initial detention at the
18 border. By releasing Petitioner, immigration officers necessarily determined that he is neither flight
19 risks nor dangers to the community. *See Zapata v. Kaiser*, 801 F. Supp. 3d 919, 938 (N.D. Cal.
20 2025).

21 48. Under these circumstances, the risk of erroneous deprivation is high given the
22 possibility that Petitioners’ re-detention will not be pursuant to a valid state interest.

23 49. Further, any argument that noncitizens can request a custody determination hearing
24 once re-detained goes against the due process safeguards envisioned in the Constitution, because
25 such hearing happens after the fact and cannot prevent an erroneous deprivation of liberty. *Domingo*
26 *v. Kaiser*, No. 25-cv-05893 (RFL), 2025 WL 1940179, at *3.D. Cal. July 14, 2025) (“Even if
27 Petitioner-Plaintiff received a prompt post-detention bond hearing under 8 U.S.C. § 1226(a) and
28 was released at that point, he will have already suffered the harm that is the subject of his motion:

1 that is, his potentially erroneous detention.”).

2 **3. The government’s interest in re-detaining Petitioner without a hearing is low.**

3 50. The government’s interest in re-detaining Petitioner without a pre-detention hearing
4 is low “because ICE previously made the determination to release [him], and there is no evidence
5 in the record of any changed circumstances that might cause ICE to reconsider its parole
6 determination.” *Aviles-Mena v. Kaiser*, No. 25-cv-06783-RFL, 2025 WL 2578215, at *16 (N.D.
7 Cal. Sep. 5, 2025); *Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019).

8 51. Further, additional procedural safeguards, including a hearing before a neutral
9 decision-maker, are “one of the most basic due process protections” and would place a “de
10 minimis . . . burden on the government,” especially in light of the potential costs to the public by
11 keeping Petitioner detained. *Castro-Cortez v. INS*, 239 F.3d 1037, 1049 (9th Cir. 2001), *abrogated*
12 *on other grounds by Fernandez-Vargas v. Gonzales*, 548 U.S. 30 (2006).

13 52. Taken together, the *Mathews* factors show that Petitioner is entitled to a bond
14 hearing, which should have been provided before Petitioner was detained.

15 **Substantive Due Process**

16 53. Freedom from government custody “lies at the heart of the liberty” protected by the
17 Due Process Clause. *Zadvydas*, 533 U.S. at 690. For that reason, nonpunitive government detention
18 violates the Due Process Clause unless the detention is ordered “in certain special and narrow . . .
19 circumstances, where a special justification . . . outweighs the individual’s constitutionally protected
20 interest in avoiding physical restraint.” *Id.* (citations omitted).

21 54. In the context of civil immigration detention, the two “regulatory goals” of the
22 Immigration and Nationality Act provisions governing such detention, “ensuring the appearance of
23 aliens at future immigration proceedings” and “preventing danger to the community,” can provide
24 such “special justification.” *Id.* (citations omitted); *see also Pinchi v. Noem*, 792 F. Supp. 3d 1025,
25 1032-33 (N.D. Cal. 2025).

26 55. Although “[t]he government has legitimate interests in protecting the public and in
27 ensuring that noncitizens in removal proceedings appear for hearings,” “the government has no
28 legitimate interest in detaining individuals who have been determined not to be a danger to the

1 community and whose appearance at future immigration proceedings can be reasonably ensured by
2 a lesser bond or alternative conditions.” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th Cir. 2017).

3 56. Due process requires that “the nature and duration” of detention “bear some
4 reasonable relation to the purpose for which the individual is” detained. *Jackson v. Indiana*, 406
5 U.S. 715, 738 (1972).

6 57. Petitioner was released on his own recognizance after a finding that he was neither
7 a flight risk nor a danger to the community. In other words, the justifications for civil immigration
8 detention were not present in his case. Following his release in 2023, Petitioner diligently complied
9 with the reporting requirements and has no criminal record. There is no evidence suggesting that
10 Petitioner poses a danger to the community or a flight risk. Accordingly, Petitioner’s detention
11 lacks a valid basis and violates Petitioner’s right to be free from impermissible government custody.
12 *See Zadvydas*, 533 U.S. at 690.

13 **COUNT ONE**

14 **(Violation of Due Process)**

15 58. Petitioner repeats and incorporates by reference into this cause of action the
16 allegations set forth above.

17 59. Petitioner’s detention without a due process hearing to determine whether his
18 incarceration is justified violates his right to due process under the Fifth Amendment.

19 60. The Government may not deprive a person of life, liberty, or property without due
20 process of law. U.S. Const. amend. V. “Freedom from imprisonment— from government custody,
21 detention, or other forms of physical restraint—lies at the heart of the liberty that the Clause
22 protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

23 61. Petitioner has a vested liberty interest in his conditional release. Due Process does
24 not permit the government to strip him of that liberty without a hearing before this Court. *See*
25 *Morrissey v. Brewer*, 408 U.S. 471, 487-88 (1972).

26 62. Petitioner’s re-arrest without a hearing violated the Constitution both substantively,
27 because Respondents have no valid interest in detaining him since circumstances have not changed,
28 and procedurally, because he was not provided with a pre-detention hearing.

1 by the government under 8 U.S.C. § 1226 in May 2023. Since that time, he has resided in the United
2 States for approximately two years and was already within the United States when he was re-
3 detained by ICE in November 2025. His detention therefore arises under 8 U.S.C. § 1226(a).

4 71. When the ICE agents detained Petitioner, he was not presented with any warrant
5 authorizing the detention as required under § 1226(a). In addition, at no time prior to his re-
6 detention was Petitioner notified that his prior release was revoked. Petitioner was also not provided
7 a bond hearing before an immigration judge prior to his detention before his detention.

8 72. By detaining Petitioner without providing a warrant and a pre-deprivation hearing,
9 Respondents have acted in excess of their statutory authority under 8 U.S.C. § 1226(a). As a result,
10 Petitioner's continued detention violates the Immigration and Nationality Act and is unlawful.

11 73. Even if the Court were to order a post-deprivation bond hearing, such relief would
12 not cure the constitutional defects at issue. The Due Process Clause requires meaningful notice and
13 an opportunity to be heard before a deprivation of liberty occurs, absent extraordinary
14 circumstances. A belated bond hearing does not remedy the unlawful initial seizure and detention
15 where the government failed to provide constitutionally adequate procedures at the outset.
16 See *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001) (recognizing the serious constitutional concerns
17 raised by civil immigration detention); *Fuentes v. Shevin*, 407 U.S. 67, 80–82 (1972) (due process
18 generally requires pre-deprivation process where feasible).

19 74. Moreover, under 8 U.S.C. § 1226(a), detention is discretionary, not mandatory, and
20 must be justified by the government. A post-deprivation hearing that shifts the burden to the
21 detainee, fails to require the government to prove flight risk or danger by clear and convincing
22 evidence, or occurs only after prolonged or unjustified detention, does not satisfy constitutional
23 standards. See *Singh v. Holder*, 638 F.3d 1196, 1203–05 (9th Cir. 2011) (requiring adequate
24 procedural safeguards in bond hearings, including a contemporaneous record for meaningful
25 review). Where detention has already occurred without constitutionally sufficient process, the
26 appropriate remedy is release, not merely a delayed hearing.

27 75. Accordingly, because the procedural violation inheres in the initial deprivation itself
28 and cannot be retroactively cured, Petitioner is entitled to immediate remedial release rather than a

1 belated bond hearing.

2 **PRAYER FOR RELIEF**

3 Based on the foregoing, Petitioner respectfully requests this Court to grant the following:

- 4 1. Assume jurisdiction over this matter;
- 5 2. Issue the writ of habeas corpus and order Respondents to show cause, within three
6 days of Petitioner's filing this petition, why the relief he seeks should not be granted;
- 7 3. Enjoin Respondents from transferring him from the jurisdiction of this District
8 pending these proceedings;
- 9 4. Declare that Respondents' detention of Petitioner violates the INA and the Due
10 Process Clause of the Fifth Amendment;
- 11 5. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner immediately
12 without the imposition of any conditions more restrictive than those previously in
13 place;
- 14 6. Order Respondents to return all of Petitioner's personal belongings, including his
15 driver's license, Employment Authorization Card, and Chinese identification cards;
- 16 7. Upon release, prohibit Respondents from imposing conditions of supervision more
17 restrictive than those previously in place, including the imposition of electronic
18 monitoring, absent a hearing consistent with due process;
- 19 8. Enjoins Respondents from transferring, re-arresting, or re-detaining Petitioner absent
20 lawful process, including a pre-deprivation hearing before a neutral decisionmaker at
21 which the government establishes by clear and convincing evidence that detention is
22 appropriate to prevent his flight or to protect the public;
- 23 9. Enjoin Petitioner's removal from the United States pending a final decision on this
24 habeas action;
- 25 10. Enjoin Petitioner's removal from the United States without meaningful notice and
26 opportunity to fully present a fear-based claim;
- 27 11. Award Petitioner attorney's fees and costs under the Equal Access to Justice Act, and
28 on any other allowed by law;

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12. Grant further relief as the Court finds just and proper.

Dated: March 16, 2026

Juris Path Law Firm, PC

/s/Yunchao Song

Yunchao Song, Esq.

Attorneys for Petitioner