

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA

Li Li,

A 

Petitioner,

v.

Pamela BONDI, in her official capacity as
U.S. Attorney General;

Marcos CHARLES, in his official capacity
as Acting Executive Associate
Director, Enforcement and Removal
Operations;

Todd M. LYONS, in his official capacity as
Acting Director,
Immigration and Customs Enforcement;

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

Jason STREEVAL, in his official capacity
as Warden of
the Stewart Detention Center.

Respondents.

Docket No.: _____

**VERIFIED PETITION FOR
WRIT OF HABEAS CORPUS
AND COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

1. Petitioner Li Li (“Ms. Li”) hereby petitions this Court under 28 U.S.C. § 2241, *et seq.*, for a Writ of Habeas Corpus ordering her immediate release from immigration detention by the Department of Homeland Security, U.S. Immigration and Customs Enforcement (“ICE”). Ms. Li was arrested by ICE on March 15, 2026, while traveling domestically, and has been held at the Stewart Detention Center without any individualized bond hearing. She seeks release on two independent grounds: first, she has been detained without any hearing to assess whether detention is justified, in violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution; and second, she holds a final grant of withholding of removal from China, making her removal not reasonably foreseeable and her continued detention constitutionally impermissible. *See Zadvydas v. Davis*, 533 U.S. 678, 690 (2001). All relevant factors confirm that Ms. Li presents no flight risk and no danger to the community, and no legitimate immigration purpose is served by her ongoing detention.

JURISDICTION

2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. § 2241 (habeas corpus), 28 U.S.C. § 1331 (federal question jurisdiction), the Administrative Procedure Act, 5 U.S.C. § 706, and Article I, Section 9, Clause 2 of the U.S. Constitution. Ms. Li is in the physical custody of federal officials within this

judicial district, satisfying the custody and territorial requirements for habeas jurisdiction. *See Rumsfeld v. Padilla*, 542 U.S. 426, 434–35 (2004). Because Ms. Li holds a final grant of withholding of removal, her removal to China is legally prohibited and her detention bears no reasonable relationship to any removal that is reasonably foreseeable. *See Zadvydas v. Davis*, 533 U.S. 678, 687–88 (2001).

VENUE

3. Venue is proper in this Court as Ms. Li is currently detained at the Stewart Detention Center, located at 146 CCA Road, Lumpkin, Georgia 31815, which is within the Middle District of Georgia. *See* 28 U.S.C. § 2241(d).
4. Ms. Li has no adequate remedy at law other than the relief sought herein. No administrative mechanism exists that would compel Respondents to conduct a bond hearing or to release Ms. Li on the basis of her final withholding grant and the legal impossibility of her removal to China. Exhaustion of administrative remedies is therefore not required, or in the alternative would be futile and unduly prejudicial to Ms. Li's substantial liberty interests. *See McCarthy v. Madigan*, 503 U.S. 140, 146–47 (1992) (exhaustion excused where administrative remedy is inadequate or pursuit would cause irreparable harm); *Iddir v. INS*, 301 F.3d 492, 498 (7th Cir. 2002).

5. This Court is empowered to issue the writ under 28 U.S.C. § 2241(c)(3), which extends federal habeas jurisdiction to any person held “in custody in violation of the Constitution or laws or treaties of the United States.” A petitioner detained in violation of the Constitution is entitled to immediate judicial relief. *See Boumediene v. Bush*, 553 U.S. 723, 745 (2008). This Court reviews the constitutional merits of Ms. Li’s claims *de novo*. *INS v. St. Cyr*, 533 U.S. 289, 298 n.11 (2001).

PARTIES

6. Petitioner Li Li is a native and citizen of the People’s Republic of China (“China”). She is currently detained by U.S. Immigration and Customs Enforcement at the Stewart Detention Center, 146 CCA Road, Lumpkin, Georgia 31815.
7. Respondent Pamela Bondi is the Attorney General of the United States, charged with enforcement of the laws of the United States. She is sued in her official capacity only.
8. Respondent Marcos Charles is the Acting Executive Associate Director of Enforcement and Removal Operations, responsible for overseeing ICE’s detention and removal operations nationwide. He is sued in his official capacity only.

9. Respondent Todd M. Lyons is the Acting Director of Immigration and Customs Enforcement, charged with the overall administration and operation of ICE, including oversight of enforcement and removal operations, detention policies, and implementation of immigration enforcement priorities nationwide. He is sued in his official capacity only.
10. Respondent Kristi Noem is the Secretary of the Department of Homeland Security, whose responsibilities include administering and enforcing immigration laws pursuant to 8 U.S.C. §§ 1103(a)(1)–(3). She is sued in her official capacity only.
11. Respondent Jason Streeval is the Warden of the Stewart Detention Center, responsible for the day-to-day operation of that facility. He is sued in his official capacity only.


FACTUAL AND PROCEDURAL BACKGROUND

Ms. Li's Immigration History

12. Ms. Li was born on [REDACTED] in the People's Republic of China.


She entered the United States on or about September 5, 2010, fleeing

[REDACTED] Shortly after her arrival, she applied for protection under United States immigration laws.

13. On October 1, 2012, an Immigration Judge granted Ms. Li's application for withholding of removal pursuant to 8 U.S.C. § 1231(b)(3), finding that her life or freedom  See 8 U.S.C. § 1231(b)(3) (“[T]he Attorney General may not remove an alien to a country if the Attorney General decides that the alien’s life or freedom would be threatened in that country because of the alien’s race, religion, nationality, membership in a particular social group, or political opinion.”). This order has never been disturbed and remains in full force and effect.

14. As a result of the grant of withholding of removal, Ms. Li is legally prohibited from being returned to China, where she continues to face a serious and well-documented threat to her life and freedom on account of



15. On March 11, 2020, Ms. Li married Mr. Qi Ren, a United States citizen. Mr. Ren subsequently filed a Form I-130, Petition for Alien Relative, on Ms. Li's behalf. USCIS accepted the filing on June 8, 2022, and issued a receipt notice under number 

16. Ms. Li has deep and longstanding ties to the United States. Both of her parents-in-law are lawful permanent residents of the United States, and her brother, Jianqiang Li, is a naturalized United States citizen.

17. Upon approval of the I-130 petition, Ms. Li will be eligible to pursue immigrant visa processing through the National Visa Center, representing a concrete and legally cognizable path toward lawful permanent residency. The pending family-based petition further underscores Ms. Li's strong ties to the United States and her incentive to remain and comply with all legal requirements.
18. On March 15, 2026, despite her long residence in the United States, her extraordinary family ties, her pending immigrant petition, and the categorical legal prohibition on her removal to China, Ms. Li was arrested and detained by ICE at the airport while attempting to travel domestically from Georgia to New York.
19. As of the date of this filing, Ms. Li has been held continuously at the Stewart Detention Center since her arrest on March 15, 2026. At no point during this period of detention has she been offered or afforded an individualized bond hearing before an immigration judge or any other neutral adjudicator. Respondents have provided no written notice explaining the legal basis for her continued detention or any individualized finding that she poses a flight risk or danger to the community.
20. Respondents have not identified any country other than China to which Ms. Li could be removed, and have taken no steps toward effectuating removal

to any third country. The People's Republic of China does not routinely accept the return of Chinese nationals who have been granted withholding of removal by a United States immigration tribunal, and no indication has been provided that such removal is being pursued.

21. Ms. Li has no criminal history whatsoever, in the United States or any other country. She has never been arrested, charged with, or convicted of any offense. Since her arrival in the United States in 2010, she has complied fully with all reporting requirements, court appearances, and other obligations imposed by immigration authorities, demonstrating over fifteen years of uninterrupted compliance.

22. Ms. Li's immediate family—her United States citizen husband, her lawful permanent resident parents, and her United States citizen brother—are prepared to provide housing, financial support, and community supervision to ensure her appearance at all future proceedings. Her husband and family are committed to supporting her through the pendency of any immigration proceedings.

23. The pending Form I-130 petition filed by Mr. Qi Ren provides Ms. Li with a strong incentive to remain in the United States, comply with all legal requirements, and pursue her case through lawful channels. Her path toward

lawful permanent residency would be irreparably harmed by any attempt to flee, giving her every reason to appear at future proceedings.

24. The circumstances of Ms. Li's arrest underscore the absence of any legitimate basis for her detention. She was apprehended while attempting to board a domestic flight—an activity entirely consistent with her long residence and compliance with United States law. No exigent circumstance, criminal conduct, or immigration violation has been identified to justify the decision to detain her.

LEGAL ARGUMENT

COUNT I: MS. LI'S CONTINUED DETENTION WITHOUT AN INDIVIDUALIZED BOND HEARING VIOLATES THE DUE PROCESS CLAUSE OF THE FIFTH AMENDMENT

25. The Fifth Amendment provides that no person shall “be deprived of life, liberty, or property, without due process of law.” U.S. Const. amend. V. The Supreme Court has long recognized that this protection extends to all persons within the territorial jurisdiction of the United States, without regard to citizenship or immigration status. *See Yick Wo v. Hopkins*, 118 U.S. 356, 369 (1886) (“The Fourteenth Amendment to the Constitution is not confined to the protection of citizens.”). The Due Process Clause is “universal in [its] application, to all persons within the territorial jurisdiction, without regard to any differences of race, of color, or of nationality.” *Id.* (emphasis added).

26. The Supreme Court has confirmed that even an alien whose presence is unlawful, involuntary, or transitory is entitled to the protection of the Due Process Clause. *Mathews v. Diaz*, 426 U.S. 67, 75 n.7 (1976); *see also Plyler v. Doe*, 457 U.S. 202, 210 (1982) (“Whatever his status under the immigration laws, an alien is surely a ‘person’ in any ordinary sense of that term.”); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896) (“[P]ersons within the territory of the United States ... even aliens ... [may not] be deprived of life, liberty or property without due process of law.”).
27. Physical liberty is the most elementary of freedoms. *Foucha v. Louisiana*, 504 U.S. 71, 80 (1992). Before the government may deprive any person of physical liberty, the Due Process Clause requires, at a minimum, an individualized hearing before a neutral decision-maker. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). Courts apply this standard to immigration detention. *Zadvydas v. Davis*, 533 U.S. at 690. Ms. Li has never received any such hearing.
28. The *Mathews v. Eldridge* framework requires balancing: (1) the private interest affected; (2) the risk of erroneous deprivation and the value of additional procedural safeguards; and (3) the government’s interest. 424 U.S. at 335. Each factor weighs strongly in Ms. Li’s favor.

29. The Private Interest Is Paramount. Ms. Li's continued detention deprives her of her physical freedom and separates her from her United States citizen husband, her lawful permanent resident parents, and her United States citizen brother. The harm is concrete, ongoing, and severe. Liberty is "the most elementary of all freedoms" and lies "at the core of the liberty protected by the Due Process Clause." *Foucha*, 504 U.S. at 80.
30. The Risk of Erroneous Deprivation Is Substantial. Ms. Li has no criminal history, has complied with all immigration obligations for over fifteen years, holds a valid withholding grant, and has extraordinary family and community ties to the United States. A neutral adjudicator presented with this record would have ample basis to release her on bond. Without any hearing, this determination has never been made, and the risk that her detention is erroneous is high.
31. The Government Has No Cognizable Interest in Detaining Ms. Li Without a Hearing. Mandatory detention may be constitutionally permissible in limited circumstances—such as mandatory detention of criminal aliens during brief removal proceedings. *See Demore v. Kim*, 538 U.S. 510, 527 (2003). But Ms. Li has no criminal history and is subject to no mandatory detention statute. More fundamentally, because her removal to China is legally prohibited and no alternative country has been identified, there is no

removal-related purpose that her detention can serve. *See Zadvydas v. Davis*, 533 U.S. at 690 (“[W]here detention’s goal is no longer practically attainable, prolonged detention no longer bears a reasonable relation to the purpose for which the individual was committed.”).

32. Under 8 U.S.C. § 1226(a), the government is authorized to arrest and detain aliens “pending a decision on whether the alien is to be removed from the United States.” This authority is discretionary and carries with it the right to seek release on bond before an immigration judge. 8 C.F.R. § 236.1(c)(8); *see Demore v. Kim*, 538 U.S. at 527. Whatever statutory authority Respondents rely upon, Ms. Li is entitled to an individualized bond hearing at which she may present evidence that she poses neither a flight risk nor a danger to the community. The Eleventh Circuit has specifically recognized that prolonged immigration detention without an individualized bond hearing may violate the Due Process Clause of the Fifth Amendment. *Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1214–16 (11th Cir. 2016). In *Sopo*, the Eleventh Circuit held that mandatory immigration detention at the Stewart Detention Center—the same facility where Ms. Li is presently confined—became constitutionally unreasonable under the Fifth Amendment when it extended without any individualized bond hearing. *Id.* at 1215. If the Eleventh Circuit requires bond hearings for criminal aliens detained at

Stewart, that principle applies with even greater force to Ms. Li, who has no criminal history whatsoever and whose removal is legally prohibited.

33. The government will likely invoke *Jennings v. Rodriguez*, 583 U.S. 425, 138 S. Ct. 583 (2018), which held that immigrants do not have a statutory right to periodic bond hearings under §§ 1225(b), 1226(a), and 1226(c). But *Jennings* expressly declined to resolve the constitutional question, remanding to the Ninth Circuit for consideration of whether the Due Process Clause independently requires bond hearings for prolonged detention. *Id.* at 612. The government itself conceded in *Jennings* that prolonged detention “at a certain point” could violate the Fifth Amendment. *Id.* at 604 (Kennedy, J., concurring). This petition rests exclusively on constitutional grounds: the Due Process Clause prohibits indefinite detention without any individualized hearing where, as here, removal is legally barred and will by its nature be indefinite.

34. Applying the six-factor balancing framework articulated in *Banda v. McAleenan*, 385 F. Supp. 3d 1099 (W.D. Wash. 2019), and applied in *Kydyrali v. Wold*, 499 F. Supp. 3d 768 (S.D. Cal. 2020), confirms that Ms. Li is entitled to immediate relief. The six factors are: (1) total length of detention; (2) likely duration of future detention; (3) conditions of detention; (4) delays caused by the detainee; (5) delays caused by the government; and

(6) the likelihood that removal proceedings will result in a final order of removal. *Banda*, 385 F. Supp. 3d at 1118–19.

35. First, Ms. Li has been detained since March 15, 2026, without any bond hearing. While this period may be short in absolute terms, the constitutional violation is established from the moment detention commenced, because her removal was legally barred before ICE arrested her and no individualized assessment has ever been made. Every additional day of detention without a hearing compounds the constitutional violation. *See Sopo v. U.S. Att’y Gen.*, 825 F.3d 1199, 1215 (11th Cir. 2016) (detention at Stewart Detention Center becomes constitutionally unreasonable without bond hearing); *cf. Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233–34 (3d Cir. 2011) (detention “unreasonable in light of its duration” violates due process).
36. Second, because Ms. Li cannot be removed to China and no alternative country of removal has been identified, she faces an indefinite period of detention with no foreseeable end. *See Zadvydas v. Davis*, 533 U.S. at 696. This factor weighs strongly in her favor.
37. Third, Ms. Li is confined at the Stewart Detention Center, a secure civil immigration detention facility. She is a nonviolent person with no criminal history, and her confinement in a secure facility is particularly harsh given the total absence of any legitimate governmental justification.

38. Fourth, Ms. Li has caused no delays in any proceedings. She sought legal counsel immediately upon her detention and is diligently pursuing this petition.
39. Fifth, the government arrested Ms. Li with full knowledge of her valid withholding order and the categorical legal prohibition on her removal to China. It has not identified an alternative country for removal and has taken no steps toward effectuating removal to any third country. Any delay in resolving her status is entirely attributable to Respondents.
40. Sixth, Ms. Li already holds a final grant of withholding of removal. No pending removal proceeding exists. Removal to China is categorically barred. No alternative country has been identified. This factor—the finality of her protected status and the legal impossibility of removal—weighs most powerfully in favor of habeas relief. Ms. Li cannot be lawfully removed under any present circumstances, and there is no imminent prospect that this will change.
41. All six *Banda* factors weigh in Ms. Li’s favor. Her detention without any bond hearing, unjustified from its inception, violates her Fifth Amendment right to due process. *See Kydyrali v. Wold*, 499 F. Supp. 3d at 773 (“[P]rolonged detention, when considered alongside other due process

concerns, can rise to the level of a constitutional violation warranting release.”). This Court should issue the writ.

COUNT II: MS. LI’S DETENTION IS CONSTITUTIONALLY IMPERMISSIBLE BECAUSE HER REMOVAL IS NOT REASONABLY FORESEEABLE

42. In *Zadvydas v. Davis*, 533 U.S. 678 (2001), the Supreme Court held that the statute authorizing continued post-removal-order detention of aliens beyond the statutory 90-day removal period, 8 U.S.C. § 1231(a)(6), must be read as subject to an implicit reasonable-time limitation rooted in the Due Process Clause. The Court held that detention beyond six months is presumptively unreasonable unless the government demonstrates “a significant likelihood of removal in the reasonably foreseeable future.” *Id.* at 701.
43. The constitutional rationale underlying *Zadvydas* is that immigration detention is a civil regulatory measure justified only by its relationship to the goal of effectuating removal. *Id.* at 690. “A statute permitting indefinite detention of an alien would raise a serious constitutional problem.” *Id.* Prolonged detention disconnected from any realistic prospect of removal cannot be sustained under the Due Process Clause.
44. The Supreme Court extended the principles of *Zadvydas* to inadmissible aliens in *Clark v. Martinez*, 543 U.S. 371 (2005), holding that the

constitutional concern—the impermissibility of indefinite civil detention when removal cannot be achieved—applies equally regardless of admissibility status. *Id.* at 386.

45. The principles of *Zadvydas* apply with heightened force here. Ms. Li’s removal to China is not merely practically difficult—it is legally barred. An immigration court entered a final order granting her withholding of removal in 2012, finding that her life or freedom would be threatened there on account of her religion. 8 U.S.C. § 1231(b)(3). That protective order has never been disturbed and remains in effect. The government is categorically prohibited from removing Ms. Li to China.
46. The government has not identified any third country to which Ms. Li could be removed and has not initiated proceedings for removal to any alternative destination. In the absence of an identified country willing and able to accept her, Ms. Li’s removal is not merely uncertain—it is presently impossible. Detention in these circumstances serves no immigration purpose and is constitutionally unjustifiable under *Zadvydas*.
47. Although the six-month presumptive period articulated in *Zadvydas* has not elapsed, that period establishes a ceiling on permissible detention, not a floor. The Court’s six-month formulation was intended as a practical guide for cases where removal is uncertain, not as authorization to detain aliens for

any period up to six months when removal is legally impossible from the outset. Where removal is categorically barred at the inception of detention, the constitutional violation exists from day one. Every additional day of detention compounds the injury.

48. Courts have consistently granted habeas relief in circumstances like those presented here. In *Kydyrali v. Wold*, 499 F. Supp. 3d 768 (S.D. Cal. 2020), the court granted habeas relief where the petitioner held a withholding grant and removal was not reasonably foreseeable, concluding that detention under those circumstances rises to the level of a constitutional violation. *Id.* at 773. *See also Banda v. McAleenan*, 385 F. Supp. 3d 1099, 1118 (W.D. Wash. 2019). The same result is required here.

49. Respondents cannot escape *Zadvydas* by characterizing Ms. Li's detention as arising under § 1226 rather than § 1231. The constitutional question is not which statutory provision the government invokes, but whether detention bears a reasonable relationship to the purpose of removal. Where removal is legally prohibited—as it is here—no amount of statutory recategorization can supply a constitutional basis for indefinite detention. *See Zadvydas*, 533 U.S. at 690. Nor does *Jennings v. Rodriguez*, 583 U.S. 425 (2018), provide a defense: *Jennings* addressed only the statutory question of whether periodic bond hearings are required, expressly declining to decide whether the

Constitution independently demands them. *Id.* at 612. Ms. Li's claim is constitutional, not statutory, and *Jennings* leaves it fully intact.

50. Ms. Li poses no flight risk and no danger to the community. She has no criminal history, has complied with all immigration obligations for over fifteen years, and has extraordinary family and community ties to the United States. Her United States citizen husband, lawful permanent resident parents-in-law, and United States citizen brother are prepared to provide housing and supervision. Her pending I-130 petition provides a powerful incentive to remain and comply with all legal requirements. These uncontested facts confirm that release on appropriate conditions is warranted.

51. The continued detention of Ms. Li—without an individualized bond hearing, without any lawful prospect of removal, and without any evidence of flight risk or danger to the community—violates her Fifth Amendment right to due process. Respondents cannot justify their ongoing deprivation of Ms. Li's liberty under any applicable constitutional standard, and this Court should issue the writ.

PRAYER FOR RELIEF

WHEREFORE, Petitioner Li Li respectfully requests that this Court:

- A. Issue a Writ of Habeas Corpus ordering Respondents to release Petitioner from custody immediately;
- B. Declare the continued detention of Ms. Li without an individualized bond hearing a violation of the Due Process Clause of the Fifth Amendment to the U.S. Constitution;
- C. Declare that Ms. Li's detention is constitutionally impermissible under *Zadvydas v. Davis*, 533 U.S. 678 (2001), because her removal is not reasonably foreseeable;
- D. In the alternative, order Respondents to provide Ms. Li with an individualized bond hearing before an immigration judge within forty-eight (48) hours, at which Respondents shall bear the burden of demonstrating by clear and convincing evidence that she poses a flight risk or danger to the community;
- E. Order Respondents to show cause why Ms. Li is being subjected to unlawful and unconstitutional detention; and
- F. Grant any other relief that this Court deems just and proper.

Dated: March 19, 2026

Respectfully submitted,

/s/ Thomas Evans

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VERIFICATION

I, Theodore N. Cox, counsel for Petitioner Li Li, hereby verify under penalty of perjury pursuant to 28 U.S.C. § 1746 that the factual allegations in this petition are true and correct to the best of my knowledge, information, and belief, based upon the records available and information provided by Petitioner.

Dated: March 19, 2026

Respectfully submitted,

/s/ Theodore N. Cox

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