

1 **VIP LAW GROUP PC**
2 Guofeng Li, Esq. (SBN 343936)
3 Lawyerli.Chris@gmail.com
4 855 Conklin Street, Suite S
5 Farmingdale, NY 11735
6 Tel: (516) 808-6266; Fax: (917) 779-9917

7
8
9
10 Attorneys for Petitioner, Tao Zhang

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13 TAO ZHANG,

14
15 Petitioner,

16 v.

17 PAMELA BONDI, in her official capacity as
18 Attorney General of the United States;
19 MARKWAYNE MULLIN, in his official
20 capacity as Secretary of Homeland Security;
21 TODD M. LYONS, in his official capacity as
22 Acting Director of U.S. Immigration and
23 Customs Enforcement (ICE); GREGORY
24 ARCHAMBEAULT, in his official capacity as
25 Field Office Director, San Diego Field Office,
26 U.S. Immigration and Customs Enforcement
27 and JEREMY CASEY, in his official capacity
28 as Warden Of The Imperial Regional
Detention Facility,

Respondents.

Case No.: 3:26-cv-01986-RBM-BJW

**PETITIONER'S REPLY TO
RESPONDENTS' RESPONSE TO THE
EMERGENCY PETITION FOR WRIT OF
HABEAS CORPUS**

IMMIGRATION HABEAS CASE

1 Petitioner Tao Zhang ("Petitioner"), by and through counsel, respectfully submits this Reply
2 to Respondents' Response to the Emergency Petition for Writ of Habeas Corpus filed on April 3,
3 2026.

4 **I. THE GOVERNMENT CONCEDES THAT PETITIONER IS ENTITLED TO RELIEF**
5 **UNDER BINDING DISTRICT PRECEDENT**

6 Respondents' "abbreviated response" serves as a functional concession that Petitioner's
7 detention is governed by 8 U.S.C. § 1226(a) rather than the mandatory provisions of § 1225(b).
8 While the Government nominally maintains its position that Petitioner is subject to mandatory
9 detention, it explicitly acknowledges that this Court and others in this District have "repeatedly
10 reached the opposite conclusion under the same and/or similar facts".

11 Most importantly, Respondents admit that the facts of Mr. Zhang's case are "not materially
12 distinguishable" from a long line of cases in this District—including *Garcia v. Noem*, 803 F. Supp.
13 3d 1064 (S.D. Cal. 2025) and *Martinez Lopez v. LaRose*, 2025 WL 3030457 (S.D. Cal. Oct. 30,
14 2025)—which hold that noncitizens who have "effected an entry" and established deep roots in the
15 community must be afforded the procedural protections of § 1226(a). Consequently, the
16 Government does not oppose the Petition and defers to this Court on the appropriate relief.

17 **II. PETITIONER IS ENTITLED TO AN IMMEDIATE BOND HEARING WITH**
18 **PROTECTIVE BURDENS OF PROOF**

19 As Petitioner is properly categorized under 8 U.S.C. § 1226(a), he is entitled to an
20 individualized bond hearing where the Government bears the burden of justifying his continued
21 detention by clear and convincing evidence. See *Singh v. Holder*, 638 F.3d 1196, 1203 (9th Cir.
22 2011).

23 Petitioner has lived openly and productively in the United States since July 2023, serving as
24 a truck driver and providing critical financial support to his seven-year-old son and elderly parents
25 in China. His sudden re-detention on March 26, 2026, without any change in circumstances or
26 individualized finding of risk, constitutes a severe deprivation of liberty without the due process
27 required by the Fifth Amendment.

28 **III. CONCLUSION AND REQUEST FOR RELIEF**

1 In light of the Government's non-opposition and the overwhelming weight of District
2 authority, Petitioner respectfully requests that this Court:

- 3 1) Grant the Writ of Habeas Corpus;
4 2) Order Respondents to release Petitioner within seven (7) days unless they schedule a
5 bond hearing before a neutral arbiter;
6 3) Direct that at said hearing, the Government must prove by clear and convincing evidence
7 that Petitioner is a flight risk or a danger to the community, while the adjudicator
8 considers Petitioner's ability to pay bond and alternatives to detention.

9 Regarding Respondents' request for a 14-day window to hold the hearing, Petitioner urges
10 the Court to maintain a 7-day requirement. Every additional day Mr. Zhang remains in custody at
11 the Imperial Regional Detention Facility exacerbates the "extreme hardship" and "humanitarian
12 crises" facing his family in China

13
14 Date: April 8, 2026

Respectfully Submitted,

VIP LAW GROUP, PC

By: /s/ Guofeng Li

Guofeng Li, Esq.

855 Conklin Street, Suite S

Farmingdale, NY 11735

Tel: (516) 808-6266

Email: lawyerli.chris@gmail.com

Pro Bono Counsel for Petitioner

20

21

22

23

24

25

26

27

28