

1 Yunchao Song (SBN 323484)  
2 Juris Path Law Firm PC  
3 17800 Castleton Street, Suite 316  
4 City of Industry, CA 91748  
5 Telephone: (626) 391-4015  
6 Facsimile: (626) 604-0123  
7 paul.song@jppjlaw.com

8 Attorneys for Petitioner Ailan Li

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

11 AILAN LI, an individual;

12 Petitioner,


13 v.

14 CHRISTOPHER LAROSE, Warden of Otay  
15 Mesa Detention Center; PATRICK DIVVER,  
16 Field Office Director of San Diego ICE Field  
17 Office, U.S. Immigration and Customs  
18 Enforcement, Enforcement and Removal  
19 Operations; TODD LYONS, Acting Director,  
20 U.S. Immigration and Customs Enforcement;  
21 PAMELA BONDI, Attorney General of the  
22 United States; MARKWAYNE MULLIN,  
23 Secretary of Homeland Security, in their official  
24 capacities,

25 Respondents.

Case No. '26CV2073 JLS DEB

APPLICATION FOR TEMPORARY  
RESTRAINING ORDER AND  
MEMORANDUM OF POINTS AND  
AUTHORITIES; DECLARATION OF  
YUNCHAO SONG; DECLARATION OF  
AILAN LI

26 Petitioner Ailan Li ("Ms. Li" or "Petitioner") (A-Number:  by and through  
27 her counsel, respectfully moves this honorable Court for a temporary restraining order directing  
28 Respondents to: immediately release Petitioner from custody; in the alternative, provide Petitioner  
with a bond hearing before an Immigration Judge within 7 days, at which the government bears the  
burden of establishing by clear and convincing evidence that Petitioner would likely flee or pose a  
danger to the community if release; return Petitioner's personal belongings; refrain from  
transferring, re-arresting, or re-detaining Petitioner absent lawful process, including a pre-

1 deprivation hearing before a neutral decisionmaker at which the government establishes by clear  
2 and convincing evidence that detention is appropriate to prevent flight or protect the public; if  
3 Respondents choose to conduct such a hearing, provide Petitioner with reasonable advance notice  
4 of the time and place of the hearing; enjoin Respondents from transferring Petitioner outside the  
5 jurisdiction of this Court or removing her from the United States pending further order of the Court;  
6 waive the security requirement; and grant such other and further relief as the Court deems just and  
7 proper.

8 This Application is based upon Fed. R. Civ. P. 65, the accompanying Memorandum of  
9 Points and Authorities, the Declaration of Counsel, the Declaration of Ailan Li, and any further  
10 information presented to the Court in connection with this application.

11

12 Dated: March 31, 2026

Juris Path Law Firm, PC

13

14

/s/Yunchao Song

15

Yunchao Song, Esq.  
Attorneys for Petitioner

16

17

18

19

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**TABLE OF CONTENTS**

**I. INTRODUCTION** ..... 6

**II. FACTUAL BACKGROUND** ..... 6

**III. NOTICE TO OPPOSING PARTY** ..... 7

**IV. LEGAL ARGUMENT** ..... 7

    A. Petitioner is likely to succeed on the merits. .... 8

    B. The risk of irreparable harm is undeniable..... 10

    C. The balance of equities and the public interest tip in Petitioner’s favor. .... 11

    D. The Court should waive the required security. .... 12

**V. CONCLUSION** ..... 12

**TABLE OF AUTHORITIES**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Abdul-Samed v. Warden of Golden State Annex Det. Facility*, No. 25-cv-98-SAB-HC, 2025 WL 2099343 (E.D. Cal. July 25, 2025) ----- 9

*Alliance for the Wild Rockies v. Pena*, 865 F.3d 1211 (9th Cir. 2017)----- 7

*Amado v. United States DOJ*, No. 25-cv-2687-LL(DDL), 2025 WL 3079052 (S.D. Cal. Nov. 4, 2025) ----- 9, 10

*Banda v. McAleenan* 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019)----- 9

*Banda v. McAleenan*, 385 F. Supp. 3d at 1119----- 9

*Banda v. McAleenan*, 385 F. Supp. 3d at 1120----- 10

*Cabral v. Decker*, 331 F. Supp. 3d 255, 261 (S.D.N.Y. 2018)----- 9

*Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139 (N.D. Cal. 2018) ----- 11

*Diaz v. Brewer*, 656 F.3d 1008, 1015 (9th Cir. 2011)----- 12

*Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) ----- 12

*Guatam v. Corr. Corp. of Am.*, No. 3:25-cv-3600-JES-DEB, 2026 WL25846 (S.D. Cal. Jan. 5, 2026) ----- 9

*Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017)----- 10

*Hubbard v. City of San Diego*, 139 F.4th 843, 854 (9th Cir. 2025).----- 7

*Johnson v. Couturier*, 572 F.3d 1067, 1086 (9th Cir. 2009)----- 12

*Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003)----- 12

*Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020)----- 8

*Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 773 (S.D. Cal. 2020)----- 10

*Masood v. Barr*, No. 19-cv-07623-JD, 2020 WL 95633 (N.D. Cal. Jan. 8, 2020) ----- 9

*Mingzhi Gao v. Larose*, 805 F. Supp. 3d 1106 (S.D. Cal. 2025)----- 8

*Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019)----- 11

*Nken v. Holder*, 556 U.S. 418, 435 (2009) ----- 11

*Perez v. Decker*, No. 18-CV-5279 (VEC), 2018 WL 3991497 (S.D.N.Y. Aug. 20, 2018)----- 9

*Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir. 2013) ----- 11


*Sadeqi v. LaRose*, 809 F. Supp. 3d 1090 (S.D. Cal. 2025) ----- 9

*Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126 (9th Cir. 2005) ----- 12

1     *Stuhlberg Int'l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001)----- 7  
2     *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) ----- 7  
3     *Zapata v. Kaiser*, 801 F. Sup. 3d 919, 940 (N.D.Cal.2025) ----- 11

4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**I. INTRODUCTION**

Petitioner Ailan Li (“Ms. Li” or “Petitioner”) (A-Number: ) is currently in the physical custody of Respondents and U.S. Immigration and Customs Enforcement (“ICE”). Petitioner seeks the urgent exercise of this Court’s equitable power to order her immediate release from the unlawful immigration detention or, in the alternative, to require Respondents to provide her with a bond hearing before an Immigration Judge within 7 days.

Petitioner has been continuously detained since her entry into the United States on July 8, 2025, now for more than eight months, and faces the prospect of continued, prolonged detention pending the completion of removal proceedings. This extended detention without any opportunity for a bond hearing violates Petitioner’s rights under the Due Process Clause of the Fifth Amendment.

Accordingly, Petitioner respectfully but urgently requests that this Court issue a temporary restraining order ordering her immediate release or, at a minimum, requiring Respondents to provide her with a bond hearing before an Immigration Judge.

**II. FACTUAL BACKGROUND <sup>1</sup>**

Petitioner, a native and citizen of China, entered the United States on or about July 8, 2025. She was apprehended by immigration authorities and has remained detained by ICE since that time. Declaration of Ailan Li, ¶ 2.

On July 9, 2025, DHS issued a Notice and Order of Expedited Removal and placed Petitioner in expedited removal proceedings. *Id.* ¶ 3.

On September 11, 2025, an immigration officer conducted a credible fear interview and determined that Petitioner had established a credible fear of persecution in China. *Id.* ¶¶ 4-5.

On September 15, 2025, DHS issued Petitioner a Notice to Appear (“NTA”), thereby placing her from expedited removal proceedings to full removal proceedings before an Immigration Judge. *Id.* ¶ 5.

Petitioner subsequently filed an application for asylum, which remains pending before the

---

<sup>1</sup> Petitioner includes this factual background in this application as a summary for the Court. The complete factual background is set forth in her Declaration in Support of the Application for Temporary Restraining Order

1 immigration Court. *Id.* ¶ 6.

2 To date, Petitioner has been detained for more than eight months without being provided an  
3 individualized bond hearing. *Id.* ¶ 7.

4 **III. NOTICE TO OPPOSING PARTY**

5 Petitioner respectfully requests that the Court issue a temporary restraining order without  
6 advance notice to the Respondents’ counsel because providing such notice would risk immediate  
7 and irreparable harm to Petitioner. *See* Declaration of Yunchao Song.

8 Specifically, advance notice could prolong or extend Petitioner’s detention. In addition,  
9 such notice could create a substantial risk that Respondents could transfer Petitioner to a detention  
10 facility outside the jurisdiction of this Court prior to a ruling on this Application. Declaration of  
11 Yunchao Song, ¶¶ 2-4.

12 **IV. LEGAL ARGUMENT**

13 To obtain a preliminary injunction, a plaintiff must establish (1) “that he is likely to succeed  
14 on the merits,” (2) “that he is likely to suffer irreparable harm in the absence of preliminary relief,”  
15 (3) “that the balance of equities tips in his favor,” and (4) “that an injunction is in the public interest.”  
16 *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlberg Int’l Sales Co. v. John*  
17 *D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001) (noting that preliminary injunction and  
18 temporary restraining orders are “substantially identical”).

19 “[I]f a plaintiff can only show that there are ‘serious questions going to the merits’—a lesser  
20 showing than likelihood of success on the merits—then a preliminary injunction may still issue if  
21 the ‘balance of hardships tips sharply in the plaintiff’s favor and the other two *Winter* factors are  
22 satisfied.” *Alliance for the Wild Rockies v. Pena*, 865 F.3d 1211 (9th Cir. 2017) (quoting *Shell*  
23 *Offshore, Inc. v. Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)).

24 “Where, as here, the party opposing injunctive relief is a government entity, the third and  
25 fourth factors—the balance of equities and the public interest—merge.” *Hubbard v. City of San*  
26 *Diego*, 139 F.4th 843, 854 (9th Cir. 2025).

27 Federal Rule of Civil Procedure 65(b)(1) permits issuance of a temporary restraining order  
28 without notice to the opposing party—i.e., *ex parte*—only if “specific facts in an affidavit or a

1 verified complaint clearly show that immediate and irreparable injury, loss, or damage will result  
2 to the movant before the adverse party can be heard in opposition” and “the movant’s attorney  
3 certifies in writing any efforts made to give notice and the reasons why it should not be required.”

4 Petitioner satisfied all of these requirements. Accordingly, this Court should use its  
5 equitable power to order her immediate release.

6 **A. Petitioner is likely to succeed on the merits.**

7 Petitioner is likely to succeed on the merits of her claim that her prolonged detention  
8 violates the Fifth Amendment’s Due Process Clause.

9 8 U.S.C § 1225(b)(1)(B)(ii) governs the detention of arriving aliens who establish a credible  
10 fear of persecution or torture. The statute provides that, “[i]f the officer determines at the time of  
11 the interview that an alien has a credible fear or persecution ... the alien shall be detained for further  
12 consideration of the application for asylum.”

13 “A statute permitting indefinite detention of an alien would raise a serious constitutional  
14 problem. The Fifth Amendment’s Due Process Clause forbids the Government to deprive any  
15 person of liberty without due process of law. Freedom from imprisonment—from government  
16 custody, detention, or other forms of physical restraint—lies at the heart of the liberty that [the Due  
17 Process Clause] protects.” *Zadvydas v. Davis*, 533 U.S. 678, 690 (2001).

18 Due process extends to “all persons within the United States, including [non-citizens],  
19 whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas*, 533 U.S. at  
20 693.

21 Numerous district courts, including this Court, have recognized that “prolonged mandatory  
22 detention...without a bond hearing will – at some point – violate the right to due process.” *Mingzhi*  
23 *Gao v. Larose*, 805 F. Supp. 3d 1106 (S.D. Cal. 2025) (citing *Abdul-Samed v. Warden of Golden*  
24 *State Annex Det. Facility*, No. 25-cv-98-SAB-HC, 2025 WL 2099343 (E.D. Cal. July 25, 2025));  
25 *see also Kydyrali v. Wolf*, 499 F. Supp. 3d 768, 772 (S.D. Cal. 2020) (“[T]he Court joins the  
26 majority of courts across the country in concluding that an unreasonably prolonged detention under  
27 8 U.S.C. § 1225(b) without an individualized bond hearing violates due process.”).

28 If a bond hearing is provided, the government must bear the burden to establish “by clear

1 and convincing evidence that Petitioner would likely flee or pose a danger to the community if  
2 released.” *Sadeqi v. LaRose*, 809 F. Supp. 3d 1090 (S.D. Cal. 2025); *Abdul-Samed v. Warden of*  
3 *Golden State Annex Det. Facility*, No. 25-cv-98-SAB-HC, 2025 WL 2099343 (E.D. Cal. July 25,  
4 2025).

5 To determine whether a petitioner’s detention has been unreasonably prolonged, courts  
6 apply the *Banda v. McAleenan*’s six-factor analysis as a framework, which weights: (1) the total  
7 length of detention to date; (2) the likely duration of future detention; (3) conditions of detention;  
8 (4) delays in the removal proceedings caused by the detainee; (5) delays in the removal proceedings  
9 caused by the government; and (6) the likelihood that the removal proceedings will result in a final  
10 order of removal. *Banda v. McAleenan* 385 F. Supp. 3d 1099, 1106 (W.D. Wash. 2019).

11 First, the total length of detention weighs strongly in favor of Petitioner. To date, Petitioner  
12 has been in detention for more than 8 months. “Courts have found detention over seven months  
13 without a bond hearing weighs toward a finding that it is unreasonable.” *Amado v. United States*  
14 *DOJ*, No. 25-cv-2687-LL(DDL), 2025 WL 3079052 (S.D. Cal. Nov. 4, 2025); *see also Masood v.*  
15 *Barr*, No. 19-cv-07623-JD, 2020 WL 95633 (N.D. Cal. Jan. 8, 2020) (finding detention for nearly  
16 nine months weighs in favor of the petitioner); *Cabral v. Decker*, 331 F. Supp. 3d 255, 261  
17 (S.D.N.Y. 2018) (over seven months); *Perez v. Decker*, No. 18-CV-5279 (VEC), 2018 WL  
18 3991497 (S.D.N.Y. Aug. 20, 2018) (over nine months).

19 The second factor also strongly supports the grant of this habeas petition. Petitioner’s  
20 detention is likely to continue for many additional months, if not years, pending the completion of  
21 removal proceedings, including an individual hearing and any subsequent appeal to the Board of  
22 Immigration Appeals (“BIA”). Given that either party may seek appellate review depending on the  
23 outcome of the merits hearing, continued detention is virtually certain. *See Guatam v. Corr. Corp.*  
24 *of Am.*, No. 3:25-cv-3600-JES-DEB, 2026 WL25846 (S.D. Cal. Jan. 5, 2026) (“[A] removal order  
25 may not become final until after the appeals Petitioner could file, to both the Board of Immigration  
26 Appeals and Ninth Circuit... These appeals can take a long time.”); *see also Banda v. McAleenan*,  
27 385 F. Supp. 3d at 1119 (finding an appeal to the BIA and subsequent judicial review “may take  
28 up to two years or longer”).

1 For the third factor, courts have recognized that the conditions at the Otay Mesa Detention  
2 Center are “indistinguishable from penal confinement.” See *Kydyrali v. Wolf*, 499 F. Supp. 3d 768,  
3 773 (S.D. Cal. 2020); *Amado v. United States DOJ*, No. 25-cv-2687-LL(DDL), 2025 WL 3079052  
4 (S.D. Cal. Nov. 4, 2025). Further, Petitioner experiences severe depression from the prolonged and  
5 indefinite detention. Declaration of Ailan Li, ¶ 8.

6 The fourth and fifth factors concern delays in the removal proceedings caused by Petitioner  
7 or the government. All delays in this case are attributable to the government, and none whatsoever  
8 are attributable to Petitioner. Petitioner has not been dilatory in pursuing her claims. To the  
9 contrary, she promptly applied for asylum and has diligently complied with all procedural  
10 requirements and has timely appeared at and participated in all proceedings as scheduled by the  
11 government.

12 In considering the sixth factor, “likelihood that the removal proceedings will result in a final  
13 order of removal,” courts consider “whether the noncitizen has asserted any defenses to removal,”  
14 *Banda v. McAleenan*, 385 F. Supp. 3d at 1120 (citations omitted). Here, Petitioner has asserted  
15 substantial defenses to removal. She faces persecution in China due to her Christian faith. An  
16 immigration officer has determined that Petitioner has established a credible fear of persecution.  
17 Petitioner will now have the opportunity to present evidence supporting her asylum claims.  
18 Although it remains unclear how an IJ will eventually rule, Petitioner has presented defenses that  
19 reduce the likelihood of a final removal order. Accordingly, the sixth factor favors Petitioner.

20 Therefore, the six factors weigh in favor Petitioner. Petitioner’s detention has become  
21 unreasonably prolonged, and Respondents’ continued detention of Petitioner without a bond  
22 hearing violates the Due Process Clause.

23 **B. The risk of irreparable harm is undeniable.**

24 The Ninth Circuit has recognized “the irreparable harms imposed on anyone subject to  
25 immigration detention.” *Hernandez v. Sessions*, 872 F.3d 976, 995 (9th Cir. 2017). Petitioner  
26 suffers “irreparable harm every day that [she] remains in custody without a hearing, which could  
27 ultimately result in [her] release from detention, *Cortez v. Sessions*, 318 F. Supp. 3d 1134, 1139  
28 (N.D. Cal. 2018). As a result of her prolonged detention, Petitioner was not able to earn income,

1 manage her personal and financial affairs, and could not properly prepare her asylum application.

2 Moreover, “[i]t is well established that the deprivation of constitutional rights  
3 unquestionably constitutes irreparable injury.” *Rodriguez v. Robbins*, 715 F.3d 1127, 1144 (9th Cir.  
4 2013) (internal citations omitted). Where, as here, noncitizens detained under section 1225(b) have  
5 asserted viable claims for relief from removal, “the purported rationale for continued detention” is  
6 “undermined.” *Id.* It is, therefore, necessary to ensure that “individuals whom the government  
7 cannot prove constitute a flight risk or a danger to public safety, and sometimes will not succeed in  
8 removing at all, are not needlessly detained.” *Id.*

9 That is precisely the case here. Petitioner has applied for relief from removal and has been  
10 found to have a credible fear of persecution. She poses no danger to the community and no risk of  
11 flight. Her continued, prolonged detention is therefore not only unnecessary but unconstitutional.  
12 Under these circumstances, “irreparable harm is likely.” *Id.* (citing *Alliance for the Wild Rockies v.*  
13 *Cottrell*, 632 F.3d 1127, 1131 (9th Cir. 2011))

14 **C. The balance of equities and the public interest tip in Petitioner’s favor.**

15 Because the government is the opposing party, the final two *Winter* factors, the balance of  
16 equities and the public interest, merge. *Nken v. Holder*, 556 U.S. 418, 435 (2009).

17 “[I]t is always in the public interest to prevent the violation of a party’s constitutional  
18 rights.” *Zapata v. Kaiser*, 801 F. Sup. 3d 919, 940 (N.D. Cal. 2025), citing *de Jesus Ortega*  
19 *Melendres v. Arpaio*, 695 F. 3d. 990 at 1002 (9th Cir. 2012). “Specifically, ‘the public has a strong  
20 interest in upholding procedural protections against unlawful detention, and the Ninth Circuit has  
21 recognized that the costs to the public of immigration detention are staggering.’” *Id.*, citing *Jorge*  
22 *M.F. v. Wilkinson*, Case No. 21-cv-01434-JST (N.D. Cal. March 1, 2021). Because Petitioner’s  
23 ongoing detention without a bond hearing “is inconsistent with federal law . . . the balance of  
24 hardships and public interest factors weigh in favor” of granting the temporary restraining order.  
25 *Moreno Galvez v. Cuccinelli*, 387 F. Supp. 3d 1208, 1218 (W.D. Wash. 2019).

26 Where Petitioner is suffering irreparable harm in detention, the potential harm to the  
27 government—at worst, a short delay in detaining Petitioner until it makes the requisite showing of  
28 necessity before a neutral decisionmaker—is minimal. *Diaz v. Kaiser*, No. 3:25-CV-05071, 2025

1 WL 1676854 (N.D. Cal. June 14, 2025).

2 **D. The Court should waive the required security.**

3 Although Federal Rule of Civil Procedure 65(c) can require security for a temporary  
4 restraining order, a district court “has discretion as to the amount of security required, if any.”  
5 *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003). No security is appropriate where, as here,  
6 there is no quantifiable harm to the restrained party and where the order is in the public interest.  
7 *Save Our Sonoran, Inc v. Flowers*, 408 F.3d 1113, 1126 (9th Cir. 2005); *Johnson v. Couturier*, 572  
8 F.3d 1067, 1086 (9th Cir. 2009).

9 Courts regularly waive security in cases like this one. *See Diaz v. Brewer*, 656 F.3d 1008,  
10 1015 (9th Cir. 2011). Because the requested relief would prevent the ongoing violation of  
11 Petitioner’s constitutional rights and impose no quantifiable financial harm on Respondents, the  
12 Court should waive the security requirement.

13 **V. CONCLUSION**

14 For the foregoing reasons, Petitioner respectfully requests that the Court order her  
15 immediate release from custody, or in the alternative, provide Petitioner with a bond hearing before  
16 an Immigration Judge within 7 days, at which the government bears the burden of establishing by  
17 clear and convincing evidence that Petitioner would likely flee or pose a danger to the community  
18 if released; return Petitioner’s personal belongings; refrain from transferring, re-arresting, or re-  
19 detaining Petitioner absent lawful process, including a pre-deprivation hearing before a neutral  
20 decisionmaker at which the government establishes by clear and convincing evidence that detention  
21 is appropriate to prevent flight or protect the public; and if Respondents choose to conduct such a  
22 hearing, provide Petitioner with reasonable advance notice of the time and place of the hearing;  
23 enjoin Respondents from transferring Petitioner outside the jurisdiction of this Court or removing  
24 her from the United States pending further order of the Court; waive the security requirement; and  
25 grant such other and further relief as the Court deems just and proper.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Dated: March 31, 2026

Juris Path Law Firm, PC

/s/Yunchao Song  
Yunchao Song, Esq.  
Attorneys for Petitioner Ailan Li

**DECLARATION OF YUNCHAO SONG**

I, Yunchao Song, declare:

1. I am an attorney with Juris Path Law Firm, PC. I am licensed to practice law in the State of California, and I am admitted to practice in this Court. I represent Petitioner Ailan Li in this matter.

2. This Application is submitted on an *ex parte* basis because providing advance notice to Respondents would create a substantial risk of immediate and irreparable harm to Petitioner.

3. First, advance notice to Respondents could prolong or extend Petitioner's detention before the Court has an opportunity to review the legality of that detention. Petitioner is currently in immigration custody, and each additional day of detention causes ongoing and irreparable harm.

4. Second, and critically, providing advance notice creates a risk that Respondents could transfer Petitioner to another detention facility outside the jurisdiction of this Court before the Court rules on this Application. Such a transfer would impair Petitioner's access to counsel, disrupt these proceedings, and potentially deprive this Court of effective jurisdiction to adjudicate Petitioner's claims.

5. For these reasons, immediate relief without prior notice is necessary to prevent irreparable harm and ensure that this Court's review is not rendered ineffective by unilateral executive action.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on March 31, 2026, at City of Industry, California.

/s/Yunchao Song  
Yunchao Song, Esq.

1 Yunchao Song (SBN 323484)  
2 Juris Path Law Firm PC  
3 17800 Castleton Street, Suite 316  
4 City of Industry, CA 91748  
5 Telephone: (626) 391-4015  
6 Facsimile: (626) 604-0123  
7 paul.song@jppjlaw.com

8 Attorneys for Petitioner Ailan Li

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

12 AILAN LI, an individual;

13 Petitioner,

14 v.

15 CHRISTOPHER LAROSE, Warden of Otay  
16 Mesa Detention Center; PATRICK DIVVER,  
17 Field Office Director of San Diego ICE Field  
18 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  
23 United States; MARKWAYNE MULLIN,  
24 Secretary of Homeland Security, in their official  
25 capacities,

26 Respondents.

Case No. \_\_\_\_\_

**DECLARATION OF AILAN LI IN  
SUPPORT OF PETITIONER'S  
APPLICATION FOR TEMPORARY  
RESTRAINING ORDER**

27 I, Ailan Li, declare as follows:

28 1. I am the Petitioner in this action. I have personal knowledge of the facts stated herein, except as to matters stated on information and belief, and as to those matters, I believe them to be true. If called as a witness, I could and would testify competently thereto.

2. I am a native and citizen of China. I entered the United States on July 8, 2025, and was subsequently apprehended by U.S. Immigration and Customs Enforcement ("ICE"). I have remained continuously detained by ICE since that time.

3. On July 9, 2025, the U.S. Department of Homeland Security ("DHS") issued a

1 Notice and Order of Expedited Removal, placing me in expedited removal proceedings.

2 4. On September 11, 2025, an asylum officer conducted a credible fear interview with  
3 me. I expressed my fear of returning to China. On the same day, the asylum officer determined that  
4 I had established a credible fear of persecution or torture.

5 5. On September 15, 2025, DHS issued me a Notice to Appear (“NTA”), thereby  
6 placing me from expedited removal proceedings to full removal proceedings before an Immigration  
7 Judge. *A true and correct copy of my Notice to Appear is attached as Exhibit A.*

8 6. I subsequently filed an application for asylum, which remains pending before the  
9 immigration Court.

10 7. I have been detained for more than eight months without being provided an  
11 individualized bond hearing.

12 8. My prolonged and indefinite detention has caused me significant psychological  
13 harm. I am experiencing severe depression as a result of being detained for such an extended period  
14 without knowing when I will be released.

15 9. I fear that, without immediate court intervention, I may remain detained without a  
16 hearing for an indefinite period or be transferred to another facility, which would further impair my  
17 ability to consult with my attorney and pursue my legal rights.

18  
19 I declare under penalty of perjury under the laws of the United States that the foregoing is  
20 true and correct.

21  
22 Dated: March 31, 2026

23 By: \_\_\_\_\_

24  Petitioner Ailan Li

**EXHIBITS**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Item:

A. Notice to Appear

# Exhibit A

Allegations: Admits All; Charges: Concedes All;

Designated Country: CHINA

DEPARTMENT OF HOMELAND SECURITY  
NOTICE TO APPEAR

In removal proceedings under section 240 of the Immigration and Nationality Act:

File No: 

In the Matter of:

Respondent: AILAN LI currently residing at:  
OTAY MESA DETENTION CENTER, 7488 CALZADA DE LA FUENTE, SAN DIEGO CA, 921540000 619-661-4071  
(Number, street, city, state and ZIP code) (Area code and phone number)

- You are an arriving alien.
- You are an alien present in the United States who has not been admitted or paroled.
- You have been admitted to the United States, but are removable for the reasons stated below.

The Department of Homeland Security alleges that you:

1. You are not a citizen or national of the United States;
2. You are a native of China and a citizen of CHINA;
3. You applied for admission at SAN YSIDRO CA on 2025-07-08;
4. You did not then possess or present a valid immigrant visa, reentry permit, border crossing identification card, or other valid entry document.

On the basis of the foregoing, it is charged that you are subject to removal from the United States pursuant to the following provision(s) of law:

Section 212(a)(7)(A)(i)(I) of the Immigration and Nationality Act (Act), as amended, as an immigrant who, at the time of application for admission, is not in possession of a valid unexpired immigrant visa, reentry permit, border crossing card, or other valid entry document required by the Act, and a valid unexpired passport, or other suitable travel document, or document of identity and nationality as required under the regulations issued by the Attorney General under section 211(a) of the Act.

- This notice is being issued after an asylum officer has found that the respondent has demonstrated a credible fear of persecution or torture.
- Section 235(b)(1) order was vacated pursuant to:  8CFR 208.30  8CFR 235.3(b)(5)(iv)

YOU ARE ORDERED to appear before an immigration judge of the United States Department of Justice at:

Otay Mesa Immigration Court 7488 Calzada de la Fuente, San Diego 92154  
(Complete Address of Immigration Court, including Room Number, if any)

on 09/29/2025 at 8:00 AM to show why you should not be removed from the United States based on the  
(Date) (Time)

charge(s) set forth above.

Christopher Fonte Supervisory Asylum Officer  
(Signature and Title of Issuing Officer)

Date: 09/15/2025

San Diego, CA  
(City and State)

EOIR - 1 of 35

Allegations: Admits All; Charges: Concedes All;

Notice to Respondent

Designated Country: CHINA

Warning: Any statement you make may be used against you in removal proceedings.

Alien Registration: This copy of the Notice to Appear served upon you is evidence of your alien registration while you are in removal proceedings. You are required to carry it with you at all times.

Representation: If you so choose, you may be represented in this proceeding, at no expense to the Government, by an attorney or other individual authorized and qualified to represent persons before the Executive Office for Immigration Review, pursuant to 8 CFR 1003.16. Unless you so request, no hearing will be scheduled earlier than ten days from the date of this notice, to allow you sufficient time to secure counsel. A list of qualified attorneys and organizations who may be available to represent you at no cost will be provided with this notice.

Conduct of the hearing: At the time of your hearing, you should bring with you any affidavits or other documents that you desire to have considered in connection with your case. If you wish to have the testimony of any witnesses considered, you should arrange to have such witnesses present at the hearing. At your hearing you will be given the opportunity to admit or deny any or all of the allegations in the Notice to Appear, including that you are inadmissible or removable. You will have an opportunity to present evidence on your own behalf, to examine any evidence presented by the Government, to object, on proper legal grounds, to the receipt of evidence and to cross examine any witnesses presented by the Government. At the conclusion of your hearing, you have a right to appeal an adverse decision by the immigration judge. You will be advised by the immigration judge before whom you appear of any relief from removal for which you may appear eligible including the privilege of voluntary departure. You will be given a reasonable opportunity to make any such application to the immigration judge.

One-Year Asylum Application Deadline: If you believe you may be eligible for asylum, you must file a Form I-589, Application for Asylum and for Withholding of Removal. The Form I-589, instructions, and information on where to file the Form can be found at www.uscis.gov/i-589. Failure to file the Form I-589 within one year of arrival may bar you from eligibility to apply for asylum pursuant to section 208(a)(2)(B) of the Immigration and Nationality Act.

Failure to appear: You are required to provide the Department of Homeland Security (DHS), in writing, with your full mailing address and telephone number. You must notify the Immigration Court and the DHS immediately by using Form EOIR-33 whenever you change your address or telephone number during the course of this proceeding. You will be provided with a copy of this form. Notices of hearing will be mailed to this address. If you do not submit Form EOIR-33 and do not otherwise provide an address at which you may be reached during proceedings, then the Government shall not be required to provide you with written notice of your hearing. If you fail to attend the hearing at the time and place designated on this notice, or any date and time later directed by the Immigration Court, a removal order may be made by the immigration judge in your absence, and you may be arrested and detained by the DHS.

Mandatory Duty to Surrender for Removal: If you become subject to a final order of removal, you must surrender for removal to your local DHS office, listed on the internet at http://www.ice.gov/contact/ero, as directed by the DHS and required by statute and regulation. Immigration regulations at 8 CFR 1241.1 define when the removal order becomes administratively final. If you are granted voluntary departure and fail to depart the United States as required, fail to post a bond in connection with voluntary departure, or fail to comply with any other condition or term in connection with voluntary departure, you must surrender for removal on the next business day thereafter. If you do not surrender for removal as required, you will be ineligible for all forms of discretionary relief for as long as you remain in the United States and for ten years after your departure or removal. This means you will be ineligible for asylum, cancellation of removal, voluntary departure, adjustment of status, change of nonimmigrant status, registry, and related waivers for this period. If you do not surrender for removal as required, you may also be criminally prosecuted under section 243 of the Immigration and Nationality Act.

U.S. Citizenship Claims: If you believe you are a United States citizen, please advise the DHS by calling the ICE Law Enforcement Support Center toll free at (855) 448-6903.

Sensitive locations: To the extent that an enforcement action leading to a removal proceeding was taken against Respondent at a location described in 8 U.S.C. § 1229(e)(1), such action complied with 8 U.S.C. § 1367.

Upon information and belief, the language that the alien understands is MANDARIN

Request for Prompt Hearing

To expedite a determination in my case, I request this Notice to Appear be filed with the Executive Office for Immigration Review as soon as possible. I waive my right to a 10-day period prior to appearing before an immigration judge and request my hearing be scheduled.

Before:

(Signature of Respondent)

Date:

(Signature and Title of Immigration Officer)

Certificate of Service

This Notice To Appear was served on the respondent by me on 09-16-25, in the following manner and in compliance with section 239(a)(1) of the Act.

- in person by certified mail, returned receipt # requested by regular mail
Attached is a credible fear worksheet.
Attached is a list of organization and attorneys which provide free legal services.

The alien was provided oral notice in the ENGLISH language of the time and place of his or her hearing and of the consequences of failure to appear as provided in section 240(b)(7) of the Act.

(Signature of Respondent if Personally Served)

CLARENCE STALLWORTH LAS (Signature and Title of officer)

Allegations: Admits All; | Charges: Concedes All;

Des Authority: Country: CHINA |

The Department of Homeland Security through U.S. Immigration and Customs Enforcement (ICE), U.S Customs and Border Protection (CBP), and U.S. Citizenship and Immigration Services (USCIS) are authorized to collect the information requested on this form pursuant to Sections 103, 237, 239, 240, and 290 of the Immigration and Nationality Act (INA), as amended (8 U.S.C. 1103, 1229, 1229a, and 1360), and the regulations issued pursuant thereto.

**Purpose:**

You are being asked to sign and date this Notice to Appear (NTA) as an acknowledgement of personal receipt of this notice. This notice, when filed with the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR), initiates removal proceedings. The NTA contains information regarding the nature of the proceedings against you, the legal authority under which proceedings are conducted, the acts or conduct alleged against you to be in violation of law, the charges against you, and the statutory provisions alleged to have been violated. The NTA also includes information about the conduct of the removal hearing, your right to representation at no expense to the government, the requirement to inform EOIR of any change in address, the consequences for failing to appear, and that generally, if you wish to apply for asylum, you must do so within one year of your arrival in the United States. If you choose to sign and date the NTA, that information will be used to confirm that you received it, and for recordkeeping.

**Routine Uses:**

For United States Citizens, Lawful Permanent Residents, or individuals whose records are covered by the Judicial Redress Act of 2015 (5 U.S.C. § 552a note), your information may be disclosed in accordance with the Privacy Act of 1974, 5 U.S.C. § 552a(b), including pursuant to the routine uses published in the following DHS systems of records notices (SORN): DHS/USCIS/ICE/CBP-001 Alien File, Index, and National File Tracking System of Records, DHS/USCIS-007 Benefit Information System, DHS/ICE-011 Criminal Arrest Records and Immigration Enforcement Records (CARIER), and DHS/ICE-003 General Counsel Electronic Management System (GEMS), and DHS/CBP-023 Border Patrol Enforcement Records (BPER). These SORNs can be viewed at <https://www.dhs.gov/system-records-notices-sorn>. When disclosed to the DOJ's EOIR for immigration proceedings, this information that is maintained and used by DOJ is covered by the following DOJ SORN: EOIR-001, Records and Management Information System, or any updated or successor SORN, which can be viewed at <https://www.justice.gov/opcl/doj-systems-records>. Further, your information may be disclosed pursuant to routine uses described in the abovementioned DHS SORNs or DOJ EOIR SORN to federal, state, local, tribal, territorial, and foreign law enforcement agencies for enforcement, investigatory, litigation, or other similar purposes.

For all others, as appropriate under United States law and DHS policy, the information you provide may be shared internally within DHS, as well as with federal, state, local, tribal, territorial, and foreign law enforcement; other government agencies; and other parties for enforcement, investigatory, litigation, or other similar purposes.

**Disclosure:**

Providing your signature and the date of your signature is voluntary. There are no effects on you for not providing your signature and date; however, removal proceedings may continue notwithstanding the failure or refusal to provide this information.