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15 *Attorneys for Petitioner*  
16 *(Application for Pro Hac Vice forthcoming)*

17 **IN THE UNITED STATES DISTRICT COURT**  
18 **SOUTHERN DISTRICT OF CALIFORNIA**

19 HONG GE

20 Petitioner,

21 v.


22 Civil Action No. '26CV2213 JES BJW

23 WARDEN OF IMPERIAL REGIONAL  
24 DETENTION FACILITY; TODD LYONS, in his  
25 official capacity as the Director of Immigration  
26 and Customs Enforcement; MARKWAYNE  
27 MULLIN, in his official capacity as Secretary of  
28 the Department of Homeland Security; TODD  
BLANCHE, in his official capacity as Acting  
Attorney General of the United States,

Respondents.

**PETITION FOR WRIT OF HABEAS CORPUS**

**INTRODUCTION**

1  
2 1. Petitioner, Hong Ge  is a citizen of the People's Republic of China who  
3 arrived at the United States on or about March 2, 2025. Petitioner was apprehended by Customs and  
4 Border Protection ("CBP") shortly after entering the United States and placed in immigration detention,  
5 where she has remained ever since.

6  
7 2. Upon information and belief, Respondents have detained Petitioner for over 13 months  
8 without serving her with a Notice to Appear ("NTA"), initiating removal proceedings, conducting a  
9 Credible Fear Interview ("CFI"), or otherwise complying with the statutory and regulatory procedures  
10 governing post-arrest immigration detention.

11  
12 3. In short, Petitioner has been detained for over 13 months with no individualized review  
13 of her custody and is simply being held indefinitely in a legal vacuum. The Respondents have no lawful  
14 authority to detain Petitioner indefinitely without pending removal proceedings, a final order of removal,  
15 or without any realistic prospect of removal.

16  
17 4. If Petitioner is being detained without a final order of removal, her continued detention  
18 clearly violates her Fifth Amendment Due Process rights. There is no basis, let alone legitimate  
19 governmental interest, in Petitioner's continued detention. Petitioner's prolonged detention without any  
20 pending proceedings, removal order, or without any individualized custody determination, is punitive in  
21 effect and unconstitutional under the U.S. Constitution.

22  
23 5. If Petitioner is being detained with an administratively final order of removal, her continued  
24 detention still violates her Fifth Amendment Due Process rights because the Department of Homeland  
25 Security ("DHS") has been unable to effectuate removal and cannot satisfy its burden of demonstrating  
26 that there is a significant likelihood of removal in the reasonably foreseeable future.

27  
28 6. In either scenario, the only appropriate remedy is release from DHS detention. If

1 Petitioner has in fact been detained for over 13 months without the initiation of any removal  
2 proceedings, DHS continued detention is clearly unduly prolonged, egregious and punitive, and cannot  
3 be remedied by merely conducting a bond hearing.

4 7. If Petitioner happens to be subject to a final order of removal, her detention has become  
5 unduly prolonged and Respondents cannot meet their burden of establishing a significant likelihood of  
6 removal in the reasonably foreseeable future. As a result, she must be released from detention based on  
7 governing United States Supreme Court precedent set forth in *Zadvydas v. Davis*, 533 U.S. 678 (2001).  
8

9 8. Release is the customary remedy in habeas proceedings. *See* 28 U.S.C. § 2243 (the  
10 habeas should shall “dispose of the matter as law and justice require.”); *Preiser v. Rodriguez*, 411 U.S.  
11 475, 484 (1973) (finding “that the traditional function of the writ is to secure release from illegal  
12 custody”). Release is the only appropriate remedy for the constitutional violations in this case, including  
13 the lack of pre-deprivation notice or individualized review after Petitioner’s detention, which cannot be  
14 remedied by a post-deprivation hearing.  
15

16 9. Pending adjudication of this Petition, Petitioner additionally seeks an order restraining  
17 Respondents from transferring her outside the geographic jurisdiction of the Southern District of  
18 California in order to prevent further delays and harm to Petitioner.  
19

20 **JURISDICTION AND VENUE**

21 10. This action arises under the Constitution of the United States and the INA, 8 U.S.C. §  
22 1101 *et seq.*  
23

24 11. This Court has subject matter jurisdiction under 28 U.S.C. § 2241 (habeas corpus), 28  
25 U.S.C. 1331 (federal question), and Article I, § 9, cl. 2 of the United States Constitution (Suspension  
26 Clause).  
27

28 12. Courts may grant relief under the habeas corpus statutes, 28 U.S.C. § 2241 *et seq.*, the

1 Declaratory Judgment Act, 28 U.S.C. § 2201 *et seq.*, and the All Writs Act, 28 U.S.C. § 1651.

2 13. Venue is proper in this Court because Petitioner is detained within this District at the  
3 Imperial Regional Detention Facility. Venue is also proper pursuant to 28 U.S.C. § 1391(e)(1)(A)  
4 because Respondents are operating within this district.

5  
6 **PARTIES**

7 14. Petitioner is a native and citizen of China. She arrived in the United States border on or  
8 about March 2, 2025, was immediately apprehended, and has been held in immigration detention  
9 continuously since the date. She is currently detained at San Luis Reginal Detention Facility.

10 15. Warden of Imperial Regional Detention Facility, is the warden of the detention facility  
11 that contracts with ICE to detain noncitizens. He is responsible for overseeing Imperial Regional  
12 Detention Facility and its management. Respondent Warden is Petitioner's immediate custodian. He is  
13 sued in his official capacity.

14  
15 16. Todd Lyons is the Director of the U.S. Immigration and Customs Enforcement ("ICE").  
16 Respondent Lyons is a legal custodian of Petitioner and has authority to release him.

17  
18 17. Markwayne Mullin is the Secretary of the U.S. Department of Homeland Security. DHS  
19 oversees ICE, which is responsible for administering and enforcing the immigration laws. Secretary  
20 Mullin is the ultimate legal custodian of Petitioner. He is sued in his official capacity.

21 18. Todd Blanche is the Acting Attorney General of the United States. He oversees the  
22 immigration court system, which is housed within the Executive Office for Immigration Review  
23 ("EOIR") and includes all Immigration Judges and the Board of Immigration Appeals ("BIA"). He is sued  
24 in his official capacity.

25  
26 **EXHAUSTION**

27 19. No statutory exhaustion requirement applies to Petitioner's challenge to the lawfulness of  
28

1 her detention.

2 20. Prudential exhaustion is not required here for at least three independent reasons. First,  
3 exhaustion would be futile. Petitioner has not been placed in any administrative proceeding from which  
4 an appeal could be taken. There is no administrative remedy available to her.

5 21. Second, exhaustion is excused where a petitioner faces irreparable harm from continued  
6 unlawful detention. Every day Petitioner remains unlawfully detained without legal basis constitutes  
7 irreparable harm.

8 22. Third, immigration agencies lack jurisdiction to adjudicate the constitutional due process  
9 claims Petitioner raises here.

10 23. Petitioner has exhausted all remedies practically available to her. Any further  
11 administrative effort would be futile.

12 **FACTUAL ALLEGATIONS**

13 24. Petitioner Hong Ge is a citizen of the People's Republic of China. On or about March 2,  
14 2025, she arrived at the United States border and was immediately apprehended by U.S. Customs and  
15 Border Protection agents.

16 25. Petitioner was not served with a Notice to Appear ("NTA") and she was not placed in  
17 removal proceedings before an immigration judge. No immigration judge has ever adjudicated her  
18 removability. No removal order—expedited or otherwise—has ever been entered against her.

19 26. Since her arrest on March 2, 2025, Petitioner has been held continuously in ICE  
20 detention. She is currently detained at the Imperial Regional Detention Facility. As of the date of this  
21 filing, she has been detained for 13 months.

22 27. No neutral adjudicator has ever determined whether her detention is justified. No written  
23 decision has ever been issued explaining the legal basis for her continued confinement.

1 28. Nonetheless, since her detention began, Petitioner has cooperated fully with the  
2 government. She has provided assistance in connection with travel document efforts and has periodically  
3 contacted government officials to inquire about the status of the request for travel document. She has  
4 received no substantive response and no update of any kind from Respondents, despite numerous  
5 attempts to obtain updates.  
6

7 29. Upon information and belief, Respondents have not obtained a travel document for  
8 Petitioner and have provided no timeline or indication that a travel document is forthcoming. China is a  
9 historically recalcitrant country that frequently refuses to accept the return of its nationals and often  
10 declines to issue travel documents upon request.  
11

12 30. No government official has informed Petitioner that removal is imminent or that a third-  
13 country removal option is being pursued.  
14

#### 14 LEGAL FRAMEWORK

15 31. The government's authority to detain a noncitizen must be grounded in a specific  
16 statutory grant. *See Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[A] statute permitting indefinite  
17 detention of an alien would raise a serious constitutional problem.”). In other words, the government  
18 cannot simply detain a noncitizen indefinitely.  
19

20 32. To the extent the government relies on 8 U.S.C. § 1225(b)—the statute governing  
21 arriving aliens or applicants for admission—that provision authorizes detention pending inspection,  
22 processing, and any expedited or full removal proceedings. It does not authorize indefinite detention in  
23 the complete absence of any such proceedings. After 13 months with no proceedings initiated, no  
24 removal order entered, and no realistic prospect of removal, any authority under § 1225(b) to detain  
25 Petitioner has been exhausted.  
26

27 33. The Supreme Court has made clear that statutes authorizing detention must be construed  
28

1 to avoid constitutional doubt, and that prolonged detention without an individualized determination  
2 violates due process. *See Zadvydas*, 533 U.S. at 699–700. It is well-established that prolonged detention  
3 violates noncitizens’ Fifth Amendment Due Process rights. The Fifth Amendment’s Due Process Clause  
4 applies to all persons within the United States, including noncitizens, and protects against arbitrary or  
5 punitive detention. *Zadvydas*, 533 U.S. at 693; *Mathews v. Eldridge*, 424 U.S. 319, 334–35 (1976).

7 34. The post-order detention statute, 8 U.S.C. § 1231, authorizes detention of noncitizens  
8 with final orders of removal. Upon information and belief, Petitioner has no final order of removal.

9 35. However, even Petitioner had a final order of removal, release is required because DHS  
10 cannot demonstrate that it has a significant likelihood of removal in the reasonably foreseeable future.

12 36. When an individual is ordered removed, 8 U.S.C. § 1231 permits the government to  
13 detain the individual during the “removal period.” The removal period is defined as the 90-day period  
14 during which “the Attorney General shall remove the alien from the United States. 8 U.S.C.  
15 §1231(a)(1)(A).

17 37. The removal period begins on the latest of three dates: (1) “[t]he date the order of removal  
18 becomes administratively final;” (2) if the removal order is judicially reviewed and the court orders a  
19 stay of removal, the date of the court’s final order; and (3) “if the alien is detained or confined (except  
20 under an immigration context) the date the alien is released from detention or confinement.” 8 U.S.C. §  
21 1231(a)(1)(B)(i-iii).

23 38. The 90-day removal period shall be extended, and the alien remain under detention only  
24 “if the alien fails or refuses to make timely application in good faith for travel or other documents  
25 necessary to the alien’s departure or conspires or acts to prevent the alien’s removal subject to an order  
26 of removal.” 8 U.S.C. § 1231(a)(1)(C).

27 39. Section 1231(a) requires that noncitizens who do not leave the United States or are not  
28

1 removed within the removal period, “pending removal, shall be subject to supervision under regulations  
2 prescribed by the Attorney General.” 8 U.S.C. § 1231(a)(3).

3 40. Certain noncitizens, however, including those who are removable based on certain  
4 criminal convictions, may be detained beyond the removal period. *See* 8 U.S.C. § 1231(a)(6) (“An alien  
5 ordered removed who is inadmissible under section 1182 of this title, removable under section  
6 1227(a)(1)(C), 1227(a)(2), or 1227(a)(4) of this title or who has been determined by the Attorney  
7 General to be a risk to the community or unlikely to comply with the order of removal, may be detained  
8 beyond the removal period . . .”).

9  
10 41. If released, a noncitizen belonging to a category described in 8 U.S.C. § 1231(a)(6) also  
11 “shall be subject to the terms of supervision” in [8 U.S.C. § 1231(a)(3)].” 8 U.S.C. § 1231(a)(6).

12  
13 42. In *Zadvydas*, the Supreme Court, “interpreting the statute to avoid a serious constitutional  
14 threat . . . conclude[d] that, once removal is no longer reasonably foreseeable, continued detention is no  
15 longer authorized by statute.” 533 U.S. at 699.

16  
17 43. *Zadvydas* instructed courts how to analyze post-final order habeas claims. *Id.* First, “the  
18 habeas court must ask whether the detention in question exceeds a period reasonably necessary to secure  
19 removal.” *Id.* Reasonableness depends primarily on the statute’s basic purpose of “assuring the alien’s  
20 presence at the moment of removal.” *Id.* Accordingly, “if removal is not reasonably foreseeable, the  
21 court should hold continued detention unreasonable and no longer authorized by statute.” *Id.* at 699-700.

22  
23 44. The *Zadvydas* Court found it “necessary to recognize some presumptively reasonable  
24 period of detention” and decided upon six months. *Id.* at 701. The Court provided that:

25 [a]fter this 6-month period, once the alien provides good reason to believe  
26 that there is no significant likelihood of removal in the reasonably  
27 foreseeable future, the Government must respond with evidence sufficient  
28 to rebut that showing. And for detention to remain reasonable, as the period  
of prior postremoval confinement grows, what counts as the “reasonably  
foreseeable future” conversely would have to shrink. This 6-month

1 presumption, of course, does not mean that every alien not removed must  
2 be released after six months. To the contrary, an alien may be held in  
3 confinement until it has been determined that there is no significant  
4 likelihood of removal in the reasonably foreseeable future.

5 **CLAIMS FOR RELIEF**

6 **COUNT I**

7 **Violation of Fifth Amendment Due Process Rights – Unduly Prolonged Pre-Final Order of  
8 Removal Detention**

9 45. Petitioner re-alleges and incorporates by reference each allegation contained in the  
10 preceding paragraphs as if set forth fully herein.

11 46. The allegations in the above paragraphs are realleged and incorporated herein.

12 47. If Respondents argue that Petitioner is still detained under the pre-final order provisions  
13 of 8 U.S.C. § 1225(a)(1) or (b)(2), then Petitioner’s more than 13-month long detention constitutes  
14 prolonged detention and violates Petitioner’s Fifth Amendment substantive and procedural due process  
15 rights. In *Mathews v. Eldridge*, the U.S. Supreme Court set forth the factors to consider in determining if  
16 government action deprives an individual’s Fifth Amendment right to procedural due process or whether  
17 the government process is constitutionally adequate. 424 U.S. 319 (1976) The *Mathews* factors are as  
18 follows: First, the private interest that will be affected by the official action; [S]econd, the risk of an  
19 erroneous deprivation of such interest through the procedures used, and the probable value, if any, of  
20 additional or substitute procedural safeguards; [Third], the Government’s interest, including the function  
21 involved and the fiscal and administrative burdens that the additional or substitute procedural  
22 requirement would entail. *Id.* at 335.

23 48. As to the private interest factor, it is the “most elemental of liberty interests.” *Hamdi v.*  
24 *Rumsfeld*, 542 U.S. 507, 529 (2004). Petitioner “has perhaps the most acute private interest known to  
25 personkind short of life itself: bodily freedom.” *Leal-Hernandez v. Noem*, No. 1:25-cv-02428, 2025 LX  
26  
27  
28

1 327685, at \*34 (D. Md. Aug. 24, 2025).

2 49. With respect to the second factor, erroneous deprivation of Petitioner's liberty is at risk.  
3 Petitioner has been detained for over 13 months with no initiation of removal proceedings or any  
4 indication that any procedural processes have been undertaken to commence and finalize Petitioner's  
5 case.  
6

7 50. As to the third factor, there is no significant governmental interest in continuing to hold  
8 Petitioner in custody in light of the lengthy delays in commencing Petitioner's immigration proceedings.  
9

## 10 COUNT II

### 11 **Violation of Petitioner's Fifth Amendment Due Process Rights – Unduly Prolonged Post-Final 12 Order of Removal Detention**

13 51. Petitioner re-alleges and incorporates by reference each allegation contained as if set  
14 forth fully herein.

15 52. Upon information and belief, Petitioner is not subject to an administratively final order of  
16 removal. However, in the alternative that Respondents are able to produce evidence that Petitioner is  
17 subject to a final order of removal, release is still mandated because Respondents cannot satisfy its  
18 burden demonstrating that removal is significantly likely to occur in the reasonably foreseeable future.  
19

20 53. Respondents have violated Petitioner's substantive and procedural due process rights  
21 under the Fifth Amendment by continuing to detain Petitioner without a significant likelihood of  
22 removal in the reasonably foreseeable future.

23 54. Petitioner's detention bears no reasonable relationship to any legitimate government  
24 purpose. Removal is not imminent. No process has been initiated to make it so. Continued detention can  
25 only be characterized as punitive.  
26

## 27 REMEDY

28 55. Implicit in habeas jurisdiction is the power to order release. *See Boumediene v. Bush*, 553

1 U.S. 723, 779 (2008). The typical remedy for unlawful executive detention is release. *See Munaf v.*  
2 *Geren*, 553 U.S. 674 (2008). Courts have broad equitable discretion to fashion habeas relief as law and  
3 justice require.

4 56. Immediate release is the appropriate primary remedy here. Petitioner has been detained  
5 for over thirteen months without any lawful basis. The government cannot demonstrate a significant  
6 likelihood of removal in the reasonably foreseeable future and no legitimate government purpose is  
7 served by her continued confinement.

9 57. In the interim, the Court should enter an order enjoining Petitioner's transfer from the  
10 Southern District of California in order to prevent Petitioner's case from being further delayed by the  
11 Respondents.

12 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Petitioner Hong Ge respectfully requests that this Court:

- 15 1. Assume jurisdiction over this matter and expedite consideration of this action;
- 16 2. Issue an Order directing Respondents to respond to the Petition within five days;
- 17 3. Order the Clerk of Court to promptly serve a copy of the Petition and any subsequent  
18 Orders on all Respondents pursuant to Rule 4 of the Rules Governing Section 2254 and 2255 Cases;
- 19 4. Issue an emergency preliminary order restraining Respondents from transferring  
20 Petitioner outside the geographic jurisdiction of the Southern District of California during the pendency  
21 of this Petition;
- 22 5. Declare that Petitioner's detention of over 13 months in the absence of any removal  
23 order, any pending removal proceedings, and any individualized custody determination violates the Due  
24 Process Clause of the Fifth Amendment or, alternatively if appropriate, declare that the presumptive six-  
25 month period recognized in *Zadvydas v. Davis* has expired and that the Government cannot demonstrate  
26  
27  
28

1 a significant likelihood of Petitioner’s removal in the reasonably foreseeable future;

2 6. Order Petitioner’s immediate release from detention, subject to reasonable conditions of  
3 supervision as this Court deems appropriate;

4 7. Grant Petitioner reasonable attorney fees and costs pursuant to the Equal Access to  
5 Justice Act, 28 U.S.C. § 2412(d)(1)(A); and  
6

7 8. Grant all further relief this Court deems just and proper  
8

9 Dated: April 6, 2026  
10

11 Respectfully Submitted,

12 /s/ Alexa S. White  
13 Alexa S. White  
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28 *Attorneys for Petitioner*  
*(Application for Pro Hac Vice forthcoming)*

29 **VERIFICATION BY SOMEONE ACTING ON PETITIONER’S BEHALF PURSUANT**  
30 **TO 28 U.S.C. § 2242**

31 I am submitting this verification on behalf of the Petitioner because I am the attorney for  
32 detained Petitioner. I hereby verify that the statements made in the attached Petition for Writ of Habeas

1 Corpus are true and correct to the best of my knowledge.

2 Dated: April 6, 2026

3 Respectfully Submitted,

4 **Onal Gallant Bayram & Amin**

5 /s/ Enes Hajdarpasic

6 Enes Hajdarpasic, Esq.

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13 *(Application for Pro Hac Vice forthcoming)*